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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

SENATE—*Friday, March 21, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Charles V. Antonicelli, St. Joseph's Church on Capitol Hill, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Almighty Father, we bow before Your majesty in thanksgiving and praise. Help us to remember always that all we have comes from You.

Dear Lord, our thoughts and prayers this day rightly turn to the men and women of our military who are in harm's way. We implore You to watch over them and keep them safe. Watch over all civilians, too, Lord, and protect them from harm.

We long for "the tender compassion of our God" so that "the dawn from on high shall break upon us, to shine on those who dwell in darkness and the shadow of death, and to guide our feet into the way of peace." (Luke 1:78–79)

Gracious God, grant Your wisdom and love to all men and women of good will, especially those who serve in this Senate. Be their constant guide. Show them Your goodness today.

We ask this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of S. Con. Res. 23, the concurrent budget resolution. The time until 9:45 a.m. will be used for debate, prior to the first vote which will begin promptly at 9:45.

ORDER OF PROCEDURE

I ask unanimous consent that following the first vote, the time until 10:45 be equally divided for debate between the chairman and ranking member or their designees; provided further that the next vote in the sequence begin at 10:45.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. It is my understanding that the two leaders are scheduled to go to the White House. Is that the reason? I want to make sure everyone understands that the majority leader is going to do what he can to move this bill and the fact that there is this window is not going to happen during the rest of the day; is that right?

Mr. FRIST. That is correct. The Democratic leader and the majority leader will be meeting with the President of the United States for a period of about 30 minutes to discuss the war. There will be a pause, and then after 10:45 we would expect votes to occur with 10-minute intervals thereafter.

Mr. REID. How many votes are we going to have this morning before the majority leader is obligated to leave?

Mr. FRIST. There will be one vote at 9:45, and then we will depart. We will resume voting at 10:45 or thereabouts.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, last night the chairman and ranking member of the Budget Committee reached an agreement for the consideration of the first 10 amendments today. With the first 10 votes scripted, it will allow Members to review and prepare for the first couple of hours in the voting sequence.

I encourage Members who intend to offer amendments to notify the chairman or the ranking member so that their amendments can be placed in the sequence of votes. At this time, we are not encouraging further amendments. However, if Members feel compelled to offer them, I ask courtesy of that notification.

I remind all Senators that once the voting sequence begins at 10:45, Senators should remain in the Chamber or close by to avoid missing any votes. We will need to limit the votes in the sequence to 10 minutes each. We will stay until this resolution is completed. It may be a lengthy session today in order to conclude the process. I thank Members for their cooperation.

DEATH IN COMBAT

Mr. FRIST. In America this morning, there are several families who have awakened to the worst possible news: the death in combat of a father, a brother, or a son. In our thoughts and prayers today, I ask my colleagues to remember those who have sacrificed so much on the battlefields in the Persian Gulf. Every life is precious. Our mission goes on. Our military will complete the course our leaders have set. In the Senate and in everyday life, we

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

should honor that sacrifice in how we comport ourselves.

Our service men and women are honorable, patriotic Americans, serving the cause of liberty, our liberty. I pray to God that we who have the honor to represent them continue to act in a manner worthy of them.

In this difficult time, I ask my colleagues to measure their words to remember those who are privileged to serve and to aspire to that same level of greatness. We will debate and we will disagree. We will differ in how we vote, but we are all Americans. The losses we have incurred will serve as a constant reminder for how fortunate we are for just that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for the U.S. Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

Pending:

Schumer amendment No. 299, to provide immediate assistance to meet pressing homeland security needs by providing funding in 2003 for first responders, port security, bioterrorism preparedness and prevention, border security and transit security, the FBI; to restore the elimination of funding of the COPS program, firefighter equipment grants, Byrne Grants and Local Law enforcement grants; to provide a sustained commitment of resources for homeland security needs without reducing funding to other key domestic law enforcement and public safety priorities; and to reduce the deficit.

Brownback amendment No. 282, to express the sense of the Senate that a commission be established to review the efficiency of Federal agencies.

Conrad (for Feingold/Corzine) amendment No. 270, to set aside a reserve fund for possible military action and reconstruction in Iraq.

Breaux Amendment No. 339, to reduce tax cuts by $375 billion and to reduce projected deficits by $464 billion.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:45 will be equally divided between the chairman and the ranking member of the Budget Committee.

Who yields time?

Mr. REID. On behalf of Senator CONRAD, we yield time to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

AMENDMENT NO. 299

Mr. SCHUMER. Mr. President, the first vote will be on the amendment that I offered, along with many of my colleagues: Senator CLINTON, Senator DASCHLE, Senator BYRD, and Senator LIEBERMAN. It is the homeland security amendment that we debated. I remind my colleagues how important homeland security is, how we have to fight a good offense. Praise God, it seems as if that is going quite well in Iraq. It is also very important for us to fight defense and we have not been doing an adequate job.

I believe Senator COCHRAN will offer an alternative version later on today, but I would make two points about the Schumer amendment as opposed to the Cochran amendment. One is that the Cochran amendment is not as generous, as I understand it. I have just received it. It is even in this fiscal year, the 2003 fiscal year, when our police officers, our firefighters are hurting from one end of the country to the other, when our port security is not what it should be, when our rail security is not what it should be, the Cochran amendment is considerably lower.

I am sure if my colleagues go back and ask their police and fire departments which amendment they prefer, it is the Schumer amendment.

Second and more important, we have close to a $700 billion tax cut. We also have programs on education, on health care, on transportation, the FBI and everything else. The alternative amendment cuts every one of those. Are my colleagues going to tell their police departments that they are going to take away Byrne grants and COPS money to give them this money? Are they going to take away fire money to give them this money? Are they going to cut road building? Are they going to cut the FBI? Are they going to cut everything that is in function 920 to do homeland security? Just as we should not be pitting the defense and the money needed for our soldiers overseas against domestic needs like education, health care and transportation, we should not be pitting homeland security against that. I ask my colleagues to think about it. We have a huge tax cut. This amendment takes a very small amount—in a quick calculation—less than 1 or 2 percent of that tax cut.

Where should the money come from? I don't believe we are actually going to cut education any further, no matter what this budget resolution does. I don't believe we will cut health care any further. I don't think we will cut road building any further. They are stretched to the bone because of the necessities of the budget.

This amendment offers the real chance at homeland security. This is the amendment. To insist that every dollar of the tax cut must be sacrosanct while we sacrifice the rest of the Government—when your school boards come to you, when your hospitals come to you, when your construction companies come to you, and your Governors and mayors and, of course, your police chiefs and firefighters, are you going to say you let them down?

I urge, I hope, I pray; this is a time when we need unity. There is no problem, none whatever, with taking a small amount, a total over 10 years of $38 billion, a total of over $5 billion this fiscal year, 2003, and next year, 2004, getting to $8 billion, out of that tax cut because that will fund homeland security.

I urge my colleagues to vote for this amendment and stand up for their local police, their local firefighters, their local schools.

Mr. REID. Mr. President, the two leaders have agreed the second vote should start at 10:30 and I ask unanimous consent that that be the case.

Mr. NICKLES. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we will have a vote to begin in a couple minutes on the Schumer amendment, and then the second vote will begin at 10:30 on the Cochran amendment that is also in relation to homeland security.

I urge my colleagues, with great respect, to oppose the Schumer amendment. His amendment would add $88 billion over 10 years for a variety of homeland security programs, law enforcement assistance. I contacted the Secretary of Homeland Security, Mr. Ridge, and asked for their position on this amendment. I ask unanimous consent to have printed in the RECORD a letter from Secretary Ridge: "The Administration opposes the pending Schumer amendment" in the second paragraph.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Department of Homeland Security, Office of the Secretary,
Washington, DC, March 21, 2003.

Hon. William Frist,
Senate Majority Leader,
Washington, DC.

Dear Senator Frist: I appreciate your leadership as Congress deliberates the FY 2004 Budget Resolution. I am writing to urge you and your colleagues to maintain an appropriate balance between adequate funding provided for homeland security programs, program levels that can be spent responsibly, and fiscal discipline.

The Administration opposes the pending Schumer amendment. Substantial additional funding levels in the Budget resolution could be diverted away from terrorism preparedness and into activities that are traditionally funded by state and local governments. Defending our homeland is not just about spending more money. We need to ensure that funding provided for "homeland security" is truly directed to programs that help protect America against terrorism—the President's FY 2004 Budget support these programs as does the Senate Budget Resolution.

The FY 2004 budget represents a doubling of funding for non-defense homeland security since the September 11th terrorist attacks. This year, the President is requesting $3.558 billion in First Responder funding for terrorism preparedness grants and training and assistance. The Budget also includes $4.8 billion for the Transportation Security Agency—this level will fund a complete airport screener workforce, maintain nearly 10,000 pieces of TSA screening equipment, ensure coverage on commercial aircraft with additional Federal Air Marshals, and assess methods for improved screening of air cargo on commercial flights. More than $1.6 billion is requested for biodefense research. Through this investment and the proposed BioShield initiative, the President is moving as quickly as possible to research, develop and procure bioterror countermeasures. The Budget also provides $6.7 billion for DHS's Bureau of Customs and Border Protection—this level will support the continued development of the comprehensive Entry/Exit system, infrastructure and technology investments including remotely operated infrared cameras to monitor isolated border areas, radiation detection and x-ray machines for inspecting cargo containers, and $62 million for the Container Security Initiative.

As I indicated on Wednesday, the President intends to send a supplemental appropriations request to Congress in the near future to support the homeland security efforts of state and local entities during this time of heightened threat.

Sincerely,

TOM RIDGE.

Mr. NICKLES. We have to decide, are we going to have individual Senators come here and say we know best, we ought to give the Secretary—this is a new Secretary, a new Department, where the funding for these items has more than doubled in the last 2 years—a very significant increase.

The increase we have this year over last year is 18.4 percent. In addition to that, when we vote on the Cochran amendment, we will be increasing funds for this function for fiscal year 2003, the year we are in, an additional $3.5 billion. That is more than enough to make up for any deficiencies in first responders and also gives additional money for other necessary items in homeland security. Senator COCHRAN will explain that amendment when we vote at 10:30.

I urge our colleagues to vote no on the Schumer amendment.

This amendment will have a 15-minute vote, and possibly the next amendment will have 15 minutes, and then we will have a series of rollcall votes. We have 10 amendments in the queue, and today we will possibly vote on a lot of amendments. We urge colleagues, particularly on the second round, to stay on the floor and to be as attentive as possible because we will try to stay to the 10-minute timeframe to accommodate as many amendments as are necessary.

I yield the floor.

Mr. SARBANES. Mr. President, I rise in strong support of the amendment offered by Senator SCHUMER that would provide $88 billion in desperately needed funding for homeland security efforts at the Federal, State, and local levels.

In the State of Maryland and across the Nation, State, local, and regional authorities have been called upon to meet the mounting challenges we face in strengthening our domestic security. Many of our local officials have accepted this challenge with great resolve, and there have been many improvements in protecting the American people against the increased dangers with which we now live.

Despite these efforts, homeland security enhancements remain woefully inadequate, and states, counties, and cities across the country are stretched to their financial limits. The U.S. Conference of Mayors and the National League of Cities estimate that over $3 billion has been spent by our cities toward terrorism preparedness. An editorial in today's Baltimore Sun highlights the serious costs incurred by the City of Baltimore, which are estimated at $12.5 million. Despite the City's best efforts, there remain serious concerns about its readiness for an attack. As the Sun asserts:

> [a]mong them are the inability of Baltimore County, Baltimore City, and the Maryland State Police to communicate on a single radio system. Also, many police departments lack sufficient tools for coping with a disaster, such as equipment to detect radiation.

With the commencement of engagement by United States military forces in Iraq, we stand united as a country and will rally behind the men and women of our armed forces to give them the support they deserve. We must and will remain steadfast and resolute in our strong backing of the courageous men and women who are being sent into harm's way. As we demonstrate our support for our troops overseas, however, we must not relent in our support for the men and women who stand ready to protect us each and every day on our own shores.

This past Monday evening, President Bush declared that "[j]ust as we are preparing to ensure victory in Iraq, we are taking further actions to protect our homeland." In conjunction with the President's address to the nation, Homeland Security Secretary Tom Ridge announced the administration's decision to raise our threat assessment again to Level Orange. This time, however, the rise in threat level was accompanied by a broad plan to increase security across the country, dubbed "Operation Liberty Shield." This call to our nation's domestic troops—our firefighters, policemen, and emergency medical personnel—will not go unheeded. As the events of September 11 so horribly demonstrated, these brave men and women place themselves in harm's way each and every day, and will continue to face any danger to protect the freedoms and the lives of innocent Americans. In a very real sense, our troops abroad and our first responders at home stand together to provide for our common defense.

Law enforcement agencies and fire departments across the nation have been stretched even further by Reserve call-ups. A study by the Department of Justice has estimated that 44 percent of law enforcement agencies have lost members to the war effort, and, according to estimates, 75 percent of the Nation's firehouses are home to reservists.

As we continue to ask more of our first responders, the administration has repeatedly undermined the critical efforts of these brave men and women by consistently refusing to provide the resources they need to do their jobs. Just as we have made a commitment to supporting our troops abroad and providing them with the most advanced equipment, we must make a more concrete Federal commitment to our first responders.

The Assistance to Firefighters Grant Program has been a highly successful effort to get much-needed Federal support directly to the nation's firehouses. The Republican budget proposal directs only $500 million to this critical program. This represents a $250 million cut from the amount enacted for the current fiscal year, and $400 million less than has been authorized by the Congress.

The National Fire Protection Agency, NFPA, has found that a minimum of four firefighters are needed to safely attack an interior structure fire. The congressionally mandated "Needs Assessment of the U.S. Fire Service," published jointly by the Federal Emergency Management Agency and NFPA this past December, has shown that this personnel target is met in far too few cases. I have cosponsored legislation, introduced by Senator DODD, entitled the Staffing for Adequate Fire and Emergency Response Act, or SAFER Act, which would create a grant program specifically for the hiring of new firefighters to address this need. Senator SCHUMER's amendment would provide $11 billion over ten years toward the FIRE and SAFER Acts.

The Republican budget we have before us also cuts programs for state and local law enforcement by over $1 billion. The Administration has proposed eliminating the Byrne Grant program, zero funding the COPS hiring program, ending the Local Law Enforcement Block Grant Program, canceling the COPS in Schools program, and slashing the COPS technology program. Senator SCHUMER's amendment would restore these unwise cuts.

This budget does little to address the inadequate safeguards to our Nation's 361 seaports. One frightening estimate suggests that, of the 6 million shipping containers that enter the country each year, only two percent are actually inspected. The Port of Baltimore, in my own State, is one of the busiest seaports in the nation, handling over 30 million tons of cargo each year.

Last November we took a significant first step in improving port security by passing the Maritime Transportation Security Act by an overwhelming margin. I joined 94 of my Senate colleagues in supporting the passage of this measure, and the bill was signed into law by President Bush soon thereafter. However, while the Administration and my Republican colleagues supported the mandates offered in this legislation, they have again failed in providing the funding to fulfill these commitments. The U.S. Coast Guard has estimated that the cost to the private sector for port security improvements called for in the legislation would total $4.4 billion. This budget's entire allocation for port security is a meager $200 million.

I want to turn for a moment to the security of our Nation's surface transportation systems. Roughly one-third of terrorist attacks worldwide target transportation systems. According to the Mineta Transportation Institute, surface transportation systems were the target of more than 195 terrorist attacks from 1997 to 2000. Clearly, there is an acute need to improve the security of our transportation infrastructure, and particularly our nation's transit systems—buses, subways, ferries and light rail—which carry 14 million Americans every workday. A recent GAO study identified significant security needs at our nation's transit agencies, where, according to the study, "insufficient funding is the most significant challenge in making their transit systems as safe and secure as possible." In fact, at only eight of the transit agencies they visited, the GAO found over $700 million in identified security needs. And yet, the budget resolution demonstrates no commitment to helping transit systems become more secure. Despite the elevated risk levels we are currently experiencing, this budget provides only a minimal increase in Federal transit spending and dedicates no resources within the budget of the Transportation Security Administration for transit security. We owe it to our nation's transit riders to do more.

This week, the administration again pledged its support for increased funding for state and local governments toward homeland security. We have heard many of these pledges over the past year, and, unfortunately, the administration has repeatedly fallen short on its promises. The rhetoric of support for our nation's first responders and upgrades to our homeland security will continue to ring hollow if not accompanied by the resources desperately needed for these critical efforts.

I urge my colleagues to support Senator SCHUMER's amendment. If the Congress and the administration are to enact legislation signaling our commitment to securing the homeland, we must provide the resources to provide even the most basic levels of protection. We must demonstrate steely resolve in our efforts to protect our citizens and critical infrastructure, and this will not be achieved if the resources committed to the task are inadequate.

The PRESIDING OFFICER (Mr. VOINOVICH). The question is on agreeing to the Schumer amendment No. 299.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 299) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. CHAFEE.) The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleagues. That is the first vote. We will probably have several votes. We have already entered consent that the next vote will begin at 10:30. For the information of my colleagues, that will be on the Cochran amendment.

We allowed this amendment timeframe to extend. We are going to be much closer to enforcing the time limit of 10 minutes on the following votes. The next amendment will have a 15-minute time limit, but after that we expect to enforce the 10-minute time limit.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, so we can alert colleagues to what we are faced with today, we have over 100 amendments that have been noticed to the managers. At three amendments an hour, maybe a little more than that, four amendments an hour would be 25 hours; three amendments an hour, 35 hours. So we will ask colleagues to call us and let us know if their amendments are that important to them or that they could wait for another day. I urge colleagues to talk with their staffs and alert us as to amendments that do not need to be offered today. That is No. 1.

No. 2, when we get into this, we will need to do these votes 10 minutes apiece, as the chairman has indicated. We will have to be very disciplined to do that. That is the only way we can get through these amendments in a way that will allow us to complete business on any reasonable schedule. We need to put colleagues on notice that that is the way the day will have to go if we are going to get done.

I yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON CALENDAR—H.R. 5, H.R. 975, H.R. 1047, AND H.R. 1308

Mr. NICKLES. Mr. President, I understand there are four bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Mr. President, I ask unanimous consent that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

A bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

A bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the measures en bloc and object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

Mr. NICKLES. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I believe the next amendment in order is the Cochran amendment.

I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 369

Mr. COCHRAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 369.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 15, increase the amount by $3,500,000,000.

On page 23, line 16, increase the amount by $1,575,000,000.

On page 23, line 20, increase the amount by $875,000,000.

On page 23, line 24, increase the amount by $525,000,000.

On page 24, line 3, increase the amount by $350,000,000.

On page 24, line 7, increase the amount by $175,000,000.

On page 4, line 14, increase the amount by $3,500,000,000.

On page 5, line 4, increase the amount by $1,575,000,000.

On page 5, line 5, increase the amount by $875,000,000.

On page 5, line 6, increase the amount by $525,000,000.

On page 5, line 7, increase the amount by $350,000,000.

On page 5, line 8, increase the amount by $175,000,000.

On page 5, line 17, decrease the amount by $1,575,000,000.

On page 5, line 18, decrease the amount by $875,000,000.

On page 5, line 19, decrease the amount by $525,000,000.

On page 5, line 20, decrease the amount by $350,000,000.

On page 5, line 21, decrease the amount by $175,000,000.

On page 46, line 20, increase the amount by $3,500,000,000.

On page 46, line 21, increase the amount by $1,575,000,000.

On page 47, line 6, increase the amount by $875,000,000.

On page 47, line 15, increase the amount by $525,000,000.

Mr. COCHRAN. Mr. President, this amendment will increase the fiscal year 2003 totals in the budget resolution to provide an additional $3.5 billion in funding for homeland security.

Based on information about possible terrorist attacks against U.S. interests, the Secretary of Homeland Security earlier this week raised the national threat alert level to orange, indicating a higher risk of terrorist attack. We must support the actions being taken across our country to mobilize Federal response assets, strengthen the protection of our transportation systems, tighten security at our borders and ports, increase public health preparedness, and improve the capabilities of first responders.

Secretary Ridge confirmed in a letter today that a supplemental appropriations request will be sent to Congress by the President in the near future to support homeland security efforts. This amendment will accommodate additional funding to meet these immediate homeland security needs, and I urge Senators to support it.

Mr. President, I ask unanimous consent that a copy of the letter I described addressed to the Honorable WILLIAM FRIST, Senate majority leader, from Tom Ridge be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, March 21, 2003.

Hon. WILLIAM FRIST,
Senate Majority Leader,
Washington, DC.

DEAR SENATOR FRIST: I appreciate your leadership as Congress deliberates the FY 2004 Budget Resolution. I am writing to urge you and your colleagues to maintain an appropriate balance between adequate funding provided for homeland security programs, program levels that can be spent responsibly, and fiscal discipline.

The Administration opposes the pending Schumer amendment. Substantial additional funding levels in the Budget resolution could be diverted away from terrorism preparedness and into activities that are traditionally funded by state and local governments. Defending our homeland is not just about spending more money. We need to ensure that funding provided for "homeland security" is truly directed to programs that help protect America against terrorism—the President's FY 2004 Budget supports these programs as does the Senate Budget Resolution.

The FY 2004 budget represents a doubling of funding for non-defense homeland security since the September 11th terrorist attacks. This year, the President is requesting $3.558 billion in First Responder funding for terrorism preparedness grants and training and assistance. The Budget also includes $4.8 billion for the Transportation Security Agency—this level will fund a complete airport screener workforce, maintain nearly 10,000 pieces of TSA screening equipment, ensure coverage on commercial aircraft of with additional Federal Air Marshals, and assess methods for improved screening of air cargo on commercial flights. More than $1.6 billion is requested for biodefense research. Through this investment and the proposed BioShield initiative, the President is moving as quickly as possible to research, develop and procure bioterror countermeasures. The Budget also provides $6.7 billion for DHS's Bureau of Customs and Border Protection—this level will support the continued development of the comprehensive Entry/Exit system, infrastructure and technology investments including remotely operated infrared cameras to monitor isolated border areas, radiation detection and x-ray machines for inspecting cargo containers, and $62 million for the Container Security Initiative.

As I indicated on Wednesday, the President intends to send a supplemental appropriations request to Congress in the near future to support the homeland security efforts of state and local entities during this time of heightened threat.

Sincerely,

TOM RIDGE,
Secretary.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the two managers are listening, we do not yet have a unanimous consent agreement that there will be 1 minute for each side prior to a vote. I am going to ask unanimous consent that that be the case.

Also, the two managers want to make sure the Chair enforces the 1-minute rule. The only way that can be enforced is that the Chair, when the minute is up, stops the person from speaking; otherwise, it runs into a minute and a half, 2 minutes, and we waste a great deal of time.

I ask unanimous consent that prior to each vote there be 1 minute on each side, and that be strictly enforced.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I would like to modify that. This consent agreement will be for this group of votes we now have planned.

Mr. REID. Not this vote right now.

Mr. NICKLES. For the 10 votes we have ordered, not necessarily for every vote we might have today. We will probably do that later.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. REID. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I believe the Senator from New York wants to speak on the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am surprised at and happy to support the

Cochran amendment. Unlike what I had been told last night, it does not take the money out of 920. It rather adds the cap. It is $3.5 billion of homeland security money which we very much need.

I hasten to add, I do not think $3.5 billion is enough. Our amendment had over $5 billion, and it does not go into 2004 and the outyears. We have a long way to go on homeland security, but this is a good first step.

I am delighted to support the amendment, and I thank the Senator from Mississippi for helping us raise the amount of homeland security money.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, this will be a 15-minute vote. We plan on strictly enforcing this vote at 15 minutes. We plan on strictly enforcing the subsequent rollcall votes at 10 minutes.

The PRESIDING OFFICER. The question is on agreeing to the Cochran amendment No. 369.

Mr. NICKLES. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. FRIST) is necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Daschle
Frist
Miller

The amendment (No. 369) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I inquire of the Parliamentarian how long that rollcall lasted.

The PRESIDING OFFICER. It lasted 21½ minutes.

Mr. NICKLES. For the information of colleagues, the majority leader and minority leader were cut off; in the next vote we are going to cut off a lot of people if they are not here and voting within 10 minutes. I forewarn our colleagues. I will be fair and bipartisan. We will cut off people if they are not here to vote. We will limit the votes to 10 minutes.

AMENDMENT NO. 270

The next amendment in order is the Feingold amendment.

Mr. FEINGOLD. This amendment, which I offer with Senators CORZINE, DURBIN, GRAHAM of Florida, and HOLLINGS, would create a reserve fund to set aside $100 billion, an amount well within the range of available estimates, to fund military action and reconstruction in Iraq. We would pay for this by reducing the amount we would budget for tax cuts in the period covered by the budget resolution.

No one is certain how much the war with Iraq will actually cost, but we can be certain such a war will not be free. The Center for Strategic and Budgetary Assessments estimates that the total cost could range from $129 billion to $683 billion. Today's Wall Street Journal reports a supplemental appropriations request is expected shortly that will ask for $80 billion and that will cover just the first 30 days of the war. The day before yesterday the President said the war may be longer and more difficult than some predict.

Plainly, we are talking about a major enterprise and one for which we should budget. We are in a war. The budget must reflect it. This is no time for business as usual. We should prepare responsibly for that which is right before our eyes. I urge my colleagues to support the amendment.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this amendment. We asked CRS to do a study on how we funded wars in the past, and did we do it in advance. Based on the examination of previous reviews, fronting for wars and other major military operations, it appears that Presidents have not requested and Congress has not provided funding for wars in advance of the start of operations; rather, administrations have requested funding after operations have begun and Congress has subsequently appropriated money to meet specific, documented budget requirements.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER (Mr. SUNUNU). The question is on agreeing to the Feingold amendment.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 270) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the last vote.

The PRESIDING OFFICER. The motion is entered.

AMENDMENT NO. 300

The PRESIDING OFFICER. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. SCHUMER, proposes an amendment numbered 300.

The amendment is as follows:

(Purpose: To restore national security funding)

At the end of Subtitle B of Title II, insert the following:

"SEC. . RESERVE FUND FOR NATIONAL SECURITY.

"In the Senate, the Chairman of the Committee on the Budget may increase aggregates, functional totals, allocations, and other appropriate levels in this resolution by up to $103,500 billion in Budget Authority and $88,036 billion in Outlays for fiscal years 2004 through 2013 for a bill, joint resolution, amendment, or conference report providing additional resources for defense or homeland security."

On page 45, line 24, decrease the amount by $88,036,000,000.

On page 3, line 15, increase the amount by $4,303,000,000.

On page 3, line 16, increase the amount by $11,094,000,000.

On page 3, line 17, increase the amount by $17,704,000,000.

On page 3, line 18, increase the amount by $24,209,000,000.

On page 3, line 19, increase the amount by $30,726,000,000.

On page 4, line 6, increase the amount by $4,303,000,000.

On page 4, line 7, increase the amount by $11,094,000,000.

On page 4, line 8, increase the amount by $17,704,000,000.

On page 4, line 9, increase the amount by $24,209,000,000.

On page 4, line 10, increase the amount by $30,726,000,000.

On page 4, line 20, increase the amount by $6,500,000,000.

On page 4, line 21, increase the amount by $14,500,000,000.

On page 4, line 22, increase the amount by $21,000,000,000.

On page 4, line 23, increase the amount by $27,500,000,000.

On page 4, line 24, increase the amount by $34,000,000,000.

On page 5, line 10, increase the amount by $4,303,000,000.

On page 5, line 11, increase the amount by $11,094,000,000.

On page 5, line 12, increase the amount by $17,704,000,000.

On page 5, line 13, increase the amount by $24,209,000,000.

On page 5, line 14, increase the amount by $30,726,000,000.

On page 42, line 22, increase the amount by $6,500,000,000.

On page 42, line 23, increase the amount by $4,303,000,000.

On page 43, line 2, increase the amount by $14,500,000,000.

On page 43, line 3, increase the amount by $11,094,010,000.

On page 43, line 6, increase the amount by $21,000,000,000.

On page 43, line 7, increase the amount by $17,704,000,000.

On page 43, line 10, increase the amount by $27,500,000,000.

On page 43, line 11, increase the amount by $24,209,000,000.

On page 43, line 14, increase the amount by $34,000,000,000.

On page 43, line 15, increase the amount by $30,726,000,000.

The PRESIDING OFFICER. There are now 2 minutes evenly divided.

Mr. LAUTENBERG. Mr. President, my amendment establishes a reserve fund for national defense and homeland security. The amendment is necessary because the budget resolution actually cuts defense spending by $103 billion below the President's request over that 10-year window. That is according to CBO and SBC. From 2004 through 2008, the Republican budget assumes defense spending at the level requested by the President. But the last 5 years of the budget window, from 2009 through 2013, the Republican budget resolution cuts $103 billion below the level CBO estimates.

I ask that my friends on the Republican side of the aisle be very careful when they look at the Republican message. It says the Lautenberg amendment reduces the growth package by $103 billion in budget authority and $88 billion in outlays. They don't say that the budget comes from the tax cuts.

Mr. LIEBERMAN. Mr. President, today, as the hearts and minds of all Americans are with our brave men and women in uniform who are embarking on the most perilous of journeys, I rise to speak in support of Senator LAUTENBERG's amendment and fulfill what I see as one of the most important duties of any Senator.

The Constitution of the United States invests the President with the authority of the Commander in Chief, but it also establishes the Congress as the guarantor of the quality and size of the Army, the Navy, the Air Force, and the Marines because it is the Congress that authorizes the expenditure of moneys to fund the military. As Senators we have a great responsibility to watch over those who man the walls of our Nation's defenses.

Along the Iraq-Kuwait border the U.S. military is striking. Our Armed Forces are engaged the world over in a fight against terror. Our uniformed commanders have testified before us that not since the Second World War has the U.S. military been so dispersed; not since that conflict have our Armed Forces been engaged with the enemy in so many locales and climes. My colleagues and I on the Senate Armed Services Committee are aware of the difficulties our soldiers, sailors, airmen, and marines and their families face as a result of these strenuous deployments. We have applauded the Department of Defense's efforts to address the quality of life of its troops. Following in the best traditions of this Chamber, we have worked together in a truly bipartisan fashion to increase military pay levels. We have addressed spousal benefits and we will, in the upcoming months of this Congress, debate, and I hope determine once and for all the issue of concurrent receipt. Year after year we strive to provide funding to equip our forces with the most advanced technology the world has ever seen.

Therefore, Mr. President, as a member of the Senate Armed Services Committee, as a strong supporter of our Armed Forces, as one who recognizes the strain of current operations upon our force structure and the importance of maintaining funding levels for the Department presently and for the foreseeable future, I cannot agree with any proposal which will reverse the important gains that we have made.

I believe we must oppose any attempt to decrease essential funding for our national defense in order to paper over the fiscal havoc that the President's proposed tax cuts cause. It is irresponsible to, when we are at war, when the challenges that our men and women in uniform face are so omnipresent, contemplate slashing the future funds that will make it possible for them to maintain their dominance into the next decade.

I direct my colleagues' attention to the Senate Republican budget resolution, which cuts defense spending after 2009 by more than a $100 billion—$100 billion.

The resolution calls for a $6.5 billion drawdown in 2009 from the funding level that the Congressional Budget Office estimates as required for the maintenance of the 2008 spending levels. In 2010 that shortfall would be $15.5 billion. A year later it is a $21.0 billion shortfall. A year later it grows to $27.5 billion. By 2013 the amount is $34.0 billion.

And why? To try to correct the fiscal damage the tax cuts have put us in. Now, I think we are all in agreement with Chairman NICKLES that the record-setting deficits that will be the bitter fruit of the President's tax cuts need to be dealt with. But to deal with them by cutting moneys that will fuel our planes, feed our marines, steam our ships, and arm our weapons is unfortunate indeed. I challenge the proponents of this plan to go out into the Kuwaiti desert and stand in front of a U.S. platoon, and tell them that the future funding that is to secure them better communications gear or more money to fund training or better body armor is being cut. Cut because the Senate majority refuses to take the President to task for pursuing fiscally irresponsible tax cuts on the eve of a war, and in the midst of an international campaign against terror.

The amendment that I rise in support of offers another way. Let's carve out a $103.5 billion fund from the $1.4 trillion tax cut and use it to create a designated fund for the defense of our Nation's security. In doing so we will serve to offset the proposed reductions in defense spending set forth in the Budget Resolution. By our actions we will prevent the diversion of cash from accounts that fund the defense of this country to an ill-considered, nonstimulative tax cut.

We are at war. Our military, the most powerful professional armed force ever arrayed on the face of the earth is shouldering a heavy burden. To discuss cutting the very funding that will keep them the preeminent military force is more than poor politics—it is irresponsible. I like to think that what Lincoln called "the better angels of our nature" still, in these troubled times, hold sway over our baser instincts. I urge you to support this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator Oklahoma.

Mr. NICKLES. I urge my colleagues to vote no on the amendment. This is a good reason that maybe we should not have 10-year budgets. He assumes we should increase spending in some areas instead of defense, but there is not one line item that says 050. Nothing would increase money in defense under this resolution. It would increase taxes. It would increase spending, unspecified spending.

I urge my colleagues to vote no on the Lautenberg amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 300.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 300) was rejected.

AMENDMENT NO. 265

(Purpose: To eliminate tax cuts)

The PRESIDING OFFICER. The clerk will report the amendment No. 265.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an amendment numbered 265.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, March 18, 2003, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

There will be 2 minutes of debate evenly divided.

Mr. HOLLINGS. Mr. President, if you turn to page 6 of the budget, you will see that for the fiscal year we are projecting going into the red $484 billion; for 2004, $582 billion; for 2005, $556 billion. So for the 3-year period, that is $1.5 trillion going into the red. That is $1.5 trillion of stimulus.

If anybody wants to talk growth, you know dividends and the estate tax are not going to stimulate anything. This is $1.5 trillion of stimulus. The only thing that grows in this budget is the debt. So for those who are responding to the needs of the country, trying to get us to sober up and get back on track and get ahold of ourselves and quit running these horrendous deficits and spending Social Security, vote aye; for those responding to the needs of the campaign, vote no.

Mr. NICKLES. Mr. President, I urge my colleagues to vote no on this amendment. This amendment says there will be no growth package. It implies a tax increase in 2011, 2012, and 2013. That means a 10-percent rate would go to 15 percent; the child credit that would be $1,000 will fall back to $500; the marriage penalty would be increased.

I urge my colleagues to vote no.

Mr. AKAKA. Mr. President, I rise today to voice my disagreement with the priorities set forth in the budget resolution we have been debating, and support for the amendments offered by my colleagues from South Carolina and New York, Senators HOLLINGS and SCHUMER. With our Nation at war, we must do all we can to support our troops, ensure that our homeland is secure, and continue our emphasis on significant domestic priorities, such as education and health care. This is why I believe it would be unwise to enact further tax cuts that would pit these priorities against each other for limited Federal dollars and lead us further down the path to fiscal irresponsibility.

We have commenced military operations against an enemy who has defied efforts at international diplomacy. Without a doubt, these efforts will come at substantial cost which is not reflected in this budget. Proponents must rely on budget tactics to show that we can allow additional tax cuts to be passed. I would like to associate my comments with those of my colleague from North Dakota, Senator CONRAD, who rightfully attempted to enforce patriotic pause on this very point.

This budget repudiates our commitment to fight the evil of terrorism within our own borders. It fails to adequately fund homeland security, which is why I am a cosponsor of the amendment offered by my friend from New York, Senator SCHUMER, who has requested that $88 billion be provided over 11 years for urgent homeland security needs, including immediate funding for those on the home front—first responders, firefighters, port, border and transportation security. I also applaud the provisions for bioterrorism preparedness and threat and critical infrastructure assessment. At a time when threats to U.S. civilians within our borders are very real, we must not abandon, for the sake of tax cuts, our resolve to ensure the peace of mind of families at home and individuals in their workplaces—many who are praying for loved ones fighting in our armed services abroad.

This resolution calls for tax cuts that will do nothing to stimulate the economy, but would worsen the progressivity of the Tax Code. It would also rob our most important investment of required resources, and that is the investment in the education of America's children. We should be sending the message to our children that we will do all we can to give them the knowledge and tools to be able to meet future challenges that will face this country, when we in this body are long gone. Instead, if we pass additional tax cuts, we are saying that we will place political gain over a solid start in life for young Americans. This is why I voted for the amendment proposed by my colleague from Washington State, Senator MURRAY, along with others, that would have provided an $8.9 billion increase in education funding, as well as $8.9 billion for deficit reduction out of funding designated for tax cuts. This funding increase sought to fully fund the No Child Left Behind Act. We only began to fulfill some of the promises we made in passing this sweeping education reform law through the fiscal year 2003 appropriations process. We cannot let this investment waver in fiscal year 2004.

Finally, I oppose efforts to decrease Federal revenues sorely needed to ensure that all Medicare beneficiaries have access to the comprehensive prescription drug program that they deserve. Far too many seniors are currently unable to afford the costs of the prescription drugs that their doctors prescribe. Seniors must be able to obtain meaningful prescription drug coverage through the traditional Medicare Program. I supported the amendment sponsored by my colleagues, Senators BOB GRAHAM, DORGAN, and STABENOW, which would have made sure that a Medicare prescription drug benefit is adequately funded, by increasing the Medicare reserve fund by approximately $220 billion. The amendment would also have guaranteed that participants in traditional Medicare receive the same prescription drug benefit as beneficiaries that enroll in private Medicare health plans. The funding should be included in the budget resolution to adequately protect our Nation's seniors against the increasing costs of prescription drugs instead of to accommodate additional tax cuts. The Graham-Dorgan-Stabenow amendment would have reduced the size of the tax cuts in the budget resolution by approximately $400 billion and provided a clear choice between additional tax cuts or a meaningful prescription drug benefit.

The time has come to face our fiscal responsibilities honestly. Tax cuts are not the answer at this point in our Nation's history. I join with Senator HOLLINGS and other colleagues in opposition to the passage of additional tax cuts that would steal much needed revenues at a time of great need. I owe it to the people of Hawaii and we owe it to the people of America.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—22

Akaka
Biden
Boxer
Byrd
Carper
Chafee
Corzine
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Levin
Rockefeller
Sarbanes

NAYS—77

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Miller

The amendment (No. 265) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the next two amendments that are in order are the Sarbanes amendment and the Crapo amendment. I believe they have been able to work something out. I thank them for that. We will save considerable time. I yield to the Senator from Maryland for a comment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be very quick. Senator CRAPO and I have been in discussions. We have reached an accord which will enable the managers to accept the amendment. This is directed to providing additional funding for the State revolving fund dealing with clean water and safe drinking water. There is an overwhelming need. The Federal involvement is a leveraging involvement for State and local governments to help address this important issue.

I am pleased to work with Senator CRAPO. We have come to a positive conclusion.

Mr. NICKLES. Mr. President, I ask unanimous consent to withdraw the Sarbanes amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I yield to the Senator from Idaho for his amendment.

AMENDMENT NO. 317

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CRAPO. Mr. President, I also appreciate Senator SARBANES and the other Senators in the Chamber who are so involved in working on this critical issue. Our water infrastructure needs in this Nation are crying out for attention. This is one of those areas we have to address in the budget. We have the kind of need that requires us to be focused and unified.

I am very pleased we were able to come together on an amendment today that will help us begin the process of addressing the crying need in our Nation's infrastructure for water systems.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am not sure we called up the Crapo amendment. We withdraw the Sarbanes amendment. I do not believe we called up the Crapo amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself and Mr. SARBANES, proposes an amendment numbered 317.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Crapo-Sarbanes amendment be modified to include Senator SARBANES as a cosponsor. I thank my friend and colleague from Maryland for his leadership and willingness to work together. I am glad we can accept it, and I think we can have a voice vote.

Mr. BYRD. Mr. President, may we hear the reading of the amendment?

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BYRD. Or reading can be dispensed with. We have not heard the reading of the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 317.

Mr. CRAPO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the EPA for Clean Water State Revolving Fund and the Safe Drinking Water State Revolving Fund)

On page 16, line 11, increase the amount by $3,009,000,000.

On page 16, line 12, increase the amount by $150,000,000.

On page 16, line 16, increase the amount by $451,000,000.

On page 16, line 20, increase the amount by $903,000,000.

On page 16, line 24, increase the amount by $903,000,000.

On page 17, line 3, increase the amount by $451,000,000.

On page 42, line 2, decrease the amount by $3,009,000,000.

On page 42, line 3, decrease the amount by $150,000,000.

On page 42, line 7, decrease the amount by $451,000,000.

On page 42, line 11, decrease the amount by $903,000,000.

On page 42, line 15, decrease the amount by $903,000,000.

On page 42, line 19, decrease the amount by $451,000,000.

Mr. JEFFORDS. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senators from Maryland and the Senator from Florida.

Today, we know that our Nation's waters are at risk. We have made progress since the days of the early 1970s when textile mills in Vermont turned river water the "color of the day" that was being used in the mill. It is almost unimaginable that wastewater would move directly from homes and businesses, untreated, into our rivers and streams.

Our towns and cities, along with the Federal Government, have invested billions of dollars over the last 30 years to build the infrastructure to treat our wastewater and drinking water. However, even with those investments, we continue to fail to fully protect our waters from pollution.

The EPA estimates that over 40 percent of our Nation's waters are impaired. That is close to half of our Nation's waters. Lingering problems such as combined sewer overflows and ongoing challenges such as nonpoint source pollution continue to require our attention.

The progress we have made over the last 30 years stands on the brink of evaporation as the extensive water and wastewater infrastructure we have built is near the end of its useful life. There are a number of estimates of the current funding gap in the areas of water and wastewater infrastructure.

The EPA estimates a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made.

According to the Congressional Budget Office, the spending gap for clean water needs is estimated to be between $132 billion and $388 billion over 20 years and the spending gap for drinking water needs at between $70 billion and $362 billion over 20 years.

It is not solely the Federal Government's responsibility to fill this gap.

However, it is the Federal Government's responsibility to provide a reasonable investment in water infrastructure, given the size of the anticipated needs. The budget before us today fails to meet that responsibility. Those supporting the budget will say that it provides level funding for the Clean Water and the Drinking Water SRF.

They will say that the President's budget had such a low request for the Clean Water SRF in particular—one-half of traditional funding levels—that the funding level in this budget is an accomplishment.

The fact that the President failed to recognize our water infrastructure needs and requested such an inadequate amount of funding does not justify the same failure by the Congress.

I know that many Members of the Senate share this view. In December 2002, Senators SARBANES and VOINOVICH and 38 Members of the Senate from both sides of the aisle sent a letter to the President asking him to provide $3.2 billion for the Clean Water SRF and $2 billion for the Drinking Water SRF.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 10, 2002.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you prepare your fiscal 2004 budget, we urge you to make investment in clean water infrastructure a top environmental and public health priority. Specifically, we ask that you provide for at least a $3.1 billion increase above the Fiscal 2003 request of $2.1 billion in the Clean Water and Safe Drinking Water State Revolving Funds (SFR) to help states and local communities meet water quality standards and restore the health and safety of our nation's waters.

This year marks the 30th Anniversary of the landmark Clean Water Act. Despite important progress over the last three decades, more than 40 percent of our nation's lakes, rivers and streams are still too impaired for fishing or swimming. Discharges from aging and failing sewerage systems, urban storm water and other sources, continue to pose serious threats to our nation's waters, endangering not only public health, but fishing and recreation industries. Population growth and development are placing additional stress on the nation's water infrastructure and its ability to sustain hard-won water quality gains. Today, maintaining clean, safe water remains one of our greatest national and global challenges.

On September 30, 2002, the Environmental Protection Agency (EPA) released a Clean Water and Drinking Water Infrastructure Gap Analysis which found that there will be a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. This figure does not even account for investments necessary to meet water quality goals in nutrient impaired waters. As Administrator Whitman pointed out, "(t)he magnitude of the challenge America faces is clearly beyond the ability of any one entity to address."

It is vital that the Federal government maintain a strong partnership with states and local governments in averting this massive projected funding gap and share in the burden of maintaining and improving the nation's water infrastructure. An increase in funding for the Clean Water SRF to $3.2 billion and for the Drinking Water SRF to $2 billion in fiscal 2004 is the first step necessary to meet the Federal government's longstanding commitment in this regard.

Thank you for your consideration. The Administration's leadership is needed to ensure that our communities' water resources are kept clean and safe.

Sincerely,

Paul S. Sarbanes; Jack Reed; Jim Jeffords; Carl Levin; John F. Kerry; George V. Voinovich; Susan Collins; Jeff Bingaman; Barbara A. Mikulski; Arlen Specter.

John Breaux; Debbie Stabenow; Tom Harkin; Jon S. Corzine; Evan Bayh; Lincoln Chafee; Gordon Smith; Blanch L. Lincoln; Ted Kennedy; Chris Dodd; Mike DeWine; Hillary Rodham Clinton.

Ron Wyden; John Rockefeller; Barbara Boxer; Joe Biden; Maria Cántwell; J. Lieberman; Dick Durbin; Mark Dayton; Dianne Feinstein; Olympia Snowe.

Patrick Leahy; George Allen; Robert C. Byrd; Tom Daschle; Chuck Schumer; Tom Carper.

Mr. JEFFORDS. Mr. President, the President ignored this request.

On March 7, I joined Senators SARBANES, VOINOVICH, and thirty-seven Members from both sides of the aisle in sending a letter to the Budget Committee asking for these same funding levels.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 7, 2003.

Hon. DON NICKLES,
Chairman, Senate Budget Committee.
Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee.

DEAR SENATORS NICKLES AND CONRAD: As you prepare the fiscal year 2004 budget, we urge you to make clean water and drinking water infrastructure a top environmental and health priority. Specifically, we ask that you provide for at least a $3.5 billion increase above the fiscal year 2004 request of $1.7 billion for the Clean Water and Safe Drinking Water Revolving Funds (SRF) to help states and local communities meet water quality standards and restore the health and safety of our nation's waters.

Despite important progress over the last three decades, the Environmental Protection Agency reports that more than 40 percent of our nation's lakes, rivers, and streams are still too impaired for fishing or swimming. Discharges from aging and failing sewage systems, urban storm water and other sources continue to pose serious threats to our nation's waters, endangering not only public health, but also fishing and recreation industries. Population growth and development are placing additional stress on the nation's water infrastructure and its ability to sustain hard-won water quality gains. Today, maintaining clean, safe water remains one of our greatest national and global challenges.

On September 30, 2002, the EPA released a Clean Water and Drinking Water Infrastructure Gap Analysis which found that there will be a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. As Administrator Whitman pointed out," . . . (t)he magnitude of the challenge America faces is clearly beyond the ability of any one entity to address."

In May 2002, the Congressional Budget Office released a report that estimated the spending gap for clean water needs between $132 billion and $388 billion over 20 years and the spending gap for drinking water needs at between $70 billion and $362 billion over 20 years.

We are now writing to you asking that the Senate Budget Committee take the first steps needed to demonstrate leadership in helping our communities' keep our water resources clean and safe by increasing the budget allocation for Clean Water and Drinking Water SRFs to $5.2 billion.

It is vital that the Federal government maintains a strong partnership with states and local governments in averting this massive projected funding gap and share in the burden of maintaining and improving the nation's water infrastructure. An increase in funding for the Clean Water SRF to $3.2 billion and for the Drinking Water SRF to $2 billion in fiscal year 2004 is the first step necessary to meet the Federal government's longstanding commitment in this regard.

Thank you for your consideration.

Sincerely,

Jim Jeffords; George Voinovich; Tom Daschle; Ted Kennedy; John F. Kerry; George Allen; Carl Levin; Paul Sarbanes; Bob Graham; Lincoln Chafee; Olympia Snowe; Hillary Rodham Clinton; Patrick Leahy; Mike DeWine.

Jack Reed; Barbara A. Mikulski; John Breaux; Debbie Stabenow; Arlen Specter; Max Baucus; Barbara Boxer; Joe Biden; Daniel K. Akaka; Christopher Dodd; Charles Schumer; Joseph Lieberman; John Rockefeller; Jeff Bingaman; Blanche Lincoln; Dick Durbin; Susan Collins; Harry Reid; John Warner; Maria Cantwell.

Mr. JEFFORDS. Mr. President, the committee responded and provided a slight increase over the President's request. I thank the committee for that.

However, that slight increase comes nowhere close to meeting the huge water infrastructure funding gap. It comes nowhere close to meeting the funding levels that were endorsed twice by over one-third of the Senate.

Now is the time to increase funding for water infrastructure, not decrease it. We have the opportunity today to make an investment in our Nation's water infrastructure that will protect the gains we have made in the last 30 years. Without this investment, we run the risk of actually increasing the number of polluted waters in the country.

Before I close, I want to say a word about the economy. We must take action to prevent our economy from faltering. Investment in water infrastructure is estimated to create 40,000 jobs for every billion dollars invested. We are proposing to invest $5.2 billion in the State revolving funds. The States will provide a 20 percent match of just over $1 billion. This could create up over 200,000 jobs.

I urge my colleagues to support the amendment proposed by the Senator of Maryland.

By voting aye on this amendment, we can take direct action to improve both the State of our Nation's waters and the state of our Nation's economy.

Mr. BOND. Mr. President, I support my friend's amendment to increase Federal funding to $5.2 billion next year to help local communities provide our families and businesses with safe drinking water and clean waste water.

Our water pipes are aging and falling into disrepair. New regulations to treat stormwater are placing a huge burden on localities. Growth across the country, especially in the South and West, requires additional water funding.

In my own State of Missouri, we have small communities such as Pickering of no more than 150 people that still lack sewer systems. Mid-size cities such as Lebanon have tripled water rates and still can't afford new EPA regulations. Even our large cities such as St. Louis face many of the problems our aging eastern urban areas face. A recent series of articles in the St. Louis Post Dispatch highlighted St. Louis still using sewer pipes more than 100 years old and made of wood.

This crisis is too great for local communities to bear alone. Experts estimate the funding gap between what we as a Nation contribute and what is needed to clean and provide safe water at $500 billion over 20 years.

That's $25 billion per year. The Federal Government can't close that gap alone, but we must provide more than the current paltry $2.2 billion per year.

I urge my colleagues to support the Crapo amendment to increase vital water funds without depriving our citizens of their much deserved tax relief to spur economic growth, create jobs, and indirectly increase revenue for Government at all levels.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to amendment No. 317.

The amendment (No. 317) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I thank both our colleagues. We just saved at least 30 minutes. I thank them both very much for their cooperation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I, too, thank our colleagues. Maybe this serves as a good example of how we might proceed.

AMENDMENT NO. 376

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 376.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide full funding for the Individuals with Disabilities Education Act (IDEA) part B grants over ten years by reducing tax breaks for the wealthiest taxpayers)

On page 3, line 10, increase the amount by $35,000,000.

On page 3, line 11, increase the amount by $1,173,000,000.

On page 3, line 12, increase the amount by $2,835,000,000.

On page 3, line 13, increase the amount by $4,585,000,000.

On page 3, line 14, increase the amount by $6,335,000,000.

On page 3, line 15, increase the amount by $8,085,000,000.

On page 3, line 16, increase the amount by $9,835,000,000.

On page 3, line 17, increase the amount by $11,585,000,000.

On page 3, line 18, increase the amount by $13,335,000,000.

On page 3, line 19, increase the amount by $15,078,000,000.

On page 4, line 1, increase the amount by $35,000,000.

On page 4, line 2, increase the amount by $1,173,000,000.

On page 4, line 3, increase the amount by $2,835,000,000.

On page 4, line 4, increase the amount by $4,585,000,000.

On page 4, line 5, increase the amount by $6,335,000,000.

On page 4, line 6, increase the amount by $8,085,000,000.

On page 4, line 7, increase the amount by $9,835,000,000.

On page 4, line 8, increase the amount by $11,585,000,000.

On page 4, line 9, increase the amount by $13,335,000,000.

On page 4, line 10, increase the amount by $15,078,000,000.

On page 4, line 15, increase the amount by $1,750,000,000.

On page 4, line 16, increase the amount by $3,500,000,000.

On page 4, line 17, increase the amount by $5,250,000,000.

On page 4, line 18, increase the amount by $7,000,000,000.

On page 4, line 19, increase the amount by $8,750,000,000.

On page 4, line 20, increase the amount by $10,500,000,000.

On page 4, line 21, increase the amount by $12,250,000,000.

On page 4, line 22, increase the amount by $14,000,000,000.

On page 4, line 23, increase the amount by $15,750,000,000.

On page 4, line 24, increase the amount by $17,131,000,000.

On page 5, line 5, increase the amount by $35,000,000.

On page 5, line 6, increase the amount by $1,173,000,000.

On page 5, line 7, increase the amount by $2,835,000,000.

On page 5, line 8, increase the amount by $4,585,000,000.

On page 5, line 9, increase the amount by $6,335,000,000.

On page 5, line 10, increase the amount by $8,085,000,000.

On page 5, line 11, increase the amount by $9,835,000,000.

On page 5, line 12, increase the amount by $11,585,000,000.

On page 5, line 13, increase the amount by $13,335,000,000.

On page 5, line 14, increase the amount by $15,078,000,000.

On page 25, line 16, increase the amount by $1,750,000,000.

On page 25, line 17, increase the amount by $35,000,000.

On page 25, line 20, increase the amount by $3,500,000,000.

On page 25, line 21, increase the amount by $1,173,000,000.

On page 25, line 24, increase the amount by $5,250,000,000.

On page 25, line 25, increase the amount by $2,835,000,000.

On page 26, line 3, increase the amount by $7,000,000,000.

On page 26, line 4, increase the amount by $4,585,000,000.

On page 26, line 7, increase the amount by $8,750,000,000.

On page 26, line 8, increase the amount by $6,335,000,000.

On page 26, line 11, increase the amount by $10,500,000,000.

On page 26, line 12, increase the amount by $8,085,000,000.

On page 26, line 15, increase the amount by $12,250,000,000.

On page 26, line 16, increase the amount by $9,835,000,000.

On page 26, line 19, increase the amount by $14,000,000,000.

On page 26, line 20, increase the amount by $11,585,000,000.

On page 26, line 23, increase the amount by $15,750,000,000.

On page 26, line 24, increase the amount by $13,335,000,000.

On page 27, line 2, increase the amount by $17,131,000,000.

On page 27, line 3, increase the amount by $15,078,000,000.

Strike Section 211 and insert in its place the following:

SEC. 211. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $1,750,000,000 in new budget authority and $35,000,000 in outlays for fiscal year 2004, $26,250,000,000 in new budget authority and $14,963,000,000 in outlays for the total of fiscal years 2004 through 2008, and $95,881,000,000 in new budget authority and $72,880,000,000 in outlays for the total of fiscal years 2004 through 2013, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities in the tenth year.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. Mr. President, this amendment moves to keep the promise on IDEA. When the Federal Government enacted this program, it promised the States and the local jurisdictions that it would fund 40 percent of the expense.

We have never done that. We are at about half that amount. As a result, we have forced property tax increases all across America. This amendment says let's keep the promise on IDEA. We phase it in over 10 years. It costs $73 billion in outlays. It is paid for by the nonreconciled tax cuts. Let me emphasize to my colleagues, the nonreconciled tax cuts.

I hope my colleagues will give serious consideration to this amendment. Let's keep the promise on IDEA. Let's help those local jurisdictions at a time of enormous financial stress meet the need.

Mr. BAUCUS. Mr. President, I rise to pledge my continued support for the Individuals with Disabilities Education Act. Fully funding the Federal Government's share of special education costs is one of the most important investments we can make in our children and our schools. Funding IDEA to the full 40 percent will lift the burden of rising special education costs off the backs of our schools and enhance their ability to deliver a quality education to all students.

I have consistently fought to make full funding of IDEA a reality, and I will continue to build on the progress we have made.

But I am forced to vote against this amendment because of another concern, my concern with mounting deficits.

The budget resolution brought before us includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues, or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

Why is $725 billion in tax cuts inappropriate at this time?

The most crucial problem is that it is not paid for. The budget resolution brought before us forecasts enormous deficits for almost the next decade. Reducing revenues by $725 billion adds to the already mounting deficits.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

I joined three of my colleagues in a letter that laid out these concerns. We pledged that we would not agree to tax cuts above $350 billion. This is crucial. The Budget Committee approved $725 billion in tax cuts, and brought it to the Senate floor. Along with my colleagues, I promised to vote to bring this number down by $375 billion.

In a narrowly divided Senate, it is important that both parties work together to come up with the appropriate spending and revenue targets for the budget. That is why I worked with both Democrats and Republicans. Together, we came up with a target of $350 billion for this tax cut, and we agreed that we would all stick to that number.

As part of our commitment to try to reduce the size of the tax cut approved by the Budget Committee, we also agreed that we would not try to reduce the size of the tax cut below $350 billion. That means I am forced to make difficult decisions. In order to keep my commitment to a more responsible tax cut, I have to vote against funding priorities.

During tough times, we must make tough choices. I chose to commit to a responsible tax cut. A tax cut that will prevent worsening deficits that would hurt our economy.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, over the last 4 years, especially over the last 2 years President Bush has been in office, there has been a dramatic increase in IDEA funding. In fact, we have increased IDEA funding by almost 173 percent. Last year, we added $1 billion. This year, we added $1 billion. This budget will add $1 billion on top of that—$3 billion in 3 years. This has been a major commitment to IDEA. I will be following the amendment the Senator from North Dakota has proposed with another amendment which will add an additional $3.2 billion into IDEA. It is inappropriate to take the course of action which the Senator from North Dakota has proposed. We believe we can do it in a much more thoughtful and appropriate way with the following amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 376.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe

Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 376) was rejected.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 377

Mr. GREGG. Mr. President, I ask that my amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 377.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for Part B of the Individuals with Disabilities Education Act by reducing spending on other government programs by a commensurate amount)

On page 25, line 16, increase the amount by $969,602,000.

On page 25, line 20, increase the amount by $2,319,000,000.

On page 25, line 17, increase the amount by $19,392,040.

On page 25, line 21, increase the amount by $657,229,260.

On page 25, line 25, increase the amount by $1,751,850,600.

On page 26, line 4, increase the amount by $744,180,100.

On page 26, line 8, increase the amount by $115,950,000.

On page 42, line 2, decrease the amount by $969,602,000.

On page 42, line 6, decrease the amount by $2,319,000,000.

On page 42, line 3, decrease the amount by $19,392,040.

On page 42, line 7, decrease the amount by $657,229,260.

On page 42, line 11, decrease the amount by $1,751,850,600.

On page 42, line 15, decrease the amount by $744,180,100.

On page 42, line 19, decrease the amount by $115,950,000.

The PRESIDING OFFICER. The amendment will receive 2 minutes of debate evenly divided on each side.

Mr. GREGG. Mr. President, this amendment represents another significant increase in IDEA funding. It represents a $3.2 billion increase over the next 2 years, which will mean that the total increase in IDEA funding over the next 2 years will be approximately $6.7 billion. That is a very dramatic increase that puts us clearly on a path toward full funding of the IDEA accounts, on which many have worked for a long time. I hope the membership supports the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. CONRAD. I yield time to the Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment is as phony as a $3 bill. It provides for 2 years of funding for the Individuals with Disabilities Education Act and then you drop off the face of the Earth. And it gets the money from—where? It gets it from nowhere. It is play money.

Later on, I will have an amendment that will really fund that. I have been working on an amendment with the Senator from Nebraska that will really put the money in there and get us fully funded for the Individuals with Disabilities Education Act by 2011. It will not be funny money, and it will not fall off the face of the Earth in 2 years like the Gregg amendment.

I ask for defeat of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment No. 377.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—89

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—10

Akaka
Clinton
Dayton
Harkin
Hollings
Jeffords
Kohl
Kyl
Lautenberg
Levin

NOT VOTING—1

Miller

The amendment (No. 377) was agreed to.

CHANGE OF VOTE

Mr. DORGAN. Mr. President, on rollcall vote No. 71, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. NICKLES. Mr. President, for the information of our colleagues, we will soon be voting on the Mikulski amendment. This will complete the first batch of amendments and Senator CONRAD and I will be working to put together a list of additional amendments. So I expect there will be some break, just for the information of our colleagues. We hope to begin—this vote will start in just a couple of minutes. I expect we will have another round of votes beginning probably close to 1:15.

Mr. SARBANES. A lunch break.

AMENDMENT NO. 349

The PRESIDING OFFICER. The clerk will report the next amendment.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI) proposed an amendment numbered 349.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise the resolution to accommodate in reconciliation legislation a partially refundable tax credit of up to $5,000 for eligible expenses for individuals with long term or chronic care needs of their family caregivers who pay these expenses; in which "eligible expenses" shall include prescription drugs, medical bills, durable medical equipment, home health care, custodial care, respite care, adult day care, transportation to chronic care or medical facilities, specialized therapy (including occupational therapy, physical therapy, or rehabilitational therapy), other specialized services for children (including day care for children with special needs), and other long term care related expenses as defined by the Secretary of Health and Human Services; and in which "individuals with long term or chronic care needs" shall mean individuals with multiple chronic conditions, individuals unable to perform activities of daily living, individuals with severe cognitive impairment, individuals with complex medical conditions, and other individuals with similar levels of disability or need for care)

On page 3, line 10, increase the amount by $246,000,000.

On page 3, line 11, increase the amount by $256,000,000.

On page 3, line 12, increase the amount by $267,000,000.

On page 3, line 13, increase the amount by $552,000,000.

On page 3, line 14, increase the amount by $578,000,000.

On page 3, line 15, increase the amount by $908,000,000.

On page 3, line 16, increase the amount by $941,000,000.

On page 3, line 17, increase the amount by $1,313,000,000.

On page 3, line 18, increase the amount by $1,375,000,000.

On page 3, line 19, increase the amount by $1,799,000,000.

On page 4, line 1, increase the amount by $246,000,000.

On page 4, line 2, increase the amount by $256,000,000.

On page 4, line 3, increase the amount by $267,000,000.

On page 4, line 4, increase the amount by $552,000,000.

On page 4, line 5, increase the amount by $578,000,000.

On page 4, line 6, increase the amount by $908,000,000.

On page 4, line 7, increase the amount by $941,000,000.

On page 4, line 8, increase the amount by $1,313,000,000.

On page 4, line 9, increase the amount by $1,375,000,000.

On page 4, line 10, increase the amount by $1,799,000,000.

On page 4, line 15, increase the amount by $246,000,000.

On page 4, line 16, increase the amount by $256,000,000.

On page 4, line 17, increase the amount by $267,000,000.

On page 4, line 18, increase the amount by $552,000,000.

On page 4, line 19, increase the amount by $578,000,000.

On page 4, line 20, increase the amount by $908,000,000.

On page 4, line 21, increase the amount by $941,000,000.

On page 4, line 22, increase the amount by $1,313,000,000.

On page 4, line 23, increase the amount by $1,375,000,000.

On page 4, line 24, increase the amount by $1,799,000,000.

On page 5, line 5, increase the amount by $246,000,000.

On page 5, line 6, increase the amount by $256,000,000.

On page 5, line 7, increase the amount by $267,000,000.

On page 5, line 8, increase the amount by $552,000,000.

On page 5, line 9, increase the amount by $578,000,000.

On page 5, line 10, increase the amount by $908,000,000.

On page 5, line 11, increase the amount by $941,000,000.

On page 5, line 12, increase the amount by $1,313,000,000.

On page 5, line 13, increase the amount by $1,375,000,000.

On page 5, line 14, increase the amount by $1,799,000,000.

On page 27, line 11, increase the amount by $246,000,000.

On page 27, line 12, increase the amount by $246,000,000.

On page 27, line 15, increase the amount by $256,000,000.

On page 27, line 16, increase the amount by $256,000,000.

On page 27, line 19, increase the amount by $267,000,000.

On page 27, line 20, increase the amount by $267,000,000.

On page 27, line 23, increase the amount by $552,000,000.

On page 27, line 24, increase the amount by $552,000,000.

On page 28, line 2, increase the amount by $578,000,000.

On page 28, line 3, increase the amount by $578,000,000.

On page 28, line 6, increase the amount by $908,000,000.

On page 28, line 7, increase the amount by $908,000,000.

On page 28, line 10, increase the amount by $941,000,000.

On page 28, line 11, increase the amount by $941,000,000.

On page 28, line 14, increase the amount by $1,313,000,000.

On page 28, line 15, increase the amount by $1,313,000,000.

On page 28, line 18, increase the amount by $1,375,000,000.

On page 28, line 19, increase the amount by $1,375,000,000.

On page 28, line 22, increase the amount by $1,799,000,000.

On page 28, line 23, increase the amount by $1,799,000,000.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on each side. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, my amendment would give a tax credit up to $5,000 to family caregivers. My amendment would help a family dealing with juvenile diabetes, a spouse taking care of someone with Alzheimer's, a parent taking care of an adult son with Down's syndrome.

My tax credit would pay for prescription drugs, home health care, durable medical equipment—things that give help to those families practicing self-help. These families face a tremendous financial and emotional burden. Families will deal with their own emotional burden, but I believe America should step up and help them with their financial burden as they deal with caregiving in the United States of America.

Mr. President, 125 million Americans have chronic conditions; 18 million of those are children. Family caregivers are often stretched to the limit, often working two jobs. This amendment costs $35 billion. We can afford it and we ought to do it.

The PRESIDING OFFICER. Who yields time? Who yields time in opposition?

Mr. NICKLES. Go ahead.

Mr. GRASSLEY. I yield myself time.

Mr. President, I rise in opposition to the amendment. I obviously do not rise in opposition to the goals the Senator from Maryland seeks, because I, along with Senator GRAHAM of Florida—the two of us are sponsors of an amendment that would provide a $3,000 tax credit for family caregiving. But what we are involved with here is taking money from the tax reduction fund to put into another program. What we need to do is keep the tax reduction fund very strong because it is a growth package, it is a job package. We want to create jobs. We want an economic environment so when our men and women come home from Iraq there are jobs for our men and women. There is no job creation now. We want to create jobs. It is going to take a tax cut to create jobs.

The PRESIDING OFFICER. The question is on agreeing to the Mikulski amendment No. 349.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—45

Akaka
Bayh
Biden
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 349) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the managers of the bill asked that I maintain the floor until they return at approximately 1:15. They ask that there be no amendments offered or debate on amendments.

Senator BYRD is here. And he usually, each spring, gives us a speech on springtime.

Is the Senator ready to speak?

Mr. President, I ask unanimous consent that the Senator from West Virginia be allowed to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. And I thank my distinguished colleague, the Democratic whip, for his characteristic courtesy and attention to matters in the Senate, and his always readiness to help other Senators in getting recognition. I thank him very much.

SPRINGTIME

Mr. President, this is my 85th year, but it is my 86th coming of spring. I am 85 years old—85 years young—but this is my 86th first day of spring.

So, Mr. President, at long last spring has arrived. How sweet it is. How sweet it is. Spring has arrived.

After a long gray winter made darker by the specter of war, and with that conflict now upon us, it is heartening to be reminded of the great rhythm of the seasons and the renewal of the earth and the life upon it.

Now Nature hangs her mantle green
On every blooming tree,
And spreads her sheets o' daisies white
Out o'er the grassy lea

So wrote the poet Robert Burns.

On the world stage, war plays a leading role, demanding our attention with the strident clangor of steel and the tramp of marching troops. But in the wings, subtly repainting the background sets, spring softens the scenery and gives us hope for the rebirth of peace. Bright crocuses blanket the ground in a confetti of color and the green ink of new growth stains the tawny fields of winter. The redbuds cover the hillsides in a rosy blush as bare forests rush to cover themselves in verdant blankets of new leaves. Banks of nodding daffodils cheer the anxious hearts of families worrying over loved ones in uniform far from home.

Last year, a dry and mild winter caused spring bulbs to bloom in February. This year, as snowfall after snowfall piled up on lawns and roads, it seemed as if no flower could survive in the icy soil. Seed catalogs languished unread as we shoveled sidewalks and scraped windshields. We told ourselves that we needed the moisture and that the snow would replenish the groundwater, but these charitable thoughts faded as we faced another foot of new-fallen snow, another miserable commute, another slushy slog across parking lot melt. It was a long and wearing winter, and for those in the northern latitudes of the United States, it lingers on still. In Washington, and in West Virginia, however, we are emerging from our dens like bears—shaggy, lean, and hungry for spring.

Sweet is the breath of morn, her rising
Sweet
With charm of earliest birds; pleasant
The sun
When first on this delightful land he
Spreads
His orient beams on herb, tree, fruit
And flower.

The poet John Milton wrote those words.

I look forward to turning away from the incessant news coverage of war, and I look forward to spending a few precious moments outside listening instead to the spring peepers—those little frogs whose singing brings back boyhood memories of long ago, bubbling springs along Wolf Creek Hollow in Mercer County, WV. Their singing coincided with the arrival of warmer weather and with it, a welcome respite from those bitter early morning walks to school, cold hands wrapped around my lunch pail handle, coat collar turned up against the wind that transformed tender ears into red popsicles.

As I tend to the simple routines of springtime—cleaning up the sticks and leaves strewn across the yard by the winter winds, preparing my small garden, of four or five or six or seven tomato plants weeding and fertilizing the lawn—I shall look upon the spring flowers in all their finery. The forsythia, the lilac, the hyacinth, all are undaunted by the code oranges and the code reds. They care nothing for al-Qaida terrorists or Tomahawk missiles, for M1–A1 tanks or F–117 bombers, for sandy battlefields or military strikes. In their benevolence, they show the same cheerful faces to Presidents and dictators, to soldiers and to the loved ones those soldiers leave behind. In their camps in Kuwait and in their bivouacs in the desert, our brave troops will not see a daffodil this spring. But God's daffodil are there for them, just as we are, our support as eternal and dependable as the arrival of spring. I hope that they can take comfort in knowing that the daffodils still bloom and that spring has come at last. With my prayers for their safety and quick success, I wish them the energy and purpose of spring. May they soon be restored to their loved ones, to us, to enjoy a beautiful springtime at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, normally when there are speeches given not on the subject matter of the debate, we ask that they be put someplace else in the RECORD. I think this speech on springtime should stay just where it is. This has been a very difficult morning. It is going to be a much more difficult afternoon and evening. The speech on springtime should appear in the RECORD for all eternity to show that there are other things we do that have more meaning sometimes than the meaningless votes we take.

I ask unanimous consent that the Senator's wonderful statement about springtime stay where it is. As busy as we are here, sometimes we don't think about it, but because of the Senator from West Virginia, we are forced to—speeches he has given on Mother's Day and Father's Day, and other such speeches that I will long remember. This speech on springtime has caused me to focus on springtime that I would not have done otherwise.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Nevada.

Mr. REID. Mr. President, we are going to be in a quorum call unless someone has a speech on a subject not related to the budget that they care to give. Senator NICKLES and Senator CONRAD asked that basically we be in a shutdown on the budget until they return, which should be in a matter of a few minutes. They wanted to come back around 1:15.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, we have tentatively agreed on an outline for amendments. I will read through these amendments. It is subject to change. I thank my colleague from North Dakota. We are working together and trying to accommodate Senators. Most of the amendment requests are coming from the minority side of the aisle, and that is the way it usually is on these resolutions. I understand that. We are going to try to move as expeditiously as possible. We are absolutely committed to finishing this bill. It is important we work together to try to complete it.

Some people are outside trying to rewrite amendments or write new amendments. I really discourage that. It is this Senator's intention to finish the bill. We have only been on it all week, and to have people in the drafting stage to see what they can come up with is not a good way to finish. We will be here until we finish.

I will not ask unanimous consent. I will list the order we expect just so Senators are notified and can be ready:

Senator CLINTON dealing with homeland security; Senator DORGAN dealing with veterans affairs; Senator BREAUX and others dealing with the $350 billion growth package; Senator KENNEDY dealing with Pell grants; Senator

GREGG dealing with Pell grants; Senator BYRD dealing with Amtrak; possibly Senator MCCAIN on Amtrak; Senator BIDEN dealing with COPS; Senator HOLLINGS on port security; Senator NICKLES on port security; Senator BOND on highways; and Senator NICKLES on highways.

That is our intention. It is not a unanimous consent request. It is just our intention, a list, an outline for our colleagues. This will be another 10 amendments. I suspect three or four of these amendments will drop.

Mr. REID. Will my friend yield?

Mr. NICKLES. I will be happy to yield.

Mr. REID. Mr. President, I think the two managers of this bill have been fair in doing their best to list these amendments and have an orderly process to dispose of them. Not in this tranche, but maybe the next, I hope the two managers will consider having part of a unanimous consent agreement that—everyone has been here on time—if someone is not here to offer their amendment, I am not sure we should hang around and wait for them.

Mr. NICKLES. I concur.

We are ready to do business. I believe Senator CLINTON has a modification of her amendment to send to the desk.

AMENDMENT NO. 381

Mrs. CLINTON. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 381.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To raise the 2003 caps by $3.5 billion for homeland security funding through a Domestic Defense Fund at the Department of Homeland Security's Office of Domestic Preparedness in FY 2003 and to reduce the size of newly proposed tax cuts in the amount of $7 billion to pay for this amendment and for the cost of previously passed homeland security funding)

On page 3, line 9, increase the amount by $2,450,000,000.

On page 3, line 10, increase the amount by $2,450,000,000.

On page 3, line 11, increase the amount by $1,400,000,000.

On page 3, line 12, increase the amount by $700,000,000.

On page 3, line 23, increase the amount by $2,450,000,000.

On page 4, line 1, increase the amount by $2,450,000,000.

On page 4, line 2, increase the amount by $1,400,000,000.

On page 4, line 3, increase the amount by $700,000,000.

On page 4, line 14, increase the amount by $3,491,000,000.

On page 4, line 15, decrease the amount by $575,000,000.

On page 4, line 16, decrease the amount by $128,000,000.

On page 4, line 17, decrease the amount by $174,500,000.

On page 4, line 18, decrease the amount by $197,500,000.

On page 4, line 19, decrease the amount by $211,000,000.

On page 4, line 20, decrease the amount by $225,000,000.

On page 4, line 21, decrease the amount by $238,500,000.

On page 4, line 22, decrease the amount by $251,500,000.

On page 4, line 23, decrease the amount by $265,000,000.

On page 4, line 24, decrease the amount by $281,000,000.

On page 5, line 4, increase the amount by $1,216,000,000.

On page 5, line 5, increase the amount by $1,167,500,000.

On page 5, line 6, increase the amount by $572,000,000.

On page 5, line 7, increase the amount by $175,500,000.

On page 5, line 8, decrease the amount by $197,500,000.

On page 5, line 9, decrease the amount by $211,000,000.

On page 5, line 10, decrease the amount by $225,000,000.

On page 5, line 11, decrease the amount by $238,500,000.

On page 5, line 12, decrease the amount by $251,500,000.

On page 5, line 13, decrease the amount by $265,000,000.

On page 5, line 14, decrease the amount by $281,000,000.

On page 5, line 17, increase the amount by $1,234,000,000.

On page 5, line 18, increase the amount by $1,282,500,000.

On page 5, line 19, increase the amount by $828,000,000.

On page 5, line 20, increase the amount by $524,500,000.

On page 5, line 21, increase the amount by $197,500,000.

On page 5, line 22, increase the amount by $211,000,000.

On page 5, line 23, increase the amount by $225,000,000.

On page 5, line 24, increase the amount by $238,500,000.

On page 5, line 25, increase the amount by $251,500,000.

On page 6, line 1, increase the amount by $265,000,000.

On page 6, line 2, increase the amount by $281,000,000.

On page 23, line 15, increase the amount by $3,500,000,000.

On page 23, line 16, increase the amount by $1,225,000,000.

On page 23, line 20, increase the amount by $1,225,000,000.

On page 23, line 24, increase the amount by $700,000,000.

On page 24, line 3, increase the amount by $350,000,000.

On page 46, line 20, increase the amount by $3,500,000,000.

On page 46, line 21, increase the amount by $1,225,000,000.

On page 47, line 6, increase the amount by $1,225,000,000.

On page 47, line 15, increase the amount by $700,000,000.

Mrs. CLINTON. Earlier today, the Senate passed an amendment offered by Senator COCHRAN——

The PRESIDING OFFICER. The Senator will suspend. There is no time for debate on the amendment.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for this list of amendments I have outlined, I ask unanimous consent that there be 2 minutes equally divided on each of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Mr. President, earlier today, the Senate passed an amendment offered by Senator COCHRAN to increase homeland security funding by $3.5 million in the emergency supplemental bill we will consider in the coming weeks. This is an important first step, but it is not nearly enough and it should be paid for.

Our cities have already invested $2.6 billion to protect the American homefront. This amendment adds $3.5 billion to Senator COCHRAN's amendment and takes the fiscally responsible approach of paying for the full $7 billion without reducing the reconciliation amount. I think we need to be much more vigorous in providing the funds that our police, our firefighters, and our cities need. This will help us move in that direction, and it will also be paid for, which is another important value that this budget should be trying to promote.

I ask for its approval and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I do not know when we can say enough is enough. We have doubled the funding for homeland security in 2003 compared to 2002. That is a result of 9/11, and appropriately so. The budget we have before us increases it another 18.4 percent. We have already increased homeland security an additional $3.5 billion as a result of passage of the Cochran amendment.

Senator CLINTON's amendment would just bump it up another $3.5 billion. That would be an enormous percentage increase. Right now, we have funds for homeland security State by State that are not being spent, for whatever reason. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 381.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

The amendment (No. 381) was rejected.

AMENDMENT NO. 385

Mr. DORGAN. Mr. President, my understanding is that I am next on the list.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. My understanding is I am next on the list to offer an amendment. If that is the case, I am prepared to send an amendment to the desk on behalf of myself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from North Dakota (Mr. DORGAN), for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES, proposes an amendment numbered 385.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase FY 2004 funding for the discretionary programs of the Department of Veterans Affairs by $1,019,000,000, so it matches the level proposed by a coalition of veterans groups in the Independent Budget; to decrease the deficit by a similar amount; and to use the unreconciled tax cut to pay for it)

On page 3, line 10, increase the amount by $1,987,000,000.

On page 3, line 11, increase the amount by $192,000,000.

On page 3, line 12, increase the amount by $29,000,000.

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 14, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $1,798,000,000.

On page 4, line 2, increase the amount by $192,000,000.

On page 4, line 3, increase the amount by $29,000,000.

On page 4, line 4, increase the amount by $9,000,000.

On page 4, line 5, increase the amount by $1,000,000.

On page 4, line 15, increase the amount by $1,003,000,000.

On page 4, line 16, decrease the amount by $43,000,000.

On page 4, line 17, decrease the amount by $52,000,000.

On page 4, line 18, decrease the amount by $58,000,000.

On page 4, line 19, decrease the amount by $61,000,000.

On page 4, line 20, decrease the amount by $65,000,000.

On page 4, line 21, decrease the amount by $69,000,000.

On page 4, line 22, decrease the amount by $73,000,000.

On page 4, line 23, decrease the amount by $77,000,000.

On page 4, line 24, decrease the amount by $81,000,000.

On page 5, line 5, increase the amount by $883,000,000.

On page 5, line 6, increase the amount by $53,000,000.

On page 5, line 7, decrease the amount by $37,000,000.

On page 5, line 8, decrease the amount by $54,000,000.

On page 5, line 9, decrease the amount by $61,000,000.

On page 5, line 10, decrease the amount by $65,000,000.

On page 5, line 11, decrease the amount by $69,000,000.

On page 5, line 12, decrease the amount by $73,000,000.

On page 5, line 13, decrease the amount by $77,000,000.

On page 5, line 14, decrease the amount by $81,000,000.

On page 5, line 18, increase the amount by $915,000,000.

On page 5, line 19, increase the amount by $139,000,000.

On page 5, line 20, increase the amount by $66,000,000.

On page 5, line 21, increase the amount by $63,000,000.

On page 5, line 22, increase the amount by $62,000,000.

On page 5, line 23, increase the amount by $65,000,000.

On page 5, line 24, increase the amount by $69,000,000.

On page 5, line 25, increase the amount by $73,000,000.

On page 6, line 1, increase the amount by $77,000,000.

On page 6, line 2, increase the amount by $81,000,000.

On page 6, line 6, decrease the amount by $915,000,000.

On page 6, line 7, decrease the amount by $1,054,000,000.

On page 6, line 8, decrease the amount by $1,121,000,000.

On page 6, line 9, decrease the amount by $1,183,000,000.

On page 6, line 10, decrease the amount by $1,245,000,000.

On page 6, line 11, decrease the amount by $1,311,000,000.

On page 6, line 12, decrease the amount by $1,380,000,000.

On page 6, line 13, decrease the amount by $1,453,000,000.

On page 6, line 14, decrease the amount by $1,531,000,000.

On page 6, line 15, decrease the amount by $1,612,000,000.

On page 6, line 19, decrease the amount by $915,000,000.

On page 6, line 20, decrease the amount by $1,054,000,000.

On page 6, line 21, decrease the amount by $1,121,000,000.

On page 6, line 22, decrease the amount by $1,183,000,000.

On page 6, line 23, decrease the amount by $1,245,000,000.

On page 6, line 24, decrease the amount by $1,311,000,000.

On page 6, line 25, decrease the amount by $1,380,000,000.

On page 7, line 1, decrease the amount by $1,453,000,000.

On page 7, line 2, decrease the amount by $1,531,000,000.

On page 7, line 3, decrease the amount by $1,612,000,000.

On page 34, line 19, increase the amount by $1,019,000,000.

On page 34, line 20, increase the amount by $899,000,000.

On page 34, line 24, increase the amount by $96,000,000.

On page 35, line 3, increase the amount by $15,000,000.

On page 35, line 7, increase the amount by $4,000,000.

On page 40, line 6, decrease the amount by $16,000,000.

On page 40, line 7, decrease the amount by $16,000,000.

On page 40, line 10, decrease the amount by $43,000,000.

On page 40, line 11, decrease the amount by $43,000,000.

On page 40, line 14, decrease the amount by $52,000,000.

On page 40, line 15, decrease the amount by $52,000,000.

On page 40, line 18, decrease the amount by $58,000,000.

On page 40, line 19, decrease the amount by $58,000,000.

On page 40, line 22, decrease the amount by $61,000,000.

On page 40, line 23, decrease the amount by $61,000,000.

On page 41, line 2, decrease the amount by $65,000,000.

On page 41, line 3, decrease the amount by $65,000,000.

On page 41, line 6, decrease the amount by $69,000,000.

On page 41, line 7, decrease the amount by $69,000,000.

On page 41, line 10, decrease the amount by $73,000,000.

On page 41, line 11, decrease the amount by $73,000,000.

On page 41, line 14, decrease the amount by $77,000,000.

On page 41, line 15, decrease the amount by $77,000,000.

On page 41, line 18, decrease the amount by $81,000,000.

On page 41, line 19, decrease the amount by $81,000,000.

On page 47, line 5, increase the amount by $1,019,000,000.

On page 47, line 6, increase the amount by $899,000,000.

On page 47, line 15, increase the amount by $96,000,000.

The PRESIDING OFFICER. Two minutes will be provided for debate, equally divided on each side.

The Senator from North Dakota.

Mr. DORGAN. This amendment adds $1.019 billion to the total amount in the bill for veterans discretionary programs. The amendment is paid for by a decrease in the tax cut in an equal amount, in addition to the additional spending on veterans programs that would be available to reduce the deficit.

With respect to veterans programs, let me say to the chairman and ranking member, I think they did some good work with respect to veterans medical care. They did actually add some money for veterans health care, veterans medical care. We all commend them for that.

We are still very short with respect to veterans programs dealing with research, with construction, with the administration that is needed in order to process the requests by veterans. There is a rather lengthy time lag in being able to process the request. The fact is, we need to provide sufficient moneys for this service.

At a time when veterans are in the field prosecuting this war, we ought to say we will keep our promise to veterans.

Mr. SPECTER. Mr. President, I am voting against Senator DORGAN's amendment, which proposes to add an additional $1 billion to VA discretionary accounts. I so vote because the budget resolution, as reported by the Budget committee, already makes significant additions in funding for veterans benefits. It is, I think, already a fair and just allocation of funding for veterans.

It seems to be the case that no matter how much funding is made available in a budget resolution, someone will always propose additions. For veterans this year, the budget resolution, as reported, contains unprecedented increases in VA discretionary funding; it increases VA discretionary funding by $3.4 billion over fiscal year 2003 levels, a 13 percent increase. The Budget Committee-reported resolution more than doubles the administration's proposed VA medical care funding increase of $1.5 billion, adding an additional $1.8 billion to this most critical budget account, as urged by Senators JOHNSON and ENSIGN in the Budget Committee's markup. In fairness, it is accurate to conclude that funding levels approved by the Budget committee do not shortchange veterans.

Senator DORGAN's amendment would add funds to non-medical care-related accounts, such as construction, research, veterans cemetery administration, and veterans benefits processing. These are important accounts—and they have been increased significantly in recent years. Since 1997, Congress has provided funds to support a 40 percent increase in staffing for compensation claims processing. VA medical research funding has increased by 47 percent Veterans cemetery administration funding has increased by 71 percent. Funding for the VA inspector general's office has almost doubled. And over 2.5 billion dollars' worth of major and minor construction projects have been funded. The present resolution will improve on this record by providing a 13 percent increase above 2003 enacted levels for such accounts. Construction funding alone will increase by 62 percent over the 2003 enacted levels.

I would like to see even greater increases; it would always be nice to add more funding for various worthwhile purposes. But, in fairness, veterans benefits must be considered along with proposed increases in education, health care, environmental protection, and many other worthwhile Federal programs. Viewed in this context, I think the proposed budget allocation is fair and just.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the amendment offered by my colleague Senator DORGAN, to increase the amount of discretionary funding for veterans programs. I am proud to be an original cosponsor of this amendment—one that will go a long way in ensuring that our Nation's veterans receive the benefits to which they are entitled.

As you know, every year a coalition of our Nation's veterans advocacy groups comes together to compile the Independent Budget. This document—written by veterans for veterans—offers guidance to the Congress on the projected needs of our Nation's veterans in the coming fiscal year. I am pleased that during last week's markup of the Budget Resolution, the Senate Budget Committee, with my support, adopted an amendment to match the amount included in the Independent Budget to adequately provide medical care for the 6.5 million veterans enrolled in the VA health care system. This represented a nearly $2 billion increase over the funding level requested by the President.

Senator DORGAN's amendment will build upon this success by helping to provide additional resources to appropriately fund other key functions of the Department of Veterans Affairs. The Dorgan amendment adds $1.019 billion to the total for veterans discretionary programs to match the amount identified as necessary by the Independent Budget. Among other things, these funds will be utilized to significantly boost VA medical and prosthetics research, improve the processing of veterans benefits, fund much needed construction, renovation and maintenance projects, and ensure that are veterans are buried with honor.

Mr. President, our Nation's veterans, like the men and women in Iraq today, answered the call of their nation—marching into harm's way to preserve the ideals of liberty and democracy which we, as Americans, hold so dear. In my view, making sure that our veterans receive adequate and timely health care and the other benefits to which they are entitled is a small price to pay to express our continued gratitude for their unwavering service to our nation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I urge my colleagues to vote no on this amendment. I think this is another case where I said no matter what we do in committee, no matter how much we add, someone is going to come up and say it is not enough. We increased the veterans budget altogether over 12 percent, $3.4 billion. We did 10 percent over the President's request, about $3 billion. We did a 14.7 percent increase in veterans health care.

This amendment not only has more increases but, in addition, it also reduces the tax cut. We are taking care of our veterans in this proposal with enormous percentage increases. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 385.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter

Stevens
Sununu
Talent
Thomas
Voinovich
Warner

The amendment (No. 385) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Dorgan amendment No. 385.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 328 AND 282, EN BLOC

Mr. NICKLES. Mr. President, I ask unanimous consent to call up and pass amendment No. 328, sponsored by Senators WYDEN and KYL, regarding the national fire plan; and amendment No. 282, by Senator BROWNBACK, regarding a commission to review the efficiency of Federal agencies.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. WYDEN, for himself, Mr. KYL, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mrs. FEINSTEIN, proposes an amendment numbered 328.

The amendment is as follows:

(Purpose: To increase investments in implementation of the National Fire Plan to benefit national forests, the environment, local communities and local economies)

On page 16, line 11, increase the amount by $500,000,000.

On page 16, line 12, increase the amount by $325,000,000.

On page 16, line 16, increase the amount by $85,000,000.

On page 16, line 20, increase the amount by $50,000,000.

On page 16, line 24, increase the amount by $25,000,000.

On page 17, line 3, increase the amount by $15,000,000.

On page 42, line 2, decrease the amount by $500,000,000.

On page 42, line 3, decrease the amount by $325,000,000.

On page 42, line 7, decrease the amount by $85,000,000.

On page 42, line 11, decrease the amount by $50,000,000.

On page 42, line 15, decrease the amount by $25,000,000.

On page 42, line 19, decrease the amount by $15,000,000.

The PRESIDING OFFICER. Is there further debate on the amendments?

The Senator from Oregon.

Mr. WYDEN. Very briefly, amendment No. 328 is a bipartisan amendment that Senator KYL and I have cosponsored with Senator DOMENICI, Senator BINGAMAN, and others. It deals with the national fire plan. Suffice it to say, Senators know that the West over the last few summers has just been an inferno. We expect another very hot summer. This legislation is a bipartisan initiative which would allow us to set aside additional funds for forest restoration, hazardous fuels reduction and fire research, and real on-the-ground collaboration with States and localities to help them improve their environment and protect against catastrophic fire. It is backed by the timber industry and a host of environmental groups. I see my colleague from Arizona on the floor as well.

It is a bipartisan amendment on which Western Senators cooperated. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. KYL. Mr. Senator, let me add to the comments of my colleague from Oregon. I compliment him for the work he has done. This is a good example of bipartisanship in working to solve a national problem. The people from the Appropriations Committee, the administration, and the Democratic and Republican Parties in the Senate have come together to restore some of these funds so we could help to create healthy forests for the benefit of all.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendments Nos. 328 and 282 en bloc.

The amendments (No. 328 and No. 282) were agreed to en bloc.

AMENDMENT NO. 339, AS MODIFIED

Mr. NICKLES. Mr. President, the next amendment we will have will be by the Senator from Louisiana, Mr. BREAUX. There will be a 10-minute time limitation. It is a very large amendment. I ask that the Senator from Louisiana be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask unanimous consent to modify the amendment and send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 3, line 9, increase the amount by $10,433,000,000.

On page 3, line 10, increase the amount by $23,015,000,000.

On page 3, line 11, increase the amount by $17,962,000,000.

On page 3, line 12, increase the amount by $12,167,000,000.

On page 3, line 13, increase the amount by $6,893,000,000.

On page 3, line 14, increase the amount by $6,183,000,000.

On page 3, line 15, increase the amount by $5,879,000,000.

On page 3, line 16, increase the amount by $5,992,000,000.

On page 3, line 17, increase the amount by $42,874,000,000.

On page 3, line 18, increase the amount by $69,512,000,000.

On page 3, line 19, increase the amount by $74,090,000,000.

On page 3, line 23, increase the amount by $10,433,000,000.

On page 4, line 1, increase the amount by $23,015,000,000.

On page 4, line 2, increase the amount by $17,962,000,000.

On page 4, line 3, increase the amount by $12,167,000,000.

On page 4, line 4, increase the amount by $6,893,000,000.

On page 4, line 5, increase the amount by $6,183,000,000.

On page 4, line 6, increase the amount by $5,879,000,000.

On page 4, line 7, increase the amount by $5,992,000,000.

On page 4, line 8, increase the amount by $42,874,000,000.

On page 4, line 9, increase the amount by $69,512,000,000.

On page 4, line 10, increase the amount by $74,090,000,000.

On page 4, line 14, decrease the amount by $77,000,000.

On page 4, line 15, decrease the amount by $718,000,000.

On page 4, line 16, decrease the amount by $1,974,000,000.

On page 4, line 17, decrease the amount by $3,035,000,000.

On page 4, line 18, decrease the amount by $3,789,000,000.

On page 4, line 19, decrease the amount by $4,376,000,000.

On page 4, line 20, decrease the amount by $4,974,000,000.

On page 4, line 21, decrease the amount by $5,588,000,000.

On page 4, line 22, decrease the amount by $7,219,000,000.

On page 4, line 23, decrease the amount by $10,657,000,000.

On page 4, line 24, decrease the amount by $15,140,000,000.

On page 5, line 4, decrease the amount by $77,000,000.

On page 5, line 5, decrease the amount by $718,000,000.

On page 5, line 6, decrease the amount by $1,974,000,000.

On page 5, line 7, decrease the amount by $3,035,000,000.

On page 5, line 8, decrease the amount by $3,789,000,000.

On page 5, line 9, decrease the amount by $4,376,000,000.

On page 5, line 10, decrease the amount by $4,974,000,000.

On page 5, line 11, decrease the amount by $5,588,000,000.

On page 5, line 12, decrease the amount by $7,219,000,000.

On page 5, line 13, decrease the amount by $10,657,000,000.

On page 5, line 14, decrease the amount by $15,140,000,000.

On page 5, line 17, increase the amount by $10,511,000,000.

On page 5, line 18, increase the amount by $23,733,000,000.

On page 5, line 19, increase the amount by $19,935,000,000.

On page 5, line 20, increase the amount by $15,203,000,000.

On page 5, line 21, increase the amount by $10,681,000,000.

On page 5, line 22, increase the amount by $10,559,000,000.

On page 5, line 23, increase the amount by $10,853,000,000.

On page 5, line 24, increase the amount by $11,580,000,000.

On page 5, line 25, increase the amount by $50,093,000,000.

On page 6, line 1, increase the amount by $80,169,000,000.

On page 6, line 2, increase the amount by $89,231,000,000.

On page 6, line 5, decrease the amount by $10,511,000,000.

On page 6, line 6, decrease the amount by $32,244,000,000.

On page 6, line 7, decrease the amount by $54,179,000,000.

On page 6, line 8, decrease the amount by $69,382,000,000.

On page 6, line 9, decrease the amount by $80,063,000,000.

On page 6, line 10, decrease the amount by $90,622,000,000.

On page 6, line 11, decrease the amount by $101,476,000,000.

On page 6, line 12, decrease the amount by $113,055,000,000.

On page 6, line 13, decrease the amount by $163,148,000,000.

On page 6, line 14, decrease the amount by $243,317,000,000.

On page 6, line 15, decrease the amount by $332,548,000,000.

On page 6, line 18, decrease the amount by $10,511,000,000.

On page 6, line 19, decrease the amount by $34,244,000,000.

On page 6, line 20, decrease the amount by $54,179,000,000.

On page 6, line 21, decrease the amount by $69,382,000,000.

On page 6, line 22, decrease the amount by $80,063,000,000.

On page 6, line 23, decrease the amount by $90,622,000,000.

On page 6, line 24, decrease the amount by $101,476,000,000.

On page 6, line 25, decrease the amount by $133,055,000,000.

On page 7, line 1, decrease the amount by $163,148,000,000.

On page 7, line 2, decrease the amount by $243,317,000,000.

On page 7, line 3, decrease the amount by $332,548,000,000.

On page 40, line 2, decrease the amount by $77,000,000.

On page 40, line 3, decrease the amount by $77,000,000.

On page 40, line 6, decrease the amount by $718,000,000.

On page 40, line 7, decrease the amount by $718,000,000.

On page 40, line 10, decrease the amount by $1,974,000,000.

On page 40, line 11, decrease the amount by $1,974,000,000.

On page 40, line 14, decrease the amount by $3,035,000,000.

On page 40, line 15, decrease the amount by $3,035,000,000.

On page 40, line 18, decrease the amount by $3,789,000,000.

On page 40, line 19, decrease the amount by $3,789,000,000.

On page 40, line 22, decrease the amount by $4,376,000,000.

On page 40, line 23, decrease the amount by $4,376,000,000.

On page 41, line 2, decrease the amount by $4,974,000,000.

On page 41, line 3, decrease the amount by $4,974,000,000.

On page 41, line 6, decrease the amount by $5,588,000,000.

On page 41, line 7, decrease the amount by $5,588,000,000.

On page 41, line 10, decrease the amount by $7,219,000,000.

On page 41, line 11, decrease the amount by $7,219,000,000.

On page 41, line 14, decrease the amount by $10,657,000,000.

On page 41, line 15, decrease the amount by $10,657,000,000.

On page 41, line 18, decrease the amount by $15,140,000,000.

On page 41, line 19, decrease the amount by $15,140,000,000.

On page 45, line 24, strike the amount and insert "$323,284,000,000."

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, we have worked in a bipartisan fashion. This amendment is sponsored by myself, Senator VOINOVICH from Ohio, Senator BAUCUS, and also Senator SNOWE. We have believed there ought to be a way of reaching an agreement on the size of the tax cut that is reasonable and more balanced than the $626 billion tax cut currently pending before the Senate.

There are some who have suggested that we would like to have no tax cut whatsoever. That would probably be the better course of action, if we could find the votes to do that, because conditions are dramatically different from what they were the last time we considered a major tax cut.

The last time we did a tax cut, we had a $5.6 trillion surplus. We do not have that surplus. In fact, we have a $300 billion deficit facing us. There is no pot of money to which we can go to have a large tax cut of that magnitude. In addition to that, we are at war. We are not at peace.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, it is my belief that if this amendment passed, we would take the growth out of the growth package. I call upon my colleague, the chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Oklahoma has claimed the 1 minute in opposition. The Senator from Oklahoma has 1 minute remaining.

Mr. BREAUX. Mr. President, I make a point of order. I understood that the Budget chairman asked that we have 10 minutes on this because of the importance of the amendment.

The PRESIDING OFFICER. The request was for 10 minutes on the vote. Amendments have been given 2 minutes on each side, equally divided.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that there be 5 minutes on each side for this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. I thank the distinguished chairman. I apologize for the misunderstanding. I will ask the cosponsors if they would like to make a comment.

The point is that we are at war. Turn on the television. Our men and women are fighting in the deserts of Iraq right now. We are being asked to cut tax revenues by $626 billion to pay for those functions. It would be one thing if we had a surplus out of which to take it. We do not. We are taking it out of a deficit. We are cutting taxes at a time of uncertainty while we are in the middle of a war. If we do need a tax cut of that magnitude, I would suggest we do it after the conflict is over, after we know how much it has cost, after we know how much we need to spend on programs such as Medicare and prescription drugs which are not included in this budget whatsoever.

The better course of action would be to adopt our amendment. It presents a $350 billion tax cut, which is half of what is pending right now, and it uses the remainder of those savings, which would be $275 billion, for deficit reduction.

Some may say, "That is not what I would like to do," but I think this is something that is politically possible to accomplish. We can always come back and increase the tax cut. That will be easy to do, if we know how much money we have to deal with. We simply do not know that now.

The wiser course of action would be to do what this amendment would do. I ask for a favorable vote for the bipartisan amendment.

I reserve any time I may have.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Ms. SNOWE. Mr. President, our amendment is straightforward, responsible and practical. It reflects the reality of the confluence of circumstances we face—a war on terrorism and in Iraq, a struggling economy, increased homeland security needs, and increased Federal deficits, with this year's projected deficit already having increased by more than 54 percent.

The amendment is a carefully calibrated, balanced approach to respond to two compelling needs—first, to provide immediate, short-term stimulus to an economy that has lost 2.3 million jobs and, second, to avoid driving up deficits over the long term which, in turn, lead to increased long-term interest rates that would stagnate our economy.

Our approach is simple—we differentiate between those aspects of the growth package that truly provide quick, short-term economic stimulus and those that do not. For those that don't, let's debate them later, and if they have merit, let's pay for them as we go, not with deficit spending that threatens our economy in the future as well as our ability to address pressing national priorities such as strengthening Social Security and Medicare as baby boomers begin to retire in 2008.

Mr. President, our measure provides a "right-sized" stimulus of $350 billion while committing $376 billion to deficit reduction. It deserves strong bipartisan support, and I hope my colleagues will vote for this amendment.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of the Breaux amendment to S. Con. Res. 23, the budget resolution. This amendment directs the Finance Committee to limit the amount of tax cuts that could be passed through the fast track reconciliation procedure to $350 billion over 11 years. The budget before us includes over twice that much in its so-called must pass economic stimulus package.

It is astounding to me that, on the eve of war, we are seriously contemplating $725 billion in tax cuts in the same budget that does not include a dime for the war or its associated costs. Our budget is a statement of priorities. Do we really mean to say that giving a tax break primarily to upper income taxpayers is 725 billion times more important than adequately fighting the war, rebuilding Iraq, and protecting our communities from retaliatory terrorist attacks?

Of course not. No one thinks that. But I do believe that some are using the diversion of war to rush through a tax cut that is fiscally irresponsible. No one wants to return to the days of deficit as far as the eye can see and debt capable of dragging our country down for decades. But that is what we'll get when we add a $725 billion tax cut to the necessary and massive costs of the war.

The Breaux amendment brings the fast-track tax cut down to $350 billion. I would prefer it to go much lower than that. In fact, I would prefer delaying all tax cuts and spending increases until we can put together an honest budget that looks at what we can afford to do in light of what we must do. But if the choice is between $725 billion for an ill-timed, ill-conceived idea and $350 billion for an ill-timed, ill-conceived idea, I will pick the latter and urge my colleagues to do the same.

Mr. HATCH. Mr. President, I rise today to urge my colleagues to reject the Breaux amendment to the budget resolution that would reduce the size of the President's growth and jobs plan to $350 billion. I think my colleagues all recognize that such a drastic reduction in the size of the growth package would make it most difficult for the Finance Committee to include the Bush proposal to eliminate the taxation on corporate dividends.

I know that a number of my colleagues have their doubts about the President's proposal to eliminate the double tax on dividends, and I would like to take a few moments to try to persuade them to support the President's proposal. Today, I will address two aspects of this important issue—how ending this double tax will help today's seniors, and how ending the double tax will impact our Nation's economic future.

First, let us talk about how the double taxation of dividends affects older Americans.

Our Nation's seniors have spent decades working long, hard hours, scrimping and saving for a well-deserved retirement, only to find that no matter how old they get, the tax man still has them in his sights. Age brings wisdom, but not tax relief.

Fifteen or 20 years ago, it was common tax-planning wisdom to defer one's income until the retirement years. Why? Because the tax rate faced by seniors was almost always lower then the tax rate paid during one's working years. Unfortunately, this is generally no longer the case. Millions of senior citizens are now paying taxes at as high or higher a rate in retirement than they did during their working years.

This year, I want to help President Bush change all that. The President has a plan for cutting taxes for seniors, and I intend to work with him to put his plan into law. We want to dramatically reduce the marriage penalty for seniors, we want to expand the 10-percent income tax bracket, and we want to speed up all of the rate cuts that are scheduled to be phased in over the next few years.

And on top of all that we want to eliminate the double tax on the dividends that seniors receive. This is the right plan for America's seniors.

All of the items in the President's plan are good ideas, but as I mentioned, today I would like to put particular focus on ending the double tax on dividends.

Over half of all income tax filers over 65 years of age pay tax on dividends, and over one-third of all filers between 55 and 64 have taxable dividends. People saving for retirement, and people close to retirement or working for an early retirement are paying a double tax.

Why do we call this tax on dividends a double tax? This is because under current law, a corporation hands over more than a third of its profits to the Federal Government in taxes, and then when investors get their share of those profits in the form of dividends, we demand that investors have to pay regular income tax on those very same dividends.

As President Bush keeps reminding us, taking income once is fair, but taxing it twice is not.

By the time State taxes are factored in, the combined Federal and State tax rate can exceed 71 percent. This is wrong, and it distorts the economy and correcting it will give many benefits to taxpayers and to the Nation as a whole.

We need to remember that this is not a question of rich versus poor. Older Americans with modest incomes receive substantial stock dividends. In fact, more than half of tax filers over the age of 65 earning between $30,000 and $40,000 per year receive taxable dividend income: 50.9 percent, to be exact. And because our Nation's senior citizens have been so thrifty during their lives, these dividend payments are very often sizable.

Elderly Americans who receive dividends and earn between $30,000 and $40,000 per year in total income receive an average of $2,008 every year of that income as taxable dividends. Even retirees who earn $15,000 to $30,000 per year receive substantial dividends. Forty-four percent of the elderly in this category receive dividends, and these Americans have to pay a double tax on over $1,400 a year in dividends.

Older Americans across the income spectrum pay a double tax on their dividends, and it is time to end it. This will be a great boon to our Nation's elderly who have worked and saved throughout their lives for their retirement.

Now, I would like to turn to our Nation's economic future. A few weeks ago, Chairman Greenspan came up to Capitol Hill and told us that ending the double tax dividends was good tax policy, but he wanted us to do it in a fiscally responsible manner. Now, think it is fiscally responsible to end the double tax on dividends. I have no doubt that the static revenue estimate for the President's proposal is far too high.

Over my 27 years in the Senate, I have seen time and time again that tax cuts turned out to cost a lot less than the official estimates. We saw it on the capital gains tax cut and we have seen it in other tax cuts too. And with a policy that is as good for the economy's long-run health as ending the double tax, I am confident that the official revenue estimates are going to be far worse than usual. This tax cut is going to change the way America does business, and it will increase savings and capital formation.

This is not just my opinion. The Heritage Foundation has used a mainstream economic model to look at how ending the double tax is likely to help the economy. They conclude that ending the double tax will be revenue-neutral by year 9. So even if Congress lets spending grow at the projected rate, this proposal is an 8-year investment in our economy's longrun health, and then it starts to pay for itself.

Now I would like to see spending grow slower than the projected rate, so that we can balance the budget faster and so we can increase the size of the private sector, but even if Congress fails to slow down spending, this is still good longrun tax policy. If people think that ending the double tax on dividends will blow a permanent hole in the budget, they are living in a world of pure static-model fantasy.

In addition, I should point out that the Heritage economic model completely ignored the long-term structural reforms that this tax cut will bring about, reforms that will reduce the risk of future corporate bankruptcies. I am going to discuss those reforms in just a moment. So I believe that those 9-year-break-even estimates should be treated as a worst case scenario.

That is why I believe that ending the double tax on dividends is fiscally responsible. I have already addressed how this will help middle-income retirees. Now I would like to delve into why I am convinced this is good for our economy's future. On this issue, I would like to quote Chairman Greenspan. This is what the Federal Reserve Chairman said a few weeks ago:

> I have always supported the elimination of the double taxation of dividends because I think it is a major factor restraining flexibility in our economy . . . and moving in the direction of improving flexibility has very large long-term payoffs.

Flexibility is an issue that Mr. Greenspan has emphasized a lot lately. He has reminded us, again and again, that our Government should do everything it can to make our economy as flexible as possible. Why does he want a flexible economy?

This is what he said, and I quote: "The more flexible an economy, the greater its ability to self-correct in response to inevitable . . . disturbances, thus reducing the size" of recessions. In plain English, he believes that if our economy is more flexible, then we will have smaller recessions, and less unemployment.

Further, Chairman Greenspan believes that Congress can do something about this. Congress can make the economy more flexible if we enact good policies, and we can make the economy less flexible if we enact bad policies. He said, and I quote, "We should be placing special emphasis on searching for policies that will engineer still greater economic flexibility and [we should be] dismantling policies that contribute to unnecessary rigidity."

And as the Chairman said, the double tax on dividends is a source of rigidity.

You might ask: How is cutting taxes supposed to make our economy more flexible?

Ending the double tax on dividends helps in two major ways: It cuts the risk of bankruptcy and it helps to make sure that investment funds flow to the right companies. Let me address these in order.

Why is it America's corporations load up on debt financing, despite the fact that high debt levels increase the risk of bankruptcy? Because our Nation's tax laws have always given them massive financial incentives to do just that.

The reason is simple. When a corporation pays interest to bondholders, that payment is taxed once—at the shareholder level. But when it pays dividends to stockholders, that payment is taxed twice—to both the corporation and the shareholder.

As leading finance scholars Richard Brealey and Stewart Myers write: "[T]he . . . United States tax system clearly favors debt over equity financing." If you tax stock payments twice but you only tax debt payments once, it is clear what companies are going to do—they will finance most of their business by borrowing.

By loading up on tax deductible bonds and bank loans rather than issuing new shares of stock, corporations, increase their chance of going bankrupt. We have seen this play out with WorldCom, with US Air, and most recently United Airlines. The media's refrain is always the same: "Today, a Fortune 500 company, burdened with debt, filed for protection from its creditors."

Our Tax Code should not encourage this behavior.

When corporations load up on debt, they commit too much of their cash flow to making interest payments, and the threat of bankruptcy becomes all too real. Once we change this policy, businesses will find that they have people lined up out the door to buy stocks that pay dividends. When companies see the clamor for dividend-paying stocks, they will have a much stronger incentive to pay for new projects and new factories by issuing new shares of stock rather than running to the bank for a loan.

And then if times get tough, businesses will not be as likely to declare bankruptcy and head to Federal court for a painful reorganization. Instead, many companies will be able to cut their dividend to shareholders, and continue business more or less as usual. Lower dividends are bad news for shareholders, to be sure; but it will spare society the pain of bankruptcy.

Ending the double tax on dividends will not end the business cycle, but it will make it easier to recover from a recession. Bankruptcies spread the pain of recession over months and years, and it can destroy sound companies that made the mistake of overpromising to banks and bondholders. This will not end bankruptcy, but it will prevent a few big ones now and then.

And this is not some untested pie-in-the-sky theory. All but two of our major trading partners give some kind of relief from the double tax on dividends. And the two countries that do not give relief—Ireland and Switzerland—already have much lower corporate tax rates than we do, so their double tax problem is not as bad as ours.

The mere fact that other countries are doing something does not prove that it is the right thing for the United States. What we want to know is, will our Nation get real, widespread benefits when we get rid of the double tax? Here we have to look at history.

New Zealand used to have a double tax on dividends, but they got rid of it in 1988. And what happened when they did that? When New Zealand completely eliminated the double tax on dividends, corporate debt levels fell, just as you would expect. Ending the double tax on dividends cut corporate debt levels in New Zealand, and ending the double tax on dividends will cut debt levels here, too. And our economy will be safer for it.

The Bush proposal to eliminate the double taxation of dividends will have a very positive effect on the economy, on seniors, on the tax system, and on taxpayers in general. I urge my colleagues to reject the Breaux amendment on the budget resolution, so that the Finance Committee can accommodate the dividends proposal in the tax bill we will be putting together in a few weeks.

Mr. KERRY. Mr. President, I rise to discuss an amendment offered by my good friend from Louisiana, Senator BREAUX. The amendment, which was No. 339 and has been described as the moderates tax amendment, would have reduced the size of the tax cut in the budget resolution from more than $700 billion to $350 billion. I would like the record to reflect exactly why it is that I voted for this amendment.

I voted for the amendment offered by Senator BREAUX because it presented our best chance to cut the size of the irresponsible tax cut in this budget. Let me be clear, Mr. President, I do not support a $350 billion tax cut as part of this budget. Had the Breaux amendment passed, I would have sought further reductions in the tax cut.

Today, America is at war in Iraq. We have troops in Afghanistan and the Philippines. We are fighting to keep our homeland safe from terrorism. We have pressing needs in health care, education, and other areas. The Nation is running deficits. State and local governments are in fiscal crisis. The economy is slumping. For these reasons, a $350 billion tax cut, just like a $700 billion tax cut, is wrong. Both proposals will dump debt on our children. And the President's plan is not only too big, but it unfairly favors the wealthiest among us over working families.

I have filed at the desk an amendment to this budget that I believe charts the right course. Consumer confidence is at its lowest level in 10 years. Some 300,000 Americans lost their jobs in February. State and local governments are in trouble. Families and businesses are hurting. We are running huge deficits, and we are at war.

Our economy needs help. Working families need help. But we shouldn't be burdening future generations with more debt. My amendment provides for a $150 billion tax cut for all Americans this year and next and it is paid for in the outyears. It will stimulate our economy without sticking our kids with the bill.

Without taking a dime out of Social Security or Medicare, we can give every American worker a one-time payroll tax holiday of more than $750 that is far more than President Bush's tax plan. We could pass a temporary job creation tax credit and help small businesses, all without adding to the "debt tax" on future generations.

It we pass the budget now before us—if we pass the President's plan—we will be spending our kids' money—and that is wrong. We need a tax cut that goes to working people who will spend the money—and we need a tax cut that is paid for. Let's do what is right and pass a real stimulus package, and let us do what average Americans do: Let's pay for it.

Mr. NICKLES. I yield 2½ minutes to the chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously we need to be very bold in our response to the flagging economy. It is our obligation to the folks who sent us here. We need to respond. Both sides agree on that need, as do the centrists led by Senators BREAUX and SNOWE. The question is a difference of the size of the tax cut. I say be bold. We want American businesses, small and large, to grow. We want every American who wants a job to be able to get a job. We don't want to take any chances.

I understand the concerns of my friends from the centrist coalition. They are worried about long-term deficits. I am as well. I am more worried, though, about the spending side of the ledger. Senators BREAUX and SNOWE have a long history of trying to secure bipartisan consensus. We need more than $350 billion in tax relief to do the job the right way.

Don't get me wrong. If $350 billion is the number, that is the number that, as chairman of the Senate Finance Committee, I will work with. The Finance Committee will develop the best package we can. My point is, the Finance Committee can do more growth incentives with a number above $350 billion.

There is a war going on. When those men and women come home from the battlefield, we want a growing economy so that those folks will have jobs.

Mr. BREAUX. Mr. President, I yield the remainder of my time to the Senator from Ohio.

Mr. VOINOVICH. Mr. President, I want to share with my colleagues the fact that the budget deficit for 2003 and 2004, including Social Security and the cost of the war, is going to be over $500 billion. Again, in 2003 and 2004, including Social Security, it will be a half trillion dollars.

This amendment basically says the tax package will be at $350 billion. It also says if this Congress decides to go over $350 billion, we ought to offset it either by cutting expenses or, in the alternative, increasing other taxes that are less stimulative to the economy, and paying for a tax reduction that is more stimulative to the economy. It makes sense.

We are on the edge of a fiscal crisis in this country if we keep going the way we are, particularly with the war that is hanging over us today.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 18 seconds.

Mr. NICKLES. Mr. President, I urge my colleagues to vote no on this amendment. I have great respect for my colleagues from Louisiana and Ohio, and the others who have sponsored the amendment. But it would basically gut the President's growth package, cut it in half. The actual tax cut would be $323 billion. We have an economy that is over $10 trillion or $11 trillion per year. Estimated revenues over this period of time are going to be $27 billion. If you want to make some changes that really stimulate and grow the economy and create jobs, I think the President has the proposal to do so. I am afraid that the proposal that would have $323 billion just would not do it. When we reduced the capital gains tax in 1997 from 28 to 20 percent, we created a lot of growth. That was a positive thing to do.

The President has a good proposal to grow the economy as well. I urge my colleagues to support the President and a real growth package that would really create jobs.

Then, on the concern for deficit reduction, I heard some people say it, but I don't see the votes showing the same conviction on deficit reduction with all the add-ons that we have been looking at in the last couple of days.

So I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. Who yields time? There are 2 minutes 20 seconds remaining.

Mr. BREAUX. Mr. President, I will conclude my comments on this amendment by saying I think those who are concerned about fiscal discipline should be concerned about the state of the economy of this country. We are at war. We are not at peace.

We do not have a surplus of $5.6 trillion as we had the last time we did a major tax cut. We have no surplus at all. We are in deficit and we are increasing the deficit by a huge amount of money at a time of war and uncertainty in this country.

I think the conservative thing to do is be more careful with tax cuts. They are great things politically, but they are not free; we have to pay for them. We would be paying for it out of the deficit, and I think that is a serious mistake. We need to be responsible, and this amendment brings about a degree of responsibility that we all should be able to support.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma has 2 minutes and the Senator from Louisiana has—

Mr. BREAUX. I will not yield my time back. I have 2 other cosponsors who would like to be heard.

I yield to the Senator from Maine.

Ms. SNOWE. I want to make a couple of points. This amendment is straightforward, practical, prudent, proportional; it is a carefully calibrated approach in terms of whether we can afford a certain size growth plan. That is why we made the decision.

It wasn't a question of splitting the difference; it was a question of making a distinction in terms of what constitutes a stimulus, what we can afford to pay for, and what we cannot afford to pay for. That is how I approached this amendment.

I think it is important that we think carefully if we want to provide deficit financing for nonstimulative proposals. Finally, I should make the point that we see deficits way into the future, until the year 2013, at a time in which we have to address Social Security and Medicare. We cannot diminish our ability to address those critical programs and the challenges they face.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have two additional points: One, we have never reduced taxes in a time of war. That is not the American way. We do not reduce taxes in a time of war. I ask you to just look at the TV screens. We are going to be over there for quite a while, in one way or another.

Two, there are many ways to stimulate the economy, not only through tax reductions. It is also by spending. We are spending dollars on homeland security. I urge my colleagues to vote for this amendment.

Mr. NICKLES. Mr. President, most individuals in this body support some size of growth package. A few were at zero, a few at $140 billion, some $350 billion, and some are with the President's package, which is $696 billion—$725 billion if you add refundables.

I yield time to Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I compliment the chairman of the Budget Committee. He put together a very responsible budget that includes a sizable tax cut—much more than the $350 billion that this amendment talks about. He eliminates the deficit within the 10-year period. It was a hard decision to make, but we need to cut taxes in order to stimulate the economy, if we really want to have the revenues as we move out in order to help pay for the war. We know that it is static scoring.

The President has come up with a plan that will truly stimulate the economy. I think the chairman of the Finance Committee has come up with an equally effective plan. We need to support the tax cut.

Mr. NICKLES. I yield the remainder of my time to the Senator from New Mexico.

Mr. DOMENICI. How much time is that, Mr. President?

The PRESIDING OFFICER. It is 40 seconds.

Mr. DOMENICI. I thank the Senator. First, I believe we have an excellent budget. Frankly, we are charged with a lot of things that we are going to try to do. Most important, we have to find something that will stimulate this economy. I, frankly, believe the President has come up with something very innovative, exciting, and it is apt to work; that is, to change the longstanding double taxation of dividends.

Frankly, I am not sure we know how to stimulate this economy with reference to tax cuts, but I do believe we know how to make this economy work far better if we change that part of our Tax Code. I think we should leave the tax numbers as they are and vote the amendment down.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 386 TO AMENDMENT NO. 339, AS MODIFIED

Mr. HARKIN. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 386 to amendment number 339, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the reconciliation instruction by $375 billion, reduce the size of tax cuts allowed by $980 billion, and to reduce deficits by $1.1 Trillion)

Strike all of the words after the words "On Page 3," on page 1, line 1 of the amendment and insert the following:

On Page 3, line 9, increase the number by $10,433,000,000.

On Page 3, line 10, increase the number by $23,015,000,000.

On Page 3, line 11, increase the number by $17,962,000,000.

On Page 3, line 12, increase the number by $19,206,000,000.

On Page 3, line 13, increase the number by $20,586,000,000.

On Page 3, line 14, increase the number by $23,299,000,000.

On Page 3, line 15, increase the number by $27,640,000,000.

On Page 3, line 16, increase the number by $34,036,000,000.

On Page 3, line 17, increase the number by $169,271,000,000.

On Page 3, line 18, increase the number by $264,611,000,000.

On Page 3, line 19, increase the number by $290,654,000,000.

On Page 3, line 23, increase the number by $10,433,000,000.

On Page 4, line 1, increase the number by $23,015,000,000.

On Page 4, line 2, increase the number by $17,962,000,000.

On Page 4, line 3, increase the number by $19,206,000,000.

On Page 4, line 4, increase the number by $20,586,000,000.

On Page 4, line 5, increase the number by $23,299,000,000.

On Page 4, line 6, increase the number by $27,640,000,000.

On Page 4, line 7, increase the number by $34,036,000,000.

On Page 4, line 8, increase the number by $169,271,000,000.

On Page 4, line 9, increase the number by $264,611,000,000.

On Page 4, line 10, increase the number by $280,654,000,000.

On Page 4, line 14, decrease the number by $77,000,000.

On Page 4, line 15, decrease the number by $718,000,000.

On Page 4, line 16, decrease the number by $1,974,000,000.

On Page 4, line 17, decrease the number by $3,226,000,000.

On Page 4, line 18, decrease the number by $4,552,000,000.

On Page 4, line 19, decrease the number by $6,016,000,000.

On Page 4, line 20, decrease the number by $8,757,000,000.

On Page 4, line 21, decrease the number by $9,871,000,000.

On Page 4, line 22, decrease the number by $15,921,000,000.

On Page 4, line 23, decrease the number by $29,249,000,000.

On Page 4, line 24, decrease the number by $44,298,000,000.

On Page 5, line 4, decrease the number by $77,000,000.

On Page 5, line 5, decrease the number by $718,000,000.

On Page 5, line 6, decrease the number by $1,974,000,000.

On Page 5, line 7, decrease the number by $3,226,000,000.

On Page 5, line 8, decrease the number by $4,552,000,000.

On Page 5, line 9, decrease the number by $6,016,000,000.

On Page 5, line 10, decrease the number by $8,757,000,000.

On Page 5, line 11, decrease the number by $9,871,000,000.

On Page 5, line 12, decrease the number by $15,921,000,000.

On Page 5, line 13, decrease the number by $29,249,000,000.

On Page 5, line 14, decrease the number by $44,298,000,000.

On Page 5, line 17, increase the number by $10,511,000,000.

On Page 5, line 18, increase the number by $23,733,000,000.

On Page 5, line 19, increase the number by $19,935,000,000.

On Page 5, line 20, increase the number by $22,432,000,000.

On Page 5, line 21, increase the number by $25,138,000,000.

On Page 5, line 22, increase the number by $29,675,000,000.

On Page 5, line 23, increase the number by $35,397,000,000.

On Page 5, line 24, increase the number by $43,907,000,000.

On Page 5, line 25, increase the number by $185,184,000,000.

On Page 6, line 1, increase the number by $283,057,000,000.

On Page 6, line 2, increase the number by $335,542,000,000.

On Page 6, line 5, decrease the number by $10,511,000,000.

On Page 6, line 6, decrease the number by $34,344,000,000.

On Page 6, line 7, decrease the number by $55,179,000,000.

On Page 6, line 8, decrease the number by $76,661,000,000.

On page 6, line 8, decrease the amount by $101,849,000,000.

On page 6, line 9, decrease the amount by $131,064,000,000.

On page 6, line 10, decrease the amount by $131,069,000,000.

On page 6, line 11, decrease the amount by $166,641,000,000.

On page 6, line 12, decrease the amount by $210,368,000,000.

On page 6, line 13, decrease the amount by $395,559,000,000.

On page 6, line 14, decrease the amount by $788,716,000,000.

On page 6, line 15, decrease the amount by $1,014,358,000,000.

On page 6, line 18, decrease the amount by $10,511,000,000.

On page 6, line 19, decrease the amount by $34,244,000,000.

On page 6, line 20, decrease the amount by $54,179,000,000.

On page 6, line 21, decrease the amount by $76,611,000,000.

On page 6, line 22, decrease the amount by $101,749,000,000.

On page 6, line 23, decrease the amount by $131,064,000,000.

On page 6, line 24, decrease the amount by $176,461,000,000.

On page 6, line 25, decrease the amount by $210,368,000,000.

On page 7, line 1, decrease the amount by $395,589,000,000.

On page 7, line 2, decrease the amount by $739,316,000,000.

On page 7, line 3, decrease the amount by $1,014,258,000,000.

On page 40, line 2, decrease the amount by $77,000,000.

On page 40, line 3, decrease the amount by $77,000,000.

On page 40, line 6, decrease the amount by $718,000,000.

On page 40, line 7, decrease the amount by $718,000,000.

On page 40, line 10. decrease the amount by $1,974,000,000.

On page 40, line 11, decrease the amount by $1,974,000,000.

On page 40, line 14, decrease the amount by $3,226,000,000.

On page 40, line 15, decrease the amount by $3,226,000,000.

On page 40, line 18, decrease the amount by $4,552,000,000.

On page 40, line 19, decrease the amount by $4,552,000,000.

On page 40, line 22, decrease the amount by $6,016,000,000.

On page 40, line 23, decrease the amount by $6,016,000,000.

On page 41, line 2, decrease the amount by $7,757,000,000.

On page 41, line 3, decrease the amount by $7,757,000,000.

On page 41, line 6, decrease the amount by $9,871,000,000.

On page 41, line 7, decrease the amount by $9,871,000,000.

On page 41, line 10, decrease the amount by $15,921,000,000.

On page 41, line 11, decrease the amount by $15,921,000,000.

On page 41, line 14, decrease the amount by $28,546,000,000.

On page 41, line 15, decrease the amount by $28,546,000,000.

On page 41, line 18, decrease the amount by $44,888,000,000.

On page 41, line 19, decrease the amount by $44,888,000,000.

On page 45, line 24, strike the amount and insert $373,284,000,000.

Mr. HARKIN. I ask for 1 minute.

The PRESIDING OFFICER. Is there objection?

The Senator is recognized for 1 minute.

Mr. HARKIN. Mr. President, my amendment simply holds the size of the tax cut to $350 billion. Any tax cuts beyond $350 billion would have to be offset under my amendment or they would face a budget point of order requiring 60 votes. Many colleagues may say, wait a minute, I thought that was what the underlying amendment does. The underlying amendment still allows for $940 billion in tax cuts in the future. It does reduce down to $350 billion the amount of tax cut under reconciliation, but it still allows for $600 billion more in tax cuts.

My amendment says $350 billion, and cap it at that. No more. Any tax breaks beyond that would either have to be offset or it would require 60 votes to overcome a point of order. It is very simple. It is a cap of $350 billion on tax cuts.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak for 1 minute in opposition to the Harkin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, we have had great cooperation on this bill. We have not had second-degree amendments. We have tried to avoid them and be expeditious.

We have not seen this amendment. I do know the effect of this amendment would be in the outyears we would be taking a 10-percent rate and making it 15 percent. I do know in the outyears we would eliminate the marriage penalty relief. I do know the effect of it would be reduce the child tax credit from $1,000 to $500.

I urge my colleagues to vote in favor of a motion to table the Harkin amendment. I make that motion.

Mr. HARKIN. I ask for the yeas and nays.

Mr. NICKLES. I make the motion to table the Harkin amendment.

The PRESIDING OFFICER. A motion has been made to table.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—58

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 339, as modified.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—38

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carper
Conrad
Corzine
Daschle
Dayton
Dorgan
Edwards
Feingold
Graham (FL)
Inouye
Johnson
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—62

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dodd
Dole
Domenici
Durbin
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Kennedy
Kyl
Lautenberg
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Reed
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Warner

The amendment (No. 339), as modified, was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in our list of amendments that we are working on, Senator KENNEDY is next. I believe we will be able to work that amendment out so we will not have to have a Gregg amendment as well. We will pass on both of those and probably accept Senator KENNEDY's amendment as modified in just a moment.

The next amendment on our list will be an amendment by the Senator from West Virginia, Senator BYRD.

Mr. President, can we have Senator BYRD's Amtrak amendment.

The PRESIDING OFFICER. It has not yet been sent to the desk.

Mr. NICKLES. Does the Senator from West Virginia have the amendment? If not, we will find a copy of it.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 387

Mr. BYRD. Mr. President, I have an amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 387.

(Purpose: To provide adequate funds for the National Railroad Passenger Corporation (Amtrak))

On page 3, line 10, increase the amount by $912,000,000.

On page 4, line 1, increase the amount by $912,000,000.

On page 4, line 15, increase the amount by $912,000,000.

On page 5, line 5, increase the amount by $912,000,000.

On page 21, line 23, increase the amount by $912,000,000.

On page 21, line 24, increase the amount by $912,000,000.

On page 47, line 5, increase the amount by $912,000,000.

On page 47, line 6, increase the amount by $912,000,000.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will come to order.

The Senator from West Virginia is recognized for 1 minute on his amendment.

Mr. BYRD. Mr. President, the budget resolution currently before the Senate cuts funding for Amtrak by almost 22 percent. There is no question that this funding level will put Amtrak into bankruptcy during the next fiscal year. We must not let that happen. The bipartisan Amtrak board of directors has stated that Amtrak needs $1.8 billion next year to operate all its trains and make a minimum level of capital investment. That board includes several Republicans.

This amendment that I offer with Senator LAUTENBERG would fund Amtrak at that $1.8 billion level. It is paid for by reducing the tax cut by just $900 million for 1 year. We need to stop having our national passenger railroad service just survive from one financial crisis to the next. We need to allow the next president of Amtrak to continue to reform Amtrak, rather than oversee its liquidation.

I encourage all Senators to save rail service in this country and support this amendment.

Mr. SPECTER. Mr. President, I will vote in favor of the Byrd amendment to the fiscal year 2004 budget resolution to increase Amtrak's budget in fiscal year 2004 from $900 million to $1.8 billion because this level of funding is critical for Amtrak's continued operations next year. Without this additional funding, Amtrak would be forced to entirely shut down its operations.

This amendment does not take funding from the President's $726 billion growth package. This additional $900 million is offset from the $600 billion in tax cuts over the 10 years just as the $1.8 billion, accepted by Senator NICKLES, on the Kennedy amendment to add to the Pell Grants.

I am committed to the specified tax cuts over the next 10 years and there will be ample time to reallocate the $900 million for Amtrak as well as the $1.8 billion for the Pell Grants.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this amendment. I have the greatest respect for Senator BYRD and his support of Amtrak. I happen to be a supporter of Amtrak. But the net essence of this amendment would be to double the amount of money we have for Amtrak. We proposed $900 million. That happens to be what the Department of Transportation has requested. I remind our colleagues, a few years ago we were going to say that Amtrak would not need subsidies by this year.

If you look, this would more than double the amount of money. The largest subsidy it has ever received was last year and that was because of the supplemental, so to go from $490 million to 1.8 is more than doubling the Federal subsidies to Amtrak. Right now the cost in some cases from city to city exceeds that of air passenger service. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 387.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

The amendment (No. 387) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 311, AS MODIFIED

Mr. KENNEDY. Mr. President, I call up amendment No. 311. I send a modification to the desk and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. DODD, Mr. DASCHLE, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Ms. CANTWELL, and Ms. COLLINS, proposes an amendment numbered 311, as modified.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To increase the maximum Pell Grant from $4,050 to $4,500 at a cost of $1.8 billion and reduce the public debt by an additional $1.8 billion, both paid for by a reduction in the non-reconciliation tax cut)

On page 3, line 10, increase the amount by $360,000,000.

On page 3, line 11, increase the amount by $1,404,000,000.

On page 3, line 2, increase the amount by $36,000,000.

On page 4, line 1, increase the amount by $360,000,000.

On page 4, line 2, increase the amount by $1,404,000,000.

On page 4, line 3, increase the amount by $36,000,000.

On page 4, line 15, increase the amount by $1,800,000,000.

On page 5, line 5, increase the amount by $360,000,000.

On page 5, line 6, increase the amount by $1,404,000,000.

On page 5, line 7, increase the amount by $36,000,000.

On page 25, line 16, increase the amount by $1,800,000,000.

On page 25, line 17, increase the amount by $360,000,000.

On page 25, line 21, increase the amount by $1,404,000,000.

On page 25, line 25, increase the amount by $36,000,000.

On page 47, line 5, increase the amount by $1,800,000,000.

On page 47, line 6, increase the amount by $360,000,000.

On page 47, line 15, increase the amount by $1,404,000,000.

Mr. KENNEDY. Mr. President, I have offered this amendment on behalf of myself, Senators DODD, DASCHLE, FEINGOLD, BINGAMAN, MURRAY, REED, CANTWELL, and COLLINS. This amendment increases the maximum Pell grant by $500 at a total cost of $1.8 billion. It pays for those changes by reducing the nonreconciliation tax cut by $1.8 billion. If we do not accept this amendment, there will be 110,000 young people who are attending colleges who will lose their Pell grants. With the acceptance of this amendment, there will be more than 200,000 new Pell grant recipients, and it will help immeasurably the 4.9 million Pell grant recipients who come from families who average $15,000 in income.

Among the education community and students, there is broad-based support for increasing the maximum Pell grant. The following groups have stated their support:

American Council on Education.

National Association of Independent Colleges and Universities.

American Association of State Colleges and Universities.

American Association of Community Colleges.

United Negro College Fund.

Coalition of Higher Education Organizations.

United States Public Interest Research Group.

United States Students' Association.

The National Association of State Universities and Land Grant Colleges.

National Association of Community College Trustees.

Student Aid Alliance—an umbrella group of over 60 higher education organizations which includes the groups I just mentioned, as well as: American Association of Colleges of Nursing, American Association of Colleges of Pharmacy, American Association of Colleges for Teacher Education, American Association of College Registrars and Admissions Officers, American Association for Higher Education, American Association of University Professors, American College Personnel Association, American College Testing, American Dental Education Association, American Indian Higher Education Consortium, American Jewish Congress, American Psychological Association, American Society for Engineering Education, American Student Association of Community Colleges, APPA: The Association of Higher Education Facilities Officers, Association of Academic Health Centers, Association of Advanced Rabbinical and Talmudic Schools, Association of American Law Schools, Association of American Medical Colleges, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Career College Association, Citizen's Scholarship Foundation of America, Coalition of Higher Education Assistance Organizations, College and University Personnel Association for Human Resources, College Board, College Parents of America, Council for Advancement and Support of Education, Council for Christian Colleges and Universities, Council on Government Relations, Council of Graduate Schools, Council for Higher Education Accreditation, Council of Independent Colleges, Council for Opportunity in Education, Educational Testing Service, Hispanic Association of Colleges and Universities, Lutheran Educational Conference of North America, NAFSA: Association of International Educators, National Association for College Admission Counseling, National Association of College and University Business Officers, National Association for Equal Opportunity in Higher Education, National Association of Graduate and Professional Students, National Association of State Student Grant and Aid Programs, National Association of Student Financial Aid Administrators, National Association of Student Personnel Administrators, National College Access Network, National Collegiate Athletic Association, National Council of University Research Administrators, National Education Association, NAWE: Advancing Women in Higher Education, University Continuing Education Association, and the Women's College Coalition.

Mr. President, I ask unanimous consent that some of the letters from these organizations in support of this amendment and in support of increasing the maximum Pell grant be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE FOR
EDUCATION FUNDING,
Washington, DC, March 19, 2003.

MEMBER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The Committee for Education Funding, a nonpartisan coalition of 110 organizations reflecting the broad spectrum of the education community, strongly urges you to vote against passage of the House FY04 Budget Resolution, H. Con. Res. 95, reported out by the Budget Committee on March 12, 2003 and support amendments that restore cuts and increase education investment substantially. The Budget Resolution assumes a cut of 3 percent below the President's already low request for discretionary spending for education and related programs in Function 500, which includes vital funding for No Child Left Behind, students with disabilities, higher education, research, Head Start, and adult, vocational and technical education, and libraries. It also assumes terminating 46 important education programs totaling $1.6 billion. Moreover, it calls for a draconian cut of $9.7 billion over ten years for mandatory education spending on critical programs such as school lunch and student loans.

The budget resolution is especially objectionable in light of the urgent fiscal crisis in education resources at the state level; the escalating costs of federal standards and accountability requirements on elementary and secondary schools; and the explosion of enrollments of low-income postsecondary students. The federal commitment to education is now more crucial than ever to carry out school reform and ensure access to higher education for millions of students.

Again, we urge you to vote against the House Budget Resolution and support amendments that restore education cuts and make substantial increased education investments to move education from the current 2.8 cents on the federal budget dollar toward at least five cents and strengthen our economic and national security and the quality of education for all of America's students. Finally, we ask you to oppose amendments that increase funding for one education program by cutting another education program. Thank you for your support of education.

Sincerely,

DAN FULLER,
President.
EDWARD R. KEALY,
Executive Director.

STUDENT AID ALLIANCE,
Washington, DC, March 19, 2003.

Re: support Kennedy-Dodd amendment on Pell grants.

DEAR SENATOR: On behalf of the Student Aid Alliance—a coalition of over 60 higher education organizations representing students, parents, college presidents, financial aid administrators and others—we write to urge you to support an amendment to the FY 2004 Budget Resolution that will increase the Federal Pell Grant maximum grant by $450 to $4,500.

Should the funding of the Pell Grants increase by $1.8 billion, as proposed in the amendment, more low-income and first-generation students can pursue their higher education dreams. Many of these students are consumed with worry that the poor performance of the economy has seriously jeopardized their hope of college attendance. They are right to worry. Their concerns have a documented basis in fact: data from the Department of Education show that qualified low-income students are still only half as likely to enroll in a four-year institution.

The federal government's investment in student financial aid is less than one percent of federal spending, but as states continue to pull away from providing resources to the needy students, and as more students choose to pursue a college education, federal funding becomes even more essential.

Finally, the consequences of the Pell Grant amendment on the federal budget are negligible, but its consequences for the students in your state are significant. For them, it may mean the difference between going to college or not, or staying in college or not.

We strongly urge you to vote in favor of this important amendment.

Sincerely,

DAVID WARD,
Co-Chair.
DAVID WARREN,
Co-Chair.

ASSOCIATION OF JESUIT
COLLEGES & UNIVERSITIES,
Washington, DC, March 19, 2003.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC

DEAR SENATOR KENNEDY: On behalf of the Association of Jesuit Colleges and Universities (AJCU) and the twenty-eight institutions of higher education that we represent, I write in support of the Kennedy-Dodd Budget Amendment to increase the Pell grant maximum from $4,050 to $4,500 in FY04.

All of our Jesuit colleges and universities have been hard-pressed to meet the critical increase of over 25% in Pell eligible students over the past two years. Within one year, our 28 institutions had to increase the amount of institutional aid given to needy students by 10% to accommodate declining federal dollars. Institutional aid ranks as the highest funding category for our students at 47% on average, and federal aid dollars including Pell grants and campus-based aid programs totals 44%, while only 9% of aid originates from the states. Some of our institutions have been quite dependent upon state aid, but, because of the burgeoning state budget crisis, students have lost aid. For example, $1 million was cut in grant aid from the Illinois Grant Aid program for Loyola Chicago University students. Given the combination of state budget crisis and limited federal dollars, students are increasing loan debts, while institutions are increasing institutional aid. For many small and medium-sized institutions these institutional increases are straining the very financial fiber and well being of these colleges.

The economy has played another factor not only in diminishing college and university endowments, but, also in trying to raise endowment funding. Parents are really hard pressed because their savings have declined and their contributions have diminished substantially. Thus, the recession not only has impacted federal and state budgets, but also college and university budgets and in particular, parent's and student's budgets.

The Pell grant program remains the foundation program for providing more access for more students of need to secure a postsecondary education. Pell grants serve the neediest students across the country and open doors for many first generation students to pursue their dreams. Given the complex times that we live in, our primary purpose should always be to educate the best-educated populace in the world. An America that offers equal opportunity to those who are less affluent than others and who desperately want to contribute back to society. Thank you for your leadership in introducing this critical amendment. Our students are counting on your continued advocacy.

CHARLES L. CURRIE, SJ,
President.

Mr. KENNEDY. I have talked to the floor manager of the bill, and I hope he will be willing to accept it.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I appreciate the modification that my friend and colleague, Senator KENNEDY, made to this amendment. We have no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to amendment No. 311, as modified.

The amendment (No. 311), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I believe under the order that was established, Senator BIDEN is next up to offer an amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I have a modified version of amendment No. 278 that I will send to the desk with a list of cosponsors.

Mr. NICKLES. If the Senator will yield, I don't know that I have seen that modification. We are trying to clear these first.

Mr. BIDEN. I believe the modification has been cleared by staff. I may be mistaken.

Mr. NICKLES. Mr. President, I inquire of the Senator, is it No. 278 or No. 273?

Mr. BIDEN. Amendment No. 278.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I believe the Senator from Delaware has an amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: Is my modification at the desk?

The PRESIDING OFFICER. It is not.

AMENDMENT NO. 278, AS MODIFIED

Mr. BIDEN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. KERRY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mr. DAYTON, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. BAYH, Mr. CORZINE, Mr. BINGAMAN, Mr. PRYOR, Ms. CANTWELL, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. REID, Ms. STABENOW, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, and Mr. GRAHAM of Florida, proposes an amendment numbered 278, as modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $560,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $240,000,000.

On page 4, line 2, increase the amount by $560,000,000.

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 4, increase the amount by $700,000,000.

On page 4, line 15, increase the amount by $998,000,000.

On page 4, line 16, decrease the amount by $13,000,000.

On page 4. line 17, decrease the amount by $28,000,000.

On page 4, line 18, decrease the amount by $46,000,000.

On page 4, line 19, decrease the amount by $58,000,000.

On page 4, line 20, decrease the amount by $62,000,000.

On page 4, line 21, decrease the amount by $65,000,000.

On page 4, line 22, decrease the amount by $69,000,000.

On page 4, line 23, decrease the amount by $73,000,000.

On page 4, line 24, decrease the amount by $76,000,000.

On page 5, line 5, increase the amount by $118,000,000.

On page 5, line 6, increase the amount by $267,000,000.

On page 5, line 7, increase the amount by $222,000,000.

On page 5, line 8, increase the amount by $304,000,000.

On page 5, line 9, decrease the amount by $58,000,000.

On page 5, line 10, decrease the amount by $62,000,000.

On page 5, line 11, decrease the amount by $65,000,000.

On page 5, line 12, decrease the amount by $69,000,000.

On page 54, line 13, decrease the amount by $73,000,000.

On page 5, line 14, decrease the amount by $76,000,000.

On page 5, line 18, increase the amount by $122,000,000.

On page 5, line 19, increase the amount by $293,000,000.

On page 5, line 20, increase the amount by $278,000,000.

On page 5, line 21, increase the amount by $396,000,000.

On page 5, line 22, increase the amount by $58,000,000.

On page 5, line 23, increase the amount by $62,000,000.

On page 5, line 24, increase the amount by $65,000,000.

On page 5, line 25, increase the amount by $69,000,000.

On page 6, line 1, increase the amount by $73,000,000.

On page 6, line 2, increase the amount by $76,000,000.

On page 6, line 6, decrease the amount by $122,000,000.

On page 6, line 7, decrease the amount by $415,000,000.

On page 6, line 8, decrease the amount by $693,000,000.

On page 6, line 8, decrease the amount by $1,089,000,000.

On page 6, line 10, decrease the amount by $1,148,000,000.

On page 6, line 11, decrease the amount by $1,210,000,000.

On page 6, line 12, decrease the amount by $1,275,000,000.

On page 6, line 13, decrease the amount by $1,344,000,000.

On page 6, line 14, decrease the amount by $1,416,000,000.

On page 6, line 15, decrease the amount by $1,493,000,000.

On page 6, line 19, decrease the amount by $122,000,000.

On page 6, line 20, decrease the amount by $415,000,000.

On page 6, line 21, decrease the amount by $693,000,000.

On page 6, line 22, decrease the amount by $1,089,000,000.

On page 6, line 23, decrease the amount by $1,148,000,000.

On page 6, line 24, decrease the amount by $1,210,000,000.

On page 6, line 25, decrease the amount by $1,275,000,000.

On page 7, line 1, decrease the amount by $1,344,000,000.

On page 7, line 2, decrease the amount by $1,416,000,000.

On page 7, line 3, decrease the amount by $1,493,000,000.

On page 36, line 15, increase the amount by $1,000,000,000.

On page 36, line 16, increase the amount by $120,000,000.

On page 36, line 20, increase the amount by $280,000,000.

On page 36, line 24, increase the amount by $250,000,000.

On page 37, line 3, increase the amount by $350,000,000.

On page 40, line 6, decrease the amount by $2,000,000.

On page 40, line 7, decrease the amount by $2,000,000.

On page 40, line 10, decrease the amount by $13,000,000.

On page 40, line 11, decrease the amount by $13,000,000.

On page 40, line 14, decrease the amount by $28,000,000.

On page 40, line 15, decrease the amount by $28,000,000.

On page 40, line 18, decrease the amount by $46,000,000.

On page 40, line 19, decrease the amount by $46,000,000.

On page 40, line 22, decrease the amount by $58,000,000.

On page 40, line 23, decrease the amount by $58,000,000.

On page 41, line 2, decrease the amount by $62,000,000.

On page 41, line 3, decrease the amount by $62,000,000.

On page 41, line 6, decrease the amount by $65,000,000.

On page 41, line 7, decrease the amount by $65,000,000.

On page 41, line 10, decrease the amount by $69,000,000.

On page 41, line 11, decrease the amount by $69,000,000.

On page 41, line 14, decrease the amount by $73,000,000.

On page 41, line 15, decrease the amount by $73,000,000.

On page 41, line 18, decrease the amount by $76,000,000.

On page 41, line 19, decrease the amount by $76,000,000.

On page 47, line 5, increase the amount by $1,000,000,000.

On page 47, line 6, increase the amount by $120,000,000.

On page 47, line 15, increase the amount by $280,000,000.

On page 79, after line 22, add the following:

SEC. 308. FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) the COPS program is the only program in the Federal government that provides homeland security resources directly to law enforcement first responders;

(4) on July 15, 2002, the Attorney General stated, "Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.";

(5) On February 26, 2002, the Attorney General stated, "The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.";

(6) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, "The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.";

(7) as a result of the COPS program, State and local law enforcement agencies have received funds for more than 117,000 officers, 87,300 of whom are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools;

(8) the COPS program has assisted in advancing community policing nationwide;

(9) 86 percent of the Nation is served by a law enforcement agency that has full-time officers engaged in community policing activities;

(10) the continuation and full funding of the COPS program through fiscal year 2009 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(12) Congress appropriated $1,050,000,000 for the COPS program for fiscal year 2002 and $928,900,000 for fiscal 2003; and

(13) the President requested $164,000,000 for the COPS program for fiscal year 2004, $886,000,000 less than the amount appropriated for fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2004 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

The PRESIDING OFFICER. There will be 2 minutes equally divided on each side. The Senator from Delaware.

Mr. BIDEN. Mr. President, the COPS Program: $163 million. This amendment will take it up to what it has historically been for the last 8 or 9 years, about $1.16 billion. At the time we are cutting back FBI agents, we have cut the violent crime task forces, FBI agents no longer do interstate bank robbery, car thefts, et cetera. All local municipalities are in a hole. Everyone is in trouble. Deficits are high. We are worried about terrorism. The first guy who is going to run across a Bin Laden-type figure is not one wearing night vision goggles with the Special Forces. It could be a cop.

We are cutting back on homeland defense, local law enforcement. There has been an 83-percent cut from the COPS level we just approved in the omnibus bill just weeks ago. This will provide for 4,400 more cops at the very time—think about this—the entire FBI is 11,000 FBI agents. We are talking about adding 4,400 cops.

The COPS Program has worked. No one has a cogent argument as to why it has not worked. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time in opposition? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in function 750, which includes a lot of programs for local law enforcement, we have a 29-percent increase. The Senator's amendment would add an additional $1 billion on top of that.

I urge my colleagues to vote no. I yield to the Senator from New Hampshire the remainder of our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the COPS Program was designed to put 100,000 new police officers on the street. We have, in fact, put 110,000 new police officers on the street.

In addition, the program has been replaced in large part by the huge amount of increases that are going into the First Responder Program, into the Byrne grant, into the LEA grant, and into the local law enforcement effort overall. We are dramatically increasing money in these accounts.

To continue a program that was supposed to fade out is totally inappropriate when we are already expanding the spending in these accounts by significant amounts.

Mr. DOMENICI. Does the Senator have time to answer a question?

Mr. GREGG. I have no idea.

The PRESIDING OFFICER. Time has expired.

Mr. DOMENICI. I ask unanimous consent that the Senator from New Hampshire be permitted to answer one question.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, if I can have equal time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. DOMENICI. Have the budget rules changed? Is there some way that the Senator from New Hampshire can offer an amendment that will, in fact, increase the budget so the COPS Program will be paid for?

Mr. GREGG. The Senator knows the budget rules much better than I do. I think his answer is rhetorical, and the answer is no.

Mr. DOMENICI. That is correct. This amendment would not add to COPS. It will add to the budget.

Mr. GREGG. That is correct.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 20 seconds.

Mr. BIDEN. Mr. President, this takes $2 billion out of the tax cut. It provides $1 billion for COPS, and $1 billion for reduction of the deficit.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 278, as modified.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

The amendment (No. 278), as modified, was rejected.

Mr. NICKLES. Mr. President, we are making progress. I inform our colleagues, Senator CONRAD and I have had members inquiring how much longer are we going to stay. We are staying until we complete the bill. I urge Members not to generate amendments. We are trying to deal with them and we are trying to accommodate Members as much as we can. Sometimes we have had three or four amendments on one subject matter. I hope that does not continue.

The next amendment to be considered is the amendment from the Senator from South Carolina, the Hollings amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 343, AS MODIFIED

Mr. HOLLINGS. Mr. President, the amendment is at the desk as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mrs. BOXER, Mr. SARBANES, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. BYRD, Mr. LIEBERMAN, and Mr. CORZINE, proposes an amendment numbered 343, as modified.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 343), as modified, is as follows:

On page 4, line 15, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $1,000,000,000.

On page 5, line 5, increase the amount by $314,000,000.

On page 5, line 6, increase the amount by $634,000,000.

On page 5, line 7, increase the amount by $535,000,000.

On page 5, line 8, increase the amount by $336,000,000.

On page 5, line 9, increase the amount by $153,000,000.

On page 5, line 10, increase the amount by $31,000,000.

On page 21, line 23, increase the amount by $850,000,000.

On page 21, line 24, increase the amount by $201,000,000.

On page 22, line 2, increase the amount by $850,000,000.

On page 22, line 3, increase the amount by $484,000,000.

On page 22, line 7, increase the amount by $497,000,000.

On page 22, line 11, increase the amount by $336,000,000.

On page 22, line 15, increase the amount by $153,000,000.

On page 22, line 19, increase the amount by $31,000,000.

On page 36, line 15, increase the amount by $150,000,000.

On page 36, line 16, increase the amount by $113,000,000.

On page 36, line 19, increase the amount by $150,000,000.

On page 36, line 20, increase the amount by $150,000,000.

On page 36, line 24, increase the amount by $30,000,000.

On page 42, line 2, decrease the amount by $1,000,000,000.

On page 42, line 3, decrease the amount by $.314,000,000

On page 42, line 6, decrease the amount by $1,000,000,000.

On page 42, line 7, decrease the amount by $684,000,000.

On page 42, line 11, decrease the amount by $535,000,000.

On page 42, line 15, decrease the amount by $336,000,000.

On page 42, line 19, decrease the amount by $133,000,000.

On page 42, line 23, decrease the amount by $31,000,000.

Mr. HOLLINGS. On behalf of Senators GRAHAM of Florida and South Carolina, Senators BYRD, LIEBERMAN, CORZINE, SCHUMER, MURRAY, BIDEN, and others, this amendment is to fund the port security provisions that we passed unanimously through the Senate. We had funding at that time. The House would not agree and the law is there. The responsibility and the unfunded mandate is there upon the States. Now they have no emergency dollars and it is an emergency situation.

We have to have $1 billion this year and $1 billion next year. I wanted to first take the money from the tax cuts. That was not going to work, and then I was going to remove the caps and I retreated to the 920 offset. We are in a desperate situation. We have to have the money.

Last Congress, we passed the Maritime Transportation Security Act of 2002. This landmark bill reflects the first time that the federal government has imposed security requirements on U.S. ports since World War II.

People do not ordinarily think about what happens at our ports. They take for granted that goods from all over the world are transported through our ports at minimal cost. However, this system is in jeopardy because security has never been part of the equation, and for the first time, we are requiring shipments to not only be efficient, but efficient and secure. The current situation leaves us in jeopardy, because Al Qaeda could use one of the millions of marine containers that are shipped into the U.S. to carry a dirty bomb, they could also take over an oil tanker and use it as a weapon to attack our coastal cities.

The bill we passed last year, the Maritime Transportation Security Act, sets the stage for protecting our nation, and for protecting our homeland. Last year, when we were considering this measure, Senate conferees insisted that we needed a commitment to fund the important requirements and mandates of this act. But until now we have not agreed on how to fund this measure. We implored the administration to come up with their own plan to help us address the vital need to secure our ports and points inland from maritime attack, but they sat on the sidelines.

Faced with that inaction, we pushed our colleagues in the House to require user fees on cargo shippers, and on ships, in order to provide funds for security equipment and programs, and to help our first responders plan how they might counteract any attacks. But our friends in the House, primarily those at the Ways and Means Committee, said that it was not a user fee. When we convinced them that it was, they then said that revenues had to originate in the House. After that we said okay, you pass the bill on the House side, and then we will pass your bill in the Senate. Yet the goal post moved further away once again, when the house said that they couldn't agree on any user fee at all, and that the federal government should pay for port security in the budget. In the end, it was more important to pass the maritime security bill, and to impose the security mandates, so we required the Administration to submit their plans for funding port security to Congress within 6 months. Well, this years' budget proposes not one penny for port security!

As required by the MTSA, the Coast Guard has begun to survey security at U.S. ports, and preliminary estimates are that we will need 4.8 billion dollars to comply with the mandates. According to a "Maritime Security Notice" in the Federal Register of December 30, 2002, the total costs of implementing security in our seaports will reach $6 billion over the next ten years. The first year cost will be $1.4 billion. The costs are broken down by USCG as follows:

Vessel security: $1.1 billion over ten years.

Facility security: $4.4 billion over ten years.

Port Security Plans and Committees: $477 million over ten years.

This funding is crucial to the security of our homeland. A recent port security terrorism simulation was conducted by federal, state, and private sector experts to examine the consequences of a seaport attack. Their conclusions were stunning. The simulation indicated that within twenty days of an attack through U.S. seaports, the New York Stock Exchange would halt trading on the Exchange because of restated earnings estimates and shareholder panic. Retailers and manufacturers would be crippled by our inability to reopen U.S. ports so that their inventories could be replenished.

Last year, U.S. ports on the west coast were temporarily closed because of labor strikes, economists estimate that this closure cost our economy over two billion dollars a day. And, while we are spending billions of dollars each year to figure out how to shoot missiles out of the sky, we are spending practically nothing to protect against a weapon simply being put into a marine container, and shipped to the United States at a cost of less than three thousand dollars.

The economic impact of the closure of just the west coast ports pales in comparison to the economic devastation that would be the reaction to a dirty bomb imported in a container through the Port of Charleston or Philadelphia, or an intentional ship collision with an oil facility along the Houston ship channel, or the scuttling of a vessel blocking the Mississippi River maritime highway. Many Members are from States that would be directly impacted by a maritime terrorist event, and all will be effected by the economic fallout. As demonstrated by the port security simulation, a terrorist event will force the closure of every port in the country, potentially causing the destruction of our economic system before the ports could be cleared and reopened. Currently, we are only inspecting two percent of containers entering the U.S. We need to do better. The consequences are just to great to not provide the badly needed funds to upgrade port security.

For example, Tuesday, with the existing military situation and homeland security threat level at "high," the State of South Carolina has been forced to supplement the existing security at the Port of Charleston, and at nuclear power plants, by deputizing and reassigning 400 probation and parole officers. This extra security should be available from security professionals trained in transportation security, but these professionals are not available because we are not doing what is needed to secure our ports.

A failure in securing our ports from attack, will result in a catastrophic attack on our economy, and ultimately on the strength of our nation. We currently do not have an adequate security system at our ports, and there has not been any sign from the Administration that they will secure our seaports in the future. The Coast Guard, Customs and Transportation Security Administration are doing their best, but unless they are given the tools and the funding to help our ports and cities employ the security that we need, we will be defenseless from a catastrophic attack. In order to provide this critical funding I am proposing an amendment to the Senate budget resolution.

The amendment would add $1 billion annually, for seaport security needs, over the next two years. In order to pay for the amendment, the tax cut would be reduced by $2 billion. The one billion, per year, could be spent consistent with the Maritime Transportation Security Act of 2002, as follows: Maritime Administration, $610 million; $450 million, for grants to ports and waterfront facilities to help ensure compliance with federally approved security plans; $150 million; for grants to states, local municipalities and other entities to help comply with federal area security plans and to provide grants to responders for port security contingency response; $10 million, to be used in conjunction with the Federal Law Enforcement Training Center to help develop a seaport security training curriculum to provide training to federal and state law enforcement personnel, and to certify private security personnel working at seaports.

Coast Guard, $160 million; $50 million, for port security assessments; $50 million, for the establishment and operation of multi-agency task force to coordinate and evaluate maritime information in order to identify and respond to security threats; $40 million, to help implement the Automated Identification System, AIS, and other tracking systems designed to actively track and monitor vessels operating in U.S. waters; $20 million, for additional Coast Guard port security vessels.

The Border and Transportation Security Directorate, $230 million, $100 million, to Customs for the installation of screening equipment, and to be used to help develop new technologies to help develop and prototype screening and detection equipment at U.S. ports; $100 million, to TSA and Customs; $50 million each, to evaluate and implement cargo security programs; $30 million, for the Transportation Security Administration, TSA, to develop and implement the Transportation Worker ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

I thank the distinguished chairman for his agreement. We could voice-vote to save time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friends and colleagues, Senator HOLLINGS and Senator GRAHAM of South Carolina, for their willingness to work with us to modify the amendment. We are happy to accept the amendment. That will eliminate two rollcall votes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 343, as modified.

The amendment (No. 343), as modified, was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 358

Mr. NICKLES. I believe the next amendment will be offered by the Senator from Missouri, Senator BOND.

Mr. BOND. Mr. President, I call up amendment numbered 358.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. BOND], for himself, and Mr. REID, Mr. INHOFE, Mr. JEFFORDS, Mr. SHELBY, Mr. SARBANES, Mr. BYRD, Mrs. MURRAY, Mr. CHAFEE, Mr. WARNER, Mr. SPECTER, Ms. MURKOWSKI, Mr. LOTT, Ms. COLLINS, Mr. REED, Mrs. FEINSTEIN, Mr. LEVIN, and Mr. BROWNBACK, proposed an amendment numbered 358.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BOND. Mr. President, there are stark needs for highways and transportation systems. The red column the President recommended, the green column across the chart shows what this budget proposes, and the budget before us proposes essentially flat funding for the next 6 years. The administration itself said the needs just to maintain highways are at this yellow line, which is way above.

Our amendment simply raises spending for highways over the 6 years to $255 billion and mass transit to $56.5, using dollars previously paid into the highway trust fund by highway users, and other items that have been identified by the President and the Budget Committee, such as transferring 2.5 cents for ethanol into the highway user funds.

Investing in highways and transportation is the best immediate stimulus we can have to the economy, creating jobs, and lowering highway deaths. I urge the support of my colleagues.

Mr. KENNEDY. Mr. President, I commend my colleagues for their leadership on this bipartisan amendment to increase the level of Federal investment in transportation by over 40 percent in the next 6 years.

This amendment will enable the Environment and Public Works Committee and the Banking Committee to write their Transportation Equity Act for the 21st century, TEA–21, reauthorization proposals with adequate funding, and I urge my colleagues to support it.

Maintaining an integrated, efficient, and safe transportation system is one of the most important things we can do to get this faltering economy moving again. It is essential for maintaining the strength of our cities, and for promoting the growth of commerce and trade.

Of all the economic growth proposals that we will consider this year, few will produce a greater bang for the buck than increased Federal investment in the Nation's transit and highway system. According to the Department of Transportation, every $1 billion in surface transportation investment creates 47,500 jobs. With an economy losing 300,000 jobs each month, we cannot afford to ignore the job-creating power of transportation investments and the other benefits that they bring.

According to a report by the American Public Transportation Association, Americans took 9.5 billion trips on mass transit in 2001—the highest number in over 40 years, and a figure 22 percent increase since 1996. Of those trips, 54 percent were work related. I cannot imagine what would happen in cities like Washington, Chicago, New York, and Boston if these commuters rushing to and from their jobs were to lose public transportation as a viable option.

Perhaps such a scenario is too grim to consider, but we do have some idea just what those commuters would confront if they got off the trains and buses and back into their cars. In 2000, the average highway traveler spent 62 hours mired in rush hour traffic—a 38-percent increase over 1994. In fact, it is estimated that traffic congestion now costs Americans $67 billion each year—the cost of 3.67 billion hours in lost productivity and 5.7 billion gallons of wasted gasoline—wasted gasoline.

Unless we continue to build on the impressive investments made under ISTEA and TEA–21, I expect those congestion costs will rapidly multiply. How much they will increase is not known, but the Federal Transit Administration estimates that public transportation now saves the Nation $19.4 billion in congestion costs each year.

Unfortunately, this budget resolution does not provide room for building upon those two landmark transportation bills, and assumes a relatively flat level of funding for the next several years. These figures fall far short of what is needed simply to keep pace with the demands exerted on our National Transportation System.

According to the American Association of State Highway and Transportation Officials, just to maintain the current conditions of our roads and bridges the Nation will need to invest approximately $92 billion each year for the next 6 years, and $19 billion for our transit systems. To actually improve these systems, the requirements are $125 billion for highways and $44 billion for transit respectively. Yet this budget provides only $32 billion for highways and $7.2 billion for transit this year.

By the end of the next 6-year reauthorization cycle, over 65 percent of the Nation's public transportation bus fleet and 54 percent of the country's subway cars, commuter rail cars, and light rail cars will be passed their useful lives, according to FTA.

If we don't replace the oldest vehicles in the fleet now, and repair those that can remain in revenue service for the foreseeable future, we will only be kicking our problems down the road. Ignoring these needs will only increase their expense, add additional financial burdens to State and local governments, and undermine the safety, security, and efficiency of our current transportation system.

It is also imperative that we boost funding for transportation investment now because of the new, post-September 11 security costs that States are facing to protect their bridges, tunnels, and subway stations.

A report by the Transportation Research Board, suggests that of the Nation's 600,000 bridges and tunnels, over 500 have been identified as critical links based on their size, traffic capacity, and strategic importance. If ever one of these bridges or tunnels should be compromised, the effect on commerce and trade in whole States and regions would be profound.

That same study, which was conducted with the input of the FTA and Federal Highway Administration, suggests that the cost of protecting these highway structures is approximately $6.8 billion over the next 6 years, with an additional $578 million required for ongoing security operations.

On the transit side, the security upgrades are expected to cost about $6.2 billion over 6 years, with an additional $500 million required for operating expenses.

Who is going to pay for these security requirements? The existing budget, which calls for essentially flat funding, does not anticipate a strong Federal role. At the same time, the States are in the midst of the worst fiscal crisis in nearly 50 years, and cannot afford these additional responsibilities.

Ultimately, the States will not be able to avoid this burden for the simple reason that they must protect their citizens. But with no additional revenues to pay for these costs, they will be forced to raid their long-term transportation budgets to pay for these new security responsibilities.

They are the ones who will have to finance additional State police details, construct physical barriers around the bases of bridges, install ventilation systems in tunnels, and create coordinated traffic monitoring and management computer systems. They will have no choice but to rob fund their immediate security needs at the expense of their long-term transportation improvement needs. And the cost of this may well be the long-term deterioration of their roads, bridges, tunnels, and public transportation services.

One final point I would like to make is that the terrorists of 9/11 closed our airports, and very nearly crippled the aviation industry permanently. However, because we had made critical investments in all modes of transportation during the past decade, intercity trains, the interstate system, and public transportation were able to fill the gap during those initial days following the tragedy. America did not stop moving.

We hope and pray that there will never be another major terrorist attack on our country, but cannot pretend that our bridges, tunnels, and train stations are not inviting targets.

Its essential, therefore, to provide the resources in this budget resolution to maintain a strong multimodal National Transportation System. With this amendment, which provides $255 billion for highways and $56.5 for transit over 6 years, we are taking a large step in the right direction.

I look forward to working with my colleagues to get a substantial reauthorization bill passed this year, as well as fully funding Amtrak and providing for increased aviation funding. We must meet all of these challenges, and meet them now.

Today's bipartisan highways and transit funding amendment is a critical step in that process. I urge all my colleagues to support it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have great respect for my colleagues from Missouri and Oklahoma and others who sponsor this amendment, but it is irresponsible to basically say 30 percent of highway funds will be funded out of general revenues. Highways have been built and paid for by and large by user fees, primarily gasoline taxes. This amendment says we have an increase in the deficit of about $63 billion over the next 6 years, meaning funded by general revenue financing. That is a mistake.

The Federal Government pays 80 percent of the cost of these highways. If you have general fund financing of them, there is no limit on the demands where people are saying we want you to pay for our roads.

This is over a 30 percent increase in the highway program, and basically it is unfunded. I urge my colleagues to vote no.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 358.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—79

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Warner
Wyden

NAYS—21

Allard
Chambliss
Cornyn
Ensign
Enzi
Feingold
Frist
Grassley
Gregg
Hutchison
Kyl
Lugar
McCain
McConnell
Miller
Nickles
Santorum
Sessions
Sununu
Thomas
Voinovich

The amendment (No. 358) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of all of our colleagues, we will now vote on the sense of the Senate offered by Senator STEVENS and myself, and then Senator CONRAD and I will work on an additional list of amendments. It is very much our intention to finish this bill tonight.

I urge our colleagues to be a little more disciplined as far as sending amendments to Senator CONRAD. I appreciate the cooperation of our colleagues.

AMENDMENT NO. 391

Mr. President, on behalf of Senator STEVENS and myself, I send—is the amendment at the desk?

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. STEVENS. Mr. President, I ask that the sense-of-the-Senate amendment be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. NICKLES, proposes an amendment numbered 391:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) FINDINGS.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed Resolution increases Highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA-21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, embedded in this amendment is a provision that really intends to lift the cap so that the outlays under this concept of increased highway spending will not be charged back against the discretionary spending.

It is the intent of this sense-of-the-Senate to state that it is the Senate's position, that we support this increase only on the basis that it will not be charged against outlays to the discretionary spending and therefore reduce the amount of money available to the Appropriations Committee under this resolution.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am assured by the staff, who are experts in this area, that will not reduce the money available for appropriations. I agree with most of the whereases in this amendment because it says that highways should be paid for by highway users. And, frankly, this returns to the highway trust fund almost $50 billion that has been paid in by highway users over the last decade. It also lays out other areas where there should be additional funds that the Finance Committee has already agreed we should pay.

The PRESIDING OFFICER. All debate time has expired.

The question is on agreeing to the amendment.

The Senator from Nevada.

Mr. REID. Mr. President, as a cosponsor of the Bond amendment, I recommend that we accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 391) was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, the two managers are going to work to come up with another list of amendments that we will work on. The chairman and ranking member said it will take about another 15 minutes for them to come up with another list. During the time they are gone, if somebody has some issue they want to talk about, Senator NICKLES and Senator CONRAD said they would have no objection to that—they can talk about anything they want.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me say to Members on our side who have amendments pending, we had over 105 amendments noticed. Not all of those have been filed at the desk. We are asking Senators, if you have provided notice of an amendment but it could be put off to another day, please come to us now and advise us of that. We need to reduce the number of amendments.

We know that typically amendments Members have indicated an interest in sometimes fall away. Many times many of the amendments fall away. That would be helpful. With that said, I also want to advise Members, I do not see any way that this bill gets completed tonight. There are simply too many amendments Members have indicated they are serious about taking to a vote.

That does not mean we should not bend every effort to reduce the number of amendments outstanding so we could complete this as nearly as possible today, and finish up at a reasonable time tomorrow.

So this is going to be a challenge to all of us. If we do not do this, let me just say, there are still 85 amendments pending here. We have been doing about three an hour. If we continue on this pace, we are going to be here for another several days.

So I implore my colleagues, if you have given notice of an amendment, but you really do not need a vote on it, please advise the staff of that so we can whittle down this list.

Mr. REID. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. REID. Mr. President, the two managers of this bill have worked very hard. Recognizing how hard they have worked, the staff has worked even harder. I have relayed to the majority leader that in addition to the fact that it is Friday, and we have all had a hard week, we have to keep in proper perspective, whether people want to acknowledge it or not, that we have had a number of Senators who have recently had surgery and have been ill. Not a single one of those Senators has come to me asking that we cut them some slack. But we know that we should do that. Some of them came back to work earlier than they should have. They have violated doctors' instructions to be here.

Senator BYRD has talked to us. We recognize that his wife is very ill. Senator BYRD is doing everything he can to keep a watchful eye on his wife.

I hope we have proven during this week—we, the minority—that we are not trying to do anything to slow up this important piece of legislation. I have trouble understanding what is the magic of finishing this bill today. If there is magic there, it would take magic to complete it because we cannot complete the bill today. It would be my recommendation that we work for a reasonable time this evening. If the leader wants to come back tomorrow, come back sometime at a reasonable time tomorrow, do that. But I have to say we would be better served by completing our work early this evening and coming back next week and finishing this bill. It would give us all time to work to winnow down this list of amendments. I will bet if we had the weekend to do it, we could work it out so there would not be a lot of amendments. Our being pushed into saying you have to finish this bill today or tomorrow is not logical.

I know there is pressure from a lot of places to finish the bill, but it is not the Democrats preventing the legislation from passing. We are doing everything we can to cooperate. I know there are people here who have had far more experience than I. This, to me, would be logical and sensible.

Senator BYRD asked me today how long we are going. I would like him to express to the Senate how he feels about this.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there may be men and women dying right now in the Arabian desert. Here we are talking about a budget resolution which is required by law to be passed by April 15. The administration has not added one penny in this budget for the war. They have not added anything in this budget for the war.

If we were debating a war budget today, it might be different. But we are not debating a war budget. There is no money in this budget by the administration for the war. Yet we are fighting a war. Why the hurry, when the deadline is April 15? Why the hurry?

We have asked the administration, I have asked the administration and representatives of the administration what is the cost of the war. How much is it going to cost. What is the cost of this war. The Secretary of Defense has answered it is not knowable. Here we are, the elected representatives of the people who want to know something about the cost of the war. The administration has said: It is not knowable. The administration has said, in essence, wait until you see the supplemental. We will send you the supplemental.

The answer to our questions have been rather contemptuous, in saying: Well, we don't know the cost. We will let you know when we send up the bill.

Why don't we wait and see what the supplemental is going to ask for? Why don't we wait and see what the administration asks for in the supplemental before we proceed with the budget? I cannot understand the hurry. We have at least two Members who have had serious operations. I don't mind staying a little while longer, but I have a responsibility also at home. If it were absolutely necessary that we complete this budget tonight, I would stay as long as I could, and if I had to go home, I would go home and let the Senate finish it. But this resolution doesn't have to be done tonight. This is not a war budget. The administration has nothing in this budget for the war. The administration has stiff-armed, as far as I am concerned, the Congress, those of us who have wanted to know something about what are the costs of this war. The administration has given us the back of their hand.

Here we are; we are being asked to rush through a budget that is not a war budget, no money in this budget for the war, and yet there is a war going on right now. Go look at your television sets and see the destruction that is being rained upon a capital city of a state that has not attacked the United States. Why can't we wait until we find out what the administration is going to request in a supplemental and then deal with the budget?

There is absolutely no necessity for dealing with this budget tonight. Suppose you lose a man here in the Senate because we continue to press for action on this budget tonight? You could lose a man. You could lose two. We have had plenty of time. We have had plenty of time. The administration should have told us how much they need in the supplemental. I have a feeling we are going to be asked for $65 to $80 billion, maybe $100 billion for the war in that supplemental. Why not wait and see what the administration is asking for in the supplemental before we proceed with this budget?

We have a huge tax cut in this budget, $1.3 trillion in tax cuts. So we want to pass the tax cuts before we find out how much the administration is going to request in a supplemental for fighting the war.

Men and women are dying. We ought not be on this budget today. We ought to at least show some respect for our own men and women. We are sending our own men and women across the sea to a foreign land where they may die and their families here today are worrying and crying and praying about their loved ones. That is saying nothing about the Iraqi men and women, old women, young women, old men, young men, sick people, children, babies.

Mr. SANTORUM. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is no debate in order at this time.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I have been around here long enough to know what the regular order is. I also have been around here long enough to know that we are being asked to stay here and spend the rest of the evening. We may send some old men to their deaths by doing this. I have a sick wife. Sixty-nine days from now, if the Lord lets both of us live, we will celebrate our 66th wedding anniversary. My first duty is to her. There will be enough Senators left here to pass this bill if we want to stay that long. But I think it is unreasonable.

If there were a reason to stay here, I would say, let's stay here and do our duty. But there is no reason for that, except to get this resolution passed before we know what the administration is going to request in a supplemental to fight this war.

Now, call for the regular order if you want to. Mr. President, I say it is time that we agree on a few more amendments, act on a few more, and go over to next week. The administration, I understand, is going to fight me down at the White House to tell me about the supplemental next Tuesday as a ranking member of the Appropriations Committee. Let them tell us that first, and then let's complete action on this massive tax cut.

Mr. President, I hope reason will prevail today. There is time to pass this bill later. It doesn't have to be done today. Let's go home, at least out of respect for the men and the women who are being sent. They didn't ask to go to foreign lands, possibly to fight and die.

Mr. SANTORUM. Mr. President, I call for the regular order.

Mr. BYRD. Out of respect for those, Mr. President——

Mr. SANTORUM. I call for the regular order.

The PRESIDING OFFICER. Further debate would require unanimous consent.

Mr. BYRD. I ask unanimous consent to proceed for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Can we not at least respect the people who are being sent overseas to fight and die, possibly?

Can't we, out of respect, at least shut down the Senate for today and go home? Why do we have to debate this while they are giving of their all? Remember, we are raining destruction upon a city of a state that has not attacked this country. There are men and women, old people and young people, sick and dying people there. At least we should have enough respect to quit now. We have done a good day's work. We passed 15, 16, 17 amendments by rollcall votes. Why do we have to continue? We don't have to—not for the political reason of getting action completed on this resolution before we find out what the administration is going to ask for in the supplemental.

I hope Senators will insist on our going over to next week. Our staffs haven't had a chance to read the amendments. Senators don't know what is in these amendments. I don't.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Let's take the weekend and have our clerks read them so they can better advise us next week. I ask Senators to think about that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the concerns raised by my friend and colleague from West Virginia, who just doubled the subsidy for Amtrak over my opposition. The majority leader has asked me to finish this bill, and we are going to finish the bill. I regret it. I will tell you, I have been here 23 years. We usually spend 1 week on a budget. Undoubtedly, on that last day of the budget, we have a lot of votes. We didn't do a budget last year and we should have. Maybe I should have worked more with the chairman at that time to make that happen. The Congress didn't function because it didn't get the budget done. We are going to finish this budget this week—tonight or tomorrow.

I know there are a lot of amendments, but most of them are repetitive. We have dealt with almost every subject area in the budget. The budget is not an appropriations bill. The budget is not a tax bill. We have had people offer amendments as though this is going to micromanage section 750. We don't do that in the budget. We don't write tax bills in the budget. We have had umpteen amendments. Oh, this will finance this, or it will be that portion of a tax bill. That is not what a budget does. A budget says basically how much we are going to spend and how much we are going to take in.

We have a budget and we need to finish our work. I know it is unpleasant and painful, and I know people would rather be home with their families, but we have to finish. Two years ago, we had 34 votes—tons of votes. We eventually passed a budget. I congratulated Senator DOMENICI because it wasn't easy or pretty. That is the way we are right now.

I tell my colleague from North Dakota, we knew this was coming a couple of days ago. I know it will not be pleasant, and we are going to ask people, and some people have to catch planes, and that is unfortunate, but we are going to finish the budget.

All these amendments that are pending, for the most part, don't need to be offered. They can be offered if you want—we are going to set an amount for appropriations. Most of those amendments can be dealt with on an appropriations bill or on a tax bill. We are going to have both this year. So I urge my colleagues to show some restraint. I will work with my colleagues, and I think I have considered every amendment fairly. We have not postponed anybody's amendments. I think we have been as fair as possible to everybody. I might mention that 90 percent of the amendments offered on the other side—well, I will be happy to work with my colleagues, but I think it is important to finish our work, whether it is midnight tonight or tomorrow night. It is very much my intention to finish. I urge our colleagues to work together to complete our work.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me just say the chairman and I have worked together closely to try to move this agenda, to have amendments and do it in an efficient way. But I must say I don't see any earthly reason this bill has to be done today. The requirement is April 15. I think we are getting over the edge into unreasonableness. When one side gets unreasonable, that creates a reaction on the other side. I have tried to be reasonable, but I say to my colleagues, at some point it is going to be hard to feel that there is some rational reason for this press.

We can get this bill done, and get it done in a timely way, without going endlessly into the night. We went until midnight last night, the same the night before. I will tell you, I think we should press ahead, do additional amendments for a time, but I think we need to fold our tent and recognize that we need to come back tomorrow or Tuesday morning and finish.

I just ask my colleagues to think about that and, in the meantime, we can try to get an agreement on another traunche of amendments to work on.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I tell my colleague from North Dakota that I will let him know of this request.

I ask unanimous consent that the only amendments that be allowed to be considered be those filed and presently at the desk.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

AUTHORIZATION OF USE OF FORCE

Mr. STEVENS. Mr. President, as President pro tempore, I ask unanimous consent to have printed in the permanent RECORD a letter I have received from the President consistent with its requirements under the authorization for use of military force against Iraq, Public Law 107-243.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. TED STEVENS,
President pro tempore of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: On March 18, 2003, I made available to you, consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), my determination that further diplomatic and other peaceful means alone will neither adequately protect the national security of the United States against the continuing threat posed by Iraq, nor lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq.

I have reluctantly concluded, along with other coalition leaders, that only the use of armed force will accomplish these objectives and restore international peace and security in the area. I have also determined that the use of armed force against Iraq is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001. United States objectives also support a transition to democracy in Iraq, as contemplated by the Iraq Liberation Act of 1998 (Public Law 105-338).

Consistent with the War Powers Resolution (Public Law 93-148), I now inform you that pursuant to my authority as Commander in Chief and consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq.

These military operations have been carefully planned to accomplish our goals with the minimum loss of life among coalition military forces and to innocent civilians. It is not possible to know at this time either the duration of active combat operations or the scope or duration of the deployment of U.S. Armed Forces necessary to accomplish our goals fully.

As we continue our united efforts to disarm Iraq in pursuit of peace, stability, and security both in the Gulf region and in the United States, I look forward to our continued consultation and cooperation.

Sincerely,

GEORGE W. BUSH

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, we are going to soon ask unanimous consent to clear seven amendments that Senator CONRAD and I have agreed upon. Prior to that, though, I might ask the minority leader if he has an announcement to try to rally his troops.

Mr. DASCHLE. Mr. President, we have been in discussions for the last hour or so. I am calling a caucus for 6:45 to discuss our current situation and a series of ideas that might allow us to bring this debate to closure.

I do not want to discuss it here and now, but I hope Senators will attend at 6:45 and we will have more information at that time.

Mr. NICKLES. If the minority leader will yield, I would very much appreciate it—I know you don't want to get into the details, but having final passage of the budget by 7 o'clock tonight would be very much appreciated by all Members of the Senate.

I appreciate the cooperation of the minority leader.

AMENDMENTS NOS. 353, 283, 390, 388, 389, 309, 296 AS MODIFIED, EN BLOC

Mr. NICKLES. Mr. President, I ask unanimous consent that seven amendments—No. 353, Senators SMITH and CLINTON's sense of the Senate dealing with health care coverage; No. 283, Senator FEINSTEIN and others' sense of the Senate dealing with criminal alien assistance; No. 390, NICKLES' technical correction, Social Security administrative expenses; No. 388, Senator VOINOVICH's sense of the Senate CBO report on liabilities and future costs; No. 389, Senator HUTCHISON's sense of the Senate dealing with the Corps of Engineers; No. 309, BINGAMAN language change to Medicaid Reserve; No. 296, Senator ROCKEFELLER's sense of the Senate first responders, with a modification that is presently at the desk—be considered en bloc, agreed to, and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I ask unanimous consent to be shown as a cosponsor of the Hutchison amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were considered and agreed to en bloc, as follows:

AMENDMENT NO. 353

(Purpose: To express the sense of the Senate concerning the expansion of health care coverage)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AN EXPANSION IN HEALTH CARE COVERAGE.

(a) FINDINGS.—The Senate finds that—

(1) there were 74,700,000 Americans who were uninsured for all or part of the two-year period of 2001 and 2002;

(2) this large group of uninsured Americans constitutes almost one out of every three Americans under the age of 65;

(3) most of these uninsured individual were without health coverage for lengthy periods of time, with two-thirds of them uninsured for over six months;

(4) four out of five uninsured individuals are in working families;

(5) high health care costs, the large number of unemployed workers, and State cutbacks of public health programs occasioned by State fiscal crises are causing more and more individuals to become uninsured; and

(6) uninsured individuals are less likely to have a usual source of care outside of an emergency room, often go without screenings and preventive care, often delay or forgo needed medical care, are often subject to avoidable hospital days, and are sicker and die earlier than those individuals who have health insurance.

(b) SENSE OF SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) expanded access to health care coverage throughout the United States is a top priority for national policymaking; and

(2) to the extent that additional funds are made available, a significant portion of such funds should be dedicated to expanding access to health care coverage so that fewer individuals are uninsured and fewer individuals are likely to become uninsured.

AMENDMENT NO. 283

(Purpose: To express the sense of the Senate that the States and localities should be reimbursed through the State Criminal Alien Assistance Program for the fiscal burdens undocumented criminal aliens place on their criminal justice systems)

On page 79, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The control of illegal immigration is a Federal responsibility.

(2) In fiscal year 2002, however, State and local governments spent more than $13,000,000,000 in costs associated with the incarceration of undocumented criminal aliens.

(3) The Federal Government provided $565,000,000 in appropriated funding to the State Criminal Alien Assistance Program (SCAAP) to reimburse State and local governments for these costs.

(4) In fiscal year 2003, the fiscal burden of incarcerating undocumented criminal aliens is likely to grow, however, Congress provided only $250,000,000 to help cover these costs.

(5) The 56 percent cut in fiscal year 2003 funding for SCAAP will place an enormous burden on State and local law enforcement agencies during a time of heightened efforts to secure our homeland.

(6) The Administration did not include funding for SCAAP in its fiscal year 2004 budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assumes that the State Criminal Alien Assistance Program be funded at $585,000,000 to reimburse State and local law enforcement agencies for the burdens imposed in fiscal year 2003 by the incarceration of undocumented criminal aliens; and

(2) Congress enact a long-term reauthorization of the State Criminal Alien Assistance Program beginning with the authorization of $750,000,000 in fiscal year 2004 to reimburse State and county governments for the burdens undocumented criminal aliens have placed on the local criminal justice system.

AMENDMENT NO. 390

On page 8, between lines 13 and 14, insert the following:

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,812,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:
(A) New budget authority, $4,792,000,000.
(B) Outlays, $4,766,000,000.
Fiscal year 2010:
(A) New budget authority, $4,954,000,000.
(B) Outlays, $4,924,000,000.
Fiscal year 2011:
(A) New budget authority, $5,121,000.000.
(B) Outlays, $5,091,000,000.
Fiscal year 2012:
(A) New budget authority, $5,292,000,000.
(B) Outlays, $5,260,000,000.
Fiscal year 2013:
(A) New budget authority, $5,471,000,000.
(B) Outlays, $5,439,000,000.

AMENDMENT NO. 388

(Purpose: To require annual reports on the liabilities and future costs of the Federal Government and its programs)

At the end of subtitle A of title II, insert the following:

SEC. ___. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that The Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

AMENDMENT NO. 389

(Purpose: To express the sense of the Senate regarding the urgent need for increased funding for the Corps of Engineers)

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

(a) FINDINGS.—The Senate finds that—

(1) the Corps of Engineers provides quality, responsive engineering services to the United States, including planning, designing, building, and operating invaluable water resources and civil works projects;

(2) the ports of the United States are a vital component of the economy of the United States, playing a critical role in international trade and commerce and in maintaining the energy supply of the United States;

(3) interruption of port operations would have a devastating effect on the United States;

(4) the navigation program of the Corps enables 2,400,000,000 tons of commerce to move on navigable waterways;

(5) the Department of Transportation estimates that those cargo movements have created jobs for 13,000,000 people;

(6) flood damage reduction structures provided and maintained by the Corps save taxpayers $21,000,000,000 in damages every year, in addition to numerous human lives;

(7) the Corps designs and manages the construction of military facilities for the Army and Air Force while providing support to the Department of Defense and other Federal agencies;

(8) the Civil Works program of the Corps adds significant value to the economy of the United States, including recreation and ecosystem restoration;

(9) through contracting methods, the civil works program employs thousands of private sector contract employees, as well as Federal employees, in all aspects of construction, science, engineering, architecture, management, planning, design, operations, and maintenance; and

(10) the Bureau of Labor Statistics indicates that $1,000,000,000 expended for the Civil Works program generates approximately 40,000 jobs in support of construction operation and maintenance activities in the United States.

(b) BUDGETARY ASSUMPTIONS.—It is the sense of the Senate that—

(1) to perform vital functions described in subsection (a), the Corps of Engineers requires additional funding; and

(2) the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps described in subsection (a) will not be reduced below current baseline spending levels established for the programs.

AMENDMENT NO. 309

(Purpose: To provide the Committee on Finance of the Senate with additional options to reform and improve medicaid without the need to resort to block grant allotments with predetermined growth rates, which fail to adjust for economic recessions, demographic changes, or disasters)

On page 63, beginning on line 12, strike "through" and all that follows through "rates" on line 14.

AMENDMENT NO. 296, AS MODIFIED

(Purpose: To express the sense of the Senate that the Attorney General should conduct a study on the need and cost to establish radio interoperability between law enforcement agencies, fire departments, and emergency medical services, and that Congress should authorize and appropriate $20,000,000 for grants to local governments to assist fire departments and emergency medical services agencies to establish radio interoperability)

On page 79, after line 22, add the following:

SEC. 308. RADIO INTEROPERABILITY FOR FIRST RESPONDERS.

(a) STUDY.—It is the sense of the Senate that the Attorney General, in consultation with the Secretary of Homeland Security, should conduct a study of the need and cost to make the radio systems used by fire departments and emergency medical services agencies interoperable with those used by law enforcement to the extent that interoperability will not interfere with law enforcement operations.

(b) GRANT PROGRAM.—It is the sense of the Senate that Congress should authorize and appropriate $20,000,000 to establish a grant program through which the Attorney General would award grants to local governments to assist fire departments and emergency medical services agencies to establish radio interoperability.

AMENDMENT NO. 283

Mrs. FEINSTEIN. Mr. President, this non-binding sense of the Senate amendment expresses that the budget resolution before us should accommodate an appropriation of $750 million for the State Criminal Alien Assistance Program—SCAAP—for Fiscal Year 2004.

I am pleased that Senators KYL, BINGAMAN, MCCAIN, and SCHUMER have joined me in introducing this important measure.

The bipartisan amendment I offer today with my colleagues would also put the Senate on record as favoring a restoration of fiscal year 2003 funding for this important program, which does so much to help State and county governments deal with the growing costs of incarcerating undocumented criminal aliens.

Without adequate funding, this fiscal burden will continue to fall on many of our local law enforcement agencies—including sheriffs, police officers on the beat, anti-gang violence units, and district attorneys offices.

The SCAAP program is based on the principle that when the Federal Government falls short in its efforts to enforce the laws against immigration violations, it must bear the responsibility for the financial and human consequences of this failure.

Thus, the SCAAP program properly vests this burden with the Federal Government when undocumented aliens commit serious crimes within our communities.

It does so by providing Federal reimbursement funding to the States and county governments for the direct costs associated with incarcerating undocumented criminal aliens, who are convicted of felonies or multiple misdemeanors.

Increasingly, State and county governments from all across the country have made use of these funds over the years. In fact, in Fiscal Year 2002, the number of State and local governments seeking SCAAP funding jumped 25 percent from the previous fiscal year.

The combination of this increase, and the fact that all 50 States and the District of Columbia receive some funding from the program, suggests that no State is immune from the fiscal costs associated with crimes committed by illegal aliens.

Today most States are encountering their largest deficits in more than 60 years. Indeed, the fiscal consequences of illegal immigration have contributed to this challenge.

In Fiscal Year 2002, State and county governments incurred more than $13 billion in costs associated with incarcerating criminal illegal aliens. These costs are expected to grow over the next several years, given the new challenges of terrorism and our efforts to enhance security within our Nation's borders.

California's border counties are among the hardest hit in terms of dollars spent on incarceration, prosecution and court costs for those in the United States illegally. I am greatly concerned about the substantial burden these immigration-related costs impose on the criminal justice system on our local communities, especially given the limited tax base and fiscal resources State and local jurisdictions are working with today.

The SCAPP program is not in place to prevent crime, but to fulfill a portion of the Federal Government's responsibility, so local governments can use their limited resources for their own responsibilities, such as funding jail enlargement or new homeland security ventures at the local level.

At a time when cash-strapped State and local governments are being asked to do even more to protect our homeland, we cannot afford to eliminate vital funding that already falls far short of what local governments spend to incarcerate undocumented criminal aliens. In previous years, Congress has appropriated between $500 million and $585 million for SCAAP to alleviate some of the fiscal burdens placed on the local criminal justice systems.

In Fiscal Year 2002, Congress appropriated $565 million for this important program. Unfortunately, the prolonged debate over Fiscal Year 2003 appropriations produced budgetary pressures that resulted in a 53-percent drop in SCAAP funding for FY 2003.

SCAAP payments have never matched the true costs to the States dealing with this problem, but they have nevertheless been critical additions to prison and jail budgets. They have also symbolized the Federal Governments obligation to pay for the results of its failed immigration strategies.

These are challenging times in our Nation's history. And, we want, to the best extent possible, our constituents to feel secure in their homes and in their communities.

At a time when the Nation is focused on enhancing security within our borders, our States, and our local communities, a vital program like SCAAP should not be vulnerable to being under-funded or eliminated altogether.

The control of illegal immigration is a Federal obligation and we owe it to our States and local communities to provide them with the crucial Federal assistance they need to continue doing their job.

Again, I wish to emphasize that while this amendment would put the Senate on record as supporting this initiative, the amendment is not binding and therefore, does not require any offsets.

Mr. NICKLES. Mr. President, I thank our colleagues for their cooperation and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, the caucus, for the information of our Democratic Senators, will be in the LBJ Room, our normal caucus room.

I have something else, though, that I want to share with my colleagues.

CONGRATULATING SENATOR PAUL SARBANES ON CASTING HIS 10,000TH VOTE

Mr. DASCHLE. Mr. President, at 3:45 this afternoon, our friend and colleague, PAUL SARBANES, joined what is truly one of the most exclusive clubs in the world. He cast his 10,000th vote as a United States Senator.

Of the 1,875 people ever to serve in the Senate, only 20 others have ever reached this remarkable milestone. Remarkably, eight of the 21 "10,000 vote" Senators are serving in this Senate.

In addition to Senator SARBANES, they include our friends JOE BIDEN, Senator BYRD, PETE DOMENICI, FRITZ HOLLINGS, DAN INOUYE, TED KENNEDY and TED STEVENS. I'm proud to note that, at least in this very distinguished caucus, Democrats still have a majority.

Reaching this historic milestone is just the latest remarkable accomplishment in what has been, by anyone's standards, a remarkable American success story. PAUL SARBANES is the proud son of Greek immigrants. His parents, Spyros and Matina Sarbanes, emigrated from the same town in Greece, but met in America. The Sarbanes family owned a restaurant in Salisbury, MD. They gave it a quintessentially American name: The Mayflower Restaurant. PAUL worked in the restaurant, and he and his family lived above it.

He graduated from a public high school and won a scholarship to Princeton University.

He was a Rhodes Scholar at Oxford University. After Oxford, he came home and, in 1960, earned a law degree from Harvard. From Harvard, PAUL SARBANES went to the White House, one of the "best and brightest" who answered President Kennedy's call to public service. He worked as Administrative Assistant to Walter Heller, chairman of President Kennedy's Council of Economic Advisors.

He won his first elected office in 1966, to the Maryland House of Delegates, where he served for 4 years. In 1970, the people of Maryland elected him to the House of Representatives. In 1976, he won his first election to the United States Senate. In November 2000, he won his fifth election to the Senate, making him the longest-serving Senator in Maryland's history.

It's been said that there are two kinds of Senators: those who are here to make headlines and those who are here to make history. PAUL SARBANES is one of the history makers. He is one of the most modest men I know. He is also one of the most intelligent. He was a voice of reason on both the Whitewater and Iran-Contra committees. It was his leadership and his refusal to accept defeat—more than anything—that enabled us, in the last Congress, to pass the most far-reaching corporate accountability reforms since the Securities and Exchange Commission was created 70 years ago.

The Sarbanes-Oxley reforms will help prevent the kinds of corporate abuses that have so damaged our economy and shaken people's faith in the economic markets these last few years. They will protect people's investments, and their economic futures.

I learned a Greek word from PAUL SARBANES: "idiotes." It is the Greek root for the English word "idiot." But it has a different meaning in Greek. It means "someone who takes no part in the affairs of his community." In the Sarbanes family, it was almost a curse.

PAUL SARBANES' parents taught him that serving one's nation is a noble calling. I know they would be proud of him. So are we. I congratulate my friend on casting his 10,000th vote in the Senate—and on his long and exemplary career. I look forward to seeing him cast a few thousand more votes.

Mr. President, I yield the floor and congratulate our colleague.

(Applause, Senators rising.).

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank our distinguished leader for his very kind comments about the 10,000 votes I have cast in the Senate. I must say, if we keep doing these vote-a-ramas, everyone can aspire to reaching this goal in short order.

Our very able leader was very kind and generous in his remarks. I appreciate them very much.

I wish to register my deep appreciation to the people of my State who sent me to the Senate now for my fifth term and, therefore, made it possible for me to be here exercising my judgment on important issues that come before us. I certainly hope that people, looking back over that record, will think there was some quality in those votes as well as quantity.

I thank my colleagues for their constant support and the ability to interact with them as we deal with important matters of public policy. Even though we sometimes differ, we support one another in a very unique and, to some, not understandable way. I am in my 27th year in the Senate, and I am pleased to be in the company of those who our leader enumerated that have also passed the 10,000 mark. I particularly want to acknowledge my respect for Senator BYRD, who I think has cast more votes than anyone who has ever served in the Senate, and continues to be an example to us all.

I also would be remiss if I did not thank my family, my wife in particular, for their strong support over these many years now. And finally, I would like to thank the many staff members who have served me so well for these past 27 years.

Again, I thank all of those who have been so gracious to me in extending their best wishes and congratulations. And, in particular, I thank our leader, Senator DASCHLE.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while Senator SARBANES is still here, I want to congratulate him.

Mr. SARBANES. I appreciate that.

Mr. DOMENICI. I am on that list. I just want to tell you, 10,000 is just the beginning.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to join our colleagues in congratulating Senator SARBANES on the milestone, and his accomplishments in the Senate.

DEMOCRATIC CAUCUS

Mr. REID. Mr. President, I announce we now have a Democratic caucus in the LBJ Room. If all Democratic Senators can move over there, it would be greatly appreciated.

Mr. CHAMBLISS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are all following, on a moment-by-moment basis, the developments in Iraq and the sad reality that this war is upon us, but we also have the great feeling of support for our men and women in uniform.

I was notified today that one of the first casualties in the war was from my home State. His name is Ryan Beaupre from Saint Anne, IL, a 30-year-old Marine Corps captain who was a pilot on the helicopter that went down with eight British commandos and four marines, a wonderful young man by all reports from a good family who attended Bishop MacNamara High School in Kankakee and then Illinois Wesleyan and enlisted in the Marine Corps and served his country so well. I have called his family today. Of course, they are grief-stricken, as is everyone in the community.

A special tribute was given to him today at his old high school, and I am sure there will be many more. Our hearts go out to the Beaupre family and all of their friends at this great loss.

We are fortunate in this country to have young men and women like him, willing to volunteer and to risk their lives for their Nation. We should remember the cost of war and remember how much we owe those who will step forward to defend this Nation in time of need.

I hope, before this debate on the budget resolution is over, to ask my colleagues in the Senate to consider an amendment which I hope to offer. If someone asked you today how much combat pay do we pay to the marines and sailors and soldiers and airmen for fighting the war in Iraq, most Americans would not know the answer. But combat pay for our soldiers and those who are risking their lives now in Iraq is $5 a day—$5 a day—$150 a month. That is combat pay for those who are in active military, as well as those who are activated.

Also, you might be interested in knowing how much we pay the families when we separate people and send them off to war. What kind of monthly supplement do we provide for the families who now have someone important in their lives gone for a period of time and have to struggle to try to keep things together when it comes to child care and added responsibility and added expenses? How much do we give to these military families? About $3.30 a day; $100 a month.

The amendment I am going to offer to the budget resolution will raise those two amounts, not to what they truly deserve but to show that we have not forgotten that they need more, to $500 a month for combat pay, and $500 a month to families who are separated because of this war.

It is a small token. It should be much more. But I hope my colleagues will seriously consider that amendment. As we all feel so good and so strong about the contribution of the men and women in uniform, let us not forget they deserve a helping hand and the combat pay differential as well as the assistance to their families.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I wish to elaborate on Amendment No. 277, which would provide an additional $16 billion next year to fund our urgent homeland security needs. Because of the failure of the Schumer amendment—which would have provided a substantial but smaller increase in homeland security funding next year—it is clear that my amendment will not carry the Senate. Nevertheless, I would like to set forth the following statement on the reasons behind my amendment and the urgency of dramatically increasing our investment in homeland security.

America has the greatest military in the world—as we are witnessing in Iraq today—and we have it because we pay for it. For generation after generation, presidents, members of Congress, and the American people have come together across partisan divides and every other conceivable divide to invest what's necessary in our military, and in the men and women in uniform who make our military what it is.

If we want the best domestic defenses, we'll have to pay for them, too. But consider this comparison. Under the resolution before us, between this year's and next year's budgets, defense spending would be increased by some $19 billion. I support that increase. But over the same period, this resolution would invest only $300 million more in improving our homeland defenses.

Why? One reason and one reason only: the President's unaffordable, unfair, and unfocused tax cuts are leaving no room for necessary investments. They're crowding out every other priority. It's bad enough that they haven't done anything to create jobs, to grow the economy, to expand the middle class. On top of that, they have raided the national cupboard.

There's little money left for urgent needs—not for healthcare, not for education, not for Social Security or homeland security. Little money left for smart tax cuts that will spur real growth and innovation. Little money left to keep down the deficit at a time when we're looking at $2 trillion in additional debt.

I urge my colleagues to stop and think about this for a second. The President's budget would have us spend about $100 billion next year alone on brand new tax cuts for those who need them least. $100 billion of our national treasure on unfocused, unaffordable and unfair tax cuts when we are at war against terrorism here at home, forced to marshal our strength to defend against a ruthless and unpredictable new enemy. And that's to say nothing of the cost of the war to disarm Iraq, the peace that will follow, or every other critical need facing our country from healthcare to education to Social Security.

For this administration and those who support this resolution, all of those needs are down the list. Those needs can wait. Those needs can suffer. As long as someone preserves the precious new tax cuts—which will do little if anything to create new jobs—they're happy.

That's crazy. It's irresponsible. And it's downright unfair to those who are working day and night to protect us, and who desperately need new resources to do their job well.

My father ran his own small store and, like any decent businessman, he understood that making a good living and paying the bills started with sound and honest budget planning. If he needed to put a new lock on the door, he would set aside some money to do it.

Those who run our government now don't seem to get it. They underestimate or hide serious expenses. They squander money when business is bad. They overestimate revenue. And they seem to think that our security will magically fund itself, rather than setting aside money for it, as my Dad would have.

It's time for this administration and those who back this resolution to show some economic common sense. It's time for them to let go of their pet tax cuts and dedicate some resources to our critical common needs.

This amendment would do that. Rather than giving homeland security short shrift by settling for a paltry $300 million increase, it would start to put real dollars where the danger is. After extensive study and consultation with experts, I've determined it will take $16 billion to start truly raising our guard in the next fiscal year. That's what this amendment would provide.

How will we pay for it? It's an important question—and unlike this administration, we'll answer it. Because we understand, as the American people understand, that we can't have it all. Leadership is about making tough choices—about tradeoffs.

So we propose paying for this new investment in homeland security by redirecting $32 billion in new tax cuts proposed by the President. Half of that money will go toward deficit reduction—to start digging ourselves and our children out of the ditch of debt in which we now find ourselves. And half of it will pay for urgent homeland security improvements.

Aren't those two common goals, both of which will broadly benefit the American people, a far, far better use of our precious resources than brand new unfocused, unaffordable, and ineffective tax cuts to those who need them least? The answer is obvious to me. I hope it's clear to others in this chamber as well.

Let me now talk about some of the critical security needs that this $16 billion would help us meet.

Our commitment needs to start with first responders, who are our frontline troops in this homefront war. In communities across the country, our firefighters, police officers, and emergency medical technicians are struggling for the funds they need to meet the new threats we face. It's time for us to give them the support they need and their jobs demand.

This budget resolution would provide virtually no new funding for our first responders. Virtually no new funding—at this time of unprecedented need and danger. That's unacceptable. There is equipment to buy. There are professionals to hire. There are people to train. All of that—like it or not—takes money.

This amendment provides for $10 billion in FY 04—$6.5 billion above the President's request—to help first responders prepare for and combat terrorism, including attacks involving weapons of mass destruction. Additionally, the amendment provides for $1 billion in FY 04 for firefighter grants, money that would be available to hire additional firefighters. This is the first installment of the SAFER Act—of which I am an enthusiastic supporter—which would provide more than $7.5 billion over 7 years to help communities hire badly needed new firefighters. Unlike in the President's proposed budget, I believe that new funds should not come at the expense of existing programs for first responders like the COPS program, the Local Law Enforcement Grants, or the Byrne Grant program.

Within this overall commitment, $4 billion should be dedicated to helping first responders obtain interoperable equipment—a vital challenge that has been estimated to cost $18 billion overall.

Nor should we wait for the FY 04 appropriations cycle to help our first responders. The recently-approved FY 03 omnibus spending bill comes up far short for first responders. We will need to seize every opportunity to fix that, and I am cosponsoring amendments today to ensure that this happens. I will fight also for more money for first responders in the supplemental appropriations process.

Our second critical unmet priority is shoring up port security—which my amendment would accomplish by committing a $2 billion investment above the pending resolution.

About 7 million containers arrive at these ports each year, yet only a tiny fraction are searched. This poses a risk not only at the ports, but also inland—as many of those containers travel many miles to their final destination without being searched.

Yet the administration's budget proposal and this budget resolution mostly ignore the physical security of our ports. The Coast Guard has estimated that it will cost $4.4 billion to improve basic physical security at the nation's ports, starting with close to $1 billion the first year. In addition, the Maritime Security Act mandates certain security measures without providing a funding mechanism. In an effort to jumpstart these vital improvements, this amendment provides $1.2 billion in port security grants for fiscal year 2004.

Because the ports themselves are a potential target, we do not want to wait until dangerous containers arrive to investigate. Rather, we must "push the borders back" and identify and inspect as much high-risk cargo as possible before it enters our harbors. The Customs Service has made some valuable strides in this direction through the Container Security Initiative. This program stations Customs officers at overseas ports to allow for inspection of some containers before they begin their voyage to the U.S. Yet the Administration is not expanding this valuable program as forcefully as circumstances require. President Bush has requested $62 million for this program in fiscal year 2004, a request that is echoed in this budget resolution. My amendment would provide an additional $100 million to allow for aggressive and effective expansion of this program, and for related initiatives to inspect and track containers as close as possible to their point of origin.

Moving beyond physical security, my amendment would enable the Coast Guard to step up its supervision of the ports and adjacent maritime areas. I believe we must accelerate efforts to recapitalize the Coast Guard fleet—specifically, to speed up implementation of the long-planned Deepwater Initiative to upgrade and integrate the Coast Guard's fleet and related communications equipment. The budget resolution before us, following the President's budget proposal, has proposed $500 million for this project in fiscal year 2004, which is only enough to complete the project in 20 years or longer—the timetable outlined before the September 11 attacks. Clearly, current circumstances call for greater urgency. This amendment would provide an additional $700 million, for a total of $1.2 billion in fiscal year 2004, to complete the Deepwater Initiative in closer to 10 years.

In addition to the port security initiatives I have outlined, we must strengthen other components of our border security. In particular, the amendment calls for an additional $1 billion in FY 04 to increase border personnel and to improve information technology systems for the border. On personnel, we must strengthen the presence of Customs and immigration inspectors and of Border Patrol agents in key areas. Indeed, some of these enhancements were mandated by the Patriot Act and the Border Security Act but have not been funded and filled to date. I would allocate additional funds to hire at least 2,000–3,000 new border personnel. With respect to technology, it is especially critical that we expedite implementation of the biometric document system as mandated by the Patriot Act and Border Security Act. The biometric document system will include biologically unique identifiers for immigrants, reducing the risk that immigrants will enter illegally or under an assumed identity. The budget resolution before us clearly has not allocated significant new resources to achieve this new system in the required timeframe, or anything close to it. The additional $1 billion in my amendment would allow us to make significant progress on these border security needs.

We must also invest more in transportation security by increasing funding $1.7 billion over the levels proposed by the administration and the pending budget resolution. As we saw tragically on September 11, 2001, terrorists can exploit weaknesses in our transportation networks to turn them into instruments of terror. The Transportation Security Administration, TSA, was created to confront that grim reality, but it cannot succeed without more support from the Administration and Congress.

The TSA has made its initial mark at our airports, overseeing passenger screening and requirements that baggage be screened for possible explosives. Now, the agency must build on that work by expanding rapidly to other transportation sectors. Unfortunately, the budget resolution before us allows for neither task. It would provide just $4.8 billion for TSA in FY 04, a 10 percent decrease from the Administration's FY03 request of $5.3B.

My amendment calls for $1.7 billion in additional resources to improve transportation security. Among other things, this would restore the Administration's proposed cut to the overall TSA budget, ensure the agency can continue to fulfill its existing missions, and enable the TSA to begin to expand its work beyond passenger airline security to other critical transportation needs including bridges, railways, tunnels, subways and buses.

In addition to this general increase, the amendment would invest an additional $500 million in FY 04 on freight and passenger rail security enhancements, based on legislation approved by the Commerce Committee last session, S. 1991. The bulk of that money would fund security improvements for Amtrak, such as protection of bridges, tunnels and key facilities. Amtrak would also receive money to help improve equipment for emergency communications equipment and other security needs, and to train personnel to detect and handle potential attacks. With respect to mass transit, the amendment would provide $500 million for grants to address urgent transit security needs, as identified by GAO, including communications systems, surveillance equipment and mobile command centers. Additionally, the amendment would call for $200 million in FY 04 for bus security grants, as outlined in legislation S. 1739 that won the endorsement last session of the Commerce Committee. These grants would enable carriers to improve passenger screening, training and communications, surveillance equipment and other security measures.

Next comes preparing ourselves for bioterror attacks and attacks using other weapons of mass destruction—which demands an investment in FY 04 of $3 billion above the pending resolution. Some of the most chilling scenarios posed by homeland security experts are those of a chemical, biological or radiological attack. We are depending on our public health network to help prepare for and respond to such an assault. Yet these health providers have not been given nearly enough resources to fulfill this role.

For example, despite the scope of the threat and our relative lack of preparedness, the resolution would invest just $940 million—flat funding—in CDC grants to help state public health departments care for and track infectious disease outbreaks. That's just not enough. My amendment would provide an additional $1 billion in FY 04—essentially double the proposed and existing funding level—to help these departments detect and cope with a bioterror attack. Among other things, this funding could help defray the costs of administering the Administration's smallpox vaccination program.

In the same vein, my amendment would double the federal appropriation for the Health Resources and Services Administration, which provides money to help hospitals increase capacity, training and supplies. These improvements are essential if our hospitals are to be prepared for a biological, chemical or radiological event, yet, again, President Bush has proposed flat funding for this program. Instead, we should increase this account by $500 million, for a total of about $1 billion.

It will mean little to prepare our health infrastructure, however, if they have no tools to employ—no detective or preventive measures, or countermeasures to administer after an attack. The budget resolution would provide some new funds to confront this challenge—such as the proposed Project Bioshield—but those proposals do not go far enough and are not targeted effectively enough to provide the jumpstart we need in this area.

My amendment would call for an additional $1.5 billion for biothreat and other key research and development countermeasures—particularly efforts to get research from "bench to bedside," translating basic discoveries into usable products. I recommend that the money be available through the following entities: the Homeland Security Advanced Research Projects Agency, HSARPA, the National Bio-Weapons Defense Analysis Center and the Strategic National Stockpile. Increased funding of these three programs would permit adequate funding of promising countermeasures research, essential investigation of the underlying mechanism of biological threats, and procurement of needed medicines and vaccines to our defensive pharmaceutical arsenal. In addition, some of this money should be available to compensate health care workers who suffer ill effects from the smallpox vaccination program urged by the President.

The last but by no means least funding priority I want to address today is permanent protection of our critical infrastructure, which demands a half-billion increase over the pending budget resolution. Homeland security experts have increasingly highlighted the vulnerability of the nation's critical infrastructure as one of the most dangerous gaps in our homeland defenses. About 85 percent of these resources—which include such vital systems as energy distribution grids, chemical and nuclear plants, or financial networks—are in private hands, complicating the process for assuring adequate security.

The administration, and the resolution before us, seem content to continue studying the vulnerabilities of these systems. They have requested about $500 million for this process in FY 04. This would enable far too sluggish progress for such a vital task. My amendment calls for an additional $500 million in FY 04 to get these assessments done at once so that we can move to create action plans and conduct needed security enhancements at the earliest possible moment.

Halfway around the world, the American military and our allies are fighting to disarm a dictator who refused to give up his weapons for 12 long years. I believe our brave men and women in uniform will accomplish their mission—and that when they do, the world will be a safer place for peaceful people, and a worse place for terrorists and tyrants.

But here at home, to guard the land beneath our feet, other men and women in uniform are engaged in another front of the war against terrorism—and unlike the men and women of our armed forces, we have not given them all the support, the training, the technology, and the resources they need to succeed.

We owe it to our nation and ourselves to do better. On September 3, 1939, shortly after Britain declared war on Germany, Winston Churchill said, "Outside, the storms of war may blow and the lands may be lashed with the fury of its gales, but in our own hearts this Sunday morning there is peace. . . . Our consciences are at rest."

Our consciences as Americans—and as parents to our children—will only rest when we demonstrate the leadership and invest the resources to counter the fury the terrorists seek to bring upon us. Protecting the American people in an age of terrorism demands strong leadership and enormous resources—and it demands them now.

I yield the floor.

Mr. ENSIGN. Mr. President, the significant budget challenges faced by our Federal Government demand that Congress develop proposals for sound economic growth, while also working to cut wasteful government spending. The Budget resolution before the Senate today goes a long way towards accomplishing that goal.

Even before 9/11, we know now that our current recession began in late 2000.

The attack on America on September 11, the necessary cost of the war on terrorism, and now the threat of a war with Iraq have led to a dramatic deterioration of tax revenues, huge spending increases, and the return to budget deficits.

Over the last 2 years, revenues to the Federal Government have fallen by nearly 9 percent. And spending grew by 12 percent over that same period.

Unfortunately, revenues continue to underperform in 2003.

Congress cannot ignore our struggling economy, and I believe that the resolution before the Senate today addresses many of our economic problems.

The committee-reported budget resolution increases deficits in the near-term in order to invest in the economy and fight the war on terrorism.

The resolution provides over $725 billion during the 10-year period from 2003 to 2013 to the Senate Finance Committee for economic growth and job creation.

This tax relief is designed to let American families keep more of the money they earn. Economic growth is more easily achieved in an atmosphere where more Americans are able to save and invest their money.

Tax relief provides economic growth, and when we draft legislation, we should understand not just the cost of tax relief to the federal budget, but also the benefits that tax relief provides to the economy and the long-term increase in revenues to the Federal Government that tax relief can provide.

The amount provided for this tax relief includes enough to accommodate the President's plans to accelerate the marriage penalty relief, increase the child tax credit, eliminate the double-taxation of dividends, and increase small business expensing limits.

Although I may not agree with all of it, I do believe the President's tax proposal, which we included in this budget, is an overall good plan for solid long-term economic growth.

As you know, Mr. President, the Budget Committee does not dictate tax policy changes. However, the committee resolution does provide enough money for specific growth proposals, but it will ultimately be up to the Finance Committee to write the policy.

I do agree with those who are concerned about budget deficits. The Budget before the Senate today does include 9 years of deficits. The deficits do grow smaller, and eventually go back to surplus in the out years.

I want to make it clear that I do not excuse the deficits, and I would love to put us immediately into surpluses in this fiscal year. I think it is important that Congress makes the return back to surpluses a top priority. And we are not going to do that by spending.

I also believe we must be realistic in the constraints that the events of the past two years have placed on our ability to balance the budget in the immediate fiscal year.

I have confidence that the fastest way we can get back to surpluses is by fixing the economy through policy changes that encourage economic growth, coupled with a reduction in wasteful government spending. Mr. President, unfortunately, as we all know, in Washington DC we do not actually cut spending.

The best we can hope to do is control the growth of spending.

As Ronald Reagan stated during his State of the Union address on January 25, 1984, "The problems we're overcoming are not the heritage of one person, party or even one generation. It's just the tendency of government to grow, for practices and programs to become the nearest thing to eternal life we'll ever see on this Earth. And there's always that well-intentioned chorus of voices saying, "With a little more power and a little more money, we could do so much for people."

President Reagan was right.

Once we establish a federal program, it develops a constituency and then it becomes impossible to cut. And we love to go home to our constituents and tell them about the money we brought home from Washington DC for our home state projects.

If the other side of the aisle is concerned about deficits, as they say they are, then they should join us in cutting out some of the wasteful spending in the Federal Government.

This resolution may not be the perfect blueprint to surpluses, but it makes a good start by providing both sound tax policy for economic growth, as well as a control in federal spending.

I hope that my colleagues will support this resolution today, and that we will make an effort to tighten up the purse strings around here, and start to work together during these difficult economic times to bring our budget back into balance.

Ms. CANTWELL. Mr. President, I rise today as a cosponsor of the Dorgan prescription drug amendment to the fiscal year 2004 budget resolution.

The fact is, when Medicare was designed in 1965, the system relied on inpatient hospitalization and seldom on outpatient services, preventive care, or patient drug therapies. At that time, prescription drugs only accounted for 4 percent of all personal health care expenditures.

But as we enter the 21st century, the cutting edge of health care has shifted. Every day, as new preventive and therapeutic drugs replace outdated inpatient procedures, Medicare falls further and further behind in providing basic care.

Medicare was written to cover the most basic health care for seniors. When the original bill passed, the legislation's conference report explicitly stated that the program was designed to provide adequate "medical aid . . . for needy people, and should "make the best of modern medicine more readily available to the aged."

Well, we are not making the best use of modern medicine when millions of seniors cannot afford the prescription drugs they need. Prescription drugs that had not even been developed when Medicare was enacted are now an essential aspect of basic health care. We owe it to our seniors to live up to Medicare's original mandate and provide them the best medical care.

Unfortunately, today, beneficiaries' current drug coverage options are often expensive and unreliable. And as a result, nearly 7 out of 10 Medicare beneficiaries lack decent, dependable coverage for their prescription drug needs, and more than one-third have no coverage at all. Prescription drug expenditures for the average senior in my home state of Washington are over $2,100 every year—over 122,000 of my seniors spend more than $4,000 a year.

On average, $1 out of every $5 of every Social Security check to Washington State's seniors is spent on prescription drugs. And seniors with the most serious illnesses spend nearly 40 percent of their Social Security check on prescription drugs.

Senator DORGAN's amendment would ensure a fair and adequately funded Medicare prescription drug benefit. The budget resolution, S. Con. Res. 23, currently reserves up to $400 billion for the Finance Committee to report legislation that strengthens and enhances Medicare, improves the access of beneficiaries under that program to prescription drugs, or promotes geographic equity payments.

This amendment would first increase the Medicare reserve fund by about $220 billion, for a total of $620 billion. The amendment also specifies that beneficiaries in traditional Medicare should receive a drug benefit equal to that of beneficiaries who enroll in private health plans.

The $400 billion that is proposed in the committee resolution for the Medicare reserve fund is not adequate to provide prescription drug coverage for all seniors, because this funding could be used for other Medicare "reforms"—leaving even less for prescription drugs.

The Dorgan amendment would ensure adequate funding for a reliable prescription drug benefit in Medicare for all beneficiaries. Seniors should not have to abandon traditional Medicare—and join an HMO or other private health plan—to receive the prescription drug coverage they need. The Dorgan amendment ensures fairness: all beneficiaries would have a prescription drug benefit without being forced into HMOs and other private health plans.

In addition to providing a comprehensive, affordable, and adequately funded prescription drug benefit for all Medicare beneficiaries, the amendment would be fiscally responsible by including language to decrease the deficit by $250 billion and reduce the proposed tax cut by roughly $400 billion.

As I visit senior citizen centers in my State of Washington and discuss a prescription drug benefit, my constituents repeatedly tell me the same thing: They want prescription drug coverage to be comprehensive, simple to administer, guaranteed, stable, and based on the very best medical technology. And most importantly, seniors do not want their prescription drug benefit run through an HMO or other private insurance company.

In fact, according to a June 2002 survey by the Kaiser Family Foundation and the Kennedy School of Government, 67 percent of American people believe we should expand Medicare to pay for part of prescription drugs, but only 26 percent say we should help seniors buy private insurance to pay for prescription drugs costs.

Seniors want a prescription drug benefit run through Medicare—a program they understand and upon which they depend. The Dorgan amendment would ensure that seniors have this choice.

Despite basic Federal standards included in Bush's Medicare Prescription Drug plan, a private delivery model means that insurers can vary premium costs, benefit design, and the availability of drug coverage across the country. They can create strict formularies that limit access to prescribed drugs and bar access to local pharmacies. That's too much flexibility in a program that is supposed to guarantee help for seniors.

The very basic issue here is that the private market will not cover such a high-risk population—especially a population at such risk for adverse selection. I don't want to see this benefit be a repeat of the Medicare+Choice program. And if the private insurance model hasn't worked for the full Medicare benefit, it certainly won't work for a single benefit where utilization is expected to be high.

For seniors who choose to remain in the traditional Medicare program, the Bush plan proposes a prescription drug discount card. The GAO estimates that the prescription drug discount cards will provide less than a $3.50 discount per prescription. However, the National Association of Chain Drugstores estimates that the average retail cost for an outpatient prescription drug in 2001 was $54.55.

Clearly, the prescription drug discount cards do not offer a viable prescription drug benefit for America's seniors. In addition, the low-income subsidy of $600 to supplement the prescription drug discount cards is a false promise of assistance for seniors, who spend an average of $2,317 on prescription drugs each year.

Seniors account for 12.6 percent of the general population—but a third of all prescription drug expenditures. And while prescriptions are expensive—in some cases, prohibitively so—these are the very same prescription drugs that keep people out of the hospital, out of the nursing home, and living vibrant and happy lives. And while it is difficult to quantify in economic terms, prescription drugs preserve health and eliminate unnecessary hospitalization—which is by far most expensive segment of the health care.

Americans are becoming increasingly reliant on more effective—and more complicated—drug therapies. Total health care spending in the United States will total more than $1.5 trillion this year, an increase of 8.6 percent over last year, according to a March report released by the Centers for Medicare and Medicaid Services.

Prescription drug expenditures are the fastest growing segment of the health care market—with spending on outpatient prescription drugs by Medicare beneficiaries alone increasing by 12 percent annually. CMS predicts that prescription drug expenditures will continue to increase faster than any other category of health care spending throughout the next ten years.

In 1970, drug expenditures in the United States were about $5.5 billion. Now, for Medicare beneficiaries alone, the CBO projects that total drug spending will grow from $95 billion in 2003 to $284 billion in 2013. This is a total of $1.8 trillion on prescription drug costs over the next ten years. Medicare beneficiaries alone will spend $1.8 trillion on prescription drugs over the next ten years.

But while we discuss the potential cost of a new benefit, we also need to discuss national priorities. I believe we can do a fair and adequately funded prescription drug benefit while living within our budget, and we can do so by having a clear vision for our country's priorities. One of my top priorities is getting a new prescription drug benefit to the Medicare beneficiaries in Washington State. But this may mean making other tough choices.

I strongly believe that we need to include a prescription drug benefit in the Medicare program and I will continue to fight to ensure that all Washingtonians have access to the prescription medications they need.

Ms. MIKULSKI. Mr. President, I rise in support of the Sarbanes-Jeffords-Mikulski-Graham water infrastructure amendment.

Our amendment is simple and straightforward: It adds $3 billion to the 2004 budget resolution for a total of $5.2 billion for water and sewer infrastructure in 2004. The amendment increases funding for EPA's Clean Water State Revolving Loan Fund from $1.35 billion to $3.2 billion, and increases funding for EPA's Drinking Water State Revolving Loan Fund from $850 million to $2 billion.

Our amendment is necessary for two reasons.

First, our Nation's communities are facing enormous needs in their efforts to provide clean and safe water. The need for better sewer and drinking water systems is much greater than what we put in the Federal checkbook each year. These needs have been studied and restudied and the needs are real and valid.

In April 2000, the Water Infrastructure Network reported that our Nation's water and wastewater systems will face a funding gap of $23 billion a year over the next 20 years. In November 2001, the general Accounting Office reported that cost range from $300 billion to $1 trillion over the next 20 years. In September 2002, the Environmental Protection Agency reported that demands for improved sewer and drinking water systems will outstrip current levels by $535 billion. And in November 2002, the Congressional Budget Office reported that water and sewer costs could average as much as $40 billion each year. The results are conclusive and the need is real and valid.

We are not putting enough funding in the Federal checkbook each year. The current level for water infrastructure is only $2.2 billion. We can't expect communities to comply with growing regulations like arsenic, radon, and new requirements related to security, to name just a few, without increased financial assistance.

If we don't help, the entire burden falls on local ratepayers. In many urban and rural low-income areas, rate increases are just not affordable. My hometown of Baltimore is facing a $1 billion cost in order to meet Federal regulations.

The second reason that this amendment is necessary is for job creation. The economy lost 300,000 jobs in February. Water infrastructure funding creates jobs. For every $1 billion we spend on water infrastructure, up to 40,000 jobs are created.

This amendment is a mini-stimulus package for three reasons:

First, it will create and sustain jobs. As I stated, for every $1 billion in SRF funding, about 40,000 jobs are created. Second, the amendment is temporary and targeted.

The amendment is a one-time, $3 billion increase of an existing program. It does not create a new bureaucracy. Third, the amendment does not contribute to long-term deficits because the $3 billion is fully offset by reducing the tax cut.

This $3 billion increase for water infrastructure is less than one-half of 1 percent of the $726 billion tax cut in this budget resolution.

Mr. President, the Sarbanes-Jeffords-Mikulski-Graham amendment helps our communities by providing more funding for immediate water and sewer needs and by creating jobs.

I urge my colleagues to support the amendment.

Mr. SPECTER. Mr. President, I have sought recognition today to speak to a $2.8 billion amendment on behalf of Senator HARKIN, myself and others to increase the health function in this resolution. The amendment would add to the funding already included in the resolution for the National Institutes of Health, the Centers for Disease Control, and the Health Resources and Services Administration as well as other health programs. The amendment is offset by an across-the-board reduction in function 920. This reduction would not cut programs, but simply reduce administrative expenses, travel, and consulting services by .36 percent. This amendment would provide NIH with a $2.3 billion increase over the fiscal year 2003 appropriation.

As chairman of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. The fiscal year 2003 omnibus appropriations bill contained $27.2 billion for the NIH which completed the doubling begun in fiscal year 1998. This money has been very well spent. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. It is clear that Congress's commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to translate these advances into additional treatments and cures. Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV-infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research. And if scientists are correct, stem cell research could result in a veritable fountain of youth by replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a sense-of-the-Senate resolution stating that funding for the NIH should be doubled over 5 years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to nothing, the budget resolution contained a $100 million reduction for health programs. That prompted Senator HARKIN and myself to offer an amendment to the budget resolution to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was tabled by a vote of 63 to 37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, Senator HARKIN and I again introduced an amendment to the budget resolution which called for a $2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57–41. Not to be deterred, Senator HARKIN and I again went to work with our subcommittee and we were able to add an additional $2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator HARKIN and I offered another amendment to the budget resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47 to 52, we were able to provide a $2.3 billion increase for NIH in the fiscal year 2000 appropriations bill.

In fiscal year 2001, Senator HARKIN and I again offered an amendment to the budget resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55 to 45. This victory brought the NIH increase to $2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by $200 million below that amount.

In fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator HARKIN and I, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve our goal. The vote was 96 to 4. The Senate Labor-HHS subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we once again fell short by $410 million. That meant that in order to stay on a path to double NIH, we would need to provide an increase of $3.7 billion in the fiscal year 2003. The fiscal year 2003 omnibus appropriations bill contained the additional $3.7 billion, which achieves the doubling effort. We have fought long and hard to make the doubling of funding a reality, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health and the amendment that we offer today will continue to carry forward the important research work of the world's premier medical research facility.

While the budget resolution assumes some increases in chronic disease, health statistics and HIV/AIDS, cuts in other CDC programs total over $300 million. This amendment would add $600 million to the amount already assumed in this resolution.

Several years ago, I visited the Centers for Disease Control and Prevention and was appalled at the deplorable conditions of the laboratories and buildings at the Atlanta campus. I found laboratory facilities with roofs that were leaking on high-technology equipment, equipment falling through rotted floors, and bathrooms that had been converted into labs and office space. The CDC, as the lead Federal agency responsible for promoting health and preventing and controlling disease, should have adequate facilities and equipment to carry out its mission. To address the facility and equipment needs, Senator HARKIN and I included $175 million in fiscal year 2001 to begin renovations on campus. In fiscal year 2002, we included $250 million and the same amount was appropriated in fiscal year 2003. The amount assumed in the budget resolution is inadequate to continue the construction work needed to make the CDC safe for workers and ensure that the next public health emergency will not overwhelm the current capacities of the CDC to respond to a biodefense attack or other illness. Additional dollars are also needed for prevention and health promotion programs such as immunization, tuberculosis, cancers and cardiovascular disease.

The budget resolution assumes a decrease of $785 million for the Health Resources and Services Administration. This amendment would add $400 million to restore some of the proposed cuts in health professions and provide for program increases in Ryan White AIDS, abstinence education and Children's Hospitals Graduate Medical Education.

The increases included in this amendment are essential if we are to continue to carry forward the important work at the world's premier medical research facility, ensure that the CDC has equipment and laboratories to confront any public health crisis that may occur, and provide the Health Resources and Services Administration with the dollars necessary to fund community health centers, train health care professionals, and confront the AIDS crisis.

I ask that you join Senator HARKIN and me in supporting the amendment.

Mr. GRASSLEY. Mr. President, I rise to address Senators LAUTENBERG and CORZINE'S proposed amendment to the budget resolution. Superfund and the cleanup of pollution sites should be an important concern to all of us. We must be concerned that our future generations are not jeopardized by past inactions. But this amendment has been offered in an inapproprate forum, at an inappropriate place, using an inappropriate procedural method and I have voted no. As chairman of the Finance Committee, we will be able to consider this issue under more appropriate circumstances.

Mr. DASCHLE. Mr. President, while our thoughts are with our troops, the business of Congress continues. And we need to approach our challenges at home with the same resolve and the same seriousness of purpose with which our sons and daughters are confronting the threat abroad. It is sadly ironic that at the very time when our service men and women are inspiring us with their courage in the face of danger, this budget runs and hides from one challenge after another while showering $1.4 trillion in tax breaks primarily to the most prosperous among us.

Month after month, more American families are suffering from the failure of this administration's irresponsible economic strategy. With the economy hemorrhaging jobs from every sector, an increasing number of Americans are losing faith that they will ever find a job. But with this budget, Republicans have turned their backs on the problems of American families. Instead of offering new ideas and new solutions, the administration continues to push a tired ideology that has turned our economy into a job-destroying machine. This budget will hang some $1.5 trillion of debt around the necks of our children. They will be paying for this mistake for decades to come. The President's own economists agree that these chronic deficits will raise interest rates, hold back our economy today, and rob opportunity from even more Americans.

And though all Americans' thoughts are with our Armed Forces today, I would ask that they take a moment to ask, why is this Republican Congress saddling our children with record-breaking deficits and massive debt? It is not to fund the war or the rebuilding of Iraq that will follow. It is not to protect our homeland. Republicans continue to shortchange the police and firefighters who need our help to prevent or respond to a terrorist attack in their own communities, and continue to oppose funding to better secure our borders, ports, and vulnerable infrastructure. It is not to get our economy moving again. Like the President's budget, the Republican resolution before us contains very little to immediately stimulate the economy. It is not to provide all of our seniors with a real Medicare prescription drug plan or strengthen Social Security for the coming generation of retirees. This plan starves Medicare and raids the Social Security surplus. It is not to come to the aid of States and local governments that are suffering the worst fiscal crisis in 50 years. This budget will place an even greater burden on our States. And it is not to build world-class schools so our children have the tools and skills they need to make the most of their own lives. While some schools around our country will be forced to shut their doors early this year due to budget cuts, the President's plan falls $10 billion short of his own promise to education.

This budget is not about meeting the challenges of the moment or the future. This budget is about one thing, and one thing only. More new tax breaks for the very wealthy at the expense of everyone else. At the expense of deep cuts in domestic priorities. At the expense of record deficits that will be imposed on our children and grandchildren.

Any other year, this budget would be seen as mean-spirited and divisive. Today it is shameful. Across the globe, on display for all the world to see, young men and women are risking their lives to secure the lives and liberty of others. And yet here in this Capitol, on display for the world to see, a Republican Congress is taking money out of the pockets of our own children. It is choosing not to provide the necessary resources to make our homeland more secure. It is choosing not to give States any help to deal with their mounting fiscal crisis. It is choosing not to keep its commitments on education. It is choosing not to provide needed health care and prescription drug coverage to our most ill and vulnerable. With all those challenges and needs, this Congress instead is choosing to give hundreds of billions in new tax breaks to the wealthiest among us.

Democrats are going to keep fighting to fund homeland security, provide a real Medicare prescription drug benefit; honor our commitment to our students and teachers; restore funding to make up for Republican cuts to national defense and veterans programs, and offer relief to our States and local governments. This is not a time to shrink from our responsibilities to one another. We need to meet the test of this demanding moment in our history. This Congress should be producing a budget that reflects the very best of our Nation, the spirit that our soldiers exemplify the spirit of honor, sacrifice, and duty in the service of a better future for us all.

Mr. FRIST. Mr. President, I ask unanimous consent that no later than 4 p.m. on Monday, the ranking member of the Budget Committee provide to the chairman a list of 40 amendments, and the chairman provide to the ranking member a list of no more than 40 amendments, which would then be in order to be offered to the budget resolution; I also ask unanimous consent that the Senate then resume consideration of the budget resolution at 9:30 a.m. on Tuesday and, at that time, it be in order for the majority leader or the Democratic leader or their designees to offer amendments from the respective list, and the Senate would then proceed to votes in relation to the amendments as provided for under the Budget Act, with 2 minutes for debate equally divided prior to the vote, with relevant second-degree amendments; provided that no later than 4 p.m. on Wednesday, March 26, the Senate proceed to a vote on passage of S. Con. Res. 23, with no intervening action or debate.

I further ask consent that immediately upon passage of the resolution, the Senate proceed to the consideration of H. Con. Res 95, the House budget resolution; further, all after the resolving clause be stricken and the text of S. Con. Res. 23, as amended, be inserted in lieu thereof, the resolution be adopted, and the Senate insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate.

Mr. DASCHLE. Mr. President, reserving the right to object, I want to thank all of our colleagues, especially colleagues on my side of the aisle who have a great deal of skepticism, I would say, about this particular proposal. I think it is equally clear that there is skepticism on both sides.

We have been through a good deal of debate over the last several days. I think we have made progress. This will accommodate adequate progress on both sides. I will say, as the majority leader and I have discussed on a few occasions, that this agreement requires a good deal of trust on both sides. We are trusting our Republican colleagues to work with us to accommodate the consideration of 40 amendments. They are trusting us that we will share with them those amendments, that we will be able to work through them, that they will have an opportunity to review them, and that we will complete our work at 4 o'clock.

So it does require cooperation and a level of trust that I hope will set a standard and example for other action we take later on. So I hope that our colleagues will continue to cooperate in the course of the next couple of days.

I have designated the ranking member of the Budget Committee and our extraordinary assistant Democratic leader. They have been tasked with the responsibility of determining these 40 amendments. So we will work over the weekend and we will, as this agreement requires, provide those amendments on Monday.

I appreciate very much the cooperation and the trust of the distinguished majority leader and the chairman of the Budget Committee. This certainly is the best way to accommodate the needs of both of our caucuses. I congratulate my colleagues for doing so.

Mr. FRIST. Mr. President, I will comment and then turn to the chairman of the Budget Committee. I want to briefly say this and close my remarks by expressing my appreciation to our caucus and to the chairman of the Budget Committee, and especially to the leadership on the other side of the aisle and the ranking member. As most people know, we have been negotiating and discussing in the last several hours how to bring to closure what we all know is a big challenge, given the number of amendments that we have before us.

We put our heads together and, after a lot of conversation and, as the Democratic leader said, basing a lot of what we are setting out to do over the next several days on trust, came up with an agreement that is not perfect on either side, but it is the best we can do to give some finite closure to this challenge.

In addition, we have had a very good week. It is late on a Friday night and our colleagues have worked very hard. Indeed, we had very good and productive discussions. We have done a number of amendments. I congratulate the ranking member and chairman in bringing those to the floor and having good debate today.

In addition to that, the resolution we agreed to sent a very important signal to our troops, our military, and our Commander in Chief: our gratitude, respect, and support.

So we have actually accomplished a lot this week. We were unable to fulfill what I had initially hoped, and that was to pass the budget resolution by late tonight. But given the fact that at this hour we still have many outstanding amendments, I am very pleased with the agreement. I thank the leadership and the chairman and ranking member.

Mr. NICKLES. If the leader will yield, I have a couple of comments. One, I appreciate the cooperation of the leader and Senator DASCHLE and Senator REID and Senator CONRAD. But just for the information of our colleagues, we are going to have a very tough couple of days, a lot of work to do on Tuesday and Wednesday. I urge our colleagues to be ready to go. I think the order called for us going into session at 9:30 Tuesday morning.

Today, we worked long and hard. We had about 15 rollcall votes, and I believe we accepted probably another 15 amendments, counting the last 7. It is going to be very challenging work. So I urge our colleagues to be notified of the fact that they need to be here at 9:30 Tuesday morning and expect a long day—a lot of votes on Tuesday and a lot of votes on Wednesday. It is going to take the cooperation of all Members for us to meet this ambitious goal. It will not be easy and it probably won't be very pretty. Hopefully, we will be successful in meeting our objectives. There is nothing in the unanimous consent agreement saying we have to agree to 40 amendments?

Mr. DASCHLE. No; we tried that, Mr. President.

Mr. NICKLES. I just wanted to make sure.

The PRESIDING OFFICER. Is there objection? The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, the leaders have indicated there has to be trust on both sides. The chairman of the committee has shown himself to be trustworthy in these long, difficult negotiations this whole week. We had instances last night where I had to make a decision that could have disadvantaged our side and did it because that was keeping a promise. The chairman of the committee had to make a decision today that could have disadvantaged his side, but he did it to keep faith with the commitment that he made.

I want colleagues on our side to know the chairman of the committee has repeatedly demonstrated trustworthiness. That is important to the functioning of this body. We are going to have to really work together very closely to resolve these matters.

Let me say in conclusion to our colleagues on this side, we have 135 amendments pending. We only have 40 spots. That means Senators are going to have to give up what is their right to offer amendments. That is the most precious right any Senator has. So we understand why they guard that right with real fervor at times. But I hope people understand there is no way we can fit 135 into 40. It is going to take restraint, and it is going to take trust.

I think together over these next days we will demonstrate we are worthy of this body we serve and this country we love.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The majority leader.

Mr. FRIST. Mr. President, in wrap-up a little bit later tonight, we will be more specific, but for our colleagues, on Monday we will not be having votes, but we will be in session. We will talk about the day. We will not be voting on Monday. We need to have everybody here on time Tuesday because we will be voting in a vote-athon, as we have come to call it, starting early in the morning. We want people to make plans accordingly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTIONS CONSISTENT WITH THE WAR POWERS RESOLUTION

Mr. STEVENS. Mr. President, as President pro tempore, I send to the desk a letter received from the President of the United States wherein he informs the Congress of his comments concerning his actions consistent with the War Powers Resolution, Public Law 107–40. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 20, 2003.

Hon. TED STEVENS,
President pro tempore of the Senate, Washington, DC.

DEAR MR. PRESIDENT: On September 24, 2001, I reported the deployment of various combat-equipped and combat support forces to a number of locations in the Central and Pacific Command areas of operation. On October 9, 2001, I reported the beginning of combat action in Afghanistan against terrorists and their Taliban supporters. In my reports to the Congress of March 20 and September 20, 2002, I provided supplemental information on the deployment of combat-equipped and combat support forces to a number of foreign nations in the Central and Pacific Command areas of operations and other areas. As a part of my efforts to keep the Congress informed, I am reporting further on United States' efforts in the global war on terrorism.

Our efforts in Afghanistan have met with success, but as I have stated in my previous reports, the U.S. campaign against terrorism will be lengthy. To date, U.S. Armed Forces, with the assistance of numerous coalition partners, have executed a superb campaign to eliminate the primary source of support to the terrorists who viciously attacked our Nation on September 11, 2001. The heart of al-Qaida's training capability has been seriously degraded. The Taliban's ability to brutalize the Afghan people and to harbor and support terrorists has been virtually eliminated. Pockets of al-Qaida and Taliban forces remain a threat to U.S. and coalition forces and to the Afghan government. What is left of both the Taliban and the al-Qaida fighters is being pursued actively and engaged by U.S. and coalition forces. Additionally, training missions and combat operations with Pakistani special forces are ongoing near the Afghan/Pakistan border.

Due to our success in Afghanistan, we have detained hundreds of al-Qaida and Taliban fighters who are believed to pose a continuing threat to the United States and its interests. The combat-equipped and combat support forces deployed to Naval Base, Guantanamo Bay, Cuba, in the Southern Command area of operations since January 2002, continue to conduct secure detention operations. We currently hold more than 600 enemy combatants at Guantanamo Bay. All are being treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949.

In furtherance of our worldwide efforts against terrorists who pose a continuing and imminent threat to the United States, our friends and allies, and our forces abroad, we continue operations in other areas around the globe. Our relationship with the Government and Armed Forces of the Philippines (AFP) developed and matured throughout 2002. Last year's actions from February to July 2002 on Basilan Island, with AFP in command and with U.S. forces in a support role, helped to drive hundreds of Abu Sayyaf Group terrorists from the island, restoring order and reestablishing government services. To ensure that the AFP has the skills to fight terrorism over the long term, we have a robust security assistance training program and a variety of exercises that will provide the AFP much needed counter-terrorism training and equipment. There are approximately 300 combat-equipped and combat support U.S. military personnel working with the AFP and U.S. forces continue to plan with the AFP for possible future activities. Continued U.S. support is warranted as the Government of the Philippines has provided unwavering support in the global war on terrorism.

Additionally, we continue to conduct maritime interception operations on the high seas in the Central and European Command areas of responsibility to prevent the movement, arming, or financing of international terrorists who pose a continuing threat to the United States.

Combat-equipped and combat support forces also have been deployed to Georgia and Yemen to assist the armed forces of those countries in enhancing their counter-terrorism capabilities, including by training and equipping their armed forces. Similar U.S. forces have deployed to Djibouti to command and control operations and other activities as necessary against al-Qaida and other international terrorists in the Horn of Africa region. These activities include providing oversight for urban and maritime counter-terrorism training with the Yemen special operations forces. We continue to assess options for working with other nations to assist them in this respect.

I have taken these actions pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. In addition, these actions are consistent with Pub. L. 107-40. As I stated in my previous reports, it is not possible to know at this time either the duration of combat operations or the scope and duration of the deployment of U.S. Armed Forces necessary to counter the terrorist threat to the United States. I will direct additional measures as necessary to exercise our right to self-defense and to protect U.S. citizens and interests. Such measures may include short notice deployments of special operations and other forces for sensitive operations in various locations throughout the world.

I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution and Pub. L. 107-40. Officials of my Administration and I have been communicating regularly with the leadership and other Members of Congress, and we will continue to do so. I appreciate the continuing support of the Congress in our efforts to protect the security of the United States of America and its citizens, civilian and military, here and abroad.

Sincerely,

GEORGE W. BUSH.

TRIBUTES TO DR. LLOYD JOHN OGILVIE

Mr. NICKLES. Mr. President, I would like to take this opportunity to express my gratitude to Dr. Lloyd Ogilvie, who served as our Chaplain in the Senate since 1995.

Dr. Ogilvie has been an outstanding Chaplain to the Senate. He is a person I think all of us have grown to know and love and appreciate. He has been our mentor, our companion, our friend, our brother, and our Chaplain.

He has provided great leadership, great prayers. He has prayed for us many times, and not just in his official capacity as Chaplain of the Senate. He has prayed for us individually as Members. He has prayed for our families. He has been with us through a lot of difficult times, challenging times, exciting times.

We want him and his family to know they are very much in our thoughts and prayers. His wife Mary Jane is a lovely lady. And she has experienced some very challenging physical tribulations of late. We want both Dr. Ogilvie and his wife Mary Jane to know they are in our thoughts and our prayers.

We certainly miss him as our Chaplain. He has been kind enough to not only meet with us in the morning and lead us in prayer, but he has met with many of us on a weekly basis—Members of the Senate and also our staffs, and also other people who work in the Senate.

He has been a great mentor and friend. We are certainly going to miss him as our Chaplain of the Senate.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I, too, would like to share a few comments about our Chaplain, Lloyd Ogilvie. I had the honor to get to know him after I came here. We live near one another. We see each other on a regular basis. My wife and Mary Jane are friends, as we are with Lloyd Ogilvie.

He is an extraordinary individual, one of the most educated people I have had the honor to know. He has written over 40 books. His book "One Quiet Moment", a devotional, I believe, is the finest devotional book I have ever seen. Reading those devotions, and thinking about them, is so current in time today while also so consistent with the great traditions of faith that it is really remarkable.

It is a special work he created there.

During his entire ministry, he was successful, whether in Hollywood, CA or in Illinois or here as chaplain. Our prayers are with Mary Jane, his wife. She is suffering substantially now. We worry about her. We care about her. Our prayers are with her. She has such a fighting spirit. She is a champion of life and of the good things of life. She speaks her mind and she has great values. They are a tremendous team.

I, too, join with others in expressing my appreciation for what he means to me, my appreciation for what he does for others in the Senate, including our staff members for whom he has ministered and for whom he has represented an outstanding example of the richest kind of Christian faith.

We have been blessed by having him here. We certainly will miss him. I will miss him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to comment a moment on our Chaplain who is leaving us.

I vividly recall when our previous Chaplain indicated he was not going to serve us any longer. Many of us thought it would be impossible to replace him. I was in a small group—I don't remember if it was three or five Senators—who were given the job of going out and looking in America for another Chaplain. Senator STEVENS was a member, I recall. So was Senator Mark Hatfield. I don't recall the others.

There were a lot of people. I was not so sure that Lloyd Ogilvie, based on the things he had done in his life—he was a great preacher; he had large assemblies of Christians he spoke to in the California area. I did not believe, as one, that he would necessarily fit in, but I said: Let's try him.

He preaches with a beautiful voice; he sounds almost like you would expect God to sound. He came, and he has been absolutely marvelous. Everybody here has learned to grow in faith and confidence having him around.

It is too bad he has to leave, but he is a very loyal man in terms of his marriage and his wife. I think her illness takes him to join her. I hope she gets well, although she has been very critical and he sees fit to be present there with her.

So we all say good-bye and good luck. Whomever he serves and whomever he shares his views with as to where we came from, where we are going to go when we finish here on Earth, and our value system, I am sure they will all benefit, just as we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me add my voice in commendation of Lloyd Ogilvie. He has been superb as the religious leader of this body.

Several years ago, my chief of staff died suddenly and unexpectedly. I called Dr. Ogilvie on very short notice and asked him to come and lead my staff in prayer and remembrance. I will never forget the extraordinary job, the extraordinary sensitivity that Dr. Ogilvie brought to that task. I will never forget the way he made my staff feel better in a very acute time of loss.

Dr. Ogilvie has been a remarkable friend to us all; he has done a superb job of leading us in prayer, and been a counselor to so many in the Senate family. We are going to miss him very much, and certainly miss the presence of Mary Jane as well.

I thank the Chair.

Mr. ENSIGN. Mr. President, I thank the Senator from Oklahoma for talking about our chaplain. Lloyd Ogilvie was very influential in the very short time I knew him these last 2 years. A lot of people around the country don't know him, but he provided a very valuable service to the country by being the spiritual foundation not for just Senators but for the entire Senate family.

Because Lloyd Ogilvie had a television ministry, I was very skeptical about who this Senate chaplain was when I first came here a little over 2 years ago. He leads Bible studies. He leads prayer groups. He leads times to get together for people. Regardless of faith, whether somebody was Muslim, Jewish or a follower of Jesus, Lloyd John Ogilvie was there for us in the truest sense of the word.

He knew what was going on in individual people's lives. If somebody was suffering, he knew about it because people trusted him enough to bring him into their confidence. As we have seen over the last couple years, he was there when the Senate was suffering as a family. He would come and comfort us, and he would lead us from a spiritual sense. I have come to greatly admire this man.

One of his sayings was quoted in an article I read that helped inspire me to run for Congress back in 1994. The saying was: You may only be able to make a small difference, but that does not relieve you of the responsibility to make that small difference.

People say you can't change the world, so why try. That quote by Lloyd John Ogilvie tells us of the responsibility we have. Whatever small difference you can make, that is what you are called to make.

This man, who I believe at the end of his days will come before the Father in heaven, the Father in heaven will put his hand on his head and he will say to Lloyd John Ogilvie: Well done, good and faithful servant.

Each of us in the Senate family look to Lloyd John Ogilvie and say to him: Thank you. He has truly been a good and faithful servant. My prayers go out to him and Mary Jane. She is suffering tremendously. All of us together have been joining in prayer to relieve her suffering. It has been a terrible thing to watch them go through. Even through this terrible suffering, we have seen the strength of Lloyd and Mary Jane. They have been a comfort to us even through this time of trial.

I thank both of them for their service to this country and to the Senate family.

Mr. CHAMBLISS. Mr. President, let me add my appreciation to Dr. Lloyd Ogilvie for his terrific service to this great institution. I have been a Member here for not even 3 months now. Lloyd Ogilvie has added such great inspiration to my life. It has been a joy to get to know him and to have the opportunity to listen to him, to learn from him in our Bible study, to share our Wednesday morning prayer breakfast with him, and to have some private time with him. It has been a real joy, a privilege, and something that truly got my career in the Senate started in the right way.

We are all here truly by the grace of God. There is nobody who understands the grace of God and is able to express it better than Lloyd Ogilvie.

My wife is a very strong Christian, and the highlight of her week, when she is able to be up here, is the Tuesday Bible study that the spouses attend. Dr. Ogilvie exhibits that same inspiration to the spouses as he does to us.

We will miss this guy. He is such a great man, a great spiritual leader, and a great American. What he and Mary Jane have been through over the last couple of years is an inspiration to all of us. It lets us know that good men suffer just like everybody else in the world, and Lloyd Ogilvie and Mary Jane have been through very difficult times.

God has a place for all of us, and God truly has placed Lloyd and Mary Jane in the right place at the right time by sending him to the Senate.

I told Lloyd this in the last Bible study he led last week. The first time I met him I was not a Member of the Senate. I was a Member of the House, and I attended the funeral of my close friend and Georgia colleague, Senator Paul Coverdell. It was in a Methodist church in Atlanta. When they said that Dr. Lloyd Ogilvie, who I knew was a Presbyterian minister, was going to have the service, I said: Who is this guy? Why is he coming down to do my friend Paul's service?

I told him the other day, I said: It didn't take but one sentence out of your mouth, Lloyd, to understand why you are where you are, that God had truly placed you in the right position. And what a terrific job he did for the Coverdell family and all of us at a very difficult time in the life of my State, the life of me personally, and certainly the life of the Coverdell family at that point in time.

We obviously will keep Lloyd and Mary Jane in our thoughts and prayers every single day as they continue to go through difficult times. Mary Jane had a better day the other day. And when it was reported at the prayer breakfast on Wednesday morning, you could just see the light in the room brighten because we knew that Mary Jane was feeling better, which meant Lloyd was feeling better, which meant all of us were feeling better.

We do cherish the moments we have with Lloyd. We thank him for his great service to our country and to this great institution. We wish him and Mary Jane Godspeed. They will continue to be in our prayers every single day.

Mr. SANTORUM. Mr. President, I rise today to honor and thank Chaplain Ogilvie for his service and devotion to the entire Senate family over the past 8 years. Dr. Lloyd John Ogilvie has been the Chamber's spiritual leader since the 104th Congress, having been nominated to the Chaplaincy by Majority Leader Robert Dole in 1995, the same year I joined the United States Senate. Throughout his tenure here, he has fulfilled his role as "an intercessor, trusted prayer partner, and faithful counselor" with the commitment, compassion, and comforting grace of a learned and sincere man of God. There are many among us in the Senate who have sought his wisdom and found solace in his council and friendship.

In addition to listening to his beautiful prayers at the commencement of each legislative session, I have been a regular participant in his weekly Bible study groups. Like many of my colleagues, I have watched Dr. Ogilvie execute his office with a great joy for the work he does and a deep respect for the moral difficulties we often face as the Nation's lawmakers. In times both of celebration and distress, Chaplain Ogilvie always did more than make himself available to the thousands of Senate members, staff, and employees; he reached out to our community and brought us together, inviting all faiths and all kinds to be a part of the family. Throughout the tragic events of September 11, 2001, and in the confusing, frightening time that followed, we witnessed Dr. Ogilvie's amazing capacity for calming and focusing our thoughts, encouraging their expression, and reminding us of the strength we possess when we put our faith in God.

Chaplain Ogilvie has been a particularly important figure in my private and professional lives. We pray together daily and frequently discuss questions of ethics, religion, and law. But he has also shared in the personal experiences and sorrows that my own family has undergone. Prayerfully guiding me and my wife through the loss of our son, Gabriel, Dr. Ogilvie's reassuring words and his friendship were an invaluable source of peace for us then, as they continue to be now.

I have much admiration for Lloyd John Ogilvie, and am grateful to him, for leading us all by the example of his life. As he relinquishes the Senate Chaplaincy and returns to California and to his wife, he reminds us that our most important responsibilities are always to our families and loved ones, and through them, to God.

Thank you, Lloyd, for showing us where the right path leads, for serving the Senate and our Lord faithfully, and for helping the Senate family to weather our personal and collective difficulties. Your guidance and your companionship will be greatly missed.

Mr. HAGEL. Mr. President, we will all miss our dear friend Dr. Lloyd J. Ogilvie. His distinguished service to the Senate has been an important part of this institution during this historic time. Since he was appointed Senate Chaplain in 1995, Dr. Ogilvie has offered guidance, support, and prayers to Senators, their staffs, and our families. He has greatly enhanced the Office of Senate Chaplain that was instituted at the Senate's first meeting in 1789.

Dr. Ogilvie's ministry has been a ballast and a bridge for Senators on both sides of the aisle. His spiritual leadership has been strong. His service has been selfless. As he takes up his work outside of the Senate, Lilibet and I wish to express our profound gratitude for the inspiration and wisdom he has shared with so many of us. We cherish our friendship with Lloyd and Mary Jane. May God bless both of them.

Mr. KYL. Mr. President, Rev. Lloyd Ogilvie came to the Senate when I did in 1995. He and I became good friends. Lloyd has meant more to me than I can express. He has been a friend and spiritual advisor to my colleagues and many, many staff members and employees of the Senate. Democrats and Republicans, men and women of many different religious faiths, could always call on him.

He has been a focal point of the Senate family. On September 11, and every day since, his ability to share the power of his faith in God has been all the more invaluable to me and to others. He is eloquent and learned. He's done a wonderful job, opening every session with prayer, leading Bible study, helping us to understand Scripture and ourselves.

For the good of this institution he has worked with us to realize, in the words of John Witherspoon, "the dominion of Providence over the passions of men." Obviously that is pretty important here in the Senate, where we are frequently at loggerheads. Reverend Ogilvie, by lifting our sights to the world of the spirit, has been a soothing presence.

We did not want to lose him; but we know it was necessary to be with his wife Mary Jane in California. We understand; and, since he is going to continue his prolific speaking, teaching, and writing, we also know we won't lose touch with him.

The entire Senate family is better for the service of this influential servant of God. Lloyd and Mary Jane, Godspeed.

Mrs. DOLE. Mr. President, I rise tonight to express by great admiration and appreciation for Dr. Lloyd Ogilvie, a man who has served the Senate, and our country, with great dignity and honor.

Bob and I have treasured our friendship with Lloyd and Mary Jane through many years. I feel blessed to know such a warm, compassionate and caring couple. They share a beautiful partnership and just last year celebrated 50 years of marriage and three wonderful children, Scott, Heather and Andrew.

Mary Jane has long been admired for setting such a strong example of what it means to give of yourself. After battling breast cancer 20 years ago, she has done so much to help other women going through the pain—physical, emotional and spiritual—of cancer and cancer treatment. My thoughts and prayers are continually with Mary Jane and her family now, at this very difficult time in her life and theirs.

Lloyd Ogilvie is an extraordinary man of God. He has served amongst us with such a gentle and humble spirit, that sometimes it has been easy to forget what a world-renown spiritual guide and Biblical scholar we have had in our midst. As a profound preacher, as well as an author and editor of over 40 books, Lloyd Ogilvie is admired the world over for his depth of insight into eternal truths and for his ability to communicate those truths in a God-horning and loving spirit. It has been our special blessing to have had this wise, dear man of God as our personal friend and advisor, standing with us here in the Senate Chamber or meeting with us just down the hall.

The first in his family to attend college, Lloyd Ogilvie's plan was to study drama, hoping to go to Hollywood. He answered a call to preach instead, but still ended up in Hollywood—pastoring the First Presbyterian Church.

After 23 years at First Presbyterian, Dr. Ogilvie answered another call—and became the 61st Chaplain of the Senate. Recommended by a bipartisan committee, he was nominated by then-Majority Leader Bob Dole and he began his duties March 13, 1995. He bridged Dole to Dole—and during his time in the Senate he has also bridged many differences, counseling and caring for both sides of the aisle.

With that deep, booming voice of his, which we have come to so easily recognize and love, Lloyd has opened our days in prayer. Day after day, he has steadied our hearts and pointed our thoughts Heavenward. And I believe, as a result, he has helped us to render service to our Nation and to our God with a deeper sense of perspective and stewardship.

From his first days as Chaplain, Dr. Ogilvie reached out in so many ways—one of which impacted my life—a weekly Bible study for Senate spouses. And one of the things I will miss most is the Senators' Bible Study he has led every Thursday at noon during my first 10 weeks in the U.S. Senate.

Lloyd has seen all of us here in the Senate family as his parish. He will be deeply missed by the hundreds of Senate staffers, cafeteria workers, police officers, and service department personnel whom he has inspired to deeper faith and commitment.

Lloyd's love of Christ, and his love of others in Christ's name, have been evident through his life, and his ministry amongst us, each and every day. There is a remarkable, caring spirit about Lloyd Ogilvie, a special attentiveness in his demeanor. Lloyd has a wonderful capacity for kindness and compassion. He has been a valued teacher and counselor to so many. He has been there at our side, when we or our family members have faced turmoil. And he has ministered among us when our Nation has faced special challenges.

Each one of us is constantly in need of God's grace and guidance not only to make the big decisions, but also to perform life's routine duties with the love for others, the peace, the joy inherent in God's call. Lloyd Ogilvie has helped bring that grace and guidance to the Senate. His gift, and his passion, is helping others not only to understand God's will, but to resolve to live within God's will each and every day.

Although Lloyd Ogilvie is leaving the Senate, I am comforted in knowing that he will still be praying for the people of the Senate. Through his continued friendship, and his writings, he will be a treasured resource for spiritual guidance.

As former chaplains of distinction Peter Marshall and Richard Halverson continue to impact this historic Chamber, so, too, will Lloyd John Ogilvie.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 14, 2001 in Tulsa, OK. A food store employee of Middle-Eastern descent was attacked while leaving his apartment. Three people jumped on him, knocked him down, covered his eyes, and beat him. After addressing him with an expletive, the men threatened, "We are going to cut you like you cut our people." Before his eyes were covered, he saw that one of the attackers had a knife-like object. The victim was hospitalized and treated for multiple lacerations.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

STRATEGIC DEFENSE INITIATIVE

Mr. INHOFE. Mr. President, March 23 marks the 20th anniversary of President Reagan's historic address to the Nation in which he launched the program known as the Strategic Defense Initiative, SDI, designed to help protect America and our allies from ballistic missile attack.

I would like to commemorate this occasion by placing a copy of President Reagan's remarks into the RECORD at this time.

With each passing year, we see more clearly the wisdom of President Reagan's vision. The spread of technology relating to ballistic missiles and weapons of mass destruction has grown enormously in 20 years. Since September 11, 2001—and now as we are engaged in military operations to disarm IRAQ—more people have become aware of the growing threats we face from missile attack.

When President Reagan spoke in 1983, he said it might take "decades" before reliable missile defense was a reality. And he was right. As he well knew, it was not only the technical and engineering hurdles that stood in the way, but also the formidable political obstacles.

During the Clinton years, the outdated ABM Treaty was enshrined as the "cornerstone of strategic stability," SDI was essentially scrapped, and, in 1996, the Congress's determination to build a missile defense system by 2003 was vetoed.

But George W. Bush dramatically changed the political climate and has taken a different course—a course in keeping with President Reagan's commitment. In 2001, he wisely announced U.S. withdrawal from the ABM Treaty, and in 2002, he announced that we would move to deploy the first elements, sea-based and land based for a real missile defense system capable of protecting U.S. cities from long-range missile attacks.

I applaud President Bush for his steadfast commitment to America's national security and to fulfilling President Reagan's vision. The bold actions he is taking are moving us forward to the actual deployment of a missile defense capability that will serve our country for many years to come.

I ask unanimous consent to have President Reagan's speech printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE NATION ON NATIONAL SECURITY BY PRESIDENT RONALD REAGAN—MARCH 23, 1983

The calls for cutting back the defense budget come in nice, simple arithmetic. They're the same kind of talk that led the democracies to neglect their defenses in the 1930's and invited the tragedy of World War II. We must not let that grim chapter of history repeat itself through apathy or neglect.

This is why I'm speaking to you tonight—to urge you to tell your Senators and Congressmen that you know we must continue to restore our military strength. If we stop in midstream, we will send a signal of decline, of lessened will, to friends and adversaries alike. Free people must voluntarily, through open debate and democratic means, meet the challenge that totalitarians pose by compulsion. It's up to us, in our time, to choose and choose wisely between the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best while the enemies of freedom grow stronger day by day.

The solution is well within our grasp. But to reach it, there is simply no alternative but to continue this year, in this budget, to provide the resources we need to preserve the peace and guarantee our freedom.

Now, thus far tonight I've shared with you my thoughts on the problems of national security we must face together. My predecessors in the Oval Office have appeared before you on other occasions to describe the threat posed by Soviet power and have proposed steps to address that threat. But since the advent of nuclear weapons, those steps have been increasingly directed toward deterrence of aggression through the promise of retaliation.

This approach to stability through offensive threat has worked. We and our allies have succeeded in preventing nuclear war for more than three decades. In recent months, however, my advisers, including in particular the Joint Chiefs of Staff, have underscored the necessity to break out of a future that relies solely on offensive retaliation for our security.

Over the course of these discussions, I've become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides.

One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms. We're engaged right now in several negotiations with the Soviet Union to bring about a mutual reduction of weapons. I will report to you a week from tomorrow my thoughts on that score. But let me just say, I'm totally committed to this course.

If the Soviet Union will join with us in our effort to achieve major arms reduction, we will have succeeded in stabilizing the nuclear balance. Nevertheless, it will still be necessary to rely on the specter of retaliation, on mutual threat. And that's a sad commentary on the human condition. Wouldn't it be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are. Indeed, we must.

After careful consultation with my advisers, including the Joint Chiefs of Staff, I believe there is a way. Let me share with you a vision of the future which offers hope. It is that we embark on a program to counter the awesome Soviet missile threat with measures that are defensive. Let us turn to the very strengths in technology that spawned our great industrial base and that have given us the quality of life we enjoy today.

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

I know this is a formidable, technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it's reasonable for us to begin this effort. It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs. And as we proceed, we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response. But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is.

In the meantime, we will continue to pursue real reductions in nuclear arms, negotiating from a position of strength that can be ensured only by modernizing our strategic forces. At the same time, we must take steps to reduce the risk of a conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities.

America does possess—now—the technologies to attain very significant improvements in the effectiveness of our conventional, nonnuclear forces. Proceeding boldly with these new technologies, we can significantly reduce any incentive that the Soviet Union may have to threaten attack against the United States or its allies.

As we pursue our goal of defensive technologies, we recognize that our allies rely upon our strategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked. Their safety and ours are one. And no change in technology can or will alter that reality. We must and shall continue to honor our commitments.

I clearly recognize that defensive systems have limitations and raise certain problems and ambiguities. If paired with offensive systems, they can be viewed as fostering an aggressive policy, and no one wants that. But with these considerations firmly in mind, I call upon the scientific community in our country, those who gave us nuclear weapons, to turn their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete.

Tonight, consistent with our obligations of the ABM treaty and recognizing the need for closer consultation with our allies, I'm taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This could pave the way for arms control measures to eliminate the weapons themselves. We seek neither military superiority nor political advantage. Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.

My fellow Americans, tonight we're launching an effort which holds the promise of changing the course of human history. There will be risks, and results take time. But I believe we can do it. As we cross this threshold, I ask for your prayers and your support.

Thank you, good night, and God bless you.

CHINA AIRLINES PURCHASE FROM BOEING

Ms. CANTRELL. Mr. President, I come to the floor today to commemorate the purchase of 10 Boeing 747-400's acquired by China Airlines.

The relationship between Boeing and Taiwan's China Airlines has been extensive. Over the last 7 years, China Airlines has purchased a total of 97 American-made aircraft from Boeing. The acquisition of these 10 planes, which value $2 billion, brings the total amount of the airline's Boeing-purchased aircraft to $13 billion.

Sales between Boeing and China Airlines have contributed to increased trade between the United States and Taiwan over the last decade. In these past years, bilateral trade has grown each year by an average of 4.1 percent. Because of this thriving market, the United States has become Taiwan's largest export market. In 2000, the United States accounted for 20 percent of Taiwan's trade worldwide.

In addition, the aircraft have allowed increased domestic flights between Taiwan and the United States. Every week there are over 270 flights—179 passenger and 89 cargo—between our two countries.

I am very pleased to see that Taiwan has become one of our more beneficial trading partners in the world today, and I hope that this market continues to thrive for years to come.

A MICHIGAN MOM

Mr. LEVIN. I want to bring to the attention of my colleagues Ms. Shikha Hamilton, a board member of the Million Mom March from my home State of Michigan. Ms. Hamilton visited my office last month with her fellow board members to report on their successes and to urge us to pass sensible gun safety legislation to stem the tide of gun violence that plagues many of our communities.

Ms. Hamilton currently serves as the president of the MMM Chapter in Detroit. A rash of gun violence in Detroit over the last year has claimed the lives of 17 children; these incidents highlight the challenge gun violence poses for communities in protecting families. Ms. Hamilton is one person who has stepped up and met that challenge. She has helped form a coalition with other Detroit violence prevention groups, organized a huge march on Belle Isle, and helped create public service announcements to air on local radio stations. Ms. Hamilton is a leader in her community and I commend her for her work.

As Detroit chapter president, Ms. Hamilton testified in support of a local ordinance prohibiting weapons in public buildings. It unanimously passed the Detroit City Council on November 13, 2002. Her chapter also persuaded the Detroit Free Press and Detroit News to close the "newspaper loophole." The newspapers agreed to stop the placement of gun sales in the classified ads, one way criminals had been gaining access to guns without background checks. In addition to all of this, Ms. Hamilton is a full-time attorney, wife and the mother of a 4-year-old daughter.

In the meeting with my staff, Ms. Hamilton and her MMM colleagues mentioned several pieces of gun safety legislation that are critical if we are to reduce gun violence. Among the most important is legislation closing the gun show loophole. In 1994, Congress passed the Brady Law, which requires federal firearm licensees to perform criminal background checks on gun buyers. However, a loophole in this law allows unlicensed private gun sellers to sell firearms at gun shows without conducting a background check.

The Gun Show Background Check Act would close this loophole in the law by extending the Brady law background check requirement to all sellers of firearms including those at gun shows. I cosponsored this bill because I believe it is critical that we do all we can to prevent guns from getting into the hands of criminals and terrorists. Study after study has demonstrated that the Brady law has been successful in making it more difficult for criminals to gain access to firearms, and by closing the gun show loophole, Congress would again demonstrate its commitment to public safety. I urge my colleagues to support this bill.

Ms. Hamilton is doing her best to reduce gun violence in her community. We should do our best to pass sensible laws to make her job easier.

COMMENDING U.S. ARMED FORCES

Mr. GRASSLEY. Mr. President, last night the President addressed the Nation to announce that coalition forces were in the early stages of military operations to disarm Iraq, to free its people, and to defend the world from grave danger.

This action was taken as a last resort against an evil dictator, Saddam Hussein, who for 12 years has continued to defy and evade his commitments and responsibilities set out for him by 17 United Nations Security Council resolutions.

I believe Saddam Hussein must be disarmed, and for this reason I supported the resolution authorizing the President to take military action if diplomatic efforts were unsuccessful.

And, while some Members of this body did not support the authorization for the use of force back in October, I am confident that we here, Republicans and Democrats, stand united in our support for our uniformed personnel now in harm's way.

During the past few weeks and months, I have seen and heard communities all across my State send off, with tearful eyes, their sons and daughters, husbands and wives, and moms and dads who have been called to serve.

These brave men and women, from Decorah to Muscatine, Red Oak, to Mason City, Pocahontas to Davenport, stood proud while high school bands played the "Star Spangled Banner," and local religious leaders prayed for their safe return.

Over 3,700 Reserve and National Guard troops in Iowa have been called up for active duty. They come from all professions and all economic backgrounds.

I commend them, and all those serving in the U.S. Armed Forces, for their courage, bravery and patriotism. I am grateful for the enormous sacrifice made by these men and women and their families. I could not be more honored by their commitment to freedom, and I will continue to pray for their quick and safe return home to their loved ones.

ADDITIONAL STATEMENTS

HONORING DR. JAMES R. GAVIN III, M.D., PH.D.

• Mr. CHAMBLISS. Mr. President, I rise today to honor and congratulate a distinguished member of the medical community in Georgia. Dr. James R. Gavin III, M.D., Ph.D. has accepted the offer to serve as president of the Morehouse School of Medicine in Atlanta.

Dr. Gavin's experience and expertise in the medical field is exemplary and offers a high standard of excellence for the student of Morehouse School of Medicine to model.

In 1966, Dr. Gavin graduated from Livingstone College in Salisbury, NC with a degree in chemistry. He earned his Ph.D. in biochemistry from Emory University in 1970 and his M.D. degree from Duke University School of Medicine in 1975.

On July 1, 2002, Dr. Gavin began work as President of Morehouse School of Medicine in Atlanta, GA. Prior to his presidency, Dr. Gavin was the senior scientific officer at the Howard Hughes Medical Institute (HHMI) and director of the HHMI—National Institutes of Health and Research Scholars Program.

Prior to joining the senior staff of HHMI, he was on faculty at the University of Oklahoma Health Sciences Center as a professor and as chief of the Diabetes Section, acting chief of the Section on Endocrinology, Metabolism and Hypertension, and William K. Warren Professor for Diabetes Studies. He previously served as associate professor of Medicine at Washington University School of Medicine in St. Louis. He was a lieutenant commander in the U.S. Public Health Services from 1971–73 and continues to serve in that capacity as a reserve officer.

Among the many honors Dr. Gavin has received are the Daniel Hale Williams Award, the E.E. Just Award, the Herbert Nickens Award, the Daniel Savage Memorial Award, the Emory University Medal for Distinguished Achievement, the Banting Medal for Distinguished Service from the American Diabetes Association, the Distinguished Alumni Award from the Duke University School of Medicine, and the Internist of the Year from the National Medical Association.

A committed husband and father, Dr. Gavin and his wife, Annie, have been married for 30 years and are blessed with two sons, Hakkim and Lamar.

I am pleased to have someone of Dr. Gavin's caliber leading the students, faculty and staff of Morehouse School of Medicine. I extend my heartfelt congratulations to Dr. Gavin and his family on his new position and wish him God's blessings in this exciting opportunity.•

HONORING WESTERN KENTUCKY UNIVERSITY MEN'S BASKETBALL TEAM

• Mr. BUNNING. Mr. President, today I rise to honor the Western Kentucky University men's basketball team for their success on the court this season.

The Hilltoppers, led by Coach Dennis Felton, overcame injuries and illness, to finish the season at 24–8 and earn a trip to the NCAA tournament. They are a deep, veteran team with plenty of skills and NCAA experience. The Hilltoppers also had a great scoring balance, with five players averaging at least 9.8 points a game.

The Hilltoppers earned an automatic bid to the NCAA tournament with a 64–52 victory over Middle Tennessee in the Sun Belt Conference tournament championship. This makes Coach Felton the first coach in WKU's history to lead the Hilltoppers to three consecutive Sun Belt and NCAA tournament appearances. Unfortunately, the Hilltoppers were unable to carry on their winning momentum against the University of Illinois, losing to the Fighting Illini in a valiant effort the first round of the NCAA tournament.

Overall, the Western Kentucky University Hilltoppers had a very successful and productive season. They overcame numerous hurdles to win the Sun Belt Conference Tournament championship and earn their 19th invitation to the NCAA tournament. They worked as a team all year to prove their dedication and skill and showed that they have the hearts of champions. I applaud Coach Felton and his players for all that they accomplished this season and I wish them further victories.•

SIX MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 21, 2003.*

MESSAGE FROM THE HOUSE

At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

H. Con. Res. 104. Concurrent resolution expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

H.R. 975. An act to amend title 11 of the United States Code, and for other purposes.

H.R. 1047. An act to amend the harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1308. An act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1709. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's Federal Activities Inventory Reform (FAIR) Act Inventory as of June 30, 2002, received on March 18, 2003; to the Committee on Governmental Affairs.

EC–1710. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Donation of Patents (Rev. Rul. 2003–28)" received on February 10, 2003; to the Committee on Finance.

EC–1711. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Compilation of Federal Disaster Areas (Rev. Rul. 2003–29)" received on February 28, 2003; to the Committee on Finance.

EC–1712. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January-March 2003 Bond Factor Amounts: Correction (Rev. Rul. 2003–22)" received on February 28, 2003; to the Committee on Finance.

EC–1713. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under Raisin Diversion Program (Doc. No. FV03–989–2 FIR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1714. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2003 Diversion Program (Doc. No. FV03–989–3 IFR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1715. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year (Doc. No. FV03–982–1 FIR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1716. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Revision of Rules and Regulations (Doc. No. FV03–959–2FIR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1717. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate (Doc. No. FV02–984–1FIR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1718. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Limes Grown in Florida and Imported Limes; Termination of Marketing Order and Implementation Rules and Regulations (Doc. No. FV03–911–1FR)" received on March 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1719. A communication from the General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a draft bill to amend the Communications Act of 1934, received on March 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1720. A communication from the Director, office of Surface Mining, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kansas Regulatory Program and Abandoned Mine Land Reclamation Plan (KS–023–FOR)" received on March 20, 2003; to the Committee on Energy and Natural Resources.

EC–1721. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Reclassify and Remove the Gray Wolf from the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves (1018–AF20)" received on March 20, 2003; to the Committee on Environment and Public Works.

EC–1722. A communication from the Director, National Center on Minority Health and Health Disparities, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the National Institutes of Health (NIH) Strategic Research Plan and Budget to Reduce and Ultimately Eliminate Health Disparities; to the Committee on Health, Education, Labor, and Pensions.

EC–1723. A communication from the Director, National Center on Minority Health and Health Disparities, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the 2001 Annual Report on Health Disparities Research of the National Institutes of Health (NIH); to the Committee on Health, Education, Labor, and Pensions.

EC–1724. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with Public Law 107–40 and the War Powers Resolution, the report on the use of military force in the global war on terrorism; to the Committee on Foreign Relations.

EC–1725. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with Public Laws 93–148, 102–1, and 107–243, the determination to commence combat operations against Iraq on March 19, 2003; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 681. A bill to provide for the enhanced protection of electricity consumers under the Federal Power Act; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Ms. CANTWELL, Mrs. MURRAY, and Mr. BINGAMAN):

S. 682. A bill to authorize funding for Genomes to Life Research and Development at the Department of Energy for fiscal years 2004 through 2008; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 683. A bill to amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. WYDEN, Mr. ALLARD, Mr. BAYH, Mr. BOND, Mr. BROWNBACK, Mr. MILLER, Mr. NICKLES, Mr. SANTORUM, Mr. CORNYN, and Mr. SPECTER):

S. 684. A bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. AKAKA):

S. 685. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mrs. MURRAY, Ms. LANDRIEU, Mr. BREAUX, Mr. BINGAMAN, and Mr. INOUYE):

S. 686. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 687. A bill to amend title 10, United States Code, to prohibit the concurrent deployment to combat zones of both military spouses of military families with minor children, and for other purposes; to the Committee on Armed Services.

By Mr. GRAHAM of Florida:

S. 688. A bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. FEINGOLD):

S. 689. A bill to balance the budget and protect the Social Security Trust Fund surpluses; to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. WYDEN:

S. 690. A bill to prevent publicly traded corporations from issuing stock options to top management in a manner that is detrimental to the long-term interests of shareholders; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HAGEL:

S. 691. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 60

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 60, a bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores.

S. 240

At the request of Mr. FITZGERALD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 240, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 271

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 300

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 358

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources for the production of electricity to include landfill gas.

S. 359

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of electricity to include electricity produced from municipal solid waste.

S. 360

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S.

360, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes.

S. 381

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 381, a bill to provide the Secretary of Housing and Urban Development the authority to establish programs that serve intergenerational families, and for other purposes.

S. 459

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 459, a bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

S. 504

At the request of Mr. ALEXANDER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 652

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

S. RES. 58

At the request of Mr. ALLEN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 58, a resolution expressing the sense of the Senate that the President should designate the week beginning June 1, 2003, as "National Citizen Soldier Week".

AMENDMENT NO. 269

At the request of Mr. FEINGOLD, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 269 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 270

At the request of Mr. FEINGOLD, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 270 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 270

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 270 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 278

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 278 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 282

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 282 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 295

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 295 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 296

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 296 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 303

At the request of Mrs. CLINTON, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 303 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 306

At the request of Mrs. CLINTON, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 306 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 310

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 310 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 311

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 311 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 315

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 315 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 317

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 317 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 323

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 323 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 324

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 324 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 324

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 324 intended to be proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 328

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 328 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 341

At the request of Mr. REID, the names of the Senator from Florida (Mr. NELSON), the Senator from Washington (Ms. CANTWELL) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of amendment No. 341 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 343

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 343

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 343

At the request of Mr. GRAHAM of South Carolina, his name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 343

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 343

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 343

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 343 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 349

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 349 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 358

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 358 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 358

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 358 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 358

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 358 proposed to S. Con. Res. 23, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 681. A bill to provide for the enhanced protection of electricity consumers under the Federal Power Act; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce the Electricity Market Manipulation Prevention Act—legislation I believe is critical in ensuring our Nation's consumers will never again have to suffer from the type of energy price manipulation that has so devastated the economy of my home State of Washington. This bill is simple yet powerful in concept. In essence, it requires the Federal Energy Regulatory Commission to do its job—protect consumers from energy price manipulation.

This bill says that where FERC gives companies the authority to charge market-based wholesale electricity rates, the Commission must also actively ensure that effective competition—the only kind of competition that benefits consumers and businesses—actually exists. It says that if FERC finds that an entity has attempted to manipulate power markets, the Commission will revoke or modify the company's ability to sell power at market-based rates, and the company will be on the hook to pay back revenues in excess of the average regional cost of generating the power. And lastly, it says that FERC will not be allowed to change the legal standard for reviewing whether consumers deserve relief from market manipulation.

I first want to make a very important point about this legislation. In large part, it does not expand FERC's existing authority under the Federal Power Act. It simply articulates more explicitly how Congress intends for FERC to exercise its existing authority.

Now why is this an important point? As many of my colleagues may know, FERC—under sections 205 and 206 of the Federal Power Act—is already given the responsibility of ensuring just and reasonable wholesale electricity rates, and fixing those rates when market activity has gone awry. So why do we need clarification? Because despite overwhelming and undisputed evidence that any number of energy companies—Enron and its ilk—engaged in activities designed to manipulate power markets in the west, FERC has to date failed to take action on behalf of consumers.

While prices started skyrocketing out of control during the summer of 2000, it took the Commission nearly a year to step in and reign in those prices throughout the west. The provisions of this legislation that require FERC to perform annual reviews of how well markets are functioning would help ensure the Commission's active oversight, and prevent the type of price gouging from which consumers and businesses in my sate continue to suffer.

While the Commission did finally step in to cap prices—under intense congressional pressure, I might add—it has, almost 2 years later, failed to decisively act on the billions of dollars' worth of refund and long-term contract complaints resulting from the crisis. What's more, the Commission's Administrative Law Judges have taken every opportunity to throw additional hurdles in the path of the Northwest consumers, who have suffered more than any as a result of California's ill-fated restructuring scheme. That's why this legislation specifically articulates what legal standard should apply to the Commission's review of complaints for relief.

Even in the face of admitted market manipulation—in the most brazen of cases, where Enron has described its own schemes to drive up prices and Reliant's transcripts quote company traders explicitly voicing their plans to drive up prices throughout the west by withholding power—FERC has, more than two years later, failed to use all the tools at its disposal to send a message that such activities will not be tolerated, levying fines that are clearly inadequate compared to the economic devastation these activities have caused.

This bill makes the remedies for market manipulation far more transparent, doing away with the multiple years of arcane proceedings in which we are currently embroiled. The protracted cases resulting from the western energy crisis have yet to benefit anyone—certainly neither the industry nor consumers—except, perhaps, for energy attorneys.

This legislation tells energy companies that if they are going to attempt to manipulate markets, there will be harsh and immediate consequences. It says that if the commission finds that an entity has attempted to gouge consumers, it will revoke or revise its market-based rate authority, set a just and reasonable rate going forward, and order the refund of revenues collected above the average wholesale generation cost within the relevant regional power market. Concrete, explicit consequences—commensurate with the level of damage caused by marketplace shenanigans—should provide a powerful disincentive for companies tempted to engage in the types of behavior that have crippled the economy of Washington and other western states.

Now, I can already hear the outcry from some—but not all sectors—of the energy industry. They will claim that putting concrete remedies on the books—transparent mechanisms for consumer relief, and tangible penalties for companies that endeavor to gouge consumers—will breed too much uncertainty for participants in energy markets.

To those who would make that argument, I would simply say, it is absolutely absurd to suggest that energy companies can't make money unless they retain their legal rights to rip off the ratepayers of this country. Ensuring that FERC—which is supposed to be, in Chairman Pat Wood's own words, "the tough cop on the beat"—takes swift and decisive action when energy companies attempt to manipulate markets is an issue of simple fairness and common sense. Afterall, it is our Nation's ratepayers—residential and industrial customers alike—who pay the price for FERC's inaction, and FERC is the only cop on the beat.

I have stood on this floor many times to speak of the economic train wreck created in my state by FERC's inaction in the face of the western energy crisis, which we now know resulted in large part from bad actors who decided to take advantage of a near-historic drought and tragically flawed market rules in California. Today, retail rates in many parts of my State of Washington have risen almost 50 percent, our unemployment is consistently among the top five in the nation, the demand for low-income energy assistance is at record levels, we are struggling to stave off yet another regional rate increase, and there is no end in sight—unless FERC takes long-overdue action.

This bill sends a clear signal to FERC: we expect you to right the wrongs from which consumers throughout the west continue to suffer, and we expect you to use your authority to ensure a repeat of the western energy crisis never occurs. There is no other competitively traded commodity aside from electricity—soy beans, wheat, pork bellies, metals—for which a prolonged price run-up can singlehandedly cripple industries as diverse as aluminum smelting, microchip manufacturing, irrigated agriculture, paper production or aerospace. Clearly, the economic stakes are exceptionally high when it comes to electricity, and as such, Congress must demand a greater degree of accountability from both the industry itself and those who regulate it.

With this bill, we make Congress' intent perfectly clear: FERC must protect consumers; there will be swift and decisive action against those who endeavor to manipulate markets; and the deck will not be stacked against the consumers and businesses who are the victim of Enron-like schemes.

By Mr. DOMENICI (for himself, Ms. CANTWELL, Mrs. MURRAY, and Mr. BINGAMAN):

S. 682. A bill to authorize funding for Genomes to Life Research and Development at the Department of Energy for fiscal years 2004 through 2008; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise to introduce the Genomes to Life Research and Development Act. I appreciate the bipartisan sponsors, Senator CANTWELL, Senator MURRAY and Senator BINGAMAN who join me in its introduction.

In the last 2 years, there have been many events celebrating the completion of maps of the human genome. The genome map has been lauded from many quarters, with some referring to it as the "recipe for life," our "genetic fingerprint," or the "holy grail of biology." There can be no question that the work of the DOE, the NIH, and private industry to complete this map has ushered in a new frontier in biological research.

I had the tremendous pleasure and honor of being the first legislator to recognize the importance of human genomics. It was at a March 1986 conference in Sante Fe, NM, led by Charles DeLisi and David Smith, that the first proposal for the DOE Human Genome Initiative was developed. And it was in 1987 that I introduced the legislation that laid the foundation for the Human Genome project. Senator Chiles worked with me in this effort, and both the Labor and Energy Committees had important roles in advancing the project.

The first year of appropriated funding was fiscal year 1988, with $11 million for the DOE and $17 million for the NIH. Since then, in completing the map, over $3 billion has been invested. I firmly believe that history will view that investment as one that truly changed medical and health sciences for all mankind.

I have found it amusing to review some of the arguments against the genome project in those early days. It was labeled as a "mindless factory project," or "a scheme for unemployed bombmakers." One well known researcher said, "The Idea is gathering momentum. I shiver at the thought."

Now there's only praise for the future of this endeavor. I particularly value an autographed copy of the original genome map that was presented to me in February of 2001 by Craig Venter, president of Celera Genomics, with the inscription "Your vision went beyond the parochial objections of the few and the doubts of the many, we all owe you our thanks."

But even as we can see today that the benefits to mankind from the genome project will be immense, we also are nowhere near the point of fully utilizing the treasure trove of information in these maps. Today, we do not understand how details of genome sequence influence medical conditions. In short, we have a map, but aren't quite sure exactly how that map corresponds to reality.

With this bill, we authorize a new DOE program, Genomes to Life. Along with companion measures in the NIH, this DOE program will seek to interpret this wonderful new map and really begin to use it. Through these programs, we will begin to understand how our own DNA sequence, as expressed in our own genome map, translates into a collection of interacting proteins that function as our own personal molecular machine.

The intellectual challenges in this new initiative are immense. They require public support for the basic and applied research and development. There must be significant advances in areas like characterization of multiprotein complexes and gene regulatory networks that will be required before biologically based solutions and technologies will be available for applications to DOE missions.

New instruments will be essential in the Genomes to Life research. These may be instruments that haven't been invented yet. Specialized facilities will be required to advance the field and realize its promise. This bill envisions these facilities being built as user facilities, using the model that the Department already successfully uses for many facilities in diverse areas of science.

With the Genomes to Life program, and its companion programs at the NIH, we'll finally be in a position to understand how genomic information can be used to benefit mankind. From the NIH side, we will be far better equipped to understand many diseases. We may have drugs designed for specific genetic profiles, drugs may be screened for adverse interactions, and side effects of drugs may be predicted and avoided.

From the DOE side of the program, we may have biological approaches to hydrogen production or carbon sequestration. We may have new alternatives for detection and mitigation of biological threats. We may have new biological tools to handle complex cleanup issued at DOE sites.

This Bill lays the foundation for this new Genomes to Life program, and I encourage its support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 682

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Genomes to Life Research and Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Department of Energy's Genomes to Life initiative involves the emerging fields of systems biology and proteomics, which address the ability to understand the composition and function of the biochemical networks and pathways that carry out the essential processes of living organisms.

(2) The Genomes to Life initiative builds on the Department of Energy's integral role in the Human Genome Project, which has led to the mapping, sequencing and identification of genetic material. Genomes to Life will go beyond mapping to develop an understanding of how genetic components interact to perform cellular activities vital to life.

(3) The ability of the United States to respond to the national security, energy and environmental challenges of the 21st century will be driven by science and technology. An integrated and predictive understanding of biological systems will enable the United States to develop new technologies related to the detection of biological and chemical agents, energy production, carbon sequestration, bioremediation and other Department of Energy statutory missions. These advances will also enhance the strength of U.S. science, technology, and medicine generally.

(4) The fundamental intellectual challenges inherent in the Genomes to Life initiative are considerable, and require public support for basic and applied research and development. Significant advances in areas such as the characterization of multiprotein complexes and gene regulatory networks will be required before biologically-based solutions and technologies will be useful in national security applications, as well as to the energy, medical and agricultural industries.

(5) The development of new scientific instruments will also be required to advance Genomes to Life research. Such instruments are likely to be large and costly. Specialized facilities are also likely to be required in order to advance the field and to realize its promise. Such facilities will be sufficiently expensive that they will have to be located and constructed on a centralized basis, similar to a number of unique facilities already managed by the Department of Energy.

(6) Contributions from individual researchers as well as multidisciplinary research teams will be required to advance systems biology and proteomics.

(7) The Department of Energy's Office of Science is well suited to manage systems biology and proteomics research for the Department. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Science is the principal federal supporter of the research and development in the physical and computational sciences. The Office is also a significant source of federal support for research in genomics and the life sciences. The Office supports research and development by individual investigators and multidisciplinary teams, and manages special user facilities that serve investigators in both university and industry.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a program of research, development, demonstration, and commercial application, to be known as the Genomes to Life Program, in systems biology and proteomics consistent with the Department's statutory authorities.

(b) PLANNING.—

(1) IN GENERAL.—The Secretary shall prepare a program plan describing how knowledge and capabilities would be developed by the program and applied to Department missions relating to energy, environmental cleanup, and mitigation of global climate change.

(2) CONSULTATION.—The program plan will be developed in consultation with other relevant Department technology programs.

(3) LONG-TERM GOALS.—The program plan shall focus science and technology on long-term goals including:

(A) contributing to U.S. independence from foreign energy sources,

(B) stabilizing atmospheric levels of carbon dioxide to counter global warming,

(C) advancing environmental cleanup, and

(D) providing the science and technology basis for new industries in biotechnology.

(4) SPECIFIC GOALS.—The program plan shall identify appropriate research, development, demonstration, and commercial application activities to address the following issues within the next decade:

(A) identifying new biological sources of fuels and electricity, with particular emphasis on creating biological technologies for the production and utilization of hydrogen;

(B) understanding the Earth's natural carbon cycle and create stategies to stablize atmospheric carbon dioxide;

(C) developing a knowledge and capability base for exploring more cost effective cleanup strategies for Department sites;

(D) capturing key biological processes in engineered systems not requiring living cells.

(c) PROGRAM EXECUTION.—In carrying out the program under this Act, the Secretary shall—

(1) support individual investigators and multidisciplinary teams of investigators;

(2) subject to subsection (d), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research, development, demonstration, or commercial application in systems biology and proteomics;

(3) support technology transfer activities to benefit industry and other uses of systems biology and proteomics; and

(4) coordinate activities by the Department with industry and other federal agencies; and

(5) award funds authorized under this Act only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(d) GENOMES TO LIFE USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) AUTHORIZATION.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for invesigators conducting research, development, demonstration, and commercial application in systems biology and proteomics and associated biological disciplines.

(2) PROJECTS.—Projects under paragraph (1) may include—

(A) the indentification and characterization of multiprotein complexes;

(B) characterization of gene regulatory networks; characterization of the functional repertoire of complex microbial communities in their natural environments at the molecular level; and

(C) development of computational methods and capabilities to advance understanding of complex biological systems and predict their behavior.

(3) FACILITIES.—Facilities under paragraph (1) may include facilities for—

(A) the production and characterization of proteins;

(B) whole proteome analysis;

(C) characterization and imaging of molecular machines; and

(D) analysis and modeling of cellular systems.

(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. All facilities under this subsection shall have a specific mission of technology transfer to other institutions.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary, to remain available until expended, for the purposes of carrying out this Act:

(1) $100,000,000 for fiscal year 2004;
(2) $170,000,000 for fiscal year 2005;
(3) $325,000,000 for fiscal year 2006;
(4) $415,000,000 for fiscal year 2007; and
(5) $455,000,000 for fiscal year 2008.

(b) USER FACILITIES AND ANCILLARY EQUIPMENT.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d):

(1) $16,000,000 for fiscal year 2004;
(2) $70,000,000 for fiscal year 2005;
(3) $175,000,000 for fiscal year 2006;
(4) $215,000,000 for fiscal year 2007; and
(5) $420,000,000 for fiscal year 2008.

SEC. 5. DEFINITIONS

For purposes of this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) PROTEOMICS.—The term "proteomics" means the determination of the structure, function, and expression of the proteins encoded in any genome, including new protein sequences encoded in a genome for which the structural or functional correlates are not currently known.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy, acting through the Biological and Environmental Research Program of the Office of Science of the Department.

Ms. CANTWELL. Mr. President, I rise today to introduce—along with my colleagues Chairman DOMENICI, and Senators BINGAMAN and MURRAY—the Genomes to Life Research and Development Act.

This bill capitalizes on the enormous success of the Human Genome Project, and promises to take this important research to the next level. While the mapping of the human genome is an unparalleled accomplishment on its own, this new initiative will allow researchers to go beyond the science of description, and begin to explore the complex interactions of the elements within cells.

It is those intracellular dynamics that truly hold the key to finding solutions to some of our most difficult scientific problems—from detection of biological and chemical agents and nuclear waste clean-up to figuring out new and more efficient ways to produce hydrogen, so crucial in attaining energy independence for this Nation. Where the Human Genome Project has provided researchers with the range and description of musical notes, Genomes to Life will enable scientists to begin to understand the way these notes are arranged to produce music—the essential process of life.

The Genomes to Life Act sets out an aggressive path for DOE, to make this area a high priority for the Office of Science. Of course, none of this would be possible without the successes of the Human Genome Project, and I want to acknowledge the vision of this legislation's other sponsor, Chairman DOMENICI, in making that a reality. As some of my colleagues may be aware, the senior Senator from New Mexico laid the foundation for the Human Genome Project with legislation he first introduced in 1987.

I am thus extremely pleased to be working with him on this bill, which I believe is the Human Genome Project's logical successor. Our legislation would authorize the Department of Energy to design and establish national research centers to investigate proteomics and genomics. Proteomics refers to the study of proteins, how they are modified, when and where they are expressed, how they are involved in metabolic pathways, and how they interact with each other. Genomics refers to the study of three-dimensional structures of thousands of proteins—all of the proteins produced by a species.

These are exciting research fields that combine the discipline of physics, chemistry, biology, engineering, and advanced computational and mathematical modeling. The Department of Energy's Office of Science has a long history of success in large scale, cross-discipline scientific research and is thus well suited to manage this program. In addition, a significant component of the Human Genome Project has been the transfer of technology to the private sector, which has in turn catalyzed the multi-billion dollar U.S. biotechnology industry and fostered the development of new medical applications.

The Genomes to Life Act that Chairman DOMENICI, Senators BINGAMAN, MURRAY and I are introducing today provides a coordinated and comprehensive plan for the next generation of biotechnology research facilities. The functions and dynamics of all living cells are determined by the complex interactions of the constituent proteins. We do not yet understand these interactions, but the Genomes to Life Act will give us the best tools to investigate these microscopic mysteries. Put in simple terms, teams of American scientists will try to answer the fundamental question, "How do cells work?" This bill will ensure that state of the art facilities, leading edge equipment, and the next generation of commuters are available to map and model these complex interactions, as we strive to answer this critical question.

The promise of biotechnology research is especially important to my state of Washington—home to many world-class research facilities. Washington has over 190 biotechnology companies employing more than 11,000 people. In 2001, the annual revenue of these companies exceeded $1.2 billion. Nearly one half of these companies were based on technologies developed at research and development institutions and over 40 percent of the companies have been established in the past six years.

This legislation's provisions—ensuring that research with its origins at the Department of Energy provides the science and technology basis for new industries in biotechnology, and that DOE continues to identify appropriate commercial applications—will help this important economic sector continue to grow in Washington state and across the country.

The Genomes to Life Research and Development Act that Sens. DOMENICI, BINGAMAN, MURRAY and I have introduced today will strengthen our national security and our national economy. Additionally, the integrative and predicative understanding of biological systems will improve our ability to respond to the energy and environmental challenges of the 21st century. The Genomes to Life laboratories will attract top researchers and push the envelope of present technologies. The Genomes to Life Act will help the U.S. to maintain our premiere position in the world in the fields of science and technology.

I look forward to working with my colleagues during this session to ensure passage of this legislation. I believe that the United States must continue to invest in scientific research to maintain our standing in the world and I am confident that this short-term investment will pay long-term dividends to our health, our security, and to our economy.

By Mr. FEINGOLD:

S. 683. A bill to amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to bring a small measure of relief to the families of our brave military personnel who are being deployed for the ongoing fight against terrorism, the war in Iraq, and other missions around the country and around the world.

The men and women of our Armed Forces undertake enormous sacrifices in their service to our country. They spend time away from home and from their families in different parts of the country and different parts of the world, and, too often, are placed into harm's way in order to protect the American people and our way of life. We owe them a huge debt of gratitude for their dedicated service.

The ongoing deployments for the fight against terrorism and for the campaign in Iraq are turning upside down the lives of thousands of active duty, National Guard, and Reserve personnel and their families as they seek to do their duty to their country and honor their commitments to their families, and, in the case of the reserve components, to their employers as well. As of March 29, more than 212,000 National Guard and Reserve personnel were on active duty, and thousands more can expect to be activated in the coming days and weeks.

Some of my constituents are facing the latest in a series of multiple activations and deployments for family members who serve our country in the military. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

Our men and women in uniform face these challenges without complaint. But we should do more to help them and their families with the many things that preparing to be deployed.

Often, military personnel and their families are given only a couple of days' notice that their units will be deployed. These dedicated men and women then have only a very limited amount of time to get their lives in order. For members of the National Guard and Reserve, this includes telling their employers that they will be deployed for, in many cases, up to a year, and will be away from their jobs. I want to commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty.

In preparation for a deployment, military families often have to scramble to arrange for child care, to pay bills, to contact their landlords or mortgage companies, and take care of other things that we deal with on a daily basis, from stopping the newspaper to making sure that their plants are watered and that their pets are cared for while they are gone.

The legislation that I introduce today would allow eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave Act, FMLA, benefits for issues relating to our resulting from their deployment. These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care.

I was proud to cosponsor and vote for the legislation that created the Family and Medical Leave Act, FMLA, in the early days of my service to the people of Wisconsin as a member of this body. This important law allows eligible workers to take up to 12 weeks of unpaid leave per year for the birth or adoption of child, the placement of a foster child, to care for a newborn or newly adopted child or newly placed foster child, or to care for their own serious health condition or that of a spouse, a parent, or a child. Some employers offer a portion of this time as paid leave in addition to other accured leave, while others require workers to use accrued leave or sick time for this purpose.

Since its enactment in 1993, the FMLA has helped more than 35 million American workers to balance responsibilities to their families and their careers. According to the Congressional Research Service, between 2.2 million and 6.1 million people took advantage of these benefits in 1999–2000.

Our military families sacrifice a great deal. Active duty families often move every couple of years due to transfer and new assignments. And as we rely more heavily on National Guard and Reserve personnel for more and more deployments that are longer in duration, the burden on their families also increases.

This legislation has the support of a number of military organizations, including the Wisconsin National Guard, the National Guard Association of the United States, the Reserve Officers Association, the Military Officers Association of America, and the Enlisted Association of the National Guard of the United States.

We owe it to our military personnel and their families to do all we can to support them in this difficult time. I hope what this bill will bring a small measure of relief to our military families.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Families Leave Act of 2003".

SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 3. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

By Mr. SMITH (for himself, Mr. WYDEN, Mr. ALLARD, Mr. BAYH, Mr. BOND, Mr. BROWNBACK, Mr. MILLER Mr. NICKLES, Mr. SANTORUM, Mr. CORNYN, and Mr. SPECTER):

S. 684. A bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorists overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today to right a wrong. I am doing so on behalf of myself and Mr. WYDEN, Mr. ALLARD, Mr. BAYH, Mr. BOND, Mr. BROWNBACK, Mr. MILLER, Mr. NICKLES, Mr. SANTORUM, and Mr. SPECTER. For far too many years, Americans who have been murdered overseas by terrorists have not been receiving the full weight of equal justice under the law, a fundamental principle of our governance. This is happening while we are in the midst of trying to introduce the institutions of democracy, including the notion of a fair judicial system, to a skeptical part of the world. This is happening while we are in the midst of a War on Terrorism.

This double standard of justice sends out a pernicious, mixed message to would-be terrorists around the world. It suggests that we are weak in our resolve to prosecute certain terrorists who have murdered certain American citizens. It wrongly sends the message that certain American lives are more valuable and more worthy of justice than others. Or as the mother of Mathew Eisenfeld, a young Yale University graduate who was killed in 1996, together with his young fiancé, Sara Ducker, a Barnard College graduate, put it, "it makes me feel that my son's blood is less American than others."

When our embassies were attacked in Kenya and Tanzania on August 7, 1998, then Secretary of State Albright and President Clinton said, "You can run but you can't hide from the long arm of American justice. Anywhere an American is murdered around the globe, we will seek out that suspect and retrieve him to these shores to stand justice."

However, since the signing of the Oslo Accords on September 13, 1993, thirty-nine American citizens have lost their lives at the hands of Palestinian terrorists alone. And how many indictments have there been in response to these thirty-nine murders? Zero. Notably, one can't find the term Palestinian on the State Department's web site for the "Rewards of Justice" program—the place where suspects are listed and rewards are described for their capture. That website rather contains only vague references to "persons in opposition to the Middle East Peace Process."

This is simply wrong. On the humanitarian level, it is wrong. When our own government fails to mete out justice with equal and due diligence for a particular victim, or a group of victims, this compounds the grief experienced by American families who have lost loved ones to terrorists: families such as that of 14 year old Abigail Litle, an American girl from New Hampshire, a young Christian who was among the fifteen people murdered in the recent terrorist attack on a bus in Haifa, Israel; families like those of Ted Burgon of Oregon and Rick Spier of Colorado, the two American teachers killed in August of 2002 in Indonesia. Murders for which there have been no indictments and no suspects named. FBI agents have underscored that until such time as they have full and unfettered access to witnesses and evidence in Indonesia, they cannot rule out terrorism, nor can they exonerate members of the Indonesian military who have been implicated in this heinous crime.

This is wrong as a matter of foreign policy. Anything less than 100 percent commitment to pursue all terrorists who harm or murder American citizens undermines our moral clarity and our War on Terrorism. it also serves to embolden would-be terrorists all over the world, ultimately putting us all at greater risk.

We have arrived at this unfortunate juncture because the State Department, whose major objective is diplomacy, has had primary purview over this issue. The State Department, it would seem, has simply not brought its full resources to bear when it comes to facilitating the investigation, capture and prosecution of those who have murdered Americans overseas. This is particularly true if those Americans have been murdered in Israel or in areas under control of the Palestinian Authority, or in countries whose support we are seeking or counting on in the War on Terrorism.

The major objective of the Justice Department, in contrast, is justice. The Justice Department recently scored a victory, when on February 20th, they issued indictments on several members of the Palestinian Islamic Jihad. That terrorist organization is believed to be responsible for the deaths of two American citizens, and dozens of other people in recent years. As we celebrate this substantial step toward justice, however, we cannot lose sight of the fact that there is much more work to be done.

We should not, and cannot, in good conscience allow the pursuit of justice to be suborned to diplomatic considerations and expediencies. This is why I am introducing the Koby Mandell Act of 2003. Koby was a 13 year old boy from Silver Spring, MD, who one day decided to do the Huck Finn thing, and skip school. However, the punishment did not fit the crime. His body was found brutally stoned and dismembered in a cave outside of Tekoah, Israel. His assailants remain at large in the Palestinian controlled areas.

This Act will create a watch-dog office within the Department of Justice to ensure that all terrorists who murder or harm American citizens overseas are pursued with equal vigor, irrespective of the nationality or current residence of the terrorist. This Act will work to ensure that no other American family who has suffered at the hands of overseas terrorism will have their grief compounded a lack of justice.

I urge you all to join me and my fellow senator from the State of Oregon, RON WYDEN, by becoming a sponsor of the Koby Mandell Act, to put the issue of justice for American victims of overseas terrorism into the hands of the Justice department, where it truly belongs.

I ask unanimous consent that the text of the Koby Mandell Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Koby Mandell Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Numerous American citizens have been murdered or maimed by terrorists around the world, including more than 100 murdered since 1968 in terrorist attacks occurring in Israel or in territories administered by Israel or in territories administered by the Palestinian Authority.

(2) Some American citizens who have been victims of terrorism overseas, especially those harmed by terrorists operating from areas administered by the Palestinian Authority, have not received from the United States Government services equal to those received by other such victims of overseas terrorism.

(3) The United States Government has not devoted adequate efforts or resources to the apprehension of terrorists who have harmed American citizens overseas, particularly in cases involving terrorists operating from areas administered by the Palestinian Authority. Monetary rewards for information leading to the capture of terrorists overseas, which the Government advertises in regions where the terrorists are believed to be hiding, have not been advertised in areas administered by the Palestinian Authority.

(4) This situation is especially grave in the areas administered by the Palestinian Authority, because many terrorists involved in the murders of Americans are walking free there; some of these terrorists have been given positions in the Palestinian Authority security forces or other official Palestinian Authority agencies; and a number of schools, streets, and other public sites have been named in honor of terrorists who were involved in the murders of Americans.

(5) To remedy these and related problems, an office should be established within the Department of Justice for the purpose of ensuring equally vigorous efforts to capture all terrorists who have harmed American citizens overseas and equal treatment for all American victims of overseas terrorism.

SEC. 3. ESTABLISHMENT OF AN OFFICE OF JUSTICE FOR VICTIMS OF OVERSEAS TERRORISM IN THE DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—There is established within the Department of Justice an Office of Justice for Victims of Overseas Terrorism (in this Act referred to as the "Office") to carry out the following activities:

(1) REWARDS FOR JUSTICE.—

(A) IN GENERAL.—The Office shall assume responsibility for administration of the Rewards for Justice program and its website.

(B) ADMINISTRATION.—In administering the Rewards for Justice program the Office shall ensure that—

(i) rewards are offered to capture all terrorists involved in harming American citizens overseas, regardless of the terrorists' country of origin or residence;

(ii) such rewards are prominently advertised in the mass media and public sites in all countries or regions where such terrorists reside;

(iii) the names and photographs and suspects in all such cases are included on the website; and

(iv) the names of the specific organizations claiming responsibility for terrorist attacks mentioned on the site are included in the descriptions of those attacks.

(2) NOTIFICATION PROGRAM.—The Office shall establish and administer a program—

(A) comparable to the VINE system for notification of crime victims; and

(B) that will provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them.

(3) GOVERNMENT REPRESENTATION.—The Office shall send an official United States Government representative to attend the funeral of every American victim of terrorism overseas.

(4) REPORT.—The Office shall assume responsibility for providing twice-annual reports to Congress as required by section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001.

(5) PROFITING FROM CRIMES.—The Office shall work with other United States Government agencies to expand legal restrictions on the ability of murders to reap profits from books or movies concerning their crimes so as to ensure that terrorists who harm American citizens overseas are unable to profit from book or movie sales in the United States.

(6) TERRORISTS AS POLICE.—The Office shall—

(A) determine if terrorists who have harmed American citizens overseas are serving in their local police or security forces; and

(B) if it is found that terrorists who have harmed American citizens overseas are serving in their local police or security forces—

(i) alert those United States Government agencies involved in providing assistance, directly or indirectly, to those forces; and

(ii) request of those agencies that all such assistance be halted until the aforementioned terrorists are removed from their positions.

(7) PATTERNS OF PROSECUTION.—The Office shall—

(A) undertake a comprehensive assessment of the pattern of United States indictments and prosecution of terrorists who have harmed American citizens overseas, in order to determine the reasons for the absence of indictments of terrorists residing in some regions, such as the territories controlled by the Palestinian Authority; and

(B) provide the assessment to the Attorney General and to Congress, together with its recommendations.

(8) MONITORING.—The Office shall—

(A) monitor public actions by governments and regimes overseas pertaining to terrorists who have harmed American citizens, such as the naming of schools, streets, or other public institutions or sites after such terrorists; and

(B) in such instances, encourage other United States Government agencies to halt their provision of assistance, directly or indirectly, to those institutions.

(9) COMPENSATION.—The Office shall initiate negotiations to secure appropriate financial compensation for American citizens, or the families of such citizens, who were harmed by organizations that claim responsibility for acts of terrorism against Americans overseas and that subsequently become part of a governing regime with which the United States Government maintains diplomatic or other official contacts, such as the Palestinian Authority.

(10) INCARCERATED TERRORISTS.—The Office shall—

(A) monitor the incarceration abroad of terrorists who harmed Americans overseas, to ensure that their conditions of incarceration are reasonably similar to conditions of incarceration in the United States; and

(B) in cases where terrorists who have harmed Americans overseas, and are subsequently released from incarceration abroad, are eligible for further prosecution in the United States, coordinate with other Government agencies to seek the transfer of those terrorists to the United States for further prosecution.

(11) PERSONA NON GRATA.—The Office shall strive to ensure that all terrorists who have harmed Americans overseas are treated by the United States Government as persona non grata, including steps such as—

(A) denying those individuals visas for entry to the United States;

(B) urging United States Government agencies to refrain from political and diplomatic contacts with those individuals; and

(C) instructing United States embassies and consulates to urge American visitors to those countries to refrain from patronizing businesses that are owned or operated by such individuals.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2003 and each subsequent fiscal year such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

By Mr. BINGAMAN (for himself and Mr. AKAKA):

S. 685. a bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Hawaii, Senator AKAKA, to re-introduce the Low Income Taxpayer Protection Act of 2003. This legislation, if enacted, will give taxpayers much needed assistance with the arduous annual task of preparing their Federal tax returns by providing them with real alternatives to paying for expensive tax preparation services. In doing so, many of these taxpayers will not need to take out expensive and oftentimes usurious refund anticipation loans that greatly reduce the tax refund that these taxpayers are entitled to receive. As we all know, the result of a complicated tax code is complex and confusing tax forms. Until Congress is able to provide simple and understandable forms for taxpayers, we have an obligation to make sure that taxpayers have the ability to prepare and file their tax returns without paying for expensive and sometimes abusive services.

Refund anticipation loans, RALs, are high interest loans offered to taxpayers that are secured by their anticipated tax refund. While some taxpayers may choose these loans willingly, many are often forced to take out a RAL to cover the upfront cost of the preparation services. Sadly, many taxpayers get caught with outstanding loans that they can't pay off because a mistake was made on their tax return resulting in a smaller than anticipated refund. Many of these loans, when annualized, have interest rates over 200 percent. As long as we require our Nation's taxpayers to determine their own tax liability, we will have a responsibility to make sure that these same taxpayers have an alternative to these expensive options. We must come up with better options for these taxpayers than paying usurious fees and expenses or not filing a return.

Recently the Brookings Institute and the Economic Policy Institute released a report that illustrated the abuses occurring with RALs. According to this report, roughly $1.75 billion of the earned income credit, EIC, funds are annually going to tax return preparers and RAL fees and costs. It was not the intent of Congress that this program would create such a middleman for these funds. Every dollar that goes to these businesses is a dollar that is not going to the intended beneficiaries. The EIC has become one of the most effective tools for fighting poverty and benefiting low and moderate income working families, and so it is essential that every dollar of this credit goes to the taxpayer.

To help low and moderate income taxpayers, my bill requires all those involved with RALs to register with the IRS. Treasury will then be required to determine what is a fair amount of interest and fees to be charged based on the benefit to the taxpayer and the risk to the lender. It will also expand the Volunteer Income Tax Assistance program by directly giving them matching funds to operate. VITA clinics are one of the few places lower income taxpayers can go to get free assistance with their tax returns.

In New Mexico, the VITA program has had an enormous impact. For example, in conjunction with Albuquerque Technical Vocational Institute, TVI, over 8,500 taxpayers were assisted with their returns last year resulting in over $9 million in refunds being brought back into the New Mexico economy. This year, this program is on pace to assist even more taxpayers. By utilizing a computer program system developed and advocated by Fred Gordon, an accounting instructor at TVI, even supervised high school students at Del Norte High School in Albuquerque have been preparing and filing tax returns. I commend the efforts of those directly involved with this program, as well as, the scores of volunteers who give their time to help prepare tax returns for their fellow New Mexicans. Through the efforts of groups such as the Albuquerque Hispano Chamber of Commerce, Public Service Company of New Mexico (PNM), TVI and Wells Fargo Bank, the VITA program has made a big difference in New Mexico, but more needs to be done. Our legislation will provide programs like these with the ability to get some matching Federal grants to make it possible to pay for training materials, computers or other necessary equipment. A little money can go a long way and I intend to keep working with my colleagues here in the Senate until this becomes a reality. This is a truly worthwhile goal and one that will greatly help communities in New Mexico as well as the rest of the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Low Income Taxpayer Protection Act of 2003".

SEC. 2. REGULATION OF INCOME TAX RETURN PREPARERS AND REFUND ANTICIPATION LOAN PROVIDERS.

(a) DEFINITIONS.—In this Act:

(1) INCOME TAX RETURN PREPARER.—

(A) IN GENERAL.—The term "income tax return preparer" means any individual who is an income tax return preparer (within the meaning of section 7701(a)(36) of the Internal Revenue Code of 1986) who prepares not less than 5 returns of tax imposed by subtitle A of such Code or claims for refunds of tax imposed by such subtitle A per taxable year.

(B) EXCEPTION.—Such term shall not include a federally authorized tax practitioner within the meaning of section of 7526(a)(3) of such Code.

(2) REFUND ANTICIPATION LOAN PROVIDER.—The term "refund anticipation loan provider" means a person who makes a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(b) REGULATIONS.—

(1) REGISTRATION REQUIRED.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that—

(i) require the registration of income tax return preparers and of refund anticipation loan providers with the Secretary or the designee of the Secretary, and

(ii) prohibit the payment of a refund of tax to a refund anticipation loan provider or an income tax return preparer that is the result of a tax return which is prepared by the refund anticipation loan provider or the income tax return preparer which does not include the refund anticipation loan provider's or the income tax return preparer's registration number.

(B) NO DISCIPLINARY ACTION.—The regulations shall require that an applicant for registration must not have demonstrated any conduct that would warrant disciplinary action under part 10 of title 31, Code of Federal Regulations.

(C) BURDEN OF REGISTRATION.—In promulgating the regulations, the Secretary shall minimize the burden and cost on the registrant.

(2) RULES OF CONDUCT.—All registrants shall be subject to rules of conduct that are consistent with the rules that govern federally authorized tax practitioners.

(3) REASONABLE FEES AND INTEREST RATES.—The Secretary, after consultation with any expert as the Secretary deems appropriate, shall include in the regulations guidance on reasonable fees and interest rates charged to taxpayers in connection with loans to taxpayers made by refund anticipation loan providers.

(4) RENEWAL OF REGISTRATION.—The regulations shall determine the time frame required for renewal of registration and the manner in which a registered income tax return preparer or a registered refund anticipation loan provider must renew such registration.

(5) FEES.—

(A) IN GENERAL.—The Secretary may require the payment of reasonable fees for registration and for renewal of registration under the regulations.

(B) PURPOSE OF FEES.—Any fees required under this paragraph shall inure to the Secretary for the purpose of reimbursement of the costs of administering the requirements of the regulations.

(c) PROHIBITION.—Section 6695 of the Internal Revenue Code of 1986 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by adding at the end the following new subsection:

"(h) ACTIONS ON A TAXPAYER'S BEHALF BY A NON-REGISTERED PERSON.—Any person not registered pursuant to the regulations promulgated by the Secretary under the Low Income Taxpayer Protection Act of 2003 who—

"(1) prepares a tax return for another taxpayer for compensation, or

"(2) provides a loan to a taxpayer that is linked to or in anticipation of a tax refund for the taxpayer,

shall be subject to a $500 penalty for each incident of noncompliance.".

(d) COORDINATION WITH SECTION 6060(a).—The Secretary shall determine whether the registration required under the regulations issued pursuant to this section should be in lieu of the return requirements of section 6060.

(e) PAPERWORK REDUCTION.—The Secretary shall minimize the amount of paperwork required of a income tax return preparer or a refund anticipation loan provider to meet the requirements of these regulations.

SEC. 3. IMPROVED SERVICES FOR TAXPAYERS.

(a) ELECTRONIC FILING EFFORTS.—

(1) IN GENERAL.—The Secretary shall focus electronic filing efforts on benefiting the taxpayer by—

(A) reducing the time between receipt of an electronically filed return and remitting a refund, if any,

(B) reducing the cost of filing a return electronically,

(C) improving services provided by the Internal Revenue Service to low and moderate income taxpayers,

(D) providing tax-related computer software at no or nominal cost to low and moderate income taxpayers, and

(E) providing electronic filing for all taxpayers without the use of an intermediary.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the efforts made pursuant to paragraph (1).

(b) VOLUNTEER INCOME TAX ASSISTANCE PROGRAM.—

(1) Study.—The Secretary shall undertake a study on the expansion of the volunteer income tax assistance program to service more low income taxpayers.

(2) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the study conducted pursuant to paragraph (1).

(c) Tele-Filing.—The Secretary shall ensure that tele-filing is available for all taxpayers for the filing of tax returns with respect to taxable years beginning in 2003.

(d) Termination of the Debt Indicator Program.—The Secretary shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

(e) Direct Deposit Accounts.—The Secretary shall allocate resources to programs to assist low income taxpayers in establishing accounts at financial institutions that receive direct deposits from the United States Treasury.

(f) Pilot Program for Mobile Tax Return Filing Offices.—

(1) In general.—The Secretary shall establish a pilot program for the creation of four mobile tax return filing offices with electronic filing capabilities.

(2) Location of service.—

(A) In general.—The mobile tax return filing offices shall be located in communities that the Secretary determines have a high incidence of taxpayers claiming the earned income tax credit.

(B) Indian reservation.—At least one mobile tax return filing office shall be on or near an Indian reservation (as defined in section 168(j)(6) of the Internal Revenue Code of 1986).

SEC. 4. ASSISTANCE PROGRAM TO IMPROVE ACCESS TO FEDERALLY INSURED FINANCIAL INSTITUTIONS FOR TAXPAYERS.

(a) Findings and Purpose.—

(1) Findings.—Congress finds the following:

(A) Approximately 40,000,000 Americans are unbanked and not utilizing mainstream, insured financial institutions.

(B) In 1999, nearly half of the $30,000,000,000 in earned income tax credits (EITC) claimed nationwide was refunded through refund anticipation loans, and an estimated $1,750,000,000 intended to assist low-income families through the EITC was received by commercial tax preparers and affiliated national banks to pay for tax assistance, electronic filing of returns, and high-cost refund loans.

(C) Refund anticipation loans carry interest rates in a range between 97.4 percent to more than 2000 percent.

(D) An estimated 45 percent of earned income tax credit recipients pay for check cashing services, which reduces EITC benefits by $130,000,000.

(E) Individuals with bank accounts can receive their tax refunds faster than waiting for a paper check and without the need to utilize refund anticipation loans or check cashiers.

(F) Individuals with federally insured depository accounts have an increased opportunity to access financial services at mainstream financial institutions, which typically have reduced costs for consumers.

(2) Purpose.—It is the purpose of this section to establish a grant program to provide unbanked low-and moderate-income taxpayers with tax preparation services and increase their access to financial services by the establishment of an account at a federally insured depository institution or credit union and the provision of financial education.

(b) Establishment of Program.—The Secretary is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide tax preparation services and assistance along with establishing an account in a federally insured depository institution for individuals that currently do not have such an account.

(c) Eligible Entities.—

(1) In general.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) Definitions.—For purposes of this section—

(A) Federally insured depository institution.—The term "federally insured depository institution" means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) Community development financial institution.—The term "community development financial institution" means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) Alaska native corporation.—The term "Alaska Native Corporation" has the same meaning as the term "Native Corporation" under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) Native Hawaiian organization.—The term "Native Hawaiian organization" means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) Labor organization.—The term "labor organization" means an organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) Application.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(e) Limitation on Administrative Costs.—A recipient of a grant under this section may not use more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(f) Evaluation and Report.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(g) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary, for the grant program described in this section, $10,000,000, or such additional amounts as deemed necessary, to remain available until expended.

(h) Regulations.—The Secretary is authorized to promulgate regulations to implement and administer the grant program under this section.

SEC. 5. MATCHING GRANTS TO LOW-INCOME TAXPAYER CLINICS FOR RETURN PREPARATION.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

"SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

"(a) In General.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

"(b) Definitions.—For purposes of this section—

"(1) Qualified return preparation clinic.—

"(A) In general.—The term 'qualified return preparation clinic' means a clinic which—

"(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

"(ii) operates programs which assist low-income taxpayers in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

"(B) Assistance to low-income taxpayers.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"(2) Clinic.—The term 'clinic' includes—

"(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

"(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

"(c) Special Rules and Limitations.—

"(1) Aggregate limitation.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) Other applicable rules.—Rules similar to the rules under paragraphs (2) through (5) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.".

(b) Clerical Amendment.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 7526 the following new item:

"Sec. 7526A. Return preparation clinics for low-income taxpayers.".

(c) Effective Date.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

Mr. AKAKA. Thank you, Mr. President. I rise today to speak on the Low

Income Taxpayer Protection Act of 2003, which Senator BINGAMAN and I are introducing today. I thank Senator BINGAMAN for his leadership on this important issue.

The legislation that my colleague from New Mexico and I are introducing would provide the Department of the Treasury with the authority to regulate income tax refund anticipation loans, RALs, and prohibit excessive fees. The bill would also provide additional opportunities for low-income taxpayers to receive assistance with tax preparation and filing their taxes and thus, we are seeking to meet taxpayers' needs for assistance while attempting to discourage a predatory practice.

According to the U.S. Census Bureau, in 2001, the Earned Income Tax Credit, EITC, was responsible for elevating nearly four million people above the poverty line. This credit has helped and continues to help low-income individuals and families to meet their food, clothing, housing, transportation, and education needs.

However, while this tax relief is benefitting families who need it most, the EITC's impact is being unnecessarily limited. Earned Income Tax Credit benefits intended for working families are increasingly being diminished by often exorbitant tax preparation fees and the growing use of high-interest refund anticipation loans, which typically carry triple-digit interest rates.

In 1999, according to a report published by the Brookings Institution, an estimated $1.75 billion intended to assist low-income families went to commercial tax preparers and affiliated national banks for tax assistance, electronic filing of returns, and high-cost refund loans. Although tax preparation services are useful, when combined with refund anticipation loans and other fees, these services are overpriced. The report further stated that 39 percent of taxpayers who earned the EITC received their refund through a refund anticipation loan, while only four percent of those who did not receive the EITC purchased a refund anticipation loan. Clearly, RALs were heavily marketed to a specific population of taxpayer. Forty-seven percent of all EITC dollars were distributed to recipients through these loans. In my state of Hawaii, in the Honolulu metropolitan statistical area, 27.7 percent of all EITC dollars were associated with refund anticipation loans. These loans take money away from the day-to-day, kitchen-table needs of the low-income families.

Furthermore, refund anticipation loans carry interest rates that range from 97.4 percent to more than 2,000 percent. The interest rates and fees charged on these products are not justified for the short length of time that these loans cover. The typical rapid refund loan length is two weeks. These loans carry even less risk because of the Debt Indicator program. The Debt Indicator program allows the Internal Revenue Service to inform the lender if the applicant for a refund loan has any outstanding Federal debts. The risk is further reduced because loan issuers share information about outstanding delinquencies that refund anticipation loan applicants owe and are able to collect debts for each other.

This bill would terminate the Debt Indicator program. In 1995, the use of the Debt Indicator was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the Debt Indicator was reinstated in 1999. Remarks from H & R Block Chief Executive Officer Frank L. Salizzoni upon the reinstatement of the program state that the Debt Indicator "is good news for many of our clients who opt to receive the amount of their refund through Refund Anticipation Loans. The IRS program will likely result in substantially lower fees for this service." However, according to a study conducted by the Consumer Federation of America and the National Consumer Law Center, that has not been the case for at least one of the major tax preparers. H & R Block and Household Bank's fees dropped for a year after the Debt Indicator was reinstated. The fees rose significantly from 2000 to 2001, which increased H & R Block's revenue from RALs by 49 percent. Per RAL revenue rose by 43.9 percent while RAL sales volume increased by only 2.7 percent. The expected outcome that RAL prices would go down as a result of the reinstatement of the indicator has not occurred. The use of the Debt Indicator should again be stopped.

Another important provision in the bill is authorization language for a grant program to link tax preparation services with the establishment of a bank account. There are still approximately four million EITC recipients that are classified as unbanked, and lack a formal relationship with a financial institution. It has been estimated that 45 percent of EITC recipients pay for check cashing services. These check cashing services reduce EITC benefits by $130 million. Having a bank account allows individuals not only to receive their tax refund check faster than waiting for a paper check, but also does not impose the excessive fees that check cashing services and refund anticipation loan providers assess. An account at a bank or credit union provides consumers alternatives to rapid refund loans, check cashing services, and lower cost remittances. In addition, bank and credit union accounts provide access to saving and borrowing services found at mainstream financial institutions. This grant program builds upon the First Accounts initiative which has funded pilot projects that have coupled tax preparation services with the establishment of bank accounts. An example of such a project is the partnership that has been established among The Center for Law & Human Services, Accounting Aid Society, ShoreBank, National Consumer Law Center, and Consumer Federation of America that is taking place in Chicago and Detroit. More of these programs are necessary to provide much needed tax preparation assistance and to encourage the use of mainstream financial services.

I encourage all of my colleagues to support this legislation.

By Mr. DEWINE (for himself, Mrs. MURRAY, Ms. LANDRIEU, Mr. BREAUX, Mr. BINGAMAN, and Mr. INOUYE):

S. 686. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I am pleased to join with my colleagues—Senators MURRAY, LANDRIEU, BREAUX, BINGAMAN, and INOUYE—to introduce the Poison Control Center Awareness and Enhancement Act of 2003. Our bill is designed to help make certain that the vital work of our nation's poison control centers continues.

Many of us—as parents and grandparents—have experienced the terrifying situation when a child accidentally swallows something potentially toxic. Fortunately, local poison control centers—many of them located at children's hospitals—work around the clock to answer questions from parents and to field phone calls from others about possible poisonings. Today, we also have in place a national, toll-free poison control telephone number—and that number is 1-800-222-1222—that automatically connects callers to specially trained nurses, pharmacists, and doctors at the closest local poison center.

This phone number went into effect as a result of legislation I helped get signed into law a few years ago. And now, as parents of eight children and now grandparents of eight, my wife, Fran, and I can tell you that we rest a bit easier knowing that in the case of a possible poisoning, all we need to do is call a toll free, 1-800 telephone number to get in contact with the nearest poison control center. Any parents, anywhere—whether they are in their own hometown or in another state on vacation—can call the 1-800 number, 24 hours a day, 7 days a week in the event of a poisoning.

There are over 70 poison control centers nationwide—three in my home State of Ohio. These centers have fielded over one million phone calls just since January 2002, answering questions about poisonous, drug abuse, product contents, substance identification interactions, and adverse reactions. They can answer questions and concerns about what would typically be called poisonous products—things like cleaners and bleach. This is the most common poison exposure for children, who typically ingest household products, such as cosmetics and personal care products, cleaning substances, pain relievers, foreign bodies, and plants.

But poison control centers can also answer questions about products that people may not think are poisonous, like prescribed medicines or over-the-counter medications. Maybe someone mixed medications or misread a label and took too much of the medicine by accident. Poison control centers can answer caller questions and direct the caller to seek medical attention if necessary.

I remember very clearly a time when Fran and I needed to call the local poison control center. As we were wrapping up our annual Ice Cream Social at our home in Cedarville, our then two year-old granddaughter, Isabelle, fell into a bucket of cleaning solution. We feared that she may have swallowed some of the solution and immediately called the poison control center. We were very lucky. The trained health care professional at the local poison center explained that all we needed to do was rinse Isabelle off and have her drink some water. The quick response of the poison control center provided rapid, easy answers to our questions—a process that has become even easier since the toll-free hotline began operating.

A young child, like Isabelle, is representative of most poisoning cases; however, adults often face situations necessitating information and help from poison control centers. Take the example of what occurred in Marysville, OH. Thirty workers in a manufacturing plant in Marysville were victims of gas exposure. Twenty of these workers went to Union Memorial Hospital. The hospital contacted the poison center, after which these patients were given oxygen and later discharged that same day. Ten others went to a different hospital that did not call a poison center. These patients were not released until the next day, even though their symptoms did not differ from the other 20 workers. The national hotline will help cut-down on situations like that in Marysville.

Our Nation's poison control centers handle an average of one poison exposure every 15 seconds. These centers are critical to our communities—especially now during this time of war and uncertainty. Parents are already anxious about the safety of their children, and with the potential anthrax scares or chemical or biologic scares, poison control centers can provide information to parents and help relieve some of their concerns.

The bill we are introducing today would provide the continued funding needed to ensure that the national toll-free number continues to operate, taking phone calls and helping families across the country. We must continue to increase the accessibility and effectiveness of our nation's poison control centers, as well as cement their existence for future generations. With this bill, we are not just making an investment in poison control; rather, we are making it easier to keep our children, friends, and ourselves safer and healthier.

I encourage my colleagues to remember the hotline number—it could save a life: 1–800–222–1222.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poison Control Center Enhancement and Awareness Act Amendments of 2003".

SEC. 2. FINDINGS.

Section 2 of the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801) is amended to read as follows:

"SEC. 2. FINDINGS.

"Congress finds the following:

"(1) Poison control centers are our Nation's primary defense against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison centers for help in diagnosing and treating victims of poisoning and other toxic exposures.

"(2) Poisoning is the third most common form of unintentional death in the United States. In any given year, there will be between 2,000,000 and 4,000,000 poison exposures. More than 50 percent of these exposures will involve children under the age of 6 who are exposed to toxic substances in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and 13,000 fatalities annually.

"(3) Stabilizing the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers, and reduce the inappropriate use of emergency medical services and other more costly health care services.

"(4) The tragic events of September 11, 2001, and the anthrax cases of October 2001, have dramatically changed our Nation. During this time period, poison centers in many areas of the country were answering thousands of additional calls from concerned residents. Many poison centers were relied upon as a source for accurate medical information about the disease and the complications resulting from prophylactic antibiotic therapy.

"(5) The 2001 Presidential Task Force on Citizen Preparedness in the War on Terrorism recommended that the Poison Control Centers be used as a source of public information and public education regarding potential biological, chemical, and nuclear domestic terrorism.

"(6) The increased demand placed upon poison centers to provide emergency information in the event of a terrorist event involving a biological, chemical, or nuclear toxin will dramatically increase call volume.".

SEC. 3. MAINTENANCE OF A NATIONAL TOLL FREE NUMBER.

Section 4 of the Poison Control Enhancement and Awareness Act (42 U.S.C. 14803) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 4. MAINTENANCE OF A NATIONAL TOLL-FREE NUMBER.";

and

(2) in subsection (c), by inserting "and $2,000,000 for each of fiscal years 2005 through 2009" after "2004".

SEC. 4. NATIONWIDE MEDIA CAMPAIGN.

Section 5 of the Poison Control Enhancement and Awareness Act (42 U.S.C. 14804) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 5. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.";

and

(2) in subsection (c), by inserting "and $1,500,000 for each of fiscal years 2005 through 2009" after "2004".

SEC. 5. POISON CONTROL CENTER GRANT PROGRAM.

Section 6 of the Poison Control Enhancement and Awareness Act (42 U.S.C. 14805) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 6. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.";

(2) by striking subsection (b) and inserting the following:

"(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

"(1) develop standardized poison prevention and poison control promotion programs;

"(2) develop standard patient management guidelines for commonly encountered toxic exposures;

"(3) improve and expand the poison control data collection systems;

"(4) improve national toxic exposure surveillance;

"(5) expand the toxicologic expertise within poison control centers; and

"(6) improve the capacity of poison control centers to answer high volumes of calls during times of national crisis;

(3) by striking subsection (d)(2) and inserting the following:

"(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

"(3) LIMITATION.—In no instance may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as if enacted on February 25, 2000."; and

(4) in subsection (h), by inserting "and $30,000,000 for each of fiscal years 2005 through 2009" after "2004".

SEC. 7. NATIONWIDE TOXICOSURVEILLANCE OF POISON CENTER DATA TO PROMOTE HAZARD DETECTION.

The Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq) is amended by adding at the end the following:

"SEC. 7. NATIONWIDE TOXICOSURVEILLANCE OF POISON CENTER DATA TO PROMOTE HAZARD DETECTION.

"(a) IN GENERAL.—The Secretary shall assist in the implementation and maintenance of continuous national toxicosurveillance of poison control center data to detect new hazards from household products, pharmaceuticals, traditionally abused drugs, and other toxic substances.

"(b) CONTRACT FOR SERVICES.—The Secretary may enter into a contract with appropriate professional organizations for the collection and analysis of poison center data described in subsection (a) in real time.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,500,000 for each of fiscal years 2005 through 2009.".

By Mrs. BOXER:

S. 687. A bill to amend title 10, United States Code, to prohibit the concurrent deployment to combat zones of both military spouses of military families with minor children, and for other purposes; to the Committee on Armed Services.

Mrs. BOXER. Mr. President, today I am introducing legislation to require that the Secretary of Defense issue regulations that would prevent a mother and father of minor children from being deployed to a combat zone at the same time.

Under my legislation, the Secretary of Defense would have 15 days to implement this policy by issuing regulations that would include the definition of what comprises a combat zone.

As we wage war against Iraq, it is important that we work to ensure that a child will never have to endure the pain of losing both parents during wartime. Military families sacrifice so much to serve our Nation. We should do everything we can to ensure their children are not orphaned.

I hope my colleagues will support this legislation.

By Mr. GRAHAM of Florida:

S. 688. A bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I rise today to introduce this bill that will end the practice of forcing electric utilities to purchase unneeded electricity at above market rates—a practice that ultimately costs consumers more.

This outdated practice began after the 1973–74 oil embargo. In the embargo's aftermath, we understood a far reaching assessment of our energy policies and enacted numerous laws to address the issues facing this country at that time. The Public Utility Regulatory Policies Act of 1978, PURPA, was one of several energy bills that resulted from those efforts.

In 1978, the electric utility industry in this country was based on monopolies and almost totally reliant on antiquated technologies. It was also highly territorial, having only limited ability to move electricity from one part of the country to another.

PURPA was intended to address these issues. It was designed to alleviate real and potential shortages in electricity and encourage the use of alternative fuels to generate electricity. To do this, it established a new class of electricity generators. The goal was for these new generators to rapidly implement new generating technologies that the utilities had been slow to adopt and to expand the amount of electricity generated with alternative fuels.

To ensure that investors would build these new facilities, PURPA essentially guaranteed them a profit. It required the conventional electric utilities to purchase all of the electricity the new generators wanted to sell. Prices were essentially fixed—requiring traditional utilities to pay for the electricity based on the costs they "avoided" by not having to build additional capacity themselves.

And PURPA worked. It led to the development of plants converting waste to energy and to construction of smaller, more efficient generating facilities.

But much has changed since 1978.

Today there are competitive wholesale markets throughout the country, giving generation project developers many opportunities to see their output. The Energy Policy Act of 1992 and a variety of Federal Energy Regulatory Commission directives now ensure that generators have access to transmission lines, so that power can reach those markets. And we now have additional capacity coming from a variety of non-utilities using small-scale facilities and newer, more efficient technologies which allow them to be price competitive.

There have also been changes in the PURPA generators. One of PURPA's goals was to spur the use of alternative or renewable fuels, but 80 percent of the electricity currently generated by PURPA facilities is produced by burning natural gas, oil and coal. And the "equitable" prices imposed on electric utilities purchasing PURPA power are substantially higher than market rates, increasing the cost to consumers by roughly $8 billion annually. Exactly the opposite of what was intended.

The bill I offer today would rescind any requirement for electricity utilities to enter into new agreements to purchase electricity from PURPA facilities. It would not prevent utilities from buying PURPA power that is offered at competitive rates. And it would not affect existing PURPA agreements. Those agreements would remain in effect until they expire, allowing those PURPA facilities to continue selling their electricity to the utilities at the prices specified in the agreements. This approach would ensure that the investment in PURPA facilities can be recouped in accordance with the parties' expectations, but will protect consumers from new PURPA contracts—contracts which force them to pay above market prices for electricity.

This bill would also ensure that the electric utilities that are required to purchase PURPA electricity, possibly for decades to come under existing contracts, have the flexibility to recover those costs.

I urge my colleagues to support this legislation, which is fiscally sound, and is an example of good government because it eliminates outdated and counterproductive legislation.

By Mr. VOINOVICH (for himself and Mr. FEINGOLD):

S. 689. A bill to balance the budget and protect the Social Security Trust Fund surpluses; to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Truth in Budgeting and Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL REFORMS

Sec. 101. Extension of the discretionary spending caps.
Sec. 102. Extension of pay-as-you-go requirement.
Sec. 103. Point of order to require compliance with the caps and pay-as-you-go.
Sec. 104. Disclosure of interest costs.
Sec. 105. Executive branch report on fiscal exposures.
Sec. 106. Senate sets 302(b) allocations.
Sec. 107. Long-Term Cost Recognition Point of Order.

TITLE II—REFORM OF BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

Sec. 201. Federal insurance programs.

TITLE III—BIENNIAL BUDGETING AND APPROPRIATIONS

Sec. 301. Revision of timetable.
Sec. 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 303. Amendments to title 31, United States Code.
Sec. 304. Two-year appropriations; title and style of appropriations Acts.
Sec. 305. Multiyear authorizations.
Sec. 306. Government plans on a biennial basis.
Sec. 307. Biennial appropriations bills.
Sec. 308. Report on two-year fiscal period.
Sec. 309. Effective date.

TITLE IV—COMMISSION ON FEDERAL BUDGET CONCEPTS

Sec. 401. Establishment of Commission on Federal Budget Concepts.

Sec. 402. Powers and duties of Commission.
Sec. 403. Membership.
Sec. 404. Staff and support services.
Sec. 405. Report.
Sec. 406. Termination.
Sec. 407. Funding.

TITLE I—GENERAL REFORMS

SEC. 101. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) In General.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraphs (7) through (16) and inserting the following:

"(7) with respect to fiscal years 2004 through 2009 an amount equal to the appropriated amount of discretionary spending in budget authority and outlays for fiscal year 2003 adjusted to reflect inflation;".

(b) Expiration.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking subsection (b).

(c) Additional Enforcement.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 102. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "enacted before October 1, 2002," both places it appears.

SEC. 103. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE CAPS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

"(b) Discretionary Spending and Pay-as-You-Go Point of Order in the Senate.—

"(1) In general.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

"(A) exceed any of the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(B) for direct spending or revenue legislation, would cause or increase an on-budget deficit for any one of the following three applicable time periods—

"(i) the first year covered by the most recently adopted concurrent resolution on the budget;

"(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

"(2) Point of order against a specific provision.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

"(3) Form of the point of order.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

"(4) Conference reports.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

"(5) Enforcement by the presiding officer.—In the Senate, if a point of order lies against a bill or resolution (or amendment, motion, or conference report on that bill or resolution) under this section, and no Senator has raised the point of order, and the Senate has not waived the point of order, then before the Senate may vote on the bill or resolution (or amendment, motion, or conference report on that bill or resolution), the Presiding Officer shall on his or her own motion raise a point of order under this section.

"(6) Exceptions.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.".

SEC. 104. DISCLOSURE OF INTEREST COSTS.

Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) containing a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.".

SEC. 105. EXECUTIVE BRANCH REPORT ON FISCAL EXPOSURES.

(a) In General.—The President shall submit to the Committees on Appropriations, Budget, Finance, and Governmental Affairs of the Senate, and the Committees on Appropriations, Budget, Government Reform, and Ways and Means of the House of Representatives, not later than 2 weeks before the first Monday in February of each year, a report (in this section referred to as the "report") on the fiscal exposures of the United States Federal Government and their implications for long-term financial health. The report shall also be included as part of the Consolidated Financial Statement of the United States Government.

(b) Contents.—

(1) In general.—The report shall include fiscal exposures for the following categories of fiscal exposures:

(A) Debt.—Debt, including—

(i) total gross debt;

(ii) publicly held debt; and

(iii) debt held by Government accounts.

(B) Other financial liabilities.—Other financial liabilities, including—

(i) civilian and military pensions;

(ii) post-retirement health benefits;

(iii) environmental liabilities;

(iv) accounts payable;

(v) loan guarantees; and

(vi) Social Security benefits due and payable.

(C) Financial commitments.—Financial commitments, including—

(i) undelivered orders; and

(ii) long-term operating leases.

(D) Financial contingencies and other exposure.—Financial contingencies and other exposures, including—

(i) unadjudicated claims;

(ii) Federal insurance programs (including both the financial contingency for and risk assumed by such programs);

(iii) net future benefits under Social Security, Medicare Part A, Medicare Part B, and other social insurance programs;

(iv) life cycle costs, including deferred and future maintenance and operating costs associated with operating leases and the maintenance of capital assets;

(v) unfunded portions of incrementally funded capital projects;

(vi) disaster relief; and

(vii) others as deemed appropriate.

(2) Estimates.—Where available, estimates for each exposure should be included. Where reasonable estimates are not available, a range of estimates may be appropriate.

(3) Other exposures.—Exposures that are analogous to those specified in paragraph (1) shall also be included in the exposure categories identified in such paragraph.

(c) Format.—The report shall include a 1-page list of all exposures. Additional disclosures shall include descriptions of exposures, the estimation methodologies and significant assumptions used, and an analysis of the implications of the exposures for the long-term financial outlook. Additional analysis deemed informative may be provided on subsequent pages.

(d) Review With Congress.—Following the submission of the report on fiscal exposures to the Senate and the House of Representatives, the Comptroller General shall review and report to the committee reviewing the report on the report, discussing—

(1) the extent to which all required disclosures under this section have been made;

(2) the quality of the cost estimates;

(3) the scope of the information;

(4) the long-range financial outlook; and

(5) any other matters deemed appropriate.

(e) Definitions.—In this section:

(1) Liabilities.—The terms "liabilities", "commitments", and "contingencies" shall be defined in accordance with generally accepted accounting principles and standards of the United States Federal Government.

(2) Risk assumed.—The term "risk assumed" means the full portion of the risk premium based on the expected cost of losses inherent in the Government's commitment that is not charged to the insured. For example, the present value of unpaid expected losses net of associated premiums, based on the risk assumed as a result of insurance coverage.

(3) Net future benefit payments.—The term "net future benefit payments" means the net present value of negative cashflow. Negative cashflow is to be calculated as the current amount of funds needed to cover projected shortfalls, excluding trust fund balances, over a 75-year period. This estimate should include births during the period and individuals below age 15 as of January 1 of the valuation year.

SEC. 106. SENATE SETS 302(b) ALLOCATIONS.

The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(1) in section 301(e)(2)(F) (2 U.S.C. 632(e)(2)(F)), by striking "section 302(a)" and inserting "subsections (a) and (b) of section 302"; and

(2) in section 302 (2 U.S.C. 633), by striking subsection (b) and inserting the following:

"(b) Suballocations for Appropriations Committee.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include suballocations of amounts allocated to the Committees on Appropriations of each amount allocated to those committees under subsection (a) among each of the subcommittees of those committees.".

SEC. 107. LONG-TERM COST RECOGNITION POINT OF ORDER.

(a) In General.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"LONG-TERM COST RECOGNITION POINT OF ORDER

"Sec. 318. (a) Congressional Budget Office Analysis.—

"(1) In general.—CBO shall, in conjunction with the analysis required by section

402, prepare and submit to the Committees on the Budget of the House of Representatives and Senate a report on each bill, joint resolution, amendment, motion, or conference report reported by any committee of the House of Representatives or the Senate that contains any cost drivers that CBO concludes are likely to have the effect of increasing the cost path of that measure such that the estimated discounted cash flows of the measure in the 10 years following the 10th year after the measure takes effect would be 150 percent or greater of the level of the estimated discounted cash flows of the measure at the end of the 10 years following the enactment of the measure.

"(2) PROJECTIONS.—Where possible, CBO should use existing long-term projections of cost drivers prepared by the appropriate Federal agency.

"(3) LIMIT.—Nothing in this section requires CBO to develop cost estimates for a measure beyond the 10th year after the measure takes effect.

"(b) COST DRIVERS.—Cost drivers CBO shall consider under subsection (a) include—

"(1) demographic changes;

"(2) new technologies; and

"(3) environmental factors.

"(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that CBO determines will increase the level of the estimated discounted cash flows of that measure as reported in subsection (a) by 150 percent or more.".

TITLE II—REFORM OF BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

SEC. 201. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'Federal Insurance Budgeting Act of 2003'.

"SEC. 602. BUDGETARY TREATMENT.

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2008, the budget of the Government submitted pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

"(b) BUDGET ACCOUNTING.—For any Federal insurance program—

"(1) the program account shall—

"(A) pay the risk-assumed cost borne by taxpayers to the financing account; and

"(B) pay actual insurance program administrative costs; and

"(2) the financing account shall—

"(A) receive premiums and other income;

"(B) pay all claims for insurance and receive all recoveries; and

"(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs; and

"(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund;

"(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

"(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2006 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

"(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

"(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

"(d) REESTIMATES.—

"(1) IN GENERAL.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

"(2) APPROPRIATIONS.—There are appropriated such sums as are necessary to fund a positive reestimate under paragraph (1).

"(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

"SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

"(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2005. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs.

"(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2005, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

"(c) REVISION.—After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs.

"(d) DISPLAY.—

"(1) IN GENERAL.—For fiscal years 2005, 2006, and 2007 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

"(2) OMB.—The display in the budget submissions of the President for fiscal years 2005, 2006, and 2007 shall include—

"(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

"(B) a summary table of the risk-assumed costs of Federal insurance programs; and

"(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

"(3) CBO.—In the second session of the 108th Congress and the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

"(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

"(2) Each report made pursuant to paragraph (1) shall address the following:

"(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

"(B) The availability and reliability of data or information necessary to carry out this title.

"(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

"(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

"(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

"(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

"(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

"SEC. 604. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs as to be defined by the budget concepts commission, as required by title IV of the Truth in Budgeting and Social Security Protection Act of 2003.

"(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a non-Federal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

“(3)(A) The term ‘risk-assumed cost’ means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

“(B) The cash flows associated with an insurance commitment include—

“(i) expected claims payments inherent in the Government’s commitment;

“(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

“(iii) expected recoveries; and

“(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

“(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

“(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government submitted pursuant to section 1105(a) of title 31, United States Code.

“(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

“(4) The term ‘program account’ means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

“(5) The term ‘financing account’ means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

“(6) The term ‘modification’ means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

“(7) The term ‘model’ means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

“(8) The term ‘current’ has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(9) The term ‘OMB’ means the Director of the Office of Management and Budget.

“(10) The term ‘CBO’ means the Director of the Congressional Budget Office.

“(11) The term ‘GAO’ means the Comptroller General of the United States.

“SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2004 through 2009 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

“(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

“(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2007, for each Federal insurance program.

“(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2007.

“(3) These financing accounts shall be used in implementing the budget accounting required by this title.

“SEC. 606. EFFECTIVE DATE.

“(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2009.

“(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2009, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

“TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

“Sec. 601. Short title.
“Sec. 602. Budgetary treatment.
“Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
“Sec. 604. Definitions.
“Sec. 605. Authorizations to enter into contracts; actuarial cost account.
“Sec. 606. Effective date.”.

TITLE III—BIENNIAL BUDGETING AND APPROPRIATIONS

SEC. 301. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

“TIMETABLE

“SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eighth Congress) is as follows:

“First Session

	“On or before:	Action to be completed:
....	First Monday in February.	President submits budget recommendations.
....	February 15	Congressional Budget Office submits report to Budget Committees.
....	Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
....	April 1	Budget Committees report concurrent resolution on the biennial budget.
....	May 15	Congress completes action on concurrent resolution on the biennial budget.
....	May 15	Biennial appropriation bills may be considered in the House.
....	June 10	House Appropriations Committee reports last biennial appropriation bill.
....	June 30	House completes action on biennial appropriation bills.
....	August 1	Congress completes action on reconciliation legislation.
....	October 1	Biennium begins.

“Second Session

	“On or before:	Action to be completed:
....	February 15	President submits budget review.
....	Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
....	The last day of the session.	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

“(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

“First Session

	“On or before:	Action to be completed:
....	First Monday in April.	President submits budget recommendations.
....	April 20	Committees submit views and estimates to Budget Committees.
....	May 15	Budget Committees report concurrent resolution on the biennial budget.
....	June 1	Congress completes action on concurrent resolution on the biennial budget.
....	July 1	Biennial appropriation bills may be considered in the House.
....	July 20	House completes action on biennial appropriation bills.
....	August 1	Congress completes action on reconciliation legislation.
....	October 1	Biennium begins.”.

SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) Declaration of Purpose.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking “each year” and inserting “biennially”.

(b) Definitions.—

(1) Budget resolution.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(2) Biennium.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

“(11) The term ‘biennium’ means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.”.

(c) Biennial Concurrent Resolution on the Budget.—

(1) Contents of resolution.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking “April 15 of each year” and inserting “May 15 of each odd-numbered year”;

(ii) striking “the fiscal year beginning on October 1 of such year” the first place it appears and inserting “the biennium beginning on October 1 of such year”; and

(iii) striking “the fiscal year beginning on October 1 of such year” the second place it appears and inserting “each fiscal year in such period”;

(B) in paragraph (6), by striking “for the fiscal year” and inserting “for each fiscal year in the biennium”; and

(C) in paragraph (7), by striking “for the first fiscal year” and inserting “for each fiscal year in the biennium”.

(2) Additional matters.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking “for such fiscal year” and inserting “for either fiscal year in such biennium”.

(3) Views of other committees.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting “(or, if applicable, as provided by section 300(b))” after “United States Code”.

(4) Hearings.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) inserting after the second sentence the following: “On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.”.

(5) Goals for reducing unemployment.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(6) Economic assumptions.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking “for a fiscal year” and inserting “for a biennium”.

(7) Section heading.—The section heading of section 301 of such Act is amended by striking “**ANNUAL**” and inserting “**BIENNIAL**”.

(8) Table of contents.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking “Annual” and inserting “Biennial”.

(d) Committee Allocations.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)(1) by—

(A) striking “for the first fiscal year of the resolution,” and inserting “for each fiscal year in the biennium,”;

(B) striking “for that period of fiscal years” and inserting “for all fiscal years covered by the resolution”; and

(C) striking “for the fiscal year of that resolution” and inserting “for each fiscal year in the biennium”;

(2) in subsection (f)(1), by striking “for a fiscal year” and inserting “for a biennium”;

(3) in subsection (f)(1), by striking “first fiscal year” and inserting “each fiscal year of the biennium”;

(4) in subsection (f)(2)(A), by—

(A) striking “first fiscal year” and inserting “each fiscal year of the biennium”; and

(B) striking “the total of fiscal years” and inserting “the total of all fiscal years covered by the resolution”; and

(5) in subsection (g)(1)(A), by striking “April” and inserting “May”.

(e) Section 303 Point of Order.—

(1) In general.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking “first fiscal year” and inserting “each fiscal year of the biennium”.

(2) Exceptions in the house.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking “the budget year” and inserting “the biennium”; and

(B) in subparagraph (B), by striking “the fiscal year” and inserting “the biennium”.

(3) Application to the senate.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) striking “that year” and inserting “each fiscal year of that biennium”.

(f) Permissible Revisions of Concurrent Resolutions on the Budget.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking “fiscal year” the first two places it appears and inserting “biennium”;

(2) by striking “for such fiscal year”; and

(3) by inserting before the period “for such biennium”.

(g) Procedures for Consideration of Budget Resolutions.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking “fiscal year” and inserting “biennium”.

(h) Completion of House Action on Appropriation Bills.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking “each year” and inserting “each odd-numbered year”;

(2) by striking “annual” and inserting “biennial”;

(3) by striking “fiscal year” and inserting “biennium”; and

(4) by striking “that year” and inserting “each odd-numbered year”.

(i) Completion of Action on Regular Appropriation Bills.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting “of any odd-numbered calendar year” after “July”;

(2) by striking “annual” and inserting “biennial”; and

(3) by striking “fiscal year” and inserting “biennium”.

(j) Reconciliation Process.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “any fiscal year” and inserting “any biennium”; and

(2) in paragraph (1) by striking “such fiscal year” each place it appears and inserting “any fiscal year covered by such resolution”.

(k) Section 311 Point of Order.—

(1) In the house.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking “for a fiscal year” and inserting “for a biennium”;

(B) by striking “the first fiscal year” each place it appears and inserting “either fiscal year of the biennium”; and

(C) by striking “that first fiscal year” and inserting “each fiscal year in the biennium”.

(2) In the senate.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking “for the first fiscal year” and inserting “for either fiscal year of the biennium”; and

(B) in subparagraph (B)—

(i) by striking “that first fiscal year” the first place it appears and inserting “each fiscal year in the biennium”; and

(ii) by striking “that first fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(3) Social security levels.—Section 311(a)(3) of such Act is amended by—

(A) striking “for the first fiscal year” and inserting “each fiscal year in the biennium”; and

(B) striking “that fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(l) MDA Point of Order.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking “for a fiscal year” and inserting “for a biennium”;

(2) in paragraph (1), by striking "first fiscal year" and inserting "either fiscal year in the biennium";

(3) in paragraph (2), by striking "that fiscal year" and inserting "either fiscal year in the biennium"; and

(4) in the matter following paragraph (2), by striking "that fiscal year" and inserting "the applicable fiscal year".

SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Seventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years,";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" and inserting "in those fiscal years".

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" each place it appears and inserting "in those fiscal years".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "the fiscal year for" the first place it appears and inserting "each fiscal year in the biennium for";

(2) by striking "the fiscal year for" the second place it appears and inserting "each fiscal year of the biennium, as the case may be,"; and

(3) by striking "that year" and inserting "for each year of the biennium".

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) striking "Before July 16 of each year," and inserting "Before February 15 of each even numbered year,"; and

(ii) striking "fiscal year" and inserting "biennium";

(B) in paragraph (1), by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2), by striking "4 fiscal years following the fiscal year" and inserting "4 fiscal years following the biennium"; and

(D) in paragraph (3), by striking "fiscal year" and inserting "biennium".

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "the fiscal year" and inserting "each fiscal year in the biennium";

(B) striking "April 11 and July 16 of each year" and inserting "February 15 of each even-numbered year"; and

(C) striking "July 16" and inserting "February 15 of each even-numbered year.".

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking "May 16" and inserting "March 31"; and

(2) striking "year before the year in which the fiscal year begins" and inserting "calendar year preceding the calendar year in which the biennium begins".

SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriations Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 305. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 319. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

"(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

"(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

"(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

"(1) any measure that is privileged for consideration pursuant to a rule or statute;

"(2) any matter considered in Executive Session; or

"(3) an appropriations measure or reconciliation bill.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 319. Authorizations of appropriations.".

SEC. 306. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2003";

(2) in subsection (b)—

(A) by striking "at least every three years" and inserting "at least every 4 years"; and

(B) by striking "five years forward" and inserting "six years forward"; and

(3) in subsection (c), by inserting a comma after "section" the second place it appears and adding "including a strategic plan submitted by September 30, 2003 meeting the requirements of subsection (a)".

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking "beginning with fiscal year 1999, a" and inserting "beginning with fiscal year 2004, a biennial".

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(ii) by striking "an annual" and inserting "a biennial";

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "for a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "four".

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking "September 30, 1997" and inserting "September 30, 2003";

(2) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years";

(3) by striking "five years forward" and inserting "six years forward"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2003 meeting the requirements of subsection (a)".

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.".

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2003.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

SEC. 307. BIENNIAL APPROPRIATIONS BILLS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 320. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 320. Consideration of biennial appropriations bills.".

SEC. 308. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this subpart, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

SEC. 309. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 306 and 308 and subsection (b), this title and the amendments made by this title shall take effect on January 1, 2003, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2004.

(b) AUTHORIZATIONS FOR THE BIENNIUM.—For purposes of authorizations for the biennium beginning with fiscal year 2004, the provisions of this title and the amendments made by this title relating to 2-year authorizations shall take effect January 1, 2003.

TITLE IV—COMMISSION ON FEDERAL BUDGET CONCEPTS

SEC. 401. ESTABLISHMENT OF COMMISSION ON FEDERAL BUDGET CONCEPTS.

There is established a commission to be known as the Commission on Federal Budget Concepts (referred to in this title as the "Commission").

SEC. 402. POWERS AND DUTIES OF COMMISSION.

(a) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The duties of the Commission shall include—

(A) a review of the 1967 report of the President's Commission on Budget Concepts and assessment of the implementation of the recommendations of that report;

(B) identification and evaluation of the structure, concepts, classifications, and bases of accounting of the Federal budget;

(C) identification of any applicable general accounting principles and practices in the private sector and evaluation of their value to budget practices in the Federal sector;

(D) a report that shall include recommendations for modifications to the structure, concepts, classifications, and bases of accounting of the Federal budget that would enhance the usefulness of the budget for public policy and financial planning.

(2) SPECIFIC AREAS OF CONSIDERATION.—Specific areas for consideration by the Commission shall include the following:

(A) Should part ownership by the Government be sufficient to make an entity Federal and to include it in the budget?

(B) When is Federal control of an entity, including control exercised through Federal regulations, sufficient to cause it to be included in the budget?

(C) Are privately owned assets under long-term leases to the Federal Government effectively purchased by the Government during the lease period?

(D) Should there be an "off-budget" section of the budget? How should the Federal Government differentiate between spending and receipts?

(E) Should the total costs of refundable tax credits belong on the spending side of the budget?

(F) When should Federal Reserve earnings be reported as receipts or offsetting receipts (negative spending) in the net interest portion of the budget?

(G) What is a "user fee" and under what circumstances is it properly an offset to spending or a governmental receipt? What uses do trust funds have?

(H) Do trust fund balances provide misleading information? Do the roughly 200 trust funds add clarity or confusion to the budget process?

(I) Are there better ways than trust fund accounting to identify long-term liabilities?

(J) Should accrual budgetary accounting be adopted for Federal retirement, military retirement, or Social Security and other entitlements?

(K) Are off-budget accounts suitable for capturing accruals in the budget?

(L) What is the appropriate budgetary treatment of—

(i) purchases and sales of financial assets, including equities, bonds, and foreign currencies;

(ii) emergency spending;

(iii) the cost of holding fixed assets (cost of capital);

(iv) sales of physical assets; and

(v) seigniorage on coins and currency?

(M) When policy changes have strong but indirect feedback effects on revenues and other aggregates, should they be reported in budget estimates?

(N) How should the policies that are one-sided bets on economic events (probabilistic scoring) be represented in the budget?

(b) Powers of the Commission.—

(1) Conduct of business.—The Commission may hold hearings, take testimony, receive evidence, and undertake such other activities necessary to carry out its duties.

(2) Access to information.—The Commission may secure directly from any department or agency of the United States information necessary to carry out its duties. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(3) Postal service.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 403. MEMBERSHIP.

(a) Membership.—The Commission shall be composed of 12 members as follows:

(1) Three members appointed by the chairman of the Committee on the Budget of the Senate.

(2) Three members appointed by the chairman of the Committee on the Budget of the House of Representatives.

(3) Three members appointed by the ranking member of the Committee on the Budget of the Senate.

(4) Three members appointed by the ranking member of the Committee on the Budget of the House of Representatives.

(b) Qualifications and Term.—

(1) Qualifications.—Members appointed to the Commission pursuant to subsection (a) shall—

(A) have expertise and experience in the fields or disciplines related to the subject areas to be considered by the Commission; and

(B) not be Members of Congress.

(2) Term of appointment.—The term of an appointment to the Commission shall be for the life of the Commission.

(3) Chair and vice chair.—The Chair and Vice Chair may be elected from among the members of the Commission. The Vice Chair shall assume the duties of the Chair in the Chair's absence.

(c) Meetings; Quorum; and Vacancies.—

(1) Meetings.—The Commission shall meet at least once a month on a day to be decided by the Commission. The Commission may meet at such other times at the call of the Chair or of a majority of its voting members. The meetings of the Commission shall be open to the public, unless by public vote, the Commission shall determine to close a meeting or any portion of a meeting to the public.

(2) Quorum.—A majority of the voting membership shall constitute a quorum of the Commission, except that 3 or more voting members may conduct hearings.

(3) Vacancies.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was filled under subsection (a).

(d) Compensation and Expenses.—Members of the Commission shall serve without pay for their service on the Commission, but may receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

SEC. 404. STAFF AND SUPPORT SERVICES.

(a) Staff.—With the advance approval of the Commission, the executive director may appoint such personnel as is appropriate. The staff of the Commission shall be appointed without regard to political affiliation and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates.

(b) Executive Director.—The Chairman shall appoint an executive director, who shall be paid the rate of basic pay for level II of the Executive Schedule.

(c) Experts and Consultants.—With the advance approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Technical and Administrative Assistance.—Upon the request of the Commission—

(1) the head of any agency, office, or establishment within the executive or legislative branches of the United States shall provide, without reimbursement, such technical assistance as the Commission determines is necessary to carry out its duties; and

(2) the Administrator of the General Services Administration shall provide, on a reimbursable basis, such administrative support services as the Commission may require.

(e) Detail of Federal Personnel.—Upon the request of the Commission, the head of an agency, office, or establishment in the executive or legislative branch of the United States is authorized to detail, without reimbursement, any of the personnel of that agency, office, or establishment to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the employment status or privileges of that employee.

(f) CBO.—The Director of the Congressional Budget Office shall provide the Commission with its latest research on the accuracy of its past budget and economic projections as compared to those of the Office of Management and Budget and, if possible, those of private sector forecasters. The Commission shall work with the Directors of the Congressional Budget Office and the Office of Management and Budget in their efforts to explain the factors affecting the accuracy of budget projections.

SEC. 405. REPORT.

Not later than   , the Commission shall transmit a report to the President and to each House of Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative or administrative actions as it considers appropriate. No finding, conclusion, or recommendation may be made by the Commission unless approved by a majority of those voting, a quorum being present. At the request of any Commission member, the report shall include that member's dissenting findings, conclusions, or recommendations.

SEC. 406. TERMINATION.

The Commission shall terminate 30 days after the date of transmission of the report required in section 405.

SEC. 407. FUNDING.

There are authorized to be appropriated not more than $1,000,000 to carry out this title. Sums so appropriated shall remain available until expended.

By Mr. HAGEL:

S. 691. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska; to the Committee on Energy and Natural Resources.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WATERSHED RESTORATION AND PROTECTION ACTIVITIES IN THE STATE OF NEBRASKA.

(a) Definitions.—In this section:

(1) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(2) State.—The term "State" means the State of Nebraska.

(3) State forester.—The term "State Forester" means the Nebraska State Forester.

(b) Cooperative Agreements and Contracts.—

(1) In general.—The Secretary may enter into a cooperative agreement or contract, including a sole source contract, with the State Forester, under which the State Forester may carry out eligible watershed restoration and protection activities on National Forest System land in the State if similar or complementary activities are being carried out by the State Forester on State or private land that is located within the same watershed as the National Forest System land.

(2) Eligible activities.—Watershed restoration and protection activities that are eligible to be carried out by the State Forester under paragraph (1) shall include—

(A) treatment of insect-infected trees;

(B) reduction of hazardous fuels; and

(C) other activities to restore or improve watersheds across ownership boundaries.

(c) Agency Agreement.—Except as provided in subsection (f), a cooperative agreement or contract under subsection (b)(1) may authorize the State Forester to be an agent of the Secretary for the purpose of carrying out the watershed restoration or protection activities under the cooperative agreement or contract.

(d) Subcontracts Authorized.—In carrying out the watershed restoration or protection activities under subsection (b), the State Forester may enter into subcontracts in accordance with applicable contract procedures of the State.

(e) Timber Sales.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to watershed restoration and protection activities carried out by the State Forester under subsection (b).

(f) No Delegation of Duties Under NEPA.—With respect to any watershed restoration or protection activity of the State

Forester carried out or proposed to be carried out under subsection (b), the Secretary shall not delegate to the State Forester or to any other employee of the State Forest Service any of the duties of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary to enter into cooperative agreements or contracts under this section terminates on September 30, 2006.

AMENDMENTS SUBMITTED & PROPOSED

SA 368. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table.

SA 369. Mr. COCHRAN proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 370. Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DODD, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 371. Mr. DORGAN (for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 372. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 373. Mr. DODD (for himself, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 374. Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 375. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 376. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 377. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 378. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 379. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 380. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 381. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. CORZINE, Mr. DAYTON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 382. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 383. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 384. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 385. Mr. DORGAN (for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 386. Mr. HARKIN proposed an amendment to amendment SA 339 submitted by Mr. BREAUX (for himself, Ms. SNOWE, Mr. BAUCUS, and Mr. VOINOVICH) to the concurrent resolution S. Con. Res. 23, supra.

SA 387. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 388. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra.

SA 389. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra.

SA 390. Mr. NICKLES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra.

SA 391. Mr. STEVENS (for himself and Mr. NICKLES) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 392. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 393. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 394. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 395. Mr. DORGAN (for himself, Mr. HAGEL, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 396. Mr. HARKIN (for himself, Mrs. MURRAY, Mr. KOHL, Ms. CANTWELL, Mr. BINGAMAN, Mr. JOHNSON, Mr. DORGAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 397. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 398. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 399. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 400. Mr. LUGAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 401. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 402. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 403. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 404. Mr. NICKLES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 405. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 406. Ms. STABENOW submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 407. Ms. STABENOW (for herself, Mr. HARKIN, Mr. LEAHY, Mr. JOHNSON, Mrs. MURRAY, Mr. DAYTON , Mr. KOHL, Mr. CORZINE, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, and Mr. DODD) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 408. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. CORZINE, Mr. REED, Mr. SARBANES, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 409. Mr. DAYTON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 410. Mr. DODD (for himself, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 368. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___ . SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

(a) FINDINGS.—The Senate finds that—

(1) the Corps of Engineers provides quality, responsive engineering services to the United States, including planning, designing, building, and operating invaluable water resources and civil works projects;

(2) the ports of the United States are a vital component of the economy of the United States, playing a critical role in international trade and commerce and in maintaining the energy supply of the United States;

(3) interruption of port operations would have a devastating effect on the United States;

(4) the navigation program of the Corps enables 2,400,000,000 tons of commerce to move on navigable waterways;

(5) the Department of Transportation estimates that those cargo movements have created jobs for 13,000,000 people;

(6) flood damage reduction structures provided and maintained by the Corps save taxpayers $21,000,000,000 in damages every year, in addition to numerous human lives;

(7) the Corps designs and manages the construction of military facilities for the Army and Air Force while providing support to the Department of Defense and other Federal agencies;

(8) the Civil Works program of the Corps adds significant value to the economy of the United States;

(9) through contracting methods, the civil works program employs thousands of private sector contract employees, as well as Federal employees, in all aspects of construction, science, engineering, architecture, management, planning, design, operations, and maintenance; and

(10) the Bureau of Labor Statistics indicates that $1,000,000,000 expended for the Civil Works program generates approximately 40,000 jobs in support of construction operation and maintenance activities in the United States.

(b) BUDGETARY ASSUMPTIONS.—It is the sense of the Senate that—

(1) to perform vital functions described in subsection (a), the Corps of Engineers requires additional funding in order to sustain aging infrastructure of, and address the growing demand for water supply in, the United States; and

(2) the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps described in subsection (a) will not be reduced below current baseline spending levels established for the programs.

SA 369. Mr. COCHRAN proposed an amendment to the concurrent resolution S. Con. Res. 22, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 23, line 15, increase the amount by $3,500,000,000.

On page 23, line 16, increase the amount by $1,575,000,000.

On page 23, line 20, increase the amount by $875,000,000.

On page 23, line 24, increase the amount by $525,000,000.

On page 24, line 3, increase the amount by $350,000,000.

On page 24, line 7, increase the amount by $175,000,000.

On page 4, line 14, increase the amount by $3,500,000,000.

On page 5, line 4, increase the amount by $1,575,000,000.

On page 5, line 5, increase the amount by $875,000,000.

On page 5, line 6, increase the amount by $525,000,000.

On page 5, line 7, increase the amount by $350,000,000.

On page 5, line 8, increase the amount by $175,000,000.

On page 5, line 17, decrease the amount by $1,575,000,000.

On page 5, line 18, decrease the amount by $875,000,000.

On page 5, line 19, decrease the amount by $525,000,000.

On page 5, line 20, decrease the amount by $350,000,000.

On page 5, line 21, decrease the amount by $175,000,000.

On page 46, line 20, increase the amount by $3,500,000,000.

On page 46, line 21, increase the amount by $1,575,000,000.

On page 47, line 6, increase the amount by $875,000,000.

On page 47, line 15, increase the amount by $525,000,000.

SA 370. Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DODD, Mr. DASCHLE, Mr. ROCKFELLER, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $3,210,000,000.

On page 3, line 11, increase the amount by $3,745,000,000

On page 3, line 12, increase the amount by $3,970,000,000

On page 3, line 13, increase the amount by $4,043,000,000

On page 3, line 14, increase the amount by $4,082,000,000

On page 3, line 15, increase the amount by $4,080,000,000

On page 3, line 16, increase the amount by $4,080,000,000

On page 3, line 17, increase the amount by $4,080,000,000

On page 3, line 18, increase the amount by $4,080,000,000

On page 3, line 19, increase the amount by $4,080,000,000

On page 4, line 1, increase the amount by $3,210,000,000

On page 4, line 2, increase the amount by $3,745,000,000.

On page 4, line 3, increase the amount by $3,970,000,000.

On page 4, line 4, increase the amount by $4,043,000,000.

On page 4, line 5, increase the amount by $4,082,000,000.

On page 4, line 6, increase the amount by $4,080,000,000.

On page 4, line 7, increase the amount by $4,080,000,000.

On page 4, line 8, increase the amount by $4,080,000,000.

On page 4, line 9, increase the amount by $4,080,000,000.

On page 4, line 10, increase the amount by $4,080,000,000.

On page 4, line 15, increase the amount by $2,111,000,000.

On page 4, line 16, increase the amount by $1,919,000,000.

On page 4, line 17, increase the amount by $1,802,000,000.

On page 4, line 18, increase the amount by $1,676,000,000.

On page 4, line 19, increase the amount by $1,545,000,000.

On page 4, line 20, increase the amount by $1,406,000,000.

On page 4, line 21, increase the amount by $1,259,000,000.

On page 4, line 22, increase the amount by $1,106,000,000.

On page 4, line 23, increase the amount by $945,000,000.

On page 4, line 24, increase the amount by $775,000,000.

On page 5, line 5, increase the amount by $1,576,000,000.

On page 5, line 6, increase the amount by $1,751,000,000.

On page 5, line 7, increase the amount by $1,747,000,000.

On page 5, line 8, increase the amount by $1,658,000,000.

On page 5, line 9, increase the amount by $1,546,000,000.

On page 5, line 10, increase the amount by $1,406,000,000.

On page 5, line 11, increase the amount by $1,259,000,000.

On page 5, line 12, increase the amount by $1,106,000,000.

On page 5, line 13, increase the amount by $945,000,000.

On page 5, line 14, increase the amount by $775,000,000.

On page 5, line 18, increase the amount by $1,634,000,000.

On page 5, line 19, increase the amount by $1,994,000,000.

On page 5, line 20, increase the amount by $2,223,000,000.

On page 5, line 21, increase the amount by $2,385,000,000.

On page 5, line 22, increase the amount by $2,536,000,000.

On page 5, line 23, increase the amount by $2,674,000,000.

On page 5, line 24, increase the amount by $2,821,000,000.

On page 5, line 25, increase the amount by $2,974,000,000.

On page 6, line 1, increase the amount by $3,135,000,000.

On page 6, line 2, increase the amount by $3,305,000,000.

On page 6, line 6, decrease the amount by $1,634,000,000.

On page 6, line 7, decrease the amount by $3,628,000,000.

On page 6, line 8, decrease the amount by $5,852,000,000.

On page 6, line 9, decrease the amount by $8,237,000,000.

On page 6, line 10, decrease the amount by $10,773,000,000.

On page 6, line 11, decrease the amount by $13,447,000,000.

On page 6, line 12, decrease the amount by $16,268,000,000.

On page 6, line 13, decrease the amount by $19,242,000,000.

On page 6, line 14, decrease the amount by $22,377,000,000.

On page 6, line 15, decrease the amount by $25,682,000,000.

On page 6, line 19, decrease the amount by $1,634,000,000.

On page 6, line 20, decrease the amount by $3,628,000,000.

On page 6, line 21, decrease the amount by $5,852,000,000.

On page 6, line 22, decrease the amount by $8,237,000,000.

On page 6, line 23, decrease the amount by $10,773,000,000.

On page 6, line 24, decrease the amount by $13,447,000,000.

On page 6, line 25, decrease the amount by $16,268,000,000.

On page 7, line 1, decrease the amount by $19,242,000,000.

On page 7, line 2, decrease the amount by $22,377,000,000.

On page 7, line 3, decrease the amount by $25,682,000,000.

On page 31, line 2, increase the amount by $2,140,000,000.

On page 31, line 3, increase the amount by $1,605,000,000.

On page 31, line 6, increase the amount by $2,040,000,000.

On page 31, line 7, increase the amount by $1,872,000,000.

On page 31, line 10, increase the amount by $2,040,000,000.

On page 31, line 11, increase the amount by $1,985,000,000.

On page 31, line 14, increase the amount by $2,040,000,000.

On page 31, line 15, increase the amount by $2,022,000,000.

On page 31, line 18, increase the amount by $2,040,000,000.

On page 31, line 19, increase the amount by $2,041,000,000.

On page 31, line 22, increase the amount by $2,040,000,000.

On page 31, line 23, increase the amount by $2,040,000,000.

On page 32, line 2, increase the amount by $2,040,000,000.

On page 32, line 3, increase the amount by $2,040,000,000.

On page 32, line 6, increase the amount by $2,040,000,000.

On page 32, line 7, increase the amount by $2,040,000,000.

On page 32, line 10, increase the amount by $2,040,000,000.

On page 32, line 11, increase the amount by $2,040,000,000.

On page 32, line 14, increase the amount by $2,040,000,000.

On page 32, line 15, increase the amount by $2,040,000,000.

On page 40, line 6, decrease the amount by $29,000,000.

On page 40, line 7, decrease the amount by $29,000,000.

On page 40, line 10, decrease the amount by $121,000,000.

On page 40, line 11, decrease the amount by $121,000,000.

On page 40, line 14, decrease the amount by $238,000,000.

On page 40, line 15, decrease the amount by $238,000,000.

On page 40, line 18, decrease the amount by $364,000,000.

On page 40, line 19, decrease the amount by $364,000,000.

On page 40, line 22, decrease the amount by $495,000,000.

On page 40, line 23, decrease the amount by $495,000,000.

On page 41, line 2, decrease the amount by $634,000,000.

On page 41, line 3, decrease the amount by $634,000,000.

On page 41, line 6, decrease the amount by $781,000,000.

On page 41, line 7, decrease the amount by $781,000,000.

On page 41, line 10, decrease the amount by $934,000,000.

On page 41, line 11, decrease the amount by $934,000,000.

On page 41, line 14, decrease the amount by $1,095,000,000.

On page 41, line 15, decrease the amount by $1,095,000,000.

On page 41, line 18, decrease the amount by $1,265,000,000.

On page 41, line 19, decrease the amount by $1,265,000,000.

SA 371. Mr. DORGAN (for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,798,000,000.

On page 3, line 11, increase the amount by $192,000,000.

On page 3, line 12, increase the amount by $29,000,000.

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 14, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $1,798,000,000.

On page 4, line 2, increase the amount by $192,000,000.

On page 4, line 3, increase the amount by $29,000,000.

On page 4, line 4, increase the amount by $9,000,000.

On page 4, line 5, increase the amount by $1,000,000.

On page 4, line 15, increase the amount by $1,003,000,000.

On page 4, line 16, decrease the amount by $43,000,000.

On page 4, line 17, decrease the amount by $52,000,000.

On page 4, line 18, decrease the amount by $58,000,000.

On page 4, line 19, decrease the amount by $61,000,000.

On page 4, line 20, decrease the amount by $65,000,000.

On page 4, line 21, decrease the amount by $69,000,000.

On page 4, line 22, decrease the amount by $73,000,000.

On page 4, line 23, decrease the amount by $77,000,000.

On page 4, line 24, decrease the amount by $81,000,000.

On page 5, line 5, increase the amount by $883,000,000.

On page 5, line 6, increase the amount by $53,000,000.

On page 5, line 7, decrease the amount by $37,000,000.

On page 5, line 8, decrease the amount by $54,000,000.

On page 5, line 9, decrease the amount by $61,000,000.

On page 5, line 10, decrease the amount by $65,000,000.

On page 5, line 11, decrease the amount by $69,000,000.

On page 5, line 12, decrease the amount by $73,000,000.

On page 5, line 13, decrease the amount by $77,000,000.

On page 5, line 14, decrease the amount by $81,000,000.

On page 5, line 18, increase the amount by $915,000,000.

On page 5, line 19, increase the amount by $139,000,000.

On page 5, line 20, increase the amount by $66,000,000.

On page 5, line 21, increase the amount by $63,000,000.

On page 5, line 22, increase the amount by $62,000,000.

On page 5, line 23, increase the amount by $65,000,000.

On page 5, line 24, increase the amount by $69,000,000.

On page 5, line 25, increase the amount by $73,000,000.

On page 6, line 1, increase the amount by $77,000,000.

On page 6, line 2, increase the amount by $81,000,000.

On page 6, line 6, decrease the amount by $915,000,000.

On page 6, line 7, decrease the amount by $1,054,000,000.

On page 6, line 8, decrease the amount by $1,121,000,000.

On page 6, line 9, decrease the amount by $1,183,000,000.

On page 6, line 10, decrease the amount by $1,245,000,000.

On page 6, line 11, decrease the amount by $1,311,000,000.

On page 6, line 12, decrease the amount by $1,380,000,000.

On page 6, line 13, decrease the amount by $1,453,000,000.

On page 6, line 14, decrease the amount by $1,531,000,000.

On page 6, line 15, decrease the amount by $1,612,000,000.

On page 6, line 19, decrease the amount by $915,000,000.

On page 6, line 20, decrease the amount by $1,054,000,000.

On page 6, line 21, decrease the amount by $1,121,000,000.

On page 6, line 22, decrease the amount by $1,183,000,000.

On page 6, line 23, decrease the amount by $1,245,000,000.

On page 6, line 24, decrease the amount by $1,311,000,000.

On page 6, line 25, decrease the amount by $1,380,000,000.

On page 7, line 1, decrease the amount by $1,453,000,000.

On page 7, line 2, decrease the amount by $1,531,000,000.

On page 7, line 3, decrease the amount by $1,612,000,000.

On page 34, line 19, increase the amount by $1,019,000,000.

On page 34, line 20, increase the amount by $899,000,000.

On page 34, line 24, increase the amount by $96,000,000.

On page 35, line 3, increase the amount by $15,000,000.

On page 35, line 7, increase the amount by $4,000,000.

On page 40, line 6, decrease the amount by $16,000,000.

On page 40, line 7, decrease the amount by $16,000,000.

On page 40, line 10, decrease the amount by $43,000,000.

On page 40, line 11, decrease the amount by $43,000,000.

On page 40, line 14, decrease the amount by $52,000,000.

On page 40, line 15, decrease the amount by $52,000,000.

On page 40, line 18, decrease the amount by $58,000,000.

On page 40, line 19, decrease the amount by $58,000,000.

On page 40, line 22, decrease the amount by $61,000,000.

On page 40, line 23, decrease the amount by $61,000,000.

On page 41, line 2, decrease the amount by $65,000,000.

On page 41, line 3, decrease the amount by $65,000,000.

On page 41, line 6, decrease the amount by $69,000,000.

On page 41, line 7, decrease the amount by $69,000,000.

On page 41, line 10, decrease the amount by $73,000,000.

On page 41, line 11, decrease the amount by $73,000,000.

On page 41, line 14, decrease the amount by $77,000,000.

On page 41, line 15, decrease the amount by $77,000,000.

On page 41, line 18, decrease the amount by $81,000,000.

On page 41, line 19, decrease the amount by $81,000,000.

On page 45, line 24, decrease the amount by $2,029,000,000.

On page 47, line 5, increase the amount by $1,019,000,000.

On page 47, line 6, increase the amount by $899,000,000.

On page 47, line 15, increase the amount by $96,000,000.

SA 372. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolutions S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $38,000,000.

On page 3, line 10, increase the amount by $130,000,000.

On page 3, line 11, increase the amount by $153,000,000.

On page 3, line 12, increase the amount by $268,000,000.

On page 3, line 13, increase the amount by $321,000,000.

On page 3, line 14, increase the amount by $385,000,000.

On page 3, line 15, increase the amount by $460,000,000.

On page 3, line 16, increase the amount by $551,000,000.

On page 3, line 17, increase the amount by $658,000,000.

On page 3, line 18, increase the amount by $785,000,000.

On page 3, line 19, increase the amount by $936,000,000.

On page 3, line 23, increase the amount by $38,000,000.

On page 4, line 1, increase the amount by $130,000,000.

On page 4, line 2, increase the amount by $153,000,000.

On page 4, line 3, increase the amount by $268,000,000.

On page 4, line 4, increase the amount by $321,000,000.

On page 4, line 5, increase the amount by $385,000,000.

On page 4, line 6, increase the amount by $460,000,000.

On page 4, line 7, increase the amount by $551,000,000.

On page 4, line 8, increase the amount by $658,000,000.

On page 4, line 9, increase the amount by $785,000,000.

On page 4, line 10, increase the amount by $936,000,000.

On page 4, line 15, increase the amount by $272,000,000.

On page 4, line 16, increase the amount by $269,000,000.

On page 4, line 17, increase the amount by $269,000,000.

On page 4, line 18, increase the amount by $267,000,000.

On page 4, line 19, increase the amount by $262,000,000.

On page 4, line 20, increase the amount by $253,000,000.

On page 4, line 21, increase the amount by $240,000,000.

On page 4, line 22, decrease the amount by $220,000,000.

On page 4, line 23, decrease the amount by $193,000,000.

On page 4, line 24, decrease the amount by $156,000,000.

On page 5, line 5, increase the amount by $11,000,000.

On page 5, line 6, increase the amount by $187,000,000.

On page 5, line 7, increase the amount by $255,000,000.

On page 5, line 8, increase the amount by $267,000,000.

On page 5, line 9, increase the amount by $262,000,000.

On page 5, line 10, increase the amount by $253,000,000.

On page 5, line 11, increase the amount by $240,000,000.

On page 5, line 12, decrease the amount by $220,000,000.

On page 5, line 13, decrease the amount by $193,000,000.

On page 5, line 14, decrease the amount by $156,000,000.

On page 5, line 17, decrease the amount by $38,000,000.

On page 5, line 18, decrease the amount by $119,000,000.

On page 5, line 19, increase the amount by $34,000,000.

On page 5, line 20, decrease the amount by $13,000,000.

On page 5, line 21, decrease the amount by $54,000,000.

On page 5, line 22, decrease the amount by $123,000,000.

On page 5, line 23, decrease the amount by $207,000,000.

On page 5, line 24, decrease the amount by $311,000,000.

On page 5, line 25, decrease the amount by $438,000,000.

On page 6, line 1, decrease the amount by $592,000,000.

On page 6, line 2, decrease the amount by $780,000,000.

On page 6, line 5, decrease the amount by $38,000,000.

On page 6, line 6, decrease the amount by $157,000,000.

On page 6, line 7, decrease the amount by $124,000,000.

On page 6, line 8, decrease the amount by $137,000,000.

On page 6, line 8, decrease the amount by $191,000,000.

On page 6, line 10, decrease the amount by $314,000,000.

On page 6, line 11, decrease the amount by $520,000,000.

On page 6, line 12, decrease the amount by $832,000,000.

On page 6, line 13, decrease the amount by $1,270,000,000.

On page 6, line 14, decrease the amount by $1,862,000,000.

On page 6, line 15, decrease the amount by $2,642,000,000.

On page 6, line 18, decrease the amount by $38,000,000.

On page 6, line 19, decrease the amount by $157,000,000.

On page 6, line 20, decrease the amount by $124,000,000.

On page 6, line 21, decrease the amount by $137,000,000.

On page 6, line 22, decrease the amount by $191,000,000.

On page 6, line 23, decrease the amount by $314,000,000.

On page 6, line 24, decrease the amount by $520,000,000.

On page 6, line 25, decrease the amount by $832,000,000.

On page 7, line 1, decrease the amount by $1,270,000,000.

On page 7, line 2, decrease the amount by $1,862,000,000.

On page 7, line 3, decrease the amount by $2,642,000,000.

On page 25, line 16, increase the amount by $275,000,000.

On page 25, line 17, increase the amount by $14,000,000.

On page 25, line 20, increase the amount by $275,000,000.

On page 25, line 21, increase the amount by $193,000,000.

On page 25, line 24, increase the amount by $275,000,000.

On page 25, line 25, increase the amount by $261,000,000.

On page 26, line 3, increase the amount by $275,000,000.

On page 26, line 4, increase the amount by $275,000,000.

On page 26, line 7, increase the amount by $275,000,000.

On page 26, line 8, increase the amount by $275,000,000.

On page 26, line 11, increase the amount by $275,000,000.

On page 26, line 12, increase the amount by $275,000,000.

On page 26, line 15, increase the amount by $275,000,000.

On page 26, line 16, increase the amount by $275,000,000.

On page 26, line 19, increase the amount by $275,000,000.

On page 26, line 20, increase the amount by $275,000,000.

On page 26, line 23, increase the amount by $275,000,000.

On page 26, line 24, increase the amount by $275,000,000.

On page 27, line 2, increase the amount by $275,000,000.

On page 27, line 3, increase the amount by $275,000,000.

On page 40, line 6, decrease the amount by $3,000,000.

On page 40, line 7, decrease the amount by $3,000,000.

On page 40, line 10, decrease the amount by $6,000,000.

On page 40, line 11, decrease the amount by $6,000,000.

On page 40, line 14, decrease the amount by $6,000,000.

On page 40, line 15, decrease the amount by $6,000,000.

On page 40, line 18, decrease the amount by $8,000,000.

On page 40, line 19, decrease the amount by $8,000,000.

On page 40, line 22, decrease the amount by $13,000,000.

On page 40, line 23, decrease the amount by $13,000,000.

On page 41, line 2, decrease the amount by $22,000,000.

On page 41, line 3, decrease the amount by $22,000,000.

On page 41, line 6, decrease the amount by $35,000,000.

On page 41, line 7, decrease the amount by $35,000,000.

On page 41, line 10, decrease the amount by $55,000,000.

On page 41, line 11, decrease the amount by $55,000,000.

On page 41, line 14, decrease the amount by $82,000,000.

On page 41, line 15, decrease the amount by $82,000,000.

On page 41, line 18, decrease the amount by $119,000,000.

On page 41, line 19, decrease the amount by $119,000,000.

On page 47, line 5, increase the amount by $275,000,000.

On page 47, line 6, increase the amount by $14,000,000.

On page 47, line 14, increase the amount by $275,000,000.

On page 47, line 15, increase the amount by $193,000,000.

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON CORPORATE TAX HAVEN LOOPHOLES.

(a) FINDINGS.—Congress finds that companies are taking advantage of loopholes in the United States tax code to direct taxable income to tax haven jurisdictions, some of which have excessive bank secrecy laws and a poor record of cooperation with United States civil and criminal tax enforcement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should act to stop companies from avoiding paying their fair share of United States taxes by—

(1) addressing the problem of corporations that have renounced their United States citizenship ("inverted") by relocating their headquarters to tax haven jurisdictions while maintaining their primary offices and production or service facilities in the United States; and

(2) addressing the problem of Bermuda-based insurance companies that are using reinsurance agreements with their subsidiaries to direct property and casualty insurance premiums out of the United States into Bermuda to reduce their United States taxes in a way that places United States property and casualty insurance companies at a competitive disadvantage.

SA 373. Mr. DODD (for himself, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $550,000,000.

On page 3, line 11, increase the amount by $950,000,000.

On page 3, line 12, increase the amount by $875,000,000.

On page 3, line 13, increase the amount by $125,000,000.

On page 4, line 1, increase the amount by $550,000,000.

On page 4, line 2, increase the amount by $950,000,000.

On page 4, line 3, increase the amount by $875,000,000.

On page 4, line 4, increase the amount by $125,000,000.

On page 4, line 15, increase the amount by $1,245,000,000.

On page 4, line 16, decrease the amount by $25,000,000.

On page 4, line 17, decrease the amount by $52,000,000.

On page 4, line 18, decrease the amount by $69,000,000.

On page 4, line 19, decrease the amount by $75,000,000.

On page 4, line 20, decrease the amount by $79,000,000.

On page 4, line 21, decrease the amount by $84,000,000.

On page 4, line 22, decrease the amount by $88,000,000.

On page 4, line 23, decrease the amount by $93,000,000.

On page 4, line 24, decrease the amount by $98,000,000.

On page 5, line 5, decrease the amount by $270,000,000.

On page 5, line 6, decrease the amount by $450,000,000.

On page 5, line 7, decrease the amount by $386,000,000.

On page 5, line 8, decrease the amount by $7,000,000.

On page 5, line 9, decrease the amount by $75,000,000.

On page 5, line 10, decrease the amount by $79,000,000.

On page 5, line 11, decrease the amount by $84,000,000.

On page 5, line 12, decrease the amount by $88,000,000.

On page 5, line 13, decrease the amount by $93,000,000.

On page 5, line 14, decrease the amount by $98,000,000.

On page 5, line 18, increase the amount by $280,000,000.

On page 5, line 19, increase the amount by $500,000,000.

On page 5, line 20, increase the amount by $489,000,000.

On page 5, line 21, increase the amount by $132,000,000.

On page 5, line 22, increase the amount by $75,000,000.

On page 5, line 23, increase the amount by $79,000,000.

On page 5, line 24, increase the amount by $84,000,000.

On page 5, line 25, increase the amount by $88,000,000.

On page 6, line 1, increase the amount by $93,000,000.

On page 6, line 2, increase the amount by $98,000,000.

On page 6, line 6, decrease the amount by $280,000,000.

On page 6, line 7, decrease the amount by $780,000,000.

On page 6, line 8, decrease the amount by $1,269,000,000.

On page 6, line 9, decrease the amount by $1,401,000,000.

On page 6, line 10, decrease the amount by $1,475,000,000.

On page 6, line 11, decrease the amount by $1,554,000,000.

On page 6, line 12, decrease the amount by $1,638,000,000.

On page 6, line 13, decrease the amount by $1,726,000,000.

On page 6, line 14, decrease the amount by $1,819,000,000.

On page 6, line 15, decrease the amount by $1,917,000,000.

On page 6, line 19, decrease the amount by $280,000,000.

On page 6, line 20, decrease the amount by $780,000,000.

On page 6, line 21, decrease the amount by $1,269,000,000.

On page 6, line 22, decrease the amount by $1,401,000,000.

On page 6, line 23, decrease the amount by $1,475,000,000.

On page 6, line 24, decrease the amount by $1,554,000,000.

On page 6, line 25, decrease the amount by $1,638,000,000.

On page 7, line 1, decrease the amount by $1,726,000,000.

On page 7, line 2, decrease the amount by $1,819,000,000.

On page 7, line 3, decrease the amount by $1,917,000,000.

On page 23, line 19, increase the amount by $1,250,000,000.

On page 23, line 20, increase the amount by $275,000,000.

On page 23, line 24, increase the amount by $475,000,000.

On page 24, line 3, increase the amount by $438,000,000.

On page 24, line 7, increase the amount by $62,000,000.

On page 40, line 6, decrease the amount by $5,000,000.

On page 40, line 7, decrease the amount by $5,000,000.

On page 40, line 10, decrease the amount by $25,000,000.

On page 40, line 11, decrease the amount by $25,000,000.

On page 40, line 14, decrease the amount by $52,000,000.

On page 40, line 15, decrease the amount by $52,000,000.

On page 40, line 18, decrease the amount by $69,000,000.

On page 40, line 19, decrease the amount by $69,000,000.

On page 40, line 22, decrease the amount by $75,000,000.

On page 40, line 23, decrease the amount by $75,000,000.

On page 41, line 2, decrease the amount by $79,000,000.

On page 41, line 3, decrease the amount by $79,000,000.

On page 41, line 6, decrease the amount by $84,000,000.

On page 41, line 7, decrease the amount by $84,000,000.

On page 41, line 10, decrease the amount by $88,000,000.

On page 41, line 11, decrease the amount by $88,000,000.

On page 41, line 14, decrease the amount by $93,000,000.

On page 41, line 15, decrease the amount by $93,000,000.

On page 41, line 18, decrease the amount by $98,000,000.

On page 41, line 19, decrease the amount by $98,000,000.

On page 45, line 24, decrease the amount by $2,500,000,000.

On page 47, line 5, increase the amount by $1,250,000,000.

On page 47, line 6, increase the amount by $275,000,000.

On page 47, line 15, increase the amount by $475,000,000.

On page 79, after line 22, insert the following:

SEC. 308 GRANTS FOR FIREFIGHTERS.

It is the sense of the Senate that the funding levels in this resolution assume that under section 33 of the Federal Fire Prevention Control Act of 1974—

(1) not less than $1,000,000,000 will be used during fiscal year 2004 to .provide grants to local governments for the sole purpose of hiring additional firefighters; and

(2) not less than $750,000,000 will be used during fiscal year 2004 to provide grants to local governments for the purchase of firefighting equipment and training.

SA 374. Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States

Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 12, line 19, decrease the amount by $5,668,000.

On page 12, line 20, decrease the amount by $2,551,000.

On page 12, line 24, decrease the amount by $2,267,000.

On page 13, line 3, decrease the amount by $680,000.

On page 13, line 7, decrease the amount by $113,000.

On page 13, line 11, decrease the amount by $57,000.

On page 18, line 6, increase the amount by $5,668,000.

On page 18, line 7, increase the amount by $2,551,000.

On page 18, line 11, increase the amount by $2,267,000.

On page 18, line 15, increase the amount by $680,000.

On page 18, line 19, increase the amount by $113,000.

On page 18, line 23, increase the amount by $57,000.

SA 375. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 30, line 23, increase the amount by $250,500,000.

On page 30, line 24, increase the amount by $250,000,000.

On page 79, after line 22, insert the following:

SEC. . INCREASED FUNDING TO RESTORE THE OPERATING SUBSIDY FUND.

The budgetary levels in this resolution assume that an additional $250,000,000 will be provided for the Operating Subsidy Fund of the Department of Housing and Urban Development for the purpose of restoring funding cuts in fiscal year 2003 to be derived by reducing the proposed tax cut.

SA 376. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $35,000,000.

On page 3, line 11, increase the amount by $1,173,000,000.

On page 3, line 12, increase the amount by $2,835,000,000.

On page 3, line 13, increase the amount by $4,585,000,000

On page 3, line 14, increase the amount by $6,335,000,000.

On page 3, line 15, increase the amount by $8,085,000,000.

On page 3, line 16, increase the amount by $9,835,000,000.

On page 3, line 17, increase the amount by $11,585,000,000.

On page 3, line 18, increase the amount by $13,335,000,000.

On page 3, line 19, increase the amount by $15,078,000,000.

On page 4, line 1, increase the amount by $35,000,000.

On page 4, line 2, increase the amount by $1,173,000,000.

On page 4, line 3, increase the amount by $2,835,000,000.

On page 4, line 4, increase the amount by $4,585,000,000.

On page 4, line 5, increase the amount by $6,335,000,000.

On page 4, line 6, increase the amount by $8,085,000,000.

On page 4, line 7, increase the amount by $9,835,000,000.

On page 4, line 8, increase the amount by $11,585,000,000.

On page 4, line 9, increase the amount by $13,335,000,000.

On page 4, line 10, increase the amount by $15,078,000,000.

On page 4, line 15, increase the amount by $1,750,000,000.

On page 4, line 16, increase the amount by $3,500,000,000.

On page 4, line 17, increase the amount by $5,250,000,000.

On page 4, line 18, increase the amount by $7,000,000,000.

On page 4, line 19, increase the amount by $8,750,000,000

On page 4, line 20, increase the amount by $10,500,000,000.

On page 4, line 21, increase the amount by $12,250,000,000.

On page 4, line 22, increase the amount by $14,000,000,000.

On page 4, line 23, increase the amount by $15,750,000,000.

On page 4, line 24, increase the amount by $17,131,000,000.

On page 5, line 5, increase the amount by $35,000,000.

On page 5, line 6, increase the amount by $1,173,000,000.

On page 5, line 7, increase the amount by $2,835,000,000.

On page 5, line 8, increase the amount by $4,585,000,000.

On page 5, line 9, increase the amount by $6,335,000,000.

On page 5, line 10, increase the amount by $8,085,000,000.

On page 5, line 11, increase the amount by $9,835,000,000.

On page 5, line 12, increase the amount by $11,585,000,000.

On page 5, line 13, increase the amount by $13,335,000,000.

On page 5, line 14, increase the amount by $15,078,000,000.

On page 25, line 16, increase the amount by $1,750,000,000.

On page 25, line 17, increase the amount by $35,000,000.

On page 25, line 20, increase the amount by $3,500,000,000.

On page 25, line 21, increase the amount by $1,173,000,000.

On page 25, line 24, increase the amount by $5,250,000,000.

On page 25, line 25, increase the amount by $2,835,000,000.

On page 26, line 3, increase the amount by $7,000,000,000.

On page 26, line 4, increase the amount by $4,585,000,000.

On page 26, line 7, increase the amount by $8,750,000,000.

On page 26, line 8, increase the amount by $6,335,000,000.

On page 26, line 11, increase the amount by $10,500,000,000.

On page 26, line 12, increase the amount by $8.085,000,000.

On page 26, line 15, increase the amount by $12,250,000.000.

On page 26, line 16, increase the amount by $9.835,000.000.

On page 26, line 19, increase the amount by $14,000.000.000.

On page 26, line 20, increase the amount by $11,585,000.000.

On page 26, line 23, increase the amount by $15,750,000.000.

On page 26, line 24, increase the amount by $13.335,000.000.

On page 27, line 2, increase the amount by $17,131,000.000.

On page 27, line 3, increase the amount by $15,078,000.000.

Strike Section 211 and insert in its place the following:

SEC. 211. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $1,750,000,000 in new budget authority and $35,000,000 in outlays for fiscal year 2004, $26,250,000,000 in new budget authority and $14,963,000,000 in outlays for the total of fiscal years 2004 through 2008, and $95,881,000,000 in new budget authority and $72,880,000.000 in outlays for the total of fiscal years 2004 through 2013, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities in the tenth year.

SA 377. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 25, line 16 increase the amount by $969,602,000.

On page 25, line 20 increase the amount by $2,319,000,000

On page 25, line 17 increase the amount by $19,392,040.

On page 25, line 21, increase the amount by $657,229,260.

On page 25, line 25, increase the amount by $1,751,850,600.

On page 26, line 4, increase the amount by $744,180,100.

On page 26, line 8, increase the amount by $115,950,000.

On page 42, line 2, decrease the amount by $969,602,000.

On page 42, line 6, decrease the amount by $2,319,000,000.

On page 42, line 3, decrease the amount by $19,392,040.

On page 42, line 7, decrease the amount by $657,229,260.

On page 42, line 11, decrease the amount by $1,751,850,600.

On page 42, line 15, decrease the amount by $744,180,100.

On page 42, line 19, decrease the amount by $115,950,000.

SA 378. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the budgetary totals in this concurrent resolution assume that the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) should be amended to provide that at least 90 percent of any award from the Fund should go to victims and their families.

SA 379. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 23, line 15, increase the amount by $1,500,000,000.

On page 23, line 16, increase the amount by $650,000,000.

On page 23, line 20, increase the amount by $400,000,000.

On page 23, line 24, increase the amount by $250,000,000.

On page 24, line 3, increase the amount by $110,000,000.

On page 24, line 7, increase the amount by $90,000,000.

On page 4, line 14, increase the amount by $1,500,000,000.

On page 5, line 4, increase the amount by $650,000,000.

On page 5, line 5, increase the amount by $400,000,000.

On page 5, line 6, increase the amount by $250,000,000.

On page 5, line 7, increase the amount by $110,000,000.

On page 5, line 8, increase the amount by $90,000,000.

On page 5, line 17, decrease the amount by $650,000,000.

On page 5, line 18, decrease the amount by $400,000,000.

On page 5, line 19, decrease the amount by $250,000,000.

On page 5, line 20, decrease the amount by $110,000,000.

On page 5, line 21, decrease the amount by $90,000,000.

On page 46, line 20, increase the amount by $1,500,000,000.

On page 46, line 21, increase the amount by $650,000,000.

On page 47, line 6, increase the amount by $400,000,000.

On page 47, line 15, increase the amount by $250,000,000.

SA 380. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 9, line 2, increase the amount by $13,000,000.

On page 9, line 3, increase the amount by $13,000,000.

On page 79, line 22, insert the following:

SEC. . INCREASED FUNDING FOR ESSENTIAL AIR SERVICE.

The budgetary levels in this resolution assume that an additional $13,000,000 will be provided for constructing a Visiting Quarters facility for airmen at the Niagara Falls Air Force Base in Niagara Falls, New York, to be offset by reducing the tax cut.

SA 381. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. CORZINE, Mr. DAYTON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 9, increase the amount by $2,450,000,000.

On page 3, line 10, increase the amount by $2,450,000,000.

On page 3, line 11, increase the amount by $1,400,000,000.

On page 3, line 12, increase the amount by $700,000,000.

On page 3, line 23, increase the amount by $2,450,000,000.

On page 4, line 1, increase the amount by $2,450,000,000.

On page 4, line 2, increase the amount by $1,400,000,000.

On page 4, line 3, increase the amount by $700,000,000.

On page 4, line 14, increase the amount by $3,491,000,000.

On page 4, line 15, decrease the amount by $575,000,000.

On page 4, line 16, decrease the amount by $128,000,000.

On page 4, line 17, decrease the amount by $174,500,000.

On page 4, line 18, decrease the amount by $197,500,000.

On page 4, line 19, decrease the amount by $211,000,000.

On page 4, line 20, decrease the amount by $225,000,000.

On page 4, line 21, decrease the amount by $238,500,000.

On page 4, line 22, decrease the amount by $251,500,000.

On page 4, line 23, decrease the amount by $265,000,000.

On page 4, line 24, decrease the amount by $281,000,000.

On page 5, line 4, increase the amount by $1,216,000,000.

On page 5, line 5, increase the amount by $1,167,500,000.

On page 5, line 6, increase the amount by $572,000,000.

On page 5, line 7, increase the amount by $175,500,000.

On page 5, line 8, decrease the amount by $197,500,000.

On page 5, line 9, decrease the amount by $211,000,000.

On page 5, line 10, decrease the amount by $225,000,000.

On page 5, line 11, decrease the amount by $238,500,000.

On page 5, line 12, decrease the amount by $251,500,000.

On page 5, line 13, decrease the amount by $265,000,000.

On page 5, line 14, decrease the amount by $281,000,000.

On page 5, line 17, increase the amount by $1,234,000,000.

On page 5, line 18, increase the amount by $1,282,500,000.

On page 5, line 19, increase the amount by $828,000,000.

On page 5, line 20, increase the amount by $524,500,000.

On page 5, line 21, increase the amount by $197,500,000.

On page 5, line 22, increase the amount by $211,000,000.

On page 5, line 12, increase the amount by $225,000,000.

On page 5, line 24, increase the amount by $238,500,000.

On page 5, line 25, increase the amount by $251,500,000.

On page 6, line 1, increase the amount by $265,000,000.

On page 6, line 2, increase the amount by $281,000,000.

On page 23, line 15, increase the amount by $3,500,000,000.

On page 23, line 16, increase the amount by $1,225,000,000.

On page 23, line 20, increase the amount by $1,225,000,000.

On page 23, line 24, increase the amount by $700,000,000.

On page 24, line 3, increase the amount by $350,000,000.

On page 46, line 20, increase the amount by $3,500,000,000.

On page 46, line 21, increase the amount by $1,225,000,000.

On page 47, line 6, increase the amount by $1,225,000,000.

On page 47, line 15, increase the amount by $700,000,000.

SA 382. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $87,000,000.

On page 3, line 11, increase the amount by $391,000,000.

On page 3, line 12, increase the amount by $129,000,000.

On page 3, line 13, increase the amount by $34,000,000.

On page 3, line 14, increase the amount by $17,000,000.

On page 3, line 15, increase the amount by $20,000,000.

On page 4, line 1, increase the amount by $87,000,000.

On page 4, line 2, increase the amount by $391,000,000.

On page 4, line 3, increase the amount by $129,000,000.

On page 4, line 4, increase the amount by $34,000,000.

On page 4, line 5, increase the amount by $17,000,000.

On page 4, line 6, increase the amount by $20,000,000.

On page 4, line 15, increase the amount by $678,000,000.

On page 5, line 5, increase the amount by $87,000,000.

On page 5, line 6, increase the amount by $391,000,000.

On page 5, line 7, increase the amount by $129,000,000.

On page 5, line 8, increase the amount by $34,000,000.

On page 5, line 9, increase the amount by $17,000,000.

On page 5, line 10, increase the amount by $20,000,000.

On page 25, line 16, increase the amount by $678,000,000.

On page 25, line 17, increase the amount by $87,000,000.

On page 25, line 21, increase the amount by $391,000,000.

On page 25, line 25, increase the amount by $129,000,000.

On page 26, line 4, increase the amount by $34,000,000.

On page 26, line 8, increase the amount by $17,000,000.

On page 26, line 12, increase the amount by $20,000,000.

On page 47, line 5, increase the amount by $678,000,000.

On page 47, line 6, increase the amount by $87,000,000.

On page 47, line 15, increase the amount by $391,000,000.

SA 383. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

SEC. . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) There remains a great need for afterschool programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(3) There remains a great need for afterschool programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(4) Current funding for after-school programs provide almost 1.4 million children across the country a safe and enriching place to go afterschool instead of being home alone.

(5) The Administration's proposed FY 04 budget has recommended funding after school programs at $600,000,000. This represents a 40-percent cut in program funding and will result in 570,000 fewer children having access to afterschool programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume funding for 21st Century Community Learning Centers is at least enough to ensure the number of children participating in afterschool programs does not.

SA 384. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 4, line 15, increase the amount by $50,000,000.

On page 5, line 5, increase the amount by $50,000,000.

On page 25, line 16, increase the amount by $50,000,000.

On page 25, line 17, increase the amount by $50,000,000.

On page 79, after line 22, insert the following:

SEC. . FUNDING FOR IMPACT AID.

(a) FINDINGS.—Congress finds as follows:

(1) Impact Aid assists 1,275 school districts, serving 15,000,000 children. Of those children 385,171 are military dependent children.

(2) At a time when many States have initiated steep cuts in education funding, Impact Aid helps in easing the financial burden on school districts with large military populations.

(3) At a time when many military parents have been deployed overseas, schools with large military populations are reporting many students experiencing difficulty adjusting to their parents being absent or physically threatened. As a result, school officials report increased behavioral problems, academic problems, and an increased need for school-based counseling.

(4) Increased funding for Impact Aid will ensure that federally impacted schools will continue to serve some of these children's basic educational needs, as well as special needs, such as counseling for children with a parent overseas on active duty.

(5) Despite the Administration's proposed $173,000,000 cut in Impact Aid funding both the Senate and House of Representatives Committees on the Budget rejected this cut. Furthermore, the budget resolution of the House of Representatives assumes an increase in Impact Aid funding to $1,238,226,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Impact Aid funding is funded at $1,238,226,000.

SA 385. Mr. DORGAN (for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $1,798,000,000.

On page 3, line 11, increase the amount by $192,000,000.

On page 3, line 12, increase the amount by $29,000,000.

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 14, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $1,798,000,000.

On page 4, line 2, increase the amount by $192,000,000.

On page 4, line 3, increase the amount by $29,000,000.

On page 4, line 4, increase the amount by $9,000,000.

On page 4, line 5, increase the amount by $1,000,000.

On page 4, line 15, increase the amount by $1,003,000,000.

On page 4, line 16, decrease the amount by $43,000,000.

On page 4, line 17, decrease the amount by $52,000,000.

On page 4, line 18, decrease the amount by $58,000,000.

On page 4, line 19, decrease the amount by $61,000,000.

On page 4, line 20, decrease the amount by $65,000,000.

On page 4, line 21, decrease the amount by $69,000,000.

On page 4, line 22, decrease the amount by $73,000,000.

On page 4, line 23, decrease the amount by $77,000,000.

On page 4, line 24, decrease the amount by $81,000,000.

On page 5, line 5, increase the amount by $883,000,000.

On page 5, line 6, increase the amount by $53,000,000.

On page 5, line 7, decrease the amount by $37,000,000.

On page 5, line 8, decrease the amount by $54,000,000.

On page 5, line 9, decrease the amount by $61,000,000.

On page 5, line 10, decrease the amount by $65,000,000.

On page 5, line 11, decrease the amount by $69,000,000.

On page 5, line 12, decrease the amount by $73,000,000.

On page 5, line 13, decrease the amount by $77,000,000.

On page 5, line 14, decrease the amount by $81,000,000.

On page 5, line 18, increase the amount by $915,000,000.

On page 5, line 19, increase the amount by $139,000,000.

On page 5, line 20, increase the amount by $66,000,000.

On page 5, line 21, increase the amount by $63,000,000.

On page 5, line 22, increase the amount by $62,000,000.

On page 5, line 23, increase the amount by $65,000,000.

On page 5, line 24, increase the amount by $69,000,000.

On page 5, line 25, increase the amount by $73,000,000.

On page 6, line 1, increase the amount by $77,000,000.

On page 6, line 2, increase the amount by $81,000,000.

On page 6, line 6, decrease the amount by $915,000,000.

On page 6, line 7, decrease the amount by $1,054,000,000.

On page 6, line 8, decrease the amount by $1,121,000,000.

On page 6, line 9, decrease the amount by $1,183,000,000.

On page 6, line 10, decrease the amount by $1,245,000,000.

On page 6, line 11, decrease the amount by $1,311,000,000.

On page 6, line 12, decrease the amount by $1,380,000,000.

On page 6, line 13, decrease the amount by $1,453,000,000.

On page 6, line 14, decrease the amount by $1,531,000,000.

On page 6, line 15, decrease the amount by $1,612,000,000.

On page 6, line 19, decrease the amount by $915,000,000.

On page 6, line 20, decrease the amount by $1,054,000,000.

On page 6, line 21, decrease the amount by $1,121,000,000.

On page 6, line 22, decrease the amount by $1,183,000,000.

On page 6, line 23, decrease the amount by $1,245,000,000.

On page 6, line 24, decrease the amount by $1,311,000,000.

On page 6, line 25, decrease the amount by $1,380,000,000.

On page 7, line 1, decrease the amount by $1,453,000,000.

On page 7, line 2, decrease the amount by $1,531,000,000.

On page 7, line 3, decrease the amount by $1,612,000,000.

On page 34, line 19, increase the amount by $1,019,000,000.

On page 34, line 20, increase the amount by $899,000,000.

On page 34, line 24, increase the amount by $96,000,000.

On page 35, line 3, increase the amount by $15,000,000.

On page 35, line 7, increase the amount by $4,000,000.

On page 40, line 6, decrease the amount by $16,000,000.

On page 40, line 7, decrease the amount by $16,000,000.

On page 40, line 10, decrease the amount by $43,000,000.

On page 40, line 11, decrease the amount by $43,000,000.

On page 40, line 14, decrease the amount by $52,000,000.

On page 40, line 15, decrease the amount by $52,000,000.

On page 40, line 18, decrease the amount by $58,000,000.

On page 40, line 19, decrease the amount by $58,000,000.

On page 40, line 22, decrease the amount by $61,000,000.

On page 40, line 23, decrease the amount by $61,000,000.

On page 41, line 2, decrease the amount by $65,000,000.

On page 41, line 3, decrease the amount by $65,000,000.

On page 41, line 6, decrease the amount by $69,000,000.

On page 41, line 7, decrease the amount by $69,000,000.

On page 41, line 10, decrease the amount by $73,000,000.

On page 41, line 11, decrease the amount by $73,000,000.

On page 41, line 14, decrease the amount by $77,000,000.

On page 41, line 15, decrease the amount by $77,000,000.

On page 41, line 18, decrease the amount by $81,000,000.

On page 41, line 19, decrease the amount by $81,000,000.

On page 47, line 5, increase the amount by $1,019,000,000.

On page 47, line 6, increase the amount by $899,000,000.

On page 47, line 15, increase the amount by $96,000,000.

SA 386. Mr. HARKIN proposed an amendment to amendment SA 339 submitted by Mr. BREAUX (for himself, Ms. SNOWE, Mr. BAUCUS, and Mr. VOINOVICH) to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

Strike all of the words after the words "On Page 3," on page 1, line 1 of the amendment and insert the following:

On page 3, line 9, increase the number by $10,433,000,000.

On page 3, line 10, increase the number by $23,015,000,000.

On page 3, line 11, increase the number by $17.962,000,000.

On page 3, line 12, increase the number by $19,206,000,000.

On page 3, line 13, increase the number by $20,586,000,000.

On page 3, line 14, increase the number by $23,299,000,000.

On page 3, line 15, increase the number by $27,640,000,000.

On page 3, line 16, increase the number by $34,036,000,000.

On page 3, line 17, increase the number by $169,271,000,000.

On page 3, line 18, increase the number by $264,611,000,000.

On page 3, line 19, increase the number by $290,654,000,000.

On page 3, line 23, increase the number by $10,433,000,000.

On page 4, line 1, increase the number by $23,015,000,000.

On page 4, line 2, increase the number by $17,962,000,000.

On page 4, line 3, increase the number by $19,206,000,000.

On page 4, line 4, increase the number by $20,586,000,000.

On page 4, line 5, increase the number by $23,299,000,000.

On page 4, line 6, increase the number by $27,640,000,000.

On page 4, line 7, increase the number by $34,036,000,000.

On page 4, line 8, increase the number by $169,271,000,000.

On page 4, line 9, increase the number by $264,611,000,000.

On page 4, line 10, increase the number by $280,654,000,000.

On page 4, line 14, decrease the number by $77,000,000.

On page 4, line 15, decrease the number by $718,000,000.

On page 4, line 16, decrease the number by $1,974,000,000.

On page 4, line 17, decrease the number by $3,226,000,000.

On page 4, line 18, decrease the number by $4,552,000,000.

On page 4, line 19, decrease the number by $6,016,000,000.

On page 4, line 20, decrease the number by $8,757,000,000.

On page 4, line 21, decrease the number by $9,871,000,000.

On page 4, line 22, decrease the number by $15,921,000,000.

On page 4, line 23, decrease the number by $29,249,000,000.

On page 4, line 24, decrease the number by $44,298,000,000.

On page 5, line 4, decrease the number by $77,000,000.

On page 5, line 5, decrease the number by $718,000,000.

On page 5, line 6, decrease the number by $1,974,000,000.

On page 5, line 7, decrease the number by $3,226,000,000.

On page 5, line 8, decrease the number by $4,552,000,000.

On page 5, line 9, decrease the number by $6,016,000,000.

On page 5, line 10, decrease the number by $8,757,000,000.

On page 5, line 11, decrease the number by $9,871,000,000.

On page 5, line 12, decrease the number by $15,921,000,000.

On page 5, line 13, decrease the number by $29,249,000,000.

On page 5, line 14, decrease the number by $44,298,000,000.

On page 5, line 17, increase the number by $10,511,000,000.

On page 5, line 18, increase the number by $23,733,000,000.

On page 5, line 19, increase the number by $19,935,000,000.

On page 5, line 20, increase the number by $22,432,000,000.

On page 5, line 21, increase the number by $25,138,000,000.

On page 5, line 22, increase the number by $29,675,000,000.

On page 5, line 23, increase the number by $35,397,000,000.

On page 5, line 24, increase the number by $43,907,000,000.

On page 5, line 25, increase the number by $185,184,000,000.

On page 6, line 1, increase the number by $283,057,000,000.

On page 6, line 2, increase the number by $335,542,000,000.

On page 6, line 5, decrease the number by $10,511,000,000.

On page 6, line 6, decrease the number by $34,344,000,000.

On page 6, line 7, decrease the number by $55,179,000,000.

On page 6, line 8, decrease the number by $76,661,000,000.

On page 6, line 8, decrease the number by $101,849,000,000.

On page 6, line 9, decrease the number by $131,064,000,000.

On page 6, line 10, decrease the number by $131,064,000,000.

On page 6, line 11, decrease the number by $166,461,000,000.

On page 6, line 12, decrease the number by $210,562,000,000.

On page 6, line 13, decrease the number by $395,559,000,000.

On page 6. line 14, decrease the number by $788,716,000,000.

On page 6, line 15, decrease the number by $1,014,358,000,000.

On page 6, line 18, decrease the number by $10,511,000,000.

On page 6, line 19, decrease the number by $34,244,000,000.

On page 6, line 20, decrease the number by $54,179,000,000.

On page 6, line 21, decrease the number by $76,611,000,000.

On page 6, line 22, decrease the number by $101,749,000,000.

On page 6, line 23, decrease the number by $131,064,000,000.

On page 6, line 24, decrease the number by $176,461,000,000.

On page 6, line 25, decrease the number by $210,368,000,000.

On page 7, line 1, decrease the number by $395,559,000,000.

On page 7, line 2, decrease the number by $739,316,000,000.

On page 7, line 3, decrease the number by $1,014,258,000,000.

On page 40, line 2, decrease the number by $77,000,000.

On page 40, line 3, decrease the number by $77,000,000.

On page 40, line 6, decrease the number by $718,000,000.

On page 40, line 7, decrease the number by $718,000,000.

On page 40, line 10, decrease the number by $1,974,000,000.

On page 40, line 11, decrease the number by $1,974,000,000.

On page 40, line 14, decrease the number by $3,226,000,000.

On page 40, line 15, decrease the number by $3,226,000,000.

On page 40, line 18, decrease the number by $4,552,000,000.

On page 40, line 19, decrease the number by $4,552,000,000.

On page 40, line 22, decrease the number by $6,016,000,000.

On page 40, line 23, decrease the number by $6,016,000,000.

On page 41, line 2, decrease the number by $7,757,000,000.

On page 41, line 3, decrease the number by $7,757,000,000.

On page 41, line 6, decrease the number by $9,871,000,000.

On page 41, line 7, decrease the number by $9,871,000,000.

On page 41, line 10, decrease the number by $15,921,000,000.

On page 41, line 11, decrease the number by $15,921,000,000.

On page 41, line 14, decrease the number by $28,546,000,000.

On page 41, line 15, decrease the number by $28,546,000,000.

On page 41, line 18, decrease the number by $44,888,000,000.

On page 41, line 19, decrease the number by $44,888,000,000.

On page 45, line 24, strike the amount and insert $313,284,000,000.

SA 387. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $912,000,000.

On page 4, line 1, increase the amount by $912,000,000.

On page 4, line 15, increase the amount by $912,000,000.

On page 5, line 5, increase the amount by $912,000,000.

On page 21 line 23, increase the amount by $912,000,000.

On page 21 line 24, increase the amount by $912,000,000.

On page 47 line 5, increase the amount by $912,000,000.

On page 47 line 6, increase the amount by $912,000,000.

SA 388. Mr. VOINOVICH submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the end of subtitle A of title II, insert the following:

SEC. ___. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall submit consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

SA 389. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the appropriate place, add the following:

SEC. ___. SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

(a) FINDINGS.—The Senate finds that—

(1) the Corps of Engineers provides quality, responsive engineering services to the United State, including planning, designing, building, and operating invaluable water resources and civil works projects;

(2) the ports of the United States are a vital component of the economy of the United States, playing a critical role in international trade and commerce and in maintaining the energy supply of the United States;

(3) interruption of port operations would have a devastating effect on the United States;

(4) the navigation program of the Corps enables 2,400,000,000 tons of commerce to move on navigable waterways;

(5) the Department of Transportation estimates that those cargo movements have created jobs for 13,000,000 people;

(6) flood damage reduction structures provided and maintained by the Corps save taxpayers $21,000,000,000 in damages every year, in addition to numerous human lives;

(7) the Corps designs and manages the construction of military facilities for the Army and Air Force while providing support to the Department of Defense and other Federal agencies;

(8) the Civil Works program of the Corps adds significant value to the economy of the United States, including recreation and ecosystem restoration;

(9) through contracting methods, the civil works program employs thousands of private sector contract employees, as well as Federal employees, in all aspects of construction, science, engineering, architecture, management, planning, design, operations, and maintenance; and

(10) the Bureau of Labor Statistics indicates that $1,000,000,000 expended for the Civil Works program generates approximately 40,000 jobs in support of construction operation and maintenance activities in the United States.

(b) BUDGETARY ASSUMPTIONS.—It is the sense of the Senate that—

(1) to perform vital functions described in subsection (a), the Corps of Engineers requires additional funding; and

(2) the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps described in subsection (a) will not be reduced below current baseline spending levels established for the programs.

SA 390. Mr. NICKLES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 8, between lines 13 and 14, insert the following:

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,812,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:
(A) New budget authority, $4,792,000,000.
(B) Outlays, $4,766,000,000.
Fiscal year 2010:
(A) New budget authority, $4,954,000,000.
(B) Outlays, $4,924,000,000.
Fiscal year 2011:
(A) New budget authority, $5,121,000,000.
(B) Outlays, $5,091,000,000.
Fiscal year 2012:
(A) New budget authority, $5,292,000,000.
(B) Outlays, $5,260,000,000.
Fiscal year 2013:
(A) New budget authority, $5,471,000,000.
(B) Outlays, $5,439,000,000.

SA 391. Mr. STEVENS (for himself and Mr. NICKLES) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

SEC. . SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) FINDINGS.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed Resolution increases Highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA–21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation charges highway user fees to pay for such increased spending.

SA 392. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $20,000,000.

On page 3, line 11, increase the amount by $670,000,000.

On page 3, line 12, increase the amount by $1,620,000,000.

On page 3, line 13, increase the amount by $2,620,000,000.

On page 3, line 14, increase the amount by $3,620,000,000.

On page 3, line 15, increase the amount by $4,620,000,000.

On page 3, line 16, increase the amount by $5,760,000,000.

On page 3, line 17, increase the amount by $11,185,000,000.

On page 3, line 18, increase the amount by $14,759,000,000.

On page 3, line 19, increase the amount by $16,138,000,000.

On page 4, line 1, increase the amount by $20,000,000.

On page 4, line 2, increase the amount by $670,000,000.

On page 4, line 3, increase the amount by $1,620,000,000.

On page 4, line 4, increase the amount by $2,620,000,000.

On page 4, line 5, increase the amount by $3,620,000,000.

On page 4, line 6, increase the amount by $4,620,000,000.

On page 4, line 7, increase the amount by $5,760,000,000.

On page 4, line 8, increase the amount by $11,185,000,000.

On page 4, line 9, increase the amount by $14,759,000,000.

On page 4, line 10, increase the amount by $16,138,000,000.

On page 4, line 15, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $2,000,000,000.

On page 4, line 17, increase the amount by $3,000,000,000.

On page 4, line 18, increase the amount by $4,000,000,000.

On page 4, line 19, increase the amount by $5,000,000,000.

On page 4, line 20, increase the amount by $6,000,000,000.

On page 4, line 21, increase the amount by $14,000,000,000.

On page 4, line 22, increase the amount by $15,761,000,000.

On page 4, line 23, increase the amount by $16,455,000,000.

On page 4, line 24, increase the amount by $17,131,000,000.

On page 5, line 5, increase the amount by $20,000,000.

On page 5,, line 6, increase the amount by $670,000,000.

On page 5, line 7, increase the amount by $1,620,000,000.

On page 5, line 8, increase the amount by $2,620,000,000.

On page 5, line 9, increase the amount by $3,620,000,000.

On page 5, line 10, increase the amount by $4,620,000,000.

On page 5, line 11, increase the amount by $5,760,000,000.

On page 5, line 12, increase the amount by $11,185,000,000.

On page 5, line 13, increase the amount by $14,759,000,000.

On page 5, line 14, increase the amount by $16,135,000,000.

On page 25, line 16, increase the amount by $1,000,000,000.

On page 25, line 17, increase the amount by $20,000,000.

On page 25, line 20, increase the amount by $2,000,000,000.

On page 25, line 21, increase the amount by $610,000,000.

On page 25, line 24, increase the amount by $3,000,000,000.

On page 25, line 25, increase the amount by $1,620,000,000.

On page 26, line 3, increase the amount by $4,000,000,000.

On page 26, line 4, increase the amount by $2,620,000,000.

On page 26, line 7, increase the amount by $5,000,000,000.

On page 26, line 8, increase the amount by $3,620,000,000.

On page 26, line 11, increase the amount by $6,000,000,000.

On page 26, line 12, increase the amount by $4,620,000,000.

On page 26, line 15, increase the amount by $14,000,000,000.

On page 26, line 16, increase the amount by $5,760,000,000.

On page 26, line 19, increase the amount by $15,761,000,000.

On page 26, line 20, increase the amount by $11,185,000,000.

On page 26, line 23, increase the amount by $16,455,000,000.

On page 26, line 24, increase the amount by $14,759,000,000.

On page 27, line 2, increase the amount by $17,131,000,000.

On page 27, line 3, increase the amount by $16,138,000,000.

On page 45, line 24, decrease the amount by $61,011,000,000.

Strike Section 211 and insert in its place the following:

SEC. 211. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $1,000,000,000 in new budget authority and $20,000,000 in outlays for fiscal year 2004, $15,000,000,000 in new budget authority and $8,550,000,000 in outlays for the total of fiscal years 2004 through 2008, and $84,347,000,000 in new budget authority and $61,011,000,000 in outlays for the total of fiscal years 2004 through 2013, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities in the tenth year.

SA 393. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $228,000,000.

On page 3, line 11, increase the amount by $2,897,000,000.

On page 3, line 12, increase the amount by $1,027,000,000.

On page 3, line 13, increase the amount by $208,000,000.

On page 4, line 1, increase the amount by $228,000,000.

On page 4, line 2, increase the amount by $2,897,000,000.

On page 4, line 3, increase the amount by $1,027,000,000.

On page 4, line 4, increase the amount by $208,000,000.

On page 4, line 15, increase the amount by $2,178,000,000.

On page 4, line 16, decrease the amount by $43,000,000.

On page 4, line 17, decrease the amount by $98,000,000.

On page 4, line 18, decrease the amount by $121,000,000.

On page 4, line 19, decrease the amount by $131,000,000.

On page 4, line 20, decrease the amount by $138,000,000.

On page 4, line 21, decrease the amount by $146,000,000.

On page 4, line 22, decrease the amount by $154,000,000.

On page 4, line 23, decrease the amount by $163,000,000.

On page 4, line 24, decrease the amount by $172,000,000.

On page 5, line 5, increase the amount by $112,000,000.

On page 5, line 6, increase the amount by $1,406,000,000.

On page 5, line 7, increase the amount by $415,000,000.

On page 5, line 8, decrease the amount by $17,000,000.

On page 5, line 9, decrease the amount by $131,000,000.

On page 5, line 10, decrease the amount by $138,000,000.

On page 5, line 11, decrease the amount by $146,000,000.

On page 5, line 12, decrease the amount by $154,000,000.

On page 5, line 13, decrease the amount by $163,000,000.

On page 5, line 14, decrease the amount by $172,000,000.

On page 5, line 18, increase the amount by $116,000,000.

On page 5, line 19, increase the amount by $1,491,000,000.

On page 5, line 20, increase the amount by $611,000,000.

On page 5, line 21, increase the amount by $225,000,000.

On page 5, line 22, increase the amount by $131,000,000.

On page 5, line 23, increase the amount by $138,000,000.

On page 5, line 24, increase the amount by $146,000,000.

On page 5, line 25, increase the amount by $154,000,000.

On page 6, line 1, increase the amount by $163,000,000.

On page 6, line 2, increase the amount by $172,000,000.

On page 6, line 6, decrease the amount by $116,000,000.

On page 6, line 7, decrease the amount by $1,607,000,000.

On page 6, line 8, decrease the amount by $2,219,000,000.

On page 6, line 8, decrease the amount by $2,444,000,000.

On page 6, line 10, decrease the amount by $2,575,000,000.

On page 6, line 11, decrease the amount by $2,713,000,000.

On page 6, line 12, decrease the amount by $2,860,000,000.

On page 6, line 13, decrease the amount by $3,014,000,000.

On page 6, line 14, decrease the amount by $3,177,000,000.

On page 6, line 15, decrease the amount by $3,348,000,000.

On page 6, line 19, decrease the amount by $116,000,000.

On page 6, line 20, decrease the amount by $1,607,000,000.

On page 6, line 21, decrease the amount by $2,219,000,000.

On page 6, line 22, decrease the amount by $2,444,000,000.

On page 6, line 23, decrease the amount by $2,575,000,000.

On page 6, line 24, decrease the amount by $2,713,000,000.

On page 6, line 25, decrease the amount by $2,860,000,000.

On page 7, line 1, decrease the amount by $3,014,000,000.

On page 7, line 2, decrease the amount by $3,177,000,000.

On page 7, line 3, decrease the amount by $3,348,000,000.

On page 25, line 16, increase the amount by $2,180,000,000.

On page 25, line 17, increase the amount by $114,000,000.

On page 25, line 21, increase the amount by $1,449,000,000.

On page 25, line 25, increase the amount by $513,000,000.

On page 26, line 4, increase the amount by $104,000,000.

On page 40, line 6, decrease the amount by $2,000,000.

On page 40, line 7, decrease the amount by $2,000,000.

On page 40, line 10, decrease the amount by $43,000,000.

On page 40, line 11, decrease the amount by $43,000,000.

On page 40, line 14, decrease the amount by $98,000,000.

On page 40, line 15, decrease the amount by $98,000,000.

On page 40, line 18, decrease the amount by $121,000,000.

On page 40, line 19, decrease the amount by $121,000,000.

On page 40, line 22, decrease the amount by $131,000,000.

On page 40, line 23, decrease the amount by $131,000,000.

On page 41, line 2, decrease the amount by $138,000,000.

On page 41, line 3, decrease the amount by $138,000,000.

On page 41, line 6, decrease the amount by $146,000,000.

On page 41, line 7, decrease the amount by $146,000,000.

On page 41, line 10, decrease the amount by $154,000,000.

On page 41, line 11, decrease the amount by $154,000,000.

On page 41, line 14, decrease the amount by $163,000,000.

On page 41, line 15, decrease the amount by $163,000,000.

On page 41, line 18, decrease the amount by $172,000,000.

On page 41, line 19, decrease the amount by $172,000,000.

On page 45, line 24, decrease the amount by $4,360,000,000.

On page 47, line 5, increase the amount by $2,180,000,000.

On page 47, line 6, increase the amount by $114,000,000.

On page 47, line 15, increase the amount by $1,449,000,000.

SA 394. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $2,500,000,000.

On page 3, line 23, increase the amount by $2,500,000,000.

On page 4, line 14, increase the amount by $2,500,000,000.

On page 5, line 4, increase the amount by $2,500,000,000.

On page 8, line 23, increase the amount by $2,500,000,000.

On page 8, line 24, increase the amount by $2,500,000,000.

On page 46, line 20, increase the amount by $2,500,000,000.

On page 46, line 21, increase the amount by $2,500,000,000.

On page 45, line 24, decrease the amount by $2,500,000,000.

SA 395. Mr. DORGAN (for himself, Mr. HAGEL, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 23 line 19, increase the amount by $260,000,000.

On page 23, line 20, increase the amount by $18,000,000.

On page 23, line 23, increase the amount by $260,000,000.

On page 23, line 24, increase the amount by $299,000,000.

On page 24, line 2, increase the amount by $260,000,000.

On page 24, line 3, increase the amount by $242,000,000.

On page 24, line 6, increase the amount by $260,000,000.

On page 24, line 7, increase the amount by $257,000,000.

On page 24, line 10, increase the amount by $260,000,000.

On page 24, line 11, increase the amount by $260,000,000.

On page 24, line 14, increase the amount by $260,000,000.

On page 24, line 15, increase the amount by $260,000,000.

On page 24, line 18, increase the amount by $260,000,000.

On page 24, line 19, increase the amount by $260,000,000.

On page 24, line 22, increase the amount by $260,000,000.

On page 24, line 23, increase the amount by $260,000,000.

On page 25, line 2, increase the amount by $260,000,000.

On page 25, line 3, increase the amount by $260,000,000.

On page 25, line 6, increase the amount by $260,000,000.

On page 25, line 7, increase the amount by $260,000,000.

On page 25, line 16, increase the amount by $660,000,000.

On page 25, line 17, increase the amount by $561,000,000.

On page 25, line 20, increase the amount by $60,000,000.

On page 25, line 21, increase the amount by $150,000,000.

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $60,000,000.

On page 26, line 3, increase the amount by $60,000,000.

On page 26, line 4, increase the amount by $60,000,000.

On page 26, line 7, increase the amount by $60,000,000.

On page 26, line 8, increase the amount by $60,000,000.

On page 26, line 11, increase the amount by $60,000,000.

On page 26, line 12, increase the amount by $60,000,000.

On page 26, line 16, increase the amount by $60,000,000.

On page 26, line 16, increase the amount by $60,000,000.

On page 26, line 19, increase the amount by $60,000,000.

On page 26, line 20, increase the amount by $60,000,000.

On page 26, line 23, increase the amount by $60,000,000.

On page 26, line 24, increase the amount by $60,000,000.

On page 27, line 2, increase the amount by $60,000,000.

On page 27, line 3, increase the amount by $60,000,000.

On page 42, line 2, decrease the amount by $920,000,000.

On page 42, line 3, decrease the amount by $579,000,000.

On page 42, line 6, decrease the amount by $320,000,000.

On page 42, line 7, decrease the amount by $449,000,000.

On page 42, line 10, decrease the amount by $320,000,000.

On page 42, line 11, decrease the amount by $302,000,000.

On page 42, line 14, decrease the amount by $320,000,000.

On page 42, line 15, decrease the amount by $317,000,000.

On page 42, line 18, decrease the amount by $320,000,000.

On page 42, line 19, decrease the amount by $320,000,000.

On page 42, line 22, decrease the amount by $320,000,000.

On page 42, line 23, decrease the amount by $320,000,000.

On page 43, line 2, decrease the amount by $320,000,000.

On page 43, line 3, decrease the amount by $320,000,000.

On page 43, line 6, decrease the amount by $320,000,000.

On page 43, line 7, decrease the amount by $320,000,000.

On page 43, line 10, decrease the amount by $320,000,000.

On page 43, line 11, decrease the amount by $320,000,000.

On page 43, line 14, decrease the amount by $320,000,000.

On page 43, line 15, decrease the amount by $320,000,000.

On page 79, after line 22, insert the following:

SEC. . SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the Sense of the Senate that if tax relief measures are passed in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include tax and other financial incentives, like those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving them the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas.

SA 396. Mr. HARKIN (for himself, Mrs. MURRAY, Mr. KOHL, Ms. CANTWELL, Mr. BINGAMAN, Mr. JOHNSON, Mr. DORGAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,000,000,000.

On page 3, line 11, increase the amount by $1,500,000,000.

On page 3, line 12, increase the amount by $2,000,000,000.

On page 3, line 13, increase the amount by $2,500,000,000.

On page 3, line 14, increase the amount by $3,000,000,000.

On page 3, line 15, increase the amount by $3,000,000,000.

On page 3, line 16, increase the amount by $3,000,000,000.

On page 3, line 17, increase the amount by $3,000,000,000.

On page 3, line 18, increase the amount by $3,000,000,000.

On page 3, line 19, increase the amount by $3,000,000,000.

On page 4, line 1, increase the amount by $1,000,000,000.

On page 4, line 2, increase the amount by $1,500,000,000.

On page 4, line 3, increase the amount by $2,000,000,000.

On page 4, line 4, increase the amount by $2,500,000,000.

On page 4, line 5, increase the amount by $3,000,000,000.

On page 4, line 6, increase the amount by $3,000,000,000.

On page 4, line 7, increase the amount by $3,000,000,000.

On page 4, line 8, increase the amount by $3,000,000,000.

On page 4, line 9, increase the amount by $3,000,000,000.

On page 4, line 10, increase the amount by $3,000,000,000.

On page 4, line 15, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $1,500,000,000.

On page 4, line 17, increase the amount by $2,000,000,000.

On page 4, line 18, increase the amount by $2,500,000,000.

On page 4, line 19, increase the amount by $3,000,000,000.

On page 4, line 20, increase the amount by $3,000,000,000.

On page 4, line 21, increase the amount by $3,000,000,000.

On page 4, line 22, increase the amount by $3,000,000,000.

On page 4, line 23, increase the amount by $3,000,000,000.

On page 4, line 24, increase the amount by $3,000,000,000.

On page 5, line 5, increase the amount by $1,000,000,000.

On page 5, line 6, increase the amount by $1,500,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 8, increase the amount by $2,500,000,000.

On page 5, line 9, increase the amount by $3,000,000,000.

On page 5, line 10, increase the amount by $3,000,000,000.

On page 5, line 11, increase the amount by $3,000,000,000.

On page 5, line 12, increase the amount by $3,000,000,000.

On page 5, line 13, increase the amount by $3,000,000,000.

On page 5, line 14, increase the amount by $3,000,000,000.

On page 29, line 6, increase the amount by $1,000,000,000.

On page 29, line 7, increase the amount by $1,000,000,000.

On page 29, line 10, increase the amount by $1,500,000,000.

On page 29, line 11, increase the amount by $1,500,000,000.

On page 29, line 14, increase the amount by $2,000,000,000.

On page 29, line 15, increase the amount by $2,000,000,000.

On page 29, line 18, increase the amount by $2,500,000,000.

On page 29, line 19, increase the amount by $2,500,000,000.

On page 29, line 22, increase the amount by $3,000,000,000.

On page 29, line 23, increase the amount by $3,000,000,000.

On page 30, line 2, increase the amount by $3,000,000,000.

On page 30, line 3, increase the amount by $3,000,000,000.

On page 30, line 6, increase the amount by $3,000,000,000.

On page 30, line 7, increase the amount by $3,000,000,000.

On page 30, line 10, increase the amount by $3,000,000,000.

On page 30, line 11, increase the amount by $3,000,000,000.

On page 30, line 14, increase the amount by $3,000,000,000.

On page 30, line 15, increase the amount by $3,000,000,000.

On page 30, line 18, increase the amount by $3,000,000,000.

On page 30, line 19, increase the amount by $3,000,000,000.

On page 61, beginning with "or promotes" on line 12 strike all through "$400,000,000,000" on line 19 and insert "and promotes geographic equity payments of which $25,000,000,000 shall be for legislation reducing the geographic disparity in Medicare reimbursement payments to health care providers and hospitals. The chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $425,000,000,000".

SA 397. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 9, decrease the amount by $63,441,000,000.

On page 3, line 10, increase the amount by $65,685,000,000.

On page 3, line 11, increase the amount by $97,978,000,000.

On page 3, line 12, increase the amount by $77,675,000,000.

On page 3, line 13, increase the amount by $59,192,000,000.

On page 3, line 14, increase the amount by $56,706,000,000.

On page 3, line 15, increase the amount by $55,640,000,000.

On page 3, line 16, increase the amount by $56,036,000,000.

On page 3, line 17, increase the amount by $185,271,000,000.

On page 3, line 18, increase the amount by $278,611,000,000.

On page 3, line 19, increase the amount by $294,654,000,000.

On page 3, line 23, increase the amount by $63,441,000,000.

On page 4, line 1, increase the amount by $65,685,000,000.

On page 4, line 2, increase the amount by $97,978,000,000.

On page 4, line 3, increase the amount by $77,675,000,000.

On page 4, line 4, increase the amount by $59,192,000,000.

On page 4, line 5, increase the amount by $56,706,000,000.

On page 4, line 6, increase the amount by $55,640,000,000.

On page 4, line 7, increase the amount by $56,036,000,000.

On page 4, line 8, increase the amount by $185,271,000,000.

On page 4, line 9, increase the amount by $278,611,000,000.

On page 4, line 10, increase the amount by $294,654,000,000.

On page 4, line 14, decrease the amount by $3,943,000,000.

On page 4, line 15, decrease the amount by $613,000,000.

On page 4, line 16, decrease the amount by $7,650,000,000.

On page 4, line 17, decrease the amount by $12,304,000,000.

On page 4, line 18, decrease the amount by $16,253,000,000.

On page 4, line 19, decrease the amount by $20,366,000,000.

On page 4, line 20, decrease the amount by $24,295,000,000.

On page 4, line 21, decrease the amount by $27,358,000,000.

On page 4, line 22, decrease the amount by $33,124,000,000.

On page 4, line 23, decrease the amount by $59,290,000,000.

On page 4, line 24, decrease the amount by $77,387,000,000.

On page 5, line 4, decrease the amount by $3,943,000,000.

On page 5, line 5, decrease the amount by $613,000,000.

On page 5, line 6, decrease the amount by $7,650,000,000.

On page 5, line 7, decrease the amount by $12,304,000,000.

On page 5, line 8, decrease the amount by $16,523,000,000.

On page 5, line 9, decrease the amount by $20,366,000,000.

On page 5, line 10, decrease the amount by $24,295,000,000.

On page 5, line 11, decrease the amount by $27,358,000,000.

On page 5, line 12, decrease the amount by $33,124,000,000.

On page 5, line 13, decrease the amount by $59,290,000,000.

On page 5, line 14, decrease the amount by $77,387,000,000.

On page 5, line 17, decrease the amount by $59,498,000,000.

On page 5, line 18, increase the amount by $66,298,000,000.

On page 5, line 19, increase the amount by $105,628,000,000.

On page 5, line 20, increase the amount by $89,979,000,000.

On page 5, line 21, increase the amount by $75,715,000,000.

On page 5, line 22, increase the amount by $77,072,000,000.

On page 5, line 23, increase the amount by $79,935,000,000.

On page 5, line 24, increase the amount by $83,394,000,000.

On page 5, line 25, increase the amount by $218,395,000,000.

On page 6, line 1, increase the amount by $337,901,000,000.

On page 6, line 2, increase the amount by $372,041,000,000.

On page 6, line 5, increase the amount by $59,498,000,000.

On page 6, line 6, decrease the amount by $6,800,000,000.

On page 6, line 7, decrease the amount by $112,428,000,000.

On page 6, line 8, decrease the amount by $202,408,000,000.

On page 6, line 9, decrease the amount by $278,122,000,000.

On page 6, line 10, decrease the amount by $355,194,000,000.

On page 6, line 11, decrease the amount by $435,129,000,000.

On page 6, line 12, decrease the amount by $518,523,000,000.

On page 6, line 13, decrease the amount by $736,919,000,000.

On page 6, line 14, decrease the amount by $1,074,820,000,000.

On page 6, line 15, decrease the amount by $1,446,861,000,000.

On page 6, line 18, increase the amount by $58,498,000,000.

On page 6, line 19, decrease the amount by $6,800,000,000.

On page 6, line 20, decrease the amount by $112,428,000,000.

On page 6, line 21, decrease the amount by $202,408,000,000.

On page 6, line 22, decrease the amount by $278,122,000,000.

On page 6, line 23, decrease the amount by $355,194,000,000.

On page 6, line 24, decrease the amount by $435,129,000,000.

On page 6, line 25, decrease the amount by $518,523,000,000.

On page 7, line 1, decrease the amount by $736,919,000,000.

On page 7, line 2, decrease the amount by $1,074,820,000,000.

On page 7, line 3, decrease the amount by $1,446,861,000,000.

On page 30, line 23, decrease the amount by $4,380,000,000.

On page 30, line 24, decrease the amount by $4,380,000,000.

On page 31, line 2, decrease the amount by $1,111,000,000.

On page 31, line 3, decrease the amount by $1,111,000,000.

On page 31, line 6, decrease the amount by $4,586,000,000.

On page 31, line 7, decrease the amount by $4,586,000,000.

On page 31, line 10, decrease the amount by $4,165,000,000.

On page 31, line 11, decrease the amount by $4,165,000,000.

On page 31, line 14, decrease the amount by $3,833,000,000.

On page 31, line 15, decrease the amount by $3,833,000,000.

On page 31, line 18, decrease the amount by $3,698,000,000.

On page 31, line 19, decrease the amount by $3,698,000,000.

On page 31, line 22, decrease the amount by $3,511,000,000.

On page 31, line 23, decrease the amount by $3,511,000,000.

On page 32, line 2, decrease the amount by $2,192,000,000.

On page 32, line 3, decrease the amount by $2,192,000,000.

On page 32, line 6, increase the amount by $26,000,000.

On page 32, line 7, increase the amount by $26,000,000.

On page 32, line 10, decrease the amount by $11,458,000,000.

On page 32, line 11, decrease the amount by $11,458,000,000.

On page 32, line 14, decrease the amount by $10,901,000,000.

On page 32, line 15, decrease the amount by $10,901,000,000.

On page 40, line 2, increase the amount by $437,000,000.

On page 40, line 3, increase the amount by $437,000,000.

On page 40, line 6, increase the amount by $498,000,000.

On page 40, line 7, increase the amount by $498,000,000.

On page 40, line 10, decrease the amount by $3,064,000,000.

On page 40, line 11, decrease the amount by $3,064,000,000.

On page 40, line 14, decrease the amount by $8,139,000,000.

On page 40, line 15, decrease the amount by $8,139,000,000.

On page 40, line 18, decrease the amount by $12,690,000,000.

On page 40, line 19, decrease the amount by $12,690,000,000.

On page 40, line 22, decrease the amount by $16,668,000,000.

On page 40, line 23, decrease the amount by $16,668,000,000.

On page 41, line 2, decrease the amount by $20,748,000,000.

On page 41, line 3, decrease the amount by $20,748,000,000.

On page 41, line 6, decrease the amount by $25,166,000,000.

On page 41, line 7, decrease the amount by $25,166,000,000.

On page 41, line 10, decrease the amount by $33,150,000,000.

On page 41, line 11, decrease the amount by $33,150,000,000.

On page 41, line 14, decrease the amount by $47,832,000,000.

On page 41, line 15, decrease the amount by $47,832,000,000.

On page 41, line 18, decrease the amount by $66,486,000,000.

On page 41, line 19, decrease the amount by $66,486,000,000.

Strike section 104(b).

SA 398. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $400,000,000.

On page 3, line 11, increase the amount by $375,000,000.

On page 3, line 12, increase the amount by $175,000,000.

On page 3, line 13, increase the amount by $50,000,000.

On page 3, line 14, increase the amount by $25,000,000.

On page 3, line 15, increase the amount by $15,000,000.

On page 4, line 1, increase the amount by $400,000,000.

On page 4, line 2, increase the amount by $375,000,000.

On page 4, line 3, increase the amount by $175,000,000.

On page 4, line 4, increase the amount by $50,000,000.

On page 4, line 5, increase the amount by $25,000,000.

On page 4, line 6, increase the amount by $15,000,000.

On page 4, line 15, increase the amount by $1,047,426,416.

On page 5, line 5, increase the amount by $400,000,000.

On page 5, line 6, increase the amount by $375,000,000.

On page 5, line 7, increase the amount by $175,000,000.

On page 5, line 8, increase the amount by $50,000,000.

On page 5, line 9, increase the amount by $25,000,000.

On page 5, line 10, increase the amount by $15,000,000.

On page 9, line 2, increase the amount by $1,047,426,416.

On page 9, line 3, increase the amount by $400,000,000.

On page 9, line 7, increase the amount by $375,000,000.

On page 9, line 11, increase the amount by $175,000,000.

On page 9, line 15, increase the amount by $50,000,000.

On page 9, line 19, increase the amount by $25,000,000.

On page 9, line 23, increase the amount by $15,000,000.

On page 47, line 5, increase the amount by $1,047,426,416.

On page 47, line 6, increase the amount by $400,000,000.

On page 47, line 15, increase the amount by $375,000,000.

SA 399. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013: which was ordered to lie on the table; as follows:

At the appropriate place strike the language creating a Reserve Fund for Iraq operations and reconstruction costs and add the following

"SEC. 220 RESERVE FUND FOR MILITARY ACTION AND RECONSTRUCTION IN IRAQ.

Upon favorable reporting of legislation by the committee on Appropriations of the Senate making discretionary appropriations in excess of the levels assumed in this resolution for expenses for possible military action and reconstruction in Iraq in fiscal years 2003 through 2013, the Chairman of the Committee on the Budget of the Senate, may revise the level of total new budget authority and outlays, the functional totals, allocations, discretionary spending limits and levels of deficits and debt in this resolution by up to $100 billion in budget authority and outlays."

On page 42, line 2, decrease the amount by $10,000,000,000.

On page 42, line 3, decrease the amount by $10,000,000,000.

On page 42, line 6, increase the amount by $10,000,000,000.

On page 42, line 7, decrease the amount by $10,000,000,000.

On page 42, line 10, decrease the amount by $10,000,000,000.

On page 42, line 11, decrease the amount by $10,000,000,000.

On page 42, line 14, decrease the amount by $10,000,000,000.

On page 42, line 15, decrease the amount by $10,000,000,000.

On page 42, line 18, decrease the amount by $10,000,000,000.

On page 42, line 19, decrease the amount by $10,000,000,000.

On page 42, line 22, decrease the amount by $10,000,000,000.

On page 42, line 23, decrease the amount by $10,000,000,000.

On page 43, line 2, decrease the amount by $10,000,000,000.

On page 43, line 3, decrease the amount by $10,000,000,000.

On page 43, line 6, decrease the amount by $10,000,000,000.

On page 43, line 7, decrease the amount by $10,000,000,000.

On page 43, line 10, decrease the amount by $10,000,000,000.

On page 43, line 11, decrease the amount by $10,000,000,000.

On page 43, line 14, decrease the amount by $10,000,000,000.

On page 43, line 15, decrease the amount by $10,000,000,000.

SA 400. Mr. LUGAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 23, increase the amount by $1,115,000,000.

On page 10, line 24, increase the amount by $675,000,000.

On page 11, line 2, increase the amount by $834,000,000.

On page 11, line 3, increase the amount by $830,000,000.

On page 11, line 6, increase the amount by $560,000,000.

On page 11, line 7, increase the amount by $641,000,000.

On page 11, line 10, increase the amount by $294,000,000.

On page 11, line 11, increase the amount by $392,000,000.

On page 11, line 14, increase the amount by $28,000,000.

On page 11, line 15, increase the amount by $130,000,000.

On page 11, line 18, decrease the amount by $242,000,000.

On page 11, line 19, decrease the amount by $130,000,000.

On page 11, line 22, decrease the amount by $505,000,000.

On page 11, line 23, decrease the amount by $397,000,000.

On page 12, line 2, decrease the amount by $767,000,000.

On page 12, line 3, decrease the amount by $656,000,000.

On page 12, line 6, decrease the amount by $1,034,000,000.

On page 12, line 7, decrease the amount by $924,000,000.

On page 12, line 10, decrease the amount by $1,298,000,000.

On page 12, line 11, decrease the amount by $1,188,000,000.

On page 42, line 2, decrease the amount by $1,115,000,000.

On page 42, line 3, decrease the amount by $675,000,000.

On page 42, line 6, decrease the amount by $834,000,000.

On page 42, line 7, decrease the amount by $830,000,000.

On page 42, line 10, decrease the amount by $560,000,000.

On page 42, line 11, decrease the amount by $641,000,000.

On page 42, line 14, decrease the amount by $294,000,000.

On page 42, line 15, decrease the amount by $392,000,000.

On page 42, line 18, decrease the amount by $28,000,000.

On page 42, line 19, decrease the amount by $130,000,000.

On page 42, line 22, increase the amount by $242,000,000.

On page 42, line 23, increase the amount by $130,000,000.

On page 43, line 2, increase the amount by $505,000,000.

On page 43, line 3, increase the amount by $397,000,000.

On page 43, line 6, increase the amount by $767,000,000.

On page 43, line 7, increase the amount by $656,000,000.

On page 43, line 10, increase the amount by $1,034,000,000.

On page 43, line 11, increase the amount by $924,000,000.

On page 43, line 14, increase the amount by $1,298,000,000.

On page 43, line 15, increase the amount by $1,188,000,000.

SA 401. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal year 2005 through 2013; which was ordered to lie on the table; as follows:

On page 27, line 11, increase the amount by $2,800,000,000.

On page 27, line 12, increase the amount by $2,800,000,000.

On page 42, line 2, decrease the amount by $2,800,000,000.

On page 42, line 3, decrease the amount by $2,800,000,000.

SA 402. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by $264,000,000.

On page 3, line 13, decrease the amount by $428,000,000.

On page 3, line 14, decrease the amount by $452,000,000.

On page 3, line 15, decrease the amount by $478,000,000.

On page 3, line 16, decrease the amount by $507,000,000.

On page 3, line 17, decrease the amount by $539,000,000.

On page 3, line 18, decrease the amount by $572,000,000.

On page 3, line 19, decrease the amount by $607,000,000.

On page 4, line 3, decrease the amount by $264,000,000.

On page 4, line 4, decrease the amount by $428,000,000.

On page 4, line 5, decrease the amount by $952,000,000.

On page 4, line 6, decrease the amount by $478,000,000.

On page 4, line 7, decrease the amount by $507,000,000.

On page 4, line 8, decrease the amount by $539,000,000.

On page 4, line 9, decrease the amount by $572,000,000.

On page 4, line 10, decrease the amount by $607,000,000.

On page 4, line 17, increase the amount by $7,000,000.

On page 4, line 18, increase the amount by $26,000,000.

On page 4, line 19, increase the amount by $52,000,000.

On page 4, line 20, increase the amount by $80,000,000.

On page 4, line 21, increase the amount by $111,000,000.

On page 4, line 22, increase the amount by $145,000,000.

On page 4, line 23, increase the amount by $183,000,000.

On page 4, line 24, increase the amount by $225,000.

On page 5, line 7, increase the amount by $7,000,000.

On page 5, line 8, increase the amount by $26,000,000.

On page 5, line 9, increase the amount by $52,000,000.

On page 5, line 10, increase the amount by $80,000,000.

On page 5, line 11, increase the amount by $111,000,000.

On page 5, line 12, increase the amount by $145,000,000.

On page 5, line 13, increase the amount by $183,000,000.

On page 5, line 14, increase the amount by $225,000,000.

On page 5, line 20, increase the amount by $271,000,000.

On page 5, line 21, increase the amount by $454,000,000.

On page 5, line 22, increase the amount by $504,000,000.

On page 5, line 23, increase the amount by $558,000,000.

On page 5, line 24, increase the amount by $618,000,000.

On page 5, line 25, increase the amount by $684,000,000.

On page 6, line 1, increase the amount by $755,000,000.

On page 6, line 2, increase the amount by $832,000,000.

On page 6, line 8, increase the amount by $271,000,000.

On page 6, line 9, increase the amount by $725,000,000.

On page 6, line 10, increase the amount by $1,229,000,000.

On page 6, line 11, increase the amount by $1,787,000,000.

On page 6, line 12, increase the amount by $2,404,000,000.

On page 6, line 13, increase the amount by $3,088,000,000.

On page 6, line 14, increase the amount by $3,843,000,000.

On page 6, line 15, increase the amount by $4,675,000,000.

On page 6, line 21, increase the amount by $271,000,000.

On page 6, line 22, increase the amount by $725,000,000.

On page 6, line 23, increase the amount by $1,229,000,000.

On page 6, line 24, increase the amount by $1,787,000,000.

On page 6, line 25, increase the amount by $2,404,000,000.

On page 7, line 1, increase the amount by $3,088,000,000.

On page 7, line 2, increase the amount by $3,843,000,000.

On page 7, line 3, increase the amount by $4,675,000,000.

On page 40, line 14, increase the amount by $7,000,000.

On page 40, line 15, increase the amount by $7,000,000.

On page 40, line 18, increase the amount by $26,000,000.

On page 40, line 19, increase the amount by $26,000,000.

On page 40, line 22, increase the amount by $52,000,000.

On page 40, line 23, increase the amount by $52,000,000.

On page 41, line 2, increase the amount by $80,000,000.

On page 41, line 3, increase the amount by $80,000,000.

On page 41, line 6, increase the amount by $111,000,000.

On page 41, line 7, increase the amount by $111,000,000

On page 41, line 10, increase the amount by $145,000,000.

On page 41, line 11, increase the amount by $145,000,000.

On page 41, line 14, increase the amount by $183,000,000.

On page 41, line 15, increase the amount by $183,000,000.

On page 41, line 18, increase the amount by $225,000,000.

On page 41, line 19, increase the amount by $225,000,000.

At the appropriate place, insert the following: "It is the Sense of the Senate that the Congress should endorse the use of Trade Promotion Procedures to negotiate a free trade agreement with the United Kingdom."

SA 403. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 25, line 16, increase the amount by $112,000,000.

On page 25, line 17, increase the amount by $100,800,000.

On page 25, line 21, increase the amount by $4,480,000.

On page 25, line 25, increase the amount by $3,360,000.

On page 26, line 4, increase the amount by $2,240,000.

On page 26, line 8, increase the amount by $1,120,000.

On page 42, line 2, decrease the amount by $112,000,000.

On page 42, line 3, decrease the amount by $100,800,000.

On page 42, line 7, decrease the amount by $4,480,000.

On page 42, line 11, decrease the amount by $3,360,000.

On page 42, line 15, decrease the amount by $2,240,000.

On page 42, line 19, decrease the amount by $1,120,000.

SA 404. Mr. NICKLES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the budgetary totals in this concurrent resolution assume that the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) may be amended to provide compensation for other victims of terrorism as may be determined by the Senate.

SA 405. Mr. McCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the budgetary totals in this concurrent resolution assume that the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) should be amended to provide that at least 90 percent of any award from the Fund should go to victims and their families.

SA 406. Ms. STABENOW submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 27, line 11, increase the amount by $50,000,000.

On page 27, line 12, increase the amount by $50,000,000.

On page 27, line 15, increase the amount by $120,000,000.

On page 27, line 16, increase the amount by $120,000,000.

On page 27, line 19, increase the amount by $210,000,000.

On page 27, line 20, increase the amount by $210,000,000.

On page 27, line 23, increase the amount by $340,000,000.

On page 27, line 24, increase the amount by $340,000,000.

On page 28, line 2, increase the amount by $520,000,000.

On page 28, line 3, increase the amount by $520,000,000.

On page 28, line 6, increase the amount by $720,000,000.

On page 28, line 7, increase the amount by $720,000,000.

On page 28, line 10, increase the amount by $970,000,000.

On page 28, line 11, increase the amount by $970,000,000.

On page 28, line 14, increase the amount by $1,200,000,000.

On page 28, line 15, increase the amount by $1,200,000,000.

On page 28, line 18, increase the amount by $1,500,000,000.

On page 28, line 19, increase the amount by $1,500,000,000.

On page 28, line 22, increase the amount by $1,800,000,000.

On page 28, line 23, increase the amount by $1,800,000,000.

On page 42, line 2, decrease the amount by $50,000,000.

On page 42, line 3, decrease the amount by $50,000,000.

On page 42, line 6, decrease the amount by $120,000,000.

On page 42, line 7, decrease the amount by $120,000,000.

On page 42, line 10, decrease the amount by $210,000,000.

On page 42, line 11, decrease the amount by $210,000,000.

On page 42, line 14, decrease the amount by $340,000,000.

On page 42, line 15, decrease the amount by $340,000,000.

On page 42, line 18, decrease the amount by $520,000,000.

On page 42, line 19, decrease the amount by $520,000,000.

On page 42, line 22, decrease the amount by $720,000,000.

On page 42, line 23, decrease the amount by $720,000,000.

On page 43, line 2, decrease the amount by $970,000,000.

On page 43, line 3, decrease the amount by $970,000,000.

On page 43, line 6, decrease the amount by $1,200,000,000.

On page 43, line 7, decrease the amount by $1,200,000,000.

On page 43, line 10, decrease the amount by $1,500,000,000.

On page 43, line 11, decrease the amount by $1,500,000,000.

On page 44, line 14, decrease the amount by $1,800,000,000.

On page 41, line 15, decrease the amount by $1,800,000,000.

On page 62, after line 13, insert the following:

Reserve Fund for Generic Drug Reform Savings:

If the Committee on Health, Education, Labor and Pensions or the Committee on Finance reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides for the lowering of prescription drug prices similar to S. 812, a bill passed by the U.S. Senate on July 31, 2002, that contained provisions relating to generic drug reform, reimportation of prescription drugs from Canada, and State authority with respect to Medicaid drug rebate agreements (as jurisdiction allows), the chairman of the Committee on Budget may revise the allocations of the Committee on Finance and other appropriate budgetary allocations of new budget authority or revenue aggregate (and outlays resulting therefrom) in this resolution by the savings provided by that measure for health coverage for the uninsured, including tax incentives to help small businesses provide coverage for their employees, or for a Medicare prescription benefit, for the period of fiscal year 2004 through 2013."

SA 407. Ms. STABENOW (for herself, Mr. HARKIN, Mr. LEAHY, Mr. JOHNSON, Mrs. MURRAY, Mr. DAYTON, Mr. KOHL, Mr. CORZINE, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, and Mr. DODD) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING FUNDING FOR DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) domestic nutrition assistance programs administered by the Secretary of Agriculture—

(A) have a long history of bipartisan support;

(B) have an accomplished record of preventing health problems for children and promoting the health, growth, and development of children;

(C) provide United States agricultural producers and food manufacturers with important and substantial markets through which they can obtain and sustain livelihoods; and

(D) are due to be reauthorized and improved during the 108th Congress; and

(2) the budget proposed by the President for fiscal year 2004—

(A) maintains current levels of funding for child nutrition;

(B) extends and improves nutrition assistance programs, including—

(i) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(ii) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(iii) the child and adult care food program established under the section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(C) renews and fully funds the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the final budget conference agreement should not take or propose any actions that reduce the level of funding provided for domestic nutrition assistance programs administered by the Secretary of Agriculture below current baseline spending levels for the programs.

SA 408. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. CORZINE, Mr. REED, Mr. SARBANES, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,081,000,000.

On page 3, line 11, increase the amount by $1,349,000,000.

On page 3, line 12, increase the amount by $1,443,000,000.

On page 3, line 13, increase the amount by $1,505,000,000.

On page 3, line 14, increase the amount by $1,568,000,000.

On page 3, line 15, increase the amount by $1,620,000,000.

On page 3, line 16, increase the amount by $1,667,000,000.

On page 3, line 17, increase the amount by $1,721,000,000.

On page 3, line 18, increase the amount by $1,777,000,000.

On page 3, line 19, increase the amount by $1,833,000,000.

On page 4, line 1, increase the amount by $1,081,000,000.

On page 4, line 2, increase the amount by $1,349,000,000.

On page 4, line 3, increase the amount by $1,443,000,000.

On page 4, line 4, increase the amount by $1,505,000,000.

On page 4, line 5, increase the amount by $1,568,000,000.

On page 4, line 6, increase the amount by $1,620,000,000.

On page 4, line 7, increase the amount by $1,667,000,000.

On page 4, line 8, increase the amount by $1,721,000,000.

On page 4, line 9, increase the amount by $1,777,000,000.

On page 4, line 10, increase the amount by $1,833,000,000.

On page 4, line 15, decrease the amount by $20,000,000.

On page 4, line 16, decrease the amount by $84,000,000.

On page 4, line 17, decrease the amount by $168,000,000.

On page 4, line 18, decrease the amount by $260,000,000.

On page 4, line 19, decrease the amount by $358,000,000.

On page 4, line 20, decrease the amount by $465,000,000.

On page 4, line 21, decrease the amount by $581,000,000.

On page 4, line 22, decrease the amount by $704,000,000.

On page 4, line 23, decrease the amount by $837,000,000.

On page 4, line 24, decrease the amount by $980,000,000.

On page 5, line 5, decrease the amount by $20,000,000.

On page 5, line 6, decrease the amount by $84,000,000.

On page 5, line 7, decrease the amount by $168,000,000.

On page 5, line 8, decrease the amount by $260,000,000.

On page 5, line 9, decrease the amount by $358,000,000.

On page 5, line 10, decrease the amount by $465,000,000.

On page 5, line 11, decrease the amount by $581,000,000.

On page 5, line 12, decrease the amount by $704,000,000.

On page 5, line 13, decrease the amount by $837,000,000.

On page 5, line 14, decrease the amount by $980,000,000.

On page 5, line 18, increase the amount by $1,101,000,000.

On page 5, line 19, increase the amount by $1,433,000,000.

On page 5, line 20, increase the amount by $1,611,000,000.

On page 5, line 21, increase the amount by $1,765,000,000.

On page 5, line 22, increase the amount by $1,926,000,000.

On page 5, line 23, increase the amount by $2,085,000,000.

On page 5, line 24, increase the amount by $2,248,000,000.

On page 5, line 25, increase the amount by $2,425,000,000.

On page 6, line 1, increase the amount by $2,614,000,000.

On page 6, line 2, increase the amount by $2,813,000,000.

On page 6, line 6, decrease the amount by $1,101,000,000.

On page 6, line 7, decrease the amount by $2,534,000,000.

On page 6, line 8, decrease the amount by $4,145,000,000.

On page 6, line 8, decrease the amount by $5,910,000,000.

On page 6, line 10, decrease the amount by $7,836,000,000.

On page 6, line 11, decrease the amount by $9,921,000,000.

On page 6, line 12, decrease the amount by $12,169,000,000.

On page 6, line 13, decrease the amount by $14,594,000,000.

On page 6, line 14, decrease the amount by $17,208,000,000.

On page 6, line 15, decrease the amount by $20,022,000,000.

On page 6, line 19, decrease the amount by $1,101,000,000.

On page 6, line 20, decrease the amount by $2,634,000,000.

On page 6, line 21, decrease the amount by $4,145,000,000.

On page 6, line 22, decrease the amount by $5,910,000,000.

On page 6, line 23, decrease the amount by $7,836,000,000.

On page 6, line 24, decrease the amount by $9,921,000,000.

On page 6, line 25, decrease the amount by $12,169,000,000.

On page 7, line 1, decrease the amount by $14,594,000,000.

On page 7, line 2, decrease the amount by $17,208,000,000.

On page 7, line 3, decrease the amount by $20,022,000,000.

On page 40, line 6, decrease the amount by $20,000,000.

On page 40, line 7, decrease the amount by $20,000,000.

On page 40, line 10, decrease the amount by $84,000,000.

On page 40, line 11, decrease the amount by $84,000,000.

On page 40, line 14, decrease the amount by $168,000,000.

On page 40, line 15, decrease the amount by $168,000,000.

On page 40, line 18, decrease the amount by $260,000,000.

On page 40, line 19, decrease the amount by $260,000,000.

On page 40, line 22, decrease the amount by $358,000,000.

On page 40, line 23, decrease the amount by $358,000,000.

On page 41, line 2, decrease the amount by $465,000,000.

On page 41, line 3, decrease the amount by $465,000,000.

On page 41, line 6, decrease the amount by $581,000,000.

On page 41, line 7, decrease the amount by $581,000,000.

On page 41, line 10, decrease the amount by $704,000,000.

On page 41, line 11, decrease the amount by $704,000,000.

On page 41, line 14, decrease the amount by $837,000,000.

On page 41, line 15, decrease the amount by $837,000,000.

On page 41, line 18, decrease the amount by $980,000,000.

On page 41, line 19, decrease the amount by $980,000,000.

SA 409. Mr. DAYTON submitted an amendment to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

SEC. 1. FINDINGS—THE SENATE FINDS THAT:

Twenty-eight years ago, the federal government promised to pay for 40 percent of the additional cost of special education. Presently, the federal share is only 17.6 percent. The nation's school districts cannot afford such a large unfunded mandate. Thus, it is imperative that Congress increase IDEA funding to the long-promised 40 percent share.

SEC. 2.

On page 3, line 10, increase amount by $792,000,000.

On page 3, line 11, increase amount by $25,771,000,000.

On page 3, line 12, increase amount by $38,503,000,000.

On page 3, line 13, increase amount by $41,764,000,000.

On page 3, line 14, increase amount by $43,121,000,000.

On page 3, line 15, increase amount by $44,515,000,000.

On page 3, line 16, increase amount by $45,912,000,000.

On page 3, line 17, increase amount by $47,316,000,000.

On page 3, line 18, increase amount by $48,731,000,000.

On page 3, line 19, increase amount by $50,129,000,000.

On page 4, line 1, increase amount by $792,000,000.

On page 4, line 2, increase amount by $25,771,000,000.

On page 4, line 3, increase amount by $38,503,000,000.

On page 4, line 4, increase amount by $41,764,000,000.

On page 4, line 5, increase amount by $43,121,000,000.

On page 4, line 6, increase amount by $44,515,000,000.

On page 4, line 7, increase amount by $45,912,000,000.

On page 4, line 8, increase amount by $47,316,000,000.

On page 4, line 9, increase amount by $48,731,000,000.

On page 4, line 10, increase amount by $50,129,000,000.

On page 4, line 15, increase amount by $19,797,000,000.

On page 4, line 16, increase amount by $20,103,000,000.

On page 4, line 17, increase amount by $19,903,000,000.

On page 4, line 18, increase amount by $19,417,000,000.

On page 4, line 19, increase amount by $18,837,000,000.

On page 4, line 20, increase amount by $18,416,000,000.

On page 4, line 21, increase amount by $17,347,000,000.

On page 4, line 22, increase amount by $16,435,000,000.

On page 4, line 23, increase amount by $15,382,000,000.

On page 4, line 24, increase amount by $14,179,000,000.

On page 5, line 5, increase amount by $389,000,000.

On page 5, line 6, increase the amount by $12,533,000,000.

On page 5, line 7, increase the amount by $18,013,000,000.

On page 5, line 8, increase the amount by $18,482,000,000.

On page 5, line 9, increase the amount by $17,873,000,000.

On page 5, line 10, increase the amount by $17,182,000,000.

On page 5, line 11, increase the amount by $16,377,000,000.

On page 5, line 12, increase the amount by $15,457,000,000.

On page 5, line 13, increase the amount by $14,418,000,000.

On page 5, line 14, increase the amount by $13,239,000,000.

On page 5, line 18, increase the amount by $403,000,000.

On page 5, line 19, increase the amount by $13,239,000,000.

On page 5, line 20, increase the amount by $20,489,000,000.

On page 5, line 21, increase the amount by $23,283,000,000.

On page 5, line 22, increase the amount by $25,248,000,000.

On page 5, line 23, increase the amount by $27,333,000,000.

On page 5, line 24, increase the amount by $29,535,000,000.

On page 5, line 25, increase the amount by $31,859,000,000.

On page 6, line 1, increase the amount by $34,313,000,000.

On page 6, line 2, increase the amount by $36,890,000,000.

On page 6, line 6, decrease the amount by $403,000,000.

On page 6, line 7, decrease the amount by $13,642,000,000.

On page 6, line 8, decrease the amount by $34,131,000,000.

On page 6, line 8, decrease the amount by $57,414,000,000.

On page 6, line 10, decrease the amount by $82,662,000,000.

On page 6, line 11, decrease the amount by $109,995,000,000.

On page 6, line 12, decrease the amount by $139,529,000,000.

On page 6, line 13, decrease the amount by $171,388,000,000.

On page 6, line 14, decrease the amount by $205,701,000,000.

On page 6, line 15, decrease the amount by $242,591,000,000.

On page 6, line 19, decrease the amount by $403,000,000.

On page 6, line 20, decrease the amount by $13,642,000,000.

On page 6, line 21, decrease the amount by $34,131,000,000.

On page 6, line 22, decrease the amount by $57,414,000,000.

On page 6, line 23, decrease the amount by $82,662,000,000.

On page 6, line 24, decrease the amount by $109,995,000,000.

On page 6, line 25, decrease the amount by $139,529,000,000.

On page 7, line 1, decrease the amount by $171,388,000,000.

On page 7, line 2, decrease the amount by $205,701,000,000.

On page 7, line 3, decrease the amount by $242,591,000,000.

On page 25, line 16, increase the amount by $19,804,000,000.

On page 25, line 17, increase the amount by $396,000,000.

On page 25, line 20, increase the amount by $20,456,000,000.

On page 25, line 21, increase the amount by $12,886,000,000.

On page 25, line 24, increase the amount by $21,141,000,000.

On page 25, line 25, increase the amount by $19,251,000,000.

On page 26, line 3, increase the amount by $21,817,000,000.

On page 26, line 4, increase the amount by $20,882,000,000.

On page 26, line 7, increase the amount by $22,525,000,000.

On page 26, line 8, increase the amount by $21,560,000,000.

On page 26, line 11, increase the amount by $23,221,000,000.

On page 26, line 12, increase the amount by $22,257,000,000.

On page 26, line 15, increase the amount by $23,925,000,000.

On page 26, line 16, increase the amount by $22,956,000,000.

On page 26, line 19, increase the amount by $24,635,000,000.

On page 26, line 20, increase the amount by $23,658,000,000.

On page 26, line 23, increase the amount by $25,329,000,000.

On page 26, line 24, increase the amount by $24,366,000,000.

On page 27, line 2, increase the amount by $26,005,000,000.

On page 27, line 3, increase the amount by $25,064,000,000.

On page 40, line 6, decrease the amount by $7,000,000.

On page 40, line 7, decrease the amount by $7,000,000.

On page 40, line 10, decrease the amount by $353,000,000.

On page 40, line 11, decrease the amount by $353,000,000.

On page 40, line 14, decrease the amount by $1,238,000,000.

On page 40, line 15, decrease the amount by $1,238,000,000.

On page 40, line 18, decrease the amount by $2,400,000,000.

On page 40, line 19, decrease the amount by $2,400,000,000.

On page 40, line 22, decrease the amount by $3,687,000,000.

On page 40, line 23, decrease the amount by $3,687,000,000.

On page 41, line 2, decrease the amount by $5,076,000,000.

On page 41, line 3, decrease the amount by $5,076,000,000.

On page 41, line 6, decrease the amount by $6,579,000,000.

On page 41, line 7, decrease the amount by $6,579,000,000.

On page 41, line 10, decrease the amount by $8,201,000,000.

On page 41, line 11, decrease the amount by $8,201,000,000.

On page 41, line 14, decrease the amount by $9,947,000,000.

On page 41, line 15, decrease the amount by $9,947,000,000.

On page 41, line 18, decrease the amount by $11,826,000,000.

On page 41, line 19, decrease the amount by $11.826,000,000.

Strike Section 211.

SA 410. Mr. DODD (for himself, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

At the end of Subtitle B of Title II, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

In the Senate, the Chairman of the Committee on the Budget may revise aggregates, functional totals, allocations, and other appropriate levels in this resolution for a deficit-neutral bill, joint resolution, amendment, motion, or conference report that provides at least $5.5 billion in mandatory funding on a deficit-neutral basis, in fiscal years 2004 to 2008, and continues the 2008 level of funding through 2013, for the Child Care and Development Block Grant to allow states to maintain the current level of services provided to low-incoming working families, improve program quality, provide for any changes in federal work requirements, and provide services for additional eligible children.

PRIVILEGES OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Kevin Avery be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Clyde Taylor, a member of my staff, be granted the privilege of the floor for the duration of S. Con. Res. 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's executive calendar: Calendar Nos. 70, 71, 72, 73, 74, and 75. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

NOMINATIONS

NATIONAL SCIENCE FOUNDATION

Kenneth M. Ford, of Florida, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dario Fernandez-Morera, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mary Costa, of Tennessee, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Makoto Fujimura, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2008.

Jerry Pinkney of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2008.

Karen Lias Wolff, of Michigan, to be a Member of the National Council on the Arts for a term expiring September 3, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, MARCH 24, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, March 24. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 5 p.m., with the time equally divided between the majority and the minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday the Senate will be in a period of morning business throughout the afternoon. There will be no rollcall votes on Monday.

I want to thank my colleagues on both sides of the aisle for the constructive week we have had. Under the previous agreement, we now have a time certain for passage of the budget resolution, and I thank my colleagues for their cooperation.

The Senate will return to the budget resolution on Tuesday morning at 9:30 and immediately begin a long series of stacked rollcall votes. Members are encouraged to remain in the Chamber during Tuesday's session as numerous votes are expected. With the cooperation of all Senators, we can reach a final vote on the resolution in a timely manner.

ADJOURNMENT UNTIL 2 P.M., MONDAY, MARCH 24, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m., adjourned until Monday, March 24, 2003, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 21, 2003:

NATIONAL SCIENCE FOUNDATION

KENNETH M. FORD, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DARIO FERNANDEZ-MORERA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARY COSTA, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS.

MAKOTO FUJIMURA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS.

JERRY PINKNEY, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS.

KAREN LIAS WOLFF, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTION OF SPECTRUM COMMONS AND DIGITAL DIVIDENDS ACT OF 2003

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. MARKEY. Mr. Speaker, today I am introducing the "Spectrum Commons and Digital Dividends Act." I am proposing this measure in order to advance three key goals: (1) establishment of a "Spectrum Commons;" (2) creation of a permanent public interest telecommunications trust fund for education technology grants; and (3) ensuring that sound wireless telecommunications policymaking is not unduly skewed by unrelated budgetary initiatives.

SPECTRUM COMMONS

Mr. Speaker, the legislation I introduce today promotes the goal of creating a "Spectrum Commons." High tech manufacturers, entrepreneurs and the proverbial "kid in the garage" could make more robust use of wireless communications if sufficient spectrum were available in unlicensed form for the general public. The bill requires the FCC to establish a 20 MHz band of contiguous frequencies below the 2 GHz band, as well as between 3 to 500 MHz located between the 2 GHz and 6 GHz bands. These swaths of airwaves would constitute the "Spectrum Commons" and therefore would remain open to the public and unlicensed. Such a public set-aside could foster the formation of an open platform for innovation, entrepreneurial activity, and public communications.

An unlicensed area of the airwaves will permit the public, through the use of 'smart' radio technology and better receiver equipment, to harness the airwaves for countless applications but only if the government is willing to give back to the public a portion of its own airwaves in such an unlicensed format. From "wi-fi" technology and low power "Bluetooth" wireless connections, to so-called "802.11" and successor protocols, wireless local area networks and Net connections, utilization of publicly available airwaves can help connect people and businesses in cost-effective and spectrum-efficient ways. Moreover, the designation of cleared bands at such different locations in the frequency spectrum sets the stage for varied applications to emerge reflecting the respective physical properties that such bands currently possess.

The "Spectrum Commons" will also help to propel economic growth and innovation by opening up the airwaves to new marketplace entry by individuals and entities unaffiliated with established network providers, such as incumbent cable, telephone, or wireless carriers. In addition, ensuring sufficient unlicensed spectrum would also militate against unhealthy consolidation of spectrum in the hands of too few providers.

DIGITAL DIVIDENDS TRUST FUND

Mr. Speaker, when the FCC does decide to proceed with auctions as a means of granting licenses for use of the public's airways, I believe that the public deserves to reap the benefits of the sale of licenses to its airwaves. Yet these benefits should not only manifest themselves in the offering of new commercial services or the temporary infusion of cash into the Federal treasury as under current law. I propose in this legislation that the public should also enjoy the "dividends" that can be reaped by reinvesting money raised through use of a public asset in a manner designed to promote educational technology projects, educational software R&D, as well as initiatives addressing the digital divide.

The bill I am introducing today creates a trust fund, capped at $5 Billion, to cover any reasonable relocation costs incurred by Federal government users of the spectrum when they are moved to other frequency locations. This $5 Billion figure does not represent the full extent of financial assistance available to Federal agencies, it merely reflects the amount that will be available to them through auction revenue. Any additional relocation costs above that amount can be paid for through the traditional appropriations process by which Congress operates and funds such necessary government costs and services.

The bill proposes taking any surplus auction revenue and creating a permanent trust fund (the "Digital Dividends Trust Fund") from wireless auction revenue in order to fund such public interest telecommunications initiatives. Splitting the grants into two general categories—"human capital telecommunications investments" and "broadband infrastructure investments for public access and rural development"—the Digital Dividends Trust Fund authorizes grants for the following initiatives:

Training of teachers & other personnel at schools and libraries eligible for E-rate funding;

R&D for cutting-edge educational software designed to enhance learning in schools; Digitizing educational materials held in our nation's libraries, archives, and museums;

Technology projects supported by volunteers enrolled in AmeriCorps, Projects enhancing the access of individuals with disabilities to advanced telecommunications services;

Retraining workers and unemployed individuals with skills applicable to the new economy;

After-school programs for youth focused on computer literacy and interaction;

Local and regional programs to expand access to advanced telecommunications in areas available to the general public;

Broadband deployment to low-income housing and community centers and to unserved rural areas; and,

Conversion of public radio and television broadcasting stations to digital broadcasting technology.

Finally, Mr. Speaker, it is important that telecommunications policymaking reassert itself in wireless policy, where for too long budget priorities have warped sound policy. Since Congress first enacted legislation in 1993 to permit the Federal Communications Commission (FCC) to distribute certain airwave licenses to the public through the use of auctions, the FCC has used this licensing mechanism numerous times and the U.S. Government has reaped billions of dollars for general revenue purposes. The initial principle behind auctions was to enhance telecommunications policy goals through the efficient licensing of frequency spectrum, where the revenue an auction raised represented an additional benefit to the taxpayer.

Over time, however, the use of auctions has become perverted. They are increasingly advocated primarily for purposes of raising general revenue irrespective of whether such auctions advance sound telecommunications policy. Moreover, the money raised from auctions has been sent directly to the U.S. Treasury. The money from telecommunications auctions was not reinvested in order to enhance our democracy, bridge the digital divide, or promote public interest telecommunications projects. Instead, the auction of licenses for use of the public's airwaves has been subjected to the alchemy of budget scorers intent on transforming thin air into gold.

Legitimate telecommunications policy objectives are often undermined by proposals to auction certain slices of the airwaves on a date dictated by budgetary scoring needs. Instead, auctions should only be scheduled once the appropriate telecommunications policy goals have been agreed upon and the conditions necessary for successful licensing through auctions have been secured.

This legislation requires the FCC, prior to scheduling upcoming auctions, to take action to achieve the timely transition to digital television by establishing rules governing must-carry issues, minimum programming and broadcasting requirements, and digital television receiver benchmarks. It also directs the NTIA and the FCC to take action to secure additional spectrum for advanced wireless services—including mobile services such as so-called "3G" services. Sound telecommunications policy, consistent with the public interest, would be greatly furthered by putting the "policy horse" back in front of the "auction cart." The bill seeks to re-establish this principle in wireless policy.

Mr. Speaker, my Telecommunications and Internet Subcommittee colleague and chairman, Mr. UPTON, has companion legislation addressing similar subject matter. I look forward to working with him, Energy and Commerce Committee Chairman TAUZIN, Ranking Member Mr. DINGELL, and other interested members on these telecommunications initiatives and hopefully, by working together constructively, we can achieve consensus legislation for the House to consider later this year.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Ms. CARSON of Indiana. Mr. Speaker, on Wednesday, March 19, 2003, I was unavoidably detained in my district of Indianapolis. Had I been present in Washington for votes, it was my intention to vote the following ways:

Rollcall No. 68—"aye."
Rollcall No. 69—"aye."
Rollcall No. 70—"aye."
Rollcall No. 71—"aye."'
Rollcall No. 72—"aye."
Rollcall No. 73—"aye."
Rollcall No. 74—"aye."

THE INTRODUCTION OF A HYDROGEN AND FUEL CELL TECHNOLOGY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. LARSON of Connecticut. Mr. Speaker, in the January 28, 2003, State of the Union Address, the President proposed a $1.2 billion hydrogen fuel initiative to reverse America's growing dependence on foreign oil by developing the technology for commercially viable hydrogen-powered fuel cells to power cars, buses, trucks, homes and businesses with no pollution or greenhouse gases. Over the next five years, the proposed hydrogen fuel initiative would develop the technologies and infrastructure to produce, store, and distribute hydrogen for use in fuel cell vehicles and electricity generation.

I rise today to introduce a Hydrogen and Fuel Cell Technology Authorization bill that would fully authorize the President's hydrogen fuel Initiative, providing a total of $1.2 billion over 5 years. Specifically, the bill would fully authorize funding for the President's Fiscal Year 2004 Hydrogen, Fuel Cells, and Infrastructure Technologies budget request at $182 million and provide an additional $1.018 billion across the following 4 years to fully fund the initiative through FY08.

Both the Fuel Cell Technology programs and the Hydrogen Technology Programs authorized in this bill are identified as key components of the Administration's FreedomCAR initiative in the FY04 budget proposal and represent a significant portion of the overall programs that make up FreedomCAR. This initiative has also been developed in response to the recommendations of the May 2001 National Energy Policy (NEP), which specifically recommended: (1) the development of next-generation technology, including hydrogen and fusion; (2) Development of an education campaign that communicates the benefits of alternative forms of energy, including hydrogen and fusion; and (3) Focused research and development efforts on integrating current programs regarding hydrogen, fuel cells, and distributed energy.

Additionally, the bill ensures a continued focus on "core" fuel cell power plant technology research and development programs that will be necessary to accelerate the technology to meet the goals established to bring this technology to market. These core elements include programs that help to address low cost, high-efficiency, fuel flexible, modular fuel cell power systems, improved manufacturing production and processes, high temperature membranes, cost effective fuel processing for natural gas, fuel cell stack and system reliability, durability and cold start capability.

Pursuing the development of this technology strikes at the very core our national security, economic stability, and environmental conscious. We have before us, for the first time in human history, the technology to provide clean, reliable energy for every person, home, business, and vehicle in America. With this technology, we have the opportunity to end once and for all America's reliance on foreign energy sources while at the same time creating quality jobs for the next century in a new and expanding technological field.

I urge my colleagues to support this initiative.

A THREAT TO TAIWAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. ROTHMAN. Mr. Speaker, I have serious concerns regarding the constant threat to Taiwan from missiles in China, and the signal that this military buildup sends to both the people of China and the people of Taiwan about the eventual peaceful resolution to the Taiwan dispute.

Currently, there are more than 400 Chinese missiles targeted on Taiwan, with fifty or more being added each year. Also, China has devised strategies to destroy Taiwan's political, communications, and production centers within days. What is even more menacing is that China has reiterated that it will use force against Taiwan if Taiwan refuses to accept China's "one country, two systems" unification formula.

I believe that China's intimidation of Taiwan questions its seriousness about being considered a major world power. China must not ignore Taiwan President Chen Shui-bian's repeated pleas for resumption of a cross-strait dialogue. If war breaks out in the Taiwan Strait, China, Taiwan and the rest of the countries in the Asian Pacific will all suffer irreparable economic and political damage.

We in the United States feel most strongly that a military clash in the Taiwan Strait must be avoided. I call upon the Chinese government to dismantle the hundreds of missiles targeting Taiwan and to embrace peace in managing its relations with Taiwan.

PAYING TRIBUTE TO THE WORDS OF MATT ETHERIDGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. McINNIS. Mr. Speaker, at the dawn of this new century, we are engaged in an epic struggle, testing whether this nation, dedicated to life, liberty and the pursuit of happiness, can defend freedom throughout the world. Many of our nation's brave young men and women have answered the call of service and are currently advancing freedom's cause.

Mr. Speaker, at this very moment, Matt Etheridge of Ridgway, Colorado is serving his nation honorably in the war to liberate Iraq. Recently, Matt sent his mother an email indicating his disappointment as a Navy Sailor in the shortsighted demonstrations of anti-war protestors. Below is the text of that letter:

> Dear America,
>
> I am a United States Navy Sailor. I am from Ridgway, Colorado. I have been in the Navy for almost two years. My job here is an Aviation Ordnanceman. My shipmates and I are part of a team that helps to create population control and our profession is landscaping technicians. I have been to 5 different countries, seen 3 different oceans, and have sailed three quarters of the way around the world with 5000 men. I have been away from the people that I love for at least 6 months. When I want to call home it costs a dollar a minute. Sounds great, huh. You should try the food. Could you handle it? Yet I am still proud that I am here doing this for my family and friends. The people that love to have rights, love to be educated and love to have freedom. Did I mention that I am only 20 years old?
>
> How many people in America can sit there and say that they have done anything like that and still serve and protect the country? How about only the people that signed on that little dotted line to risk their lives for the things that they truly believe in. Are they scared? What do you think? Of course they are. They have no idea what is going on and how the outcome will be. They have no idea what is going to happen to them or what is going on with their families at home. We are here to keep you safe and help protect all the things that you love so much. Do you (ANTI-WAR PROTESTERS) think that the military is a joke? Are we here just to look good?
>
> What are the people in America doing? We are the ones here so that you the people do not have to be. I am not talking about everyone. I am talking about the pussy people that have no idea what it is like to be in our shoes and have no respect for us. What if the war was there? What would you do? Would you pick up a gun and protect your families? If we were not the police of the globe we would be taken over by a man that rapes and de-virginizes little innocent 15 year olds. I really do not care what you are all protesting against. Where do you all get your freedom? The Constitution, but we are the ones that enforce it. I guess you do not like to be free.
>
> Do you people really understand what you have? You have no clue. You all have it so good. I think that you all should see some of what goes on in other places. Kids in other countries running around with guns, people burning our national emblem. What kind of

barbaric B.S. is that? What would you do if you lost all of your rights? I bet you are glad that we would die for our country and you so that you do not have to live in fear.

I would love to see someone go up to one of the men or women in the Marines sitting 5 miles off Iraq and tell him that he is doing wrong. If you all hate America and what is happening, leave, who would really care? That is your "right." If our nation had a draft I bet all you all would tuck tail and run. We sign so that you do not have to.

Do you even remember what happened to the people of 9-11? Do you even care? Is that just the past and a memory now? Innocent Americans died trying to make a living. What if you were one of them? I guess we should just stop and let go. Yeah right!

Anti-war protesters are all followers. You should believe in life, liberty and justice for all. Not some rich fancy celebrity just because you like his/her show. I saw a 16 year old female on the news. She said that sixth period was not as important as protesting. How would she even know? Has she been to other countries? She should see what we have. Children all starving and buildings in ruins. Yes we have it in the U.S. but not nearly as bad. You are all lucky. We all are. At least you can go out and get a job if you need to. Hello, welcome to McDonalds, may I help you?

So here I say: No one really wants to go to war. Sometimes it is the action that we must take. Should we just come home and let the world take us over? Uhhh, NO! Protestors, like yourselves, are the people that get mad if someone cuts a tree down or if we eat a cow. I bet a good number of you drive. STOP! You are polluting the air. I will still drive if I need to be someplace and I like my steak medium-well. Do I care? Yes I do.

Our President will make the decision. What he says goes. I respect that and I am ready to do whatever he says and so are all the men and women in the Armed Forces. This is why we are here. When he says "Go" we are on our way. That is why we are getting a raise and we deserve it. Who cares if you do not like it?

As an Army man said, "We are the ones here fighting, so really you do not have a say so!" I am with him.

I would like to thank all the people that support us. I know that my Mom is very worried about me but I know she loves and misses me. I love you all so much and I miss you more than anything.

To all those who oppose and protest, go ahead and do it, whatever! We know who the real men and women are in the U.S.A.!!

I bleed red, white and blue!!

You are right "God blesses everyone." America is #1 on my list.

I wrote this and it is what I feel. I would like it if you passed it on and maybe write back an opinion or something.

Signed, A disappointed Navy Sailor,
MATTHEW A. ETHERIDGE.

Members of this Congress and the American public should sincerely consider Matt's words. Those who seek the true meaning of duty, honor, and sacrifice will find it in devoted servants like Matt Etheridge. I believe his letter to America makes his point very clearly. Mr. Speaker, it should never be in doubt that our nation's servicemen and women have our support, and remain in our thoughts and prayers.

RECOGNIZING THE VON STEUBEN PANTHERS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. EMANUEL. Mr. Speaker, believe it or not, Von Steuben Metropolitan Science Center's basketball team has a chance at the state title. Now, that might not mean much to many of my colleagues, but for those of us who live on the North Side of Chicago, Von Steuben's appearance in the Elite Eight, their first since 1938, is a big deal.

Von Steuben's season did not begin that well. In fact, they lost four of their first five games, but the Panthers rebounded. On Monday, March 17, 2003, they convincingly defeated Brother Rice 65–56 to secure the Class AA supersectional.

Every student should be proud of Von Steuben, and not only because of their success on the basketball court, but because Von Steuben is truly a great school. There are many different types of Chicago Public Schools. Von Steuben is a "science center," meaning it has stronger math and science curriculums than most of Chicago's public schools. It is this demanding and stimulating college preparatory curriculum, combined with the school's diverse student body, innovative teaching methods and state-of-the-art technological equipment which set it apart. I'm proud to represent Von Steuben and honored to congratulate its basketball team.

Mr. Speaker, tomorrow the Panthers of Von Steuben will play Peoria Central. I wish Von Steuben the very best of luck and know that regardless of the outcome, the residents of Chicago and the Albany Park Neighborhood are proud of their accomplishments.

TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 2003

Mr. SHAW. Mr. Speaker, I rise today in strong support of H.R. 1308, and in particular, a provision I offered in the Ways and Means Committee during consideration of another tax measure. This provision is very simple, and very fair—it will provide tax benefits to the families of the victims of the Columbia Shuttle disaster. In the same manner our government provides benefits to the families of soldiers killed in the line of duty or to victims of terrorist attacks, I offered this provision to honor the spirit and courage of our nation's brave astronauts.

Under current law, when a soldier is killed in the line of duty or a citizen is the victim of terrorism, our government views all income received in the year of their death, or the preceding year, as exempt from income tax. In addition, any death benefits paid by the U.S. Government or employers to the families of the victims are also exempt from taxation. And finally, we reduce the estate tax of the heirs to 20%.

H.R. 1308 would extend these modest benefits to all astronauts who die in the line of duty, beginning with the families and victims of the Columbia tragedy. These seven men and women gave their lives exploring the bounds of human experience. For their sacrifice and contributions to our nation and mankind, we wish to honor them by caring for the financial security of their loved ones.

I would add that this provision was adopted in Committee without dissent. Although it would provide much needed, meaningful relief to the families of our astronauts, its revenue impact is negligible.

Finally, Mr. Speaker, I would be remiss if I didn't commend our colleague CHET EDWARDS of Texas who originally filed legislation extending these benefits to astronauts. I appreciate his leadership on this most solemn and important measure.

Mr. Speaker, I urge my colleagues to demonstrate their support for our astronauts by voting for H.R. 1308. Our nation is forever in their debt.

AMERICAN CITIZENSHIP AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the American Citizenship Amendment. Under current U.S. laws, any person born on American soil can claim American citizenship, regardless of the citizenship of that child's parents. This means that any alien who happens to give birth in the United States has just given birth to an American citizen, eligible for all the benefits and privileges afforded to citizens.

Mr. Speaker, this is unacceptable and is far from what our Founders intended when they drafted the Constitution. It undermines the very concept of citizenship as enshrined in the United States Constitution: to be constitutionally entitled to U.S. citizenship one must be "born . . . in the United States" and "subject to the jurisdiction thereof." This second, and most important, part means that in order to gain U.S. citizenship one must owe and actively express allegiance to the United States in addition to the act of being born on United States soil.

What the current state of events has led to is a booming business in smuggling pregnant mothers over the border to give birth to new "American" citizens, who in turn become eligible for all the benefits thereof. Practically, what this does is cheapen citizenship: rather than impart all the obligations and responsibilities of being an American it becomes merely a ticket to welfare and other benefits. The history of the United States is that of immigrants: individuals from diverse backgrounds accepted the obligations of citizenship in exchange for the great benefits of living in the freest nation on earth.

This proposed Constitutional amendment restores the concept of American citizenship to that of our Founders. This legislation simply states that no child born in the United States whose mother and father do not possess citizenship or owe permanent allegiance to the United States shall be a citizen of the United States. It is essential to the future of our constitutional republic that citizenship be something of value, something to be cherished. It cannot be viewed as merely an express train into the welfare state.

NATIONAL BOARD-CERTIFIED TEACHERS IN LOW-PERFORMING SCHOOLS ACT OF 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mrs. DAVIS of California. Mr. Speaker, I am pleased to introduce the National Board-Certified Teacher in Low-Performing Schools Act of 2003 to place these highly skilled teachers as facilitators in low-income low-performing schools.

A huge challenge for our schools is to help low-achieving students improve their academic performance. How do we make this happen? Many studies have shown that the single most critical component for a child's success is the quality of each teacher.

Districts across the country are struggling with ways to comply with The Elementary and Secondary Education Act, H.R. 1, known as the No Child Left Behind Act of 2001. It requires that every classroom will have a highly-qualified teacher, but the definition of "highly-qualified" is not clear. The road to creating more highly skilled teachers is also unclear.

However, we do know that teachers who have successfully completed the rigorous, standards-based teaching evaluation and testing program run by the National Board for Professional Teaching Standards are "highly qualified." What we need to do is to encourage more of these highly accomplished teachers to seek positions in the most needy schools. Low-income, low-performing schools typically have newly hired teachers, many of whom are not fully credentialed or trained in teaching skills.

In California, I authored legislation to reward successful National Board candidates with a $10,000 merit award. One result of this recognition has been that this year the number of successful candidates was ten times the number in 1998, when the legislation was passed. In addition, the state gives an annual $5000 pay incentive for four years to each National Board Certified Teacher who seeks assignment to a low-performing school.

I propose to build on this method of providing incentives to urge these highly accomplished teachers to provide not only their fine teaching skills but also their availability as peers for the many new teachers assigned to these schools.

Both beginning teachers and experienced teachers can grow in their teaching skills and can be inspired to accept the challenge of the certification process to demonstrate this growth if they have the opportunity to work as a peer with a National Board Certified Teacher. Many teachers who have become certified report that the process itself improves their skills, as they must prepare standards-based, self-reflective portfolios of their teaching practices to submit for evaluation.

Therefore, I propose a pilot program for five years to pay up to 100 National Board Certified Teachers, each of whom is teaching in a low-income, low-performing school, $5000 per year to act as a resident facilitator to introduce the members of the faculty to the National Board evaluation program. As a teacher must have taught for three years before applying for Board certification, the five-year period is needed to allow time for new teachers to be exposed to the process through the outreach program initiated by the facilitator.

The responsibilities of the facilitator would be to promote peer teacher participation and to work with the National Board for Professional Teaching Standards to recommend ways to encourage teachers to aspire to Board certification.

The facilitator would also receive a $1000 bonus stipend for each teacher who completes the process for becoming Board-certified at the school for which the recipient is the resident facilitator.

I believe that this pilot program can be a triple winner. The children of the low-performing school have another teacher who is clearly a highly qualified teacher. The faculty of that school has a peer teacher with identifiable teaching skills as a resource. And the school may grow its own crop of National Board Certified Teachers thus changing the image of being a low-performing school to the image of being a school with a highly-accomplished faculty.

PROPOSING A GREAT LAKES TRUST FUND

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. EMANUEL. Mr. Speaker, today is Great Lakes Day on Capitol Hill. This annual event provides Great Lakes policymakers and opinion leaders with an opportunity to report on the current and future state of the Lakes. Holding one-fifth of the planet's fresh surface water, the Great Lakes are the source of drinking water for 28 million Americans, including 2.8 million Chicagoans. Today it is my sad duty to inform the Members of this body who are not already aware, that the Great Lakes are in grave danger.

Thirty years after passage of the Clean Water Act, water quality has improved, yet the Lakes remain unhealthy and there is clear and convincing evidence that the ecosystem is deteriorating. In the past few years, state and local authorities have issued more than 1,500 fish consumption advisories. In 2001, bacteria from sewage overflows led to a record 599 beach closings. In Chicago, my home, there have been 152 beach closings since 1994.

Mr. Speaker, the Great Lakes, the largest freshwater system on Earth, are clearly in danger. In the mid-1990s, the Everglades, the source of freshwater for much of the state of Florida, faced a similar crisis. Congress responded with an $8 billion plan to restore the Everglades. I ask this body, are the Great Lakes, one of our nation's most valued national treasures, not worthy of a similar effort? I know they are.

This spring I will introduce legislation to create a Great Lakes Trust Fund. My bill will fund the Administration's "Great Lakes Strategy 2002." Additionally, it would establish a dedicated funding source for Lakes restoration and revitalization. My proposal would also create an advisory board consisting of the governors of the eight Great Lakes states, representatives of the Federal Government, and members of the scientific and business communities. Further, the advisory panel would be tasked with developing a comprehensive Lakes management plan, a biennial report to Congress.

Mr. Speaker, the United States is blessed with tremendous resources. The Great Lakes undoubtedly rank among the most treasured of these resources, but if this body allows them to deteriorate further—if we can no longer drink the water, and no longer swim at our beaches—we will have failed the people of this nation. I refuse to let this happen. My plan will begin to heal the damage done by years of neglect. I urge my colleagues to support me in this important national endeavor and I strongly encourage them to cosponsor my bill.

PAYING TRIBUTE TO GARY OSIER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gary Osier of Rifle, Colorado for his contributions to the health of our Nation's forests as a ranger in the United States Forest Service. Gary has lived and worked in Colorado for over twenty years and, as he celebrates his retirement, I would like to rise before you today to thank Gary for his service before this body of Congress and this Nation.

Gary studied forestry under the GI Bill and first accepted a U.S. Forest Service assignment in North Dakota. Spending thirty-two years in the Forest Service, he clearly made a home as Rifle's assistant district ranger. He became an official specialist in forest minerals and an unofficial historian in local Forest Service history. Throughout his career, Gary never shied away from difficult issues as a charter member of the Northwest Colorado Oil and Gas Forum.

Though Gary may be retiring from the Forest Service, he will continue his involvement in issues vital to Colorado. Based out of Rifle, Gary and his wife Mary will supply potable water during fire season to active fire camps on national forest lands from Arizona to Wyoming. Filling a need that became evident last summer during the worst fire season in Colorado history, Gary's company, H2Osiers, will also supply water to municipalities and other entities on a case-by-case basis.

Mr. Speaker, Gary Osier has served as a steward of this country's forests for over thirty years. The pride and enthusiasm of foresters like Gary are vital to the important role of the Forest Service. Today I stand before this body of Congress and this nation to recognize one of the Forest Service's best. Gary's dedication to serving the forests and communities of the West is a credit to himself and to Colorado. I thank him for his service.

TEXAS MOURNS THE LOSS OF STATE REPRESENTATIVE IRMA RANGEL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. RODRIGUEZ. Mr. Speaker, this week, the State of Texas lost one of its great voices, a leader with passion and energy working to improve the lives of the people she represented. We mourn the death of Texas Representative Irma Rangel who served nobly in the Texas Legislature for more than 25 years. She was a trailblazer as the first Hispanic woman to be elected to the Texas House of Representatives and the first woman to serve as chair of the Mexican American Legislative Caucus. We will miss her strength, courage, vision, and her straight talk.

A close friend, an advocate for poor families and women in South Texas, Representative Rangel consistently fought to improve the quality and accessibility of education for her constituents. Her advocacy helped create the school of pharmacy at Texas A&M University-Kingsville, the first professional school in South Texas. She also was a driving force in securing passage of the 10 percent plan, which makes the top 10 percent of students in every high school eligible for admission to any state college or university, in the wake of the devastating Hopwood decision.

Representative Rangel grew up in Kingsville, Texas. Her father picked cotton and learned to read and write on his own and later owned several businesses. In 1952, she received a degree in business administration from Texas A&I University (now Texas A&M University-Kingsville). She was a teacher for 14 years in schools in Robstown and Alice, Texas, in Venezuela and in Menlo Park, California. She earned a law degree from St. Mary University School of Law in San Antonio, Texas in 1969; she later served as a law clerk for U.S. District Judge Adrian A. Spears and as an assistant district attorney in Nueces County before opening her own law practice.

During her lifetime, Representative Rangel received many professional honors. She was inducted into the Texas Women's Hall of Fame in 1994. Other awards include the Legislator of the Year award from the Mexican American Bar Association of Texas; Women's Political Caucus' Texas Mexican-American Woman of the Year in 1979; Unsung Heroines Award in 1991 from the Women's Advocacy Project; Latina Lawyer of the Year from the Hispanic National Bar Association; and Texas Woman of the Century from the Women's Chamber of Commerce of Texas.

Her commitment to the people and families of South Texas, especially in improving access to higher education, has left a lasting legacy. Irma Rangel will be remembered as a woman who, through her lifetime of work and service, demonstrated her commitment to community. We will all miss her.

MR. RICHARD WITTENBERG HONORED FOR YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

HON. ANNA G. ESHOO

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Ms. LOFGREN. Mr. Speaker, today we rise to recognize the achievements of Richard Wittenberg, County Executive for Santa Clara County. Mr. Wittenberg is retiring after 8 years of dedicated service to the people of Santa Clara County.

When ZOE LOFGREN was on the Santa Clara County Board of Supervisors, she searched the state of California to find Richard. In the years that followed, Richard won the hearts of many elected officials by responding quickly to their needs, having high ethical standards and working to build consensus.

Richard came to Santa Clara County from Ventura County, California where he was the Chief Executive Officer for 16 years. During his tenure there, he held various offices of the County Administrative Officers Association of California; was a member of the Commission on California Public-Private Partnership; and a member of the Ronald Reagan Presidential Library Advisory Committee.

A leader in the community as well as in his field, Richard has volunteered for the United Way, as a board member for the Brandeis-Bardin Institute, Boy Scouts of America, and as a board member of the Anti-Defamation League.

Richard leaves Santa Clara County in better shape than he arrived: the County Executive now oversees a staff of 16,000 and a $3.8 billion budget that covers the operations of parks, libraries and the sheriff's department, as well as the region's neediest residents.

Under Richard Wittenberg's dedicated leadership, Santa Clara County earned the highest bond ratings issued to any county in the state, garnering an AA+ from Standard and Poor's, and a AA2 from Moody's. Meanwhile, reserves grew from $12 million in the mid-1990's to $96 million in 2002.

We wish to thank Richard Wittenberg for his tireless and loyal service to the County and wish him the best in his future endeavors. Though we will miss his creativity, expertise and commitment, his dedication has left its mark on Santa Clara County.

TRIBUTE TO THE REPUBLIC OF TUNISIA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. RUSH. Mr. Speaker, I rise to pay tribute to the Republic of Tunisia, who is today celebrating the 47th anniversary of its independence. Mr. Speaker, the relationship between the United States and Tunisia is based on friendship and cooperation that dates back centuries ago. I am pleased that the ties between Tunisia and the United States continues to be strong. As the United States embarks on its quest to fight the scourge of terrorism, it is comforting to know that Tunisia is also committed to join the United States in this fight.

I also would like to take this opportunity to applaud Tunisia in its effort to promote democratic governance in the region. Tunisia is one of the leading North African countries that has increased its literacy and life expectancy rates and drastically reduced the mortality rates for Tunisian children under five.

Once again, I rise to commemorate Tunisia on its 47th anniversary. Thank you.

TRIBUTE TO LEON BRIDGES

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. ISAKSON. Mr. Speaker, as I listen to the constant references to "tax breaks for the rich" and "big business" in the speeches of those that oppose the President's Economic Growth Package, I can't help but think of my constituent Leon Bridges.

Leon is not rich and his business is not big, but like millions of hard working Americans he is the heart and soul of the American Economy. Leon Bridges is a homebuilder and developer who employs carpenters, mason, and laborers to build homes that shelter families in my district. He borrows money to build from our community banks, and guarantees its repayment through the long hours he works. When his houses and lots sell and he makes a profit, he pays the taxes that fund the government we in this House oversee.

Leon Bridges and the millions of taxpayers like him deserve the President's Economic Growth Package and the tax reductions it includes. While some choose to demonize those who work hard, take risks, and provide jobs, I believe we should reward them—for it is they that make America prosper.

WHEN WAR COMES

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. CLAY. Mr. Speaker, since the beginning of the sad events leading up to this war, I have fought as a U.S. Congressman and with an enduring sense of duty and compassion for all Americans, to oppose a war that I believe is unjust and unnecessary at this time.

Now that the fighting has begun and the brave men and women of our armed forces go forward into harm's way, we must honor their sacrifices and we humbly salute their service.

As Americans we are united in prayers for their safe return. And we hope that a victory will lead us to a different era when violence will be replaced by a new vision of justice, tolerance, security and peace, for all people.

As I support our troops' dedication to service and commitment to getting the job done with as little loss of life as possible, as a Congressman and as an American I remain convinced that diplomacy should always be primary and war secondary.

Sometimes the course of history cannot be changed and nations on a collision course cannot be diverted from each other. This is one of those times. However, this too shall pass.

As we look toward the future, as we pledge to help rebuild a post-war Iraq, I would sincerely urge the Bush Administration to also work to rebuild our relationship with the people and countries that comprise the United Nations.

Already, U.N. Secretary-General Kofi A. Annan is offering his hand in cooperation. Today, he said, "Let us not dwell on the divisions of the past. Let us confront the harsh realities of the present, however harsh, and look for ways to forge stronger unity in the future."

Also, he said, "The peoples of the world . . . have made clear that . . . they want to see power harnessed to legitimacy. They want their leaders to come together, in the United Nations, to resolve the problems shared by all humanity," the Secretary-General said.

And I agree.

It is only through mutual respect and cooperation between nations that we can mount a sustained fight to end global acts of terrorism.

And at the same time we must fully address those problems and political ideologies that breed terrorists so this problem will end.

As the last remaining superpower on earth—a giant among nations—I believe we must err on the side of caution rather than risk undo injury to smaller nations that are hapless before the will of a giant, a superpower.

Again, Mr. Speaker . . . now that the fighting has begun and the brave men and women of our armed forces go forward into harm's way, we must honor their sacrifices and we humbly salute their service.

And as Americans we are united in prayers for their safe return.

God bless all the people of this earth and may the peacemakers who emerge from this conflict carry the future, for the good of all humankind.

HONORING DEBBIE ULIBARRI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Debbie Ulibarri of Trinidad, Colorado. A teacher at Trinidad State Junior College, Debbie is an inspiration to her students, and a reminder of the important opportunities our community colleges provide. She has done much to promote the importance of higher education in my district, and today I would like to highlight her accomplishments before this body of Congress and this nation.

Debbie's story demonstrates the influential role of community colleges in our nation's communities. She arrived on the campus of Trinidad State Junior College in 1992, apprehensive about returning to school after twenty years in the workforce. Debbie found a welcoming attitude at TSJC that assuaged her fears and opened up worlds she had never dreamed of. Debbie earned her GED and two associates degrees at TSJC, and began teaching math in TSJC's Math Lab while still a student there. Debbie went on to earn a Bachelor's degree in mathematics from New Mexico Highlands University and a masters degree from Regis University. As one of the school's success stories, Debbie returned to TSJC as a full-time math instructor. She has been an innovative teacher of algebra, trigonometry and statistics, seamlessly incorporating technology into her classroom and creating on-line classes for students from all over the country. Debbie has also stepped into a leadership role at the college, serving as TSJC's accreditation coordinator as well as the math and science division chair. In recognition of her efforts, Debbie was selected at TSJC's Faculty of the Year.

Mr. Speaker, our nation's community colleges are learning centers for a wide variety of both traditional and non-traditional students, helping them achieve their goals. Debbie Ulibarri is a perfect example of how these institutions can help enhance and change a life, and it is a great privilege to salute Debbie before this body of Congress and this nation for her achievements as both a student and teacher.

A SPECIAL TRIBUTE TO JUSTIN F. CORESSEL ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. Justin Coressel will turn 100 this Monday, March 24th. At the young age of 100, Mr. Speaker, Mr. Coressel is one of the most active and most recognized people in Northwest Ohio.

Look up the word "humanitarian" in the dictionary—and you will see Justin's picture. He has dedicated the better part of his life to making this world a better place for others.

Justin F. Coressel was born on March 24, 1903, in Defiance County's Richland Township. He is the son of Frank and Anna Coressel. Mr. Coressel graduated from Jewell High School and attended The Ohio State University.

Mr. Coressel was the area representative for a Paulding sugar refinery and was associated with United Appraisal Co. and J.B. Cleminshaw Co., both of Cleveland. Justin worked in their farm appraisal departments, and did right-of-way appraisals for the Ohio Highway Department. He also served as an adjuster with Federal Crop Insurance Corp. and as a farm income tax consultant. He was also farm operator for many years and is a member of St. Michael's Catholic Church.

Mr. Speaker, Justin served as President of the Board of Directors at Jewell Grain Co. and was Defiance County Chairman for the Ohio Council for Education. He is a former member and Vice-President of the Board of Directors at the Home Saving and Loan Association of Defiance and was a member of the Board of Directors at Hudson Products, Inc. Mr. Coressel is also a former member of the Board of Trustees at Defiance College. The Justin F. Coressel Football Stadium at Defiance College was named in his honor. Mr. Coressel has also provided lead gifts to fund the football stadium at Tinora High School and the Defiance County Human Shelter, both of which are named in his honor.

Mr. Speaker, Justin Coressel was a Richland Township Trustee for three terms, Secretary of Defiance County Township Trustees and Clerks Association, and Commissioner of Jurors in Defiance County. His lifetime memberships include the Ohio Historical Society, Defiance County Historical Society, Defiance County Humane Society, Jewell Volunteer Fire Department, and the Tinora Athletic Boosters. A member of Defiance Rotary, he served two terms on its Board of Directors, was the first Chairman of the Defiance Rotary Student Foundation, and was the first Paul Harris Fellow of Rotary International in District 660. Mr. Justin F. Coressel also organized Rotary 65 and served as its first President.

A member of the National Catholic Rural Life Conference, he was appointed delegate to the International Rural Life Conference in Rome, Italy, in 1967. He is a member and past Grand Knight of Knights of Columbus Council 1039. Currently, Mr. Coressel is providing numerous student college scholarships and serves as Chairman of the Justin F. Coressel Charitable Trust.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Justin F. Coressel. Our communities are served well by having such honorable and giving citizens, like Justin, who care about their well being and stability. We wish Justin all the best as we pay him tribute on the occasion of his 100th birthday.

H.R. 1104, THE CHILD ABDUCTION PREVENTION ACT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of criminals who dare to harm our children. An important provision in H.R. 1104 doubles the authorization level for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The Center is a private, non-profit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice. It is a critical resource for aiding over 18,000 law enforcement agencies throughout the nation in their search for missing children.

According to statistical data from the National Center for Missing and Exploited Children, from its inception in 1984 through the end of 2002, the Center handled 1,718,784 telephone calls through its national Hotline, 1–800–THE–LOST; trained 179,685 police and other professionals; and distributed 27,834,762 free, issue-based publications. The Center has also worked with law enforcement on 87,513 missing child cases, resulting in the recovery of 71,141 children—an incredible success rate of more than 80 percent.

The National Center for Missing and Exploited Children is uniquely positioned to access vital information to aid in the search and recovery of misisng kids. It is the only child protection non-profit organization with access to the FBI's National Crime Information Center (NCIC) Missing Person, Wanted Person, and Unidentified Person Files; the National Law Enforcement Telecommunications System (NLETS); and the Federal Parent Locator Service (FPLS). Additionally, it is the only organization operating a 24-hour, toll-free Hotline for the recovery of missing children in cooperation with the U.S. Department of Justice. It is also the sole organization operating a 24-hour, toll-free child pornography tip-line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Clearly, the National Center for Missing and Exploited Children does our country and our nation's families a great service, and I urge my colleagues to assist the Center by supporting H.R. 1104.

IN HONOR OF "COVER THE UNINSURED WEEK"

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this evening to offer my comments on an important issue: Access to affordable healthcare for all Americans.

This week has been designated as "Cover the Uninsured Week." Three health foundations, the Robert Wood Johnson Foundation, The California Endowment, and the W.K. Kellogg Foundation sponsor "Cover the Uninsured Week." A large number of national organizations have worked for the past three years to educate the public and national leaders about the uninsured. These organizations include: the U.S. Chamber of Commerce, AFL–CIO Service Employees International Union, and Blue Cross and Blue Shield Association. I would like to submit a full list of these organizations for the RECORD.

Over 41 million Americans do not have health insurance. For a Nation that considers itself a superpower, and a beacon of democracy for the rest of the world, there is no reason for almost eight out of every ten Americans who are working families to be without healthcare coverage.

In my home State of California, 6.2 million State residents were uninsured for all or part of 2001 and Californians accounted for 16 percent of the Nation's uninsured.

According to the Kaiser Family Foundation, between 2000 and 2001, the number of the uninsured increased by 1.4 million, and low income Americans (those who earn less than 200 percent of the Federal poverty level) run the highest risk of being uninsured.

For this reason, I introduced H.R. 1143, legislation that would amend Title XIX of the Social Security Act (SSA) to permit States to expand Medicaid eligibility to uninsured poor adults.

The eligibility is expanded through the creation of a new optional Medicaid eligibility group for individuals between the ages of 21 and 65 whose family income does not exceed a State-specified percentage of up to 200 percent of the applicable poverty line.

In this time of economic uncertainty, it is imperative that we, as legislators, ensure the health of all Americans. The ability to seek healthcare due to an illness or an injury should not, and cannot be dependent on where one fits on a relative scale of income.

Instead, the working poor should be confident that unfortunate incidents would not affect their ability to provide for their families while medical bills pile up.

Swift passage of my legislation will restore many Americans' faith in our fiscal policies designed to protect the health and welfare of citizens left vulnerable by the lack of Federal health care assistance available to them.

Mr. Chairman, there is indeed a health care crisis in the Nation, and while there is no simple solution, I urge all of my colleagues to take a moment to reflect on the state of the uninsured in this Nation, and support my legislation.

LIST OF ORGANIZATIONS PARTICIPATING IN COVER THE UNINSURED WEEK

U.S. Chamber of Commerce, AFL–CIO, The Business Roundtable, Service Employees International Union, Healthcare Leadership Council, AFSCME, American Medical Association, American Nurses Association, Health Insurance Association of America, Families USA, Blue Cross and Blue Shield Association, American Hospital Association, Federation of American Hospitals, Catholic Health Association of the United States, AARP and United Way of America.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2003

SPEECH OF

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 975) to amend title 11 of the United States Code, and for other proposes:

Mr. GUTIERREZ. Mr. Chairman, I am pleased that yesterday, during consideration of H.R. 975, the House agreed to an amendment I offered to Section 1234. As amended, Section 1234 will assure that all companies forced into involuntary bankruptcy receive the protection of the bona fide dispute standard in the manner that Congress has intended since its adoption in 1984.

Mr. Chairman, I would like to explain that my amendment changed the effective date in the involuntary bankruptcy provision of H.R. 975 also known as Section 1234. My amendment is identical to language that was included in the corresponding provision, Section 1233 of H.R. 5745, the bankruptcy reform bill passed by the House on November 15, 2002.

My amendment was a purely technical correction. Section 1234 is not new law but a clarifying restatement of Section 303 of the Bankruptcy Code, which sets the rules for involuntary cases since 1984. The purpose of the 1984 language was to bar bringing involuntary bankruptcy action in cases which where already subject of a "bona fide dispute" on either the existence of liability or the amount of that liability.

The purpose of the bona fide dispute standard is to prevent our overcrowded bankruptcy courts from being burdened with ordinary contract performance disputes filed as involuntary cases by forum-shopping litigants, seeking to gain undue leverage by forcing their counterparty into bankruptcy.

Ordinary contract disputes are contested on a level playing field when they are litigated in the proper forum of a civil court. And if they civil court issues a binding judgment regarding the amount that truly is due, a bona fide dispute no longer exists and an involuntary case may be initiated. But when trade creditors—especially separate affiliates of the same corporation—decline to bring a civil suit, and instead collude to force a debtor company into bankruptcy to gain an unfair advantage regarding bona fide contract disputes over contested amounts claimed to be due, it can be devastating. That devastation is particularly acute for a small business.

As soon as news of the bankruptcy gets out its employees may begin to explore other job opportunities, its suppliers start to demand cash on delivery rather than continue to abide by their standard credit and repayment terms, and its customers start to wonder if they can rely on that business into the future. The company pushed into involuntary bankruptcy is therefore put under tremendous pressure to settle the disputed matter on plantiffs' terms, quickly, regardless of the merits."

There has been no confusion regarding the interpretation of the bona fide dispute standard at the appellate level, as all five federal appeals courts that have ruled on its scope have agreed that it covers both the questions of whether liability exists and the amount of that liability.

All that Section 1234 does is insert the term "as to liability or amount" into the Code so as to prevent any further misunderstanding on this matter by a small minority of bankruptcy judges. My amendment makes sure that Section 1234 apply with respect to all involuntary bankruptcy cases, regardless of whether or not the liability or the amount which is the object of the dispute.

HOUSE OF REPRESENTATIVES—*Monday, March 24, 2003*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 24, 2003.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, strong to save, a Nation at war gathers with the Members of the House of Representatives and the President of these United States as we pray: "Thy Kingdom come."

In all we do and in all we intend as individuals and as a people: "Thy Kingdom come."

To seek such a noble purpose and to be so disposed both in mind and heart, can only begin by divine grace within the soul. And so, there we pray: "Thy Kingdom come."

As we pray for the protection of Your people across this beloved homeland and for our troops across the world: "Thy Kingdom come."

As we mourn those killed in Kuwait and Iraq in recent days, we pray for their families and their comrades: "Thy Kingdom come" to them and to all veterans and victims of war.

In all endeavors to ensure equal justice for all and achieve lasting peace in families and the community of nations: "Thy Kingdom come" now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 205. An act to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 21, 2003, at 2:30 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report in accordance with 50 USC 1641(c) and 50 USC 1703(c) on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in EO 13224 of September 23, 2001.

With best wishes, I am
Sincerely,

GERASIMOS C. VANS,
Assistant to the Clerk.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–52)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 21, 2003.*

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, MARCH 20, 2003, AT PAGE H2227

COMMUNICATION FROM THE HONORABLE STEVE BUYER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable STEVE BUYER, Member of Congress:

HOUSE OF REPRESENTATIVES,
March 20, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, H-232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I have been called to active duty in the United States Army. Pending further orders, I request immediate indefinite leave of the House of Representatives to accommodate my military duties.

Respectfully,

STEVE BUYER,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUYER (at the request of Mr. HASTERT) for an indefinite period of time on account of military service.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 205. An act to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, March 25, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1303. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — RUS Specification for Voice Frequency Loading Coils — received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1304. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazethapyr; Pesticide Tolerance [OPP-2003-0032; FRL-7294-1] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1305. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Equal Credit Opportunity [Regulation B; Docket No. R-1008] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1306. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 03N-0008] (RIN: 0910-AA01) received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1307. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 02F-0160] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1308. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hermatology and Pathology Devices; Reclassification of Automated Blood Cell Separator Device Operating by Filtration Principle from Class III to Class II [Docket No. 96P-0484] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1309. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plan Revisions for Particulate Matter, California — San Joaquin Valley [CA 088-FON; FRL-7470-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1310. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 242-0386; FRL-7460-8] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1311. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Mendocino County Air Quality Management District, and Monterey Bay Unified Air Pollution Control District [CA 071-0379a; FRL-7456-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1312. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and San Joaquin Valley Unified Air Pollution Control District [CA 275-0378a; FRL-7460-5] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1313. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revision to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 078-0068; FRL-7460-9] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1314. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Bay Area Quality Management District, Sacramento Metropolitan Air Quality Management District, and San Joaquin Valley Unified Air Pollution Control District [CA 275-0378c; FRL-7460-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1315. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 171-1171a; FRL-7468-1] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1316. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 176-1176a; FRL-7468-4] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1317. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 175-1175a; FRL-7467-8] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1318. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7465-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1319. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil [AD-FRL-7467-1] (RIN: 2060-AG97) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1320. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Historic Area Remediation Site (HARS)-Specific Polychlorinated Biphenyl Worm Tissue Criterion [FRL-7467-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1321. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; New York [Region II Docket No.NY58-253a, FRL-7464-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1322. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgated of Implementation Plans; State of Missouri [MO 174-1174a; FRL-7467-4] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1323. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mississippi Update to Materials Incorporated by Reference [MS-200310; FRL-7445-5] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1324. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 269-0382a; FRL-7451-6] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1325. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules [ND-001-0007; FRL-7453-4] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1326. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI4-249a, FRL-7455-3] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1327. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [KS 173-1173a; FRL-7455-9] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1328. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans;

Florida Update to Materials Incorporated by Reference [FL-200313; FRL-7453-7] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1329. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration (PSD) [AD-FRL-7456-9] (RIN: 2060-AE11) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1330. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands [IB Docket No. 01-185]; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands [IB Docket No. 02-364] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1331. A letter from the Deputy Chief, Policy Division, WTB, Federal Communications Commission, transmitting the Commission's final rule — Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1332. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pampa, Texas) [MB Docket No. 02-204] (RIN: RM-10314) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1333. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hooks, Texas) [MB Docket No. 02-203, RM-10466] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

1335. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107-40, to keep the Congress informed on United States efforts in the global war on terrorism; (H. Doc. No. 108—53); to the Committee on International Relations and ordered to be printed.

1336. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution that he directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq; (H. Doc. No. 108—54); to the Committee on International Relations and ordered to be printed.

1337. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List the Columbia Basin Distinct Population Segment of the Pygmy Rabbit (Brachylagus idahoensis) as Endangered (RIN: 1080-AI17) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1338. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea keckii (Keck's checkermallow) (RIN: 1018-AG93) received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1339. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Two Larkspurs from Coastal Northern California (RIN: 1018-AG96) received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1340. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 030303A] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1341. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 15 [Docket No. 030108004-3044-02; ID 010303B] (RIN: 0648-AQ28) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1342. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-2307-01; I.D. 021903A] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1343. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 021212307-2307-01; I.D. 021303C] received March March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants Under the Immigration and Nationality Act, as Amended — Immediate Relatives (RIN: 1400-AB38) received March 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1345. A letter from the Senior Rulemaking Analyst, Office of the Chief Counsel, TSA, Department of Transportation, transmitting the Department's final rule — Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier [Docket No. TSA-2003-14421] (RIN: 2110-AA18) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1346. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1347. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials [FHWA Docket No. FHWA-99-6190] (RIN: 2125-AE67) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1348. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Grand Lake, LA [CGD08-03-003] (RIN: 2115-AE47) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1349. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [FHWA Docket No. FHWA-99-5933] (FHWA RIN: 2125-AE95; FTA RIN: 2132-AA75) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1350. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Boeing and McDonnell Douglas Transport Category Airplanes [Docket No. 2002-NM-43-AD; Amendment 39-13039; AD 2003-03-15] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1351. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 1 A2, 1 C, 1 C1, 1 C2, 1 D, 1 D1, 1 E2, 1 K, 1 K1, 1 S, 1 S1 and Arriel 2 B, 2 B1, 2 C, 2 C1, 2 S1 Series Turboshaft Engines [Docket No. 2001-NE-06-AD; Amendment 39-13036; AD 2003-03-12] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1352. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes [Docket No. 2002-NM-307-AD; Amendment 39-13025; AD 2003-03-01] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Shaw AFB, SC [Airspace Docket No. 02-ASO-27] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; SFAR 94 [Docket No. FAA-2002-11580; SFAR 94] (RIN: 2120-AH62) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lock Haven, Pa [Docket No. FAA-2002-13996; Airspace Docket No. 02-AEA-21] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules; Flight Restrictions in the Vicinity of Niagara Falls [Docket No. FAA-2002-13235; Amendment Nos. 91-273 and 93-82] (RIN: 2120-AH57) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30356; Amdt. No. 3046] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; White Plains, NY [Docket No. FAA-2002-13997; Airspace Docket No. 02-AEA-20] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30352; Amdt. No. 3043] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30353; Amdt. No. 3044] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30349; Amdt. No. 3040] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30355; Amdt. No. 3045] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Ulysses, Ks [Airspace Docket No. 02-ACE-11] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB-135 AND -145 Series Airplanes [Docket No. 2002-NM-326-AD; Amendment 39-13048; AD 2003-03-23] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1365. A letter from the Assistant Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD05-03-007] (RIN:2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-316-AD; Amendment 39-13044; AD 2003-03-19] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2003-NM-20-AD; Amendment 39-13041; AD 2003-02-51](RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Series Airplanes Equipped with Pratt & Whitney Model PW4164, PW4168, or PW4168A Engines [Docket No. 2002-NM-102-AD; Amendment 39-13040; AD 2003-03-16] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1369. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation [WH-FRL-7470-2] (RIN: 2040-AD84) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1370. A letter from the Deputy General Counsel, VHA, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Deim Program (RIN: 2900-AL30) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1371. A letter from the Deputy General Counsel, Department of Justice, transmitting the Department's final rule — Screening of Aliens and Other Designated Individuals Seeking Flight Training [OAG 104; AG Order No. 2656-2003] (RIN: 1105-AA80) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1372. A letter from the Chief, Regulations Branch, Customs Service, Department of Treasury, transmitting the Department's final rule — Rules of Origin for Textile and Apparel Products [T.D. 03-08] (RIN: 1515-AC80) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1373. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Notice 2003-9] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1374. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules for Certain Reserves [Rev. Rul. 2003-24] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1375. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Forms and Instructions [Rev. Proc. 2003-9] received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1376. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2003-26] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1377. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Suspension of Losses on Certain Stock Dispositions [TD 9048] (RIN: 1545-BB95) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1378. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Shelter Regulations [TD 9046] (RIN: 1545-AX81; 1545-BB49; 1545-BB50; 1545-BB48; 1545-BB53; 1545-BB51; 1545-BB52; 1545-AW26; 1545-AX79) received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1379. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Changes in the Retirement Age (RIN: 0960-AE03) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; with an amendment (Rept. 108-46). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1104. A bill to prevent child abduction, and for other purposes; with an amendment (Rept. 108–47 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure and Education and the Workforce discharged from further consideration. H.R. 1104 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1104. Referral to the Committees on Transportation and Infrastructure and Education and the Workforce extended for a period ending not later than March 24, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Ms. SLAUGHTER (for herself, Mr. Tauzin, and Mr. Dingell) introduced a concurrent resolution (H. Con. Res. 110) recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day; which was referred to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Chocola and Mr. Pearce.

H.R. 20: Mr. McNulty, Ms. Baldwin, Mr. Mario Diaz-Balart of Florida, Mr. Moran of Virginia, Mr. Baca, and Ms. Slaughter.

H.R. 243: Mr. Calvert, Mr. Dreier, Mr. Filner, and Mr. Cox.

H.R. 290: Mr. Foley.

H.R. 296: Mr. Nadler.

H.R. 362: Mr. Berry.

H.R. 623: Mr. Gonzalez and Mr. Hinchey.

H.R. 677: Mr. Rush.

H.R. 742: Mr. Porter, Mr. Lampson, Mr. Matheson, Mr. Platts, Mr. Olver, Mr. Goodlatte, Mr. Murphy, Mr. Hastings, of Florida, and Mr. Peterson of Minnesota.

H.R. 800: Mr. Gingrey.

H.R. 821: Mrs. Lowey.

H.R. 854: Mr. Hastings of Florida.

H.R. 857: Mr. Ryan of Ohio.

H.R. 1052: Mr. Platts and Mr. Matheson.

H.R. 1154: Mr. Wamp.

H.R. 1165: Ms. Carson of Indiana.

H.R. 1374: Mr. Taylor of Mississippi.

H.J. Res. 4: Mr. Hostettler, Mr. Quinn, Mr. Hefley, and Mrs Kelly.

H.J. Res. 37: Mr. Van Hollen, Mr. Miller of North Carolina, and Mr. Michaud.

H. Con. Res. 49: Mr. Levin, Mr. Ryan of Ohio, Ms. McCollum, Mr. Vitter, Mr. Green of Wisconsin, Mr. Cummings, Ms. Baldwin, Mr. Israel, Mr. Reyes, Mr. Baca, and Mr. Nadler.

H. Con. Res. 50: Mr. Davis of Tennessee and Mr. Lewis of Kentucky.

SENATE—*Monday, March 24, 2003*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Eternal God, we come before Thee in dangerous times. Many are anxious and fearful as the lives of our Nation's forces and their allies are in harm's way, opposing an evil and oppressive regime. We pray for swift victory and a safe return. We know that the one certainty of war is sacrifice. And yet there is the haunting thought that if nothing is worth fighting and dying for, then evil goes unchallenged, cruelty unthwarted, and oppression unchecked. What then is worth living for?

We pray for courage and inner strength for those young men and women, who, on their country's behalf, offer a forceful, yet vulnerable presence to compel a malevolent dictator's overthrow.

Lord, we live in a day when the foundations of truth and goodness have been despised and denigrated and lives are built on hedonism, cynicism, and relativism. Yet these are sand, and after life's quaking storms only the things which cannot be shaken remain.

O God, let good be brought out of evil as people realize that freedom is a luxury, denied for most of history to most of humanity. Thus, may our gratitude for our own freedom be shown by never taking it for granted or using it wantonly, forgetting its cost in sacrifice, past and present.

May these Senators, as guardians of this precious freedom, be its sharers with others, as blessed by Thee. And may they use their position of power for a lasting purpose that benefits this fair land and far beyond. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BENNETT). The acting majority leader is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will be in a period of morning business throughout the afternoon. As announced by the majority leader, there will be no rollcall votes today. On Tuesday at 9:30 a.m., the Senate will begin a series of votes in relation to amendments to the budget resolution. Again, Senators are reminded to remain in or close to the Chamber throughout this period to avoid missing any of the scheduled rollcall votes. Under the previous agreement, the Senate will vote on final passage of the budget resolution at 4 p.m. on Wednesday. Tuesday and Wednesday will be busy voting days, and we ask for the cooperation of all Members.

The PRESIDING OFFICER. The distinguished assistant minority leader.

Mr. REID. Senator CONRAD, with Senator DASCHLE, worked all weekend in narrowing down the amendments. Senator CONRAD is in the present position of giving 20 of the 40 amendments to Senator NICKLES within the next few minutes, and at 4 p.m. the other amendments will be submitted to Senator NICKLES.

We recognize tomorrow could be a very difficult, long day, starting at 9:30. This agreement we made is in the best interests of everyone, and I am hopeful we can work that out.

Following the statement of the Senator from Maine, Ms. COLLINS, I ask consent that Senator KENNEDY be recognized to speak for up to 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5 p.m., with time to be equally divided between the leaders or their designees.

SUPPORT FOR OUR TROOPS

Ms. COLLINS. Mr. President, I rise today to express my strong and unconditional support for our troops in Iraq. As the war continues to progress, I have every confidence in their capabilities, their courage, and their commitment. The passage by unanimous vote last week of a resolution in support of our troops sent a message to all the world that Congress is united behind our men and women in the gulf.

I have also come to express my sincere condolences to the families of those brave individuals who have already made the ultimate sacrifice in service to our Nation. Last Friday, I learned that my State of Maine had suffered two losses early in the fighting, two marines with ties to the State of Maine: CPT Jay Aubin and CPL Brian Kennedy were among those killed when their helicopter crashed in the Kuwaiti desert. Captain Aubin grew up in Skowhegan, ME, and his parents, Thomas Aubin and Nancy Chamberlain, live in our State still. Corporal Kennedy's mother lives in Port Clyde, ME. No words can express fully my sorrow over their loss and my thanks for the service of their sons. Their brave sacrifice will never be forgotten.

On many occasions in recent months, this institution has debated the threat posed by Saddam Hussein and Iraq's weapons of mass destruction. Individual Senators have had honest disagreements about the right course to take in confronting Saddam Hussein. Now that our troops are engaged in battle against the forces of Saddam Hussein, we must speak with one voice.

The outcome of this conflict is not in doubt. Our military is the best equipped with the best trained force in the world's history. As the representative from Maine on the Senate Armed Services Committee, it has been my privilege and honor to work side by side with our military leaders to ensure this is the case.

If there is any message we could continue to send to the Members of the Iraqi military, it would be to express the ultimate futility of their continued resistance. The President has made clear, we come not as conquerors but as liberators.

War is a harsh, painful, brutal reality even when the goals are noble, even when the goals are security and freedom. As we have already seen, there is very little certainty in combat. In the fog of war, there are innumerable factors that might affect the course of battle. We often receive conflicting reports, confusing media accounts, and distorted descriptions of the battlefield. But one thing should never be in doubt, one thing is unmistakable: Our troops will prevail, and they will receive whatever support they need to bring this conflict to a successful end as rapidly as possible.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I express my gratitude to the families of the young men and women currently in harm's way who have been left behind. They truly carry a heavy burden, and they deserve the respect, the thanks, and the admiration of every American. As we have seen so painfully over the weekend, victory will not come without cost. While our military leaders will continue to do everything they can to minimize the danger that our troops will face, there is still much risk and much danger.

To the wives, the husbands, the parents, and the children of troops, thank you for your bravery, your strength, and your patriotism. Thank you for your love of country.

When I first came to the Senate over 6 years ago, I would not have imagined this moment. We lived in a different world then. But today, as our troops engage in battle, let us all show our unwavering support for our troops, thank them for their service, and express our heartfelt hope for their safe return.

FEDERAL SUPPORT FOR STATE AND LOCAL FIRST RESPONDERS

Ms. COLLINS. Mr. President, just as we stand behind our troops in Iraq, so must we also unite here at home behind our first responders as they protect our communities from the threat of a terrorist attack.

As the chairman of the Governmental Affairs Committee, I have made helping first responders one of my top priorities. Now that we have confirmed Secretary Tom Ridge and helped to get the new Department of Homeland Security up and running, it is time to turn to strengthening the new Department's partnership with State and local governments and the first responders who protect our homeland.

On March 1, our home security structure began to come into place as Secretary Ridge incorporated nearly two dozen agencies into the new Department of Homeland Security. While this new framework will provide much needed focus to tackling the threat of a terrorist attack, we must also provide the resources to our communities and their police, firefighters, and emergency medical personnel who stand ready to respond to a crisis.

Just as they stand by to protect our citizens, our first responders deserve a government that stands by them.

In a recent conversation with Secretary Ridge, we discussed the fact that if disaster does strike, if there is another terrorist attack, it is our first responders, not some official from Washington, who would be on the front lines. I plan on holding a series of hearings and introducing legislation streamlining and strengthening Federal support for State and local homeland security efforts.

We must continue to combat terrorism at every stage. The war on terrorism has already yielded some very significant victories. The fall of the Taliban has denied al-Qaida its most important sanctuary. The capture of several high-ranking al-Qaida operatives has also pushed us forward in our quest to end terrorist attacks. Working with foreign governments, we have disrupted much of the al-Qaida network.

But we know that terrorist cells continue to operate around the world, and the threat in the United States remains high. The threat remains very real as terrorists still plot to attack our Nation.

Just as we must continue to attack the threats at their sources, we must also strengthen our ability to detect, prevent, deter, and respond to a terrorist attack.

Recently, I met with some 40 officials from communities around the State of Maine. I have also spoken with police officers, firefighters, and emergency medical staff personnel. They have all expressed concerns about navigating the maze of Federal homeland security funding.

I met recently with Maine's Adjutant General, GEN Joe Tinkham, who talked to me about the tangled web of some 40 Federal Agencies and Departments that have a role in combating terrorism and in funding local homeland security efforts. He told me that, while underfunded, in some ways the previous system worked better for the State of Maine because there was much more flexibility. Now he finds that certain money is set aside that can only be used for equipment purchases, when what is needed is joint training to learn to use that equipment effectively in some communities.

The new Department of Homeland Security will address many of these concerns by helping to streamline and coordinate programs formerly administered by a number of different agencies. But we must follow up on these efforts to help the new Department enhance its efforts to fund first responders.

I have received a lot of advice on this issue from Maine's firefighters, police officers, and State and local officials. They have suggested a new partnership with the Department of Homeland Security that gives them the flexibility they need to meet whatever is the need for homeland security at the local level.

Last year, we put a downpayment on the needs of our communities. The increased funding of programs, such as the FIRE Act, and those within the Office of Domestic Preparedness, are important steps forward in providing the necessary resources.

But we must build on this success and provide a stronger framework. First responders' needs are as diverse as the States and the communities they protect. Our grant programs and other assistance must be flexible enough to reflect this diversity. But, unfortunately, that is not the case under the current approach.

Maine's first responders and local governments have told me their needs range from communications equipment to personnel to more effective training. Mainers, and others beyond the beltway, do not just have needs; they also have tremendously creative and effective ideas that can be channeled into the new coordinated community-based homeland security strategy.

Over the coming weeks, I will be holding hearings in the Committee on Governmental Affairs to begin to build a consensus for legislation helping homeland security transition many of its important grant programs into their new directorates. I plan to call on States, communities, and, most importantly, our first responders who stand on the front lines to learn how we can better meet their needs.

Listening to the ideas and needs of our communities and first responders will be the most effective way of developing legislation to make sure our homeland security dollars go as far as possible. We want legislation that will help provide the right resources to the right people.

Our President and Secretary Ridge have shown tremendous leadership in focusing the new Department's efforts, not only in developing a national strategy but in focusing its efforts outside Washington.

Congress must shift its homeland security focus from Washington to our borders, our shorelines, and our communities. I look forward to continuing to work with communities across Maine and around the country so that we can build a better and stronger homeland security partnership in the months and years ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

A FAILING BUDGET

Mr. KENNEDY. Mr. President, as was pointed out in the initial remarks of my friend and colleague from the State of Maine, we will have intensive consideration of the budget starting early tomorrow morning, and then concluding late Wednesday afternoon. And we are going to do so with very strict time constraints.

I want to be able to express my views on this legislation in terms of where I think we are in the consideration of the budget, and my concerns for where I think we will end up on Wednesday evening at the time of our vote. This is an enormously important matter that is before the Congress.

All of our thoughts and prayers and focus are outside this Chamber now, and with the brave men and women in our Armed Forces overseas. I think all of us are following this closely and have shared in the positive outcomes that many of those in the Armed Forces have experienced. And we have also felt the shattering sense of loss that has been experienced by many of the families, when we have seen the difficulties and the tragedies which have developed over this period of time.

Nonetheless, our work must go on. It is important, as we think about the extraordinarily brave men and women abroad, that we think about what this budget should really be all about. It seems to me the best way we can show appreciation for those service men and women and their sacrifice and their valor is to live up to the ideals they are fighting for so bravely. The budget, to a very important extent, reflect our priorities as a nation and that is what I want to address this afternoon.

As we all sat in this Senate chamber last week, casting votes on budget amendments hour after hour, it was striking how detached the proceedings were from the real concerns of the American people. While they were concentrating intently on every detail of the unfolding war in Iraq, the Senate was considering a budget that our Republican colleagues had proposed without any funding whatsoever for the enormous cost of the war and the potentially even more enormous cost of its aftermath.

Tomorrow, the President will send to Congress a request for additional funds to cover the initial costs of war in Iraq. There is no doubt that all of us in Congress will want to provide that support to our troops as quickly as possible.

As we watched events unfold on our television screens in recent days, it became clearer than ever that more needs will arise because of the war—both in the short term and the long term. We deserve a budget that does not squander the treasury in time of war. We need a budget that provides for our troops and meets our priorities at home.

In this time of national unity, we owe it to our troops and to all Americans to make this the best America we can be. That is patriotism at its best—to support our men and women abroad, and to fight at home for the values they represent—for a strong and secure America, for a strong economy, for equality and opportunity for all, for better jobs and better schools and better health care.

Mr. President, $1.6 trillion in new tax breaks for the wealthy will not win this war. It will not help laid off workers and their families. It will not strengthen our schools or provide prescription drugs for our seniors. It is as though this budget had been drafted in a sound-proofed room, so that the sounds of war and the voices of the American people could not be heard. On the opposite side of the Capitol, the House of Representatives has already passed an even more extreme Republican budget, slashing hundreds of billions of dollars from urgent domestic priorities, including some for which even the Bush administration had requested support. Any objective observer of Capitol Hill can quickly see how out of touch this Congress has become.

A time of war should be a time of national unity—of Americans pulling together and sharing the burdens fairly. The people's elected representatives should reinforce this national spirit with leadership that says we are all in this together, that we are here to help one another. As we confront the grave threats of terrorism and war, it is particularly important to build a broad national consensus at home based on our shared values. Many of us have become deeply concerned in recent years that our policies are moving farther and farther away from these shared national values. Increasingly, major decision about how America should be governed are being made by a narrow partisan majority in Congress with utter disdain for the basic needs of the overwhelming majority of our people.

This Republican budget says it all. The last thing that America needs in this time of war is policies that divide us—which concentrate so much of the Nation's resources in the hands of the wealthiest few, while ignoring the needs of tens of millions of hard-working families. Especially at this moment when we are sending young American men and women into harm's way to defend our highest ideals, we in Congress have a responsibility to support policies which keep faith with those ideals.

It is bad enough that the Republican budget fails to meet that challenge. It is even worse that the narrow Republican majorities in the Senate and House are bent on rushing the budget through Congress quickly, while public attention is preoccupied with the war. If it ever passes, this budget will be part of the collateral damage caused by the war, haunting us for years to come.

It is astonishing that our Senate Republican colleagues who protested so loudly about the failure of Senate Democrats to produce a budget last year are themselves proposing such an atrocious budget this year. Passing no budget would be better than passing this irresponsible budget. The worst thing would be to lock in these bad policy choices for years to come.

We recognize that it will take no small amount of political courage four enough of our Republican colleagues to join us in voting down this budget. Hopefully, it will happen.

The time is past for debate about whether we should go to war with Iraq. Now that our troops are engaged in battle, we all join together in praying for their safety and for a quick and successful end to the conflict.

We need a budget which honestly addresses the cost of the war and the future rebuilding of Iraq. At a time when our troops in the field are being asked to make great sacrifices, the least that this Congress owes them is to be honest about the burden we are undertaking in Iraq.

Even if the war ends quickly and successfully, the rebuilding of Iraq will be a lengthy and costly process that will make this budget obsolete on the day it is passed. The Feingold Amendment was a first step to address the cost of the war for the next few months, but Republican leaders boasted that they would remove the amendment from the final bill. The Nation's budget must not be turned into a vehicle for such gross political deception—for concealing costs rather than setting sound priorities. This is a time of high national purpose for America. It should be no less on the floor of the Senate.

We need a budget which will also strengthen America at home. When our troops return, we want them to come home to a strong economy and secure jobs. We want them to come home to better schools for their children, not schools facing drastic budget cuts, fewer teachers and overcrowded classrooms. We want them to be able to afford health care and health insurance for their families.

This budget fails all of these tests. It rejects the measures needed to restore the economy and to deal with layoffs and rising unemployment. Instead, it embraces rigid right-wing policies that have not worked and will not work and do not distribute the burden fairly. In 2001, President Bush pushed $1.3 trillion in tax cuts through Congress that disproportionately benefit the wealthiest taxpayers. Now, the Administration is seeking an additional $1.6 trillion in tax cuts that are even more heavily slanted toward the rich. That is not the solution to the problems facing America's families. It is a strategy that will only add to their problems.

The impact of these new tax breaks is clear from the Administration's own budget. When the White House says "no" to obviously needed spending on urgent domestic priorities such as education and health care, it says the war on terrorism requires us all to tighten our belts. But the belts will be tightened mainly on low and middle income individuals and families. The wealthiest Americans are not asked to tighten their belts at all. Just the opposite—they would receive major new tax breaks.

As a result of the Republican tax plan enacted 2 years ago, the wealthiest 1 percent of taxpayers will each save an average of $50,000 a year. Now the administration wants to give each of them even more—an additional $25,000 a year.

Under the administration's so-called "economic growth" package, households with annual incomes over $1 million will receive an average tax cut of nearly $90,000 each year. In contrast, households in the middle of the income spectrum will receive an average of less than $300 a year in tax benefits.

It cannot be wartime for other Americans, but still peacetime for the rich. One of America's most basic values is that the country's burden must be fairly shared.

We know that the problems facing working families have grown steadily worse since this administration took office in January 2001. Certainly, the White House policies are not the sole cause of the economic downturn we have witnessed in the last 2 years. The stock market began its decline before the President took office, and so did the recession. The economic shock caused by the September 11 attacks was beyond the administration's control. Fear of the war has been hanging heavily over the economy.

But the response of the administration to these economic challenges has been ineffective. The administration's one-track-minded commitment to massive new tax breaks for the wealthy as the cure for every economic ailment has made a bad situation even worse. The administration has ignored remedies that would provide a significant short term stimulus, while undermining our long-term economic strength. As a result, the economy continues to stagnate, and the number of families facing serious hardship continues to grown.

Huge numbers of working men and women have lost their jobs. As layoffs mount, millions of others live in fear of being the next to be let go. Two and a half million fewer private sector jobs exist in America today than existed just 2 years ago. Men and women across the country looking for a job are finding it increasingly difficult to obtain one. The number of long-term unemployed workers has almost tripled since the administration took office. This is the first administration in 50 years to preside over a net loss of private sector jobs.

In the face of these serious problems, it is cruel and unconscionable that Republicans leap to support extravagant tax breaks for the wealthy, yet refuse to support a reasonable extension and expansion of unemployment benefits. They continue to oppose obviously needed and obviously urgent assistance for millions of workers facing long-term unemployment and hundreds of thousands of part-time and low-wage workers who receive no benefits under current law.

Affordable health insurance should be another high priority. Yet it is becoming less and less affordable for large numbers of families. Over two million more Americans are without health insurance today compared to 2 years ago. One in ten small businesses which offered their employees health insurance in 2000 no longer do so now. The average cost of health insurance is soaring at double digit rates—up by 11 percent in 2001 and another 12.7 percent in 2002—nearly four times the rate of inflation. The health care vise on working families is becoming tighter and tighter every year.

Our public schools are facing budget cuts rights and left. The administration's words are that no child should be left behind, but the deeds in this budget leave over six million students behind, without the help they need to get a good education.

The cost of college is rising beyond the reach of more and more families. The gap between college tuition and the tuition assistance provided by the Federal Government has grown by $1,900 in the first 2 years of the Bush Administration. As a result, the number of able students denied the chance to go to college is growing each year.

For millions of families, their retirement savings have seriously eroded in the last 2 years. Savings in 401(k) plans and other similar plans has plunged by $473 billion in the last 2 years. Individual retirement accounts dropped by $229 billion in 2001. The 2002 data are not available yet, but given the poor performance of the stock market, another steep decline is certain. Many middle-aged workers who thought their retirements were safe are suddenly being forced to stay in the workforce longer and reduce their standard of living in retirement.

These are the realities American families face today.

In this situation, the most irresponsible action Congress can take would be to accept the proposal of the administration to enact massive new permanent tax cuts.

We cannot afford the loss of an additional $1.6 trillion from the Treasury. Temporary tax cuts to stimulate the economy are affordable, but the administration's large permanent new tax breaks are not. If that plan is adopted, the Federal Government will not have the resources to meet urgent domestic needs in education, in health care, and in homeland security. It will be virtually impossible to keep the Nation's commitment to Social Security and Medicare.

The administration is misusing the recession to justify major new permanent tax breaks for the wealthy. Exempting dividends from taxes will take $400 billion out of the Treasury over the next 10 years. Half of that enormous amount—$200 billion—will go directly into the pockets of the richest 1 percent of taxpayers, who are not exactly the ones struggling to makes ends meet in this faltering economy. Eighty percent of taxpayers will receive little or nothing from the dividend proposal. To use the need for an immediate economic stimulus as an excuse to enact costly new permanent tax breaks for the wealthy is cynical trickle-down economics at its worst. The American people deserve better from the White House.

The administration obviously does not want to discuss why its tax breaks are targeted so heavily to the wealthiest. Its typical response is to shout "class warfare." That's nonsense. It's not our description of the White House plan that constitutes class warfare. A tax plan which gives the wealthiest 10 percent of Americans more in tax breaks than the total given to the other 90 percent is the real class warfare.

Clearly, the Nation cannot afford all of these tax breaks. Cuts of this magnitude will condemn us to escalating deficits that will weaken the economy and make it impossible to meet our long-term commitments to Social Security and Medicare.

Instead of reducing tax rates on the top income brackets in future years and repealing the estate tax, we should freeze those rates at their current levels and retain the tax on estates over $4 million. We should not enact any new permanent tax breaks for the wealthy, when we are so clearly failing to address so many of our most urgent national needs.

For the cost of reducing the tax rate on the top income brackets, we could provide the additional funds needed to keep the promise made in the "No Child Left Behind" education reform act and keep it for a decade.

For the cost of permanently repealing the estate tax on the super-wealthy, we could help to ensure that Social Security has the resources needed to keep the promise of a secure retirement for future generations.

For the cost of President Bush's newly proposed $726 billion package of additional tax breaks tilted to the wealthiest taxpayers, we could fully fund a generous program of prescription drug assistance for senior citizens under Medicare, and extend health insurance to millions of uninsured families.

We know which of these choices will make our country stronger and help us meet the challenges of the future. A craven decision to give more and more tax breaks to the richest among us is a decision to ignore America's greatest needs.

Now more than ever is the time for Congress to bring the Nation's policies into line with the Nation's values. The courage of our forces fighting in Iraq and the courage of our fellow citizens who responded to the terrorist attacks on 9/11 should inspire us all. In the time of great national purpose for America, Congress must respond.

Consider what we can accomplish if our policies are brought into line with our national values. The American people want us to measure success by people helped and problems solved. They want policies that are worthy of a great and generous people in this new century.

Providing every child with a good education from the early years through college that will enable them to reach their full potential would be consistent with our most basic values. Yet, today, far too many children are denied that opportunity. The children of working families, who need help the most, often receive the least when it comes to education. The administration's budget leaves six million—six million—children behind. It would actually reduce funds for after-school activities for more than half a million students. How can President Bush abandon his unequivocal promise of full funding for the school reforms required by the No Child Left Behind Act? That legislation was signed into law with great fanfare by the President a year ago. But when the klieg lights go out and the bunting comes down and the cameras leave, the money isn't there. The Republican budget before us provides $8.9 billion less than we promised America's children a year ago. This budget has the wrong priorities and it should not be enacted.

In the past, Democrats and Republicans in Congress have worked together to reject the administration's anti-education budgets. By a substantial bipartisan majority, we have increased the funds for education. We should do the same this year. Congress must—even if the administration won't—live up to our promise to leave no child behind.

At the same time, we have to provide more college students with financial aid to meet rising tuition costs. The gap between the cost of college tuition and the level of tuition assistance has grown by $1,900 since President Bush took office. We took a step toward narrowing the gap last Friday by agreeing to increase Pell Grants. We must make certain that the increase remains in the final budget.

Just as Social Security is a promise to senior citizens, we should make "Education Security" a promise to every young American. If you work hard, if you finish high school, if you are admitted to college, we should guarantee that you can afford the cost of the four years it takes to earn a degree.

We will fight to make the dream of a college education a reality for all. We will fight this month, this year, and we will not stop, because the fight is for America's future.

We must do the same for health care. Every American family is facing some aspect of the worsening health care crisis we face today. Health care costs are skyrocketing. Families with insurance are facing more and more increases in their insurance premiums, for fewer and fewer benefits. The number of Americans without any insurance at all is unacceptably high and rapidly rising. No family with insurance today can be sure that it will be there for them tomorrow if serious illness strikes. For senior citizens, the 40-year old promise of good health care under Medicare is now being broken every day, because Medicare does not cover prescription drugs.

In the face of this crisis, the administration proposed only a meager amount to help the uninsured, and Senate Republicans cut even that small amount nearly in half.

In the face of this crisis, the Republican budget pays lip service to the needs of senior citizens for prescription drug coverage but fails to provide adequate resources to do the job. Even worse, they propose to dismantle Medicare and force senior citizens into HMOs and other private insurance plans in order to obtain even the paltry drug benefit they are offering.

No senior citizens should be forced to give up the doctor they trust to get the prescription drugs they need. No budget accepted by this Congress should put tax breaks for the rich ahead of health care for senior citizens and their families.

The Republican plan for Medicaid is equally unacceptable. It would victimize 46 million of the neediest and most dependent of our fellow Americans. The administration is proposing the same type of destructive block grants for Medicaid that the Gingrich Congress failed to enact almost a decade ago. The Republican block grant plan would leave millions of innocent victims in its wake—sick and needy children and their parents, the disabled, and the low-income elderly.

The GOP plan for block grants to States would abolish the Federal Child Health Insurance Program, which now gives over 5 million children the chance for a healthy start in life. Millions of senior citizens would no longer be able to count on Federal nursing home standards to protect them if they are unable to continue to live in their own homes. Spouses of senior citizens who need nursing care would no longer be guaranteed even a minimum amount of income and savings on which to live.

States need fiscal relief now, so that they can respond to the human and financial devastation that the current recession is causing to State budgets, and especially to State Medicaid plans. The demands on Medicaid are greater than ever for States, as more families lose their jobs and turn to Medicaid for health care. But instead of offering real help, the GOP budget offers the fool's gold of State Medicaid "flexibility." Instead of the funds that States need to protect the Medicaid safety net, the Republican budget offers only a license to States to shred it.

Finally, small in cost but large in symbolism is the failure of this budget to address the immediate needs of the unemployed. That failure vividly illustrates how far this budget strays from our values.

How can a budget deny unemployment benefits to the long-term unemployed at the same time it offers $1.3 trillion in additional tax cuts disproportionately benefiting the wealthiest taxpayers?

More then four million Americans will be unemployed with no federal benefits after June 1 under current law. These men and women have worked hard for years, paid into the unemployment fund, and now find themselves without a job through no fault of their own. They are victims of the stagnant economy, and the economic news is not getting any better. Another 308,000 workers lost their jobs last month. New jobs are scarce. On average, there are three unemployed workers lined up for each job opening. The administration's own budget estimate acknowledges that unemployment will stay at its current high level for the rest of the year.

Where is our concern for these four million workers? Where is our sense of fairness? How can anyone argue that we have $1.3 trillion for new tax breaks but do not have $16 billion to help the unemployed and their families?

It is disturbing that our Republican colleagues are considering such an irresponsible budget at this very moment when our forces are risking their very lives for us in Iraq. Our colleagues would be foolish to expect the shock and awe of the war to distract the American people for long from noticing what is transpiring now in the arcane pages of this budget. They can see that the choices this budget makes will make their lives more difficult. It would be wise to reject this budget, and try again to get it right.

If we take inspiration from the willingness of our troops to make great personal sacrifices for America, it can mark the beginning of a new era of common purpose—a return to unselfish policies which truly reflect America's values.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Mr. President, we are on the verge of completing action on the budget resolution for this year. The occupant of the chair knows well that tomorrow we will turn our attention to the final amendments. There will be 40 amendments in order on our side, some number on the other side, and we will complete action by 4 o'clock on Wednesday.

These are momentous decisions that have very important long-term implications. So I thought I would take a moment today to review where we are, where we are headed, and to propose an alternative I will be asking my colleagues to vote on tomorrow, so that we have a chance to describe in some detail what the elements of the Democratic alternative are to the budget being proposed from the other side.

Let me start by reviewing where we are and reminding colleagues that just 2 years ago we were told we had some $5.6 trillion in surpluses over the next decade. Now we know that if the President's tax and spending policies are adopted, instead of surpluses we will have $2.1 trillion of deficits over the next 10 years. That is especially important, given the fact that the baby boom generation is poised to retire in this 10-year period. In fact, the baby boomers start to retire in 2008. This is an extraordinary reversal that has occurred, $5.6 trillion in surpluses 2 years ago, $2.1 trillion in deficits now. That is a $7.7 trillion reversal.

Let's look at where the money went. This next chart shows where the money went. Obviously, some of it is because of the economic downturn, some of it is because of additional spending as a result of the attack on this country. The biggest reason for the disappearance of the surplus is the tax cuts that have been already passed and those that the President proposes. If you take those tax cuts and the associated interest costs, you see it is the biggest single reason for the disappearance of the surplus.

The second biggest reason is labeled here "other legislation." That is primarily spending—spending as a result of the increases for national defense and homeland security. That is where virtually all of the additional spending has gone.

The third biggest reason is technical changes, primarily lower revenues—revenues being lower than anticipated, not as a result of the tax cut but because the economic models incorrectly predicted what revenue would be for various levels of economic activity.

The smallest reason for the disappearance of the surplus is the economic downturn, although it has clearly played a role, at 9 percent.

I think what is most sobering about where we are and where we are headed is this chart from the President's own budget. This is from page 43 of his analytical perspectives. It takes the long view. It looks from 2002, going out to 2050, if the President's policies are adopted, his tax cuts, his spending. What it shows is we never escape from deficit—never. And these are the good times; these deficits are the smallest as a percentage of our gross domestic product, even though they are record deficits in dollar terms. These are the largest deficits we have ever had in dollar terms.

This year, the deficit, not counting Social Security, will be over $500 billion on a $2.2 trillion budget. That is a very large deficit by any measure. But look at what happens if we adopt the President's plan. Those deficits get larger and larger and larger as we go forward because the cost of them explodes at the very time the cost of the Federal Government explodes and at the retirement of the baby boom generation.

Some are saying deficits don't really matter. Somehow, even people who, for their whole careers, believed deficits matter and that we ought to combat deficits are now saying, well, deficits don't really matter, that these are relatively small deficits in the percentage of GDP terms, and that we need not really worry about that.

Mr. President, I will say this. First of all, these are not small deficits: $500 billion deficit on a $2.2 trillion overall base is a deficit of over 25 percent. As a percentage of GDP, A $500 billion deficit on a GDP of $10.5 trillion is a deficit approaching 5 percent of GDP. That is in the range of the very large deficits we saw in the eighties.

Again, what I hope will be remembered is that these are deficits that are right on the verge of the retirement of the baby boom generation. That is when the cost to the Federal Government explodes. That is why these deficits are especially dangerous for the long-term economic security of the country.

For those who say deficits do not really matter, let's turn to Alan Greenspan who is the chairman of the Federal Reserve. He believes deficits matter. He said:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

This chart is especially important because it shows why this matters so much. This shows the moment in time we are in and why the previous chart from the President's analysis shows this could be the sweet spot. It is because the trust funds of Medicare and Social Security are right now producing hundreds of billions of dollars of surpluses. This year the Social Security trust fund alone will produce over a $160 billion surplus. That is the green bar on this chart. That is the Social Security trust fund. The blue bar, the smaller bar, is the Medicare trust fund. It is also producing surpluses, although substantially smaller than Social Security. One can see they are much larger in total than the tax cuts that are in place.

Look what happens in the next year. Then the size of the tax cuts almost equal the trust fund surpluses. That is true the rest of this decade. Then look what happens. As the trust funds start to go cash negative in the next decade, the cost of the tax cuts explode. Let's reality test. We are already in record deficits now, the biggest deficits in dollar terms we have ever had. We are already in record deficit land. The biggest deficit on a unified basis—that means when we put everything into the pot, all spending, all expenditures, all revenue—the biggest deficit we ever had before was under the previous President Bush, $290 billion—$290 billion.

This year the deficit on a unified basis is going to be over $400 billion. Remember, that does not count the $160 billion that is being taken from Social Security trust fund surpluses. Put those together and we are over $560 billion.

What is ominous about this is that as we go forward, when the trust funds turn cash negative, the cost of the President's tax cuts absolutely explodes, driving us right off the cliff, deeper and deeper deficits, deeper and deeper debt. That is going to present a future Congress and a future administration with extremely difficult choices.

Here is what the CBO Director, the Congressional Budget Office, put in place by our friends on the other side of the aisle. It was their choice for the Director of CBO. CBO is nonpartisan, but they had the opportunity to pick him because they were in the majority. This is what he said:

> Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We'll have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

That is what he is referring to there—only the beginning. This is going to get much more serious as the baby boom generation retires and as the cost of the President's tax cuts explode.

Some are saying: But this is a growth package, and we are going to grow out of this problem by more and more tax cuts. The so-called growth part of the President's tax proposal costs $994 billion. The $726 billion that is advertised in the newspapers forgets about the associated interest costs. If you reduce your revenue or increase your spending, that adds to your interest cost. When you take the whole cost together, it is $994 billion in this 10-year period, but the first year stimulus is only $40 billion. The President only has

4 percent of his package in the year in which we know we need lift to the economy. We know we need stimulus. He is only providing 4 percent of his package in that year. It does not make much sense really if we are trying to get the economy moving again and yet not add in the long term to the deficits and debt that will make our future choices more difficult and more dangerous.

This is an analysis of what the President's plan does to economic growth. It was done by Macroeconomic Advisers. This firm is under contract to the White House to do their macroeconomic analysis. They are also under contract to our Congressional Budget Office. Here is what they say. They say that the President's plan crowds out investment and slows the economy after 2004. It is not a growth package at all. It is a package that will hurt growth, will retire growth, will reduce jobs, will reduce opportunity. Why? Because they have concluded the President's plan and the tax cuts in it are offset not by spending cuts but by borrowing the money. You cannot borrow your way to prosperity.

What happens because of the President's plan? We go deeper into deficit—remember, we are already in record deficit now. You cut revenue and you raise spending, which is the President's plan; you go deeper into deficit. You go deeper into deficit and you reduce the pool of societal savings. That reduces the pool of funds that is necessary for investment. Less investment, less growth, that is their conclusion. But it is not just their conclusion.

We also have an analysis by Economy.com, Mark Zandi, the noted economist there, on the economic impact of the President's plan, comparing it to the plan the Democrats have offered.

What they concluded is the plan offered by the Democrats is about twice as strong, is about twice as stimulative as the President's plan. In 2003, the President's plan would increase growth by four-tenths of 1 percent; the Democrats' plan by seven-tenths of 1 percent, almost twice as much. In 2004, the President's plan would increase growth by half of 1 percent; the Democrats' plan by nine-tenths of 1 percent. But I think the most interesting conclusion is the conclusion for the entire 10-year period. He has concluded that the President's plan actually hurts economic growth for the 10-year period. From 2003 to 2013, he finds that the President's plan is negative.

Why? Well, he says because of this crowding-out effect. Because the President's plan creates more deficits. That means more borrowing; that means the Federal Government is in competition with the private sector to borrow money; that drives up interest rates. When interest rates go up, economic growth goes down. That is the fundamental problem with the President's plan.

Again, it is not just Chairman Greenspan. It is not just macroeconomic advisers. It is not just economy.com. Two hundred fifty of the most prominent CEOs in America, who head the Committee for Economic Development, came out 2 weeks ago with a detailed report that found the following: No. 1, current budget projections seriously understate the problem. In other words, the problem of deficits and growing debt is much bigger than has been acknowledged. No. 2, while slower economic growth has caused much of the immediate deterioration of the deficit, the deficits in later years reflect our tax and spending choices. No. 3, deficits do matter. No. 4, the aging of our population compounds the problem.

This is really a confirmation of everything I have been saying to my colleagues. Deficits do matter. Of course they matter, just like they matter to a family. A family cannot go out and spend more money than they have in income without it catching up to them at some point.

By the way, it does not happen right away. Just like to a family, one can run up those charge cards, spend more money than they have got coming in for awhile, but at some point it catches up to them. So, too, with nations, even great nations such as ours. We can spend more than we take in for awhile, but at some point the chickens come home to roost. We cannot have deficits that are growing as a percentage of our gross domestic product. That is what every economist will say. We cannot have deficits that grow consistently above the size of the growth of our economy, and that is the problem with the President's plan.

The deficits grow faster than the economy is growing—not just a little bit faster, a lot faster. That is what puts us in a very difficult circumstance.

Again, that is not just the opinion of the sources I have cited. From the Virginian-Pilot, Norfolk, VA, editorial:

> Our challenge is to allow Americans to keep more of their money, the President said in his speech Tuesday. That was a sound argument when the Nation was building up a surplus year after year. But our financial outlook has changed for the worse. There is no money left over to give us back.

Remember 2 years ago when the President had his plan for a big tax cut and he said, we are only giving back one out of every four surplus dollars. Remember, the surpluses are gone. There are no surpluses. Now all we see is deficits and red ink. There is no money to give back.

They continue:

> So the government will borrow billions to make good the President's IOU.
>
> Americans should be skeptical about the promise of something for nothing. It is your tax cuts but it is also your Social Security, health care, schools and roads. They all suffer when the government has to borrow to meet its daily expenses.

It is not just the newspaper in Norfolk, VA. The Deseret News, Salt Lake City, UT, says:

> Now is not the time to cut taxes. War is unpredictable. . . . A long protracted campaign that triggers counterattacks by terrorists and Iraqi sympathizers could be hugely expensive.

Boy, were they prescient because today we learned the President is going to come up this week and ask for another $75 billion for this year alone to wage the war in Iraq, not a dime of which is in the budget. None of that is in the budget.

> Coupled with giant tax cuts, it could send the budget deficit back into levels not seen in a decade or more, which would stifle growth and hamper investment.

Exactly the points I have been trying to make to our colleagues during this budget debate.

> Congress ought to put the President's tax plan on the shelf for awhile until it knows better how the men and women in uniform are going to be spending their year.

Let's look at the budget that has been proposed on the other side, because here is what we see: This year alone, the deficit will be somewhat less than the President has proposed, but still nearly $500 billion, and it never goes away. This is all red ink. This is all borrowed money. Not a single year is the deficit below $300 billion under the President's plan or under the plan that the Republicans are offering us in the Senate Chamber. It is truly stunning. Those are the biggest deficits we have ever seen.

It is not just deficits, but it is also the debt of the country. Two years ago, the President promised that under his plan he would virtually eliminate the debt by 2008. Well, we see that is no longer operative. If we enact the Senate GOP budget plan, the total debt of $6 trillion in 2002 will be $12 trillion in 2013, almost doubling in that period. Many of us think that would be a serious mistake.

This is what we see. This line across the chart at zero is baseline. That is if we do not change the revenue policy of the Federal Government, we do not change the spending policy of the Federal Government. That is the so-called baseline. If we adopt President Bush's budget, we can see $2.8 trillion of added debt during this period. The Senate GOP plan would add $2.2 trillion of debt. What is critical is that we are on the verge of the retirement of the baby boom generation. This is a time we ought to be paying down debt or prepaying liability. Instead, they are talking about dramatically expanding debt, either under the President's plan or the Senate GOP plan.

I am going to offer an alternative on behalf of Senate Democrats. These are the key elements of this plan: Instead of a $1.6 trillion tax cut, we will offer a tax cut much more modest, one that is at the front end to give stimulus to the economy, that would cost $61 billion. In terms of covering the costs of the Iraq war, there is no provision in the President's budget, no provision in the Senate Budget Committee's budget. We would provide the $80 billion the President calls for.

On homeland security, the President and the Senate budget are in the $22 billion to $26 billion range for the 10 years. We would provide $80 billion for homeland security, because we think it is necessary.

On a prescription drug benefit, both of them would provide $400 billion during this 10-year period. We would provide $594 billion for a fuller prescription drug benefit. Make no mistake, this is no Cadillac plan. To give the American people the plan that we as Members of Congress have over that period would cost not $594 billion but $1.8 trillion. To give the plan to the American people that our military has would cost $2.2 trillion over that same period. So it is important to understand that while we are putting more money into prescription drugs than the President's plan or the Senate Republican plan, it is a long way from being generous. As I have indicated, $594 billion is about one-third of the cost of giving the plan that all Federal employees have to the American people.

On education, there is no additional money for IDEA. That is the promise we made to States and local communities when we passed the Disabilities Act legislation for our schools. We said we would fund 40 percent of the costs. We only do half as much. To keep the promise to phase it in over 10 years costs $73 billion. We provide for it. Neither the President nor the Senate GOP plan does.

On transportation infrastructure, the President actually cuts $18 billion below the baseline, below level funding. The Senate GOP plan also cuts, but now it has been amended by a floor amendment, so they bump it up $27 billion. We would provide $71 billion over 10 years above the baseline. Why? Because, No. 1, it is stimulative. You start building roads and bridges. Those are good-paying jobs.

More than that, it increases the efficiency of our economy. If anyone doubts that, go to the Wilson Bridge tonight at 5:30 and see what is happening. Look at the people going nowhere. That has an economic cost to our society. Go out on Route 66 tonight and see what is happening there. Absolute gridlock. It is not just in the Washington metroplex, but all across America.

In my State of North Dakota, which is not heavily populated, we have a substantial part of our road and bridge network that needs repair. Many of the bridges in this country, something like 40 percent, are substandard. That will cost money to fix. If a bridge goes out, that creates lockjaw in the whole economic system of that area. That is something we ought to tend to.

There is no additional money in the President's budget or the Senate Republican budget for our Nation's veterans. We provide $13 billion over the baseline to say to our veterans: We honor what you do to defend this country, and we believe the promise that has been made to you on your health care and on your treatment ought to be kept. Virtually everyone knows the baseline budget for veterans is insufficient. We try to address that with those additions.

The difference in deficits? The President adds $2.1 trillion to deficits; $1.6 trillion under the Senate GOP plan as amended; ours is $863 billion. The difference between our plan and the President's plan is over $1.2 trillion. We have $1.2 trillion less in deficits than the President's plan. Our plan has $750 billion less in deficits than the plan proposed by the Republican majority.

The President's plan never balances the budget. The Senate Republican plan balances in 2012, perhaps 2013. We balance in 2011. That is a wiser course for America and what we should do.

I very much hope that our colleagues give close consideration to this alternative budget when we vote. I will put more descriptions and detail of our alternative into the CONGRESSIONAL RECORD so it is available to our colleagues, so when we vote tomorrow on this alternative, Members will have a chance to make their own judgment and to compare very directly what we have proposed, what the President has proposed, and what the Senate majority has proposed. I hope very much that our colleagues will take a close look at what we are suggesting: $1.2 trillion less in deficits than the President's plan; over $750 billion less in deficits than the majority has proposed.

Yet we have also tried to address the war cost, which is not included in either the President's budget or the budget from the majority in the Senate. We have tried to address keeping the Federal Government's promise to local subdivisions on education funding.

We have also tried to address the transportation gridlock in the country by providing more funds, and the health care needs of America, by some additional funding on prescription drugs. And, of course, the other difference, the additional funding for our Nation's veterans, something we believe is especially called for in this time when they are sacrificing so much, half a world away in the battle with Iraq. Again, a budget is about choices. That is what we are doing. We are making choices on behalf of the American people.

What is the future going to look like? I believe the budgets proposed by the President and the Republican majority are dangerous for this country. I believe that deeply. They are pushing us deeper and deeper into deficit and debt right on the eve of the retirement of the baby boom generation. The cost of the President's tax cuts explode at the very time the cost to the Government explodes because of the retirement of the baby boom generation.

Remember, we are already in record deficits, and the retirement of the baby boomers is not 20 years away, it is not 10 years away; the leading edge of the baby boom generation starts to retire in 5 years.

I believe we will be condemned in history for failing to face up to our responsibilities and our obligations if we do not recognize what is right over the horizon. That is not a part of the projection. That is a matter of simple fact. The baby boomers have been born. They are alive today and they are going to be eligible for Social Security and Medicare. We know exactly what is going to happen.

The cost to the Federal Government of having twice as many people eligible for Social Security and Medicare in the years ahead can only do one thing: It will drive up dramatically the cost of Social Security and Medicare. And at the very time those costs expand and explode, the cost of the President's tax cut will expand and explode and put this country in deep deficit, in deep debt, and fundamentally threaten the economic security of this country.

I fear some of our colleagues actually intend to shred the programs of Social Security and Medicare. I don't know what other plan they can have in mind. These details, these projections of the spending and revenue of the Federal Government are very clear.

Some have said, well, if the economy grows more strongly, won't that help? Yes, it will help. But understand that all of these numbers assume strong economic growth. They assume the kind of economic growth we have had in the past.

Let me also say some will look at the plan that I have provided and say, gee, Senator, you have some more spending than the Republican plan. Yes, I do. I pay for this war. I increase funding for homeland security. I increase funding for our veterans. I increase funding for education and prescription drugs—just in those areas. The rest of the budget and domestic affairs we hold to a 4-percent increase. That means other parts of the budget are actually having to be cut in order to provide for the priorities for education and prescription drugs. Other parts of the budget are having to be cut.

Let me show a final chart with the long-term spending of the Federal Government from 1981 through 2013. The peak of Federal spending as a percentage of gross domestic product occurred in the 1980s when we were at 23.5 percent of gross domestic product going to the Federal Government. That has come down markedly, to less than 20 percent. Now we have had a jump back up because of the increased defense spending and increased homeland security spending.

Look at the difference between my budget and the Senate GOP plan. There is very little difference. We wind up at 19.3 percent of gross domestic product under the plan I am proposing, down from 23.5 percent in the early 1980s; the Republican plan goes to 18.8 percent, a one-half of 1 percent difference. That one-half of 1 percent is important because it is a matter of priorities. It is a matter of choices.

The budget I am proposing puts in the $80 billion to fund this war in Iraq. Our friends on the other side do not have any money to fund the war.

No. 2, we provide additional funding for our Nation's veterans, $13 billion, not a lot of money over 10 years, but it is meaningful to them. It means we can keep promises we have made to them.

In the other major areas of difference, I have provided some additional funding for prescription drugs—again, a plan that is very modest compared to what Members of Congress and Federal employees have. I have also suggested additional funding for transportation because we need it. We need to improve the efficiency of our transportation system in this country.

Those are the choices that are going to be before our colleagues. The plan I have offered today is a plan that will produce, as I have indicated, $1.2 trillion less in deficits than the President's plan; over $750 billion less in deficits than the Senate GOP plan. That is important. That is critically important. I hope my colleagues will take a close look at this plan. I welcome their support. I urge them to give full consideration to it.

Finally, the other major difference is on education. The plan I have offered would move us toward keeping the promise we made to States and local jurisdictions all across America when we passed the IDEA act. We promised we would provide 40 percent of the funding. We are doing half of it. That is not good enough. When the Federal Government makes a promise, it ought to be kept.

Tomorrow, under the rules of the Senate, we will not have time to discuss these options. We will not have much time for debate at all. There will be a minute a side before the vote is called. But all of us will be held accountable for the choices we make tomorrow. They are choices not just for tomorrow and not just for this year, they are choices for the next decade.

There has rarely been a more important decade in terms of the choices being made. What we are about to see is something that has never happened in this country before, a circumstance where we have this baby boom generation that almost overnight is going to double the number of people eligible for our retirement programs in this country. Nobody will be able to say 10 years from now, when the crunch really hits, gee, we had no idea this was going to happen. Our colleagues are on notice. They know.

We have presented now, over and over, in great detail, where we are headed. The choice is ours to make. I hope we make it wisely.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

INDIAN HEALTH AMENDMENT TO THE BUDGET RESOLUTION

Mr. DASCHLE. Mr. President, through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaska Natives. Sadly, we haven't come close to honoring that commitment. Tomorrow, I intend to offer an amendment to the budget resolution to rectify this situation.

The IHS is the only source of health care for many Indians, and is required to provide that help and that support, yet funding has never been adequate.

The chronic underfunding has grown even worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

While per capita health care spending for the general U.S. population is about $4,400, the Indian Health Service spends only about $1,800 per person on individual health care services. The Government also spends considerably less on health care for Indians that it spends for Medicare beneficiaries, Medicaid recipients, and veterans.

This level of funding is woefully inadequate to meet the health care needs of Native Americans—who have a lower life expectancy than other Americans, and disproportionately suffer from a number of serious medical problems. Indians have higher rates of diabetes, heart disease, sudden infant death syndrome, and tuberculosis. There is also a great need for substance abuse and mental health services.

More funds are needed at the IHS to provide necessary health care services to Indians.

The current shortage of funds has startling and disturbing results. Native Americans are often denied care that most of us would take for granted and, in many cases, consider essential. They can be required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. As incredible as this may seem, many Indians and Alaska Natives seeking health care are subject to a literal "life or limb" test; that is unless their life is threatened or they risk losing a limb, their care is postponed. Others receive no care at all.

This rationing of care means that all too often Indians are forced to wait until their medical conditions become more serious—and more difficult and costly to treat—before they may have access to health care. This is a situation none of us would find acceptable. Yet today this is the reality in Indian country.

Last year, Gregg Bourland and Harold Frazier, then the chairman and vice chairman of the Cheyenne River Sioux Tribe, sent a letter to the IHS. This is how they describe the situation in Eagle Butte, SD:

> In January and February 2002, the Eagle Butte Service Unit on the Cheyenne River Sioux reservation has been swamped with children with Influenza A, RSV [Respiratory Syntactical Virus], and one fatal case of meningitis. There are only three doctors on duty, one Physician Assistant, and one Nurse Practitioner. The only pediatrician is the Clinical Director who will not see any patients, even though there is a serious need for the services of a pediatrician.
>
> Several of these children have presented with breathing problems, high fever, and severe vomiting. The average waiting time at the clinic has been four and six hours. The average time at the emergency room is similar. Most babies have been sent home without any testing to determine what they have and with nothing but cough syrup and Tylenol. In at least three cases, the baby was sent home after these long waits two or more times with cough syrup, only to be life-flighted soon thereafter because the child could not breathe.
>
> The children were all diagnosed by the non-IHS hospital with RSV [Respiratory Syntactical Virus]. No babies have died yet, but the Tribe sees no justification for waiting until this happens when these viruses are completely diagnosable and treatable.

It is absolutely unacceptable to put the lives of these children at risk. And we can do something to help. On more than one occasion, I have heard horror stories of pregnant mothers delivering children in circumstances that no expectant mother or child should have to endure.

For example, right now the service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian Health Service. The facility has a birthing room and 22 beds, but there are only two to three doctors to staff the clinic, hospital and emergency room. Naturally, as a result, many children and expectant mothers do not receive the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but, without ultrasound, that went undetected. The available medical staff didn't know what to do about his lowered heartbeat, abnormal urinalysis or the fact that his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre to see an obstetrician. Bryden was stillborn.

This tragic death was completely preventable, but tough choices are being made every day at IHS facilities throughout the country because there simply isn't enough money to provide the care that every American deserves.

The Pine Ridge Indian reservation in my State of South Dakota built a beautiful new hospital and health care center. In many ways, they are equipped to provide state-of-the-art, coordinated care. But they cannot retain healthcare professionals because of low payment schedules and inadequate training opportunities for local people.

Their shiny new labor and delivery rooms, surgery rooms and even dental chairs stand empty, and individuals on the reservation are forced to travel long distances to receive these vital services. This also is the case on the neighboring Rosebud Indian reservation.

But this is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with IHS. For example, the Lake Andes-Wagner ambulance district in southeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service.

This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents—Indian and non-Indian—do when they face an emergency?

Bennett County Hospital in the southwestern part of South Dakota is located between the Pine Ridge and Rosebud Indian reservations, and suffers similar IHS reimbursement problems, as do other non-IHS providers in South Dakota and throughout rural America.

From 1998 to 2001, the most recent year for which IHS has data, IHS contract denials have increased 75 percent.

In his budget request for the next fiscal year, the President requested only $1.99 billion for clinical services for Indians. This represents only a small increase over what the President requested for fiscal year 2003, and virtually no increase over what was finally included in the omnibus appropriations bill. We can and must do better.

The amendment I am proposing would increase funding for clinical services by $2.9 billion over the President's request for fiscal year 2004. It is the minimal amount that is necessary to provide basic health care to the current IHS user population. The full cost over the next 10 years would be $38.7 billion. The amendment also devotes an equal amount to deficit reduction, all offset by a corresponding decrease in the top tax rate reduction.

The amendment is cosponsored by Senators INOUYE, BINGAMAN, DORGAN, MURRAY, WYDEN, JOHNSON, LEAHY, CANTWELL, REID, KENNEDY, and LIEBERMAN. It is also supported by a wide range of health organizations, native and non-native.

This budget resolution is a test of this Nation's priorities. Some will say that it doesn't matter, that it is purely symbolic. But the whole point of the budget resolution is to establish an enforceable fiscal framework and make room in our budget for needs that we believe are worthy or our national attention.

I know there are some in this body who honestly believe that it is more important to accelerate huge tax cuts for our Nation's wealthiest citizens than to provide Native Americans the health care they have been promised but denied. Some defend that position by saying that someday, somehow, these Native Americans will benefit from the tax cuts extended to others, that the benefit will "trickle down" to them as well. It is their right to take that position, but they could not be more wrong.

A woman going into labor cannot wait for economic benefits to trickle down to her.

A child in respiratory distress cannot wait either. How is it possible that we can afford to delve deeper into debt to fund additional tax cuts for those doing relatively well in this country, but we cannot afford to dedicate a small fraction of that amount to fund the most basic health care services for some of the poorest people in America, today?

We must not tolerate this situation.

The problem is real; the solution is simple. Give the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 13, 2001 in Clarkston, GA. Four men cornered and assaulted a 22-year-old Sudanese man who was walking home late at night. The group of attackers stepped out in front of him and accused him of being involved in the terrorist attacks in New York. The men threatened, "You killed our people in New York. We want to kill you tonight." They shoved him against a wall and tried to stab him, slicing a hole in his shirt. Finally, when another Sudanese man rushed over to his friend's rescue, the four attackers fled.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO PAULETTE CAREY

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Paulette Carey who was selected as the Veterans of Foreign Wars; VFW, National Citizenship Education Teacher Award winner for grades 6 through 8. She was chosen for her contributions as a teacher to classroom activities that have benefitted her students. Paulette was chosen among entries received from 53 VFW State and overseas headquarters.

As a teacher at Oldham County Middle School, Ms. Carey has demonstrated excellence in her classroom that has made all the difference in the lives of her students. Her commitment towards improving the quality of education in Kentucky's schools has proven her value as an educator.

I am glad that Paulette Carey chose to be a teacher in the Commonwealth of Kentucky, and it is a source of great pride to call attention to her excellence. The citizens from Oldham County are fortunate to call Paulette Carey one of their own. They are privileged to be served by such a fine educator. Her example should be followed by teachers across Kentucky.•

MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–69. A resolution adopted by the Borough of Middlesex, State of New Jersey, relative to the releasing of first responder funds to municipalities; to the Committee on the Judiciary.

POM–70. A joint resolution adopted by the Legislature of the State of New Mexico relative to fully funding the Federal Government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 1

Whereas, since its enactment in 1975, the Federal Individuals with Disabilities Education Act has helped millions of children with special needs receive a quality education and develop to their full capacities; and

Whereas, the Federal Individuals with Disabilities Education Act has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the Federal Individuals with Disabilities Education Act has helped break down stereotypes and dispel ignorance about people with disabilities, thus improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the Federal Government enacted the Individuals with Disabilities Education Act, it promised to fund up to forty percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the Federal Government currently funds, on average, less than fourteen percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the Federal Government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; Now, therefore, be it

Resolved by the Legislature of the State of New Mexico That the President and Congress be urged to fund forty percent of the average per special needs pupil expenditure in public elementary 'and secondary schools in the United States as promised under the Federal Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and be it further

Resolved, That copies of this Memorial be sent to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the United States Senate and the Members of the New Mexico Congressional Delegation.

POM–71. A resolution adopted by the Legislature of the State of New Mexico relative to honoring the nations, tribes and pueblos of New Mexico; to the Committee on Indian Affairs.

SENATE MEMORIAL 18

Whereas, New Mexico's Nations, Tribes and Pueblos are centuries-old communities that established and continue to employ well-organized tribal self-governing systems; and

Whereas, the existence and significance of Indian self-government and tribal sovereignty over tribal homelands was acknowledged in New Mexico from the outset of European contact as evidenced by the early Spanish Land Grants, the recognition of civil and political rights by the independent Government of Mexico, the United States in the 1848 Treaty of Guadalupe Hidalgo and by the State in its Enabling Act of 1910; and

Whereas, the State has continued to recognize and respect the sovereign tribal governments of New Mexico through many state laws that encourage the use of cooperative agreements that authorize and encourage the Legislative, Executive and Judicial Branches of the New Mexico Government to coordinate and work cooperatively with the Nations, Tribes and Pueblos of New Mexico; and

Whereas, the Senate celebrates and honors the governments, leadership and contributions of the Nations, Tribes and Pueblos of New Mexico through an annual recognition day know as "American Indian Day", occurring this year on February 4, 2003; and

Whereas, the Governor is in the process of executing agreements reaffirming government-to-government relationships between the State and the Nations, Tribes ad Pueblos of New Mexico; Now, therefore, be it

Resolved by the Senate of the State of New Mexico That it salute and honor the Nations, Tribes and Pueblos of New Mexico by reaffirming its recognition of their status as sovereign governments and the Legislature's commitment to interact with the Nations, Tribes and Pueblos on a government-to-government basis so as to promote intergovernmental cooperation, coordination and communication on all matters; and be it further

Resolved, That the New Mexico Congressional Delegation be encouraged to support and reaffirm the government-to-government relationship between states and tribes and the fundamental principle that Indian Nations, Tribes and Pueblos retain their inherent sovereign rights over their tribal lands except as provided by Congress in an act of law or by the ratification of a treaty; and be it further

Resolved, That the Senate express its high regard for the Pueblos, Nations and Tribes of New Mexico and all they have done to strengthen community through their willingness to work cooperatively with the State in many areas such as Taxation, Tourism, Environmental Protection, Social Services Delivery, Health, Education, Gaming and Public Safety; and be it further

Resolved, That copies of this Memorial be transmitted to each of the Nations, Tribes and Pueblos of New Mexico, the President of the United States, the New Mexico Congressional Delegation, the President and President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico Legislative Council.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 692. A bill to require the Federal Trade Commission to issue rules regarding the disclosure of technological measures that restrict consumer flexibility to use and manipulate digital information and entertainment content; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD (for himself and Mr. DAYTON):

S. 693. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 694. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ROBERTS):

S. 695. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. DOMENICI, Mr. BAUCUS, Ms. LANDRIEU, Mr. CHAFEE, Mr. ALLARD, Mr. INHOFE, Mr. LOTT, and Mr. THOMAS):

S. 696. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

By Mr. HATCH:

S. 697. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Con. Res. 28. A concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 189

At the request of Mr. WYDEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 327

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 327, a bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. GRAHAM) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 448

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 486

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 486, supra.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 593

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 593, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred.

S. 595

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 598

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 598, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 623

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. CON. RES. 11

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress regarding the Republic of Korea's continuing unlawful bailouts of Hynix Semiconductor Inc., and calling on the Republic of Korea, the Secretary of Commerce, the United States Trade Representative, and the President to take actions to end the bailouts.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

AMENDMENT NO. 355

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 355 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 389

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 389 proposed to S. Con.

Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 692. A bill to require the Federal Trade Commission to issue rules regarding the disclosure of technological measures that restrict consumer flexibility to use and manipulate digital information and entertainment content; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing the Digital Consumer Right To Know Act. The thrust of this bill is quite simple. Digital media companies are racing to develop technologies to combat piracy. Some of these anti-piracy measures could have the effect of restricting lawful, legitimate consumer uses as well as unlawful copying. My bill says that if digital content is released in a form that prevents or limits reasonable consumers uses, consumers have a right to be told in advance.

The shift from analog to digital technologies carries many potential benefits for all concerned—for technology companies, for producers of music, video, and other content, and above all, for consumers. Digital technologies, together with the rise of the Internet, promise to expand exponentially the possibilities for circulating, marketing, manipulating, and using creative works. There is so much more you can do, and so many fertile fields for innovation.

The shift to digital, however, also carries twin risks. The first, and the one on which Congress has focused most of its attention to date, is the risk of piracy. Digital technologies can greatly facilitate unlawful copying and distribution. This is a real problem, because people and companies that create copyrighted works must be fairly compensated. America's information-based economy depends on it.

The second, closely related risk is that, in combating piracy, the baby will get thrown out with the bathwater. In the name of anti-piracy protections, legitimate consumer uses could be stifled. Encryption or other "digital rights management", DRM, schemes could be employed that restrict consumers' ability to take full advantage of the potential of the new digital technologies. In the end, it's not inconceivable that digital media could be more restricted and less flexible than other copyrighted items—an ironic result for a technology that was supposed to represent a great step forward for consumers.

The bill I am introducing today focuses on this second risk. Significantly, it would not in any way dictate to content companies what types of copy protection or DRM schemes may or may not be used. Instead, it would ensure that consumers are fully informed of any impact on their ability to use and manipulate the content they buy.

Advance notice of technology-based use limitations is a matter of basic fairness. Consumers have developed a number of legitimate expectations concerning how they may use and manipulate content, and are likely to develop new expectations as technology develops. For example, consumers increasingly expect to be able to shift legally purchased content between different devices—to access it on their computers, or in their cars, or using portable devices like MP3 players. They should be told in advance if these expectations won't be met, so that they can factor this information into their purchasing decisions. Consumers should know what they are getting or not getting.

In addition, I believe that imposing this kind of notice requirement will help promote the development of solutions that strike an appropriate and acceptable balance between protecting against piracy and preserving utility and flexibility for consumers. Overly restrictive approaches would require disclosures that content providers could find embarrassing, and consumers could be alienated by measures that don't seem to respect the importance of user flexibility. In short, full disclosure would strengthen the market-based incentive to avoid technologies that are too restrictive of consumer flexibility.

My bill would also make a clear statement that Congress expects that there will be competition in the retail distribution of copyrighted digital content. This shouldn't be controversial: today, compact discs, books, and movie videos are distributed via many competing retail stores. They also often face competition with stores selling used content, and with rentals and libraries. But what if new DRM technologies permit copyright holders to limit or prevent the ability of unaffiliated entities to sell or distribute content on a secondhand basis? Could the copyright holder sharply reduce competition at the distribution level, and thus increase its market power? My legislation addresses this risk by expressing the sense of the Congress that it is important to retain competition among distribution channels for digital information and entertainment content.

As the debate over digital copyright issues continues, I intend to listen to all sides. This country needs balanced approaches that respect the interests of copyright holders and consumers alike. But the bill I introduce today is a significant step that Congress could take now that would protect consumers of digital content and promote market-based solutions, all without rewriting any copyright laws. I urge my colleagues to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Consumer Right to Know Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Consumers have developed a number of legitimate expectations concerning how they may use and manipulate legally acquired information or entertainment content for reasonable, personal, and noncommercial purposes. In addition, as digital technology creates new ways to use and manipulate content, consumers are likely to develop new expectations that reflect the new technological possibilities.

(2) Digital technologies also can facilitate unlawful reproduction and distribution of information or entertainment content subject to copyright protection. To combat this problem, technology and content companies are developing and deploying technologies to prevent or deter such unlawful behavior.

(3) Such technologies could help promote a competitive digital marketplace in which consumers have a broad range of choices and media businesses can pursue a variety of business models. However, there are also significant risks.

(4) There is a risk that technologies developed to prevent unlawful reproduction and distribution of digital information and entertainment content could have the side effect of restricting consumers' flexibility to use and manipulate such content for reasonable, personal, and noncommercial purposes.

(5) There is a risk that such technologies could unfairly surprise consumers by frustrating their expectations concerning how they may use and manipulate digital content they have legally acquired.

(6) There is a risk that such technologies could result in greater market power for the holders of exclusive rights and reduce competition, by limiting the ability of unaffiliated entities to engage in the lawful secondhand sale or distribution of such content.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that consumers of digital information and entertainment content are informed in advance of technological features that may restrict the uses and manipulation of such content, so that—

(A) consumers may factor this information into their purchasing decisions; and

(B) there will be a strong, market-based incentive for the development of technologies that address the problem of unlawful reproduction and distribution of content in ways that still preserve the maximum possible flexibility for consumers to use and manipulate such content for lawful and reasonable purposes; and

(2) to express the sense of Congress concerning the importance of retaining competition among distribution channels for digital information and entertainment content.

SEC. 3. FAIR DISCLOSURE OF TECHNOLOGICAL USE RESTRICTIONS.

(a) FTC Rulemaking.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall issue rules to implement the disclosure requirements described in subsection (b).

(b) Disclosure Requirements.—

(1) In general.—If a producer or distributor of copyrighted digital content sells such content or access to such content subject to technological features that limit the practical ability of the purchaser to play, copy, transmit, or transfer such content on, to, or between devices or classes of devices that consumers commonly use with respect to that type of content, the producer or distributor shall disclose the nature of such limitations to the purchaser in a clear and conspicuous manner prior to such sale.

(2) Manner of disclosure.—The Federal Trade Commission shall prescribe the manner of disclosure required under this subsection, which may include labels on packaging or such other means as the Commission determines appropriate to achieve the purposes of this section. The Commission may prescribe different manners of disclosure for different types of content and different distribution channels.

(c) Disclosure of Certain Limitations on Reasonable Consumer Activities.—The following are examples of limitations which shall trigger the disclosure requirements of subsection (b):

(1) Limitations on the recording for later viewing or listening (popularly referred to as "time shifting") of audio or video programming delivered—

(A) via free over-the-air broadcasting; or

(B) as part of a multichannel video or audio system in which the consumer obtains the programming as part of a subscription package, with no per view charges and no ability to select the specific time at which individual programs will be delivered.

(2) Limitations on the reasonable and noncommercial use of legally acquired audio or video content—

(A) in different physical locations of the consumer's choice (popularly referred to as "space shifting"); or

(B) on the electronic platform or device of the consumer's choice, including platforms or devices requiring that the content be translated into a comparable format before such use.

(3) Limitations on making backup copies of legally acquired content distributed in a form or medium that is subject to accidental erasure, damage, or destruction in the ordinary course of use, including through computer failure or computer viruses, to be used only in the event that the original copies are lost or damaged.

(4) Limitations on using limited excerpts of legally acquired content for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.

(5) Limitations on engaging in the second-hand transfer or sale of legally acquired content to another consumer, provided that the transferor does not retain the content or any copy thereof and that the transferee obtains only such rights to the use and enjoyment of the content as the transferor possessed at the time of transfer.

(d) Exception to Disclosure Requirement.—The Federal Trade Commission shall not require disclosure under subsection (b) with respect to any limitation that applies only to uses—

(1) that are sufficiently unusual or uncommon that the burdens of prior disclosure would outweigh the utility to consumers; or

(2) that have no significant application for lawful purposes.

(e) Annual FTC Review.—On an annual basis, the Federal Trade Commission shall review the effectiveness of its rules implementing this section to determine whether revisions are warranted to serve the purposes of this section. In conducting this review, the Commission shall consider whether changes in technology or in consumer practices have led to new, legitimate consumer expectations concerning specific uses of digital information or entertainment content that would result in consumers suffering unfair surprise if a technology were to limit those uses without prior notice.

SEC. 4. EFFECT ON OTHER LAWS.

(a) No Limiting Effect on Fair Use.—Nothing in this Act shall be interpreted to suggest that a consumer activity not referred to in section 3(c) or in the Federal Trade Commission's rules implementing this Act may not constitute a fair use within the meaning of section 107 of title 17, United States Code.

(b) Unlawful Reproduction or Distribution.—Nothing in this Act shall be interpreted to permit the otherwise unlawful reproduction or distribution of copyrighted content or to shield a person engaging in such activity from any type of legal action or judgment.

SEC. 5. COMPETITION IN DISTRIBUTION CHANNELS.

It is the sense of Congress that—

(1) competition among distribution outlets and methods generally benefits consumers; and

(2) just as copyright holders have sold content embodied in tangible products such as audio cassettes, videotapes, and compact discs to multiple competing retail distributors, copyright holders selling digital content in electronic form for distribution over the Internet should offer to license such content to multiple unaffiliated distributors, to enable competition among different distribution models and technologies.

By Mrs. BOXER:

S. 694. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, gasoline prices on average in California are $2.15 per gallon.

According to the U.S. Energy Information Administration, EIA, the cost of crude oil rose 16.4 percent from January 6 to March 3. During the same time period, the average retail price of gasoline rose 27.2 percent.

After seeing the statistics, I do not buy the argument that higher gasoline prices are due solely to higher crude oil prices. I am concerned that oil companies have been pocketing more profits as consumers pay record high gas prices.

I have been advised of news reports that refiners are taking more plants than usual offline for "routine maintenance." This is reminiscent of the electricity crisis when generators took their plants off-line for "routine maintenance" at a rate higher than normal. We now know that these generators were holding back electricity to artificially increase the price of electricity.

In response to soaring gas prices across the country and especially in California and in response to potential manipulation, I am introducing legislation to shed light on the situation and hopefully curtail future market manipulation.

My legislation requires the Federal Trade Commission, FTC, to automatically investigate the gasoline market for manipulation anytime average gasoline prices increase in any state by 20 percent in a period of 3 months or less and remain at that level for seven days or more.

Market manipulation would include, but is not limited to, collusion or the creation of artificial shortages such as unnecessarily taking refineries off-line. In determining the trigger, the gasoline price used would be the Energy Information Agency's pricing of regular grade gasoline. A report on the FTC's investigation would be due to Congress 14 days after the price trigger.

Under the bill, the FTC would be required within two weeks of issuing the report to hold a public meeting to discuss the findings.

If the findings indicate that there is market manipulation, then the FTC would work with the state's Attorney General to determine the penalties.

If the findings indicate that there is no market manipulation, then the U.S. Department of Energy must officially decide, within two weeks, if the Strategic Petroleum Reserve should be used in order to ease prices and stabilize supply.

We need to deter market manipulation. Otherwise we risk serious price gouging with no accountability to consumers. My legislation offers a reasonable standard for an investigation and a reasonable time frame in which to complete that investigation. I believe the threat of these investigations and the public light that would be shed on the system will be positive for the consumer.

By Ms. COLLINS (for herself, Mr. Warner, Ms. Landrieu, and Mr. Roberts):

S. 695. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased today to rise to introduce the Teacher Tax Relief Act of 2003. I am joined by my colleagues, Senator

LANDRIEU, Senator WARNER, and Senator ROBERTS, in introducing this legislation to help our teachers who selflessly reach deep into their own pockets to purchase supplies for their classrooms or to engage in professional development.

Senators WARNER, LANDRIEU, ROBERTS and I have long led the effort to recognize the invaluable services that teachers provide each and every day to our children and to our communities. This tax relief is significant in that it recognizes the extra mile that our dedicated teachers go in order to improve the classroom experience for their students.

This legislation builds upon the tax relief that we authored, which was previously enacted in the economic recovery package in the last Congress. Our bill would double the amount that a teacher can deduct—from $250 to $500—and includes professional development expenses in the deduction. Our bill would also make this modest tax relief permanent, whereas the provision in the economic stimulus package is scheduled to sunset next year.

While our legislation provides financial assistance to educators, its ultimate beneficiaries will be our students. Other than involved parents, a well-qualified teacher is the single most important prerequisite for student success. Educational researchers have demonstrated, time and again, the strong correlation between qualified teachers and successful students. Moreover, educators themselves understand just how important professional development is to maintaining and expanding their level of competence.

When I meet with teachers from Maine, they repeatedly tell me of their desire and need for more professional development. But they also tell me that, unfortunately, school budgets are so tight that frequently the school districts cannot provide the assistance a teacher needs in order to take that additional course or pursue that advanced degree. As President Bush aptly put it, "Teachers sometimes lead with their hearts and pay with their wallets."

A recent survey by the National Center for Education Statistics highlights the benefits of professional development. The survey found that most teachers who had participated in more than eight hours of professional development during the previous year felt "very well prepared" in the area in which the instruction occurred. Obviously, teachers who are taking additional course work and pursuing advanced degrees become even more valuable in the classroom.

Increasing the deduction for teachers who buy classroom supplies is also a critical component of my legislation. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, $400 a year on classroom supplies, a new survey demonstrates that they are spending even more than that. According to a recent report from Quality Education Data, the average teacher spends more than $520 a year out of pocket on school supplies.

I have spoken to dozens of teachers in Maine who have told me of the books, rewards, supplies, and other materials they routinely purchase for their students.

Idella Harter is one such teacher. She told me of spending more than $1,000 in a single year, reaching deep into her pocket to buy materials, supplies, and other treats for her students. At the end of the year, she started to add up all of the receipts that she had saved, and she was startled to discover they exceeded $1,000. Idella told me at that point she decided she'd better stop adding them up.

Debra Walker is another dedicated teacher in Maine who teaches kindergarten and first grade in town of Milo. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, "These are the extras that are needed to make learning fun for children and to create a stimulating learning environment."

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just two years, Tyler has incurred substantial "startup" fees as he builds his own collection of needed teaching supplies. In his first years on the job, he has spent well over $500 out-of-pocket each year, purchasing books and other materials that are essential to his teaching program.

Tyler tells me that he is still paying off the loans that he incurred at the University of Maine-Farmington. He has car payments to make. He is saving for a house. And he someday hopes to get an advanced degree. Nevertheless, despite the relatively low pay he is receiving as a new teacher, he says, "You feel committed to getting your students what they need, even if it is coming out of your own pocket."

That is the kind of dedication that I see time and again in the teachers in Maine. I have visited nearly 100 schools in Maine, and everywhere I go, I find teachers who are spending their own money to improve their professional qualifications and to improve the educational experiences of their students by supplementing classroom supplies.

The relief we passed overwhelmingly in the last Congress was a step in the right direction. As Tyler told me, "It's a nice recognition of the contributions that many teachers have made." We are committed to building on this good work. We invite all of our colleagues to join us in recognizing our teachers for a job well done.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. DOMENICI, Mr. BAUCUS, Ms. LANDRIEU, Mr. CHAFFE, Mr. ALLARD, Mr. INHOFE, Mr. LOTT, and Mr. THOMAS):

S. 696. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am introducing today legislation to provide tax incentives for marginal wells. As we look to long-term solutions to meet our needs for gasoline, electricity and home heating oil, marginal well tax incentives are critical to increasing supply and retaining our energy independence.

Senators representing all regions of the country, including the Northeast and Midwest, have a common interest: to make the United States less susceptible to the volatility of world oil markets by reducing America's dependence on foreign oil. I understand that when the price of home heating oil spikes in the Northeast, it hurts those Senators's constituents. They understand when the price of oil falls below $10 a barrel—as it did several years ago and we lose 18,000 jobs as we did in Texas—that hurts my constituents. We understand that these are merely two sides of the same coin: a growing U.S. dependence on foreign oil.

In fact, at the heart of the marginal well tax credits is the goal of reducing our imports of foreign oil to less than 50 percent by the year 2012. It is incredible to me that America is sliding toward 60 percent dependence on foreign oil. As the sole remaining superpower in the world, and as the country with an economy that is the envy of the industrialized world, this threat to our economic as well as our national security is simply and totally unacceptable.

The core problem with our growing dependence on foreign oil is an underutilized domestic reserve base of both crude oil and natural gas. In 1992, we imported 46 percent of our oil needs from overseas. It is equally important to realize that in 1974, when America was brought to her knees by the OPEC oil embargo, we imported only 36 percent of our oil. Today we stand at over 56 percent imports. If the major oil producing countries of the world were ever to collectively sabotage U.S. interests as we have seen in the past with Iraq, they could wreak havoc with the American economy.

We simply must take steps today to increase the amount of oil and natural gas we produce right here at home. While shutting-off foreign oil completely may not be realistic, it is realistic to utilize our reserves much more than we do today. Marginal wells—those wells that produce less than 15 barrels of oil and less than 90 thousand cubic feet of natural gas per day—have the capacity to produce 20 percent of America's oil. This is roughly the same amount of the oil the U.S. imports from Saudi Arabia.

Much of this oil and gas could be produce in areas where it is being produced today, and has for decades, that is not environmentally sensitive. That is why I have advocated for tax incentives that would make it economically feasible for production to continue and actually increase in areas largely where production takes place today.

There are close to 400,000 such wells across the United States. Many of these wells are so small that, once they close, they never reopen. If we had had the marginal well tax provision in place several years ago before the oil price plummet, we would not have lost over 400,000 barrels per day of production due to small wells shutting down.

The overwhelming majority of producing wells in Texas are marginal wells. A survey by the Independent Producers Association of America, IPAA, found that marginal wells account for 75 percent of all crude production for small independent operators; up to 50 percent for mid-sized independents; and up to 20 percent for large companies. A sensible energy independence policy is to offer tax relief to producers of these small wells that would help them stay in business when prices fall below a break-even point. When U.S. producers can stay in business during periods of low prices, supply will be higher and help keep prices from shooting up too high.

The marginal well provision in the energy bill provides a maximum $3 per barrel tax credit for the first 3 barrels of daily production from a marginal oil well, and a similar credit for marginal gas wells. The marginal well credit would be phased in-and-out in equal increments as prices for oil and natural gas fall and rise. For oil, in would phase in between $18 and $15 per barrel. In addition to the marginal well provisions, the bill includes tax incentives for delay rental payments and geological and geothermal expensing. These provisions will help producers locate and develop potential oil and gas properties.

We do not have to be at the whim of foreign countries or market forces beyond our control. Therefore, we've got to increase our domestic supply and I believe these energy tax incentives will do that.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 28—AUTHORIZING THE PRINTING OF THE BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS, 1774-2005

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a Senate document a revised edition of the Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate and Clerk of the House of Representatives. The Office of the Secretary of the Senate, acting through the Historian of the Senate, and the Office of the Clerk of the House of Representatives, acting through the Legislative Resource Center, shall provide appropriate biographical data and other material for the revised edition, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Historian of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners), to be provided by the Legislative Resource Center.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,230 copies of the revised edition, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 50 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $95,000.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, April 8, 2003, in Room SR–301 Russell Senate Office Building, to conduct an oversight hearing on the operations of the Sergeant at Arms, Library of Congress and Congressional Research Service.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

AUTHORIZATION FOR PRINTING OF BIOGRAPHICAL DIRECTORY OF CONGRESS

Mr. GRAHAM of South Carolina. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) authorizing the printing of the Biographical Directory of the U.S. Congress from 1774 through 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM of South Carolina. Mr. President, I ask that the resolution be adopted and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 28) was agreed to, as follows:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a Senate document a revised edition of the Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate and Clerk of the House of Representatives. The Office of the Secretary of the Senate, acting through the Historian of the Senate, and the Office of the Clerk of the House of Representatives, acting through the Legislative Resource Center, shall provide appropriate biographical data and other material for the revised edition, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Historian of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners), to be provided by the Legislative Resource Center.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,230 copies of the revised edition, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 50 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $95,000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRAHAM of South Carolina. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Calendar: Calendar Nos. 80, 81, 82, 83, and 84. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Gregory A. White, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Thomas Dyson Hurlburt, Jr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Christina Pharo, of Florida, to be United States Marshall for the Southern District of Florida for the term of four years.

Dennis Arthur Williamson, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

LEGISLATIVE SESSION

ORDERS FOR TUESDAY, MARCH 25, 2003

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, March 25. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 23, the budget resolution, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAHAM of South Carolina. For the information of all Senators, we will return to the budget resolution tomorrow morning. The chairman and ranking member of the Budget Committee have exchanged copies of the final amendments that remain in order to the resolution. We now have a number of amendments to dispose of prior to a final vote on the resolution. The Senate will begin voting on these remaining amendments upon convening tomorrow morning. Members are asked to remain in the Chamber during the second phase of the so-called vote-arama. With the cooperation of all Members, we will be able to move through the remaining amendments in a more efficient and orderly manner. The Senate will proceed to a final vote on the budget resolution no later than 4 p.m. on Wednesday. Therefore, I would advise my colleagues that we have a lot of work before us this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAHAM of South Carolina. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Tuesday, March 25, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 2003:

NATIONAL MUSEUM SERVICES BOARD

JOHN E. BUCHANAN, JR., OF OREGON, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE RUTH Y. TAMURA, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

DEE ANN MCWILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION), VICE JACOB LOZADA, RESIGNED.

DEPARTMENT OF STATE

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE OTTO J. REICH.

DEPARTMENT OF TRANSPORTATION

ANNETTE SANDBERG, OF WASHINGTON, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE JOSEPH M. CLAPP, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

LAWRENCE MERCANDANTE, 4623

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

STANLEY J. BUELT, 5693
CHRISTOPHER W. CASTLEBERRY, 5480

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U. S. C., SECTION 531:

To be major

EUGENE L. CAPONE, 9054
LARRY L. EARLS JR., 7815
TIMOTHY PARKS FAABORG, 5286
MICHAEL S. FAIDLEY, 5851
ROBERT B. FAUBER, 1014
JAMES T. FOX, 3307
JOHN C. HACKETHORN II, 9797
ROY S. HALEY, 7750
CHRISTOPHER F. HALL, 4300
JOSEPH C. LINDEN II, 6504
EDWARD C. MARAIST, 8620
JAMES R. PUTLOCK, 5526
JOHN M. RYON, 6249
GARRETT G. SANBORN, 8982
DAVID T. SCHIFFERT, 2168
JAMES D. SHERIDAN, 2428
JOHN F. SHIRTZ, 6158
JOHN D. THOMAS, 0749
BRIAN E. TUCKER, 3932
THERRILL B. VALENTINE, 3910
TODD V. WILSON, 5640
SONYA L. WOFFORD, 6866
ALLEN L. WOMACK, 5691

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

JAMES R. KERIN JR., 0257

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SEAN T. MULCAHY, 3569
STEVEN H. MATTOS, 7007

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FRANKLIN MCLAIN, 1387

THE FOLLOWING NAMED OFFICERS FOR THE ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

BRYAN DELGADO, 8791
ROBERT A. DILL, 3265
BRENT L. ENGLISH, 7657
TIMOTHY O. EVANS, 7683
DANA R. FIKE, 0164
SCOTT A. FORTENBERRY, 0065
MARC G. GERADS, 7551
DONALD L. HULTZ, 3928
BRUCE A. JONES, 7761
JAMES R. KELLER, 9425
DELMAR J. LAKE, 1860
SAL L. LEBLANC, 3159
ROBERT E. MCCLELLAN, 0547
MARK A. MITCHELL, 4238
ANTHONY M. NESBIT, 2707
RODOLFO D. QUISPE, 6279
FRANCISCO C. RAGSAC, 5193
SERENA REID, 7130
GEORGE L. ROBERTS, 3157
EDWARD T. SEIFERT, 5588
PAUL A. SHIRLEY, 7102
KELLEY S. SILARD, 6952
JOHN D. SOMICH, 6666
BRIAN T. THOMPSON, 6676
NATHAN J. TOWNSEND, 1022
MARK W. WASCOM, 5540
STANLEY M. WEEKS, 2943
DALE A. WESNER, 3318
PAUL A. ZACHARZUK, 3040

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 2003:

DEPARTMENT OF JUSTICE

GREGORY A. WHITE, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

THOMAS DYSON HURLBURT, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

CHRISTINA PHARO, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

DENNIS ARTHUR WILLIAMSON, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 82, I was unavoidably detained. Had I been present, I would have voted "nay."

TROOPS SHOULD RECEIVE REQUIRED MEDICAL SCREENINGS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. MOORE. Mr. Speaker, with our country's troops now entering into active combat in Iraq, I want to bring to your attention and to the attention of my fellow Representatives an issue made even more timely by the events of the past twenty-four hours.

On March 13th, I sent to Defense Secretary Rumsfeld a letter which I am including in the RECORD with this statement. I encouraged the Secretary to assure that all troops entering the Iraqi area receive medical examinations before and after deployment. The Kansas City Star recently carried an informative article, also included here, summarizing a law enacted by Congress in 1997 that requires such physical and mental screening of our troops, due to the many unexplained illnesses that followed service in the 1991 Persian Gulf War.

Our fighting men and women serving in the Middle East face a genuine, immediate threat of biological and chemical weapons. We owe them no lesser level of service and dedication than they are providing in defense of our country. I hope all members of Congress will join with me in ensuring that the commitments made to the members of our Armed Forces in 1997 are kept in 2003 and afterward.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2003.

HON. DONALD RUMSFELD,
Secretary, Department of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my concern regarding a recent article I read in the Kansas City Star March 5, 2003, entitled: "Troops are not receiving medical screenings required by 1997 law." I have enclosed the article for your review.

The article asserts that troops entering the Iraqi area are not receiving medical examinations before and after deployment. As you know, Congress mandated in 1997 that all troops receive such tests to help in identifying future ailments such as Gulf War syndrome which has been extremely difficult to document and treat following the 1991 Gulf War.

I strongly urge the Department of Defense follow the 1997 mandate and if the DOD needs help fulfilling this mandate to accept the Veterans Administration's offer of help to collect and maintain medical information on all troops entering southwest Asia.

I look forward to your response on this important matter.

Very truly yours,

DENNIS MOORE,
Member of Congress.

[From the Kansas City (KS) Star, Mar. 5, 2003]

TROOPS ARE NOT RECEIVING MEDICAL SCREENINGS REQUIRED BY 1997 LAW

(By David Goldstein)

WASHINGTON.—Troops heading for the Iraqi theater are not getting health screenings, especially blood sampling, mandated by a law Congress enacted in 1997.

The law, which grew out of concern about unexplained illnesses that followed the 1991 gulf war, required that troops receive mental and medical examinations before and after deployment overseas. The tests are intended to provide clues in case the phenomenon known as gulf war syndrome should recur.

Instead, the Pentagon requires only a brief, one-page questionnaire asking for general health-related information. A top Pentagon health official said blood tests would not be especially useful.

About 300,000 American personnel are now at jumping-off points near Iraq or on their way. Many consider U.S. troops much more likely than in the 1991 war to face biological and chemical weapons.

"The majority of the troops have already deployed . . . and therefore we're not going to have a good picture of their health," said Steve Robinson, a gulf war veteran and executive director of the National Gulf War Resource Center.

"Once again, if soldiers are exposed, we do not have baseline (medical) data required to document their status. You're looking at gulf war illness 2."

The Pentagon insists that it has followed the law.

"If the intent was to make sure we had better documentation—yes, we are in compliance," said Michael Kilpatrick, a physician who is deputy director of deployment health support at the Pentagon.

Veterans affairs activists, health care expects and congressional watchdogs are unconvinced.

The law, signed by then-President Bill Clinton, was enacted in response to a chorus of health complaints from gulf war veterans. Many reported a variety of ailments, including headaches, memory loss, rashes, equilibrium problems and loss of motor skills.

The causes were unknown, despite numerous medical studies. Some veterans pointed to the release of chemical or biological agents when Iraqi stockpiles were bombed, the military's hurried vaccinations against those agents, desert diseases and parasites or pollution from burning oil wells.

The syndrome has caused a bitter battle between veterans and the Pentagon, which has refused to recognize it, and the Department of Veterans Affairs, which has had to decide whether claims for medical compensation are valid.

Democratic Sen. John Kerry of Massachusetts, a former veterans affairs activist, called the Pentagon's program troubling.

"What's the message we're sending to our troops around the world today and those prepared to fight in Iraq?" he asked. "The message seems to be, 'Do your duty to country, but your country won't fulfill its duty to you if you're lucky enough to return home.' "

Kerry, a candidate for the Democratic presidential nomination in 2004, has asked the General Accounting Office to investigate whether Defense has met its requirements.

In addition, leaders of the Senate Committee on Veterans' Affairs have asked for a detailed account of Pentagon efforts to track medical data on battlefield troops.

Last month, Veterans Affairs Secretary Anthony Principi wrote to Defense Secretary Donald Rumsfeld and said the VA wanted to work closely with the Pentagon to collect "health and exposure data" on those deployed in southwest Asia.

"Much of the controversy over the health problems of the veterans who fought in the 1991 war with Iraq could have been avoided had more extensive surveillance data been collected," Principi wrote.

Mark Brown, a VA toxicologist who has been investigating gulf war illnesses, said Principi's letter was intended to put the VA "on the public record" about its concerns.

The Pentagon's approach, he said, "certainly wasn't adequate in the first gulf war. Have they learned their lesson and done better? Maybe we'll be pleasantly surprised."

The law requires the Secretary of Defense to "establish a system to assess the medical condition of members of the armed forces," including reserves, deployed outside the United States for combat, peacekeeping missions or humanitarian operations.

Kilpatrick said the Pentagon's program was "an evolving process" and part of a concept called "Force Health Protection" that was put in place during the Kosovo conflict in 1996.

Some health officials with the Defense Department appear not to have known what Congress required.

Some gulf war medical researchers proposed a study to the Pentagon a year ago that would track some troops in post-Sept. 11 military operations. The proposed study unknowingly mirrored the elements of the law, and a medical official wrote back, "This sound like something we need to investigate further as something we could like to support."

The project involved studying the Rhode Island National Guard. David Haines, an immunologist affiliated with George Washington University, said he discovered a month ago that the Department of Defense was supposed to be doing the blood sampling that he and his colleagues had proposed to do on a small scale.

"We will do the right thing and step back if DOD is doing great things, but we don't believe DOD has anything like that in place," he said.

According to Kilpatrick, a brief questionnaire is basically the military's response to the congressional mandate because it has other steps already in place.

In the questionnaire troops are asked how they would rate their health, from excellent to poor. They are also asked whether they have any medical or dental problems, whether they have any health concerns, whether they wear glasses and whether they have concerns about possible "exposures or events during this deployment."

Anyone answering "yes" to certain questions will be referred for further examination. Rick Weidman of the lobbying group Vietnam Veterans of America, calls the questionnaire "absolutely useless from an epidemiological point of view."

"There's nothing about susceptibility to skin rashes or any of the derivative diseases that are due to some of these kinds of exposures," he said, "and there is no psychological exam. Nothing."

According to Kilpatrick, troops are asked whether they have sought mental health counseling within the past two years, but the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

military has to rely on personnel being truthful.

"If people say, 'My mental status is fine,' we are not stopping to engage in a three-hour survey to assess people's mental status," Kilpatrick said. "If we are preparing to deploy 20,000 troops, it's physically impossible."

A key element of the 1998 law is the taking of blood samples to establish a medical baseline and help identify possible subsequent exposures to toxic materials. The absence of such tests on veterans of the 1991 gulf war has handicapped researchers.

Blood is always taken for HIV testing, Kilpatrick said, and those samples are in storage. But fresh samples will be taken only if the serum on file is more than a year old, he said.

He disputed the idea that additional sampling would be helpful because the biological markers of many toxic agents disappear from the bloodstream within hours or days of exposure.

Also, Kilpatrick said, troops are physically evaluated every five years, except for pilots, who are tested more frequently. Medical histories were more valuable to researchers than "hands-on" physical exams, he said.

But gulf war medical researchers said the Pentagon's plan is a missed opportunity, especially considering the threat of weapons of mass destruction.

"We can run into the same thing all over again," said Lea Steele, a Kansas Institute of Health epidemiologist who has studied gulf war veterans. "One of the difficulties of the gulf war was we didn't have any evidence prior to the war. It was hard to link illnesses.

"Now that we're becoming a second time deeply involved in Iraq . . . there is no established protocol that would be very valuable. Some people say Saddam Hussein has less to lose now. He may be more likely to use these things."

A TRIBUTE TO JAMES W. LAUGHLIN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today I pay tribute to James W. Laughlin—one of our Federal Government's finest public servants and a long time resident of the Commonwealth of Virginia. This March he will retire from an exceptionally distinguished career of service to his country. He has served our Nation as a career civil servant for over 42 years. He has been an exceptional leader and has played a key role in ensuring effective financial management for the Department of Defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

Mr. Laughlin began his career with the Navy in the financial management field working for various field activities. He progressed to a supervisory budget analyst in the Office of the Navy Comptroller where he was responsible for the Navy's operation and maintenance and civilian manpower programs. In 1974 he transitioned to the Office of the Department of Defense Comptroller.

Mr. Laughlin first served in the Department of Defense Comptroller office as a budget analyst in the Research and Development Directorate, responsible for reviewing the Navy and Air Force multi-billion dollar aircraft programs. He then moved to the Military Personnel Directorate where he was responsible for reviewing the Navy and Marine Corps military personnel appropriations.

Since 1982, Mr. Laughlin has been the senior budget analyst for Military Personnel appropriation matters—a portfolio that totals over $93 billion this year. Mr. Laughlin is an acknowledged expert on Military Personnel funding issues both inside the Pentagon and on Capitol Hill, particularly in the areas of concurrent receipt, military wage credits, and retired pay issues.

Senior leaders, both in the Congress and the Department of Defense, have benefited from his experience, outstanding leadership and distinguished performance. His efforts have enabled our nation's leaders to make the most effective use of defense resources to ensure America's military strength. On behalf of my colleagues, I thank him for his service to our country and wish him well on his retirement.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Thursday, March 20, 2003, the House voted on H. Con. Res. 104, expressing support and appreciation for our Armed Forces and the President participating in Operation Iraqi Freedom. On House rollcall vote No. 83, I was unavoidably detained. Had I been present, I would have voted "yea."

COMMENDING CALIFORNIA WOMEN FOR AGRICULTURE IN HONOR OF NATIONAL AGRICULTURE DAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to commend the California Women for Agriculture as they honor National Agriculture Day. The California Women for agriculture is hosting Agriculture Day in LA! at Moor Field in Alhambra, California on March 21, 2003 to commemorate this day.

In its 30th year, the National Agriculture Day program is committed to increasing public awareness about American agriculture. Producers, agricultural associations, corporations, universities, government agencies, and countless others across America will gather on this first day of spring to celebrate the abundance provided by agriculture. National Agriculture Day focuses on educating Americans about career opportunities available in the agriculture, food, and fiber industry.

As one of California's major organizations, California Women for Agriculture helps to "supply knowledge and skills necessary to convey the mutual benefits of a vibrant agricultural economy and healthy rural communities to those who are in positions to impact the future of agriculture in California." California Women in Agriculture, along with the Agricultural Awareness and Literacy Foundation and Alhambra School District, will be hosting the event for 1,200 inner city 3rd grade students who will be learning about food, fiber, flowers, and forests. The goal of the program is to teach students about agriculture and its importance in our everyday lives. The students will participate in a hands-on learning environment with crops, farm equipment, and live animals. They will learn how it contributes to our healthy, affordable food supply; offers many different careers, cares for the environment and creates a diverse food supply.

Mr. Speaker, it is my pleasure to commend California Women for Agriculture as they honor National Agriculture Day on its 30th Anniversary. I urge my colleagues to join me in wishing the California Women for Agriculture many years of continued success.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of the men and women who wear the uniform and protect our freedoms. I rise on behalf of their families and loved ones who wait and pray for their speedy and safe return.

This is a solemn moment for the Nation. There has been disagreement here at home and abroad about the policies of preemption. The men and women who wear the uniform don't make policy. They are neither diplomats nor politicians. They are soldiers and their duty is to salute and follow orders. Every member of Congress joins in unwavering support of them and their families for their sacrifice.

I have openly disagreed with the policies that have led us to this moment. This evening we pause as a Congress to salute and honor our troops. And while I strongly disagree with the Administration's policies, this is not the resolution or forum to express my differences. This evening our hearts, our prayers, and our gratitude goes out to the uniformed members of the armed services. God bless them. God bless America.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as we begin this arduous process of disarming Saddam Hussein of his weapons of mass destruction, I wish to thank our brave men and women in uniform for their service. Let us pray for their safe return to their homes and families.

During my career in the House, I've continually been struck by the dedication of those who wear this Nation's uniform. Prepared to offer the ultimate sacrifice, they serve for love of their country, for the safety of each one of us, and for the cause of freedom throughout the world.

The expertise and professionalism of our service men and women is without parallel. They understand the significance of their mission, and the dangers, but they will complete this task that has been laid before them.

Their mission is to disarm one of the greatest threats to the free and peaceful people of the world. The Iraqi people will no longer suffer from the horror of Saddam's regime. We must ensure our armed forces can complete this job knowing their country is fully behind their efforts.

God bless our brave men and women.

PERSONAL EXPLANATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. LANTOS. Mr. Speaker, on Rollcall No. 83, recorded on Friday, March 21, 2002 at 3:00 a.m., I was unable to cast my floor vote due to miscommunication with floor staff. This vote was on H. Con. Res. 104, expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom. As my colleagues can attest, I am a strong supporter of our Armed Forces and of our operations in Iraq. Had I been able to vote, I would have voted "aye" to Rollcall Vote No. 83.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. CASTLE. Mr. Speaker, I thank the House Leadership for introducing this important resolution. Today, we recognize, support, and commend our brave service men and women for their dedication, for their sacrifice, and for their supreme love of country. We thank and honor those who serve on behalf of liberty and freedom.

Our Nation has committed our military to defend the world from grave danger and to assure the security for all nations by disarming Saddam Hussein. For more than 4½ months, this brutal dictator has ignored the clear resolve of the United Nations and the world that Iraq immediately disarm. In the face of Iraq's continued defiance of the international community, the United States and our allies have been forced to act. It had been my ardent hope that, through forceful diplomacy and clear resolve, we would have avoided this war. However, in the face of Saddam Hussein's history of deception, the U.S. and its broad range of international partners have decided now is the time to act to disarm Iraq. In the coming days and weeks, it will be critically important for our Nation to support and pray for the safety of our troops in this time of uncertainty.

Following the terrorist attacks of September 11th, I participated in countless classified briefings and hearings before the House Intelligence Committee. We know that Iraq has continued to build weapons of mass destruction, has energized its missile program, and is investing in biological weapons. Saddam Hussein is determined to obtain weapons-grade material to develop nuclear weapons. His biological weapons program is more advanced than before the Gulf War. All of these actions have been done in flagrant violation of U.N. Security Council resolutions. The Iraqi people have not brought this situation upon themselves, but rather the blame is on the brutal dictatorship of Saddam Hussein.

Apart from the current military action, our focus must be on working with the world community to rebuild Iraq following the military actions. As we move forward in Iraq and in other crisis spots around the world, I am hopeful that the United States will continue to strengthen its unity with the international community.

Today, we stand firmly behind our Armed Forces. We thank the brave men and women who risk their lives to keep our Nation free and safe. We offer our respect, our supreme gratitude, and the promise that we shall not forget your bravery and your sacrifice. We are proud of you. May God bless you and keep you safe.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Con. Res. 104, a resolution expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom. Many people have questioned the need for the United States to remove Saddam Hussein or the method in which this matter has been handled by the Bush administration. However, the time has come to end the debate and turn our complete and unified attention to supporting our troops.

I know there is no more important decision than whether or not to send our sons and daughters into armed conflict. Our President has made the decision to commit troops and with pride and resolve, the Congress stands solidly behind our troops. We will do whatever we can to make certain that they have everything needed for a quick resolution and their safe return home.

Mr. Speaker, the thoughts and prayers of all Americans are with the nearly 300,000 brave men and women who are currently putting their own lives in danger to carry out the orders of the Commander in Chief. Every one of us is proud of their service and their courage. We pray for their safety tonight and in days to come, and offer comfort and support to their families and loved ones.

HONORING LEADERS OF PLANNED PARENTHOOD EASTERN REGION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Susan Herrmann, Kealy Salomon, Perry Colwell, Caroline Hoen, Carol Massey, Freddie Hodges, Kay Scott, Jamie Ann Sabino and Nancy Williams, who have all served ably as leaders of Planned Parenthood Eastern Region.

As members of the Eastern Region Executive Committee, they have volunteered innumerable hours, their energy and passion toward engaging the volunteers and affiliate staff of the Eastern Region with Planned Parenthood's mission. Planned Parenthood's regional councils represent a critical component of Planned Parenthood's political grassroots in the battle to protect and expand Planned Parenthood's mission.

With Planned Parenthood facing it's most difficult hour, withstanding constant attacks from the Radical Right, the Eastern Region Council will play a critical role in support and inspiring the staff and volunteers of the Region.

Mr. Speaker, on behalf of the Planned Parenthood Federation, I extend my deep appreciation and admiration to Judy Tabb, Susan Herrmann, Kealy Salomon, Perry Colwell, Caroline Hoen, Carol Massey, Freddie Hodges, Kay Scott, Jamie Ann Sabino and Nancy Williams for their leadership in protecting the reproductive rights of all.

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT'S 30TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. MATSUI. Mr. Speaker, I rise today to honor the Sacramento Regional County Sanitation District's noteworthy 30th Anniversary. Its regional approach to wastewater management has ensured a higher quality of life for Sacramento residents and our neighbors downstream. I ask all of my colleagues to join with me in saluting this important milestone in protecting the environment and serving the public.

Three decades ago, Sacramento-area leaders, realizing the tremendous potential for the area's growth, joined forces to form the Sacramento Regional County Sanitation District (SRCSD). Back then, this represented a unique approach to the conveyance, treatment and discharge of wastewater in the Sacramento region. Until that time (and until the Sacramento Regional Wastewater Treatment Plant was completed in 1983), wastewater treatment and disposal were handled by up to 22 individual treatment plants, many located along the Sacramento and American rivers. These small treatment plants, some built in the 1950's and '60s, had become enveloped by neighborhoods and urban population centers. As the region's population grew, Sacramento County clearly needed a more comprehensive approach to wastewater management.

Sound planning, vision, and the Clean Water Act of 1972 helped the District stay ahead of the rapid changes fueled by Sacramento's expanding population. This massive growth was factored into plans for a regional wastewater treatment plant, which serves the needs of most of the region's residential, business and industrial customers. Construction of the treatment plant and SRCSD's extensive interceptor system were made possible by federal Clean Water Act funds, as well as state and local funding to finance construction.

Thirty years later, SRCSD represents a truly successful regionalized sanitation effort that serves an entire urbanized area with efficient and high qualify wastewater treatment services. As a result, the entire region benefits from cleaner waterways, sending all its wastewater to one point of discharge, away from important drinking water intake locations. Mr. Speaker, as Sacramento Regional County Sanitation District celebrates its 30th Anniversary, I ask my colleagues to join me in paying tribute to its significant accomplishments and dedication to excellent public service.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 83, I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNITION OF JOHNSON COUNTY VOLUNTEER CENTER'S 2003 "MOVERS AND SHAKERS"

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 24, 2003

Mr. MOORE. Mr. Speaker, the Volunteer Center of Johnson County is hosting the third annual Movers and Shakers Recognition on April 22nd, to honor 84 young people from Johnson County, Kansas, who have performed meaningful community service. Students in middle schools and high schools have been nominated by school personnel and nonprofit agencies based on their commitment and dedication to community service. Volunteering has been recognized as a key component in a child's education and I am proud that Johnson County students are active and willing to serve their communities.

I have included a list of the students' names and schools below.

Devon Anderson, Oregon Trail Junior High.
Kendra Baker, Blue Valley North High School.
Andrew Baldwin, Blue Valley High School.
Emma Bergin, Mission Valley Middle School.
Anthony Bertolone, Leawood Middle School.
Annie Biddison, Shawnee Mission East High School.
Elizabeth Boresow, Leawood Middle School.
Brittany Bradfute, Lakewood Middle School.
Krysten Brown, Chisholm Trail Junior High.
Stephanie Brown, Shawnee Mission East High School.
Laura Bryon, Bishop Miege High School.
Jessica Butler, Olathe North High School.
Lindsey Carlton, Leawood Middle School.
Lauren Cassat, Blue Valley North High School.
Cassidy Cheray, Blue Valley West High School.
Katie Chinery, Blue Valley High School.
Micaya Clymer, Shawnee Mission East High School.
Bob Davis, Olathe North High School.
Matasha Del Rosario, Shawnee Mission East High School.
Emily Devlin, Oregon Trail Junior High.
Caroline Dunning, Blue Valley North High School.
Alissa Eddington, Shawnee Mission South High School.
Sara Epperson, Blue Valley North High School.
Miranda Flener, Shawnee Mission Northwest High School.
Theresa Fox, Blue Valley High School.
Michelle Geary, Blue Valley High School.
Jonathan Geller, Leawood Middle School.
Samantha Gordon, Blue Valley North High School.
Ashley Haddad, Shawnee Mission South High School.
Jessie Harris, Chisholm Trail Junior High.
Paul Hechler, Leawood Middle School.
Sam Hewitt, Shawnee Mission West High School.
Jamie Hisle, Blue Valley High School.
Rebecca Hoffman, Oregon Trail Junior High.
Ryan Hudnall, Olathe East High School.
Craig Jones, Blue Valley North High School.
Megan Kaufman, Shawnee Mission South High School.
Sarah Kidder, Bishop Miege High School.
Hunter Kiely, Lakewood Middle School.
Anne Kim, Shawnee Mission South High School.
Julianne Kueffer, Shawnee Mission East High School.
Bridget LaFollette, Oregon Trail Junior High.
Stephanie Mattingly, Olathe East High School.
Magdalena May, Oregon Trail Junior High.
Laura McGee, Shawnee Mission South High School.
Teresa Meagher, Bishop Miege High School.
Katie Mehan, Oregon Trail Junior High.
Meagan Melloy, Homeschool.
Melissa Melloy, Homeschool.
Jessica Melton, Bishop Miege High School.
Tracy Milburn, Shawnee Mission South High School.
Jeff Miller, Shawnee Mission East High School.
Kellie Mitchell, Olathe North High School.
Kate Moreng, Blue Valley North High School.
Robert Murphy, Bishop Miege High School.
Katie Murray, Blue Valley North High School.
Whitney Novak, Mill Valley High School.
Aishling O'Connor, Indian Hills Middle School.
Aaron Olsen, Blue Valley North High School.
Samantha Owens, Bishop Miege High School.
James Park, Blue Valley West High School.
Emily Perry, Shawnee Mission East High School.
Kalin Pfanmiller, Shawnee Mission East High School.
Caitlin Powell, Oregon Trail Junior High.
Danny Rafiner, Blue Valley Northwest High School.
Jason Roberts, Shawnee Mission Northwest High School.
Trisha Roberts, Lexington Trails Middle School.
Morgan Showalter, Oregon Trail Junior High.
Vivek Soni, Oregon Trail Junior High.
Danay Stanislaus, Olathe East High School.
Alli Stewart, Blue Valley North High School.
Erika Swenson, Shawnee Mission South High School.
Whitney Szczucinski, Shawnee Mission East High School.
David Trenary, Oregon Trail Junior High.
Ashlee Turnbull, Shawnee Mission North High School.
Devin West, Bishop Miege High School.
J. Peter Wetzel, Shawnee Mission East High School.
Margret White, Homeschool.
Kelly Wilbur, Mill Valley High School.
Laura Wilkerson, Shawnee Mission East High School.
Julie Wu, Shawnee Mission East High School.
Carrie Yeast, Shawnee Mission East High School.
Stephanie Zeckser, Blue Valley High School.
Mary Zima, Notre Dame de Sion High School.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 25, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 26

9:30 a.m.
Environment and Public Works
To hold hearings to examine the nominations of Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, both to be a Member of the Mississippi River Commission, and Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority.
SD–406

Foreign Relations
To hold oversight hearings to examine foreign assistance.
S–116, Capitol

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Air Force.
SD–192

Indian Affairs
To hold oversight hearings to examine the Indian Gaming Regulatory Act, focusing on the role and funding of the National Indian Gaming Commission.
SH–216

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine issues uncovered as a result of the Blue Ribbon Panel's report of findings on Aerial Fire Fighting Safety and responses to the report.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.
SR–222

Appropriations
Transportation, Treasury and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of the Treasury.
SD–138

2 p.m.
Judiciary
To hold hearings to examine the nominations of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, Richard D. Bennett, to be United States District Judge for the District of Maryland, Dee D. Drell, to be United States District Judge for the Western District of Louisiana, J. Leon Holmes, to be United States District Judge for the Eastern District of Arkansas, and Susan G. Braden, of the District of Columbia, and Charles F. Lettow, of Virginia, each to be a Judge of the United States Court of Federal Claims.
SD–226

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine global energy security issues.
SD–106

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the Department of Energy Office of Environmental Management and Office of Legacy Management.
SR–222

MARCH 27

9:30 a.m.
Commerce, Science, and Transportation
To hearings to examine the implications of cloning on women's health.
SR–253

Energy and Natural Resources
To hold hearings to examine certain proposals with respect to electricity, including S. 475, to reform the nation's outdated laws relating to the electric industry, improve the operation of our transmission system, enhance reliability of our electric grid, increase consumer benefits from whole electric competition, and restore investor confidence in the electric industry.
SD–106

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Education.
SD–192

10 a.m.
Armed Services
To hold hearings to examine the future of the North Atlantic Treaty Organization; to be followed by closed hearings (in Room SH–219).
SH–216

Health, Education, Labor, and Pensions
To hold hearings to examine health care transmission of global AIDS in Africa.
SD–430

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the National Aeronautics and Space Administration.
SD–124

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the General Accounting Office, Government Printing Office, and Congressional Budget Office.
SD–124

2 p.m.
Judiciary
Business meeting to consider pending calendar business.
SD–222

2:30 p.m.
Foreign Relations
To resume hearings to examine the qualifications for NATO enlargement.
SD–419

Armed Services
Personnel Subcommittee
To hold hearings to examine compensation for disabled military retirees in review of the Defense Authorization request for fiscal year 2004.
SR–222

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine intelligence support to warfighters, in review of the Defense Authorization Request for fiscal year 2004.
SR–232A

APRIL 1

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice.
SD–192

Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps development and procurement priorities.
SR–232A

APRIL 2

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine an overview of the fiscal year 2004 Navy Budget.
SD–192

Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

Indian Affairs
To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

APRIL 3

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Navy, Marine Corps, and Air Force aviation and air-launched weapons programs in review of the Defense Authorization request for fiscal year 2004 and the Future Years Defense Program.
SR–232A

APRIL 8

9:30 a.m.
Rules and Administration
To hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service.
SR–301

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the Mammography Quality Standards Act.
SD–430

APRIL 9

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

APRIL 10

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

POSTPONEMENTS

MARCH 26

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider proposed legislation entitled "Caring for Children Act of 2003", proposed legislation entitled "Genetics Information Nondiscrimination Act of 2003", and other pending calendar business.
SD–430

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the reauthorization of child nutrition programs.
SR–328A

SENATE—*Tuesday, March 25, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be given again by our guest Chaplain, Rev. Campbell Gillon, of Georgetown Presbyterian Church in Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Gracious Father, Thy word declares, "Be still and know that I am God." (Psalm 46) Teach us that prayer is more a matter of attitude than audibility. Guide our praying as it seeks not to bend Thee to our will, but us to Thine. Grant us that alert, focusing stillness before the Divine which is the necessary precondition to sharing the psalmist's certainty that Thou art indeed our refuge and strength, an ever-present help in trouble.

O Lord, help in trouble is what so many need. In this time of conflict, we pray for all risking life and limb as they bravely face the hazards of war in a liberating cause. We remember their loved ones and families as they strive to cope with their uncertainty and heartache mingled with supportiveness and pride as they fear the worst or face the worst. Give wisdom and guidance to those on whom the burdens of decision rest: the Commander-in-Chief, his advisors and military leadership. May the result of their actions be a liberation of the oppressed, a day of reckoning for evil and the beginning of a new chapter of peace in that region.

Lord God, these are challenging times. Bless and empower the men and women of this Senate as they daily face their heavy responsibilities for the secure good of this great Nation. May they draw strength from being still before the Eternal and knowing that Thou art God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, for the information of all Senators, we will be voting on amendments to the budget resolution this morning. The chairman and ranking member of the Budget Committee have exchanged copies of the only amendments that remain in order.

We have a number of amendments to dispose of prior to a final vote on this resolution. With the cooperation of all Members, we will be able to move through the remaining amendments in an efficient and orderly manner. It would be helpful if Members would remain in the Chamber during voting. I warn Members in advance that, following the first vote, the remaining votes will be limited to 10 minutes. The practice of 10-minute votes is to allow a grace period of 5 minutes, that is a total of 15 minutes, after which these votes will be terminated. We will not extend a vote beyond that time, and thus Members should not stray far from the Chamber.

As a reminder, the order entered into last Friday is that the Senate will proceed to a final vote on the budget resolution no later than 4 p.m. on Wednesday. Therefore, I advise my colleagues that we have a lot of work before us over the course of today and tomorrow.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader and he has graciously consented to the Senator from California speaking for up to 5 minutes as in morning business prior to our going to the budget resolution. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

TRIBUTE TO CALIFORNIA SERVICEMEN KILLED IN ACTION

Mrs. BOXER. Mr. President, as we pray for all those who are in harm's way, I rise to pay tribute to nine young Americans who were killed in the Iraqi war. All of them are from California or were based in California.

LT Thomas Mullen Adams, age 27; hometown: La Mesa, CA, was killed Saturday, March 22, in a helicopter accident after takeoff from a ship in the Persian Gulf. He graduated from Grossmont High School in La Mesa in 1993 and graduated from the Naval Academy in 1997. He was a decorated naval flight officer, earning two National Defense Service medals and three Sea Service Deployment Ribbons.

LT Thomas Mullen Adams' family lineage can be traced back to Presidents John Adams and John Quincy Adams.

CPT Ryan Beaupre, age 30, was attached to the 1st Marine Expeditionary Force based in Camp Pendleton, CA. He lived in an apartment in Encinitas, CA, overlooking the Pacific Ocean where he often surfed. He was born in Saint Anne, IL. He was killed on Thursday, March 20, in a helicopter accident in Northern Kuwait, near the Iraqi border.

Mr. President, 2LT Therrel Shane Childers was with the 1st Battalion, 5th Marine Regiment of the 1st Marine Division at Camp Pendleton, CA; age 30; hometown: Harrison, MI. He was killed on Friday, March 21 in a firefight with enemy troops in Iraq. He graduated from the Citadel in Charleston, SC, in 2001. He is survived by his parents, Joseph and Judy Childers. He was known to be an active runner and loved the outdoors.

LC 04 Jose Gutierrez—his hometown was Los Angeles, CA. He was born in Guatemala. At age 16, he traveled by himself across Mexico, to California. When he arrived in the United States, he was taken in by Marcelo and Nora Mosquera of Lomita, CA. His sister still lives in Guatemala City, Guatemala. His age was 22. He was killed on Friday, March 21, in a firefight with enemy troops in southern Iraq. He was an infantry rifleman, assigned to the 2nd Battalion, 1st Marine Regiment of the 1st Marine Division at Camp Pendleton.

Cpl Brian Matthew Kennedy was attached to the 1st Marine Expeditionary Force based in Camp Pendleton, CA; age 25; hometown: Glenview, IL. He was killed on Thursday, March 20, in a helicopter accident in Northern Kuwait, near the Iraqi border. He graduated from Glenbrook South High School in Illinois in 1995. He played football and lacrosse during high school. He was also a member of Future Teachers of America and the National Honor Society. He joined the Marines in 1999 and was stationed in Camp Pendleton for 3 years. His father, Mark Kennedy, lives in Houston, TX. His mother, Melissa Derbyshire, lives in Port Clyde, ME.

SSgt Kendall Damon Waterbey joined the Marines in 1992 and was stationed at Camp Pendleton, CA. He was age 29; hometown: Baltimore, MD. He was killed on Thursday, March 20, in a helicopter accident in northern Kuwait, near the Iraqi border. He is married and has a 10 year-old son, Kenneth. His brave son said this about his father:

> He had to do what he had to do for our country. I was proud of him. He's going to stay my hero.

Sgt Michael E. Bitz was from Ventura, CA. He was age 31. He was killed on Sunday, March 23, when he encountered Iraqi troops pretending to surrender. He was assigned to the 2nd Assault Amphibious Battalion, 2nd Marine Division in Camp Lejune, NC.

Cpl Jose A. Garibay was from Orange, CA. He graduated from Newport Harbor High School; age 21. He was killed on Sunday, March 23 when he encountered Iraqi troops pretending to surrender. He was assigned to the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Force in Camp Lejune, NC.

Cpl Jorge Gonzalez was from Los Angeles, CA. He was age 20. He was killed on Sunday, March 23 when he encountered Iraqi troops pretending to surrender. He was assigned to the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade in Camp Lejune, NC.

Mr. President, may all of these beautiful young people rest in peace. May we have a short war. And may we also pray for the wisdom of those who sent these young people on their mission.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 23) setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of our colleagues, the managers will be here shortly. They are looking at the amendments. As I said earlier, the Democrats have developed 40 amendments and the Republicans have 17 amendments. Once we start voting on these amendments, I expect they will be rapid-fire today. Once again, I request the presence of all Senators on the floor once that voting begins.

I will expect the first vote to begin close to 9:45 or 9:50. Both managers are working at this point to develop the order of those amendments as we go forward.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 401

Mr. FRIST. Mr. President, I call up Specter amendment No. 401.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. SPECTER, proposes an amendment numbered 401.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase discretionary health spending for fiscal year 2004 by $2,800,000,000 and make an offsetting reduction in overall administrative expenses)

On page 27, line 11, increase the amount by $2,800,000,000.

On page 27, line 12, increase the amount by $2,800,000,000.

On page 42, line 2, decrease the amount by $2,800,000,000.

On page 42, line 3, decrease the amount by $2,800,000,000.

Mr. FRIST. Mr. President, all time is yielded back.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 401.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Warner
Wyden

NAYS—1

Voinovich

NOT VOTING—3

Landrieu
Lieberman
Miller

The amendment (No. 401) was agreed to.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I just had a conversation with the distinguished manager of the bill. We are now prepared to go through the list of amendments.

AMENDMENT NO. 324

Under the agreement, I call up our first amendment, amendment No. 324.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mrs. LINCOLN, for herself, Ms. LANDRIEU, and Mr. PRYOR proposes an amendment numbered 324.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow full access to Tricare for National Guard and Reserve personnel and their families on a continual basis, offset with reductions to the tax cut)

On page 45, line 24, decrease the amount by $20,279,000,000.

On page 3, line 10, increase the amount by $343,000,000.

On page 3, line 11, increase the amount by $919,000,000.

On page 3, line 12, increase the amount by $1,604,000,000.

On page 3, line 13, increase the amount by $1,968,000,000.

On page 3, line 14, increase the amount by $2,151,000,000.

On page 3, line 15, increase the amount by $2,311,000,000.

On page 3, line 16, increase the amount by $2,475,000,000.

On page 3, line 17, increase the amount by $2,648,000,000.

On page 3, line 18, increase the amount by $2,832,000,000.

On page 3, line 19, increase the amount by $3,028,000,000.

On page 4, line 1, increase the amount by $343,000,000.

On page 4, line 2, increase the amount by $919,000,000.

On page 4, line 3, increase the amount by $1,604,000,000.

On page 4, line 4, increase the amount by $1,968,000,000.

On page 4, line 5, increase the amount by $2,151,000,000.

On page 4, line 6, increase the amount by $2,311,000,000.

On page 4, line 7, increase the amount by $2,475,000,000.

On page 4, line 8, increase the amount by $2,648,000,000.

On page 4, line 9, increase the amount by $2,832,000,000.

On page 4, line 10, increase the amount by $3,028,000,000.

On page 4, line 15, increase the amount by $426,000,000.

On page 4, line 16, increase the amount by $1,055,000,000.

On page 4, line 17, increase the amount by $1,768,000,000.

On page 4, line 18, increase the amount by $2,059,000,000.

On page 4, line 19, increase the amount by $2,205,000,000.

On page 4, line 20, increase the amount by $2,360,000,000.

On page 4, line 21, increase the amount by $2,525,000,000.

On page 4, line 22, increase the amount by $2,701,000,000.

On page 4, line 23, increase the amount by $2,888,000,000.

On page 4, line 24, increase the amount by $3,088,000,000.

On page 5, line 5, increase the amount by $343,000,000.

On page 5, line 6, increase the amount by $919,000,000.

On page 5, line 7, increase the amount by $1,604,000,000.

On page 5, line 8, increase the amount by $1,968,000,000.

On page 5, line 9, increase the amount by $2,151,000,000.

On page 5, line 10, increase the amount by $2,311,000,000.

On page 5, line 11, increase the amount by $2,475,000,000.

On page 5, line 12, increase the amount by $2,648,000,000.

On page 5, line 13, increase the amount by $2,832,000,000.

On page 5, line 14, increase the amount by $3,028,000,000.

On page 9, line 2, increase the amount by $426,000,000.

On page 9, line 3, increase the amount by $343,000,000.

On page 9, line 6, increase the amount by $1,055,000,000.

On page 9, line 7, increase the amount by $919,000,000.

On page 9, line 10, increase the amount by $1,768,000,000.

On page 9, line 11, increase the amount by $1,604,000,000.

On page 9, line 14, increase the amount by $2,059,000,000.

On page 9, line 15, increase the amount by $1,968,000,000.

On page 9, line 18, increase the amount by $2,205,000,000.

On page 9, line 19, increase the amount by $2,151,000,000.

On page 9, line 22, increase the amount by $2,360,000,000.

On page 9, line 23, increase the amount by $2,311,000,000.

On page 10, line 2, increase the amount by $2,525,000,000.

On page 10, line 3, increase the amount by $2,475,000,000.

On page 10, line 6, increase the amount by $2,701,000,000.

On page 10, line 7, increase the amount by $2,648,000,000.

On page 10, line 10, increase the amount by $2,888,000,000.

On page 10, line 11, increase the amount by $2,832,000,000.

On page 10, line 14, increase the amount by $3,088,000,000.

On page 10, line 15, increase the amount by $3,028,000,000.

On page 47, line 5, increase the amount by $426,000,000.

On page 47, line 6, increase the amount by $343,000,000.

On page 47, line 14, increase the amount by $1,055,000,000.

On page 47, line 15, increase the amount by $919,000,000.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I yield time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, I rise very proudly today on behalf of the men and women who serve this great Nation as members of the National Guard and the Reserve units in all of our 50 States. We have an opportunity today to put ourselves, and I hope each of my colleagues in the Chamber will put themselves, in the shoes of these proud men and women who serve our country from the National Guard and the Reserves, to understand what it means not only when they are called up but when they are at home waiting to serve their country.

Well over 20 percent of the Reserve and National Guardsmen in this country do not have health insurance when they are called up to active duty. We have to spend a tremendous amount of money simply getting them to a health condition that actually allows us to activate them and send them into harm's way.

I think it is essential that this amendment be passed. I am proud to be joined by Senators LANDRIEU, FEINGOLD, PRYOR, MIKULSKI, and KENNEDY.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. I do not think it is too much to ask of this great Nation to find them health care.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge our colleagues to vote in opposition to this amendment. I understand from the Armed Services Committee they are opposed to this amendment. This amendment portends that it would increase funding for this particular purpose, but it does not. All any amendment says is, for this one function, we will increase it.

The Armed Services Committee has not requested this. The President has not requested this. As a former National Guardsman who served, one does not receive health care for basically serving one weekend a month. When they are activated, they receive health care services.

This function would increase spending, as well as taxes. The cost is an estimated $7,000 or $8,000 per year per guardsman or reservist. I urge my colleagues to vote no on the amendment.

I ask unanimous consent that the rollcall vote be limited to 10 minutes on all subsequent votes and that the 10 minutes be strictly enforced.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 324. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Landrieu
Lieberman
Miller

The amendment (No. 324) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I inquire from the Presiding Officer, how much time elapsed on that rollcall?

The PRESIDING OFFICER. Sixteen minutes.

Mr. NICKLES. Just for the information of our colleagues, we are going to be tightening down substantially. I don't want people coming up and being mad at Senator CONRAD and myself or Senator FRIST or Senator DASCHLE if they missed a vote, but we are going to start cutting off these votes, just for your information.

I yield to my colleague to call up the next amendment.

Mr. CONRAD. I ask unanimous consent there be 2 minutes equally divided on this amendment—for all of them.

The PRESIDING OFFICER. That is already provided.

Mr. CONRAD. I yield to Senator BAUCUS.

AMENDMENT NO. 348

Mr. BAUCUS. Mr. President, I call up amendment 348.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 348.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that a prescription drug benefit is available to all medicare beneficiaries on an equal basis, including those who choose to remain in the current fee-for-service program)

On page 61, line 12, insert "on an equal basis with respect to benefit level regardless of whether such beneficiaries remain in the traditional medicare fee-for-service program under parts A and B of such title or enroll in a private plan under the medicare program" after "prescription drugs".

Mr. BAUCUS. Mr. President, I ask I be notified when I have consumed 1 minute.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BAUCUS. The administration's drug plan essentially abandons the 89 percent of senior citizens who are now on fee-for-service. How? By providing that seniors who stay in fee-for-service get catastrophic benefits and a discount card but they do not get additional drug benefits. However, if you are a senior and enroll in managed care, you are going to get a drug benefit, therefore, forcing seniors out of fee-for-service, into managed care.

I might add this will also not save money. The managed care programs we have in our country are costing more than fee-for-service. They are costing more than the Federal Employees Health Benefit package. And seniors are dropping out of managed care because they are not getting the benefits they deserve.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I urge Members to vote for this amendment which provides all seniors get the same drug benefit.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. The Budget Committee should not be trying to write the prescription drug bill. Our colleague from Montana is on the Finance Committee. That is where this bill should be written.

I yield to the chairman of the Finance Committee.

Mr. GRASSLEY. Mr. President, obviously, like on so many issues, I happen to agree with my friends on the other side of the aisle. But where do you make this decision? You don't make it on the Budget Committee. You make it on the Finance Committee.

I am committed to having a drug benefit for all seniors. We developed such a bill last year, so we have the capability of doing it. We are going to do it this year. I do not want this decision made here. I do not want to curb the freedom of the Finance Committee.

I argued the same point on an issue that friends on the other side of the aisle would have agreed with me, on a Medicaid issue, that would have been in this budget that is not in the budget.

Leave these issues to a committee of competence, the Senate Finance Committee.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I have an additional minute, I believe?

The PRESIDING OFFICER. The Senator only had 1 minute.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 348.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Allen
Bennett
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Bond
Breaux
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Landrieu
Lieberman
Miller

The amendment (No. 348) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, parliamentary inquiry: How much time was spent on that vote?

The PRESIDING OFFICER. Fourteen minutes.

Mr. NICKLES. For the information of our colleagues, I am going to try to tighten this down closer and closer to 10 minutes, and we are going to cut people off. I don't want people to be upset, but we are going to have to do this. We made a commitment to plow through these amendments. I told our colleagues that is what we are going to do, and that is what we are going to do. So I urge my colleagues to stay on the floor.

AMENDMENT NO. 411

(Purpose: To provide a substitute)

Mr. President, this next amendment is a very important amendment. It is the substitute proposal offered by my colleague, Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a whole substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 411.

Mr. CONRAD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. Mr. President, this is a substitute amendment that has $1.2 trillion less in deficits than the President's plan. It also provides the funding for the war supplemental. It provides for additional funding for homeland security of $80 billion over the baseline. It provides $194 billion of additional funding for prescription drugs, which is still well short of what would be needed to give Americans the kind of coverage we, as Members of Congress, have. It provides $73 billion to keep the promise made by Congress to States on funding for that program. It provides $71 billion for transportation infrastructure, $13 billion for veterans, and balances in 2011, as compared to the underlying resolution of balancing in 2012, and the President's budget which never balances.

Colleagues, I urge you to support this substitute which is the priorities of the American people.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague for having a proposal. Last year, we did not get to vote on a Democrat alternative; today, we will. It greatly increases taxes and greatly increases spending.

I call upon my colleague from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the Democrat substitute increases taxes by $1.24 trillion over 10 years relative to the budget assumptions. It increases total spending by $113 billion in 2004 over the budget assumptions and by $458 billion over the 10 years.

I think there is a clear difference pointed out between our budget and this budget from a philosophical standpoint. There is only $60 billion in a growth package allowed under this budget. I think this budget does not provide for the economic growth we need to get this economy going so there will be jobs for our military people when they get home. Our budget provides for that; their budget does not.

I urge a "no" vote on this budget.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 411.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—43

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 411) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the cooperation of the Chair. We are going to have a lot of votes, so it is going to be important for us to keep order in the Senate at all times.

We are ready to consider an amendment by the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 372

Mr. LEVIN. Mr. President, I call up amendment No. 372, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 372.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To end the abusive use of offshore tax havens (ending tax advantages for corporate inversions and closing the Bermuda reinsurance loophole) and use the half of the resulting revenues of $4.7 billion over ten years to reduce the deficit and half to restore funding for education, with the education increases to be split evenly between IDEA, school construction and modernization, and after-school programs)

On page 3, line 9, increase the amount by $38,000,000.

On page 3, line 10, increase the amount by $130,000,000.

On page 3, line 11, increase the amount by $153,000,000.

On page 3, line 12, increase the amount by $268,000,000.

On page 3, line 13, increase the amount by $321,000,000.

On page 3, line 14, increase the amount by $385,000,000.

On page 3, line 15, increase the amount by $460,000,000.

On page 3, line 16, increase the amount by $551,000,000.

On page 3, line 17, increase the amount by $658,000,000.

On page 3, line 18, increase the amount by $785,000,000.

On page 3, line 19, increase the amount by $936,000,000.

On page 3, line 23, increase the amount by $38,000,000.

On page 4, line 1, increase the amount by $130,000,000.

On page 4, line 2, increase the amount by $153,000,000.

On page 4, line 3, increase the amount by $268,000,000.

On page 4, line 4, increase the amount by $321,000,000.

On page 4, line 5, increase the amount by $385,000,000.

On page 4, line 6, increase the amount by $460,000,000.

On page 4, line 7, increase the amount by $551,000,000.

On page 4, line 8, increase the amount by $658,000,000.

On page 4, line 9, increase the amount by $785,000,000.

On page 4, line 10, increase the amount by $936,000,000.

On page 4, line 15, increase the amount by $272,000,000.

On page 4, line 16, increase the amount by $269,000,000.

On page 4, line 17, increase the amount by $269,000,000.

On page 4, line 18, increase the amount by $267,000,000.

On page 4, line 19, increase the amount by $262,000,000.

On page 4, line 20, increase the amount by $253,000,000.

On page 4, line 21, increase the amount by $240,000,000.

On page 4, line 22, decrease the amount by $220,000,000.

On page 4, line 23, decrease the amount by $193,000,000.

On page 4, line 24, decrease the amount by $156,000,000.

On page 5, line 5, increase the amount by $11,000,000.

On page 5, line 6, increase the amount by $187,000,000.

On page 5, line 7, increase the amount by $255,000,000.

On page 5, line 8, increase the amount by $267,000,000.

On page 5, line 9, increase the amount by $262,000,000.

On page 5, line 10, increase the amount by $253,000,000.

On page 5, line 11, increase the amount by $240,000,000.

On page 5, line 12, decrease the amount by $220,000,000.

On page 5, line 13, decrease the amount by $193,000,000.

On page 5, line 14, decrease the amount by $156,000,000.

On page 5, line 17, decrease the amount by $38,000,000.

On page 5, line 18, decrease the amount by $119,000,000.

On page 5, line 19, increase the amount by $34,000,000.

On page 5, line 20, decrease the amount by $13,000,000.

On page 5, line 21, decrease the amount by $54,000,000.

On page 5, line 22, decrease the amount by $123,000,000.

On page 5, line 23, decrease the amount by $207,000,000.

On page 5, line 24, decrease the amount by $311,000,000.

On page 5, line 25, decrease the amount by $438,000,000.

On page 6, line 1, decrease the amount by $592,000,000.

On page 6, line 2, decrease the amount by $780,000,000.

On page 6, line 5, decrease the amount by $38,000,000.

On page 6, line 6, decrease the amount by $157,000,000.

On page 6, line 7, decrease the amount by $124,000,000.

On page 6, line 8, decrease the amount by $137,000,000.

On page 6, line 9, decrease the amount by $191,000,000.

On page 6, line 10, decrease the amount by $314,000,000.

On page 6, line 11, decrease the amount by $520,000,000.

On page 6, line 12, decrease the amount by $832,000,000.

On page 6, line 13, decrease the amount by $1,270,000,000.

On page 6, line 14, decrease the amount by $1,862,000,000.

On page 6, line 15, decrease the amount by $2,642,000,000.

On page 6, line 18, decrease the amount by $38,000,000.

On page 6, line 19, decrease the amount by $157,000,000.

On page 6, line 20, decrease the amount by $124,000,000.

On page 6, line 21, decrease the amount by $137,000,000.

On page 6, line 22, decrease the amount by $191,000,000.

On page 6, line 23, decrease the amount by $314,000,000.

On page 6, line 24, decrease the amount by $520,000,000.

On page 6, line 25, decrease the amount by $832,000,000.

On page 7, line 1, decrease the amount by $1,270,000,000.

On page 7, line 2, decrease the amount by $1,862,000,000.

On page 7, line 3, decrease the amount by $2,642,000,000.

On page 25, line 16, increase the amount by $275,000,000.

On page 25, line 17, increase the amount by $14,000,000.

On page 25, line 20, increase the amount by $275,000,000.

On page 25, line 21, increase the amount by $193,000,000.

On page 25, line 24, increase the amount by $275,000,000.

On page 25, line 25, increase the amount by $261,000,000.

On page 26, line 3, increase the amount by $275,000,000.

On page 26, line 4, increase the amount by $275,000,000.

On page 26, line 7, increase the amount by $275,000,000.

On page 26, line 8, increase the amount by $275,000,000.

On page 26, line 11, increase the amount by $275,000,000.

On page 26, line 12, increase the amount by $275,000,000.

On page 26, line 15, increase the amount by $275,000,000.

On page 26, line 16, increase the amount by $275,000,000.

On page 26, line 19, increase the amount by $275,000,000.

On page 26, line 20, increase the amount by $275,000,000.

On page 26, line 23, increase the amount by $275,000,000.

On page 26, line 24, increase the amount by $275,000,000.

On page 27, line 2, increase the amount by $275,000,000.

On page 27, line 3, increase the amount by $275,000,000.

On page 40, line 6, decrease the amount by $3,000,000.

On page 40, line 7, decrease the amount by $3,000,000.

On page 40, line 10, decrease the amount by $6,000,000.

On page 40, line 11, decrease the amount by $6,000,000.

On page 40, line 14, decrease the amount by $6,000,000.

On page 40, line 15, decrease the amount by $6,000,000.

On page 40, line 18, decrease the amount by $8,000,000.

On page 40, line 19, decrease the amount by $8,000,000.

On page 40, line 22, decrease the amount by $13,000,000.

On page 40, line 23, decrease the amount by $13,000,000.

On page 41, line 2, decrease the amount by $22,000,000.

On page 41, line 3, decrease the amount by $22,000,000.

On page 41, line 6, decrease the amount by $35,000,000.

On page 41, line 7, decrease the amount by $35,000,000.

On page 41, line 10, decrease the amount by $55,000,000.

On page 41, line 11, decrease the amount by $55,000,000.

On page 41, line 14, decrease the amount by $82,000,000.

On page 41, line 15, decrease the amount by $82,000,000.

On page 41, line 18, decrease the amount by $119,000,000.

On page 41, line 19, decrease the amount by $119,000,000.

On page 47, line 5, increase the amount by $275,000,000.

On page 47, line 6, increase the amount by $14,000,000.

On page 47, line 14, increase the amount by $275,000,000.

On page 47, line 15, increase the amount by $193,000,000.

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON CORPORATE TAX HAVEN LOOPHOLES

(a) FINDINGS.—Congress finds that companies are taking advantage of loopholes in the United States tax code to direct taxable income to tax haven jurisdictions, some of which have excessive bank secrecy laws and a poor record of cooperation with United States civil and criminal tax enforcement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should act to stop companies from avoiding paying their fair share of United States taxes by—

(1) addressing the problem of corporations that have renounced their United States citizenship ("inverted") by relocating their headquarters to tax haven jurisdictions while maintaining their primary offices and production or service facilities in the United States; and

(2) addressing the problem of Bermuda-based insurance companies that are using reinsurance agreements with their subsidiaries to direct property and casualty insurance premiums out of the United States into Bermuda to reduce their United States taxes in a way that places United States property and casualty insurance companies at a competitive disadvantage.

Mr. LEVIN. Mr. President, while young men and women are putting their lives on the line for us, for our country, some corporations are stiffing our country, renouncing their citizenship, going through phony reincorporations in Bermuda. There are other tax haven countries, so-called inverting themselves in order to avoid taxes. This is one of the most egregious of all of the tax haven abuses that we know about—just a shell headquarters being opened, but all of the benefits of living in America continue.

These corporations continue to use our roads, use our law enforcement, use our education system, and so forth.

It is unfair to the taxpayers who are left holding the bag. It is unfair to U.S. competitors. It is something we ought to end. I hope we will end it today with the adoption of this amendment, particularly at a time when young American men and women are giving their all for us.

It is time for Congress to get serious about closing tax haven loopholes. This amendment is aimed at closing two of those loopholes that would raise $4.7 billion over 10 years. It proposes that we take half of that $4.7 billion to reduce the deficit over 10 years and half to increase funding over 10 years for the following education initiatives: one, special education; two, afterschool programs; and three, school construction and modernization grants.

First, we need to stop corporate inversions, and do it in a way that will not permit those that started the inversion pretense to enjoy billions in future tax benefits that will continue to disadvantage their U.S. competitors. The companies targeted by this measure are those which have, in essence, pretended to move their headquarters to a tax haven when, in reality, their primary offices and production or service facilities remain right here in the United States. By opening shell headquarters in a tax haven, companies that got their start in this country, do most of their work here, and benefit from U.S. roads, banks, patents, computers, law enforcement, fair trade laws, its educated workforce, and much more, avoid contributing their fair share to pay for those benefits. A bill I have introduced along with Senators REID, DURBIN, and KENNEDY is designed to stop this abusive practice. Last year, the Joint Committee on Taxation analyzed an almost identical bill and estimated that it would raise $4 billion over 10 years.

Second, we need to close the Bermuda reinsurance tax loophole. Utilizing the U.S. tax code, a number of Bermuda-based property and casualty insurance companies are placing American-owned property and casualty insurance companies at a severe competitive disadvantage by ducking U.S. taxes that U.S. insurers are required to pay. Through reinsurance agreements with their subsidiaries, Bermuda insurance companies operating in the United States are using their U.S. subsidiaries to send U.S. insurance premiums out of this country and into Bermuda, where interest can be earned on the premiums tax-free. By sending the premiums offshore, the U.S. subsidiary of the Bermuda parent is able to reduce the amount of its income in the United states and, accordingly, reduce its U.S. taxes. Comparable U.S.-owned insurance companies cannot operate in the same way and, as a result, operate on an uneven playing field. Legislation has been developed to correct this inequity and level the playing field for U.S. property and casualty insurers. The Joint Committee on Taxation last year estimated the bill seeking to close this tax haven loophole would produce about $700 million over ten years.

These are not the only tax haven abuses we need to address; there are others. We need to eliminate tax breaks for U.S. taxpayers that do business in uncooperative tax havens that fail, in the judgment of the U.S. government, to provide information needed in U.S. tax enforcement efforts. Since the 9/11 tragedy, the importance of financial transparency and cooperative information exchange among international law enforcement agencies has increased, not only to fight money laundering and other crimes, but also to understand financial transactions that my involve tax evasion or other illegal conduct. But a handful of tax haven jurisdictions continue to employ secrecy laws that impede U.S. tax enforcement or provide lackadaisical or ineffective responses to U.S. requests for information needed in criminal and civil tax matters. Legislation has been developed that would restrict the tax benefits that a U.S. taxpayer could claim from business transacted in one of these uncooperative jurisdictions. This legislation would produce not only new tax revenues, but also a powerful incentive for the targeted jurisdictions to reform their abusive policies. The funds that would be raised by such a provision are not included in the $4.7 billion at issue in this amendment due to our inability to obtain a timely revenue estimate, but this tax haven issue—and others like it—need to be addressed.

We should use half of the $4.7 billion that would be raised by closing the inversion and Bermuda reinsurance loopholes to reduce the deficit and increase our commitment to education, which has been underfunded in this budget resolution. The budget resolution proposes funding that is almost $10 billion below the 2004 amount authorized in the No Child Left Behind Act, and includes funding levels that will reduce funding for after school centers and eliminate over 40 education programs, including programs relating to rural education, school counselors and teaching standards. It also would provide no funds for school modernization and construction grants and reduced funding for Teacher Quality State Grants, resulting in fewer teachers receiving the high-quality training they need.

This amendment would increase education funding by over $2 billion over ten years, and proposes that the funds be evenly divided between special education programs, afterschool programs and school construction and modernization.

The increased funding for special education will help to ensure that more students with disabilities get the public education they deserve, and that school districts will have additional funds to provide needed services without dipping even further into their general education budgets. School superintendents, school board members, teachers and parents in my state of Michigan and all across America have attested to the fact that the shortfall in federal support has placed a severe strain on local education budgets. It is clear that additional resources are necessary to help provide a quality education to all special needs children.

Additional funds are also necessary to support after-school programs. The development of our nation's children does not start and end in our nation's classrooms. It is important to give all children safe, enriching environments in which they can spend their time when the school day ends. Juvenile crime hits its peak after children leave school and before their parents arrive home. Between 5 and 15 million children have nowhere to go after school. Research indicates that between the hours of 3 and 7 p.m., children are more likely to engage in at-risk behavior, including abusing drugs or alcohol or engaging in sexual activity, or become the victims of crime. 21st Century Community Learning Centers provide after school educational, recreational, cultural, health and social services to youth in many communities. The additional funds in this amendment will help to ensure that we do not leave these children behind when the school day ends.

We also are faced with startling statistics about the state of America's public school facilities. Record enrollments and growing communities are causing severe overcrowding in many public schools. The average public school facility in America is over 40 years old. Approximately 46 percent of all public schools lack the electrical and communication wiring necessary to utilize today's computer systems and to prepare our children for today's technologically-based society. Recent surveys by the General Accounting Office and the National Council for Education Statistics, NCES, have placed cost estimates of school construction needs between $112 billion to $127 billion. Sixty to 70 percent of Michigan's schools reported having six or more insufficient technology elements. In this Congress and the last I supported grants and school bond tax provisions for the construction, rehabilitation, or repair of school facilities. The additional funds this amendment provides will help to ensure that no student is denied access to the Internet because a school does not have the physical infrastructure to use computers or other technology.

Support for this amendment indicates support for three things—closing two egregious tax haven loopholes, increasing funding for education, and paying down the deficit. I urge my colleagues' support.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we do not rewrite the Tax Code in this bill. A lot of people have implied we do, but we do not. We have no objections to the amendment of the Senator from Michigan.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 372.

The amendment (No. 372) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator REID of Nevada be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to my friend and colleague from North Dakota to call up an additional amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask the Senator from Nevada if he is ready to consider his amendment.

Mr. REID. I am.

Mr. CONRAD. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 341

(Purpose: To increase new budget authority and outlays for National Defense (050) in order to permit phased-in concurrent receipt of retired pay and veterans' disability compensation for veterans with service-connected disabilities rated at 60 percent or higher)

Mr. REID. Mr. President, the next amendment in order to be called up is No. 341.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 341.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, March 20, 2003 under "Text of Amendments.")

Mr. REID. Mr. President, as many of my colleagues know, over the last several years we worked hard to make veterans eligible for the concurrent receipt of retirement pay and disability benefits.

Under current law, most veterans, except those who were disabled as a result of combat, are prevented from receiving the pay and benefits they have rightly earned while serving this Nation. This is something the Armed Services Committee, with Senators WARNER and LEVIN, worked on with me last year, and we got this done. It was a big step forward, but we need to do more.

My amendment adjusts the budget resolution to pay for phased-in concurrent receipt for veterans with service-related disabilities rated at 60 percent or higher. Although it is not full concurrent receipt, this one change would help tens of thousands of veterans.

I hope everyone supports this most worthy amendment.

Ms. CANTWELL. Mr. President, I rise to support Senate amendment No. 341, an amendment to provide partial concurrent receipt for veterans.

I would like to thank my colleague from Nevada for his unwavering and tireless support of veterans throughout the country. My constituents are aware of his advocacy for full concurrent receipt and appreciate his support.

Mr. President, as you know, our current military benefits system requires disabled military retirees who have a service-connected disability to deduct their disability compensation from the funds they would otherwise receive as retirement pay. This requirement unfairly merges two distinct programs and forces many disabled retirees to forfeit a significant portion of their well-deserved retirement pay.

The retirement benefit is an entitlement granted to all members of the U.S. Armed Forces who dedicate 20 or more years to providing our Nation's defenses. Disability compensation, on the other hand, is awarded as a compensation for personnel who are injured in the line of duty. I believe veterans should receive each payment separately. Allowing disabled veterans to receive their full military retired pay and disability compensation will restore fairness and common sense to U.S. military retirement policy.

Last year, President Bush signed compromise legislation that provides concurrent receipt to two veterans groups: one, any retiree receiving disability compensation, of at least 10 percent, whose disability was combat-related and for which the retiree was awarded the Purple Heart; and two, any retiree with a service-connected disability rated at 60 percent or higher incurred as a direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war.

Although this compromise was an important first step, it remains an insufficient remedy to a persisting inequity in our veterans benefits system. Senate Amendment No. 341 would expand concurrent receipt to include veterans who have a service-connected disability of at least 60 percent. This is another important step in what will continue to be a long battle to provide concurrent receipt to all eligible veterans—a battle that I remain committed to fighting.

Again, I thank the Senator from Nevada for his leadership on this issue. I encourage my colleagues to support this amendment and look forward to working with them to provide full concurrent receipt for all veterans.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, last year the Armed Services Committee did a lot of good work in this field, and I compliment my colleague from Nevada and also the chairman from the Armed Services Committee and the Senator from Michigan for the great work they did last year.

Concerning the pending amendment by my friend and colleague from Nevada, we have no objection to accepting the amendment by voice vote.

The PRESIDING OFFICER. Is time yielded back?

Mr. REID. It is.

Mr. NICKLES. I yield back the remainder of time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 341.

The amendment (No. 341) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I am prepared to yield to Senator BYRD for his amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 5 minutes on each side on this amendment.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 412

(Purpose: To foster greater debate in the Senate and to prevent further increases in the deficit by striking the reconciliation instructions to the Committee on Finance)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 412.

On page 45, strike beginning with line 20 through page 46, line 2.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, my amendment will strike the reconciliation instructions to the Finance Committee that would shield the President's $726 billion tax cut from a thorough debate in the Senate. To use reconciliation to increase the deficit is an abuse of the budget process.

The Budget Act framers did not contemplate that reconciliation would ever be used to produce $726 billion in tax cuts that would be financed through Social Security surpluses and an increasing debt. The Budget Act includes explicit and implicit language underscoring that the purpose of reconciliation is for deficit reduction.

If the reconciliation instructions were removed from the pending budget resolution, the Senate could still pass any economic stimulus plan it chose. To limit debate on such legislation is irresponsible, particularly when the administration has not even explained how it intends to pay for the cost of the war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I ask for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if this budget resolution passes with these reconciliation instructions included, the American people, through their elected representatives in Congress, will be denied their right to have a full debate upon the budgetary priorities of the Nation.

I urge my colleagues to support this amendment and a vote to strike the reconciliation instructions to the Finance Committee from this budget resolution.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Budget Act is 25 years old and 22 times we have used reconciliation, and of that 22 times, 18 have had instructions to change, alter, or amend tax laws, change, alter, or amend programs such as Medicare, entitlement programs. We have done that. It has become an integral part of the Budget Act of the United States. Without that, you could take the Budget Act and say it is for nought. It would accomplish nothing.

It would be an exercise in debating and then later on we would have as much time as we wanted on every bill. There would be filibusters on every bill and, as contemplated by the Framers, we would get no budget activity in the United States.

Reconciliation includes minimum debate. Without minimum debate, nothing will be done of a budgetary nature for the United States. The Senator understands that. That is why he offers it. The budget will be a shell meaning nothing. I suggest we defeat the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 412.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Jeffords
Miller

The amendment (No. 412) was rejected.

Mr. CONRAD. I yield to the Senator from Massachusetts.

AMENDMENT NO. 315

Mr. KENNEDY. Mr. President, I call up my amendment on the unemployment benefits extension and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. SARBANES, Mr. REED, Mr. DURBIN, Mrs. CLINTON, and Ms. CANTWELL, proposes an amendment numbered 315.

Mr. KENNEDY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 9, increase the amount by $6,525,000,000.

On page 3, line 10, increase the amount by $9,895,000,000.

On page 3, line 11, increase the amount by $90,000,000.

On page 3, line 12, increase the amount by $45,000,000.

On page 3, line 13, increase the amount by $10,000,000.

On page 3, line 14, increase the amount by $10,000,000.

On page 3, line 15, increase the amount by $15,000,000.

On page 3, line 16, increase the amount by $45,000,000.

On page 3, line 23, increase the amount by $6,525,000,000.

On page 4, line 1, increase the amount by $9,895,000,000.

On page 4, line 2, increase the amount by $90,000,000.

On page 4, line 3, increase the amount by $45,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 5, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $15,000,000.

On page 4, line 7, increase the amount by $45,000,000.

On page 4, line 14, increase the amount by $6,525,000,000.

On page 4, line 15, increase the amount by $9,773,000,000.

On page 4, line 16, decrease the amount by $8,000,000.

On page 4, line 17, decrease the amount by $12,000,000.

On page 4, line 18, decrease the amount by $15,000,000.

On page 4, line 19, decrease the amount by $16,000,000.

On page 4, line 20, decrease the amount by $18,000,000.

On page 4, line 21, decrease the amount by $21,000,000.

On page 4, line 22, decrease the amount by $23,000,000.

On page 4, line 23, decrease the amount by $24,000,000.

On page 4, line 24, decrease the amount by $25,000,000.

On page 5, line 4, increase the amount by $6,525,000,000.

On page 5, line 5, increase the amount by $9,773,000,000.

On page 5, line 6, decrease the amount by $8,000,000.

On page 5, line 7, decrease the amount by $12,000,000.

On page 5, line 8, decrease the amount by $15,000,000.

On page 5, line 9, decrease the amount by $16,000,000.

On page 5, line 10, decrease the amount by $18,000,000.

On page 5, line 11, decrease the amount by $21,000,000.

On page 5, line 12, decrease the amount by $23,000,000.

On page 5, line 13, decrease the amount by $24,000,000.

On page 5, line 14, decrease the amount by $25,000,000.

On page 5, line 18, increase the amount by $122,000,000.

On page 5, line 19, increase the amount by $98,000,000.

On page 5, line 20, increase the amount by $57,000,000.

On page 5, line 21, increase the amount by $25,000,000.

On page 5, line 22, increase the amount by $26,000,000.

On page 5, line 23, increase the amount by $33,000,000.

On page 5, line 24, increase the amount by $66,000,000.

On page 5, line 25, increase the amount by $23,000,000.

On page 6, line 1, increase the amount by $24,000,000.

On page 6, line 2, increase the amount by $25,000,000.

On page 6, line 6, decrease the amount by $122,000,000.

On page 6, line 7, decrease the amount by $220,000,000.

On page 6, line 8, decrease the amount by $277,000,000.

On page 6, line 9, decrease the amount by $302,000,000.

On page 6, line 10, decrease the amount by $328,000,000.

On page 6, line 11, decrease the amount by $361,000,000.

On page 6, line 12, decrease the amount by $427,000,000.

On page 6, line 13, decrease the amount by $450,000,000.

On page 6, line 14, decrease the amount by $474,000,000.

On page 6, line 15, decrease the amount by $499,000,000.

On page 6, line 19, decrease the amount by $122,000,000.

On page 6, line 20, decrease the amount by $220,000,000.

On page 6, line 21, decrease the amount by $277,000,000.

On page 6, line 22, decrease the amount by $302,000,000.

On page 6, line 23, decrease the amount by $328,000,000.

On page 6, line 24, decrease the amount by $361,000,000.

On page 6, line 25, decrease the amount by $427,000,000.

On page 7, line 1, decrease the amount by $450,000,000.

On page 7, line 2, decrease the amount by $474,000,000.

On page 7, line 3, decrease the amount by $499,000,000.

On page 30, line 23, increase the amount by $6,525,000,000.

On page 30, line 24, increase the amount by $6,525,000,000.

On page 31, line 2, increase the amount by $9,775,000,000.

On page 31, line 3, increase the amount by $9,775,000,000.

On page 40, line 6, decrease the amount by $2,000,000.

On page 40, line 7, decrease the amount by $2,000,000.

On page 40, line 10, decrease the amount by $8,000,000.

On page 40, line 11, decrease the amount by $8,000,000.

On page 40, line 14, decrease the amount by $12,000,000.

On page 40, line 15, decrease the amount by $12,000,000.

On page 40, line 18, decrease the amount by $15,000,000.

On page 40, line 19, decrease the amount by $15,000,000.

On page 40, line 22, decrease the amount by $16,000,000.

On page 40, line 23, decrease the amount by $16,000,000.

On page 41, line 2, decrease the amount by $18,000,000.

On page 41, line 3, decrease the amount by $18,000,000.

On page 41, line 6, decrease the amount by $21,000,000.

On page 41, line 7, decrease the amount by $21,000,000.

On page 41, line 10, decrease the amount by $23,000,000.

On page 41, line 11, decrease the amount by $23,000,000.

On page 41, line 14, decrease the amount by $24,000,000.

On page 41, line 15, decrease the amount by $24,000,000.

On page 41, line 18, decrease the amount by $25,000,000.

On page 41, line 19, decrease the amount by $25,000,000.

Mr. KENNEDY. Mr. President, how could we in good conscience deny unemployment benefits to the long-term unemployed at the same time we are considering more than $1.3 trillion in additional tax cuts disproportionately benefiting the wealthiest taxpayer? That is exactly what this budget does. This amendment will extend and expand unemployment benefits for the millions of workers who need them. It will cost just $16 billion, about 1 percent of the cost of the tax cut. That should not be too much to ask for those families who need our help the most. More than 4 million Americans will be unemployed with no Federal benefits after June 1 under the current law. These men and women have worked hard for years, paid into the unemployment fund, and now find themselves without a job through no fault of their own. They are victims of the stagnant economy, and the economic news is not getting any better.

Where is our concern for these 4 million Americans? Where is our sense of fairness? I hope Members will support this amendment.

Mr. SARBANES. Mr. President, I rise today in support of amendment No. 315 of which I am a proud cosponsor. The purpose of this amendment is to accommodate in the budget an extension of unemployment insurance benefits. Currently, extended unemployment insurance benefits are scheduled to expire at the end of May. Beginning June first, individuals whose regular unemployment benefits expire will no longer be eligible for extended benefits.

This amendment sets aside the necessary funds, $16 billion, to extend the existing unemployment insurance benefits program for an additional 6 months. That is estimated to provide assistance to between 2 to 2.5 million working Americans who have lost their job through no fault of their own. The amendment takes the money from the proposed $1.5 trillion dollars in tax cuts. This raises the very fundamental question of what our priorities are.

I am convinced that we are going to still be in very difficult shape when the current extension of unemployment insurance benefits expires at the end of May, and I think we will need to extend it. There is little chance that the labor market will significantly improve for unemployed workers between now and the end of May. There is growing evidence that the labor market is still deteriorating. The Federal Open Market Committee's most recent statement on interest rates concluded that, "recent labor market indicators have proven disappointing."

That is an understatement. It was reported yesterday that the 4-week average of initial jobless claims rose to a 10-month high of 429,500. Last month we lost 308,000 jobs and the unemployment rose last month to 5.8 percent. The unemployment rate is higher today than when extended benefits were first enacted in March 2002. Over 3.4 million Americans are drawing unemployment benefits today a 4-month high. It would take private sector job creation of over 100,000 per month, every month, for the next 2-years, in order for the economy to recoup the 2.5 million private sector jobs that have been lost since President Bush took office.

The labor market remains weak because the overall economy remains weak. Last week the Federal Reserve released a report stating that, "growth in economic activity remained subdued in January and February. . . . Consumer spending remained weak," and "business spending was very soft, with little change in capital spending or hiring plans." Little change in business hiring is horrible news for would be job seekers who are caught in what the New York Times called the "Worst Hiring Slump in 20 Years." And this hiring slump has been very tough on those who are of moderate means. Witness the Baltimore Sun's recent story entitled "Jobs for poor few in a weak economy."

You have a situation where people are unemployed: Over 8.5 million unemployed Americans, over 22 percent of which, 1.87 million, have been unemployed for more than 26 weeks, are looking for work, and can't find a job because there are no jobs to be had. This is the highest percentage—of long-term unemployed our economy has witnessed since 1992. In situations like this, the Congress has always provided extended unemployment benefits. In the last recession these benefits were provided for 29 months. During the recession before that, they lasted for 33 months. In both of those recessions extended benefits were discontinued only after a pronounced strengthening in the labor market.

Today these benefits are set to expire after only 15 months, well before the labor market has improved. If this happens, it will mark not only a departure from prudent fiscal policy that has been implemented in a bipartisan fashion in the past but will also harm economic growth and hurt millions of Americans. Extended unemployment insurance benefits, already enacted by the Congress, have assisted 4.7 million workers and provided $12 billion of stimulus into the economy. Federal Reserve Chairman Greenspan has testified that "extended unemployment insurance provided a timely boost to disposable income."

This amendment will allow for up to an additional $16.3 billion in stimulus to be provided precisely to those Americans who need it the most. In fact, that is why it is so effective as economic stimulus—those who receive unemployment benefits, by definition, are in such a precarious fiscal position that they must spend every dollar of benefits, which are far less than what they used to earn in their previous job. The $16 billion would allow for the program not only to be extended as it is, but to provide for all Americans who qualify to receive an additional 13 weeks of benefits. This would include the 1 million workers who have already exhausted their extended benefits. These workers need help. They want to find work but cannot find a job because there are simply no jobs to be had.

I know that some of my colleagues oppose providing extended benefits for more than 13 weeks to anyone. I have a differing view point. I point out that at this state of the last recession, a minimum of 20 weeks of additional Federal benefits were provided for all Americans in every State. Under normal circumstances with a growing labor market, there is a strong case to be made that providing too long of a duration of unemployment insurance benefits would be harmful. However, in times when the labor market is weak and the job base is shrinking, the situation is very different. Even Fed Chairman Greenspan acknowledged this in testimony before the Joint Economic Committee, stating: "in periods like this [a shrinking labor market], that the economic restraints on the unemployment insurance system almost surely ought to be eased."

In the previous recession and jobless recovery, extended unemployment insurance benefits lasted for 29 months and for much of that time provided benefits for 26 to 33 weeks. In this recession and jobless recovery, benefits are scheduled to expire after only 15 months and have provided only 13 weeks of extended benefits to the vast majority of Americans. Even if you still cling to the idea that we should have no more than 13 additional weeks, passing this amendment does not itself extend these benefits. it only allows the Senate the flexibility to address this issue when the time comes without having a budget point of order raised. The amendment sets aside the necessary funds, $16.3 billion—which I point out are more than covered by the $21 billion in the unemployment insurance trust funds today—to provide for whatever form of extended benefits the Senate should choose to pass. Hold the debate on how to structure the program until then. What we cannot afford to do today is to pass a budget that contains nothing to provide for extension of benefits which may be critically needed in only a few months time.

Last year this issue was not properly dealt with, and as a result millions of Americans suffered through the holiday season believing that their benefits were going to expire. Yet when Congress reconvened, extended benefits were retroactively restored, 11 days after they had expired. Let's not put these people through this again. Let's act now and set aside in this budget the resources necessary to do the job that we, in my view, will have to do between now and the end of May.

Mr. NICKLES. Mr. President, we are making good progress. I am a little concerned about bouncing around on which amendment is next.

I urge my colleagues to vote no on this amendment. We have only voted on this particular amendment two or three times, maybe four or five times if you go back to last year.

This would double the program from a 13-week program to a 26-week program. It would cost billions, $16.6 billion, I believe, in probably a year. According to GAO, there is $6.6 billion of an $8 billion block grant we gave to the States that they have not used. This is a very expensive amendment, in my opinion, not well thought out, not coordinated with States. High unemployment States already get up to 65 weeks in benefits under present law. This would extend it. It is very expensive. I urge my colleagues to vote no.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment No. 315.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID: I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 315) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think we will offer an amendment now. It will be the second one we have offered today. It will be offered by the Senator from New Hampshire, the chairman of the Health and Education Committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 414

Mr. GREGG. Mr. President, I call up an amendment. I believe it is at the desk, or I will send it up.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 414.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide $2 billion for education block grants to states to be allocated to local educational agencies for any of the purposes of the No Child Left Behind Act, Individuals with Disabilities Education Act, or Vocational Education Programs by reducing spending on other government programs by a commensurate amount)

On page 25, line 16, increase the amount by $2,000,000,000.

On page 25, line 17, increase the amount by $40,000,000.

On page 25, line 21, increase the amount by $1,400,000,000.

On page 25, line 25, increase the amount by $500,000,000.

On page 26, line 4, increase the amount by $60,000,000.

On page 42, line 2, decrease the amount by $2,000,000,000.

On page 42, line 3, decrease the amount by $40,000,000.

On page 42, line 7, decrease the amount by $1,400,000,000.

On page 42, line 11, decrease the amount by $500,000,000.

On page 42, line 15, decrease the amount by $60,000,000.

Mr. GREGG. Mr. President, this amendment adds an additional $2 billion into our educational accounts. We already increased educational spending last week. We are increasing it here again. The practical effect of what we are doing is that we will have seen a 91-percent, or $3.2 billion, increase in Head Start as a result of this amendment and the additional amendments we passed. We will have seen over a 333-percent increase in funding in special education in the last few years as a result of this amendment and others and a 90-percent increase in funding in title I as a result of this amendment and others.

With this amendment, we will have again dramatically increased the funding for both preschool and general education activities at the elementary and secondary level, and I believe we should have pretty much filled up the bucket in those accounts.

Mr. President, I yield back the rest of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are prepared to take this amendment. We are ready to go to a voice vote on this amendment.

The PRESIDING OFFICER. The time is yielded back.

The question is on agreeing to amendment No. 414.

The amendment (No. 414) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I yield to the Senator from Connecticut, Mr. DODD, for an amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 415

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 415.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for after-school programs to the levels promised by the No Child Left Behind Act to serve 1.6 million more children in FY 2004 and to increase funding for Head Start to serve 80 percent of eligible 3 and 4 year olds and increase the number of infant and toddlers served and for deficit reduction)

On page 3, line 10, increase the amount by $1,155,000,000.

On page 3, line 11, increase the amount by $3,891,000,000.

On page 3, line 12, increase the amount by $5,806,000,000.

On page 3, line 13, increase the amount by $7,666,000,000.

On page 3, line 14, increase the amount by $8,818,000,000.

On page 3, line 15, increase the amount by $9,195,000,000.

On page 3, line 16, increase the amount by $9,455,000,000.

On page 3, line 17, increase the amount by $9,694,000,000.

On page 3, line 18, increase the amount by $9,900,000,000.

On page 3, line 19, increase the amount by $10,164,000,000.

On page 4, line 1, increase the amount by $1,155,000,000.

On page 4, line 2, increase the amount by $3,891,000,000.

On page 4, line 3, increase the amount by $5,806,000,000.

On page 4, line 4, increase the amount by $7,666,000,000.

On page 4, line 5, increase the amount by $8,818,000,000.

On page 4, line 6, increase the amount by $9,195,000,000.

On page 4, line 7, increase the amount by $9,455,000,000.

On page 4, line 8, increase the amount by $9,694,000,000.

On page 4, line 9, increase the amount by $9,900,000,000.

On page 4, line 10, increase the amount by $10,164,000,000.

On page 4, line 15, increase the amount by $2,140,000,000.

On page 4, line 16, increase the amount by $2,655,000,000.

On page 4, line 17, increase the amount by $3,363,000,000.

On page 4, line 18, increase the amount by $4,098,000,000.

On page 4, line 19, increase the amount by $3,934,000,000.

On page 4, line 20, increase the amount by $3,768,000,000.

On page 4, line 21, increase the amount by $3,583,000,000.

On page 4, line 22, increase the amount by $3,379,000,000.

On page 4, line 23, increase the amount by $3,111,000,000.

On page 4, line 24, increase the amount by $2,915,000,000.

On page 5, line 5, increase the amount by $567,000,000.

On page 5, line 6, increase the amount by $1,869,000,000.

On page 5, line 7, increase the amount by $2,690,000,000.

On page 5, line 8, increase the amount by $3,423,000,000.

On page 5, line 9, increase the amount by $3,752,000,000.

On page 5, line 10, increase the amount by $3,660,000,000.

On page 5, line 11, increase the amount by $3,486,000,000.

On page 5, line 12, increase the amount by $3,278,000,000.

On page 5, line 13, increase the amount by $3,031,000,000.

On page 5, line 14, increase the amount by $2,787,000,000.

On page 5, line 18, increase the amount by $588,000,000.

On page 5, line 19, increase the amount by $2,022,000,000.

On page 5, line 20, increase the amount by $3,117,000,000.

On page 5, line 21, increase the amount by $4,243,000,000.

On page 5, line 22, increase the amount by $5,066,000,000.

On page 5, line 23, increase the amount by $5,534,000,000.

On page 5, line 24, increase the amount by $5,969,000,000.

On page 5, line 25, increase the amount by $6,416,000,000.

On page 6, line 1, increase the amount by $6,869,000,000.

On page 6, line 2, increase the amount by $7,377,000,000.

On page 6, line 6, decrease the amount by $588,000,000.

On page 6, line 7, decrease the amount by $2,610,000,000.

On page 6, line 8, decrease the amount by $5,727,000,000.

On page 6, line 9, decrease the amount by $9,970,000,000.

On page 6, line 10, decrease the amount by $15,036,000,000.

On page 6, line 11, decrease the amount by $20,570,000,000.

On page 6, line 12, decrease the amount by $26,539,000,000.

On page 6, line 13, decrease the amount by $32,954,000,000.

On page 6, line 14, decrease the amount by $39,823,000,000.

On page 6, line 15, decrease the amount by $47,200,000,000.

On page 6, line 19, decrease the amount by $588,000,000.

On page 6, line 20, decrease the amount by $2,610,000,000.

On page 6, line 21, decrease the amount by $5,727,000,000.

On page 6, line 22, decrease the amount by $9,970,000,000.

On page 6, line 23, decrease the amount by $15,036,000,000.

On page 6, line 24, decrease the amount by $20,570,000,000.

On page 6, line 25, decrease the amount by $26,539,000,000.

On page 7, line 1, decrease the amount by $32,954,000,000.

On page 7, line 2, decrease the amount by $39,823,000,000.

On page 7, line 3, decrease the amount by $47,200,000,000.

On page 25, line 16, increase the amount by $2,150,000,000.

On page 25, line 17, increase the amount by $578,000,000.

On page 25, line 20, increase the amount by $2,732,000,000.

On page 25, line 21, increase the amount by $1,945,000,000.

On page 25, line 24, increase the amount by $3,577,000,000.

On page 25, line 25, increase the amount by $2,903,000,000.

On page 26, line 3, increase the amount by $4,508,000,000.

On page 26, line 4, increase the amount by $3,833,000,000.

On page 26, line 7, increase the amount by $4,591,000,000.

On page 26, line 8, increase the amount by $4,409,000,000.

On page 26, line 11, increase the amount by $4,705,000,000.

On page 26, line 12, increase the amount by $4,597,000,000.

On page 26, line 15, increase the amount by $4,824,000,000.

On page 26, line 16, increase the amount by $4,727,000,000.

On page 26, line 19, increase the amount by $4,948,000,000.

On page 26, line 20, increase the amount by $4,847,000,000.

On page 26, line 23, increase the amount by $5,030,000,000.

On page 26, line 24, increase the amount by $4,950,000,000.

On page 27, line 2, increase the amount by $5,210,000,000.

On page 27, line 3, increase the amount by $5,082,000,000.

On page 40, line 6, decrease the amount by $10,000,000.

On page 40, line 7, decrease the amount by $10,000,000.

On page 40, line 10, decrease the amount by $77,000,000.

On page 40, line 11, decrease the amount by $77,000,000.

On page 40, line 14, decrease the amount by $214,000,000.

On page 40, line 15, decrease the amount by $214,000,000.

On page 40, line 18, decrease the amount by $410,000,000.

On page 40, line 19, decrease the amount by $410,000,000.

On page 40, line 22, decrease the amount by $657,000,000.

On page 40, line 23, decrease the amount by $657,000,000.

On page 41, line 2, decrease the amount by $937,000,000.

On page 41, line 3, decrease the amount by $937,000,000.

On page 41, line 6, decrease the amount by $1,241,000,000.

On page 41, line 7, decrease the amount by $1,241,000,000.

On page 41, line 10, decrease the amount by $1,569,000,000.

On page 41, line 11, decrease the amount by $1,569,000,000.

On page 41, line 14, decrease the amount by $1,919,000,000.

On page 41, line 15, decrease the amount by $1,919,000,000.

On page 41, line 18, decrease the amount by $2,295,000,000.

On page 41, line 19, decrease the amount by $2,295,000,000.

On page 47, line 5, increase the amount by $2,150,000,000.

On page 47, line 6, increase the amount by $578,000,000.

On page 47, line 14, increase the amount by $2,732,000,000.

On page 47, line 15, increase the amount by $1,945,000,000.

Mr. DODD. Mr. President, I have combined two amendments. This is both the afterschool program and Head Start. We were going to do it separately, but to move things along I decided to combine them.

This is a 10-year proposal since much of this budget proposal covers 10 years. It amounts to about $18 billion for afterschool programs and $24 billion for Head Start. As a result of this amendment, we would actually increase from 850,000 under this budget to 2.5 million the number of children who would take advantage of afterschool programs this year.

Mr. President, 2,000 prosecutors and police chiefs have endorsed this amendment.

On Head Start, we would go from roughly 850,000 kids to approximately 1 million, 1.2 million. That is an increase of 20 percent over the next 10 years for Head Start. We pay for it by reducing the tax cut of $1.73 trillion by about $42 billion. It is a tiny fraction of that tax cut, to serve kids in preschool and the afterschool programs.

Mr. President, I ask unanimous consent that relevant material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 23, 2003]

Cutbacks to Our Children

(By David S. Broder)

Under the shadow of war with Iraq, the House and the Senate last week fought a series of skirmishes over the federal budget for next year. One big, overriding question was at stake: Would President Bush and the Republican majorities in Congress step up to the costs of battle, of homeland defense and of national obligations at home, or would they pass the costs on to future generations?

The answer, sadly, is that youngsters yet to be born will see their choices limited and their prospects blighted by the decision of today's politicians to press ahead with an unaffordable tax cut even while the costs of war and reconstruction make earlier spending estimates wildly unrealistic.

The possible doubling of the national debt in the next decade will drive up interest costs that must be paid every year—billions of dollars that will not be available for Social Security; Medicare or any of the myriad responsibilities of the government here and abroad.

But the squeeze is not all prospective. Some dangerous economies are being forced this year—cutbacks that will have long-term damaging consequences for American society.

This was brought home to me from an unexpected source in a group interview last week with six state attorneys general—four Democrats and two Republicans—who were in Washington for a professional conference. Their theme was one I had heard before, not just from social workers, academics and supposed bleeding-heart liberals but from police chiefs, prosecutors and other hard-nosed denizens of the criminal justice system.

It is the irrefutable evidence that the most effective anti-crime strategies—and the least expensive—are early childhood education, after-school programs and serious mentoring of youngsters who otherwise are almost certainly fated to be dropouts, delinquents and, yes, prison inmates.

Larry Long, the South Dakota attorney general and a 30-year career prosecutor, put it this way. "I can tell you that by the time kids of 12 or 14 are brought into the juvenile justice system, they are lost. All I can do is warehouse them—at huge expense. The sooner and faster we reach kids, the better the chance of their being saved."

Long and his counterparts from Colorado, Delaware, Maine, Montana and New Mexico described what they are doing to reach vulnerable youngsters—especially those being raised by single mothers still in their teens—and to help those parents stabilize lives often blighted by drugs or other addictions. But they also confirmed that many of their initiatives are on the chopping block, as states struggle with declining revenue and runaway health care costs for the elderly.

"These are proven programs that work," said Montana Attorney General Mike McGrath, "but our budget crisis is so severe we may not be able to meet the federal matching requirement"—the dollars a state must put up to qualify for a grant from Washington.

That is why they express such dismay at what they are hearing out of the Washington budget proceedings. The briefing paper that all the state law enforcement officials were given by the advocacy group Fight Crime: Invest in Kids spelled out some of the cuts included in the Bush budget.

Funds for the 21st Century Community Learning Centers after-school program would be cut from $1 billion to $600 million. The memo to the attorneys general says that cutback would take a half-million children each year out of a those centers, even though unsupervised youngsters make the hours from 3 p.m. to 6 p.m. the peak time for serious and violent juvenile crime.

The Bush budget increases Head Start funding by $148 million, just about enough to keep pace with inflation, but the program now serves only six out of 10 preschoolers who are eligible. Several other early childhood block grants and programs are ticketed for reduction or elimination.

The picture is similar for other Justice Department and Education Department program aimed at preventing juvenile delinquency.

"This is so shortsighted," said Maine Attorney General Steven Rowe. "For $300 billion, one-fifth the [10-year] cost of the new tax cut, we could fully fund all of these programs" for the next decade.

That kind of investment would not only save lives, the attorneys general said. It would save money. "We are spending $75,000 a year every time we incarcerate someone under 18," said Delaware Attorney General Jane Brady. "We have to jail them, educate them, counsel them and try to rehabilitate them. It would be so much better to help them while they are young."

It's another example of the long-term costs will incur today's budget decisions.

[From the Washington Post, Mar. 7, 2003]

The 3 to 6 Gap

(By E.J. Dionne, Jr.)

The phrase "balancing work and family" is abstract. Here's the concrete part: Kids' school schedules are out of sync with their parents' work schedules. It is plain dumb that from 3 p.m. to 6 p.m., Monday through Friday, we just let kids loose.

Yes, many families make heroic efforts to deal with this problem. But many others—especially in households that desperately need two incomes—are put in a terrible dilemma. Filling the 3 to 6 gap is one of our most urgent social needs, a point made regularly by law enforcement officials.

Some politicians understand it, too. "After-school programs keep kids safe, help working families and improve academic achievements," said the most prominent one of them all. "They engage students in service and ensure that youth have access to anti-substance abuse programs. For America's working parents, they provide the confidence that their children are well cared for after the school day ends."

Excellent points. President Bush made them in a letter he wrote on Oct. 4, 2002, to a group called the Afterschool Alliance. So why, exactly, has the president proposed to cut federal spending on after-school care by 40 percent? Under Bush's budget, federal spending on 21st Century Community Learning Centers would drop from $1 billion this year to $600 million next year.

Rep. George Miller, a California Democrat who worked with Bush on the education bill, notes that the program now covers about 1.5 million kids. The program's advocates estimate that at least 500,000 would be affected by the cut.

This cut, alas, perfectly embodies what's wrong with the way this administration is doing business. The dissonance between the president's moderate, compassionate words and his spending priorities is jarring.

Moreover, the federal government is pulling away from a problem at exactly the moment when giant budget deficits are forcing states to do less themselves. In Maryland, for example, Gov. Robert L. Ehrlich Jr., a Republican, has proposed cutting the Maryland After School Opportunity Fund in half, from $10 million to $5 million. Afterschool Alliance reports similar cuts in at least four other states and expects more to follow.

Bush speaks constantly of making it easier for faith-based groups to get federal funds. The 21st Century program was opened to such organizations last year. Does it help faith-based groups to let them into the program and then dry up the funding?

Miller is not alone in suspecting that this program was vulnerable because it happened to be one of former president Bill Clinton's more popular initiatives. "There's obviously been a search-and-destroy mission against anything that was Clinton," he says.

Oh, yes, Bush says we have to make these hard budget choices, but he has refused to put a price tag on the war with Iraq (it could easily run to $100 billion) and insists we need his huge tax cuts for the wealthy. Let's see: We have to cut $400 million from after-school program to pay for the elimination of the dividends tax, which will eventually cost the government $50 billion a year in revenue?

Most remarkable, the administration has justified this cut as good government. It cites a recent study by Mathematica Policy Research showing, as the administration's budget documents put it, that "the centers funded in the program's first three years are not providing substantial academic content and do not appear to have a positive impact on students' behavior."

The Mathematica study did find some positive effects from the program, and some of its criticisms were disputed by after school advocates. But let's assume that the report was sound and that these programs would do well to beef up their academic content. That's still no excuse for using a single report as a rationale for cutting the federal government's commitment to helping kids between the hours of 3 and 6. We need to build on the after-school experience, not retreat. And, by the way, does the administration have one standard for social programs—a little bad news and they're slashed—and another for tax cuts and, say, missile defense?

To challenge these cutbacks, I nominate a good Republican known as The Terminator. Last fall, Arnold Schwarzenegger led the fight for Proposition 49 in California, a ballot measure that will eventually provide about $430 million for after-school programs. It passed with 57 percent of the vote. "My hope is that, as goes California, so goes the rest of the nation," he declared. Arnold, where your priorities are concerned, your president is saying, "Hasta la vista, baby."

[From the New York Times, Feb. 13, 2003]

HEAVY LIFTING

(By Bob Herbert)

He's at it again.

President Bush traveled to Nashville on Monday to talk, among other things, about compassion, which is a topic this president probably should leave alone. Mr. Bush's idea of compassion tends to send a shiver of dread through those who are disadvantaged.

But there he was in Nashville at the National Religious Broadcasters convention, exhorting his audience to "rally the armies of compassion so that we can change America one heart, one soul at a time."

The president said religious organizations had a responsibility to assist the poor and those who are suffering, and to help alleviate the "artificial divisions" of race and economics.

"I welcome faith to help solve the nation's deepest problems," he said.

If religious leaders take up the challenge they will have to do some awfully heavy lifting, because Mr. Bush's domestic policies—instead of easing suffering—are all but guaranteed to provide an ever-swelling stream of people in need of help.

Everywhere you turn, support programs for the poor, the ill, the disabled and the elderly are under attack. Children's services are being battered. As Mr. Bush smiles and talks about compassion, funding for programs large and small is being squeezed, cut back, eliminated.

The day after, Mr. Bush's upbeat speech to the religious broadcasters, The Times's Robert Pear revealed that the administration was proposing a change in federal law that would result in rent increases for thousands of poor people receiving housing aid.

The administration has proposed a restructuring of Medicare that would curtail, rather than enhance, delivery of health services to the elderly.

In the $2.2 trillion budget that Mr. Bush sent to Congress last week was an unconscionable proposal that would eliminate after-school programs for 500,000 children. In the arena of bad ideas, that one's a champion. It would result not just in hardship, but tragedy. For one thing, the peak hours for juvenile crime are 3 p.m. to 8 p.m., with the biggest, most dangerous burst coming in the very first hour after school. That is also the time of day in which most teenage girls become pregnant.

Mr. Bush has proposed cuts in juvenile delinquency programs, public housing assistance, children's health insurance and on and on. He's even undermined the funding for his own highly touted school reform program, the No Child Left Behind Act.

Senator Edward Kennedy, who had worked closely with the president on the school reform legislation, said yesterday, "As soon as the Klieg lights were off and the bunting came down, the Bush administration turned its back on school reform and America's children."

Looming over this calculated assault on programs of crucial importance to millions of Americans is Mr. Bush's colossal accumulation of tax cuts for the wealthy and an endless mountain range of federal budget deficits. The ideologues on the right are close to realizing their dream of crippling social services by starving the government of revenues.

Dr. J. Lawrence Aber, director of the National Center for Children in Poverty at Columbia University, said yesterday:

"These cuts are tearing at what was emerging as a bipartisan consensus at the end of the last administration that the unfinished agenda on welfare reform was to create the work and family supports necessary to continue to help people move from welfare to work."

Tip O'Neill once said of Ronald Reagan, "He has no concern, no regard, no care for the little man of America."

George W. Bush is making the Gipper look like a softy.

Policies that affect the poor and working poor seldom get sustained attention. In an atmosphere of terror and impending war, Mr. Bush's approach to social services is getting even shorter shrift than usual. The policies he is attempting to put in place would largely overturn the notion we've had of a federal responsibility for programs to help struggling Americans. Mr. Bush would turn much of that responsibility over to the states, which are struggling with backbreaking budget problems of their own that are forcing drastic reductions in state services.

The collective result would be a long-term abandonment of the most needy among us. It's difficult to square that with the idea of compassion, conservative or otherwise.

MARCH 24, 2003.

Hon. CHRISTOPHER DODD (D-CT),
U.S. Senate.

DEAR SENATOR DODD: The Afterschool Alliance is pleased to endorse your proposed amendment to the fiscal year 2004 Senate Budget Resolution providing the fully authorized funding level for the 21st Century Community Learning Centers Program. More than 15 million school aged children lack a safe, supervised place to spend their aftershcool hours—where they can get academic support and have the opportunity to take part in art, music, athletic and other enrichment activities. The 21st Century Community Learning Centers Program provides critical support to communities throughout the nation to create and expand high quality afterschool programming.

According to the law enforcement community, the afterschool hours are when youth are most at risk. Juvenile crime triples between the hours of 3 p.m. and 6 p.m. Studies show that students who have no access to extracurricular activities are much more likely to get involved with drug use and become teen parents.

Beyond safety, high quality afterschool programs are helping kids learn new skills and perform better in schools. A study just released by The Afterschool Corporation reported that 84 percent of principals in New York credited afterschool programs with improved overall effectiveness of their schools.

Afterschool programs are increasingly popular among parents and other community leaders. Nine out of ten voters think that all children should have access to afterschool programs. Nationally, more than 50 percent of teens wish there were more afterschool programs available as well. In other words, afterschool programs work and are popular with the people who need them most.

At a time when safety is high on everyone's list of concerns, funding for the 21st Century Community Learning Centers Program should continue to grow—not be the target of deep cuts in the federal budget. The 40% cut proposed by the President in his fiscal year 2004 budget would deny 570,000 children and youth the afterschool programming they now receive. It would hurt them, their families and their communities. Support for the Dodd Afterschool/Headstart amendment is a vote in favor of kids, working families and local schools and communities.

Sincerely,

JUDY SAMELSON.

FIGHT CRIME: INVEST IN KIDS,
Washington, DC, March 24, 2003.

DEAR SENATOR: On behalf of the thousands of sheriffs, police chiefs, prosecutors and crime victims who constitute the national anti-crime group Fight Crime: Invest in Kids, we urge you to support amendments to the Fiscal Year 2004 budget resolution that increase funding for key investments that can keep kids from growing up to become criminals.

Specifically, we urge you to support the amendment offered by Sen. Christopher Dodd to increase funding for Head Start and the 21st Century Community Learning Centers and the amendment offered by Sen. Jeff Bingaman to increase funding for the Child Care and Development Block Grant by $4.6 billion over five years (to the level in the tripartisan reauthorization bill reported out of the Finance Committee last year), as well as any other amendments supporting similar investments.

As leaders on the front-line in the battle against crime, our members know that the best way to prevent crime is to invest in programs that keep kids from becoming criminals in the first place. Research and experience prove that crime and violence can be greatly reduced through quality early childhood and after-school programs.

For example, a study published in the Journal of the American Medical Association of the Chicago Child-Parent Centers early childhood education program found that children left out of the program were 70% more likely to be arrested for a violent crime by age 18. A study of the Quantum Opportunities after-school program showed that boys left out of the program averaged six times more criminal convictions in their high school years than the boys who attended the after-school program.

Unfortunately, programs that support these types of activities are drastically under-funded. Only six in ten children eligible for Head Start can participate in the program, only one in seven eligible for the Child Care and Development Block Grant can receive subsidies, and less than 5% of eligible kids can participate in Early Head Start. In addition, 75% of the requests for 21st Century Community Learning Centers after-school grants have to be turned down due to a lack of funding, leaving more than 10 million children and teens home alone after school on a regular basis.

Investing in children is the most effective investment that our nation can make in long-term growth, and will pay off in crime reduction and other benefits for years to come. These programs not only better the lives of children and prevent crime, but also save money and help grow the economy in the long run. The Chicago Child-Parent Centers saved the public $7 for every $1 invested, and the Quantum Opportunities program saved the public $3 for every $1 invested.

Please support crime-reducing amendments to the budget that will provide more families with access to quality early education and care and force fewer parents to leave their child unattended during the peak hours of juvenile crime from 3–6 p.m.

If you have any questions, please contact us at 202–776–0027 ext. 143.

Sincerely,

SANFORD A. NEWMAN,
President.
MIRIAM A. ROLLIN,
Federal Policy Director.

Mr. DODD. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in the Head Start and early education programs, we have increased those by 800 percent—800 percent—in the last decade. In this budget, we have a significant increase in Head Start. In fact, we are putting so much money into Head Start already that about 7 percent of the slots in Head Start are not even filled. We have so much money in this program, in a number of parts of this country they cannot find the kids to put into the programs.

It is really inappropriate for us to fund it in a way which is excessive. We are doing a strong and effective job in the area of funding Head Start and early education programs. I hope we defeat this amendment as spending which is unnecessary at this time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DODD. Mr. President, I ask unanimous consent for 10 additional seconds.

Kids are being——

Mr. NICKLES. Regular order.

Mr. DODD. There is a huge need for this program in the country.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 415.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 415) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senators be able to file documents supporting their amendments as we go throughout the day.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield time to the Democratic leader.

AMENDMENT NO. 361

(Purpose: To fulfill the U.S. commitment to provide health care to American Indians and Alaska Natives)

Mr. DASCHLE. Mr. President, I call up amendment No. 361.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE], for himself, Mr. INOUYE, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Mr. WYDEN, Mr. JOHNSON, Mr. LEAHY, Ms. CANTWELL, Mr. REID, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. CAMPBELL, proposes an amendment numbered 361.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, March 20, 2003, under "Text of Amendments.")

Mr. DASCHLE. Mr. President, Native Americans and Alaskan Natives have a guarantee under law and treaty that we provide health benefits to them and to their families. They are not getting it today. In fact, we are falling dramatically short of the budget required to buy them the services that they must now have. In fact, we are so short that we are now under a life or limb test. Unless your life is threatened, unless you may chance the loss of a limb, you are deferred treatment in most Indian health care facilities today.

This amendment would simply provide clinical services funding for any current users—not for anybody who is currently ineligible, but only for those who are eligible today. We must provide this health care under the law. This amendment would do it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, for the information of colleagues, we were prepared to offer a second-degree amendment, but at the request of the minority leader we will not do that.

I ask unanimous consent that the second-degree amendment we have prepared be eligible to be considered as an amendment on or in relation to immediately following the Daschle amendment.

Mr. CONRAD. We agree to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I urge our colleagues to vote against this amendment. I understand there are a lot of problems in Indian Health Service. We have some of those in my State as well. It doesn't solve it by saying we should have an 86 percent increase in growth in this function. I understand the demands and needs, but percentage-wise this is too great.

The amendment to be offered by Senator MURKOWSKI will have at least a 10-percent increase. We have increased this function by millions of dollars in the last couple of years. I understand the demand.

I urge colleagues to vote no on this amendment and in favor of the subsequent amendment to be offered by the Senator from Alaska.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CONRAD. Yes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 361.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 416

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Senator CAMPBELL, the chairman of the Indian Affairs Committee, and Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. CAMPBELL, for himself, and Ms. MURKOWSKI, proposes an amendment numbered 416.

On page 27, line 11, increase the amount by $292,000,000.

On page 27, line 12, increase the amount by $256,000,000.

On page 27, line 16, increase the amount by $17,520,000.

On page 27, line 20, increase the amount by $8,760,000.

On page 27, line 24, increase the amount by $5,840,000.

On page 42, line 2, decrease the amount by $292,000,000.

On page 42, line 3, decrease the amount by $256,960,000.

On page 42, line 7, decrease the amount by $17,520,000.

On page 42, line 11, decrease the amount by $8,760,000.

On page 42, line 15, decrease the amount by $5,840,000.

At the appropriate place insert:

It is the Sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend $30 million a year on research and treatment on diabetes in the Native American community. This amount was increased to $100 million a year in 2000 and further increased to $150 million a year in 2002. This is a 500% increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. CAMPBELL. Mr. President, first let me thank Senator DASCHLE for his concern about the health of American Indians. For many of us, it is not really a front burner issue on our agendas as we face the war and so many other things, but to a lot of people whose health problems are between 5 and 10 times the national average, it is very important. So I thank Senator DASCHLE for doing that.

Unfortunately, the amount seemed to exceed what we are able to support. The amount under this amendment increases IHS by 10 percent, or $292 million, bringing the total funding for the Indian Health Service to $3.208 million for facilities and services. In addition, it includes a sense of the Senate that Congress recognizes the need for prevention and research for a major disease in the Native American community, which is diabetes.

As the Chair might know, some tribes suffer a 50-percent rate of diabetes among their members. Since 1997, Congress has increased Native American diabetes research and treatment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CAMPBELL. In closing, this is a marked improvement over what we have done. I wish it could have been more, and I do thank Senator DASCHLE for bringing this to the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration for the Senator from Colorado. There is no one who is more sensitive to many of these issues than is he. He has led us well in the Indian Affairs Committee.

This amendment still leaves us over $2.6 billion short in providing health care services. Under the life and limb test: Your life has to be threatened or you are going to lose a limb to even walk in the front door. We are going to be $2.6 billion below that level right now if this amendment passes. That is No. 1.

No. 2, this 10 percent is taken out of other Indian Health programs, other Indian education programs and other priorities. So we are really taking——

Mr. NICKLES. No.

Mr. DASCHLE. One dollar out of one pocket and putting it in the pocket of the other side, and we are not accommodating the real need or real commitment in health care that is so desperately needed right now.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, it is taken out of general government, not out of any health service. I do not know if a vote is necessary on this. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 416.

The amendment (No. 416) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 318

Mr. LEAHY. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. DASCHLE, Mr. REID, Mr. BIDEN, Mr. SCHUMER, Mrs. CLINTON, Mr. DAYTON, and Mr. BYRD, proposes an amendment numbered 318.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the level of funding in fiscal year 2004 for first responders by $3,000,000,000 (to a total of $6,500,000,000) to support their efforts to protect homeland security and prevent and respond to acts of terrorism and to reduce tax reductions for taxpayers with annual incomes greater than $300,000, and provide an additional $3,000,000,000 for deficit reduction)

On page 3, line 10, increase the amount by $2,100,000,000.

On page 3, line 11, increase the amount by $2,100,000,000.

On page 3, line 12, increase the amount by $1,200,000,000.

On page 3, line 13, increase the amount by $600,000,000.

On page 4, line 1, increase the amount by $2,100,000,000.

On page 4, line 2, increase the amount by $2,100,000,000.

On page 4, line 3, increase the amount by $1,200,000,000.

On page 4, line 4, increase the amount by $600,000,000.

On page 4, line 15, increase the amount by $2,981,000,000.

On page 4, line 16, decrease the amount by $75,000,000.

On page 4, line 17, decrease the amount by $127,000,000.

On page 4, line 18, decrease the amount by $162,000,000.

On page 4, line 19, decrease the amount by $179,000,000.

On page 4, line 20, decrease the amount by $190,000,000.

On page 4, line 21, decrease the amount by $201,000,000.

On page 4, line 22, decrease the amount by $212,000,000.

On page 4, line 23, decrease the amount by $224,000,000.

On page 4, line 24, decrease the amount by $236,000,000.

On page 5, line 5, increase the amount by $1,031,000,000.

On page 5, line 6, increase the amount by $975,000,000.

On page 5, line 7, increase the amount by $473,000,000.

On page 5, line 8, increase the amount by $138,000,000.

On page 5, line 9, decrease the amount by $179,000,000.

On page 5, line 10, decrease the amount by $190,000,000.

On page 5, line 11, decrease the amount by $201,000,000.

On page 5, line 12, decrease the amount by $212,000,000.

On page 5, line 13, decrease the amount by $224,000,000.

On page 5, line 14, decrease the amount by $236,000,000.

On page 5, line 18, increase the amount by $1,069,000,000.

On page 5, line 19, increase the amount by $1,125,000,000.

On page 5, line 20, increase the amount by $727,000,000.

On page 5, line 21, increase the amount by $462,000,000.

On page 5, line 22, increase the amount by $179,000,000.

On page 5, line 23, increase the amount by $190,000,000.

On page 5, line 24, increase the amount by $201,000,000.

On page 5, line 25, increase the amount by $212,000,000.

On page 6, line 1, increase the amount by $224,000,000.

On page 6, line 2, increase the amount by $238,000,000.

On page 6, line 6, decrease the amount by $1,069,000,000.

On page 6, line 7, decrease the amount by $2,194,000,000.

On page 6, line 8, decrease the amount by $2,921,000,000.

On page 6, line 8, decrease the amount by $3,383,000,000.

On page 6, line 10, decrease the amount by $3,562,000,000.

On page 6, line 11, decrease the amount by $3,752,000,000.

On page 6, line 12, decrease the amount by $3,953,000,000.

On page 6, line 13, decrease the amount by $4,165,000,000.

On page 6, line 14, decrease the amount by $4,389,000,000.

On page 6, line 15, decrease the amount by $4,625,000,000.

On page 6, line 19, decrease the amount by $1,069,000,000.

On page 6, line 20, decrease the amount by $2,194,000,000.

On page 6, line 21, decrease the amount by $2,921,000,000.

On page 6, line 22, decrease the amount by $3,383,000,000.

On page 6, line 23, decrease the amount by $3,562,000,000.

On page 6, line 24, decrease the amount by $3,752,000,000.

On page 6, line 25, decrease the amount by $3,953,000,000.

On page 7, line 1, decrease the amount by $4,165,000,000.

On page 7, line 2, decrease the amount by $4,389,000,000.

On page 7, line 3, decrease the amount by $4,625,000,000.

On page 36, line 15, increase the amount by $3,000,000,000.

On page 36, line 16, increase the amount by $1,050,000,000.

On page 36, line 20, increase the amount by $1,050,000,000.

On page 36, line 24, increase the amount by $600,000,000.

On page 37, line 3, increase the amount by $300,000,000.

On page 40, line 6, decrease the amount by $19,000,000.

On page 40, line 7, decrease the amount by $19,000,000.

On page 40, line 10, decrease the amount by $75,000,000.

On page 40, line 11, decrease the amount by $75,000,000.

On page 40, line 14, decrease the amount by $127,000,000.

On page 40, line 15, decrease the amount by $127,000,000.

On page 40, line 18, decrease the amount by $162,000,000.

On page 40, line 19, decrease the amount by $162,000,000.

On page 40, line 22, decrease the amount by $179,000,000.

On page 40, line 23, decrease the amount by $179,000,000.

On page 41, line 2, decrease the amount by $190,000,000.

On page 41, line 3, decrease the amount by $190,000,000.

On page 41, line 6, decrease the amount by $201,000,000.

On page 41, line 7, decrease the amount by $201,000,000.

On page 41, line 10, decrease the amount by $212,000,000.

On page 41, line 11, decrease the amount by $212,000,000.

On page 41, line 14, decrease the amount by $224,000,000.

On page 41, line 15, decrease the amount by $224,000,000.

On page 41, line 18, decrease the amount by $236,000,000.

On page 41, line 19, decrease the amount by $236,000,000.

On page 45, line 24, decrease the amount by $6,000,000,000.

On page 47, line 5, increase the amount by $3,000,000,000.

On page 47, line 6, increase the amount by $1,050,000,000.

On page 47, line 15, increase the amount by $1,050,000,000.

On page 79, after line 22, add the following:

SEC. 308. PROVIDING GRANTS TO SUPPORT FIRST RESPONDERS IN THEIR EFFORTS TO PROTECT HOMELAND SECURITY AND PREVENT AND RESPOND TO ACTS OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) since the terrorist attacks of September 11, 2001, our Nation has asked State and local responders (firefighters, law enforcement officers, and emergency personnel) to defend Americans as never before on the front lines in the war against terrorism;

(2) on March 17, 2003, the Department of Homeland Security, in consultation with the Homeland Security Council, raised the national threat level from an "Elevated" to "High" risk of terrorist attack (Level Orange) because the intelligence community believes that terrorists will attempt multiple attacks against United States and Coalition targets worldwide in the event of a military campaign against Saddam Hussein led by the United States;

(3) Level Orange indicates a high probability of a terrorist attack and requires additional precautions by first responders at public events;

(4) this is the third time since the Federal Homeland Security Advisory System was created on March 12, 2002, that State and local first responders have been kept on Orange Alert, including—

(A) September 10 to September 24, 2002; and

(B) February 7 to February 27, 2003;

(5) notwithstanding the periods listed under paragraph (4), the Nation has continuously been at Yellow Alert (an "elevated" threat level declared when there is a significant risk of terrorist attacks), which has required increased surveillance of critical locations for State and local first responders;

(6) the National Governors' Association estimates that States incurred about $7,000,000,000 in homeland security costs in the past year for State and local first responders; and

(7) as a result of the elevated and high national threat alerts and other Federal homeland security requirements, State and local governments have been subject to unfunded Federal mandates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the funding levels in this resolution assume a total of at least $6,500,000,000 for fiscal year 2004 for the Office of Domestic Preparedness through the Department of Homeland Security to provide direct funds to support first responders nationwide in their efforts to protect homeland security and to prevent and respond to acts of terrorism.

Mr. LEAHY. Mr. President, the budget resolution now provides less funding to our Nation's first responders in the next fiscal year than it does in the current one. My amendment, which is cosponsored by Senators DASCHLE, REID, BIDEN, SCHUMER, CLINTON, and DAYTON, will increase the level of direct funding for fiscal year 2004 for first responders by $3 billion to support their efforts to protect homeland security and respond to acts of terrorism. This will bring the total funding for our State and local first responders to at least $6.5 billion for the first fiscal year.

When one calls 9–1–1, they get the State and local; they do not get Washington. They need the money.

We offset this by reducing tax reductions by $3 billion for taxpayers with annual incomes greater than $300,000, and we provide an additional $3 billion for deficit reduction. I hope we can support our Nation's police officers, firefighters, and emergency personnel by passing this amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, my good friend from Vermont has told us what the amendment provides in way of an increase in spending. But what he did not tell us is it increases taxes by $6 billion over the period of 2004 through 2007. It increases the spending caps and it changes the reconciliation instructions.

What also is contained in this budget resolution is $28 billion in discretionary spending for the homeland security function. This amendment is aimed at one small part of the budget resolution, and it increases that account, though, by 85 percent.

Today, we have received from the President a supplemental budget request for homeland security asking for an additional $4.2 billion. The administration is making a very strong effort, under the competent leadership of Secretary Tom Ridge, to have a coordinated national strategy. While this amendment is well intended and we all support the goal of strengthening our effort to deliver the safety and health assistance that is needed at the local levels, this amendment is unnecessary and the bill takes care of the problem.

The PRESIDING OFFICER. The time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 318.

The clerk will call the roll

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator fro Mississippi (Mr. LOTT) is necessarily absent.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Lott
Miller

The amendment (No. 318) was rejected.

CHANGE OF VOTE

Mr. BREAUX. Mr. President, on rollcall vote No. 88, I was recorded as voting no. I intended to vote yes. I ask unanimous consent to change my vote, which would not change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield now to the Senator from Iowa, Mr. HARKIN, for the presentation of an amendment.

AMENDMENT NO. 396

Mr. HARKIN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration, amendment No. 396.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mrs. MURRAY, Mr. KOHL, Ms. CANTWELL, Mr. BINGAMAN, Mr. JOHNSON, Mr. DORGAN, and Mr. INOUYE, proposes an amendment numbered 396.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help rural health care providers and hospitals receive a fair reimbursement for services under Medicare by reducing tax cuts to the wealthier income brackets)

On Page 3, line 10, increase the number by $1,000,000,000.

On Page 3, line 11, increase the number by $1,500,000,000.

On Page 3, line 12, increase the number by $2,000,000,000.

On Page 3, line 13, increase the number by $2,500,000,000.

On Page 3, line 14, increase the number by $3,000,000,000.

On Page 3, line 15, increase the number by $3,000,000,000.

On Page 3, line 16, increase the number by $3,000,000,000.

On Page 3, line 17, increase the number by $3,000,000,000.

On Page 3, line 18, increase the number by $3,000,000,000.

On Page 3, line 19, increase the number by $3,000,000,000.

On Page 4, line 1, increase the number by $1,000,000,000.

On Page 4, line 2, increase the number by $1,500,000,000.

On Page 4, line 3, increase the number by $2,000,000,000.

On Page 4, line 4, increase the number by $2,500,000,000.

On Page 4, line 5, increase the number by $3,000,000,000.

On Page 4, line 6, increase the number by $3,000,000,000.

On Page 4, line 7, increase the number by $3,000,000,000.

On Page 4, line 8, increase the number by $3,000,000,000.

On Page 4, line 9, increase the number by $3,000,000,000.

On Page 4, line 10, increase the number by $3,000,000,000.

On Page 4, line 15, increase the number by $1,000,000,000.

On Page 4, line 16, increase the number by $1,500,000,000.

On Page 4, line 17, increase the number by $2,000,000,000.

On Page 4, line 18, increase the number by $2,500,000,000.

On Page 4, line 19, increase the number by $3,000,000,000.

On Page 4, line 20, increase the number by $3,000,000,000.

On Page 4, line 21, increase the number by $3,000,000,000.

On Page 4, line 22, increase the number by $3,000,000,000.

On Page 4, line 23, increase the number by $3,000,000,000.

On Page 4, line 24, increase the number by $3,000,000,000.

On Page 5, line 5, increase the number by $1,000,000,000.

On Page 5, line 6, increase the number by $1,500,000,000.

On Page 5, line 7, increase the number by $2,000,000,000.

On Page 5, line 8, increase the number by $2,500,000,000.

On Page 5, line 9, increase the number by $3,000,000,000.

On Page 5, line 10, increase the number by $3,000,000,000.

On Page 5, line 11, increase the number by $3,000,000,000.

On Page 5, line 12, increase the number by $3,000,000,000.

On Page 5, line 13, increase the number by $3,000,000,000.

On Page 5, line 14, increase the number by $3,000,000,000.

On Page 29, line 6, increase the number by $1,000,000,000.

On Page 29, line 7, increase the number by $1,000,000,000.

On Page 29, line 10, increase the number by $1,500,000,000.

On Page 29, line 11, increase the number by $1,500,000,000.

On Page 29, line 14, increase the number by $2,000,000,000.

On Page 29, line 15, increase the number by $2,000,000,000.

On Page 29, line 18, increase the number by $2,500,000,000.

On Page 29, line 19, increase the number by $2,500,000,000.

On Page 29, line 22, increase the number by $3,000,000,000.

On Page 29, line 23, increase the number by $3,000,000,000.

On Page 30, line 2, increase the number by $3,000,000,000.

On Page 30, line 3, increase the number by $3,000,000,000.

On Page 30, line 6, increase the number by $3,000,000,000.

On Page 30, line 7, increase the number by $3,000,000,000.

On Page 30, line 10, increase the number by $3,000,000,000.

On Page 30, line 11, increase the number by $3,000,000,000.

On Page 30, line 14, increase the number by $3,000,000,000.

On Page 30, line 15, increase the number by $3,000,000,000.

On Page 30, line 18, increase the number by $3,000,000,000.

On Page 30, line 19, increase the number by $3,000,000,000.

On Page 61, beginning with "or promotes" on line 12 strike all through "$400,000,000,000" on line 19 and insert "and promotes geographic equity payments of which $25,000,000,000 shall be for legislation reducing the geographic disparity in Medicare reimbursement payments to health care provers and hospitals, the chairman of the Committee on the Budget, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $425,000,000,000".

Mr. HARKIN. Mr. President, what we have is a very unfair system on reimbursement for beneficiaries. Here is a chart that shows the national average is about $5,490 per beneficiary in reimbursement. There are 34 States below that. My State of Iowa is $3,000 per beneficiary per year; New Mexico, $3,700. You can see all these States down here; we pay the same taxes, we pay the same Medicare taxes as every other State, yet Iowa receives $4,300 per beneficiary less than the top State in the Nation. All this amendment does is it provides $25 billion over 10 years to the Finance Committee to bring up these States. It does not take from the States at the top; it only adds to the States at the bottom, and even some of the States at the top will be helped because it helps the rural-urban inequity. So some of the States at the top that have rural areas will actually benefit, but this brings up the bottom States.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I urge our colleagues to vote "no" on this amendment. This amendment doesn't do anything to help the rural areas. All it does is say let's increase, in the resolution, the amount from $400 billion to $425 billion in the area of Medicare. Under the resolution we passed, we said there would be $400 billion in the Medicare reserve fund to strengthen and enhance Medicare, improve access for beneficiaries under that program to prescription drugs and promote geographic equity payments.

That was included because Senator GRASSLEY wanted to make sure we dealt with the inequities that were just described by my friend from Iowa. We are going to address that when we take up Medicare in the Finance Committee, which is where it should be addressed, not on a budget resolution that wouldn't have the impact. When we draft a Medicare bill that we are going to have on the floor this year, we can deal with some of these inequities.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Mississippi (Mr. LOTT) is necessarily absent.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Lott
Miller

The amendment (No. 396) was rejected.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, on rollcall vote No. 89, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote. It will not change the outcome of that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. GRASSLEY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 417

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 417.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase Mandatory Child Care Spending by $4.6 billion over five years and $9.1 billion over ten years by reducing the tax cut)

On page 3, line 10, increase the amount by $750,000,000.

On page 3, line 11, increase the amount by $835,000,000.

On page 3, line 12, increase the amount by $879,000,000.

On page 3, line 13, increase the amount by $893,000,000.

On page 3, line 14, increase the amount by $901,000,000.

On page 3, line 15, increase the amount by $900,000,000.

On page 3, line 16, increase the amount by $900,000,000.

On page 3, line 17, increase the amount by $900,000,000.

On page 3, line 18, increase the amount by $900,000,000.

On page 3, line 19, increase the amount by $900,000,000.

On page 4, line 1, increase the amount by $750,000,000.

On page 4, line 2, increase the amount by $835,000,000.

On page 4, line 3, increase the amount by $879,000,000.

On page 4, line 4, increase the amount by $893,000,000.

On page 4, line 5, increase the amount by $901,000,000.

On page 4, line 6, increase the amount by $900,000,000.

On page 4, line 7, increase the amount by $900,000,000.

On page 4, line 8, increase the amount by $900,000,000.

On page 4, line 9, increase the amount by $900,000,000.

On page 4, line 10, increase the amount by $900,000,000.

On page 4, line 15, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $900,000,000.

On page 4, line 17, increase the amount by $900,000,000.

On page 4, line 18, increase the amount by $900,000,000.

On page 4, line 19, increase the amount by $900,000,000.

On page 4, line 20, increase the amount by $900,000,000.

On page 4, line 21, increase the amount by $900,000,000.

On page 4, line 22, increase the amount by $900,000,000.

On page 4, line 23, increase the amount by $900,000,000.

On page 4, line 24, increase the amount by $900,000,000.

On page 5, line 5, increase the amount by $750,000,000.

On page 5, line 6, increase the amount by $835,000,000.

On page 5, line 7, increase the amount by $879,000,000.

On page 5, line 8, increase the amount by $893,000,000.

On page 5, line 9, increase the amount by $901,000,000.

On page 5, line 10, increase the amount by $900,000,000.

On page 5, line 11, increase the amount by $900,000,000.

On page 5, line 12, increase the amount by $900,000,000.

On page 5, line 13, increase the amount by $900,000,000.

On page 5, line 14, increase the amount by $900,000,000.

On page 31, line 2, increase the amount by $1,000,000,000.

On page 31, line 3, increase the amount by $750,000,000.

On page 31, line 6, increase the amount by $900,000,000.

On page 31, line 7, increase the amount by $835,000,000.

On page 31, line 10, increase the amount by $900,000,000.

On page 31, line 11, increase the amount by $879,000,000.

On page 31, line 14, increase the amount by $900,000,000.

On page 31, line 15, increase the amount by $893,000,000.

On page 31, line 18, increase the amount by $900,000,000.

On page 31, line 19, increase the amount by $901,000,000.

On page 31, line 22, increase the amount by $900,000,000.

On page 31, line 23, increase the amount by $900,000,000.

On page 32, line 2, increase the amount by $900,000,000.

On page 32, line 3, increase the amount by $900,000,000.

On page 32, line 6, increase the amount by $900,000,000.

On page 32, line 7, increase the amount by $900,000,000.

On page 32, line 10, increase the amount by $900,000,000.

On page 32, line 11, increase the amount by $900,000,000.

On page 32, line 14, increase the amount by $900,000,000.

On page 32, line 15, increase the amount by $900,000,000.

Mr. BINGAMAN. Mr. President, I am offering this amendment on behalf of myself and Senator DODD. It is an amendment that would increase the mandatory funding for childcare by approximately $900 million per year or $4.6 billion over 5 years. The amendment is paid for by lowering the amount of the unreconciled tax cuts that are contemplated in the pending budget. I emphasize, the unreconciled tax cuts. The issue is very simple. We need to at least maintain current childcare services. The Congressional Budget Office has done an estimate that determines we need to raise the level of spending to the amount called for in the amendment in order to maintain the current level of childcare services. This is particularly important in light of the fact that we have the proposal by the administration, which many of us support, to increase work-related requirements for welfare recipients. Clearly, if we are going to do that, the demand for childcare would increase.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in opposition to the amendment. We have increased childcare assistance by 250 percent since 1996. We doubled the number of children in childcare programs. This budget resolution alone increases childcare assistance by 7.3 percent in the mandatory accounts, 10 percent in the discretionary accounts, for a $5 billion increase. All of this has been done while welfare rolls have dropped by 54 percent. We are putting a dramatic increase in money in fewer children who are even qualified for the money which means, as a practical matter, that we are certainly making an extra effort in these accounts. This increase is excessive in light of the amount of the increases already in the bill, which are dramatic in and of their own right.

I yield the balance of my time.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 417. The clerk will call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 417) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield now to the Senator from Connecticut, Mr. DODD.

AMENDMENT NO. 419

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 419.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the budget authority for Federal "FIRE Act" grants and to express the sense of the Senate that from the total funding provided for Federal "FIRE Act" grants, not less than $1,000,000,000 per year will be used for grants to local governments to hire additional firefighters and not less than $750,000,000 per year for the purchase of firefighting equipment and training, and to provide for a reduction in the deficit)

On page 3 line 10, increase the amount by $550,000,000.

On page 3 line 11, increase the amount by $1,511,000,000.

On page 3 line 12, increase the amount by $2,416,000,000.

On page 3 line 13, increase the amount by $2,590,000,000.

On page 3 line 14, increase the amount by $2,642,000,000.

On page 3 line 15, increase the amount by $2,694,000,000.

On page 3 line 16, increase the amount by $2,748,000,000.

On page 3 line 17, increase the amount by $2,803,000,000.

On page 3 line 18, increase the amount by $2,860,000,000.

On page 3 line 19, increase the amount by $2,917,000,000.

On page 4 line 1, increase the amount by $550,000,000.

On page 4 line 2, increase the amount by $1,511,000,000.

On page 4 line 3, increase the amount by $2,416,000,000.

On page 4 line 4, increase the amount by $2,590,000,000.

On page 4 line 5, increase the amount by $2,642,000,000.

On page 4 line 6, increase the amount by $2,694,000,000.

On page 4 line 7, increase the amount by $2,748,000,000.

On page 4 line 8, increase the amount by $2,803,000,000.

On page 4 line 9, increase the amount by $2,860,000,000.

On page 4 line 10, increase the amount by $2,917,000,000.

On page 4 line 15, increase the amount by $1,245,000,000.

On page 4 line 16, increase the amount by $1,243,000,000.

On page 4 line 17, increase the amount by $1,213,000,000.

On page 4 line 18, increase the amount by $1,166,000,000.

On page 4 line 19, increase the amount by $1,112,000,000.

On page 4 line 20, increase the amount by $1,053,000,000.

On page 4 line 21, increase the amount by $989,000,000.

On page 4, line 22, increase the amount by $919,000,000.

On page 4, line 23, increase the amount by $843,000,000.

On page 4, line 24, increase the amount by $760,000,000.

On page 5, line 5, increase the amount by $270,000,000.

On page 5, line 6, increase the amount by $724,000,000.

On page 5, line 7, increase the amount by $1,120,000,000.

On page 5, line 8, increase the amount by $1,134,000,000.

On page 5, line 9, increase the amount by $1,080,000,000.

On page 5, line 10, increase the amount by $1,020,000,000.

On page 5, line 11, increase the amount by $955,000,000.

On page 5, line 12, increase the amount by $885,000,000.

On page 5, line 13, increase the amount by $808,000,000.

On page 5, line 14, increase the amount by $724,000,000.

On page 5, line 18, increase the amount by $280,000,000.

On page 5, line 19, increase the amount by $787,000,000.

On page 5, line 20, increase the amount by $1,296,000,000.

On page 5, line 21, increase the amount by $1,456,000,000.

On page 5, line 22, increase the amount by $1,562,000,000.

On page 5, line 23, increase the amount by $1,674,000,000.

On page 5, line 24, increase the amount by $1,793,000,000.

On page 5, line 25, increase the amount by $1,918,000,000.

On page 6, line 1, increase the amount by $2,052,000,000.

On page 6 line 2, increase the amount by $2,193,000,000.

On page 6 line 6, decrease the amount by $280,000,000.

On page 6 line 7, decrease the amount by $1,067,000,000.

On page 6 line 8, decrease the amount by $2,363,000,000.

On page 6 line 9, decrease the amount by $3,819,000,000.

On page 6 line 10, decrease the amount by $5,382,000,000.

On page 6 line 11, decrease the amount by $7,056,000,000.

On page 6 line 12, decrease the amount by $8,849,000,000.

On page 6 line 13, decrease the amount by $10,767,000,000.

On page 6 line 14, decrease the amount by $12,818,000,000.

On page 6 line 15, decrease the amount by $15,011,000,000.

On page 6 line 19, decrease the amount by $280,000,000.

On page 6 line 20, decrease the amount by $1,067,000,000.

On page 6 line 21, decrease the amount by $2,363,000,000.

On page 6 line 22, decrease the amount by $3,819,000,000.

On page 6 line 23, decrease the amount by $5,382,000,000.

On page 6 line 24, decrease the amount by $7,056,000,000.

On page 6 line 25, decrease the amount by $8,849,000,000.

On page 7 line 1, decrease the amount by $10,767,000,000.

On page 7 line 2, decrease the amount by $12,818,000,000.

On page 7 line 3, decrease the amount by $15,011,000,000.

On page 23 line 19, increase the amount by $1,250,000,000.

On page 23, line 20, increase the amount by $275,000,000.

On page 23, line 23, increase the amount by $1,275,000,000.

On page 23, line 24, increase the amount by $756,000,000.

On page 24, line 2, increase the amount by $1,301,000,000.

On page 24, line 3, increase the amount by $1,208,000,000.

On page 24, line 6, increase the amount by $1,327,000,000.

On page 24, line 7, increase the amount by $1,295,000,000.

On page 24, line 10, increase the amount by $1,353,000,000.

On page 24, line 11, increase the amount by $1,321,000,000.

On page 24, line 14, increase the amount by $1,380,000,000.

On page 24, line 15, increase the amount by $1,347,000,000.

On page 24, line 18, increase the amount by $1,408,000,000.

On page 24, line 19, increase the amount by $1,374,000,000.

On page 24, line 22, increase the amount by $1,436,000,000.

On page 24, line 23, increase the amount by $1,402,000,000.

On page 25, line 2, increase the amount by $1,465,000,000.

On page 25, line 3, increase the amount by $1,430,000,000.

On page 25, line 6, increase the amount by $1,494,000,000.

On page 25, line 7, increase the amount by $1,458,000,000.

On page 40, line 6, decrease the amount by $5,000,000.

On page 40, line 7, decrease the amount by $5,000,000.

On page 40, line 10, decrease the amount by $32,000,000.

On page 40, line 11, decrease the amount by $32,000,000.

On page 40, line 14, decrease the amount by $88,000,000.

On page 40, line 15, decrease the amount by $88,000,000.

On page 40, line 18, decrease the amount by $161,000,000.

On page 40, line 19, decrease the amount by $161,000,000.

On page 40, line 22, decrease the amount by $241,000,000.

On page 40, line 23, decrease the amount by $241,000,000.

On page 41, line 2, decrease the amount by $327,000,000.

On page 41, line 3, decrease the amount by $327,000,000.

On page 41, line 6, decrease the amount by $419,000,000.

On page 41, line 7, decrease the amount by $419,000,000.

On page 41, line 10, decrease the amount by $517,000,000.

On page 41, line 11, decrease the amount by $517,000,000.

On page 41, line 14, decrease the amount by $622,000,000.

On page 41, line 15, decrease the amount by $622,000,000.

On page 41, line 18, decrease the amount by $734,000,000.

On page 41, line 19, decrease the amount by $734,000,000.

On page 45, line 24, decrease the amount by $23,731,000,000.

On page 47, line 5, increase the amount by $1,250,000,000.

On page 47, line 6, increase the amount by $275,000,000.

On page 47, line 14, increase the amount by $1,275,000,000.

On page 47, line 15, increase the amount by $756,000,000.

On page 79, after line 22, insert the following:

SEC. 308. GRANTS FOR FIREFIGHTERS.

It is the sense of the Senate that the funding levels in this resolution assume that under section 33 of the Fire Prevention and Control Act of 1974—

(1) not less than $1,000,000,000 will be used annually to provide grants to local governments for the sole purpose of hiring additional firefighters; and

(2) not less than $750,000,000 will be used annually to provide grants to local governments for the purchase of firefighter emergency response equipment and training.

Mr. DODD. Mr. President, this is the FIRE Act. I introduced this with Senator DEWINE in 1999. It became law in the year 2000. Senator WARNER and I were able to get $100 million for our 20,000 fire departments across the country. One million people serve in our fire services. We had a number—about $750 million—which this budget rolls back to $500 million for these firefighters across the country for the basic homeland security issues of first responders.

This amendment would restore that number to $750 million, and over 10 years it would be $1 billion a year, which is paid for by reducing the tax cut.

I do not need to tell my colleagues how important this is to the million firefighters in 20,000 departments across this country. They need equipment. They need personnel. Many of their members are off in the Persian Gulf as I speak because they have been called up in the National Guard and Reserve services. These dollars would provide for new firefighters, replacements, as well as safety equipment. Two-thirds of all departments are badly understaffed and too many still do not have the basic safety equipment. This amendment allows for those numbers to be restored to the numbers we appropriated and agreed to last year. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are all very concerned about making adequate funds available for this account, but we also have in the budget—and Senators should recognize this—$28 billion in discretionary spending in the homeland security function of the budget resolution.

What the Senator from Connecticut did not let you know was—and I am sure he will be glad to admit this is the case—this amendment would cause taxes to go up. The amendment increases taxes by $23.7 billion over the period of time from 2004 to 2007. It increases the spending caps, and it changes the reconciliation instructions.

We just received from the President today a supplemental budget request for homeland security in the amount of $4.2 billion. The President is giving strong leadership on this issue, trying to organize a national strategy to help not only first responders, firefighters, and others, but have a national strategy for making our homeland safer and our people more secure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN. I hope Senators will vote against the amendment.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 419. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich

NOT VOTING—2

Miller
Warner

The amendment (No. 419) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I now yield time to the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 418

Mrs. CLINTON. Mr. President, amendment No. 418 is at the desk, and I ask unanimous consent that Senators LEAHY, SCHUMER, LIEBERMAN, CORZINE, DAYTON, and SARBANES be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. LEAHY, Mr. SCHUMER, Mr. LIEBERMAN, Mr. CORZINE, Mr. DAYTON, and Mr. SARBANES, proposes an amendment numbered 418.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To raise the caps and provide direct first responder funding to localities and for high threat areas through the Department of Homeland Security's Office of Domestic Preparedness in 2003 and 2004, to restore funding for the Edward Byrne Memorial State and Local Law Enforcement Act ("Byrne Grant" program) and the Local Law Enforcement Block Grant Program, and to reduce the deficit, by reducing the size of newly proposed tax cuts)

On page 3, line 9, increase the amount by $700,000,000.

On page 3, line 10, increase the amount by $3,157,000,000.

On page 3, line 11, increase the amount by $2,213,000,000.

On page 3, line 12, increase the amount by $1,460,000,000.

On page 3, line 13, increase the amount by $1,225,000,000.

On page 3, line 14, increase the amount by $245,000,000.

On page 3, line 23, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $3,157,000,000.

On page 4, line 2, increase the amount by $2,213,000,000.

On page 4, line 3, increase the amount by $1,460,000,000.

On page 4, line 4, increase the amount by $1,225,000,000.

On page 4, line 5, increase the amount by $245,000,000.

On page 4, line 14, increase the amount by $997,000,000.

On page 4, line 15, increase the amount by $3,461,000,000.

On page 4, line 16, decrease the amount by $116,000,000.

On page 4, line 17, decrease the amount by $179,000,000.

On page 4, line 18, decrease the amount by $230,000,000.

On page 4, line 19, decrease the amount by $264,000,000.

On page 4, line 20, decrease the amount by $283,000,000.

On page 4, line 21, decrease the amount by $300,000,000.

On page 4, line 22, decrease the amount by $317,000,000.

On page 4, line 23, decrease the amount by $334,000,000.

On page 4, line 24, decrease the amount by $352,000,000.

On page 5, line 4, increase the amount by $347,000,000.

On page 5, line 5, increase the amount by $1,540,000,000.

On page 5, line 6, increase the amount by $991,000,000.

On page 5, line 7, increase the amount by $552,000,000.

On page 5, line 8, increase the amount by $382,000,000.

On page 5, line 9, decrease the amount by $143,000,000.

On page 5, line 10, decrease the amount by $283,000,000.

On page 5, line 11, decrease the amount by $300,000,000.

On page 5, line 12, decrease the amount by $317,000,000.

On page 5, line 13, decrease the amount by $334,000,000.

On page 5, line 14, decrease the amount by $352,000,000.

On page 5, line 17, increase the amount by $353,000,000.

On page 5, line 18, increase the amount by $1,617,000,000.

On page 5, line 19, increase the amount by $1,222,000,000.

On page 5, line 20, increase the amount by $908,000,000.

On page 5, line 21, increase the amount by $843,000,000.

On page 5, line 22, increase the amount by $388,000,000.

On page 5, line 23, increase the amount by $283,000,000.

On page 5, line 24, increase the amount by $300,000,000.

On page 5, line 25, increase the amount by $317,000,000.

On page 6, line 1, increase the amount by $334,000,000.

On page 6, line 2, increase the amount by $352,000,000.

On page 6, line 5, decrease the amount by $353,000,000.

On page 6, line 6, decrease the amount by $1,969,000,000.

On page 6, line 7, decrease the amount by $3,191,000,000.

On page 6, line 8, decrease the amount by $4,100,000,000.

On page 6, line 9, decrease the amount by $4,943,000,000.

On page 6, line 10, decrease the amount by $5,331,000,000.

On page 6, line 11, decrease the amount by $5,614,000,000.

On page 6, line 12, decrease the amount by $5.914,000,000.

On page 6, line 13, decrease the amount by $6,231,000,000.

On page 6, line 14, decrease the amount by $6,565,000,000.

On page 6, line 15, decrease the amount by $6,917,000,000.

On page 6, line 18, decrease the amount by $353,000,000.

On page 6, line 19, decrease the amount by $1,969,000,000.

On page 6, line 20, decrease the amount by $3,191,000,000.

On page 6, line 21, decrease the amount by $4,100,000,000.

On page 6, line 22, decrease the amount by $4,943,000,000.

On page 6, line 23, decrease the amount by $5,331,000,000.

On page 6, line 24, decrease the amount by $5,614,000,000.

On page 6, line 25, decrease the amount by $5,914,000,000.

On page 7, line 1, decrease the amount by $6,231,000,000.

On page 7, line 2, decrease the amount by $6,565,000,000.

On page 7, line 3, decrease the amount by $6,917,000,000.

On page 23, line 15, increase the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $350,000,000.

On page 23, line 19, increase the amount by $2,450,000,000.

On page 23, line 20, increase the amount by $1,453,000,000.

On page 23, line 24, increase the amount by $813,000,000.

On page 24, line 3, increase the amount by $468,000,000.

On page 24, line 3, increase the amount by $245,000,000.

On page 24, line 3, increase the amount by $121,000,000.

On page 36, line 15, increase the amount by $1,050,000,000.

On page 36, line 16, increase the amount by $126,000,000.

On page 36, line 20, increase the amount by $294,000,000.

On page 36, line 24, increase the amount by $263,000,000.

On page 37, line 3, increase the amount by $367,000,000.

On page 40, line 2, decrease the amount by $3,000,000.

On page 40, line 3, decrease the amount by $3,000,000.

On page 40, line 6, decrease the amount by $39,000,000.

On page 40, line 7, decrease the amount by $39,000,000.

On page 40, line 10, decrease the amount by $116,000,000.

On page 40, line 11, decrease the amount by $116,000,000.

On page 40, line 14, decrease the amount by $179,000,000.

On page 40, line 15, decrease the amount by $179,000,000.

On page 40, line 18, decrease the amount by $230,000,000.

On page 40, line 19, decrease the amount by $230,000,000.

On page 40, line 22, decrease the amount by $264,000,000.

On page 40, line 23, decrease the amount by $264,000,000.

On page 41, line 2, decrease the amount by $283,000,000.

On page 41, line 3, decrease the amount by $283,000,000.

On page 41, line 6, decrease the amount by $300,000,000.

On page 41, line 7, decrease the amount by $300,000,000.

On page 41, line 10, decrease the amount by $317,000,000.

On page 41, line 11, decrease the amount by $317,000,000.

On page 41, line 14, decrease the amount by $334,000,000.

On page 41, line 15, decrease the amount by $334,000,000.

On page 41, line 18, decrease the amount by $352,000,000.

On page 41, line 19, decrease the amount by $352,000,000.

On page 46, line 20, increase the amount by $1,000,000,000.

On page 46, line 21, increase the amount by $350,000,000.

On page 47, line 5, increase the amount by $3,500,000,000.

On page 47, line 6, increase the amount by $1,579,000,000.

On page 47, line 15, increase the amount by $1,107,000,000.

Mrs. CLINTON. Mr. President, I rise to offer this amendment because it fully funds the Edward Byrne Memorial State and Local Law Enforcement Act, the Byrne Grant Program, named for a New York City police officer, and the Local Law Enforcement Block Grant Act, by providing a respective $650 million and $400 million in funding in fiscal year 2004.

In addition, this amendment raises the discretionary cap for fiscal year 2003 by $1 billion and fiscal year 2004 by $2.5 billion to provide direct homeland security first responder funding to localities and for high threat areas such as New York City through the Department of Homeland Security's Office of Domestic Preparedness. This amendment is paid for by the nonreconciliation part of the tax cut.

In addition, we are still not adequately funding homeland security directly where it needs to go to the people on the front lines in our cities. Just because we now have new terrorist threats does not mean we can let our guard down when it comes to drug dealers, violent crimes, the kinds of things that we have successfully dealt with over the last decade.

I ask my colleagues to cast this vote for our police officers, our firefighters, and our emergency responders.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, the resolution already provides $2.1 billion for a variety of local law enforcement grant programs, as well as an additional $500 million at the Department of Homeland Security specifically for grant programs to local law enforcement entities.

Under an arrangement at the Department, Governor Ridge has made clear that discretionary funds going to the States are passed through to local governments and localities.

One thing the Senator did not point out was if this amendment is adopted, it is going to increase taxes by $9 billion over the period from 2003 to 2007. It will also increase the spending caps.

This resolution we have before us already provides for funding for the strategy for making our homeland safer and our people more secure. I urge Senators to vote against this amendment.

Mrs. CLINTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 418.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 418) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield to the Senator from Louisiana, Mr. BREAUX.

AMENDMENT NO. 420

Mr. BREAUX. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 420.

Mr. BREAUX. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To redirect $396 billion into a reserve fund to strengthen the Social Security trust funds over the long term)

On page 3, line 9, increase the amount by $10,433,000,000.

On page 3, line 10, increase the amount by $33,015,000,000.

On page 3, line 11, increase the amount by $27,962,000,000.

On page 3, line 12, increase the amount by $22,167,000,000.

On page 3, line 13, increase the amount by $16,893,000,000.

On page 3, line 14, increase the amount by $16,183,000,000.

On page 3, line 15, increase the amount by $15,879,000,000.

On page 3, line 16, increase the amount by $15,992,000,000.

On page 3, line 17, increase the amount by $52,874,000,000.

On page 3, line 18, increase the amount by $79,512,000,000.

On page 3, line 19, increase the amount by $105,090,000.

On page 3, line 23, increase the amount by $10,433,000,000.

On page 4, line 1, increase the amount by $33,015,000,000.

On page 4, line 2, increase the amount by $27,962,000,000.

On page 4, line 3, increase the amount by $22,167,000,000.

On page 4, line 4, increase the amount by $16,893,000,000.

On page 4, line 5, increase the amount by $16,183,000,000.

On page 4, line 6, increase the amount by $15,879,000,000.

On page 4, line 7, increase the amount by $15,992,000,000.

On page 4, line 8, increase the amount by $52,874,000,000.

On page 4, line 9, increase the amount by $79,512,000,000.

On page 4, line 10, increase the amount by $105,090,000,000.

On page 4, line 14, decrease the amount by $77,000,000.

On page 4, line 15, decrease the amount by $899,000,000.

On page 4, line 16, decrease the amount by $2,687,000,000.

On page 4, line 17, decrease the amount by $4,364,000,000.

On page 4, line 18, decrease the amount by $5,762,000,000.

On page 4, line 19, decrease the amount by $7,003,000,000.

On page 4, line 20, decrease the amount by $8,294,000,000.

On page 4, line 21, decrease the amount by $9,640,000,000.

On page 4, line 22, decrease the amount by $12,035,000,000.

On page 4, line 23, decrease the amount by $16,276,000,000.

On page 4, line 24, decrease the amount by $22,175,000,000.

On page 5, line 4, decrease the amount by $77,000,000.

On page 5, line 5, decrease the amount by $899,000,000.

On page 5, line 6, decrease the amount by $2,687,000,000.

On page 5, line 7, decrease the amount by $4,364,000,000.

On page 5, line 8, decrease the amount by $5,762,000,000.

On page 5, line 9, decrease the amount by $7,003,000,000.

On page 5, line 10, decrease the amount by $8,294,000,000.

On page 5, line 11, decrease the amount by $9,640,000,000.

On page 5, line 12, decrease the amount by $12,035,000,000.

On page 5, line 13, decrease the amount by $16,276,000,000.

On page 5, line 14, decrease the amount by $22,175,000,000.

On page 5, line 17, increase the amount by $10,511,000,000.

On page 5, line 18, increase the amount by $33,914,000,000.

On page 5, line 19, increase the amount by $30,648,000,000.

On page 5, line 20, increase the amount by $26,532,000,000.

On page 5, line 21, increase the amount by $22,654,000,000.

On page 5, line 22, increase the amount by $23,186,000,000.

On page 5, line 23, increase the amount by $24,173,000,000.

On page 5, line 24, increase the amount by $25,632,000,000.

On page 5, line 25, increase the amount by $64,909,000,000.

On page 6, line 1, increase the amount by $95,788,000,000.

On page 6, line 2, increase the amount by $127,265,000,000.

On page 6, line 5, decrease the amount by $10,511,000,000.

On page 6, line 6, decrease the amount by $44,425,000,000.

On page 6, line 7, decrease the amount by $75,073,000,000.

On page 6, line 8, decrease the amount by $101,605,000,000.

On page 6, line 9, decrease the amount by $124,259,000,000.

On page 6, line 10, decrease the amount by $147,445,000,000.

On page 6, line 11, decrease the amount by $171,619,000,000.

On page 6, line 12, decrease the amount by $197,250,000,000.

On page 6, line 13, decrease the amount by $262,159,000,000.

On page 6, line 14, decrease the amount by $357,947,000,000.

On page 6, line 15, decrease the amount by $485,217,000,000.

On page 6, line 18, decrease the amount by $10,511,000,000.

On page 6, line 19, decrease the amount by $44,425,000,000.

On page 6, line 20, decrease the amount by $75,073,000,000.

On page 6, line 21, decrease the amount by $101,605,000,000.

On page 6, line 22, decrease the amount by $124,259,000,000.

On page 6, line 23, decrease the amount by $147,445,000,000.

On page 6, line 24, decrease the amount by $171,619,000,000.

On page 6, line 25, decrease the amount by $197,250,000,000.

On page 7, line 1, decrease the amount by $262,159,000,000.

On page 7, line 2, decrease the amount by $357,947,000,000.

On page 7, line 3, decrease the amount by $685,217,000,000.

On page 40, line 2, decrease the amount by $77,000,000.

On page 40, line 3, decrease the amount by $77,000,000.

On page 40, line 6, decrease the amount by $899,000,000.

On page 40, line 7, decrease the amount by $899,000,000.

On page 40, line 10, decrease the amount by $2,687,000,000.

On page 40, line 11, decrease the amount by $2,687,000,000.

On page 40, line 14, decrease the amount by $4,364,000,000.

On page 40, line 15, decrease the amount by $4,364,000,000.

On page 40, line 18, decrease the amount by $5,762,000,000.

On page 40, line 19, decrease the amount by $5,762,000,000.

On page 40, line 22, decrease the amount by $7,003,000,000.

On page 40, line 23, decrease the amount by $7,003,000,000.

On page 41, line 2, decrease the amount by $8,294,000,000.

On page 41, line 3, decrease the amount by $8,294,000,000.

On page 41, line 6, decrease the amount by $9,640,000,000.

On page 41, line 7, decrease the amount by $8,640,000,000.

On page 41, line 10, decrease the amount by $12,035,000,000.

On page 41, line 11, decrease the amount by $12,035,000,000.

On page 41, line 14, decrease the amount by $16,276,000,000.

On page 41, line 15, decrease the amount by $16,276,000,000.

On page 41, line 18, decrease the amount by $22,175,000,000.

On page 41, line 19, decrease the amount by $22,175,000,000.

On page 45, line 24, strike the amount and insert $322,524,000,000.

SEC. . RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $396,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

Mr. BREAUX. Mr. President, cutting taxes when you have a $5.6 trillion surplus in the Treasury is one thing. Cutting taxes by $1.3 trillion—which is where we are right now—when you do not have a surplus but in fact you have a $300 billion deficit, and, added to that, we are at war and we don't know how much it is going to cost, is not good public policy.

The amendment at the desk reduces the reconciled tax cut to $350 billion. It takes $120 billion of the tax cut outside of reconciliation and creates a Social Security reserve account. That Social Security reserve account will be for reforming Social Security. If we don't get around to doing it, the money will go to reduce the deficit. This amendment has a $350 billion tax cut which is protected by budget reconciliation. The remaining funds will be used for a Social Security reserve fund.

This amendment is an amendment that was previously considered by the Budget Committee, which did not pass it, and we are offering it on the floor now.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this is an amendment on which we voted on Friday. The amendment was defeated 62 to 38. Maybe it is another reason we should have finished the entire bill on Friday, the initial bill.

I urge my colleagues to vote no on this amendment. I have a couple of comments about it.

The thing that is different about it, that now there is a Social Security reserve fund, that is bogus. There is no money going into the Social Security reserve fund because on the other hand they say the money goes toward deficit reduction. It can't go into both.

This amendment would cut the growth package in half. It would cut the growth out of the growth package. We need to be growing our economy. Our economy is really going through a difficult time. The President has a package that will help create jobs, put people to work, encourage investment, and encourage real growth in our economy. We need that. I am afraid if we pass this amendment, we will just be cutting it in half and end up with a package that is $323 billion of tax cuts over a total of $28 trillion over that 10-year period of time.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 420.

Mr. BREAUX. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—1

Miller

The amendment (No. 420) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 413

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe the Senator from Kentucky has the next amendment.

Mr. BUNNING. Mr. President, I call up amendment No. 413.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 413.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BUNNING. Mr. President, this amendment is a much needed amendment. It repeals the Clinton tax increase on Social Security benefits that passed by one vote in 1993. Before 1993, seniors were taxed on 50 percent of their Social Security benefits if their incomes were above $25,000 for individuals and $32,000 for couples. After the increase, individuals who made over $34,000 and couples who made over $44,000 paid taxes on 85 percent of their Social Security income.

These figures have not been adjusted for inflation for the past 10 years. The tax hike was unfair in 1993. It is unfair today. On the one hand, we tell the seniors to plan and save for retirement. On the other hand, we tax them for doing just that. That doesn't make any sense. We ought to repeal this tax. Some of us have been trying to undo this mistake for 10 years. The amendment would allow the Finance Committee to finally finish the job. I urge support for the amendment to end this unfair tax on seniors and their Social Security benefits.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be clear, the budget resolution does not make the determination for the Finance Committee on how this additional tax cut will be used. This amendment is very simple. It increases the tax cut by $146 billion. It does absolutely nothing about the Social Security tax—nothing—because a budget resolution does not make the specific determination. All we decide is what the instruction is to the Finance Committee for raising money and the Appropriations Committee to spend money. So this has absolutely nothing to do with the Social Security tax. The only effect of this amendment is to raise the tax cut $146 billion to over $1 trillion, all of it borrowed, every penny.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 413. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NOT VOTING—1

Miller

The amendment (No. 413) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the last vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, a number of times it has been indicated that the various amendments have been to increase taxes. Let us just be clear that all the amendments heretofore have been to reduce the tax cut, not to increase taxes.

I now yield time to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 330

Mr. CARPER. Mr. President, amendment No. 330 is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself, Mr. CHAFEE, and Mrs. FEINSTEIN, proposes an amendment numbered 330.

Mr. CARPER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, March 20, 2003, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I offer this amendment on behalf of Senator CHAFEE, Senator FEINSTEIN, and myself, and I thank Senator LANDRIEU and Senator LINCOLN for joining us as cosponsors.

Mr. President, if my colleagues are looking for a balanced approach to balancing the budget by 2009, this is it. If my colleagues are looking for tax cuts that would be effective immediately, this amendment does that.

This amendment takes the 10 and 20 percent bracket cuts and makes them effective immediately. The estate tax exclusion is set permanently at $6 million per family. We grow the child credit. We eliminate the marriage penalty. We allow small business to expense their equipment purchasing at $75,000 for this year and for next. We pay for that by deferring further cuts in the 35 and 38.5 percent rate until we balance the budget.

We also work on the spending side. We adopt the committee's increased defense numbers. We use about an $80 billion offset with the President's numbers to actually add to domestic discretionary spending. We put back in place controls that have been allowed to lapse: Pay-go controls and reinstatement controls. It is a good, balanced approach. We would appreciate your support.

Mr. LEVIN. Mr. President, while I oppose the level and distribution of funding in this amendment, it is no worse than what is in the current budget resolution, and it proposes a tax cut plan which is superior to the one before us. While it is a better alternative if it is substituted for the resolution before us, I would vote against it on final passage because it still underfunds too many of our nation's priorities.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield our time to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I ask my colleagues to oppose this amendment. This is basically the Blue Dog budget in the House. The net impact: Versus our budget, there would be an increase of $1.25 trillion over the next 10 years. The growth package goes to $50 billion. Here is the net effect. We are going to take $27.8 trillion from the American taxpayers over the next 10 years to run this Government. Mr. President, $50 billion represents .18 percent, less than two-tenths of one penny; $323 billion is about one penny on the dollar. Surely to goodness this body can afford to give 1 cent on a dollar, 2 cents on a dollar, maybe .18 of a penny on a dollar back to the American taxpayer. Do we have to keep all the $27.8 trillion?

On top of that, our friends on the other side want to add $990 billion today. People are crying uncle. They need a little bit of help. We are not helping very much. I ask my colleagues to oppose this amendment.

The PRESIDING OFFICER. Time has expired. The question is on agreeing to amendment No. 330.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—42

Akaka
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—57

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Reed
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 330) was rejected.

AMENDMENT NO. 422

Mr. NICKLES. Mr. President, I believe we are ready to consider and we will accept the amendment of the Senator from Wisconsin.

Mr. REID. I yield to the Senator from Wisconsin.

Mr. FEINGOLD. On behalf of myself, Senator CHAFEE, and Senator CARPER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. CHAFEE, and Mr. CARPER, proposes an amendment numbered 422.

The amendment is as follows:

(Purpose: To extend the pay-as-you-go requirement)

On page 57, lines 3 through 5, strike "as adjusted for any changes in revenues or direct spending assumed by such resolution" and insert "based on laws enacted on the date of adoption of that resolution as adjusted for up to $350 billion in revenues or direct spending assumed by section 104 of this resolution".

Mr. FEINGOLD. This is the pay-as-you-go amendment. We extend the pay-as-you-go system that has been in place since 1990 as adjusted for the reconciled levels just adopted in the Breaux amendment. This amendment says tax cuts or entitlement spending increases, if they are beyond the $350 billion for which the Senate just voted, do have to be deficit neutral.

This is a system that has worked well since 1990. It has helped keep deficits in check. It was suspended in times of surplus, and we got ourselves into the current deficit jam. The budget resolution before the Senate, however, creates a giant exception to pay-as-you-go for everything the budget assumes. Basically, it says pay-as-you-go, but for the first $900 billion they are free, they are on the house.

They are not free. We should not take money from Social Security revenues. We should not just bill our children's generation, robbing them of their choices. We need to return to the ethic that we will pay for what we get.

I urge my colleagues to support the amendment. I thank the Senator from Oklahoma for his willingness to accept the amendment.

Mr. NICKLES. Mr. President, there are bound to be a few people in this body, and probably fewer in the country, who understand pay-go. I compliment my colleague from Wisconsin. I am not sure the amendment is perfect, but I will work with him and others. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 422) was agreed to.

AMENDMENT NO. 421

(Purpose: To increase funding to implement the No Child Left Behind Act in 2004)

Mr. REID. Mr. President, the Senator from North Dakota, Mr. CONRAD, authorized me to yield to the Senator from Washington, Mrs. MURRAY, for the next amendment.

Mrs. MURRAY. Mr. President, I call up amendment No. 421 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. KENNEDY, and Mr. HARKIN, proposes an amendment numbered 421.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. The amendment before the Senate stops at the No Child Left Behind Act. It is an issue this Senate supports, the House and Senate supported, and the President signed it into law, putting in new accountability measures for all public schools. There were two promises in that bill: One that would require accountability for our students; second, that we will pay for the resources so they can meet the standards we had set.

The amendment before the Senate puts $2 billion from the tax cut into the No Child Left Behind Act so we can begin to follow up on the promise made by Senators in this body to the children in our country. This is an extremely important amendment as many of our States are suffering from very difficult budget crises. We cannot put on them another unfunded mandate under the guise of No Child Left Behind. This amendment makes sure we provide some of the resources that we required when we passed that bill a year and a half ago. I ask for all of our colleagues to support it.

Mr. NICKLES. Mr. President, we have accepted a lot of education amendments. I believe now, after consulting with Senator GREGG, chairman of the committee, we will even be beyond the education level as proposed by Senator CONRAD in last year's budget for 2004.

We have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 421) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 395

Mr. REID. On behalf of Senator CONRAD, I yield to Senator DORGAN for amendment No. 395.

The PRESIDING OFFICER. Senator DORGAN is recognized.

Mr. DORGAN. I send an amendment to the desk for myself, Mr. BROWNBACK, Mr. HAGEL, and Mr. JOHNSON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BROWNBACK, Mr. HAGEL, and Mr. JOHNSON, proposes an amendment numbered 395.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase budget authority and outlays in Function 450 (Community and Regional Development) and Function 500 (Education, Training, Employment, and Social Security) to establish a New Homestead Venture Capital Fund to make equity and near equity investments in startup and expanding businesses located in high out-migration rural counties and to repay up to 50% of college loans (up to $10,000) for recent graduates who live and work in such counties for five years, respectively; and to express the sense of the Senate that any economic stimulus or other revenue measure passed by Congress in the future should include tax incentives designed to address the devastating problem of chronic out-migration from rural communities in America's Heartland)

On page 23, line 19, increase the amount by $260,000,000.

On page 23, line 20, increase the amount by $18,000,000.

On page 23, line 23, increase the amount by $260,000,000.

On page 23, line 24, increase the amount by $299,000,000.

On page 24, line 2, increase the amount by $260,000,000.

On page 24, line 3, increase the amount by $242,000,000.

On page 24, line 6, increase the amount by $260,000,000.

On page 24, line 7, increase the amount by $257,000,000.

On page 24, line 10, increase the amount by $260,000,000.

On page 24, line 11, increase the amount by $260,000,000.

On page 24, line 14, increase the amount by $260,000,000.

On page 24, line 15, increase the amount by $260,000,000.

On page 24, line 18, increase the amount by $260,000,000.

On page 24, line 19, increase the amount by $260,000,000.

On page 24, line 22, increase the amount by $260,000,000.

On page 24, line 23, increase the amount by $260,000,000.

On page 25, line 2, increase the amount by $260,000,000.

On page 25, line 3, increase the amount by $260,000,000.

On page 25, line 6, increase the amount by $260,000,000.

On page 25, line 7, increase the amount by $260,000,000.

On page 25, line 16, increase the amount by $660,000,000.

On page 25, line 17, increase the amount by $561,000,000.

On page 25, line 20, increase the amount by $60,000,000.

On page 25, line 21, increase the amount by $150,000,000.

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $60,000,000.

On page 26, line 3, increase the amount by $60,000,000.

On page 26, line 4, increase the amount by $60,000,000.

On page 26, line 7, increase the amount by $60,000,000.

On page 26, line 8, increase the amount by $60,000,000.

On page 26, line 11, increase the amount by $60,000,000.

On page 26, line 12, increase the amount by $60,000,000.

On page 26, line 16, increase the amount by $60,000,000.

On page 26, line 16, increase the amount by $60,000,000.

On page 26, line 19, increase the amount by $60,000,000.

On page 26, line 20, increase the amount by $60,000,000.

On page 26, line 23, increase the amount by $60,000,000.

On page 26, line 24, increase the amount by $60,000,000.

On page 27, line 2, increase the amount by $60,000,000.

On page 27, line 3, increase the amount by $60,000,000.

On page 42, line 2, decrease the amount by $920,000,000.

On page 42, line 3, decrease the amount by $579,000,000.

On page 42, line 6, decrease the amount by $320,000,000.

On page 42, line 7, decrease the amount by $449,000,000.

On page 42, line 10, decrease the amount by $320,000,000.

On page 42, line 11, decrease the amount by $302,000,000.

On page 42, line 14, decrease the amount by $320,000,000.

On page 42, line 15, decrease the amount by $317,000,000.

On page 42, line 18, decrease the amount by $320,000,000.

On page 42, line 19, decrease the amount by $320,000,000.

On page 42, line 22, decrease the amount by $320,000,000.

On page 42, line 23, decrease the amount by $320,000,000.

On page 43, line 2, decrease the amount by $320,000,000.

On page 43, line 3, decrease the amount by $320,000,000.

On page 43, line 6, decrease the amount by $320,000,000.

On page 43, line 7, decrease the amount by $320,000,000.

On page 43, line 10, decrease the amount by $320,000,000.

On page 43, line 11, decrease.the amount by $320,000,000.

On page 43, line 14, decrease the amount by $320,000,000.

On page 43, line 15, decrease the amount by $320,000,000.

On page 79, after line 22, insert the following:

SEC. . SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the Sense of the Senate that if tax relief measures are passed in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include tax and other financial incentives, like those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving them the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas.

Mr. DORGAN. My understanding is this amendment has been accepted on both sides. On behalf of Senator BROWNBACK, myself, Senator HAGEL, Senator JOHNSON, and others, we are offering an amendment that deals with the issue of outmigration in the heartland of our country and provides incentives to provide tools to those involved in economic development to try to stem the outmigration. This is an important amendment. I believe it is bipartisan. I appreciate the work of both the chairman and ranking member of the Budget Committee to accept this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am thankful for the cooperation of our colleague from North Dakota. Also I wish to acknowledge the hard work of Senator BROWNBACK. He has been talking to me about this amendment for a long time. We are happy to accept the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 395) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, on behalf of Senator CONRAD, I yield to the Senator from New Jersey, Mr. CORZINE.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 423

Mr. CORZINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mrs. BOXER, and Mr. SARBANES, proposes an amendment numbered 423.

Mr. CORZINE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide increased funding for environmental protection and natural resources conservation)

On page 3, line 10, increase the amount by $378,000,000.

On page 3, line 11, increase the amount by $660,000,000.

On page 3, line 12, increase the amount by $896,000,000.

On page 3, line 13, increase the amount by $1,139,000,000.

On page 3, line 14, increase the amount by $1,173,000,000.

On page 3, line 15, increase the amount by $1,208,000,000.

On page 3, line 16, increase the amount by $1,245,000,000.

On page 3, line 17, increase the amount by $1,282,000,000.

On page 3, line 18, increase the amount by $1,320,000,000.

On page 3, line 19, increase the amount by $1,360,000,000.

On page 4, line 1, increase the amount by $378,000,000.

On page 4, line 2, increase the amount by $660,000,000.

On page 4, line 3, increase the amount by $896,000,000.

On page 4, line 4, increase the amount by $1,139,000,000.

On page 4, line 5, increase the amount by $1,173,000,000.

On page 4, line 6, increase the amount by $1,208,000,000.

On page 4, line 7, increase the amount by $1,245,000,000.

On page 4, line 8, increase the amount by $1,282,000,000.

On page 4, line 9, increase the amount by $1,320,000,000.

On page 4, line 10, increase the amount by $1,360,000,000.

On page 4, line 15, increase the amount by $1,081,000,000.

On page 4, line 16, increase the amount by $1,113,000,000.

On page 4, line 17, increase the amount by $1,147,000,000.

On page 4, line 18, increase the amount by $1,181,000,000.

On page 4, line 19, increase the amount by $1,217,000,000.

On page 4, line 20, increase the amount by $1,253,000,000.

On page 4, line 21, increase the amount by $1,291,000,000.

On page 4, line 22, increase the amount by $1,329,000,000.

On page 4, line 23, increase the amount by $1,369,000,000.

On page 4, line 24, increase the amount by $1,410,000,000.

On page 5, line 5, increase the amount by $378,000,000.

On page 5, line 6, increase the amount by $660.000.000.

On page 5, line 7, increase the amount by $896,000,000.

On page 5, line 8, increase the amount by $1,139,000,000.

On page 5, line 9; increase the amount by $1,173,000,000.

On page 5, line 10, increase the amount by $1,208,000,000.

On page 5, line 11, increase the amount by $1,245,000,000.

On page 5, line 12, increase the amount by $1,282,000,000.

On page 5, line 13, increase the amount by $1,320,000,000.

On page 5, line 14, increase the amount by $1,360,000,000.

On page 16, line 11, increase the amount by $1,081,000,000.

On page 16, line 12, increase the amount by $378,000,000.

On page 16, line 15, increase the amount by $1,113,000,000.

On page 16, line 16, increase the amount by $660,000,000.

On page 16, line 19, increase the amount by $1,147,000,000.

On page 16, line 20, increase the amount by $896,000,000.

On page 16, line 23, increase the amount by $1,181,000,000.

On page 16, line 24, increase the amount by $1.139,000,000.

On page 17, line 2, increase the amount by $1,217,000,000.

On page 17, line 3, increase the amount by $1,173000,000.

On page 17, line 6, increase the amount by $1,253,000,000.

On page 17, line 7, increase the amount by $1,208,000,000.

On page 17, line 10, increase the amount by $1,291,000,000.

On page 17, line 11, increase the amount by $,1,245,000,000.

On page 17, line 14, increase the amount by $1,329,000,000.

On page 17, line 15, increase the amount by $1,282,000,000.

On page 17, line 18, increase the amount by $1,369,000,000.

On page 17, line 19, increase the amount by $1,320,000,000.

On page 17, line 22, increase the amount by $1,410,000,000.

On page 17, line 23, increase the amount by $1,360,000,000.

On page 47, line 5, increase the amount by $1,081,000,000.

On page 47, line 6, increase the amount by $378,000,000.

On page 47, line 14, increase the amount by $1,113,000,000.

On page 47, line 15, increase the amount by $660,000,000.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. This amendment which I offer today with Senators KERRY, JEFFORDS, MURRAY, LAUTENBERG, CLINTON, BOXER, and SARBANES, increases funding for environmental protection and natural resource conservation. Cleanup of brownfields, Superfund sites, MTBE, contaminated water supplies are a national and a bipartisan objective. These environmental challenges to public health stand as roadblocks to economic development and economic renewal across America. Addressing these issues with efficacy requires a constancy of purpose and funding. The amendment does just that.

In addition, this amendment provides resources to fund parks, open space acquisition, wildlife habitat, and beach conservation. These should not be shortchanged. They are investments in the future of America, not just for today's generation but future generations. Funding for the amendment adds $1.1 billion in fiscal year 2004 and the same amount in future years adjusted for inflation. The funding is offset by a corresponding reduction in the nonreconciled tax cut.

I ask for the support of my colleagues to be sure we protect our environment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in debate last Friday we agreed to the amendment of Senators CRAPO and SARBANES which added $3.5 billion. I think that would be more than adequate. We are way over the President's budget, considering that amendment.

I yield to my colleague from Oklahoma.

Mr. INHOFE. Mr. President, our brownfield legislation was very successful. Nothing is adequately funded, but this comes very close to being adequately funded. We put out an amendment to include the petroleum sites which doubles the scope of the brownfields program.

As chairman of the Environment and Public Works Committee, I do not believe it is necessary to have this additional amount of money. I ask you to defeat the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 423.

Mr. CORZINE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 423) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 357

Mr. NICKLES. Mr. President, I believe the Senator from Massachusetts has an amendment. We are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I call up amendment No. 357 on behalf of myself, Senators BINGAMAN, JOHNSON, and others.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 357.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the funds provided to expand coverage for the uninsured from the $50 billion currently included in the budget resolution to the $88 billion recommended in the President's budget and offset the cost by reducing the unreconciled portion of the tax cut)

On page 3, line 10, increase the amount by $4,750,000,000.

On page 3, line 11, increase the amount by $4,750,000,000.

On page 3, line 12, increase the amount by $4,750,000,000.

On page 3, line 13, increase the amount by $4,750,000,000.

On page 3, line 14, increase the amount by $4,750,000,000.

On page 3, line 15, increase the amount by $4,750,000,000.

On page 3, line 16, increase the amount by $4,750,000,000.

On page 3, line 17, increase the amount by $4,750,000,000.

On page 4, line 1, increase the amount by $4,750,000,000.

On page 4, line 2, increase the amount by $4,750,000,000.

On page 4, line 3, increase the amount by $4,750,000,000.

On page 4, line 4, increase the amount by $4,750,000,000.

On page 4, line 5, increase the amount by $4,750,000,000.

On page 4, line 6, increase the amount by $4,750,000,000.

On page 4, line 7, increase the amount by $4,750,000,000.

On page 4, line 8, increase the amount by $4,750,000,000.

On page 4, line 15, increase the amount by $4,750,000,000.

On page 4, line 16, increase the amount by $4,750,000,000.

On page 4, line 17, increase the amount by $4,750,000,000.

On page 4, line 18, increase the amount by $4,750,000,000.

On page 4, line 19, increase the amount by $4,750,000,000.

On page 4, line 20, increase the amount by $4,750,000,000.

On page 4, line 21, increase the amount by $4,750,000,000.

On page 4, line 22, increase the amount by $4,750,000,000.

On page 5, line 5, increase the amount by $4,750,000,000.

On page 5, line 6, increase the amount by $4,750,000,000.

On page 5, line 7, increase the amount by $4,750,000,000.

On page 5, line 8, increase the amount by $4,750,000,000.

On page 5, line 9, increase the amount by $4,750,000,000.

On page 5, line 10, increase the amount by $4,750,000,000.

On page 5, line 11, increase the amount by $4,750,000,000.

On page 5, line 12, increase the amount by $4,750,000,000.

On page 27, line 11, increase the amount by $4,750,000,000.

On page 27, line 12, increase the amount by $4,750,000,000.

On page 27, line 15, increase the amount by $4,750,000,000.

On page 27, line 16, increase the amount by $4,750,000,000.

On page 27, line 19, increase the amount by $4,750,000,000.

On page 27, line 20, increase the amount by $4,750,000,000.

On page 27, line 23, increase the amount by $4,750,000,000.

On page 27, line 24, increase the amount by $4,750,000,000.

On page 28, line 2, increase the amount by $4,750,000,000.

On page 28, line 3, increase the amount by $4,750,000,000.

On page 28, line 6, increase the amount by $4,750,000,000.

On page 28, line 7, increase the amount by $4,750,000,000.

On page 28, line 10, increase the amount by $4,750,000,000.

On page 28, line 11, increase the amount by $4,750,000,000.

On page 28, line 14, increase the amount by $4,750,000,000.

On page 28, line 15, increase the amount by $4,750,000,000.

On page 62, line 12, increase the amount by $38,000,000,000.

Mr. KENNEDY. Mr. President, outside of the education of children, American families are most concerned about whether they have health insurance coverage. President Bush, in his budget, requested of the Congress some $89 billion. In the budget before us now, it has only $50 billion. This amendment brings the budget up to what President Bush had asked for. It makes no judgment about the form of any health insurance program. I am hopeful we can put this on our agenda and respond to an overwhelming concern of American families. This would provide an important downpayment to make sure we had some resources to begin that process.

I appreciate the fact that the chairman of the Budget Committee is willing to accept it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are very grateful to the Senator from Massachusetts for bringing this to our attention. We are supportive of the President and his budget. I know it has happened time and time again, and we welcome his support. We have no objection to the amendment.

Mr. KENNEDY. I have a couple of others.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 357) was agreed to.

AMENDMENT NO. 408

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I call up amendment No. 408 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mrs. BOXER, Mr. CORZINE, Mr. REED, Mr. SARBANES, and Mrs. MURRAY and others, proposed an amendment numbered 408.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require polluters to pay for clean up of toxic waste sites, by reinstating the original superfund taxes)

On page 3, line 10, increase the amount by $1,081,000,000.

On page 3, line 11, increase the amount by $1,349,000,000.

On page 3, line 12, increase the amount by $1,443,000,000.

On page 3, line 13, increase the amount by $1,505,000,000.

On page 3, line 14, increase the amount by $1,568,000,000.

On page 3, line 15, increase the amount by $1,620,000,000.

On page 3, line 16, increase the amount by $1,667,000,000.

On page 3, line 17, increase the amount by $1,721,000,000.

On page 3, line 18, increase the amount by $1,777,000,000.

On page 3, line 19, increase the amount by $1,833,000,000.

On page 4, line 1, increase the amount by $1,081,000,000.

On page 4, line 2, increase the amount by $1,349,000,000.

On page 4, line 3, increase the amount by $1,443,000,000.

On page 4, line 4, increase the amount by $1,505,000,000.

On page 4, line 5, increase the amount by $1,568,000,000.

On page 4, line 6, increase the amount by $1,620,000,000.

On page 4, line 7, increase the amount by $1,667,000,000.

On page 4, line 8, increase the amount by $1,721,000,000.

On page 4, line 9, increase the amount by $1,777,000,000.

On page 4, line 10, increase the amount by $1,833,000,000.

On page 4, line 15, decrease the amount by $20,000,000.

On page 4, line 16, decrease the amount by $84,000,000.

On page 4, line 17, decrease the amount by $168,000,000.

On page 4, line 18, decrease the amount by $260,000,000.

On page 4, line 19, decrease the amount by $358,000,000.

On page 4, line 20, decrease the amount by $465,000,000.

On page 4, line 21, decrease the amount by $581,000,000.

On page 4, line 22, decrease the amount by $704,000,000.

On page 4, line 23, decrease the amount by $837,000,000.

On page 4, line 24, decrease the amount by $980,000,000.

On page 5, line 5, decrease the amount by $20,000,000.

On page 5, line 6, decrease the amount by $84,000,000.

On page 5, line 7, decrease the amount by $168,000,000.

On page 5, line 8, decrease the amount by $260,000,000.

On page 5, line 9, decrease the amount by $358,000,000.

On page 5, line 10, decrease the amount by $465,000,000.

On page 5, line 11, decrease the amount by $581,000,000.

On page 5, line 12, decrease the amount by $704,000,000.

On page 5, line 13, decrease the amount by $837,000,000.

On page 5, line 14, decrease the amount by $980,000,000.

On page 5, line 18, increase the amount by $1,101,000,000.

On page 5, line 19, increase the amount by $1,433,000,000.

On page 5, line 20, increase the amount by $1,611,000,000.

On page 5, line 21, increase the amount by $1,765,000,000.

On page 5, line 22, increase the amount by $1,926,000,000.

On page 5, line 23, increase the amount by $2,085,000,000.

On page 5, line 24, increase the amount by $2,248,000,000.

On page 5, line 25, increase the amount by $2,425,000,000.

On page 6, line 1, increase the amount by $2,614,000,000.

On page 6, line 2, increase the amount by $2,813,000,000.

On page 6, line 6, decrease the amount by $1,101,000,000.

On page 6, line 7, decrease the amount by $2,534,000,000.

On page 6, line 8, decrease the amount by $4,145,000,000.

On page 6, line 8, decrease the amount by $5,910,000,000.

On page 6, line 10, decrease the amount by $7,836,000,000.

On page 6, line 11, decrease the amount by $9,921,000,000.

On page 6, line 12, decrease the amount by $12,169,000,000.

On page 6, line 13, decrease the amount by $14,594,000,000.

On page 6, line 14, decrease the amount by $17,208,000,000.

On page 6, line 15, decrease the amount by $20,022,000,000.

On page 6, line 19, decrease the amount by $1,101,000,000.

On page 6, line 20, decrease the amount by $2,534,000,000.

On page 6, line 21, decrease the amount by $4,145,000,000.

On page 6, line 22, decrease the amount by $5,910,000,000.

On page 6, line 23, decrease the amount by $7,836,000,000.

On page 6, line 24, decrease the amount by $9,921,000,000.

On page 6, line 25, decrease the amount by $12,169,000,000.

On page 7, line 1, decrease the amount by $14,594,000,000.

On page 7, line 2, decrease the amount by $17,208,000,000.

On page 7, line 3, decrease the amount by $20,022,000,000.

On page 40, line 6, decrease the amount by $20,000,000.

On page 40, line 7, decrease the amount by $20,000,000.

On page 40, line 10, decrease the amount by $84,000,000.

On page 40, line 11, decrease the amount by $84,000,000.

On page 40, line 14, decrease the amount by $168,000,000.

On page 40, line 15, decrease the amount by $168,000,000.

On page 40, line 18, decrease the amount by $260,000,000.

On page 40, line 19, decrease the amount by $260,000,000.

On page 40, line 22, decrease the amount by $358,000,000.

On page 40, line 23, decrease the amount by $358,000,000.

On page 41, line 2, decrease the amount by $465,000,000.

On page 41, line 3, decrease the amount by $465,000,000.

On page 41, line 6, decrease the amount by $581,000,000.

On page 41, line 7, decrease the amount by $581,000,000.

On page 41, line 10, decrease the amount by $704,000,000.

On page 41, line 11, decrease the amount by $704,000,000.

On page 41, line 14, decrease the amount by $837,000,000.

On page 41, line 15, decrease the amount by $837,000,000.

On page 41, line 18, decrease the amount by $980,000,000.

On page 41, line 19, decrease the amount by $980,000,000.

Mr. LAUTENBERG. Mr. President, I offer this amendment for myself, Senators BOXER, CORZINE, CHAFEE, REED, SARBANES, and MURRAY.

In short, if we believe that polluters should pay for the contamination they cause, everybody ought to vote for this amendment. It will restate the original taxes created to support the Superfund trust fund as well as two additional taxes signed into law by President Ronald Reagan in 1986. It also increases the total Federal revenues by at least

$15 billion over 10 years and will reduce the deficit accordingly.

Without the tax, the general fund will have to contribute $1.5 billion to continue the Superfund Program. We cannot afford that. But we cannot abandon Superfund either.

I urge my colleagues to vote for the polluter-pays approach.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield to my colleague from Oklahoma.

Mr. INHOFE. Mr. President, of all the amendments we have been talking about, this probably is the broadest tax increase of any of them. This is a tax increase on every business regardless of what business they are in, if their income tax shows $2 million or more. It has nothing to do with polluters. It also has a tax increase of 9.7 percent per barrel in excise oil and somewhere between 50 cents and $10 a ton in feedstocks. Right now we are getting the highest amount of cleanups and yet we have the lowest amount in the fund. It is really not needed now. This is not polluters pay. This is not a tax on polluters. This is a tax on people who do not pollute. The responsible parties are being held liable today.

We had a hearing on it in our Environment and Public Works Committee. They are all being held responsible. They are cleaning up the pollution. I urge a "no" vote on this tax increase proposal of Senator LAUTENBERG.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to amendment No. 408.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—43

Akaka
Baucus
Biden
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 408) was rejected.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield to the Senator from New York, Mrs. CLINTON, for an amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 424

Mrs. CLINTON. Mr. President, I call up amendment No. 424, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. BINGAMAN, proposes an amendment numbered 424.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 10, increase the amount by $16,000,000.

On page 3, line 11, increase the amount by $245,000,000.

On page 3, line 12, increase the amount by $315,000,000.

On page 3, line 13, increase the amount by $338,000,000.

On page 3, line 14, increase the amount by $345,000,000.

On page 3, line 15, increase the amount by $351,000,000.

On page 3, line 16, increase the amount by $359,000,000.

On page 3, line 17, increase the amount by $369,000,000.

On page 3, line 18, increase the amount by $379,000,000.

On page 3, line 19, increase the amount by $386,000,000.

On page 4, line 1, increase the amount by $16,000,000.

On page 4, line 2, increase the amount by $245,000,000.

On page 4, line 3, increase the amount by $315,000,000.

On page 4, line 4, increase the amount by $338,000,000.

On page 4, line 5, increase the amount by $345,000,000.

On page 4, line 6, increase the amount by $351,000,000.

On page 4, line 7, increase the amount by $359,000,000.

On page 4, line 8, increase the amount by $369,000,000.

On page 4, line 9, increase the amount by $379,000,000.

On page 4, line 10, increase the amount by $386,000,000.

On page 4, line 15, increase the amount by $326,000,000.

On page 4, line 16, increase the amount by $333,000,000.

On page 4, line 17, increase the amount by $340,000,000.

On page 4, line 18, increase the amount by $346,000,000.

On page 4, line 19, increase the amount by $352,000,000.

On page 4, line 20, increase the amount by $361,000,000.

On page 4, line 21, increase the amount by $371,000,000.

On page 4, line 22, increase the amount by $382,000,000.

On page 4, line 23, increase the amount by $387,000,000.

On page 4, line 24, increase the amount by $405,000,000.

On page 5, line 5, increase the amount by $16,000,000.

On page 5, line 6, increase the amount by $245,000,000.

On page 5, line 7, increase the amount by $315,000,000.

On page 5, line 8, increase the amount by $338,000,000.

On page 5, line 9, increase the amount by $345,000,000.

On page 5, line 10, increase the amount by $351,000,000.

On page 5, line 11, increase the amount by $359,000,000.

On page 5, line 12, increase the amount by $369,000,000.

On page 5, line 13, increase the amount by $379,000,000.

On page 5, line 14, increase the amount by $386,000,000.

On page 25, line 16, increase the amount by $326,000,000.

On page 25, line 17, increase the amount by $16,000,000.

On page 25, line 20, increase the amount by $333,000,000.

On page 25, line 21, increase the amount by $245,000,000.

On page 25, line 24, increase the amount by $340,000,000.

On page 25, line 25, increase the amount by $315,000,000.

On page 26, line 3, increase the amount by $346,000,000.

On page 26, line 4, increase the amount by $338,000,000.

On page 26, line 7, increase the amount by $352,000,000.

On page 26, line 8, increase the amount by $345,000,000.

On page 26, line 11, increase the amount by $361,000,000.

On page 26, line 12, increase the amount by $351,000,000.

On page 26, line 15, increase the amount by $371,000,000.

On page 26, line 16, increase the amount by $359,000,000.

On page 26, line 19, increase the amount by $382,000,000.

On page 26, line 20, increase the amount by $369,000,000.

On page 26, line 23, increase the amount by $387,000,000.

On page 26, line 24, increase the amount by $379,000,000.

On page 27, line 2, increase the amount by $405,000,000.

On page 27, line 3, increase the amount by $386,000,000.

On page 47, line 5, increase the amount by $326,000,000.

On page 47, line 6, increase the amount by $16,000,000.

On page 47, line 14, increase the amount by $333,000,000.

On page 47, line 15, increase the amount by $245,000,000.

Mrs. CLINTON. Mr. President, this amendment, offered by myself and Senator BINGAMAN, will restore funding for vocational education to its 2003 appropriations level for the next 10 years. The chairman's mark cuts this program by 25 percent from its 2003 level.

We often talk about education, and many times we act as if every single child in this country is going to go to college and graduate school, and we do not pay enough attention or give due regard to those people who do the technical work that keeps this country going from day to day.

The President has proposed a new vocational educational program which will place many new demands on the technical training infrastructure. These lofty goals deserve an adequate investment. Slashing funding by one-quarter will undermine the chances of our high schools and community colleges being able to fulfill their obligations to these students. Therefore, I urge my colleagues to cast this vote in favor of technical vocational education and to support the infrastructure in our high schools and community colleges.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. CREGG. We are now participating in the theater of uncontrolled spending. We have already added to education—we are $4 billion above where the Democratic budget was last year. We have a spending bill which is presently $8 billion above the actual appropriation level for last year. We are at a number which is 15.3 percent over what was spent last year. We have added massive amounts of money into the educational spending accounts at a level which can only be concluded as being not only reasonable but maybe even beyond our capacity to get the money out to the school districts and the people who are involved in this area.

To continue to add money to these educational accounts is really the theater of uncontrolled spending. By "theater," I mean in the term of show because it is not substance any longer that we are dealing with; it is simply the purposes of show. Let's try to be fiscally responsible and defeat this amendment.

Mrs. CLINTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 424. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 424) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. I believe the chairman of the Foreign Relations Committee, Mr. LUGAR, has an amendment.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 400

Mr. LUGAR. Mr. President, I ask amendment No. 400 at the desk be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HAGEL, Mr. CHAFEE, Mr. SMITH, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 400.

Mr. LUGAR. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 23, increase the amount by $1,115,000,000.

On page 10, line 24, increase the amount by $675,000,000.

On page 11, line 2, increase the amount by $834,000,000.

On page 11, line 3, increase the amount by $830,000,000.

On page 11, line 6, increase the amount by $560,000,000.

On page 11, line 7, increase the amount by $641,000,000.

On page 11, line 10, increase the amount by $294,000,000.

On page 11, line 11, increase the amount by $392,000,000.

On page 11, line 14, increase the amount by $28,000,000.

On page 11, line 15, increase the amount by $130,000,000.

On page 11, line 18, decrease the amount by $242,000,000.

On page 11, line 19, decrease the amount by $130,000,000.

On page 11, line 22, decrease the amount by $505,000,000.

On page 11, line 23, decrease the amount by $397,000,000.

On page 12, line 2, decrease the amount by $767,000,000.

On page 12, line 3, decrease the amount by $656,000,000.

On page 12, line 6, decrease the amount by $1,034,000,000.

On page 12, line 7, decrease the amount by $924,000,000.

On page 12, line 10, decrease the amount by $1,298,000,000.

On page 12, line 11, decrease the amount by $1,188,000,000.

On page 42, line 2, decrease the amount by $1,115,000,000.

On page 42, line 3, decrease the amount by $675,000,000.

On page 42, line 6, decrease the amount by $834,000,000.

On page 42, line 7, decrease the amount by $830,000,000.

On page 42, line 10, decrease the amount by $560,000,000.

On page 42, line 11, decrease the amount by $641,000,000.

On page 42, line 14, decrease the amount by $294,000,000.

On page 42, line 15, decrease the amount by $392,000,000.

On page 42, line 18, decrease the amount by $28,000,000.

On page 42, line 19, decrease the amount by $130,000,000.

On page 42, line 22 increase the amount by $242,000,000.

On page 42, line 23 increase the amount by $130,000,000.

On page 43, line 2 increase the amount by $505,000,000.

On page 43, line 3 increase the amount by $397,000,000.

On page 43, line 6 increase the amount by $767,000,000.

On page 43, line 7 increase the amount by $656,000,000.

On page 43, line 10 increase the amount by $1,034,000,000.

On page 43, line 11 increase the amount by $924,000,000.

On page 43, line 14 increase the amount by $1,298,000,000.

On page 43, line 15 increase the amount by $1,188,000,000.

Mr. LUGAR. Mr. President, I ask Senator BIDEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. LUGAR. Mr. President, I thank the cosponsors of this amendment: Senators BIDEN, FEINSTEIN, DEWINE, HAGEL, CHAFEE, SMITH, JEFFORDS, and KENNEDY.

My amendment would increase the foreign affairs account by $1.15 billion, using section 920 of the budget as an offset. This would restore foreign affairs spending to the amount requested by President Bush.

We are engaged in a worldwide war against terrorism and a regional war against Iraq. We should grant the Commander in Chief's funding requests for the accounts that pay for our diplomats' assistance to key allies, food aid, nonproliferation efforts, public diplomacy, and other tools that will contribute to victory now and a better world later. I ask the Senate to join me in restoring the funds the President has requested.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the amendment offered by myself and my colleague from Indiana, Senator LUGAR, to restore the international affairs function 150 account to the President's request. I firmly believe that if we are to win the war against terror and decrease global poverty, we must use every tool at our disposal to do so.

At the constituent breakfasts I hold every Thursday in Washington, DC, for visiting Californians, I often ask: "What percentage of the Federal Budget do you think we spend on foreign aid?" The answers are fascinating and thought provoking: Some say 10 percent, others offer 15 percent, and even some think 20 percent is the right answer.

My constituents are surprised—even shocked—when I tell them that, in fact, the United States spends less than 1 percent of our budget on foreign aid. That is less than half of what it was just 15 years ago and it is barely 0.1 percent of GDP. The United States spends less than $30 a year for each of its citizens helping those in the developing world, compared with a median per capita of $70 by other industrialized nations.

In fact, according to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among 21 industrialized donor countries in per capita foreign assistance.

Most Americans, however, recognize the benefits of foreign aid and support a robust international assistance package. A survey conducted by the Program on International Policy Attitudes of the University of Maryland found that, on average, Americans believe that 14 percent is an appropriate percentage of the Federal budget for foreign aid.

While we are far from that mark, I was pleased that President Bush announced last year before a summit in Monterrey, Mexico, an important new initiative to begin to restore the foreign aid budget to the high water mark of the cold war years and increase foreign assistance spending by $5 billion over the next 3 years

In announcing the program he stated,

> The advancement of development is a central commitment of American foreign policy . . . We work for prosperity and opportunity because they are right. It's the right thing to do. We also work for prosperity and opportunity because they help defeat terror.

I and a bipartisan group of 35 other Senators wrote to President Bush to express our strong support for his initiative and to urge him to make a substantial first commitment to that effort in his fiscal year 2004 budget request.

That request, announced in February, contained $28.5 billion for the international affairs budget, including increased spending for the fight against HIV/AIDS and $1.3 billion for the proposed millennium challenge account.

I was disappointed, then, that the budget resolution passed out of the Budget Committee cut $1.15 billion from the President's request and reduced funding for the millennium challenge account to $300 million. Senator LUGAR and I have drafted an amendment to restore the President's request of $28.5 billion.

In fact, I strongly believe that the United States should devote additional funds above the President's request to the international affairs budget. However, under the current fiscal circumstances and in the context of this budget, I understand that meeting the President's request is the best opportunity to make a statement about the importance of increasing foreign assistance.

I understand that the offset used in this amendment—the function 920 account—is not ideal, but we must move forward on our commitment to build a robust international affairs budget, and the Lugar/Feinstein amendment is the best vehicle to do so at this time.

Restoring the President's international affairs budget request is key to protecting our national security and our standing as a leader in the effort to reduce global poverty. The Senate, by accepting this amendment, will rise to the challenge.

As the men and women of our Armed Forces prepare to go into harm's way, we are reminded once again about the serious costs—in financial and human terms—of military conflict and postwar reconstruction. We will be doing our soldiers, sailors, and airmen a grave disservice if we do not make every effort to avoid the need for such conflicts in the future.

Our foreign aid budget, at a dramatically smaller cost and loss of life, can protect our national interests and the safety and security of all Americans.

One of the tragic mistakes of the post-cold-war era was the fact that the United States turned its back on Afghanistan after the collapse of the Soviet Union. We shifted our attention elsewhere, and the Taliban and al-Qaida moved in. The Afghan people, especially women and girls, suffered under a brutal dictatorship and terrorist camps flourished.

We are all aware of the consequences. We spent billions to remove the Taliban from power and it will cost billions more to rebuild Afghanistan. However costly an aid package would have been for the people of Afghanistan at the end of the cold war, it certainly would not have compared with the costs we have met so far.

No one doubts the strength of our Armed Forces. Our service men and women are the best in the world and the military component is key to defeating al-Qaida and other international terrorist organizations. Yet our troops cannot do the job on their own and we will not win the war on terror without making use of all the tools at our disposal to provide safety and security for all Americans.

By fulfilling President Bush's request and increasing the foreign aid budget, we will attack the conditions that foster terrorism in the developing world: poverty, hunger, illiteracy, and illness.

Terrorists prey on the hopelessness, anger, fear, and alienation of the poor and provide an easy way out of the misery of the developing world. Foreign aid by providing education, health care, shelter, and food promotes tolerance, understanding, and political stability.

Such attitudes and conditions are crucial if we are to help build prosperous democracies who will then become important allies and partners in facing a wide range of global challenges in addition to terrorism: Narcotics trafficking, the spread of weapons of mass destruction, aiding refugees, and building market economies. And we can build such allies far cheaper through a robust foreign aid budget than through costly military interventions.

Foreign aid not only protects our national security, it promotes the best of America and American values and sustains our influence in the world. Simply put, it brings out the best of who we are as a people.

Imagine a child in the developing world who attends a school built with American assistance, who studies textbooks purchased with American assistance, and who eats a meal provided by American assistance. How effective will the words of terrorists be on such a child? How prone to anti-Americanism will that child be?

Former German Chancellor Helumt Kohl often spoke of his memories as a child in postwar Germany, receiving soup off of an army truck from an American soldier. This is what foreign aid does: It gives hope to those who have none and shows them that Americans care.

In the days and weeks ahead, we will witness the power of our Armed Forces. By passing this amendment, the Senate will demonstrate the power of American goodwill and our commitment to helping those in need and safeguarding our own interests. This is a significant first step for the United States to reclaim its status as a leader in providing foreign assistance, and I look forward to working with my colleagues and the administration to build on this initiative.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I urge everyone to vote for this amendment. This would restore the President's number for the Millennium Challenge account. This account is very specific. It is to go for economic assistance and improvements in undeveloped countries. I think all of us know that our budget in this area is surprisingly small. We rank next to last in industrialized countries. As Mr. LUGAR has so ably pointed out, the Iraq war should show us the need, indeed, is great.

I hope everyone on this side of the aisle will vote to restore this $1.15 billion and offset it with the account 920.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. SARBANES. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment and urge its support.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 400) was agreed to.

The Senator from North Dakota.

Mr. CONRAD. I yield to the Senator from Iowa, Mr. HARKIN, for the purpose of offering an amendment.

Mr. GRASSLEY. Which amendment is this?

Mr. NICKLES. Education.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 425

Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendment No. 425.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore education cuts)

On page 3, line 10, increase the amount by $114,000,000.

On page 3, line 11, increase the amount by $1,565,000,000.

On page 3, line 12, increase the amount by $2,110,000,000.

On page 3, line 13, increase the amount by $2,258,000,000.

On page 3, line 14, increase the amount by $2,305,000,000.

On page 3, line 15, increase the amount by $2,352,000,000.

On page 3, line 16, increase the amount by $2,405,000,000.

On page 3, line 17, increase the amount by $2,461,000,000.

On page 3, line 18, increase the amount by $2,518,000,000.

On page 3, line 19, increase the amount by $2,572,000,000.

On page 4, line 1, increase the amount by $114,000,000.

On page 4, line 2, increase the amount by $1,565,000,000.

On page 4, line 3, increase the amount by $2,110,000,000.

On page 4, line 4, increase the amount by $2,258,000,000.

On page 4, line 5, increase the amount by $2,305,000,000.

On page 4, line 6, increase the amount by $2,352,000,000.

On page 4, line 7, increase the amount by $2,405,000,000.

On page 4, line 8, increase the amount by $2,461,000,000.

On page 4, line 9, increase the amount by $2,518,000,000.

On page 4, line 10, increase the amount by $2,572,000,000.

On page 4, line 15, increase the amount by $2,180,000,000.

On page 4, line 16, increase the amount by $2,224,000,000.

On page 4, line 17, increase the amount by $2,272,000,000.

On page 4, line 18, increase the amount by $2,317,000,000.

On page 4, line 19, increase the amount by $2,365,000,000.

On page 4, line 20, increase the amount by $2,419,000,000.

On page 4, line 21, increase the amount by $2,476,000,000.

On page 4, line 22, increase the amount by $2,535,000,000.

On page 4, line 23, increase the amount by $2,585,000,000.

On page 4, line 24, increase the amount by $2,656,000,000.

On page 5, line 5, increase the amount by $114,000,000.

On page 5, line 6, increase the amount by $1,565,000,000.

On page 5, line 7, increase the amount by $2,110,000,000.

On page 5, line 8, increase the amount by $2,258,000,000.

On page 5, line 9, increase the amount by $2,305,000,000.

On page 5, line 10, increase the amount by $2,352,000,000.

On page 5, line 11, increase the amount by $2,405,000,000.

On page 5, line 12, increase the amount by $2,461,000,000.

On page 5, line 13, increase the amount by $2,518,000,000.

On page 5, line 14, increase the amount by $2,572,000,000.

On page 25, line 16, increase the amount by $2,180,000,000.

On page 25, line 17, increase the amount by $114,000,000.

On page 25, line 20, increase the amount by $2,224,000,000.

On page 25, line 21, increase the amount by $1,565,000,000.

On page 25, line 24, increase the amount by $2,272,000,000.

On page 25, line 25, increase the amount by $2,110,000,000.

On page 26, line 3, increase the amount by $2,317,000,000.

On page 26, line 4, increase the amount by $2,258,000,000.

On page 26, line 7, increase the amount by $2,365,000,000.

On page 26, line 8, increase the amount by $2,305,000,000.

On page 26, line 11, increase the amount by $2,419,000,000.

On page 26, line 12, increase the amount by $2,352,000,000.

On page 26, line 15, increase the amount by $2,476,000,000.

On page 26, line 16, increase the amount by $2,405,000,000.

On page 26, line 19, increase the amount by $2,535,000,000.

On page 26, line 20, increase the amount by $2,461,000,000.

On page 26, line 23, increase the amount by $2,585,000,000.

On page 26, line 24, increase the amount by $2,518,000,000.

On page 27, line 2, increase the amount by $2,656,000,000.

On page 27, line 3, increase the amount by $2,572,000,000.

On page 47, line 5, increase the amount by $2,180,000,000.

On page 47, line 6, increase the amount by $114,000,000.

On page 47, line 14, increase the amount by $2,224,000,000.

On page 47, line 15, increase the amount by $1,565,000,000.

Mr. HARKIN. Mr. President, the budget resolution before us eliminates 46 important education programs, programs such as rural education, dropout prevention, arts education, the Carol M. White Physical Education for Progress, Gifted and Talented, Ready To Learn, the National Writing Project, Parental Assistance Information Centers, a number of them—46 programs that have been broadly supported by both the House and the Senate on the Republican and Democratic sides.

These are programs that go to meet certain specific kinds of needs like rural education, where small schools do not have the wherewithal to get in grants. They do not have the economies of scale. They have specific transportation needs.

Mr. CONRAD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

The Senator from Iowa.

Mr. HARKIN. Mr. President, what this amendment will do—it does not add any money. It simply restores these programs. It would be $2.2 billion the first year, $24 billion over 10 years, offset by a reduction in the tax cut. All it does is simply restore the programs.

I assume some of these will be restored as we go through the process. But if we don't have it in the budget, that means we are going to take it out of title I, we are going to take it out of special education, and other areas. Let's put the money in there now to pay for these programs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as the Senator from Iowa well knows, this bill does not eliminate any programs. As the Senator from Iowa well knows, this bill sets a number, a gross number, that we will spend on education. However, what the Senator from Iowa doesn't appear to know is that this bill is already $8.1 billion above where his bill was when he reported it out of committee just 3 months ago.

I am wondering why we need to continue to put money into programs to which there is a significant commitment already. It is time to bring down the curtain on this theater of spending.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 425) was rejected.

Mr. NICKLES. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield to the Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 397

Mr. KERRY. Mr. President, I call up amendment No. 397.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 397.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a $150 billion revenue stimulus for fiscal years 2003 and 2004 without adding to the long-term debt)

On page 3, line 9, decrease the amount by $63,441,000,000.

On page 3, line 10, increase the amount by $65,685,000,000.

On page 3, line 11, increase the amount by $97,978,000,000.

On page 3, line 12, increase the amount by $77,675,000,000.

On page 3, line 13, increase the amount by $59,192,000,000.

On page 3, line 14, increase the amount by $56,706,000,000.

On page 3, line 15, increase the amount by $55,640,000,000.

On page 3, line 16, increase the amount by $56,036,000,000.

On page 3, line 17, increase the amount by $185,271,000,000.

On page 3, line 18, increase the amount by $278,611,000,000.

On page 3, line 19, increase the amount by $294,654,000,000.

On page 3, line 23, decrease the amount by $63,411,000,000.

On page 4, line 1, increase the amount by $65,685,000,000.

On page 4, line 2, increase the amount by $97,978,000,000.

On page 4, line 3, increase the amount by $77,675,000,000.

On page 4, line 4, increase the amount by $59,192,000,000.

On page 4, line 5, increase the amount by $56,706,000,000.

On page 4, line 6, increase the amount by $55,640,000,000.

On page 4, line 7, increase the amount by $56,036,000,000.

On page 4, line 8, increase the amount by $185,271,000,000.

On page 4, line 9, increase the amount by $278,611,000,000.

On page 4, line 10, increase the amount by $294,654,000,000.

On page 4, line 14, decrease the amount by $3,943,000,000.

On page 4, line 15, decrease the amount by $613,000,000.

On page 4, line 16, decrease the amount by $7,650,000,000.

On page 4, line 17, decrease the amount by $12,304,000,000.

On page 4, line 18, decrease the amount by $16,253,000,000.

On page 4, line 19, decrease the amount by $20,366,000,000.

On page 4, line 20, decrease the amount by $24,295,000,000.

On page 4, line 21, decrease the amount by $27,358,000,000.

On page 4, line 22, decrease the amount by $33,124,000,000.

On page 4, line 23, decrease the amount by $59,290,000,000.

On page 4, line 24, decrease the amount by $77,387,000,000.

On page 5, line 4, decrease the amount by $3,943,000,000.

On page 5, line 5, decrease the amount by $613,000,000.

On page 5, line 6, decrease the amount by $7,650,000,000.

On page 5, line 7, decrease the amount by $12,304,000,000.

On page 5, line 8, decrease the amount by $16,523,000,000.

On page 5, line 9, decrease the amount by $20,366,000,000.

On page 5, line 10, decrease the amount by $24,295,000,000.

On page 5, line 11, decrease the amount by $27,358,000,000.

On page 5, line 12, decrease the amount by $33,124,000,000.

On page 5, line 13, decrease the amount by $59,290,000,000.

On page 5, line 14, decrease the amount by $77,387,000,000.

On page 5, line 17, decrease the amount by $59,498,000,000.

On page 5, line 18, increase the amount by $66,298,000,000.

On page 5, line 19, increase the amount by $105,628,000,000.

On page 5, line 20, increase the amount by $89,979,000,000.

On page 5, line 21, increase the amount by $75,715,000,000.

On page 5, line 22, increase the amount by $77,072,000,000.

On page 5, line 23, increase the amount by $79,935,000,000.

On page 5, line 24, increase the amount by $83,394,000,000.

On page 5, line 25, increase the amount by $218,395,000,000.

On page 6, line 1, increase the amount by $337,901,000,000.

On page 6, line 2, increase the amount by $372,041,000,000.

On page 6, line 5, increase the amount by $59,498,000,000.

On page 6, line 6, decrease the amount by $6,800,000,000.

On page 6, line 7, decrease the amount by $112,428,000,000.

On page 6, line 8, decrease the amount by $202,408,000,000.

On page 6, line 9, decrease the amount by $278,122,000,000.

On page 6, line 10, decrease the amount by $355,194,000,000.

On page 6, line 11, decrease the amount by $423,129,000,000.

On page 6, line 12, decrease the amount by $518,523,000,000.

On page 6, line 13, decrease the amount by $736,919,000,000.

On page 6, line 14, decrease the amount by $1,074,820,000,000.

On page 6, line 15, decrease the amount by $1,446,861,000,000.

On page 6, line 18, increase the amount by $58,498,000,000.

On page 6, line 19, decrease the amount by $6,800,000,000.

On page 6, line 20, decrease the amount by $112,428,000,000.

On page 6, line 21, decrease the amount by $202,408,000,000.

On page 6, line 22, decrease the amount by $278,122,000,000.

On page 6, line 23, decrease the amount by $355,194,000,000.

On page 6, line 24, decrease the amount by $435,129,000,000.

On page 6, line 25, decrease the amount by $518,523,000,000.

On page 7, line 1, decrease the amount by $736,919,000,000.

On page 7, line 2, decrease the amount by $1,074,820,000,000.

On page 7, line 3, decrease the amount by $1,446,861,000,000.

On page 30, line 23, decrease the amount by $4,380,000,000.

On page 30, line 24, decrease the amount by $4,380,000,000.

On page 31, line 2, decrease the amount by $1,111,000,000.

On page 31, line 3, decrease the amount by $1,111,000,000.

On page 31, line 6, decrease the amount by $4,586,000,000.

On page 31, line 7, decrease the amount by $4,586,000,000.

On page 31, line 10, decrease the amount by $4,165,000,000.

On page 31, line 11, decrease the amount by $4,165,000,000.

On page 31, line 14, decrease the amount by $3,833,000,000.

On page 31, line 15, decrease the amount by $3,833,000,000.

On page 31, line 18, decrease the amount by $3,698,000,000.

On page 31, line 19, decrease the amount by $3,698,000,000.

On page 31, line 22, decrease the amount by $3,511,000,000.

On page 31, line 23, decrease the amount by $3,511,000,000.

On page 32, line 2, decrease the amount by $2,192,000,000.

On page 32, line 3, decrease the amount by $2,192,000,000.

On page 32, line 6, increase the amount by $26,000,000.

On page 32, line 7, increase the amount by $26,000,000.

On page 32, line 10, decrease the amount by $11,458,000,000.

On page 32, line 11, decrease the amount by $11,458,000,000.

On page 32, line 14, decrease the amount by $10,901,000,000.

On page 32, line 15, decrease the amount by $10,901,000,000.

On page 40, line 2, increase the amount by $437,000,000.

On page 40, line 3, increase the amount by $437,000,000.

On page 40, line 6, increase the amount by $498,000,000.

On page 40, line 7, increase the amount by $498,000,000.

On page 40, line 10, decrease the amount by $3,064,000,000.

On page 40, line 11, decrease the amount by $3,064,000,000.

On page 40, line 14, decrease the amount by $8,139,000,000.

On page 40, line 15, decrease the amount by $8,139,000,000.

On page 40, line 18, decrease the amount by $12,690,000,000.

On page 40, line 19, decrease the amount by $12,690,000,000.

On page 40, line 22, decrease the amount by $16,668,000,000.

On page 40, line 23, decrease the amount by $16,668,000,000.

On page 41, line 2, decrease the amount by $20,784,000,000.

On page 41, line 3, decrease the amount by $20,784,000,000.

On page 41, line 6, decrease the amount by $25,166,000,000.

On page 41, line 7, decrease the amount by $25,166,000,000.

On page 41, line 10, decrease the amount by $33,150,000,000.

On page 41, line 11, decrease the amount by $33,150,000,000.

On page 41, line 14, decrease the amount by $47,832,000,000.

On page 41, line 15, decrease the amount by $47,832,000,000.

On page 41, line 18, decrease the amount by $66,486,000,000.

On page 41, line 19, decrease the amount by $66,486,000,000.

Strike section 104(b)

Mr. KERRY. Mr. President, as we all know, consumer confidence is at its record lowest level in 10 years. There are 300,000 Americans who lost their jobs in February alone—2.5 million in the last 2 years. State and local governments are in trouble. Families and businesses are having trouble. We are running Federal deficits as far as the eye can see. And we are at war.

My amendment tries to avoid saddling the next generations with debt by offering a $150 billion tax cut to average Americans over the course of the next 2 years, contemplating a payroll tax holiday, paid for in the outyears.

It will strengthen our economy by putting money as a stimulus into the pockets of Americans now. And it does not take a dime out of Social Security or Medicare.

We can give every American worker $750 this year. If you are married with children and are both working, you would get $1,500, which is more than with the Bush tax cut, without any of the negative impact in the long run.

It does not raise taxes. It simply avoids going forward with the worst components of the President's proposal. It is not a tax increase; it is simply not giving the cut, which is unwise and nonstimulative and takes from our children.

I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Mr. President, the amendment offered by the Senator from Massachusetts would not only gut the growth package, it would gut the amended growth package, the Breaux bill. It cuts it in half. I urge our colleagues to vote no.

I yield the remainder of our time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. I thank the chairman.

Mr. President, for anyone to believe repealing a tax cut already signed into law is not a tax increase is a serious mistake.

Second, this is a provision that would cut payroll taxes. To suggest that will not undermine the strength of the Social Security trust fund is also a mistake. We cannot pretend that payroll taxes do not go into the Social Security trust fund.

And third, if my colleagues are really concerned about deficits, then we need to do two things: We need to encourage economic growth, and this amendment will not do that; second, we need to control spending.

As my colleague from New Hampshire has made clear, we are in a theater of spending right now: increasing spending, increasing debts, and deficits. This isn't the approach we should be taking.

I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 397.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is absent.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—37

Akaka
Biden
Bingaman
Boxer
Byrd
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—62

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley

Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 397) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I yield to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 285

(Purpose: To express the sense of the Senate that economic stimulus legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to make higher education affordable)

Mr. SCHUMER. Madam President, I call up amendment No. 285.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. SMITH, and Mr. BIDEN, proposes an amendment numbered 285.

(The amendment is printed in the RECORD of Wednesday, March 19, 2003, under "Text of Amendments.")

Mr. SCHUMER. Madam President, this amendment, which is a bipartisan amendment, cosponsored by Senator BIDEN of Delaware, Senator SNOWE of Maine, Senator SMITH of Oregon, Senator BAYH of Indiana, and myself is simply a sense-of-the-Senate amendment that when we come back with a tax proposal, it ought to increase the deductibility of college tuition.

As you know, we worked 2 years ago and this year for the first time tuition is deductible, $3,000. It goes up to $4,000 in 2004.

This amendment is a sense of the Senate, a bipartisan amendment that urges that tuition deductibility be raised from $3,000 to $8,000 in the year 2003, and from $4,000 to $12,000 in the year 2004 and the years thereafter. The high cost of tuition, we know, is a huge burden, particularly on middle-class families.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. SCHUMER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, as Senator CONRAD and I both stated a couple times, we do not write the tax bill. That is going to be up to the Finance Committee. That being said, we have no objection and are happy to accept the amendment by voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 285) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I yield to the Senator from Indiana, Mr. BAYH.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 426

(Purpose: To express the sense of the Senate on low income programs and the income tax on certain Social Security benefits)

Mr. BAYH. Madam President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself, Mr. SCHUMER, and Mrs. LINCOLN, proposes an amendment numbered 426.

Mr. BAYH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. NICKLES. I object.

The PRESIDING OFFICER. The clerk will continue with the reading of the amendment.

The senior assistant bill clerk continued with the reading of the amendment, as follows:

(Purpose: To express the sense of the Senate on low income programs and the income tax on certain Social Security benefits)

SEC. . SENSE OF THE SENATE ON FUNDING FOR LOW INCOME PROGRAMS AND THE INCOME TAX ON CERTAIN SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the final budget conference report should not include any net reduction in funding below current baseline levels for programs that assist low income working families, and that repeal of the 1993 tax increase on Social Security benefits can be accommodated within the revenue totals and instructions of this resolution, in a manner that does not reduce the solvency of the Medicare Hospital Insurance Trust Fund (Part A of Medicare.).

Mr. BAYH. I offer this amendment on behalf of myself, Senator SCHUMER, and Senator LINCOLN. This expresses the sense of the Senate that the 1993 tax increase on Social Security benefits should be repealed. It is similar to the amendment offered by Senator BUNNING because it accomplishes this objective in a more fiscally responsive way because it instructs the Finance Committee to accomplish this within the context of the current tax cut rather than adding to it.

It helps Social Security beneficiaries, it cuts taxes, and it does so in a fiscally responsible way. I ask for its immediate adoption.

Mr. NICKLES. Madam President, we already dealt with whether we should tax Social Security. I call upon my colleague from Kentucky.

Mr. BUNNING. Madam President, this is an absolute zero amendment. It is a sense of the Senate, which means nothing in law. The amendment we voted on earlier had the direct effect on $146 billion which is the amount of money that would have been reduced from the tax base if we did what we said we were going to do on the Social Security reduction from 85 percent to 50 percent, with the instructions to the Finance Committee to do just that. This amendment does absolutely nothing to correct that situation.

Mr. NICKLES. Madam President, the pending amendment offered by our colleague from Indiana, Mr. BAYH, proposes to create a sense of the Senate which is precatory and thus not germane. This language is not germane to the measure now before the Senate. Therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. BAYH. To offer any language that is precatory pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sessions of that act for purposes of the pending amendment.

I ask for the yeas and nays, and I thank my colleagues for their courtesy.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Indiana.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor

Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, for the information of our colleagues, I thank all Members of the Senate, Democrats and Republicans, for working together. Senator CONRAD should be complimented as well. We worked hard to finish the resolution under the agreement we made to finish it by 4 o'clock tomorrow, and we will finish it by 4 o'clock tomorrow. We may well finish it before 4 o'clock. I thank all colleagues for their cooperation in doing so.

For the information of colleagues, we will have one additional rollcall vote tonight, an amendment by Senator CANTWELL. That will be the last rollcall for tonight. We will announce the schedule tomorrow after consulting with the majority and minority leaders. But I do thank all our colleagues for their cooperation. It has been a very productive day.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield to Senator CANTWELL for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 382

Ms. CANTWELL. Madam President, I call up amendment No. 382.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Washington [Ms. CANTWELL], proposes an amendment numbered 382.

Ms. CANTWELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for programs under the Workforce Investment Act of 1998)

On page 3, line 10, increase the amount by $87,000,000.

On page 3, line 11, increase the amount by $391,000,000.

On page 3, line 12, increase the amount by $129,000,000.

On page 3, line 13, increase the amount by $34,000,000.

On page 3, line 14, increase the amount by $17,000,000.

On page 3, line 15, increase the amount by $20,000,000.

On page 4, line 1, increase the amount by $87,000,000.

On page 4, line 2, increase the amount by $391,000,000.

On page 4, line 3, increase the amount by $129,000,000.

On page 4, line 4, increase the amount by $34,000,000.

On page 4, line 5, increase the amount by $17,000,000.

On page 4, line 6, increase the amount by $20,000,000.

On page 4, line 15, increase the amount by $678,000,000.

On page 5, line 5, increase the amount by $87,000,000.

On page 5, line 6, increase the amount by $391,000,000.

On page 5, line 7, increase the amount by $129,000,000.

On page 5, line 8, increase the amount by $34,000,000.

On page 5, line 9, increase the amount by $17,000,000.

On page 5, line 10, increase the amount by $20,000,000.

On page 25, line 16, increase the amount by $678,000,000.

On page 25, line 17, increase the amount by $87,000,000.

On page 25, line 21, increase the amount by $391,000,000.

On page 25, line 25, increase the amount by $129,000,000.

On page 26, line 4, increase the amount by $34,000,000.

On page 26, line 8, increase the amount by $17,000,000.

On page 26, line 12, increase the amount by $20,000,000.

On page 47, line 5, increase the amount by $678,000,000.

On page 47, line 6, increase the amount by $87,000,000.

On page 47, line 15, increase the amount by $391,000,000.

Ms. CANTWELL. Madam President, this is a very important amendment that would restore $678 million to workforce training programs that is vital to America in a time of high unemployment. The underlying bill basically cuts these funds and, instead, gives them to a tax cut for the wealthiest Americans.

What is really important for us to understand is that we have had report after report that in the Information Technology area there are more jobs to be had if we had skilled workers who had the training to work in this areas, and the same is true for the nursing and health care fields. According to the American Hospital Association there are over 126,000 openings in nursing, yet we are cutting the training programs that could retrain thousands of unemployed workers who could fill these openings. By cutting funding for workforce training, we are eliminating the opportunity for 65,000 Americans to receive training.

So where do these jobs go instead. I know because I have had firsthand experience as an employer. You go find the workers and sometimes they are from overseas. So by cutting workforce training, we are sending a message that instead of retraining our dislocated and unemployed workers we would rather have the Department of Labor issue more labor certifications so that these jobs can be filled by foreigners.

Please vote for this amendment to restore the funds so that the workforce level in this country will at least be at 2002 levels.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, this amendment would increase spending by $678 million. I might mention, we have $6.6 billion of $8 billion in a block grant that has not even been used yet by the States.

Madam President, I yield the remainder of my time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, much has been made about deficits. I just want to know what the Senate has accomplished today—I should argue, what the Democrats have tried to accomplish.

As you can see from these charts, this is a list of the Democratic amendments that were voted on today. They add up to a 10-year cost of $666 billion in brand new Federal spending, for which, as you can see by these votes, the vast majority of Democrats voted. If this amendment is agreed to, at least on the Democratic side, that number will go to $675 billion in new spending over the next 10 years.

Compare that to what we want to do, which is a very modest reduction in taxes over those 10 years, and you see the same spending priorities versus giving money back to taxpayers—the same amount of money.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. HOLLINGS. Will the distinguished Senator yield?

We had not gotten up to $726 billion. We had it paid for until you——

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 382.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 51, nays 48, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Miller

The amendment (No. 382) was agreed to.

Ms. CANTWELL. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, Senator CONRAD and I would now like to see if we can clean up a couple other amendments that we have basically agreed to. I believe the Senator from Ohio, Mr. DEWINE, has a couple sense-of-the-Senate amendments that we are willing to accept.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 354

Mr. DEWINE. Mr. President, I call up amendment No. 354.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 354.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning funding for children's graduate medical education)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING CHILDREN'S GRADUATE MEDICAL EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) children's hospitals provide excellent care for children;

(2) the importance of children's hospitals extends to the health care of all children throughout the United States;

(3) making up only 1 percent of all hospitals, independent children's hospitals train almost 30 percent of all pediatricians and 50 percent of all pediatric specialists;

(4) children's hospitals provide over 50 percent of the hospital care in the United States for children with serious illness, including needing cardiatric surgery, children with cancer, and children with cerebral palsy; and

(5) children's hospitals are important centers for pediatric research and the major pipeline for future pediatric researchers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, for fiscal year 2004, children's graduate medical education should be funded at $305,000,000.

Mr. DEWINE. Mr. President, I ask my colleagues to support my Sense of the Senate amendment, advocating full fiscal year 2004 funding—$305 million—for children's hospitals graduate medical education programs.

This funding for pediatric GME is a vital part of our efforts to protect children's health. Today, children's hospitals—though they represent only one percent of all hospitals—train 30 percent of all pediatricians and 50 percent of all pediatric specialists. And, they also provide hospital care to almost 50 percent of seriously ill children. Furthermore, children's hospitals serve as the healthcare safety net for low-income children in their respective communities and are often the sole regional providers of many critical pediatric services.

These children's hospitals are often the only source of many pediatric specialty services. And it is their graduate training programs that make these services possible. Funding for this training—funding for pediatric graduate medical education—helps provide our Nation with highly qualified pediatricians, who can properly treat and care for our children when they are sick.

Congress took a remarkable step when it fully funded this program in FY2002 and again in FY2003. Now, for the first time, the independent children's hospitals have the same Federal support for their teaching programs that other teaching hospitals were receiving through Medicare. It has saved many children's hospitals from being forced to reduce their physician training or cut other services.

Clearly, funding for GME in children's hospitals is a sound investment in children's health and provides stability for the future of the pediatric workforce. Please join me in support of continued full funding for children's hospitals graduate medical education.

Mr. NICKLES. Mr. President, we have no objection to the amendment. I urge my colleagues to vote in favor of it.

Mr. CONRAD. We have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 354) was agreed to.

AMENDMENT NO. 355

Mr. DEWINE. Mr. President, I call up amendment No. 355.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 355.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007)

On page 79, after line 22, add the following:

SEC. 308. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

(a) FINDINGS.—The Senate finds that—

(1) bipartisan efforts have led to success in the fight against crime and improvements in the administration of justice;

(2) Congress steadily increased funding for crime identification technologies between 1994 and 2003; and

(3) a strong commitment to improve crime identification technologies is still needed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007.

Mr. DEWINE. Mr. President, I ask my colleagues to join me in support of an amendment that Senator LEAHY and I are offering to express the Sense of the Senate that we should fund the Crime Identification Technology Act at its authorized level of $250 million through the year 2007.

CITA provides State and local law enforcement with the much-needed resources to make improvements in anti-crime technology. CITA has streamlined a patchwork of Federal funding programs, giving the Department of Justice greater flexibility to make grant awards to States and localities for their specific anti-crime technology needs. What we are talking about is DNA items. We are talking about ballistics. We are talking about all kinds of crime technology items that really go to the heart and soul of our fight against crime today.

This single Federal funding stream allows States and localities to make improvements in 17 different areas relating to crime-fighting technology, including automated fingerprint background checks, ballistics testing, DNA-testing, domestic violence information systems, and automated criminal history systems.

Quick and efficient access to information is crucial to solving and preventing crimes and protecting our communities. And access to state-of-the-art technology means access to information. Whether it's matching fingerprints or DNA samples or bullets from a gun, law enforcement personnel—police officers and prosecutors and scientists in crime labs—all rely on technology to do their jobs.

America can no longer afford to fight 21st Century crime with 20th Century tools and technology. This amendment would demonstrate our support for giving our State and local law enforcement access to the practical tools they need to do their jobs. I urge my colleagues to support this amendment.

Mr. NICKLES. Mr. President, I compliment my colleague from Ohio for his amendment. I urge my colleagues to accept it.

Mr. CONRAD. We are willing to take the amendment on this side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 355) was agreed to.

AMENDMENT NO. 427

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Senators HATCH and LEVIN.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. HATCH and Mr. LEVIN, proposes an amendment numbered 427.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that of the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for drug addiction treatment programs that utilize substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

Mr. NICKLES. Mr. President, this is a sense-of-the-Senate amendment stating that $20 million in drug interdiction funds shall be used for drug addiction treatment programs that utilize substances that block the craving for heroin and that are newly approved for such use by the FDA.

Mr. HATCH. Mr. President, I rise to speak in favor of a bipartisan sense-of-the-Senate amendment that Senator LEVIN and I are offering. Here is what the amendment does:

We ask that it be the sense of the Senate that up to $20 million of any unused travel or other administrative funds designated, but not obligated, for drug interdiction activities be used for a grant program that helps disseminate innovative anti-heroin medications recently approved by the FDA.

Not one penny of drug interdiction funds will be taken away; our amendment only asks the Senate to go on record as supporting the use of unobligated drug interdiction travel or administrative funds to help distribute and get out the word on a new class of drug addiction treatments.

This amendment builds upon the Drug Addiction Treatment Act that allows qualified doctors the ability to treat a limited number of heroin addicts in an office setting. This sense-of-the-Senate amendment will send a signal to the private sector to invest in developing new drug treatments.

Mr. LEVIN. Mr. President, the amendment Senator HATCH and I have offered, which the Senate has adopted, is a life-saving amendment. It will help to mend broken lives and shattered families that are living with the scourge of drug addiction and are struggling to rid themselves of this dreadful disease. Our sense of the Senate amendment supports $20 million in fiscal year 2004 for drug treatment programs that utilize a newly FDA approved substance called buprenorphine, which blocks the craving for heroin.

The costs of substance abuse treatment are minimal when compared to the resulting savings. According to a national study of treatment programs that are funded by HHS's Center for Substance Abuse Treatment, the average savings per individual in the year after treatment was approximately $9,200—more than three times the average cost of one treatment period. Another study by the RAND Corporation found that treatment is 10 times more cost effective than interdiction in reducing societal costs of certain illegal drugs.

The U.S. Office of National Drug Control Policy (ONDCP) has estimated that 57 percent of those who need drug treatment do not receive it, despite its proven cost effectiveness over criminal justice approaches in reducing drug abuse and related social costs. Another ONDCP study, released in January of 2002, found that illegal drugs drain $160 billion a year from the American economy; and that the majority of these costs, $98.5 billion, stem from lost productivity due to drug-related illnesses and deaths, as well as incarcerations and work hours missed by victims of crime. The report also found that illegal drug use cost the health-care industry $12.9 billion in 1998. The $20 million assumed in our amendment pales in comparison to these sums, yet this modest funding will reap huge benefits in lowering illicit drug use, by providing funding for up to 60 new drug treatment projects, utilizing new FDA approved substances that block the craving of heroin.

Again, I am pleased that the Senate has adopted our much-needed amendment. It has the potential of opening the door to tens of thousands of individuals who seek to rid themselves of their addiction to heroin, through the use of the anti-addiction medication called buprenorphine, which was approved last year by the Food and Drug Administration.

Mr. NICKLES. Mr. President, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 427) was agreed to.

Mr. NICKLES. I thank my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, just before the last amendment, the Senator from Pennsylvania held up a series of charts purporting to be total spending advocated by our side of the aisle during the budget consideration. I have no idea where he got those numbers from because they bear no relationship to what has been offered on this side.

No. 1, we did not offer a package of spending increases. We offered a series of amendments that were offered one at a time to increase resources for education, for homeland security, for national defense, and a series of other national priorities. Again, they were not offered as a package.

Even if one were to consider them a package, they do not add up to $675 billion or $650 billion or $400 billion or $300 billion. It is $231 billion—$231 billion—all of it paid for by reducing the size of the tax cuts being proposed by the other side. The President proposed $1.6 trillion in tax cuts. The budget resolution offered over $1.3 trillion out of the committee. It was over $1.3 trillion.

The budget substitute I offered on our side reduced the deficit included in the President's budget by over $1.2 trillion. Yes, we had some additional spending, very modest. Over the 10 years, we would go to a total spending as a percentage of GDP at 19.3 percent compared to the budget resolution offered by our colleagues on the other side of 18.8 percent, so slightly more spending over the years for education, for homeland security, for national defense, and we paid for the war in our substitute.

This series of charts that were held up by the Senator from Pennsylvania bear no relationship in fact to amendments that were offered today by our side. I repeat, those amendments were not offered as a package. They were offered individually. Even if you count them all, they add up to $231 billion. Again, you cannot do that either because they were not offered as a package. Many of them were defeated. So if you offer a subsequent amendment, you cannot then add that to a defeated amendment.

I do not know where he ever came up with the number $675 billion because it bears absolutely no relationship to what occurred today.

I thought it was important to set the record straight, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I might later go into what the amendments were. I think right now I would like to complete this day. It has been a long day, but a productive day at least, working our way through the amendments.

For the information of our colleagues, I believe there are eight amendments still pending on the Democratic side. We worked through 32 amendments. We still have a few amendments pending on the Republican side. I am not sure if any of those will require a rollcall vote—possibly one or two, maybe more, but I doubt it. So we are well positioned to complete action, as we committed to do, by 4 o'clock tomorrow afternoon.

I thank all of our colleagues. I think the tenor of the debate was positive. I did not agree with the outcome on one or two of the amendments, but that is part of the legislative process.

AMENDMENT NO. 425

Mr. BAUCUS. Mr. President, I rise today to comment briefly on my vote against Senator HARKIN's amendment this afternoon. I do so because I was faced with a very difficult decision. I care very deeply about the education programs that would be funded through this amendment, programs that include afterschool programs and vocational education programs. These are critical programs in schools across my State, and I hope we find a way to fund them.

But I am forced to vote against this amendment because of another concern—my concern with mounting deficits.

The budget resolution brought before us includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues, or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

Why is $725 billion in tax cuts inappropriate at this time?

The most crucial problem is that it is not paid for. The budget resolution brought before us forecasts enormous deficits for almost the next decade. Reducing revenues by $725 billion adds to the already mounting deficits.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

I joined three of my colleagues in a letter that laid out these concerns—we pledged that we would not agree to tax cuts above $350 billion. This is crucial. The Budget Committee approved $725 billion in tax cuts, and brought it to the Senate floor. Along with my colleagues, I promised to vote to bring this number down by $375 billion.

In a narrowly divided Senate, it is important that both parties work together to come up with the appropriate spending and revenue targets for the budget. That is why I worked with both Democrats and Republicans. Together, we came up with a target of $350 billion for this tax cut, and we agreed that we would all stick to that number.

As part of our commitment to try to reduce the size of the tax cut approved by the Budget Committee, we also agreed that we would not try to reduce the size of the tax cut below $350 billion. That means I am forced to make difficult decisions. In order to keep my commitment to a more responsible tax cut, I have to vote against funding priorities like the one presented by Senator HARKIN.

During tough times, we must make tough choices. I chose to commit to a responsible tax cut. A tax cut that will prevent worsening deficits that would hurt our economy.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL JOSE GUTIERREZ

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a true hero—to one of the first Americans to have fallen in combat in Iraq and make the ultimate sacrifice. His name: Jose Gutierrez, a lance corporal in the United States Marine Corps. He was just 22 years old.

Corporal Gutierrez arrived in the United States when he was a 16 year old orphan, having left poverty-stricken circumstances in Guatemala City and a country racked by a brutal civil war.

He traveled over 2,000 miles by foot, north through Mexico, in search of a better life here in the United States.

Like so many immigrants, his past was soon eclipsed by his new life as an American. He was taken in by the Mosquera family of Lomita, CA. Nora and Max Mosquera had begun helping immigrant foster children when their own children had grown.

"He joined the Marines to pay back a little of what he'd gotten from the U.S.," Max Mosquera said. "For him it was a question of honor."

A tall and quiet young man who enjoyed soccer and chess, Jose learned English quickly and had plans to study architecture.

He became an infantry rifleman with the 2nd Battalion, 1st Marine Regiment. He enlisted exactly 1 year ago, on March 25, 2002, and arrived at Camp Pendleton, CA, in early September.

Corporal Gutierrez died in battle, around 4 a.m. on Friday. He was struck by enemy fire while fighting alongside fellow marines near the southern Iraqi port city of Umm al Qasr.

"He was such a good kid," remembered Robert Nobles, a physical education teacher at North High in Torrance, where Corporal Gutierrez graduated in 2000.

I have been told that news of his death has resonated throughout Guatemala. Every major newspaper, radio and TV station carried his story. He has been portrayed as a brave and selfless young man—which he most certainly was.

I have also heard that it has been difficult to locate his one blood relative, his sister, who still lives in poverty in Guatemala City. The sister is arranging to have his body sent back to Guatemala, whereas a social worker in Los Angeles, Wendy Perlera, an acquaintance of Corporal Gutierrez, wants to bring his body back to L.A.

Wherever Lance Corporal Jose Gutierrez is finally laid to rest—in the country of his birth or the country which he was willing to give his life for—he will not be forgotten.

Our thought and our prayers are with his family—with his sister in Guatemala and with the Mosquera family, who provided him with the emotional and financial support to pursue his dreams.

The fact that he died so young—just 22—is tragic. Indeed, the loss of any young life is a tragedy. The fact that he was willing to fight—and die—for his adopted homeland, has earned him the lasting admiration of Americans everywhere.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 8, 2001, in Valencia, CA. A Sikh liquor store shopkeeper was severely beaten by two men. The men first entered the store and asked the victim, "Are you Osama bin Laden?" He tried to explain that he was a Sikh and had no association with Bin Laden. The men struck him repeatedly with metal poles, causing serious head injuries. The shopkeeper managed to escape his attackers after pushing a shelf over on top of them, knocking them down.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

GREEK INDEPENDENCE DAY

Mr. BIDEN. Mr. President, I rise today to support the designation of March 25, 2003, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

As in previous years, I welcome the opportunity to honor the democratic values and lasting friendship that bind our nations. Our common struggle to protect freedom and democracy at home and around the world has forged a strong partnership between Greece and the United States, a partnership which is critical to meeting today's challenges.

On the international front, Greece has played an important role in Operation Enduring Freedom and is now working with its European Union partners to support the reconstruction of Afghanistan. Greece continues to be a leader in bringing stability to the Balkans and in guiding the countries of this former region of conflict toward the community of democracies in Europe. Greece has been a steadfast ally in the fight against international terrorism, responding to every request for assistance in tracking and disrupting terrorist networks.

Greece has been actively pursuing security on the home front as well. In the last year, we welcomed the arrest in Greece of 19 suspected members of "November 17," a terrorist group responsible for approximately 120 criminal acts over a 27-year period, including the murder of Greeks, Americans, and citizens of other countries. For too many years, this case remained unsolved and the criminals unpunished. I am heartened by the efforts of the Government of Greece to move quickly to prosecute the suspects. The authorities in Greece must now accelerate efforts to bring charges against those suspects responsible for the 1983 killing of CAPT George Tsantes, USN, who is survived by his wife, Thalia Panos; his sons George K. Tsantes, III, and Nicolas P. Tsantes; and by his daughter Stephanie Tsantes, a distinguished citizen of the State of Delaware. Prosecution of this and other such cases will, I hope, bring a measure of closure and justice to all the families of the victims of "November 17."

Greece is now preparing to host the Summer Olympics in 2004—a challenge under the best of circumstances, a Herculean task in today's security environment. Working with the international community, including the United States, Greece has made unprecedented efforts to provide for safe and secure Olympic Games in 2004. And it has done so with great attention to preserving its 3,000 year-old cultural patrimony, the glory of the Hellenic past and present.

Greece has wisely chosen the theme "Our Europe: Sharing the Future in a Community of Values" to define its current term in the rotating Presidency of the European Union. In emphasizing the enlargement and transformation of the European Union, Greece will lead the efforts to create an even stronger European partner of the United States, a partner committed to protecting and promoting the fundamental values of freedom and democracy.

In designating March 25, 2003, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy, we honor both a proud heritage and our commitment to continued partnership and cooperation.

Mr. SARBANES. Mr. President, today we honor the 182nd anniversary of the independence of Greece. Nearly two centuries ago a band of determined and courageous Greek patriots rose against tremendous odds to end nearly four centuries of oppressive foreign domination of their homeland. Their arduous struggle continued for 8 years, until independence was at last secured in 1829, and the first steps were taken toward the establishment of the modern Greek state.

Our Founding Fathers drew heavily on the political experience and philosophy of the ancient Greeks, who first developed the principles of democratic government that vest the supreme governing authority in the people. Barely a generation later, Greek patriots turned to the American Revolution for inspiration, seeing in the success of the new American Republic the promise of their own future.

For nearly 200 years, the American and Greek peoples have shared a profound commitment to democratic principles, and have worked to create societies built on these principles. The United States and Greece have stood together in every major struggle for freedom and democracy: through two devastating World Wars, and through the long decades of the cold war. Today they are joined in the fight against terrorism, notably as Greece moves in cooperation with U.S. and international law enforcement agencies to root out and dismantle the November 17 terrorist organization and bring its members to justice.

Greece today is a vigorous and prosperous democracy, a solid partner of the United States, a full member of NATO and of the European Union. Currently serving as President of the EU, Greece has focused its efforts on promoting peace and stability in the Balkans and the Eastern Mediterranean. For many nations in these regions seeking to develop viable economic systems and democratic institutions, Greece serves as a model. Greece has worked hard and with extraordinary success in recent years to expand cross-cultural understanding and reduce longstanding tensions in the Greek-Turkish relationship. Indeed, in recognition of its expanding role in the world community, Greece was chosen to host the next Olympic games, which are scheduled to take place in Athens in 2004 and which will bring millions of visitors to Greece from all over the world.

There is another essential aspect to the U.S.-Greece partnership: the distinctive contributions that Greek Americans have made to every aspect of our Nation's life, in the arts, in business, in science, in medicine, in scholarship. Greek immigrant families to this country brought with them the traditional values of commitment to family and church, hard work and education, and Greek Americans have carried these values forward; they have helped to strengthen and invigorate communities everywhere across the land.

Greek Independence Day is a time of celebration, and also a moment for reflection. We see the many ways in which our country and Greece are drawn together, and we see how the past and the present are joined. Thinking back to the first steps toward Greek independence, on March 25, 1821, we are mindful of the long and twisting road traveled; of the courage and sacrifice of those who have worked over the decades to make Greece the democratic and prosperous nation it is today; of the fundamental importance in our lives of the democratic institutions, first conceived and created by the ancient Greeks, that are the bedrock of our society and the guarantee of freedom for peoples around the world.

Never have these institutions been more important to us. We revere and rejoice in them, and we commit ourselves once again to making them our legacy to the generations yet to come.

Mr. REED. Mr. President, I rise today to recognize the 182nd anniversary of Greek Independence that will be celebrated on Tuesday, March 25. It was on this day, March 25, 1821, that Greek patriots rose up against their Ottoman subjugators and began an 8-year struggle that culminated in a new Greek Republic in 1829.

On this day, it is fitting that we reflect on the enormous contributions the Greek people have made to the modern world. The legacy of the ancient Greeks, in the fields of philosophy, literature, drama, sculpture, and architecture, continues to influence our beliefs, our values, and our concept of art. Our own democratic principles have their very foundation in the practices of the ancient Greece republic. Indeed, the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people.

Greek ideology also had a profound effect on our Founding Fathers, who modeled the American Government upon the principles of Greek democracy. Thomas Jefferson studied the Greek classics in his youth and was inspired by their philosophy throughout his life, most dramatically when he crafted the Declaration of Independence. When formulating his vision for this country, Jefferson specifically referred to the integrated assertions, theories, and aims of the classic Greek world.

Our admiration for Greece continues into the modern day. Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights, forging a close bond between the two Nations. We share a partnership with Greece in NATO, and our countries are linked forever by close family relationships between our peoples. Our Nation looks forward to working closely with Greece in the coming years as we examine ways to bring full peace, stability, and prosperity to all the nations of Europe and the world.

As we celebrate Greek independence, we remember the history of those who sacrificed their lives to preserve freedom and democracy. We value our friendship and continuing partnership with the Government and people of Greece, and we commit to work together to provide greater opportunity and more freedoms for the citizens of the world. And we join the world in anticipating the momentous 2004 Summer Olympic Games, which will be held in Athens, the birthplace of the Olympic tradition.

I am proud to join many of my colleagues as a cosponsor of Senate Resolution 214 which designates March 25, 2003 "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I give Greek Americans my best wishes as they celebrate Greece's independence.

Mr. SMITH. Mr. President, I rise today to recognize two Oregon-based humanitarian organizations that are preparing to offer aid to the Iraqi citizens who may be displaced or who are facing hardships as a consequence of Saddam Hussein's intransigence and military events in Iraq.

Mercy Corps, an international relief and development organization, exists to alleviate suffering, poverty and oppression around the world. Since 1979, Mercy Corps has provided more than $640 million in assistance to 75 nations. Mercy Corps primarily works in countries in transition from war or natural disaster or in the midst of extreme economic or social transition. This group offers humanitarian assistance not only to meet basic needs, but helps lay the foundation for peace by building local capacity and a just, inclusive civil society.

Mercy Corps is already mobilizing an expanded relief effort that will deliver $20 million in aid to Iraq. Relief supplies for as many as 700,000 displaced people will include crucial water, food, sanitation supplies, shelter, medical care and basic items like blankets and cooking supplies. Mercy Corps is already delivering critical medical care, shelter and reconstruction services to thousands of displaced people in northern Iraq.

In addition, Mercy Corps is working with a consortium of other international partners, including the UN, to coordinate efforts to alleviate any humanitarian crisis that might arise in Iraq.

Representatives of northwest Medical Teams International (NWMTI), also headquartered in Portland, are meeting this week with Defense Secretary Donald Rumsfeld to focus on the delivery and distribution of medical care, food, clean water and shelter for displaced Iraqis. Northwest Medical Teams International seeks to demonstrate the love of Christ to those in crisis by sending volunteer medical and response teams, distributing humanitarian aid, and providing community development programs and children's ministries. In particular, the organization provides assistance to vulnerable people suffering from the consequences of war, famine, epidemics, poverty, physical illness, deformities and natural disasters. Since 1979, NWMTI has sent teams or supplies to more than 40 countries.

Northwest Medical Teams has a staff physician in Iraq, and three local medical volunteers will be joining him to provide life-saving aid. The agency also has $40,000 in medicines to send with the team and will send $20,000 to procure supplies locally in Iraq. The volunteers will serve thousands of displaced people at three camps as soon as the areas are secure.

Northwest Medical Teams is also preparing to provide medicines, blankets and tents to large groups of Iraqis who might become displaced due to the ongoing armed engagement.

Both of these organizations have had volunteers and staff working in northern Iraq since the Persian Gulf War in 1991.

ADDITIONAL STATEMENTS

CHILDREN AND HEALTHCARE WEEK IN GREENVILLE, SOUTH CAROLINA

● Mr. HOLLINGS. Mr. President, many children face illnesses requiring a hospital visit. This can be a frightening experience and underscores the need to provide quality pediatric health services, while easing the stress children and their families feel. To do just that, the Greenville Hospital System Children's Hospital in South Carolina is celebrating Children and Healthcare Week the week of March 24th with a number of valuable activities.

Among the scheduled events are: continuing education classes for medical residents and support staff, an awards ceremony to honor local individuals who have dedicated their lives to pediatric care, a special tribute service to honor children, and special staff appreciation activities conducted by community volunteers. Lack of quality health care should never be an impediment to the long-term success of our children, and I commend Greenville's dedication to this.●

TRIBUTE TO RAYTHEON COMPANY EMPLOYEES IN LOUISVILLE

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the 262 employees of Raytheon Company in Louisville, KY, for their vital role in strengthening our Nation's defense.

Americans remember the terrorist attack on the USS *Cole* on October 12,

2000. On that tragic day we lost 17 of our best sailors and 39 more were injured by a small boat laden with explosives that hit the USS *Cole* as it was refueling in a Yemeni port. The *Cole* is now a symbol of our Nation's fight against terrorism to many Americans. The destroyer has since been repaired and has rejoined its fleet.

The employees of Raytheon in Louisville have been working hard to prevent future attacks against our ships in the U.S. Navy and in the navies of our allies across the globe. Raytheon produces the Phalanx Block 1B Close In Weapon System. Phalanx is a rapid-fire, fully computerized radar and 20-mm gun system that is designed to prevent attacks similar to the *Cole* tragedy. The Phalanx protects our crews and ships by identifying and shooting down threats from small gunboats, anti-ship missiles, helicopters, floating mines, and many other threats.

This week Raytheon delivered a Phalanx Block 1B system to the USS *Cole* as part of a U.S. Navy effort to upgrade its defense systems onboard its ships. The men and women of Raytheon work hard to produce the best system possible to protect our crews and our ships. Mr. President, I am proud of the employees of Raytheon in Louisville for continuing to give the men and women serving our country the best possible defense to protect the USS *Cole* and other ships against future attacks.●

TRIBUTE TO EDWARD ZIGLER, PH.D.

● Mr. DODD. Mr. President, I rise today to pay tribute to an outstanding public servant, and a wonderful friend and colleague, Dr. Edward Zigler, who has recently retired after 40 years as a professor of psychology at Yale University.

Dr. Zigler has been a tireless advocate for children for many years, and has successfully been able to take his scientific research and apply it to society's greatest problems. Because of his expertise and his commitment to our Nation's children, he has been asked to assist every Presidential administration since the time of President Lyndon Johnson. From 1970 to 1972, Dr. Zigler was the first director of the U.S. Office of Child Development (now the Administration on Children, Youth, and Families) and Chief of the U.S. Children's Bureau.

He is a true visionary leader who has transformed national and State policies in early childhood development.

Edward Zigler is a Sterling Professor of Psychology, Emeritus, head of the psychology section of Yale's Child Study Center at the School of Medicine, and director of Yale's Center in Child Development and Social Policy. He is the author, co-author, and editor of hundreds of scholarly publications and has conducted extensive studies on topics related to normal child development, child psychopathology, and mental retardation. He is the founder of the School of the 21st Century, which has been adopted by more than 1300 schools nationwide.

Ed Zigler is a true pioneer in the effort to promote childhood development. He is the father of Head Start and has been deeply involved with every twist and turn the program has taken over the last 38 years. He recently completed work with policymakers and the administration to revise the Head Start Program Performance Standards, establish Early Head Start for very young children and their families, and design a research agenda. He is now working with Head Start leadership to develop assessment measures and to expand comprehensive early childhood services geared toward the development of the whole child to all children not yet enrolled in school.

In his ongoing role as an advisor on the Head Start Program, he has worked with several Secretaries of: Education; Health and Human Services, Health, Education, and Welfare (HEW); and Labor, including Secretary Bennett in the Reagan administration and Secretary Riley in the Clinton administration. Currently, he is on Secretary Tommy Thompson's Head Start Research Committee. The fact that his counsel has been sought consistently by both parties through the years service serves as a testament to maintain his nonpartisan focus on what research indicates is best for children.

Dr. Zigler has transformed State policies for children as well as national policies. He has worked with the State of Connecticut for decades and played a critical role in the establishment of Connecticut quality school readiness programs for low-income children. He and his colleagues have repeatedly surveyed child care standards in the states as well as preschool programs to raise awareness of the importance of quality and to guide policy makers in establishing better programs.

Dr. Zigler regularly testified as an expert witness before congressional committees and has served as a consultant to a number of Cabinet-rank officers. In February of 2002, he testified as an expert witness before the Committee on Health, Education, Labor, and Pension in a hearing examining the science and practice of early childhood development and related policies. He was a member of the Advisory Committee on Head Start Quality and Expansion and of the planning committee for the Early Head Start program for families and children ages zero to three. Dr. Zigler is currently serving as the Honorary Chair of the National Advisory Panel for the Head Start 2010 Project.

Dr. Zigler's many honors include awards from the American Psychological Association, the American Academy of Pediatrics, the Society for Research in Child Development, the American Academy of Child and Adolescent Psychiatry, the American Academy on Mental Retardation, the American Orthopsychiatric Association, the National Head Start Association, the Heinz Foundation, and Teachers College, Columbia University. He has also received honorary degrees from Park University in Missouri and McGill University in Canada.

Throughout his career, Dr. Zigler has successfully combined his commitment to scholarly research and his commitment to public service. Throughout the decades, Dr. Zigler has never lost sight of what he believed was his true calling: improving the lives of all children, particularly poor children. His greatest passion has always been helping the most underprivileged among us.

I am pleased to honor him this day and to express my gratitude for all he has done and continues to do on behalf of our Nation's most vulnerable citizens.●

IN HONOR OF CAPTAIN JOSEPH D. NOLAN

● Mr. KERRY. Mr. President, I rise before you today to honor the life and decorated naval career of Captain Joseph D. Nolan, who passed away late last year. The journey that he and his wife Betty traveled through the U.S. Navy extended from Virginia to the shores of Korea and Vietnam, and it finally came to rest in the deserts of New Mexico. Throughout his 30 years of service Captain Nolan wore the uniform of the U.S. Navy with pride and honor, and his dedication was recognized by the Silver Star amongst many others. The quantity and quality of his service stand as a model for all Americans to emulate as this young nation enters its fourth century.

Joseph Nolan's roots in my home State run deep. Joe graduated from Boston College then went on to receive his master's degree from Boston Teachers College, where his masters thesis focused on Oliver LaFarge's "Laughing Boy." After graduating from the Officer Candidate School in Newport, Rhode Island, Joe was commissioned in January 1952. His first tour of duty was as CIC officer on-board the USS *Preston* where he received the Naval Commendation Medal with Combat "V" for his combat action in Korea. He continued to serve in destroyer types as Operations Officer and Gunnery Officer of the USS *Cross* and matriculated into the Regular Navy in August 1955.

Officer Nolan assumed the role of aide to the Shipyard Commander in his first tour of shore duty at the Pearl Harbor Naval Shipyard. Here, he received orders to return to sea duty as Executive Officer of the USS *Snyder* based in New York. Following the decommissioning of the USS *Snyder*, Nolan reported to the U.S. Atlantic Fleet Operational Control Center for 2½ years and attended the Air Command and Staff College at Maxwell AFB, Alabama throughout 1964 and 1965. Upon completion of the Air Command and Staff College, Nolan served as Senior Naval Advisor in the "I" Corps area of Vietnam and as Commander Task Group 115.1 in Operation Market Time. For his combat action Nolan was awarded the Vietnamese Cross for Gallantry and Legion of Merit with Combat "V." Nolan assumed command of the USS *New* in December 1966 in Portsmouth, VA.

After gaining the rank of captain, Captain Nolan was given command of the USS *Halsey* and later became the commanding officer of the Naval Destroyer School and then Surface Warfare Officer School, in Newport. In his final tour of duty Captain Nolan moved to Albuquerque, NM, to work for the Defense Nuclear Agency at Kirtland Air Force Base. In 1982 Captain Nolan retired after 30 years of service with the United States Navy.

Proud as he was of his professional military career, Joe Nolan's life encompassed much more than his service to country; he was a man of action who consumed the works of J. Frank Dobie and Eugene Manlove Rhodes and he came to love Western art. While I am saddened by his passing and the grief it visits upon his family and friends, I am proud to stand here today and share with the Nation my regard for the truly American life lived by Captain Joseph Nolan. We are humbled by his loss but we are better for his time here on earth.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–1726. A communication from the Chair, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Administrative Fines (11 CFR Part 111)"; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 15. A bill to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING (for himself, Mr. SMITH, and Mr. GRAHAM of Florida):

S. 698. A bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 699. A bill to authorize the project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, Mississippi River and Tributaries; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself and Mr. BIDEN):

S. 700. A bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 701. A bill to amend the Internal Revenue Code of 1986 to encourage contributions of capital gain real property made for conservation purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 702. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 703. A bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building"; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. WARNER, and Mr. MCCAIN):

S. 704. A bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces; to the Committee on Armed Services.

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, and Mr. ALLEN):

S. 705. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, and Mr. ALLEN):

S. 706. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; to the Committee on Armed Services.

By Mr. LUGAR:

S. 707. A bill to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of prohibition on foreign assistance to that government; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. ALLEN):

S. Res. 97. A resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. Con. Res. 29. A concurrent resolution expressing the sense of Congress regarding semiconductor trade between the United States and the Republic of Korea and the need to assure that United States trade actions do not result in geopolitical tensions or United States job losses; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. GREGG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 220

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 220, a bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 384

At the request of Mr. REID, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 460

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 480

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 595

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 645

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 645, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 646

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 664

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 679

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 679, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S.J. RES. 3

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S.J. Res. 3, a joint resolution expressing the sense of Congress with respect to human rights in Central Asia.

S.J. RES. 8

At the request of Mr. BIDEN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S.J. Res. 8, a joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

S.J. RES. 8

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 8, supra.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. RES. 19

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 19, a resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by 2010.

S. RES. 62

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 62, a resolution calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

S. RES. 74

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

AMENDMENT NO. 285

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 285 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 315

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 315 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 318

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 318 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 324

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 324 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 341

At the request of Mr. REID, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 341 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 361

At the request of Mr. DASCHLE, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Mrs. MURRAY), the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Ms. CANTWELL), the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 361 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 372

At the request of Mr. LEVIN, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KERRY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 372 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 382

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 382 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 387

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 387 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 395

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 395 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 396

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 396 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 400

At the request of Mr. LUGAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. DEWINE), the Senator from Nebraska (Mr. HAGEL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Oregon (Mr. SMITH), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 400 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 400

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 400 proposed to S. Con. Res. 23, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself, Mr. SMITH, and Mr. GRAHAM of Florida):

S. 698. A bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce a bill of critical importance to the over 90,000 participants and beneficiaries of the YMCA pension plan. This issue affects the 656 hardworking YMCA employees in Kentucky that initially brought this problem to my attention.

With its presence felt in more than 10,000 communities nationwide, YMCA is the Nation's largest community service organization. Each year YMCA employees deliver important health and social services to over 17.9 million Americans. The YMCA mission to "put Christian principles in practice through programs that build healthy spirit for mind, body, for all" is indeed a very noble endeavor. YMCAs serve people of all faiths, incomes, ages, and race. This generous organization never turns people away for inability to pay.

YMCA's strength is in both its dedicated employees and the people they bring together through its service. Each local YMCA is tailored to the specific needs of the community in which it serves. The employees of the YMCA do God's work each day. This bill ensures that they will continue to receive the pensions they have earned and deserve.

With over $3 billion in assets, the YMCA pension plan has been in place for over 80 years. The plan has always been considered as a "church pension plan." There are no problems with the operation of the plan and the IRS has said it is in full compliance—with one possible exception.

Generally, in order to be considered a "church plan" the sponsoring organization must be affiliated with a specific church. Traditionally, the YMCA has not affiliated with any one church, but has instead identified with a "Christian affiliation." This bill would clarify that the plan will continue to be a "church plan" despite the fact that the YMCA is not limited to one specific church or religious denomination. It is important that Congress clarifies this technicality to ensure that the beneficiaries of the YMCA pension plan receive the benefits they have earned and deserve.

By Mr. CAMPBELL (for himself and Mr. BIDEN):

S. 700. A bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; to the Committee on Foreign Relations.

Mr. CAMPBELL. Mr. President, as Co-Chairman of the Commission on Security and Cooperation in Europe, I have closely monitored developments in the Republic of Belarus and informed my Senate colleagues of disturbing trends in that nation. I have met with members of this fledgling democratic opposition who, at great personal risk, dare to speak out against the repressive regime led by Alexander Lukashenka. I have met with the courageous wives whose husbands disappeared because they stood up to the regime and would not be silent. Against the backdrop of this climate of fear, the powers of the state have been brought to bear against independent journalists, trade unionists, and other voices of dissent.

Increasingly, Belarus has been driven into self-imposed isolation under Lukashenka devoid of legitimate leadership or accountability. A little over a year ago I addressed the Senate to voice concern over reported arms deals between the regime and rouge states, including Iraq. It appears that such sales have taken on greater importance as the Belarusian economy spirals downward.

While some might be tempted to dismiss Belarus as an anomaly, the stakes are too high and the costs too great to ignore. Accordingly, today, I am introducing the Belarus Democracy Act of 2003, which is designed to help put an end to repression and human rights violations in Belarus and to promote Belarus' entry into a democratic Euro-Atlantic community of nations.

As a participating State in the Organization for Security and Cooperation in Europe, OSCE, Belarus has accepted a series of norms in the areas of democracy, human rights and the rule of law. As Europe's last dictator, Lukashenka continues to brashly trample the fundamental rights of his own people and their culture.

As I alluded to earlier, independent media, non-governmental organizations, trade unions and the democratic opposition have had to operate under extremely difficult conditions, often facing serious mistreatment and an orchestrated campaign of harassment. Despite the repressions there are courageous individuals who support democracy have not been silenced. Two weeks ago, for example, Alexander Yarashuk, the leader of the Belarusian Congress of Democratic Trade Unions, called on Lukashenka to immediately cease backing Saddam. Moreover, just last week, on March 12, thousands gathered peacefully in a central Minsk square to protest deteriorating economic and social conditions in Belarus. Four of the rally's organizers—Andrei Sannikov, Ludmila Gryaznova, Dmitry Bondarenko and Leonid Malakhov—were given 15 day jail sentences for "participation in unauthorized mass actions."

Despite calls for change within Belarus, and considerable prodding from the international community, Lukashenka has shown no desire to deviate from his path of authoritarianism and personal profit at the expense of his own people. A few months ago, Lukashenka, who effectively controls the Belarusian parliament, signed into law a new, repressive religion law. Local elections held earlier this month followed the pattern of Belarus' 2000 parliamentary and 2001 presidential elections—they were a joke. Control of election commissions, denials of registration for opposition candidates, "early voting" and outright falsifications were the norm.

The Belarus Democracy Act of 2003 would authorize additional assistance for democracy-building activities such as support for NGOs, independent media, including radio and television broadcasting to Belarus, and international exchanges. It also encourages free and fair parliamentary elections, which have been notably absent in Belarus. This bill would also deny high-ranking officials of the Lukashenka regime entry into the United States. Additionally, strategic exports to the Belarusian Government would be prohibited, as well as U.S. Government financing except for humanitarian goods and agricultural or medical products. The U.S. executive directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance for humanitarian needs. The bill would also require reports from the President concerning the sale of delivery of weapons or weapons-related technologies from Belarus to rouge states, including Iraq and North Korea.

I am very pleased that the Ranking Member of the Committee on Foreign Relations, Senator BIDEN, is an original cosponsor of this measure. His support will ensure that we proceed on a bipartisan basis as we work to ensure the timely adoption and implementation of this legislation.

The goal of the Belarus Democracy Act is to assist Belarus in becoming a genuine European state, in which respect for human rights and democracy is the norm and in which the long-suffering Belarusian people are able to overcome the legacy of dictatorship—past and present. Adoption and implementation of the Belarus Democracy Act will offer a ray of hope that the current period of political, economic and social stagnation will indeed end. The people of Belarus deserve a chance for a brighter future free of repression and fear.

I ask unanimous consent that the text of the Belarus Democracy Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belarus Democracy Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States supports the promotion of democracy, respect for human rights, and the rule of law in the Republic of Belarus consistent with its commitments as a participating state of the Organization for Security and Cooperation in Europe (OSCE).

(2) The United States has a vital interest in the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies.

(3) The last parliamentary election in Belarus deemed to be free and fair by the international community was conducted in 1995 from which emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been usurped by the authoritarian regime of Belarus President Aleksandr Lukashenka.

(4) In November 1996, Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, and extend his term of office to 2001.

(5) In May 1999, democratic forces in Belarus challenged Lukashenka's unconstitutional extension of his presidential term by staging alternative presidential elections which were met with repression.

(6) Democratic forces in Belarus have organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus which led to beatings, mass arrests, and extended incarcerations.

(7) Victor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the democratic forces in Belarus, and Dmitry Zavadsky, a journalist known for his critical reporting in Belarus, have disappeared and are presumed dead.

(8) Former Belarus Government officials have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the disappearances.

(9) The Lukashenka regime systematically harasses and represses the independent media and independent trade unions, imprisons independent journalists, and actively suppresses freedom of speech and expression.

(10) The Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, the Jewish community, the Hindu Lights of Kalyasa community, evangelical Protestant churches (such as Baptist and Pentecostal groups), and other minority religious groups.

(11) The Law on Religious Freedom and Religious Organizations, passed by the National Assembly and signed by Lukashenka on October 31, 2002, establishes one of the most repressive legal regimes in the OSCE region, severely limiting religious freedom and placing excessively burdensome government controls on religious practice.

(12) The United States, the European Union, the North Atlantic Treaty Organization (NATO) Parliamentary Assembly, and the OSCE Parliamentary Assembly have not recognized the National Assembly.

(13) The parliamentary elections of October 15, 2000, conducted in the absence of a democratic election law, were illegitimate, unconstitutional, and plagued by violent

human rights abuses committed by the Lukashenka regime, and have been determined by the OSCE to be nondemocratic.

(14) The presidential election of September 9, 2001, was determined by the OSCE and other observers to be fundamentally unfair, to have failed to meet OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document, and to have featured significant and abusive misconduct by the Lukashenka regime, including—

(A) the harassment, arrest, and imprisonment of opposition members;

(B) the denial of equal and fair access by opposition candidates to state-controlled media;

(C) the seizure of equipment and property of independent nongovernmental organizations and press organizations, and the harassment of their staff and management;

(D) voting and vote counting procedures that were not transparent; and

(E) a campaign of intimidation directed against opposition activists, domestic election observation organizations, and opposition and independent media, and a libelous media campaign against international observers.

SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—Assistance under this section shall be available for the following purposes:

(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes set forth in subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous groups in Belarus that are committed to the support of democratic processes in Belarus.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) the observation of elections and the promotion of free and fair electoral processes;

(2) the development of democratic political parties;

(3) radio and television broadcasting to and within Belarus;

(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

(5) the development of independent media working within Belarus and from locations outside Belarus, and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in matters central to the development of civil society; and

(7) other activities consistent with the purposes of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section $40,000,000 for fiscal years 2004 and 2005.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 4. RADIO BROADCASTING TO BELARUS.

(a) PURPOSE.—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information in Belarus.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there is authorized to be appropriated $5,000,000 for each fiscal year for Voice of America and RFE/RL, Incorporated for radio broadcasting to the people of Belarus in languages spoken in Belarus.

(c) REPORT ON RADIO BROADCASTING TO AND IN BELARUS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on how funds appropriated and allocated pursuant to the authorizations of appropriations under subsection (b) and section 3(d) will be used to provide AM and FM broadcasting that covers the territory of Belarus and delivers independent and uncensored programming.

SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

(a) APPLICATION OF SANCTIONS.—The sanctions described in subsections (c) and (d), and any sanction imposed under subsection (e) or (f), shall apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of the individuals who are responsible for their disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with Organization for Security and Cooperation in Europe (OSCE) standards on democratic elections and in cooperation with relevant OSCE institutions.

(c) PROHIBITION ON STRATEGIC EXPORTS TO BELARUS.—

(1) PROHIBITION.—No computers, computer software, goods, or technology intended to manufacture or service computers, or any other related goods or technology, may be exported to Belarus for use by the Government of Belarus, or by its military, police, prison system, or national security agencies. The prohibition in the preceding sentence shall not apply with respect to the export of goods or technology for democracy-building or humanitarian purposes.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall prevent the issuance of licenses to ensure the safety of civil aviation and safe operation of commercial passenger aircraft of United States origin or to ensure the safety of ocean-going maritime traffic in international waters.

(d) PROHIBITION ON LOANS AND INVESTMENT.—

(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency may be available for activities of the Agency in or for Belarus.

(e) DENIAL OF ENTRY INTO UNITED STATES OF CERTAIN BELARUS OFFICIALS.—

(1) DENIAL OF ENTRY.—It is the sense of Congress that, in addition to the sanctions provided for in subsections (c) and (d), the President should use the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

(A) holds a position in the senior leadership of the Government of Belarus; or

(B) is a spouse, minor child, or agent of a person described in subparagraph (A).

(2) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS DEFINED.—In this subsection, the term "senior leadership of the Government of Belarus" includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

(C) any other individual determined by the Secretary of State (or the Secretary's designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime in Belarus that are in contradiction of internationally recognized human rights standards.

(f) MULTILATERAL FINANCIAL ASSISTANCE.—It is the sense of Congress that, in addition to the sanctions provided for in subsections (c) and (d), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

(g) WAIVER.—The President may waive the application of any sanction described in this section with respect to Belarus if the President determines and certifies to the appropriate congressional committees that it is important to the national interests of the United States to do so.

SEC. 6. MULTILATERAL COOPERATION.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures provided for in this Act.

SEC. 7. ANNUAL REPORTS.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, the following:

(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 8. DECLARATION OF POLICY.

Congress hereby—

(1) expresses its support to those in the Republic of Belarus seeking—

(A) to promote democracy, human rights, and the rule of law and to consolidate the independence and sovereignty of Belarus; and

(B) to promote the integration of Belarus into the European community of democracies;

(2) expresses its grave concern about the disappearances of Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky;

(3) calls upon the Lukashenka regime in Belarus to cease its persecution of political opponents or independent journalists and to release those individuals who have been imprisoned for opposing his regime or for exercising their right to freedom of speech;

(4) calls upon the Lukashenka regime to end the pattern of clear, gross, and uncorrected violations of relevant human dimension commitments of the Organization for Security and Cooperation in Europe (OSCE), and to respect the basic freedoms of speech, expression, assembly, association, language, culture, and religion or belief;

(5) calls upon the Government of the Russian Federation to use its influence to encourage democratic development in Belarus so that Belarus can become a democratic, prosperous, sovereign, and independent state that is integrated into Europe;

(6) calls upon the Government of Belarus to resolve the continuing constitutional and political crisis in Belarus through—

(A) free, fair, and transparent presidential and parliamentary elections in Belarus, as called for by the OSCE;

(B) respect for human rights in Belarus;

(C) an end to the current climate of fear in Belarus;

(D) meaningful access by the opposition to state media in Belarus;

(E) modification of the electoral code of Belarus in keeping with OSCE commitments;

(F) engagement in genuine talks with the opposition in Belarus; and

(G) modifications of the constitution of Belarus to allow for genuine authority for the parliament; and

(7) commends the democratic opposition in Belarus for their commitment to freedom, their courage in the face of the repression of the Lukashenka regime, and the emergence of a pluralist civil society in Belarus—the foundation for the development of democratic political structures.

SEC. 9. DEFINITION.

In this Act, the term "appropriate congressional committees" means—

(1) the Committee on International Relations of the House of Representatives; and

(2) the Committee on Foreign Relations of the Senate.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 701. A bill to amend the Internal Revenue Code of 1986 to encourage contributions of capital gain real property made for conservation purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I re-introduced the Rural Heritage Conservation Act, along with my good friend Senator GRASSLEY from Iowa. I would like to say a few words about why this bill is so important to my home state of Montana and to the Nation.

We are losing precious agricultural and ranch lands at a record pace. Farming and ranching are the backbone of my state, comprising the largest sector of my state's economy. Not only do these farms and ranches provide Montana and the Nation with the highest quality food and fiber, they also provide wildlife habitat, open space and peace of mind. It is imperative that we help our hard-working farmers and ranchers preserve this precious heritage and their way-of-life.

Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Unfortunately, the way current tax law is structured makes it difficult for farmers and ranchers, who generally don't have much income, to take advantage of the tax benefits associated with donating conservation easements. They've been left behind by this important conservation tool. That's why I introduced the Rural Heritage Conservation Act. My bill will provide targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement.

The Rural Heritage Conservation Act would allow eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all of the landowners, the AGI limitation would be raised from 30 percent to 50 percent.

This is a win-win situation—farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses and stay on their land. It's a purely voluntary, incentive-based way to promote conservation. It will allow us to bring people together. Landowners, conservationists, the federal government, and local communities all can work together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other state in the Nation where important agricultural or ranching lands are being lost to rapid development, and a way-of-life is disappearing. I ask my colleagues to join with me and Senator GRASSLEY to pass this bill as soon as possible and send it to the President's desk. We have to act now.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 702. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized every four years since that time.

The Act provides authority for a range of programs and services designed to improve the health care status of the Native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 21 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2000, Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 138 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 68 percent higher than the rate for the entire State, and the mortality rate for hypertension is 84 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 703. A bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building"; to the Committee on Environment and Public Works.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CARL T. CURTIS NATIONAL PARK SERVICE MIDWEST REGIONAL HEADQUARTERS BUILDING.

The regional headquarters building for the National Park Service under construction in Omaha, Nebraska, shall be known and designated as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the regional headquarters building referred to in section 1 shall be deemed to be a reference to the Carl T. Curtis National Park Service Midwest Regional Headquarters Building.

By Ms. COLLINS (for herself, Mr. WARNER, and Mr. MCCAIN):

S. 704. A bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to decreased members of the Armed forces; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce legislation on behalf of my self and Senator WARNER that will provide increased support for the families of those brave men and women in the armed forces who make the ultimate sacrifice in service to our Nation. The bill I introduce will raise the amount paid to the next-of-kin of military personnel killed while on active duty from $6,000 to $12,000. Further, it makes this increase retroactive to September 11, 2001.

Like all Americans, I have been greatly saddened by the loss of life in recent days during our operations in Iraq. While all of us understand the dangers whenever the Commander-in-Chief sends our troops into harm's way, that does not lessen the shock and sadness we all have felt as we learn of the loss of lives and see the cruel video of American POWs held in Iraq.

In the initial days of the war, two Marines with ties to Maine lost their lives. Both Captain Jay Aubin and Corporal Brian Kennedy, who perished in a helicopter crash in the Kuwaiti desert, have parents living in Maine. I came to this floor yesterday to express my condolences to their families, and declare my commitment to ensuring that their sacrifice is remembered.

I can think of no better way to honor their memories, and the memories of other Americans who have given their lives, than to ensure that their loved ones receive the care that they need and deserve. The last time that the death gratuity was raised was in 1991, during the period of the last Gulf War. At that time, it was increased from $3,000 to $6,000. It well past time for the Congress to move forward and increase this amount to better recognize the sacrifices of these families.

The death gratuity is commonly provided within 72 hours to the family of the servicemember who is killed while on active duty. This amount, while a small solace to a grieving family, assist them with their immediate financial needs. It is our obligation as a Nation to ensure that those families receive every support we can provide during such a terrible time. Just as important, as our troops enter into combat they need to be confident that, should the worst occur, that their family will have the support they need.

We can never fully repay the debt of our Nation to those who have laid down their lives for our Nation. The best we can do is honor their memory, ensure that their sacrifice is not in vain, and help provide for their families. The bill I have introduced will send a message to our brave young men and women that their Nation is grateful for their service.

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, and Mr. ALLEN):

S. 705. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) PAYMENT TO MOBILIZED MEMBERS.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty, notwithstanding the service of the member on active duty pursuant to such call or order to active duty.".

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, and Mr. ALLEN):

S. 706. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a person who is eligible to provide a reserve-component annuity and who dies—

"(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

"(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

"(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in line of duty during inactive-duty training.".

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1448 of such title is amended by inserting "OR BEFORE" after "DYING WHEN".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 97—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ARRESTS OF CUBAN DEMOCRACY ACTIVISTS BY THE CUBAN GOVERNMENT

Mr. NELSON of Florida (for himself and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 97

Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

Whereas since March 18, 2003, the Cuban police have arrested more than 100 Cubans for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist country;

Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

Whereas Fidel Castro has seized the opportunity to expand his brutal oppression of the Cuban people while the attention of the United States and other nations around the world is focused on the war in Iraq; and

Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the island: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent arrests and other intimidation tactics against democracy activists by the Castro regime;

(2) calls on the Cuban Government to immediately release those imprisoned and held during this most recent crackdown for activities the government wrongly deems "subversive, counter-revolutionary, and provocative";

(3) reaffirms Senate Resolution 272, 107th Congress, agreed to June 10, 2002, which was agreed to without opposition and which called for, among other things, amnesty for all political prisoners;

(4) praises the bravery of those Cubans who, because they practiced free speech and signed the Varela Project petition, have been targeted in this most recent government crackdown; and

(5) urges the President to demand the immediate release of these prisoners and to take all appropriate steps to secure their immediate release.

SENATE CONCURRENT RESOLUTION 29—EXPRESSING THE SENSE OF CONGRESS REGARDING SEMICONDUCTOR TRADE BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA AND THE NEED TO ASSURE THAT UNITED STATES TRADE ACTIONS DO NOT RESULT IN GEOPOLITICAL TENSIONS OR UNITED STATES JOB LOSSES

Mr. SMITH (for himself and Mr. WYDEN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 29

Whereas the Republic of Korea is a vital ally of the United States in Asia;

Whereas the current tensions on the Korean Peninsula require the strongest possible alliance between the United States and the Republic of Korea;

Whereas Hynix Semiconductor Inc. is a major Korean and global semiconductor manufacturer;

Whereas Hynix Semiconductor Inc. has invested over $1,000,000,000 in its facilities in Eugene, Oregon, and is increasing that investment;

Whereas Hynix Semiconductor Inc. employs over 1,000 highly skilled and compensated Americans at its facilities in Eugene, Oregon;

Whereas these jobs are particularly valuable to Oregon and the United States economy at a time of economic uncertainty;

Whereas semiconductor trade between the United States and the Republic of Korea is currently the subject of trade remedy proceedings and continuing review by the United States Trade Representative;

Whereas the Republic of Korea has, as a result of the currency crisis in the mid-1990s, implemented economic reforms;

Whereas as a result of those reforms the Government of South Korea is no longer involved in commercial lending decisions; and

Whereas the Government of South Korea has affirmed that it has had no role in the economic restructurings of Hynix Semiconductor Inc.: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Government should act carefully and judiciously with regard to issues involving semiconductor trade between the United States and the Republic of Korea to assure that trade disputes do not create geopolitical or economic tensions between the United States and the Republic of Korea, and do not result in the loss of highly skilled American jobs, including jobs at United States facilities of Korean semiconductor manufacturers;

(2) the Secretary of Commerce should review carefully and objectively all the facts surrounding the financial restructuring of Hynix Semiconductor Inc. in light of economic reforms which have taken place in South Korea in recent years, and avoid taking any action which will threaten the jobs of American workers in the semiconductor industry or threaten future investment in Hynix Semiconductor Inc.'s facility in Eugene, Oregon; and

(3) the United States Trade Representative should seek to address issues involving semiconductor trade between the United States and the Republic of Korea through consultation after full review of the facts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 411. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

SA 412. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 413. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra.

SA 414. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 415. Mr. DODD proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 416. Mr. NICKLES (for Mr. CAMPBELL) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 417. Mr. BINGAMAN (for himself, Mr. JEFFORDS, Mr. KERRY, Mr. DODD, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. CORZINE, Mr. JOHNSON, and Mr. AKAKA) proposed an amendment to the concurrent resolution S. Con . Res. 23, supra.

SA 418. Mrs. CLINTON (for herself, Mr. LEAHY, Mr. SCHUMER, Mr. LIEBERMAN, Mr. CORZINE, Mr. DAYTON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 419. Mr. DODD (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, and Mr. DAYTON) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 420. Mr. BREAUX proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 421. Mrs. MURRAY (for herself, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 422. Mr. FEINGOLD (for himself, Mr. CHAFEE, and Mr. CARPER) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 423. Mr. CORZINE (for himself, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mrs. BOXER, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 424. Mrs. CLINTON (for herself and Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 425. Mr. HARKIN proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 426. Mr. BAYH (for himself, Mr. SCHUMER, Mrs. LINCOLN, and Mr. DEWINE) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 427. Mr. NICKLES (for himself and Mr. LEVIN) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

TEXT OF AMENDMENTS

SA 411. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2004 including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,282,134,000,000.
Fiscal year 2004: $1,473,435,000,000.
Fiscal year 2005: $1,633,031,000,000.
Fiscal year 2006: $1,739,022,000,000.
Fiscal year 2007: $1,851,246,000,000.
Fiscal year 2008: $1,960,717,000,000.
Fiscal year 2009: $2,076,710,000,000.
Fiscal year 2010: $2,192,257,000,000.
Fiscal year 2011: $2,427,396,000,000.
Fiscal year 2012: $2,650,579,000,000.
Fiscal year 2013: $2,805,810,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2003: −$77,700,000,000.
Fiscal year 2004: $7,065,000,000.
Fiscal year 2005: $16,005,000,000.
Fiscal year 2006: −$1,650,000,000.
Fiscal year 2007: −$1,920,000,000.
Fiscal year 2008: −$2,260,000,000.
Fiscal year 2009: −$1,620,000,000.
Fiscal year 2010: −$785,000,000.
Fiscal year 2011: −$100,000,000.
Fiscal year 2012: $800,000,000.
Fiscal year 2013: $1,600,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,901,363,000,000.
Fiscal year 2004: $1.864,753,000,000.
Fiscal year 2005: $1,979,456,000,000.
Fiscal year 2006: $2,120,241,000,000.
Fiscal year 2007: $2,246,386,000,000.
Fiscal year 2008: $2,366,468,000,000.
Fiscal year 2009: $2,475,874,000,000.
Fiscal year 2010: $2,584,726,000,000.
Fiscal year 2011: $2,709,145,000,000.
Fiscal year 2012: $2,798,272,000,000.
Fiscal year 2013: $2,922,872,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,829,086,000,000.
Fiscal year 2004: $1,899,965,000,000.
Fiscal year 2005: $1,978,628,000,000.
Fiscal year 2006: $2,089,544,000,000.
Fiscal year 2007: $2,207,833,000,000.
Fiscal year 2008: $2,229,553,000,000.
Fiscal year 2009: $2,445,715,000,000.
Fiscal year 2010: $2,502,133,000,000.
Fiscal year 2011: $2,695,793,000,000.
Fiscal year 2012: $2,772,474,000,000.
Fiscal year 2013: $2,907,760,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2003: −$546,952,000,000.
Fiscal year 2004: −$426,530,000,000.
Fiscal year 2005: −$345,597,000,000.
Fiscal year 2006: −$350,522,000,000.
Fiscal year 2007: −$356,587,000,000.
Fiscal year 2008: −$368,836,000,000.
Fiscal year 2009: −$369,005,000,000.
Fiscal year 2010: −$369,876,000,000.
Fiscal year 2011: −$268,397,000,000.
Fiscal year 2012: −$121,895,000,000.
Fiscal year 2013: −$101,950,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,781,300,000,000.
Fiscal year 2004: $7,286,882,000,000.
Fiscal year 2005: $7,738,623,000,000.
Fiscal year 2006: $8,214,232,000,000.
Fiscal year 2007: $8,700,321,000,000.
Fiscal year 2008: $9,202,613,000,000.
Fiscal year 2009: $9,706,954,000,000.
Fiscal year 2010: $10,216,905,000,000.
Fiscal year 2011: $10,629,297,000,000.
Fiscal year 2012: $10,902,099,000,000.
Fiscal year 2013: $11,156,541,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2003: $3,540,427,000,000.
Fiscal year 2004: $3,951,933,000,000.
Fiscal year 2005: $4,202,001,000,000.
Fiscal year 2006: $4,360,348,000,000.
Fiscal year 2007: $4,509,222,000,000.
Fiscal year 2008: $4,643,691,000,000.
Fiscal year 2009: $4,769,925,000,000.
Fiscal year 2010: $4,876,352,000,000.
Fiscal year 2011: $4,964,366,000,000.
Fiscal year 2012: $4,932,374,000,000.
Fiscal year 2013: $4,738,818,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,886,000,000.
Fiscal year 2005: $587,895,000,000.
Fiscal year 2006: $619,162,000,000.
Fiscal year 2007: $651,228,000,000.
Fiscal year 2008: $684,509,000,000.
Fiscal year 2009: $719,212,000,000.
Fiscal year 2010: $755,834,000,000.
Fiscal year 2011: $792,232,000,000.
Fiscal year 2012: $829,648,000,000.
Fiscal year 2013: $869,770,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $459,795,000,000.
Fiscal year 2004: $480,249,000,000.
Fiscal year 2005: $499,040,000,000.
Fiscal year 2006: $522,970,000,000.
Fiscal year 2007: $549,367,000,000.
Fiscal year 2008: $548,159,000,000.
Fiscal year 2009: $610,553,000,000.
Fiscal year 2010: $645,845,000,000.
Fiscal year 2011: $682,594,000,000.
Fiscal year 2012: $724,415,000,000.
Fiscal year 2013: $770,807,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—For the Senate, the amounts of the new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,838,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,206,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:
(A) New budget authority, $4,792,000,000.
(B) Outlays, $4,766,000,000.
Fiscal year 2010:
(A) New budget authority, $4,954,000,000.
(B) Outlays, $4,942,000,000.
Fiscal year 2011:
(A) New budget authority, $5,121,000,000.
(B) Outlays, $5,091,000,000.
Fiscal year 2012:
(A) New budget authority, $5,292,000,000.
(B) Outlays, $5,260,000,000.
Fiscal year 2013:
(A) New budget authority, $5,471,000,000.
(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $472,494,000,000.
(B) Outlays, $418,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,658,000,000.
(B) Outlays, $430,664,000,000.
Fiscal year 2005:
(A) New budget authority, $420,402,000,000.
(B) Outlays, $426,536,000,000.
Fiscal year 2006:
(A) New budget authority, $440,769,000,000.
(B) Outlays, $430,191,000,000.
Fiscal year 2007:
(A) New budget authority, $461,400,000,000.
(B) Outlays, $441,621,000,000.
Fiscal year 2008:
(A) New budget authority, $482,340,000,000.
(B) Outlays, $465,115,000,000.
Fiscal year 2009:
(A) New budget authority, $489,209,000,000.
(B) Outlays, $477,989,000,000.
Fiscal year 2010:
(A) New budget authority, $495,079,000.
(B) Outlays, $487,993,000,000.
Fiscal year 2011:
(A) New budget authority, $502,947,000,000.
(B) Outlays, $500,478,000,000.
Fiscal year 2012:
(A) New budget authority, $510,984,000,000.
(B) Outlays, $501,628,000,000.
Fiscal year 2013:
(A) New budget authority, $519,393,000,000.
(B) Outlays, $514,885,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $25,681,000,000.
(B) Outlays, $24,207,000,000.
Fiscal year 2005:
(A) New budget authority, $29,734,000,000.
(B) Outlays, $24,917,000,000.
Fiscal year 2006:
(A) New budget authority, $32,308,000,000.

(B) Outlays, $26,539,000,000.

Fiscal year 2007:

(A) New budget authority, $33,603,000,000.

(B) Outlays, $28,464,000,000.

Fiscal year 2008:

(A) New budget authority, $34,611,000,000.

(B) Outlays, $29,604,000,000.

Fiscal year 2009:

(A) New budget authority, $35,413,000,000.

(B) Outlays, $30,733,000,000.

Fiscal year 2010:

(A) New budget authority, $36,258,000,000.

(B) Outlays, $31,689,000,000.

Fiscal year 2011:

(A) New budget authority, $37,136,000,000.

(B) Outlays, $32,565,000,000.

Fiscal year 2012:

(A) New budget authority, $38,005,000,000.

(B) Outlays, $33,408,000,000.

Fiscal year 2013:

(A) New budget authority, $38,885,000,000.

(B) Outlays, $34,298,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2003:

(A) New budget authority, $23,153,000,000.

(B) Outlays, $21,556,000,000.

Fiscal year 2004:

(A) New budget authority, $23,577,000,000.

(B) Outlays, $22,854,000,000.

Fiscal year 2005:

(A) New budget authority, $24,125,000,000.

(B) Outlays, $23,746,000,000.

Fiscal year 2006:

(A) New budget authority, $24,642,000,000.

(B) Outlays, $24,081,000,000.

Fiscal year 2007:

(A) New budget authority, $25,153,000,000.

(B) Outlays, $24,544,000,000.

Fiscal year 2008:

(A) New budget authority, $25,709,000,000.

(B) Outlays, $25,015,000,000.

Fiscal year 2009:

(A) New budget authority, $26,267,000,000.

(B) Outlays, $25,560,000,000.

Fiscal year 2010:

(A) New budget authority, $26,849,000,000.

(B) Outlays, $26,119,000,000.

Fiscal year 2011:

(A) New budget authority, $27,453,000,000.

(B) Outlays, $26,703,000,000.

Fiscal year 2012:

(A) New budget authority, $28,060,000,000.

(B) Outlays, $27,299,000,000.

Fiscal year 2013:

(A) New budget authority, $28,668,000,000.

(B) Outlays, $27,899,000,000.

(4) Energy (270):

Fiscal year 2003:

(A) New budget authority, $2,074,000,000.

(B) Outlays, $439,000,000.

Fiscal year 2004:

(A) New budget authority, $2,401,000,000.

(B) Outlays, $656,000,000.

Fiscal year 2005:

(A) New budget authority, $2,193,000,000.

(B) Outlays, $468,000,000.

Fiscal year 2006:

(A) New budget authority, $2,232,000,000.

(B) Outlays, $733,000,000.

Fiscal year 2007:

(A) New budget authority, $2,137,000,000.

(B) Outlays, $641,000,000.

Fiscal year 2008:

(A) New budget authority, $1,789,000,000.

(B) Outlays, $303,000,000.

Fiscal year 2009:

(A) New budget authority, $1,762,000,000.

(B) Outlays, $371,000,000.

Fiscal year 2010:

(A) New budget authority, $1,823,000,000.

(B) Outlays, $435,000,000.

Fiscal year 2011:

(A) New budget authority, $1,883,000,000.

(B) Outlays, $576,000,000.

Fiscal year 2012:

(A) New budget authority, $1,954,000,000.

(B) Outlays, $917,000,000.

Fiscal year 2013:

(A) New budget authority, $2,022,000,000.

(B) Outlays, $842,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2003:

(A) New budget authority, $30,816,000,000.

(B) Outlays, $28,940,000,000.

Fiscal year 2004:

(A) New budget authority, $32,394,000,000.

(B) Outlays, $30,895,000,000.

Fiscal year 2005:

(A) New budget authority, $33,286,000,000.

(B) Outlays, $32,102,000,000.

Fiscal year 2006:

(A) New budget authority, $34,263,000,000.

(B) Outlays, $33,700,000,000.

Fiscal year 2007:

(A) New budget authority, $35,018,000,000.

(B) Outlays, $34,374,000,000.

Fiscal year 2008:

(A) New budget authority, $35,823,000,000.

(B) Outlays, $35,021,000,000.

Fiscal year 2009:

(A) New budget authority, $37,163,000,000.

(B) Outlays, $36,258,000,000.

Fiscal year 2010:

(A) New budget authority, $38,229,000,000.

(B) Outlays, $37,290,000,000.

Fiscal year 2011:

(A) New budget authority, $39,263,000,000.

(B) Outlays, $38,318,000,000.

Fiscal year 2012:

(A) New budget authority, $40,194,000,000.

(B) Outlays, $39,219,000,000.

Fiscal year 2013:

(A) New budget authority, $41,121,000,000.

(B) Outlays, $40,214,000,000.

(6) Agriculture (350):

Fiscal year 2003:

(A) New budget authority, $24,418,000,000.

(B) Outlays, $23,365,000,000.

Fiscal year 2004:

(A) New budget authority, $25,212,000,000.

(B) Outlays, $23,909,000,000.

Fiscal year 2005:

(A) New budget authority, $27,382,000,000.

(B) Outlays, $26,166,000,000.

Fiscal year 2006:

(A) New budget authority, $27,229,000,000.

(B) Outlays, $26,038,000,000.

Fiscal year 2007:

(A) New budget authority, $26,718,000,000.

(B) Outlays, $25,562,000,000.

Fiscal year 2008:

(A) New budget authority, $25,933,000,000.

(B) Outlays, $24,798,000,000.

Fiscal year 2009:

(A) New budget authority, $26,517,000,000.

(B) Outlays, $25,545,000,000.

Fiscal year 2010:

(A) New budget authority, $25,970,000,000.

(B) Outlays, $25,132,000,000.

Fiscal year 2011:

(A) New budget authority, $25,415,000,000.

(B) Outlays, $24,596,000,000.

Fiscal year 2012:

(A) New budget authority, $24,995,000,000.

(B) Outlays, $24,192,000,000.

Fiscal year 2013:

(A) New budget authority, $24,715,000,000.

(B) Outlays, $23,909,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2003:

(A) New budget authority, $8,812,000,000.

(B) Outlays, $5,881,000,000.

Fiscal year 2004:

(A) New budget authority, $8,134,000,000.

(B) Outlays, $3,204,000,000.

Fiscal year 2005:

(A) New budget authority, $9,060,000,000.

(B) Outlays, $2,867,000,000.

Fiscal year 2006:

(A) New budget authority, $8,620,000,000.

(B) Outlays, $2,895,000,000.

Fiscal year 2007:

(A) New budget authority, $8,959,000,000.

(B) Outlays, $2,936,000,000.

Fiscal year 2008:

(A) New budget authority, $8,720,000,000.

(B) Outlays, $2,605,000,000.

Fiscal year 2009:

(A) New budget authority, $8,451,000,000.

(B) Outlays, $2,274,000,000.

Fiscal year 2010:

(A) New budget authority, $8,274,000,000.

(B) Outlays, $1,736,000,000.

Fiscal year 2011:

(A) New budget authority, $8,193,000,000.

(B) Outlays, $1,074,000,000.

Fiscal year 2012:

(A) New budget authority, $8,236,000,000.

(B) Outlays, $624,000,000.

Fiscal year 2013:

(A) New budget authority, $8,248,000,000.

(B) Outlays, $475,000,000.

(8) Transportation (400):

Fiscal year 2003:

(A) New budget authority, $68,222,000,000.

(B) Outlays, $68,038,000,000.

Fiscal year 2004:

(A) New budget authority, $64,717,000,000.

(B) Outlays, $73,058,000,000.

Fiscal year 2005:

(A) New budget authority, $71,965,000,000.

(B) Outlays, $73,348,000,000.

Fiscal year 2006:

(A) New budget authority, $74,324,000,000.

(B) Outlays, $75,253,000,000.

Fiscal year 2007:

(A) New budget authority, $76,925,000,000.

(B) Outlays, $78,290,000,000.

Fiscal year 2008:

(A) New budget authority, $79,735,000,000.

(B) Outlays, $81,825,000,000.

Fiscal year 2009:

(A) New budget authority, $82,503,000,000.

(B) Outlays, $85,305,000,000.

Fiscal year 2010:

(A) New budget authority, $82,375,000,000.

(B) Outlays, $88,246,000,000.

Fiscal year 2011:

(A) New budget authority, $82,263,000,000.

(B) Outlays, $90,135,000,000.

Fiscal year 2012:

(A) New budget authority, $82,174,000,000.

(B) Outlays, $91,622,000,000.

Fiscal year 2013:

(A) New budget authority, $82,114,000,000.

(B) Outlays, $92,924,000,000.

(9) Community and Regional Development (450):

Fiscal year 2003:

(A) New budget authority, $17,251,000,000.

(B) Outlays, $15,994,000,000.

Fiscal year 2004:

(A) New budget authority, $15,554,000,000.

(B) Outlays, $17,647,000,000.

Fiscal year 2005:

(A) New budget authority, $16,418,000,000.

(B) Outlays, $19,281,000,000.

Fiscal year 2006:

(A) New budget authority, $17,214,000,000.

(B) Outlays, $18,956,000,000.

Fiscal year 2007:

(A) New budget authority, $17,726,000,000.

(B) Outlays, $17,659,000,000.

Fiscal year 2008:

(A) New budget authority, $17,993,000,000.

(B) Outlays, $17,070,000,000.

Fiscal year 2009:

(A) New budget authority, $18,336,000,000.

(B) Outlays, $17,431,000,000.

Fiscal year 2010:

(A) New budget authority, $18,696,000,000.
(B) Outlays, $17,787,000,000.
Fiscal year 2011:
(A) New budget authority, $19,072,000,000.
(B) Outlays, $18,153,000,000.
Fiscal year 2012:
(A) New budget authority, $19,445,000,000.
(B) Outlays, $18,506,000,000.
Fiscal year 2013:
(A) New budget authority, $19,823,000,000.
(B) Outlays, $18,883,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $88,741,000,000.
(B) Outlays, $81,660,000,000.
Fiscal year 2004:
(A) New budget authority, $89,881,000,000.
(B) Outlays, $89,997,000,000.
Fiscal year 2005:
(A) New budget authority, $96,237,000,000.
(B) Outlays, $93,577,000,000.
Fiscal year 2006:
(A) New budget authority, $100,520,000,000.
(B) Outlays, $97,167,000,000.
Fiscal year 2007:
(A) New budget authority, $104,433,000,000.
(B) Outlays, $100,927,000,000.
Fiscal year 2008:
(A) New budget authority, $108,432,000,000.
(B) Outlays, $104,866,000,000.
(A) New budget authority, $112,408,000,000.
(B) Outlays, $108,840,000,000.
Fiscal year 2010:
(A) New budget authority, $116,371,000,000.
(B) Outlays, $112,863,000,000.
Fiscal year 2011:
(A) New budget authority, $120,499,000,000.
(B) Outlays, $116,923,000,000.
Fiscal year 2012:
(A) New budget authority, $124,539,000,000.
(B) Outlays, $120,984,000,000.
Fiscal year 2013:
(A) New budget authority, $128,287,000.
(B) Outlays, $125,109,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $227,453,000,000.
(B) Outlays, $223,596,000,000.
Fiscal year 2004:
(A) New budget authority, $242,169,000,000.
(B) Outlays, $241,908,000,000.
Fiscal year 2005:
(A) New budget authority, $259,307,000,000.
(B) Outlays, $258,521,000,000.
Fiscal year 2006:
(A) New budget authority, $279,273,000,000.
(B) Outlays, $278,287,000,000.
Fiscal year 2007:
(A) New budget authority, $300,381,000,000.
(B) Outlays, $298,793,000,000.
Fiscal year 2008:
(A) New budget authority, $321,927,000,000.
(B) Outlays, $320,406,000,000.
Fiscal year 2009:
(A) New budget authority, $345,464,000,000.
(B) Outlays, $344,019,000,000.
Fiscal year 2010:
(A) New budget authority, $371,391,000,000.
(B) Outlays, $369,962,000,000.
Fiscal year 2011:
(A) New budget authority, $399,645,000,000.
(B) Outlays, $398,217,000,000.
Fiscal year 2012:
(A) New budget authority, $430,046,000,000.
(B) Outlays, $428,629,000,000.
Fiscal year 2013:
(A) New budget authority, $463,499,000,000.
(B) Outlays, $462,005,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New.budget authority, $248,586,000,000.
(B) Outlays, $248,434,000,000.
Fiscal year 2004:
(A) New budget authority, $259,303,000,000.
(B) Outlays, $259,575,000,000.
Fiscal year 2005:
(A) New budget authority, $273,200,000,000.
(B) Outlays, $276,130,000,000.
Fiscal year 2006:
(A) New budget authority, $323,590,000,000.
(B) Outlays, $320,333,000,000.
Fiscal year 2007:
(A) New budget authority, $359,859,000,000.
(B) Outlays, $360,110,000,000.
Fiscal year 2008:
(A) New budget authority, $388,766,000,000.
(B) Outlays, $388,619,000,000.
Fiscal year 2009:
(A) New budget authority, $420,626,000,000.
(B) Outlays, $420,357,000,000.
Fiscal year 2010:
(A) New budget authority, $453,765,000,000.
(B) Outlays, $454,019,000,000.
Fiscal year 2011:
(A) New budget authority, $490,382,000,000.
(B) Outlays, $493,735,000,000.
Fiscal year 2012:
(A) New budget authority, $530,821,000,000.
(B) Outlays, $526,990,000,000.
Fiscal year 2013:
(A) New budget authority, $576,244,000,000.
(B) Outlays, $576,494,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $324,956,000,000.
(B) Outlays, $322,807,000,000.
Fiscal year 2004:
(A) New budget authority, $328,369,000,000.
(B) Outlays, $330,827,000,000.
Fiscal year 2005:
(A) New budget authority, $332,643,000,000.
(B) Outlays, $334,607,000,000.
Fiscal year 2006:
(A) New budget authority, $340,868,000,000.
(B) Outlays, $342,360,000,000.
Fiscal year 2007:
(A) New budget authority, $348,137,000,000.
(B) Outlays, $349,374,000,000.
Fiscal year 2008:
(A) New budget authority, $360,894,000,000.
(B) Outlays, $361,729,000,000.
Fiscal year 2009:
(A) New budget authority, $372,590,000,000.
(B) Outlays, $373,311,000,000.
Fiscal year 2010:
(A) New budget authority, $385,559,000,000.
(B) Outlays, $386,327,000,000.
Fiscal year 2011:
(A) New budget authority, $403,220,000,000.
(B) Outlays, $404,150,000,000.
Fiscal year 2012:
(A) New budget authority, $395,183,000,000.
(B) Outlays, $396,397,000,000.
Fiscal year 2013:
(A) New budget authority, $410,715,000,000.
(B) Outlays, $412,374,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $13,255,000,000.
(B) Outlays, $13,255,000,000.
Fiscal year 2004:
(A) New budget authority, $14,224,000,000.
(B) Outlays, $14,224,000,000.
Fiscal year 2005:
(A) New budget authority, $15,331,000,000.
(B) Outlays, $15,331,000,000.
Fiscal year 2006:
(A) New budget authority, $16,452,000,000.
(B) Outlays, $16,452,000,000.
Fiscal year 2007:
(A) New budget authority, $17,976,000,000.
(B) Outlays, $17,976,000,000.
Fiscal year 2008:
(A) New budget authority, $19,828,000,000.
(B) Outlays, $19,828,000,000.
Fiscal year 2009:
(A) New budget authority, $21,983,000,000.
(B) Outlays, $21,983,000,000.
Fiscal year 2010:
(A) New budget authority, $24,358,000,000.
(B) Outlays, $24,358,000,000.
Fiscal year 2011:
(A) New budget authority, $28,236,000,000.
(B) Outlays, $28,236,000,000.
Fiscal year 2012:
(A) New budget authority, $31,451,000,000.
(B) Outlays, $31,451,000,000.
Fiscal year 2013:
(A) New budget authority, $34,482,000,000.
(B) Outlays, $34,482,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $57,597,000,000.
(B) Outlays, $57,486,000,000.
Fiscal year 2004:
(A) New budget authority, $63,779,000,000.
(B) Outlays, $63,355,000,000.
Fiscal year 2005:
(A) New budget authority, $67,557,000,000.
(B) Outlays, $67,124,000,000.
Fiscal year 2006:
(A) New budget authority, $66,264,000,000.
(B) Outlays, $65,935,000,000.
Fiscal year 2007:
(A) New budget authority, $65,171,000,000.
(B) Outlays, $64,725,000,000.
Fiscal year 2008:
(A) New budget authority, $69,331,000,000.
(B) Outlays, $69,028,000,000.
Fiscal year 2009:
(A) New budget authority, $70,969,000,000.
(B) Outlays, $70,614,000,000.
Fiscal year 2010:
(A) New budget authority, $72,712,000,000.
(B) Outlays, $72,308,000,000.
Fiscal year 2011:
(A) New budget authority, $77,413,000,000.
(B) Outlays, $76,995,000,000.
Fiscal year 2012:
(A) New budget authority, $74,383,000,000.
(B) Outlays, $73,866,000,000.
Fiscal year 2013:
(A) New budget authority, $79,226,000,000.
(B) Outlays, $78,784,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $41,193,000,000.
(B) Outlays, $41,022,000,000.
Fiscal year 2005:
(A) New budget authority, $40,567,000,000.
(B) Outlays, $41,121,000,000.
Fiscal year 2006:
(A) New budget authority, $39,965,000,000.
(B) Outlays, $39,370,000,000.
Fiscal year 2007:
(A) New budget authority, $40,613,000,000.
(B) Outlays, $40,149,000,000.
Fiscal year 2008:
(A) New budget authority, $41,766,000,000.
(B) Outlays, $41,239,000,000.
Fiscal year 2009:
(A) New budget authority, $43,040,000,000.
(B) Outlays, $42,455,000,000.
Fiscal year 2010:
(A) New budget authority, $44,357,000,000.
(B) Outlays, $43,746,000,000.
Fiscal year 2011:
(A) New budget authority, $45,714,000,000.
(B) Outlays, $45,088,000,000.
Fiscal year 2012:
(A) New budget authority, $47,093,000,000.
(B) Outlays, $46,463,000,000.
Fiscal year 2013:
(A) New budget authority, $48,514,000,000.
(B) Outlays, $47,877,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $33,178,000,000.

(B) Outlays, $33,103,000,000.
Fiscal year 2004:
(A) New budget authority, $18,264,000,000.
(B) Outlays, $18,214,000,000.
Fiscal year 2005:
(A) New budget authority, $18,770,000,000.
(B) Outlays, $18,483,000,000.
Fiscal year 2006:
(A) New budget authority, $19,302,000,000.
(B) Outlays, $18,888,000,000.
Fiscal year 2007:
(A) New budget authority, $19,902,000,000.
(B) Outlays, $19,973,000,000.
Fiscal year 2008:
(A) New budget authority, $20,106,000,000.
(B) Outlays, $19,779,000,000.
Fiscal year 2009:
(A) New budget authority, $20,798,000,000.
(B) Outlays, $20,295,000,000.
Fiscal year 2010:
(A) New budget authority, $21,518,000,000.
(B) Outlays, $20,981,000,000.
Fiscal year 2011:
(A) New budget authority, $22,264,000,000.
(B) Outlays, $21,704,000,000.
Fiscal year 2012:
(A) New budget authority, $23,043,000,000.
(B) Outlays, $22,613,000,000.
Fiscal year 2013:
(A) New budget authority, $23,841,000,000.
(B) Outlays, $23,231,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $240,412,000,000.
(B) Outlays, $240,412,000,000.
Fiscal year 2004:
(A) New budget authority, $258,221,000,000.
(B) Outlays, $258,221,000,000.
Fiscal year 2005:
(A) New budget authority, $303,153,000,000.
(B) Outlays, $303,153,000,000.
Fiscal year 2006:
(A) New budget authority, $338,449,000,000.
(B) Outlays, $338,449,000,000.
Fiscal year 2007:
(A) New budget authority, $363,047,000,000.
(B) Outlays, $363,047,000,000.
Fiscal year 2008:
(A) New budget authority, $385,858,000,000.
(B) Outlays, $385,858,000,000.
Fiscal year 2009:
(A) New budget authority, $408,666,000,000.
(B) Outlays, $408,666,000,000.
Fiscal year 2010:
(A) New budget authority, $429,837,000,000.
(B) Outlays, $429,837,000,000.
Fiscal year 2011:
(A) New budget authority, $449,662,000,000.
(B) Outlays, $449,662,000,000.
Fiscal year 2012:
(A) New budget authority, $464,064,000,000.
(B) Outlays, $464,064,000,000.
Fiscal year 2013:
(A) New budget authority, $472,058,000,000.
(B) Outlays, $472,058,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, −$6,084,000,000.
(B) Outlays, −$1,578,000,000.
Fiscal year 2005:
(A) New budget authority, −$9,276,000,000.
(B) Outlays, −$7,252,000,000.
Fiscal year 2006:
(A) New budget authority, −$11,584,000,000.
(B) Outlays, −$11,624,000,000.
Fiscal year 2007:
(A) New budget authority, −$11,737,000,000.
(B) Outlays, −$11,737,000,000.
Fiscal year 2008:
(A) New budget authority, −$11,872,000,000.
(B) Outlays, −$11,872,000,000.
Fiscal year 2009:
(A) New budget authority, −$13,506,000,000.
(B) Outlays, −$13,506,000,000.
Fiscal year 2010:
(A) New budget authority, −$13,839,000,000.
(B) Outlays, −$13,839,000,000.
Fiscal year 2011:
(A) New budget authority, −$14,508,000,000.
(B) Outlays, −$14,508,000,000.
Fiscal year 2012:
(A) New budget authority, −$14,813,000,000.
(B) Outlays, −$14,813,000,000.
Fiscal year 2013:
(A) New budget authority, −$15,200,000,000.
(B) Outlays, −$15,200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$49,035,000,000.
(B) Outlays, −$49,035,000,000.
Fiscal year 2008:
(A) New budget authority, −$51,221,000,000.
(B) Outlays, −$51,221,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,785,000,000.
(B) Outlays, −$52,785,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,856,000,000.
(B) Outlays, −$54,856,000,000.
Fiscal year 2011:
(A) New budget authority, −$57,007,000,000.
(B) Outlays, −$57,007,000,000.
Fiscal year 2012:
(A) New budget authority, −$61,585,000,000.
(B) Outlays, −$61,585,000,000.
Fiscal year 2013:
(A) New budget authority, −$63,783,000,000.
(B) Outlays, −$63,783,000,000.

SEC. 201. FIVE-YEAR EXTENSION OF SUPERMAJORITY ENFORCEMENT OF POINTS OF ORDER AND SENATE PAY-AS-YOU-GO POINT OF ORDER.

Sections 2(a)(1) and 2(b)(1)(B) of S. Res. 304 (107th Congress) are amended by striking "2003" and inserting "2008".

SEC. 202. DISCRETIONARY SPENDING CAPS.

(a) Defintion—In this section, for the purposes of enforcement in the Senate the term "discretionary spending limit" means—

(1) for fiscal year 2004—

(A) for the discretionary category, $796,428,000,000 in new budget authority and $832,371,000,000 in outlays;

(B) for the highway category, $31,598,000,000 in outlays; and

(C) for the mass transit category, $6,754,000,000 in outlays; and

(2) for fiscal year 2005—

(A) for the discretionary category, $828,285,000,000 in new budget authority and 837,201,000,000 in outlays;

(B) for the highway category, $33,374,000,000 in outlays; and

(C) for the mass transit category, $7,197,000,000 in outlays.

(b) Point of Order in the Senate—

(1) In general.—Except as provided in subsection (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) Exception.—This subsection shall not apply if a declaration of war by Congress is in effect.

(3) Waiver and appeal.—This section may be waived or suspended in the Senate only an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) Adjustments.—

(1) In general.—

(A) Chairman.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure and the outlays flowing from that budget authority.

(B) Matters to be adjusted.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 1302(a); and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) Amounts of adjustments.—The adjustments referred to in paragraph (1) shall be amounts provided and designated as an emergency requirement by Congress and the President.

SEC. 203. RESERVE FUND FOR MEDICARE, PRESCRIPTION DRUGS, AND HEALTH CARE.

(a) Medicare.—The Chairman of the Committee on the Budget of the Senate may revise the allocations to the Committese on Finance for a bill, amendment, or conference report that provides a drug benefit for Medicare beneficiaries that is equitable, dependable, affordable, and protects beneficiary access to all medically necessary drugs, by the amounts provided in that legislation for those purposes, but not to exceed $594,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2013 except as provided in subsection (d).

(b) Definitions.—

(1) "Equitable," as used in this section, shall be construed to mean that Medicare beneficiaries in traditional Medicare shall receive prescription drug coverage that is on an equal basis with regard to benefit level whether they remain in the traditional fee-for-service Medicare program or enroll in a private plan;

(2) "Dependable," as used in this section, shall be construed to mean that beneficiaries shall have access to a drug benefit that is administered through a stable and dependable delivery system so that beneficiaries will not lose coverage or face significant premium increases from one year to the next;

(3) "Affordable," as used in this section, shall be construed to mean that low-income beneficiaries shall receive assistance with premiums and cost sharing;

(4) "Protects beneficiary access," as used in this section, shall be construed to mean that the plan shall include measures that protect beneficiary access to medically necessary drugs with no financial penalty, and shall preserve access to local pharmacies.

(c) Health Care.—If the Committee on Finance reports legislation that would expand health insurance coverage to the uninsured (and build upon and strengthen public and private coverage), the Chairman of the Committee on the Budget of the Senate may revise the allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting thereform) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $95,000,000,000 for the period of fiscal years 2004 through 2013 except as provided in subsection (d).

(d) TOTAL ADJUSTMENTS.—The total of adjustments allowed under subsections (a) and (c) shall not exceed $594,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2013.

SEC. 205. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pension of the Senate by up to $1,750,000,000 in new budget authority and $35,000,000 in outlays for fiscal year 2004, $26,250,000,000 in new budget authority and $14,963,000,000 in outlays for the total of fiscal years 2004 through 2008, and $95,881,000,000 in new budget authority and $72,880,000,000 in outlays for the total of fiscal years 2004 through 2013, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities in the tenth year.

SEC. 106. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purpose of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and

(2) the Chairman of that Committee may make any other necessary adjustments to such levels to carry out this resolution.

SA 412. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 45, strike beginning with line 20 through page 46, line 2.

SA 413. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 9, decrease the amount by $0.

On page 3, line 10, decrease the amount by $6,698,000,000.

On page 3, line 11, decrease the amount by $9,684,000,000.

On page 3, line 12, decrease the amount by $10,531,000,000.

On page 3, line 13, decrease the amount by $11,527,000,000.

On page 3, line 14, decrease the amount by $12,881,000,000.

On page 3, line 15, decrease the amount by $14,487,000,000.

On page 3, line 16, decrease the amount by $16,297,000,000.

On page 3, line 17, decrease the amount by $18,666,000,000.

On page 3, line 18, decrease the amount by $21,340,000,000.

On page 3, line 19, decrease the amount by $23,508,000,000.

On page 3, line 23, decrease the amount by $0.

On page 4, line 1, decrease the amount by $6,698,000,000.

On page 4, line 2, decrease the amount by $9,684,000,000.

On page 4, line 3, decrease the amount by $10,531,000,000.

On page 4, line 4, decrease the amount by $11,527,000,000.

On page 4, line 5, decrease the amount by $12,881,000,000.

On page 4, line 6, decrease the amount by $14,487,000,000.

On page 4, line 7, decrease the amount by $16,297,000,000.

On page 4, line 8, decrease the amount by $18,666,000,000.

On page 4, line 9, decrease the amount by $21,340,000,000.

On page 4, line 10, decrease the amount by $23,508,000,000.

On page 4, line 14, increase the amount by $0.

On page 4, line 15, increase the amount by $121,000,000.

On page 4, line 16, increase the amount by $555,000,000.

On page 4, line 17, increase the amount by $1,155,000,000.

On page 4, line 18, increase the amount by $1,837,000,000.

On page 4, line 19, increase the amount by $2,603,000,000.

On page 4, line 20, increase the amount by $3,492,000,000.

On page 4, line 21, increase the amount by $4,523,000,000.

On page 4, line 22, increase the amount by $5,718,000,000.

On page 4, line 23, increase the amount by $7,112,000,000.

On page 4, line 24, increase the amount by $8,713,000,000.

On page 5, line 4, increase the amount by $0.

On page 5, line 5, increase the amount by $121,000,000.

On page 5, line 6, increase the amount by $555,000,000.

On page 5, line 7, increase the amount by $1,155,000,000.

On page 5, line 8, increase the amount by $1,837,000,000.

On page 5, line 9, increase the amount by $2,603,000,000.

On page 5, line 10, increase the amount by $3,492,000,000.

On page 5, line 11, increase the amount by $4,523,000,000.

On page 5, line 12, increase the amount by $5,718,000,000.

On page 5, line 13, increase the amount by $7,112,000,000.

On page 5, line 14, increase the amount by $8,713,000,000.

On page 5, line 17, decrease the amount by $0.

On page 5, line 18, decrease the amount by $6,819,000,000.

On page 5, line 19, decrease the amount by $10,239,000,000.

On page 5, line 20, decrease the amount by $11,686,000,000.

On page 5, line 21, decrease the amount by $13,364,000,000.

On page 5, line 22, decrease the amount by $15,484,000,000.

On page 5, line 23, decrease the amount by $17,979,000,000.

On page 5, line 24, decrease the amount by $20,820,000,000.

On page 5, line 25, decrease the amount by $24,384,000,000.

On page 6, line 1, decrease the amount by $28,452,000,000.

On page 6, line 2, decrease the amount by $32,221,000,000.

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $6,819,000,000.

On page 6, line 7, increase the amount by $17,058,000,000.

On page 6, line 8, increase the amount by $28,745,000,000.

On page 6, line 9, increase the amount by $42,109,000,000.

On page 6, line 10, increase the amount by $57,593,000,000.

On page 6, line 11, increase the amount by $75,572,000,000.

On page 6, line 12, increase the amount by $96,392,000,000.

On page 6, line 13, increase the amount by $120,776,000,000.

On page 6, line 14, increase the amount by $149,228,000,000.

On page 6, line 15, increase the amount by $181,448,000,000.

On page 6, line 18, increase the amount by $0.

On page 6, line 19, increase the amount by $6,819,000,000.

On page 6, line 20, increase the amount by $17,058,000,000.

On page 6, line 21, increase the amount by $28,745,000,000.

On page 6, line 22, increase the amount by $42,109,000,000.

On page 6, line 23, increase the amount by $57,593,000,000.

On page 6, line 24, increase the amount by $75,572,000,000.

On page 6, line 25, increase the amount by $96,392,000,000.

On page 7, line 1, increase the amount by $120,776,000,000.

On page 7, line 2, increase the amount by $149,228,000,000.

On page 7, line 3, increase the amount by $181,448,000,000.

On page 40, line 2, increase the amount by $0.

On page 40, line 3, increase the amount by $0.

On page 40, line 6, increase the amount by $121,000,000.

On page 40, line 7, increase the amount by $121,000,000.

On page 40, line 10, increase the amount by $555,000,000.

On page 40, line 11, increase the amount by $555,000,000.

On page 40, line 14, increase the amount by $1,555,000,000.

On page 40, line 15, increase the amount by $1,155,000,000.

On page 40, line 18, increase the amount by $1,837,000,000.

On page 40, line 19, increase the amount by $1,837,000,000.

On page 40, line 22, increase the amount by $2,603,000,000.

On page 40, line 23, increase the amount by $2,603,000,000.

On page 41, line 2, increase the amount by $3,492,000,000.

On page 41, line 3, increase the amount by $3,492,000,000.

On page 41, line 6, increase the amount by $4,523,000,000.

On page 41, line 7, increase the amount by $4,523,000,000.

On page 41, line 10, increase the amount by $5,718,000,000.

On page 41, line 11, increase the amount by $5,718,000,000.

On page 41, line 14, increase the amount by $7,112,000,000.

On page 41, line 15, increase the amount by $7,112,000,000.

On page 41, line 18, increase the amount by $8,713,000,000.

On page 41, line 19, increase the amount by $8,713,000,000.

On page 45, line 24, increase the amount by $145,619,000,000.

SA 414. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 25, line 16, increase the amount by $2,000,000,000.

On page 25, line 17, increase the amount by $40,000,000.

On page 25, line 21, increase the amount by $1,400,000,000.

On page 25, line 25, increase the amount by $500,000,000.

On page 26, line 4, increase the amount by $60,000,000.

On page 42, line 2, decrease the amount by $2,000,000,000.

On page 42, line 3, decrease the amount by $40,000,000.

On page 42, line 7, decrease the amount by $1,400,000,000.

On page 42, line 11, decrease the amount by $500,000,000.

On page 42, line 15, decrease the amount by $60,000,000.

SA 415. Mr. DODD proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $1,155,000,000.

On page 3, line 11, increase the amount by $3,891,000,000.

On page 3, line 12, increase the amount by $5,806,000,000.

On page 3, line 13, increase the amount by $7,666,000,000.

On page 3, line 14, increase the amount by $8,818,000,000.

On page 3, line 15, increase the amount by $9,195,000,000.

On page 3, line 16, increase the amount by $9,455,000,000.

On page 3, line 17, increase the amount by $9,694,000,000.

On page 3, line 18, increase the amount by $9,900,000,000.

On page 3, line 19, increase the amount by $10,164,000,000.

On page 4, line 1, increase the amount by $1,155,000,000.

On page 4, line 2, increase the amount by $3,891,000,000.

On page 4, line 3, increase the amount by $5,806,000,000.

On page 4, line 4, increase the amount by $7,666,000,000.

On page 4, line 5, increase the amount by $8,818,000,000.

On page 4, line 6, increase the amount by $9,195,000,000.

On page 4, line 7, increase the amount by $9,455,000,000.

On page 4, line 8, increase the amount by $9,694,000,000.

On page 4, line 9, increase the amount by $9,000,000,000.

On page 4, line 10, increase the amount by $10,164,000,000.

On page 4, line 15, increase the amount by $2,140,000,000.

On page 4, line 16, increase the amount by $2,655,000,000.

On page 4, line 17, increase the amount by $3,363,000,000.

On page 4, line 18, increase the amount by $4,098,000,000.

On page 4, line 19, increase the amount by $3,934,000,000.

On page 4, line 20, increase the amount by $3,768,000,000.

On page 4, line 21, increase the amount by $3,583,000,000.

On page 4, line 22, increase the amount by $3,379,000,000.

On page 4, line 23, increase the amount by $3,111,000,000.

On page 4, line 24, increase the amount by $2,915,000,000.

On page 5, line 5, increase the amount by $567,000,000.

On page 5, line 6, increase the amount by $1,869,000,000.

On page 5, line 7, increase the amount by $2,690,000,000.

On page 5, line 8, increase the amount by $3,423,000,000.

On page 5, line 9, increase the amount by $3,752,000,000.

On page 5, line 10, increase the amount by $3,660,000,000.

On page 5, line 11, increase the amount by $3,486,000,000.

On page 5, line 12, increase the amount by $3,278,000,000.

On page 5, line 13, increase the amount by $3,031,000,000.

On page 5, line 14, increase the amount by $2,787,000,000.

On page 5, line 18, increase the amount by $588,000,000.

On page 5, line 19, increase the amount by $2,022,000,000.

On page 5, line 20, increase the amount by $3,117,000,000.

On page 5, line 21, increase the amount by $4,243,000,000.

On page 5, line 22, increase the amount by $5,066,000,000.

On page 5, line 23, increase the amount by $5,534,000,000.

On page 5, line 24, increase the amount by $5,969,000,000.

On page 5, line 25, increase the amount by $6,416,000,000.

On page 6, line 1, increase the amount by $6,869,000,000.

On page 6, line 2, increase the amount by $7,377,000,000.

On page 6, line 6, decrease the amount by $588,000,000.

On page 6, line 7, decrease the amount by $2,610,000,000.

On page 6, line 8, decrease the amount by $5,727,000,000.

On page 6, line 9, decrease the amount by $9,970,000,000.

On page 6, line 10, decrease the amount by $15,036,000,000.

On page 6, line 11, decrease the amount by $20,570,000,000.

On page 6, line 12, decrease the amount by $26,539,000,000.

On page 6, line 13, decrease the amount by $32,954,000,000.

On page 6, line 14, decrease the amount by $39,823,000,000.

On page 6, line 15, decrease the amount by $47,200,000,000.

On page 6, line 19, decrease the amount by $588,000,000.

On page 6, line 20, decrease the amount by $2,610,000,000.

On page 6, line 21, decrease the amount by $5,727,000,000.

On page 6, line 22, decrease the amount by $9,970,000,000.

On page 6, line 23, decrease the amount by $15,036,000,000.

On page 6, line 24, decrease the amount by $20,570,000,000.

On page 6, line 25, decrease the amount by $26,539,000,000.

On page 7, line 1, decrease the amount by $32,954,000,000.

On page 7, line 2, decrease the amount by $39,823,000,000.

On page 7, line 3, decrease the amount by $47,200,000,000.

On page 25, line 16, increase the amount by $2,150,000,000.

On page 25, line 17, increase the amount by $578,000,000.

On page 25, line 20, increase the amount by $2,732,000,000.

On page 25, line 21, increase the amount by $1,945,000,000.

On page 25, line 24, increase the amount by $3,577,000,000.

On page 25, line 25, increase the amount by $2,903,000,000.

On page 26, line 3, increase the amount by $4,508,000,000.

On page 26, line 4, increase the amount by $3,833,000,000.

On page 26, line 7, increase the amount by $4,591,000,000.

On page 26, line 8, increase the amount by $4,409,000,000.

On page 26, line 11, increase the amount by $4,705,000,000.

On page 26, line 12, increase the amount by $4,597,000,000.

On page 26, line 15, increase the amount by $4,824,000,000.

On page 26, line 16, increase the amount by $4,727,000,000.

On page 26, line 19, increase the amount by $4,948,000,000.

On page 26, line 20, increase the amount by $4,847,000,000.

On page 26, line 23, increase the amount by $5,030,000,000.

On page 26, line 24, increase the amount by $4,950,000,000.

On page 27, line 2, increase the amount by $5,210,000,000.

On page 27, line 3, increase the amount by $5,082,000,000.

On page 40, line 6, decrease the amount by $10,000,000.

On page 40, line 7, decrease the amount by $10,000,000.

On page 40, line 10, decrease the amount by $77,000,000.

On page 40, line 11, decrease the amount by $77,000,000.

On page 40, line 14, decrease the amount by $214,000,000.

On page 40, line 15, decrease the amount by $214,000,000.

On page 40, line 18, decrease the amount by $410,000,000.

On page 40, line 19, decrease the amount by $410,000,000.

On page 40, line 22, decrease the amount by $657,000,000.

On page 40, line 23, decrease the amount by $657,000,000.

On page 41, line 2, decrease the amount by $937,000,000.

On page 41, line 3, decrease the amount by $937,000,000.

On page 41, line 6, decrease the amount by $1,241,000,000.

On page 41, line 7, decrease the amount by $1,241,000,000.

On page 41, line 10, decrease the amount by $1,569,000,000.

On page 41, line 11, decrease the amount by $1,569,000,000.

On page 41, line 14, decrease the amount by $1,919,000,000.

On page 41, line 15, decrease the amount by $1,919,000,000.

On page 41, line 18, decrease the amount by $2,295,000,000.

On page 41, line 19, decrease the amount by $2,295,000,000.

On page 47, line 5, increase the amount by $2,150,000,000.

On page 47, line 6, increase the amount by $578,000,000.

On page 47, line 14, increase the amount by $2,732,000,000.

On page 47, line 15, increase the amount by $1,945,000,000.

SA 416. Mr. NICKLES (for Mr. CAMPBELL) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 27, line 11, increase the amount by $292,000,000.

On page 27, line 12, increase the amount by $256,960,000.

On page 27, line 16, increase the amount by $17,520,000.

On page 27, line 20, increase the amount by $8,760,000.

On page 27, line 24, increase the amount by $5,840,000.

On page 42, line 2, decrease the amount by $292,000,000.

On page 42, line 3, decrease the amount by $256,960,000.

On page 42, line 7, decrease the amount by $17,520,000.

On page 42, line 11, decrease the amount by $8,760,000.

On page 42, line 15, decrease the amount by $5,840,000.

At the appropriate place insert:

It is the sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend $30 million a year on research and treatment on diabetes in the Native American community. This amount was increased to $100 million a year in 2000 and further increased to $150 million a year in 2002. This is a 500% increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

SA 417. Mr. BINGAMAN (for himself, Mr. JEFFORDS, Mr. KERRY, Mr. DODD, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. CORZINE, Mr. JOHNSON, and Mr. AKAKA) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $750,000,000.

On page 3, line 11, increase the amount by $835,000,000.

On page 3, line 12, increase the amount by $879,000,000.

On page 3, line 13, increase the amount by $893,000,000.

On page 3, line 14, increase the amount by $901,000,000.

On page 3, line 15, increase the amount by $900,000,000.

On page 3, line 16, increase the amount by $900,000,000.

On page 3, line 17, increase the amount by $900,000,000.

On page 3, line 18, increase the amount by $900,000,000.

On page 3, line 19, increase the amount by $900,000,000.

On page 4, line 1, increase the amount by $750,000,000.

On page 4, line 2, increase the amount by $835,000,000.

On page 4, line 3, increase the amount by $879,000,000.

On page 4, line 4, increase the amount by $893,000,000.

On page 4, line 5, increase the amount by $901,000,000.

On page 4, line 6, increase the amount by $900,000,000.

On page 4, line 7, increase the amount by $900,000,000.

On page 4, line 8, increase the amount by $900,000,000.

On page 4, line 9, increase the amount by $900,000,000.

On page 4, line 10, increase the amount by $900,000,000.

On page 4, line 15, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $900,000,000.

On page 4, line 17, increase the amount by $900,000,000.

On page 4, line 18, increase the amount by $900,000,000.

On page 4, line 19, increase the amount by $900,000,000.

On page 4, line 20, increase the amount by $900,000,000.

On page 4, line 21, increase the amount by $900,000,000.

On page 4, line 22, increase the amount by $900,000,000.

On page 4, line 23, increase the amount by $900,000,000.

On page 4, line 24, increase the amount by $900,000,000.

On page 5, line 5, increase the amount by $750,000,000.

On page 5, line 6, increase the amount by $835,000,000.

On page 5, line 7, increase the amount by $879,000,000.

On page 5, line 8, increase the amount by $893,000,000.

On page 5, line 9, increase the amount by $901,000,000.

On page 5, line 10, increase the amount by $900,000,000.

On page 35, line 11, increase the amount by $900,000,000.

On page 5, line 12, increase the amount by $900,000,000.

On page 5, line 13, increase the amount by $900,000,000.

On page 5, line 14, increase the amount by $900,000,000.

On page 31, line 2, increase the amount by $1,000,000,000.

On page 31, line 3, increase the amount by $750,000,000.

On page 31, line 6, increase the amount by $900,000,000.

On page 31, line 7, increase the amount by $835,000,000.

On page 31, line 10, increase the amount by $900,000,000.

On page 31, line 11, increase the amount by $879,000,000.

On page 31, line 14, increase the amount by $900,000,000.

On page 31, line 15, increase the amount by $893,000,000.

On page 31, line 18, increase the amount by $893,000,000.

On page 31, line 19, increase the amount by $901,000,000.

On page 31, line 22, increase the amount by $900,000,000.

On page 31, line 23, increase the amount by $900,000,000.

On page 32, line 2, increase the amount by $900,000,000.

On page 32, line 3, increase the amount by $900,000,000.

On page 32, line 6, increase the amount by $900,000,000.

On page 32, line 7, increase the amount by $900,000,000.

On page 32, line 10, increase the amount by $900,000,000.

On page 32, line 11, increase the amount by $900,000,000.

On page 32, line 14, increase the amount by $900,000,000.

On page 32, line 15, increase the amount by $900,000,000.

SA 418. Mrs. CLINTON (for herself, Mr. LEAHY, Mr. SCHUMER, Mr. LIEBERMAN, Mr. CORZINE, Mr. DAYTON, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 9, increase the amount by $700,000,000.

On page 3, line 10, increase the amount by $3,157,000,000.

On page 3, line 11, increase the amount by $2,213,000,000.

On page 3, line 12, increase the amount by $1,460,000,000.

On page 3, line 13, increase the amount by $1,225,000,000.

On page 3, line 14, increase the amount by $245,000,000.

On page 3, line 23, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $3,157,000,000.

On page 4, line 2, increase the amount by $2,213,000,000.

On page 4, line 3, increase the amount by $1,460,000,000.

On page 4, line 4, increase the amount by $1,225,000,000.

On page 4, line 5, increase the amount by $245,000,000.

On page 4, line 14, increase the amount by $997,000,000.

On page 4, line 15, increase the amount by $3,461,000,000.

On page 4, line 16, decrease the amount by $116,000,000.

On page 4, line 17, decrease the amount by $179,000,000.

On page 4, line 18, decrease the amount by $230,000,000.

On page 4, line 19, decrease the amount by $264,000,000.

On page 4, line 20, decrease the amount by $283,000,000.

On page 4, line 21, decrease the amount by $300,000,000.

On page 4, line 22, decrease the amount by $317,000,000.

On page 4, line 23, decrease the amount by $334,000,000.

On page 4, line 24, decrease the amount by $352,000,000.

On page 5, line 4, increase the amount by $347,000,000.

On page 5, line 5, increase the amount by $1,540,000,000.

On page 5, line 6, increase the amount by $991,000,000.

On page 5, line 7, increase the amount by $552,000,000.

On page 5, line 8, increase the amount by $382,000,000.

On page 5, line 9, decrease the amount by $143,000,000.

On page 5, line 110, decrease the amount by $283,000,000.

On page 5, line 11, decrease the amount by $300,000,000.

On page 5, line 12, decrease the amount by $317,000,000.

On page 5, line 13, decrease the amount by $334,000,000.

On page 5, line 14, decrease the amount by $352,000,000.

On page 5, line 17, increase the amount by $353,000,000.

On page 5, line 18, increase the amount by $1,617,000,000.

On page 5, line 19, increase the amount by $1,222,000,000.

On page 5, line 20, increase the amount by $908,000,000.

On page 5, line 21, increase the amount by $843,000,000.

On page 5, line 22, increase the amount by $388,000,000.

On page 5, line 23, increase the amount by $283,000,000.

On page 5, line 24, increase the amount by $300,000,000.

On page 5, line 25, increase the amount by $317,000,000.

On page 6, line 1, increase the amount by $334,000,000.

On page 6, line 2, increase the amount by $352,000,000.

On page 6, line 5, decrease the amount by $353,000,000.

On page 6, line 6, decrease the amount by $1,969,000,000.

On page 6, line 7, decrease the amount by $3,191,000,000.

On page 6, line 8, decrease the amount by $4,100,000,000.

On page 6, line 9, decrease the amount by $4,943,000,000.

On page 6, line 10, decrease the amount by $5,331,000,000.

On page 6, line 11, decrease the amount by $5,614,000,000.

On page 6, line 12, decrease the amount by $5,914,000,000.

On page 6, line 13, decrease the amount by $6,231,000,000.

On page 6, line 14, decrease the amount by $6,565,000,000.

On page 6, line 15, decrease the amount by $6,917,000,000.

On page 6, line 18, decrease the amount by $353,000,000.

On page 6, line 19, decrease the amount by $1,969,000,000.

On page 6, line 20, decrease the amount by $3,191,000,000.

On page 6, line 21, decrease the amount by $4,100,000,000.

On page 6, line 22, decrease the amount by $4,943,000,000.

On page 6, line 23, decrease the amount by $5,331,000,000.

On page 6, line 24, decrease the amount by $5,614,000,000.

On page 6, line 25, decrease the amount by $5,914,000,000.

On page 7, line 1, decrease the amount by $6,231,000,000.

On page 7, line 2, decrease the amount by $6,565,000,000.

On page 7, line 3, decrease the amount by $6,917,000,000.

On page 23, line 15, increase the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $350,000,000.

On page 23, line 19, increase the amount by $2,450,000,000.

On page 23, line 20, increase the amount by $1,453,000,000.

On page 23, line 24, increase the amount by $813,000,000.

On page 24, line 3, increase the amount by $468,000,000.

On page 24, line 3, increase the amount by $245,000,000.

On page 24, line 3, increase the amount by $121,000,000.

On page 36, line 15, increase the amount by $1,050,000,000.

On page 36, line 16, increase the amount by $126,000,000.

On page 36, line 20, increase the amount by $294,000,000.

On page 36, line 24, increase the amount by $263,000,000.

On page 37, line 3, increase the amount by $367,000,000.

On page 40, line 2, decrease the amount by $3,000,000.

On page 40, line 3, decrease the amount by $3,000,000.

On page 40, line 6, decrease the amount by $39,000,000.

On page 40, line 7, decrease the amount by $39,000,000.

On page 40, line 10, decrease the amount by $116,000,000.

On page 40, line 11, decrease the amount by $116,000,000.

On page 40, line 14, decrease the amount by $179,000,000.

On page 40, line 15, decrease the amount by $179,000,000.

On page 40, line 18, decrease the amount by $230,000,000.

On page 40, line 19, decrease the amount by $230,000,000.

On page 40, line 22, decrease the amount by $264,000,000.

On page 40, line 23, decrease the amount by $264,000,000.

On page 41, line 2, decrease the amount by $283,000,000.

On page 41, line 3, decrease the amount by $283,000,000.

On page 41, line 6, decrease the amount by $300,000,000.

On page 41, line 7, decrease the amount by $300,000,000.

On page 41, line 10, decrease the amount by $317,000,000.

On page 41, line 11, decrease the amount by $317,000,000.

On page 41, line 14, decrease the amount by $334,000,000.

On page 41, line 15, decrease the amount by $334,000,000.

On page 41, line 18, decrease the amount by $352,000,000.

On page 41, line 19, decrease the amount by $352,000,000.

On page 46, line 20, increase the amount by $1,000,000,000.

On page 46, line 21, increase the amount by $350,000,000.

On page 47, line 5, increase the amount by $3,500,000,000.

On page 47, line 6, increase the amount by $1,579,000,000.

On page 47, line 15, increase the amount by $1,107,000,000.

SA 419. Mr. DODD (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, and Mr. DAYTON) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $550,000,000.

On page 3, line 11, increase the amount by $1,511,000,000.

On page 3, line 12, increase the amount by $2,416,000,000.

On page 3, line 13, increase the amount by $2,590,000,000.

On page 3, line 14, increase the amount by $2,642,000,000.

On page 3, line 15, increase the amount by $2,694,000,000.

On page 3, line 16, increase the amount by $2,748,000,000.

On page 3, line 17, increase the amount by $2,803,000,000.

On page 3, line 18, increase the amount by $2,860,000,000.

On page 3, line 19, increase the amount by $2,917,000,000.

On page 4, line 1, increase the amount by $550,000,000.

On page 4, line 2, increase the amount by $1,511,000,000.

On page 4, line 3, increase the amount by $2,416,000,000.

On page 4, line 4, increase the amount by $2,590,000,000.

On page 4, line 5, increase the amount by $2,642,000,000.

On page 4, line 6, increase the amount by $2,694,000,000.

On page 4, line 7, increase the amount by $2,748,000,000.

On page 4, line 8, increase the amount by $2,803,000,000.

On page 4, line 9, increase the amount by $2,860,000,000.

On page 4, line 10, increase the amount by $2,917,000,000.

On page 4, line 15, increase the amount by $1,245,000,000.

On page 4, line 16, increase the amount by $1,243,000,000.

On page 4, line 17, increase the amount by $1,213,000,000.

On page 4, line 18, increase the amount by $1,166,000,000.

On page 4, line 19, increase the amount by $1,112,000,000.

On page 4, line 20, increase the amount by $1,053,000,000.

On page 4, line 21, increase the amount by $989,000,000.

On page 4, line 22, increase the amount by $919,000,000.

On page 4, line 23, increase the amount by $843,000,000.

On page 4, line 24, increase the amount by $760,000,000.

On page 5, line 5, increase the amount by $270,000,000.

On page 5, line 6, increase the amount by $724,000,000.

On page 7, line 7, increase the amount by $1,120,000,000.

On page 5, line 8, increase the amount by $1,134,000,000.

On page 5, line 9, increase the amount by $1,080,000,000.

On page 5, line 10, increase the amount by $1,020,000,000.

On page 5, line 11, increase the amount by $955,000,000.

On page 5, line 12, increase the amount by $885,000,000.

On page 5, line 13, increase the amount by $808,000,000.

On page 5, line 14, increase the amount by $724,000,000.

On page 5, line 18, increase the amount by $280,000,000.

On page 5, line 19, increase the amount by $787,000,000.

On page 5, line 20, increase the amount by $1,296,000,000.

On page 5, line 21, increase the amount by $1,456,000,000.

On page 5, line 22, increase the amount by $1,562,000,000.

On page 5, line 23, increase the amount by $1,674,000,000.

On page 5, line 24, increase the amount by $1,793,000,000.

On page 5, line 25, increase the amount by $1,918,000,000.

On page 6, line 1, increase the amount by $2,052,000,000.

On page 6, line 2, increase the amount by $2,193,000,000.

On page 6, line 6, decrease the amount by $280,000,000.

On page 6, line 7, decrease the amount by $1,067,000,000.

On page 6, line 8, decrease the amount by $2,363,000,000.

On page 6, line 9, decrease the amount by $3,819,000,000.

On page 6, line 10, decrease the amount by $5,382,000,000.

On page 6, line 11, decrease the amount by $7,056,000,000.

On page 6, line 12, decrease the amount by $8,849,000,000.

On page 6, line 13, decrease the amount by $10,767,000,000.

On page 6, line 14, decrease the amount by $12,818,000,000.

On page 6, line 15, decrease the amount by $15,011,000,000.

On page 6, line 19, decrease the amount by $280,000,000.

On page 6, line 20, decrease the amount by $1,067,000,000.

On page 6, line 21, decrease the amount by $2,363,000,000.

On page 6, line 22, decrease the amount by $3,819,000,000.

On page 6, line 23, decrease the amount by $5,382,000,000.

On page 6, line 24, decrease the amount by $7,056,000,000.

On page 6, line 25, decrease the amount by $8,849,000,000.

On page 7, line 1, decrease the amount by $10,676,000,000.

On page 7, line 2, decrease the amount by $12,818,000,000.

On page 7, line 3, decrease the amount by $15,011,000,000.

On page 23, line 19, increase the amount by $1,250,000,000.

On page 23, line 20, increase the amount by $275,000,000.

On page 23, line 23, increase the amount by $1,275,000,000.

On page 23, line 24, increase the amount by $756,000,000.

On page 24, line 2, increase the amount by $1,301,000,000.

On page 24, line 3, increase the amount by $1,208,000,000.

On page 24, line 6, increase the amount by $1,327,000,000.

On page 24, line 7, increase the amount by $1,295,000,000.

On page 24, line 10, increase the amount by $1,353,000,000.

On page 24, line 11, increase the amount by $1,321,000,000.

On page 24, line 14, increase the amount by $1,380,000,000.

On page 24, line 15, increase the amount by $1,347,000,000.

On page 24, line 18, increase the amount by $1,408,000,000.

On page 24, line 19, increase the amount by $1,374,000,000.

On page 24, line 22, increase the amount by $1,436,000,000.

On page 24, line 23, increase the amount by $1,402,000,000.

On page 25, line 2, increase the amount by $1,465,000,000.

On page 25, line 3, increase the amount by $1,430,000,000.

On page 25, line 6, increase the amount by $1,494,000,000.

On page 25, line 7, increase the amount by $1,458,000,000.

On page 40, line 6, decrease the amount by $5,000,000.

On page 40, line 7, decrease the amount by $5,000,000.

On page 40, line 10, decrease the amount by $32,000,000.

On page 40, line 11, decrease the amount by $32,000,000.

On page 40, line 14, decrease the amount by $88,000,000.

On page 40, line 15, decrease the amount by $88,000,000.

On page 40, line 18, decrease the amount by $161,000,000.

On page 40, line 19, decrease the amount by $161,000,000.

On page 40, line 22, decrease the amount by $241,000,000.

On page 40, line 23, decrease the amount by $241,000,000.

On page 41, line 2, decrease the amount by $327,000,000.

On page 41, line 3, decrease the amount by $327,000,000.

On page 41, line 6, decrease the amount by $419,000,000.

On page 41, line 7, decrease the amount by $419,000,000.

On page 41, line 10, decrease the amount by $517,000,000.

On page 41, line 11, decrease the amount by $517,000,000.

On page 41, line 14, decrease the amount by $622,000,000.

On page 41, line 15, decrease the amount by $622,000,000.

On page 41, line 18, decrease the amount by $734,000,000.

On page 41, line 19, decrease the amount by $734,000,000.

On page 45, line 24, decrease the amount by $23,731,000,000.

On page 47, line 5, increase the amount by $1,250,000,000.

On page 47, line 6, increase the amount by $275,000,000.

On page 47, line 14, increase the amount by $1,275,000,000.

On page 47, line 15, increase the amount by $756,000,000.

On page 79, after line 22, insert the following:

SEC. 308. GRANTS FOR FIREFIGHTERS.

It is the sense of the Senate that the funding levels in this resolution assume that under section 33 of the Fire Prevention and Control Act of 1974—

(1) not less than $1,000,000,000 will be used annually to provide grants to local governments for the sole purpose of hiring additional firefighters; and

(2) not less than $750,000,000 will be used annually to provide grants to local governments for the purchase of firefighter emergency response equipment and training.

SA 420. Mr. BREAUX proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 9, increase the amount by $10,433,000,000.

On page 3, line 10, increase the amount by $33,015,000,000.

On page 3, line 11, increase the amount by $27,962,000,000.

On page 3, line 12, increase the amount by $22,167,000,000.

On page 3, line 13, increase the amount by $16,893,000,000.

On page 3, line 14, increase the amount by $16,183,000,000.

On page 3, line 15, increase the amount by $15,879,000,000.

On page 3, line 16, increase the amount by $15,992,000,000.

On page 3, line 17, increase the amount by $52,874,000,000.

On page 3, line 18, increase the amount by $79,512,000,000.

On page 3, line 19, increase the amount by $105,090,000.

On page 3, line 23, increase the amount by $10,433,000,000.

On page 4, line 1, increase the amount by $33,015,000,000.

On page 4, line 2, increase the amount by $27,962,000,000.

On page 4, line 3, increase the amount by $22,167,000,000.

On page 4, line 4, increase the amount by $16,893,000,000.

On page 4, line 5, increase the amount by $16,183,000,000.

On page 4, line 6, increase the amount by $15,879,000,000.

On page 4, line 7, increase the amount by $15,992,000,000.

On page 4, line 8, increase the amount by $52,874,000,000.

On page 4, line 9, increase the amount by $79,512,000,000.

On page 4, line 10, increase the amount by $105,090,000,000.

On page 4, line 14, decrease the amount by $77,000,000.

On page 4, line 15, decrease the amount by $899,000,000.

On page 4, line 16, decrease the amount by $2,687,000,000.

On page 4, line 17, decrease the amount by $4,364,000,000.

On page 4, line 18, decrease the amount by $5,762,000,000.

On page 4, line 19, decrease the amount by $7,003,000,000.

On page 4, line 20, decrease the amount by $8,294,000,000.

On page 4, line 21, decrease the amount by $9,640,000,000.

On page 4, line 22, decrease the amount by $12,035,000,000.

On page 4, line 23, decrease the amount by $16,276,000,000.

On page 4, line 24, decrease the amount by $22,175,000,000.

On page 5, line 4, decrease the amount by $77,000,000.

On page 5, line 5, decrease the amount by $899,000,000.

On page 5, line 6, decrease the amount by $2,687,000,000.

On page 5, line 7, decrease the amount by $4,4364,000,000.

On page 5, line 8, decrease the amount by $5,762,000,000.

On page 5, line 9, decrease the amount by $7,003,000,000.

On page 5, line 10, decrease the amount by $8,294,000,000.

On page 5, line 11, decrease the amount by $9,640,000,000.

On page 5, line 12, decrease the amount by $12,035,000,000.

On page 5, line 13, decrease the amount by $16,276,000,000.

On page 5, line 14, decrease the amount by $22,175,000,000.

On page 5, line 17, increase the amount by $10,511,000,000.

On page 5, line 18, increase the amount by $33,914,000,000.

On page 5, line 19, increase the amount by $30,648,000,000.

On page 5, line 20, increase the amount by $26,532,000,000.

On page 5, line 21, increase the amount by $22,654,000,000.

On page 5, line 22, increase the amount by $23,186,000,000.

On page 5, line 23, increase the amount by $24,173,000,000.

On page 5, line 24, increase the amount by $25,632,000,000.

On page 5, line 25, increase the amount by $64,909,000,000.

On page 6, line 1, increase the amount by $95,788,000,000.

On page 6, line 2, increase the amount by $127,265,000,000.

On page 6, line 5, decrease the amount by $10,511,000,000.

On page 6, line 6, decrease the amount by $44,425,000,000.

On page 6, line 7, decrease the amount by $75,073,000,000.

On page 6, line 8, decrease the amount by $101,605,000,000.

On page 6, line 9, decrease the amount by $124,259,000,000.

On page 6, line 10, decrease the amount by $147,445,000,000.

On page 6, line 11, decrease the amount by $171,619,000,000.

On page 6, line 12, decrease the amount by $197,250,000,000.

On page 6, line 13, decrease the amount by $262,159,000,000.

On page 6, line 14, decrease the amount by $357,947,000,000.

On page 6, line 15, decrease the amount by $485,217,000,000.

On page 6, line 18, decrease the amount by $10,511,000,000.

On page 6, line 19, decrease the amount by $44,425,000,000.

On page 6, line 20, decrease the amount by $75,073,000,000.

On page 6, line 21, decrease the amount by $101,605,000,000.

On page 6, line 22, decrease the amount by $124,259,000,000.

On page 6, line 23, decrease the amount by $147,445,000,000.

On page 6, line 24, decrease the amount by $171,619,000,000.

On page 6, line 25, decrease the amount by $197,250,000,000.

On page 7, line 1, decrease the amount by $262,159,000,000.

On page 7, line 2, decrease the amount by $357,947,000,000.

On page 7, line 3, decrease the amount by $685,217,000,000.

On page 40, line 2, decrease the amount by $77,000,000.

On page 40, line 3, decrease the amount by $77,000,000.

On page 40, line 6, decrease the amount by $899,000,000.

On page 40, line 7, decrease the amount by $899,000,000.

On page 40, line 10, decrease the amount by $2,687,000,000.

On page 40, line 11, decrease the amount by $2,687,000,000.

On page 40, line 14, decrease the amount by $4,364,000,000.

On page 40, line 15, decrease the amount by $4,634,000,000.

On page 40, line 18, decrease the amount by $5,762,000,000.

On page 40, line 19, decrease the amount by $5,762,000,000.

On page 40, line 22, decrease the amount by $7,003,000,000.

On page 40, line 23, decrease the amount by $7,003,000,000.

On page 41, line 2, decrease the amount by $8,294,000,000.

On page 41, line 3, decrease the amount by $8,294,000,000.

On page 41, line 6, decrease the amount by $9,640,000,000.

On page 41, line 7, decrease the amount by $9,640,000,000.

On page 41, line 10, decrease the amount by $12,035,000,000.

On page 41, line 11, decrease the amount by $12,035,000,000.

On page 41, line 14, decrease the amount by $16,276,000,000.

On page 41, line 15, decrease the amount by $16,276,000,000.

On page 41, line 18, decrease the amount by $22,175,000,000.

On page 41, line 19, decrease the amount by $22,175,000,000.

On page 45, line 24, strike the amount and insert $322,524,000,000.

SEC. . RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $396,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

SA 421. Mrs. MURRAY (for herself, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $100,000,000.

On page 3, line 11, increase the amount by $1,300,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $100,000,000.

On page 4, line 1, increase the amount by $100,000,000.

On page 4, line 2, increase the amount by $1,300,000,000.

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 4, increase the amount by $100,000,000.

On page 4, line 15, increase the amount by $2,000,000,000.

On page 5, line 5, increase the amount by $100,000,000.

On page 5, line 6, increase the amount by $1,300,000,000.

On page 5, line 7, increase the amount by $500,000,000.

On page 5, line 8, increase the amount by $100,000,000.

On page 25, line 16, increase the amount by $2,000,000,000.

On page 25, line 17, increase the amount by $100,000,000.

On page 25, line 21, increase the amount by $1,300,000,000.

On page 25, line 25, increase the amount by $500,000,000.

On page 26, line 4, increase the amount by $100,000,000.

On page 47, line 5, increase the amount by $2,000,000,000.

On page 47, line 6, increase the amount by $100,000,000.

On page 47, line 15, increase the amount by $1,300,000,000.

SA 422. Mr. FEINGOLD (for himself, Mr. CHAFEE, and Mr. CARPER) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal years 2003 and for fiscal years 2005 through 2013; as follows:

On page 57, lines 3 through 5, strike "as adjusted for any changes in revenues or direct spending assumed by such resolution" and insert "based on laws enacted on the date of adoption of that resolution as adjusted for up to $350 billion in revenues or direct spending assumed by section 104 of this resolution."

SA 423. Mr. CORZINE (for himself, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mrs. BOXER, and Mr. SARBANES) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $378,000,000.

On page 3, line 11, increase the amount by $660,000,000.

On page 3, line 12, increase the amount by $896,000,000.

On page 3, line 13, increase the amount by $1,139,000,000.

On page 3, line 14, increase the amount by $1,173,000,000.

On page 3, line 15, increase the amount by $1,208,000,000.

On page 3, line 16, increase the amount by $1,245,000,000.

On page 3, line 17, increase the amount by $1,282,000,000.

On page 3, line 18, increase the amount by $1,320,000,000.

On page 3, line 19, increase the amount by $1,360,000,000.

On page 4, line 1, increase the amount by $378,000,000.

On page 4, line 2, increase the amount by $660,000,000.

On page 4, line 3, increase the amount by $896,000,000.

On page 4, line 4, increase the amount by $1,139,000,000.

On page 4, line 5, increase the amount by $1,173,000,000.

On page 4, line 6, increase the amount by $1,208,000,000.

On page 4, line 7, increase the amount by $1,245,000,000.

On page 4, line 8, increase the amount by $1,282,000,000.

On page 4, line 9, increase the amount by $1,320,000,000.

On page 4, line 10, increase the amount by $1,360,000,000.

On page 4, line 15, increase the amount by $1,081,000,000.

On page 4, line 16, increase the amount by $1,113,000,000.

On page 4, line 17, increase the amount by $1,147,000,000.

On page 4, line 18, increase the amount by $1,181,000,000.

On page 4, line 19, increase the amount by $1,217,000,000.

On page 4, line 20, increase the amount by $1,253,000,000.

On page 4, line 21, increase the amount by $1,291,000,000.

On page 4, line 22, increase the amount by $1,329,000,000.

On page 4, line 23, increase the amount by $1,369,000,000.

On page 4, line 24, increase the amount by $1,410,000,000.

On page 5, line 5, increase the amount by $378,000,000.

On page 5, line 6, increase the amount by $660,000,000.

On page 5, line 7, increase the amount by $896,000,000.

On page 5, line 8, increase the amount by $1,139,000,000.

On page 5, line 9, increase the amount by $1,173,000,000.

On page 5, line 10, increase the amount by $1,208,000,000.

On page 5, line 11 increase the amount by $1,245,000,000.

On page 5, line 12, increase the amount by $1,282,000,000.

On page 5, line 13, increase the amount by $1,320,000,000.

On page 5, line 14, increase the amount by $1,360,000,000.

On page 16, line 11, increase the amount by $1,081,000,000.

On page 16, line 12, increase the amount by $378,000,000.

On page 16, line 15, increase the amount by $1,113,000,000.

On page 16, line 16, increase the amount by $660,000,000.

On page 16, line 19, increase the amount by $1,147,000,000.

On page 16, line 20, increase the amount by $896,000,000.

On page 16, line 23, increase the amount by $1,181,000,000.

On page 16, line 24, increase the amount by $1,139,000,000.

On page 17, line 2, increase the amount by $1,217,000,000.

On page 17, line 3, increase the amount by $1,173,000,000.

On page 17, line 6, increase the amount by $1,253,000,000.

On page 17, line 7, increase the amount by $1,208,000,000.

On page 17, line 10, increase the amount by $1,291,000,000.

On page 17, line 11, increase the amount by $1,245,000,000.

On page 17, line 14, increase the amount by $1,329,000,000.

On page 17, line 15, increase the amount by $1,282,000,000.

On page 17, line 18, increase the amount by $1,369,000,000.

On page 17, line 19, increase the amount by $1,320,000,000.

On page 17, line 22, increase the amount by $1,410,000,000.

On page 17, line 23, increase the amount by $1,360,000,000.

On page 47, line 5, increase the amount by $1,081,000,000.

On page 47, line 6, increase the amount by $378,000,000.

On page 47, line 14, increase the amount by $1,113,000,000.

On page 47, line 15, increase the amount by $660,000,000.

SA 424. Mrs. CLINTON (for herself and Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $16,000,000.

On page 3, line 11, increase the amount by $245,000,000.

On page 3, line 12, increase the amount by $315,000,000.

On page 3, line 13, increase the amount by $338,000,000.

On page 3, line 14, increase the amount by $345,000,000.

On page 3, line 15, increase the amount by $351,000,000.

On page 3, line 16, increase the amount by $359,000,000.

On page 3, line 17, increase the amount by $369,000,000.

On page 3, line 18, increase the amount by $379,000,000.

On page 3, line 19, increase the amount by $386,000,000.

On page 4, line 1, increase the amount by $16,000,000.

On page 4, line 2, increase the amount by $245,000,000.

On page 4, line 3, increase the amount by $315,000,000.

On page 4, line 4, increase the amount by $338,000,000.

On page 4, line 5, increase the amount by $345,000,000.

On page 4, line 6, increase the amount by $351,000,000.

On page 4, line 7, increase the amount by $359,000,000.

On page 4, line 8, increase the amount by $369,000,000.

On page 4, line 9, increase the amount by $379,000,000.

On page 4, line 10, increase the amount by $386,000,000.

On page 4, line 15, increase the amount by $326,000.000.

On page 4, line 16, increase the amount by $333,000,000.

On page 4, line 17, increase the amount by $340,000,000.

On page 4, line 18, increase the amount by $346,000,000.

On page 4, line 19, increase the amount by $352,000,000.

On page 4, line 20, increase the amount by $361,000,000.

On page 4, line 21, increase the amount by $371,000,000.

On page 4, line 22, increase the amount by $382,000,000.

On page 4, line 23, increase the amount by $387,000,000.

On page 4, line 24, increase the amount by $405,000,000.

On page 5, line 5, increase the amount by $16,000,000.

On page 5, line 6, increase the amount by $245,000,000.

On page 5, line 7, increase the amount by $315,000,000.

On page 5, line 8, increase the amount by $338,000,000.

On page 5, line 9, increase the amount by $345,000,000.

On page 5, line 10, increase the amount by $351,000,000.

On page 5, line 11, increase the amount by $359,000,000.

On page 5, line 12, increase the amount by $369,000,000.

On page 5, line 13, increase the amount by $379,000,000.

On page 5, line 14, increase the amount by $386,000,000.

On page 25, line 16, increase the amount by $326,000,000.

On page 25, line 17, increase the amount by $16,000,000.

On page 25, line 20, increase the amount by $333,000,000.

On page 25, line 21, increase the amount by $245,000,000.

On page 25, line 24, increase the amount by $340,000,000.

On page 25, line 25, increase the amount by $315,000,000.

On page 26, line 3, increase the amount by $346,000,000.

On page 26, line 4, increase the amount by $338,000,000.

On page 26, line 7, increase the amount by $352,000,000.

On page 26, line 8, increase the amount by $345,000,000.

On page 26, line 11, increase the amount by $361,000,000.

On page 26, line 12, increase the amount by $351,000,000.

On page 26, line 15, increase the amount by $371,000,000.

On page 26, line 16, increase the amount by $359,000,000.

On page 26, line 19, increase the amount by $382,000,000.

On page 26, line 20, increase the amount by $369,000,000.

On page 26, line 23, increase the amount by $387,000,000.

On page 26, line 24, increase the amount by $379,000,000.

On page 27, line 2, increase the amount by $405,000,000.

On page 27, line 3, increase the amount by $386,000,000.

On page 47, line 5, increase the amount by $326,000,000.

On page 47, line 6, increase the amount by $16,000,000.

On page 47, line 14, increase the amount by $333,000,000.

On page 47, line 15, increase the amount by $245,000,000.

SA 425. Mr. HARKIN proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 3, line 10, increase the amount by $114,000,000.

On page 3, line 11, increase the amount by $1,565,000,000.

On page 3, line 12, increase the amount by $2,110,000,000.

On page 3, line 13, increase the amount by $2,258,000,000.

On page 3, line 14, increase the amount by $2,305,000,000.

On page 3, line 15, increase the amount by $2,352,000,000.

On page 3, line 16, increase the amount by $2,405,000,000.

On page 3, line 17, increase the amount by $2,461,000,000.

On page 3, line 18, increase the amount by $2,518,000,000.

On page 3, line 19, increase the amount by $2,572,000,000.

On page 4, line 1, increase the amount by $114,000,000.

On page 4, line 2, increase the amount by $1,565,000,000.

On page 4, line 3, increase the amount by $2,110,000,000.

On page 4, line 4, increase the amount by $2,258,000,000.

On page 4, line 5, increase the amount by $2,305,000,000.

On page 4, line 6, increase the amount by $2,352,000,000.

On page 4, line 7, increase the amount by $2,405,000,000.

On page 4, line 8, increase the amount by $2,461,000,000.

On page 4, line 9, increase the amount by $2,518,000,000.

On page 4, line 10, increase the amount by $2,572,000,000.

On page 4, line 15, increase the amount by $2,180,000,000.

On page 4, line 16, increase the amount by $2,224,000,000.

On page 4, line 17, increase the amount by $2,272,000,000.

On page 4, line 18, increase the amount by $2,317,000,000.

On page 4, line 19, increase the amount by $2,365,000,000.

On page 4, line 20, increase the amount by $2,419,000,000.

On page 4, line 21, increase the amount by $2,476,000,000.

On page 4, line 22, increase the amount by $2,535,000,000.

On page 4, line 23, increase the amount by $2,585,000,000.

On page 4, line 24, increase the amount by $2,656,000,000.

On page 5, line 5, increase the amount by $114,000,000.

On page 5, line 6, increase the amount by $1,565,000,000.

On page 5, line 7, increase the amount by $2,110,000,000.

On page 5, line 8, increase the amount by $2,258,000,000.

On page 5, line 9, increase the amount by $2,305,000,000.

On page 5, line 10, increase the amount by $2,352,000,000.

On page 5, line 11, increase the amount by $2,405,000,000.

On page 5, line 12, increase the amount by $2,461,000,000.

On page 5, line 13, increase the amount by $2,518,000,000.

On page 5, line 14, increase the amount by $2,572,000,000.

On page 25, line 16, increase the amount by $2,180,000,000.

On page 25, line 17, increase the amount by $114,000,000.

On page 25, line 20, increase the amount by $2,224,000,000.

On page 25, line 21, increase the amount by $1,565,000,000.

On page 25, line 24, increase the amount by $2,272,000,000.

On page 25, line 25, increase the amount by $2,110,000,000.

On page 26, line 3, increase the amount by $2,317,000,000.

On page 26, line 4, increase the amount by $2,258,000,000.

On page 26, line 7, increase the amount by $2,365,000,000.

On page 26, line 8, increase the amount by $2,305,000,000.

On page 26, line 11, increase the amount by $2,419,000,000.

On page 26, line 12, increase the amount by $2,352,000,000.

On page 26, line 15, increase the amount by $2,476,000,000.

On page 26, line 16, increase the amount by $2,405,000,000.

On page 26, line 19, increase the amount by $2,535,000,000.

On page 26, line 20, increase the amount by $2,461,000,000.

On page 26, line 23, increase the amount by $2,585,000,000.

On page 26, line 24, increase the amount by $2,518,000,000.

On page 27, line 2, increase the amount by $2,656,000,000.

On page 27, line 3, increase the amount by $2,572,000,000.

On page 47, line 5, increase the amount by $2,180,000,000.

On page 47, line 5, increase the amount by $2,180,000,000.

On page 47, line 6, increase the amount by $114,000,000.

On page 47, line 14, increase the amount by $2,224,000,000.

On page 47, line 15, increase the amount by $1,565,000,000.

SA 426. Mr. BAYH (for himself, Mr. SCHUMER, Mrs. LINCOLN, and Mr. DEWINE) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the end, insert the following:

SEC. . SENSE OF THE SENATE ON FUNDING FOR LOW INCOME PROGRAMS AND THE INCOME TAX ON CERTAIN SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the final budget conference report should not include any net reduction in funding below current baseline levels for programs that assist low income working families, and that repeal of the 1993 tax increase on Social Security benefits can be accommodated within the revenue totals and instructions of the resolution, in a manner that does not reduce the solvency of the Medicare Hospital Insurance Trust Fund (Part A of Medicare.)

SA 427. Mr. NICKLES (for himself and Mr. LEVIN) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106-398, and upon the recommendation of the Democratic Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: C. Richard D'Amato, of Maryland, for a term expiring December 31, 2005; Patrick A. Mulloy, of Virginia, for a term expiring December 31, 2004; and William A. Reinsch, of Maryland, for a term expiring December 31, 2003.

ORDERS FOR WEDNESDAY, MARCH 26, 2003

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Wednesday, March 26. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees. I further ask that at 11:30 a.m., the Senate resume consideration of S. Con. Res. 23, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all of our colleagues, upon the conclusion of morning business at 11:30 tomorrow morning, the Senate will return to the budget resolution and resume consideration of several pending amendments. I expect that we will have several rollcall votes. We made tremendous progress today. We conducted 23 rollcall votes on amendments, and we adopted several other amendments and resolutions by voice vote. I wish to thank all my colleagues for their cooperation.

That being said, we will be voting throughout the day tomorrow on the remaining amendments with a final vote on the resolution to occur no later than 4 p.m. tomorrow. Therefore, tomorrow will be a very busy day. I am hopeful we can finish the resolution before 4 p.m. I encourage all my colleagues to remain in the Chamber during tomorrow's votes on the budget.

Mr. CONRAD. Mr. President, I wish to say we, too, believe this has been a productive day. This is the way this Senate ought to operate. It was well organized, and I thank the chairman for his contribution to that organization and to the tone that was evidenced throughout today in terms of the debate. I really thought the tone today reflected the best of the Senate. These were real debates on real substance and conducted in a way that I think we can all be proud.

Again, I thank the chairman for helping to set that tone and also for his participation in the organization of these amendments so that colleagues could know what was happening, what was going to happen next. I thought it went very well.

Mr. NICKLES. Mr. President, I thank my colleague and very much appreciate his cooperation.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Wednesday, March 26, 2003, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 25, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON DC,
March 25, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

MAKING OUR CHILDREN SAFER

Mr. DELAY. Mr. Speaker, this week is Children's Week, and the House will consider four bills designed to make our children safer. We are reminded this week that a society that does not keep its children safe is failing its most basic duty.

A reading of the titles of the bills before the House reveals the circumstances experienced by too many American children today: The prevalence of child abuse and neglect, the significance of runaway prevention, and the importance of preventing child abductions and sexual exploitation.

These bills stand as a stark reminder that our children need special protection because they are children and therefore simply vulnerable to abuse and exploitation.

We will have two bills on the suspension calendar that are designed to increase public awareness of the problems of child abuse and runaway prevention.

Mr. Speaker, the problems of child abuse are staggering. It is estimated that every year in our country more than 1,200 children die as a direct result of being abused and neglected. Some studies suggest that as many as 2.8 million children run away from home to escape abuse, age out of foster care or are thrown out of their homes and live on the streets.

Both the Keeping Children and Families Safe Act of 2003 and the Child Abduction Prevention Act will be the subject of debate and floor consideration this week.

The Keeping Children and Families Safe Act reauthorizes and modifies the Child Abuse Prevention and Treatment Act and related measures to prevent family violence, to assist abandoned babies and to promote adoption.

The bill emphasizes the prevention of child maltreatment and family violence before it occurs, puts in place procedures to care for infants born drug-exposed, and ensures that parents investigated for child abuse be fully informed of the specific allegations made against them.

Finally, the House will consider the Child Abduction Prevention Act with the purpose of preventing child abductions and putting in place the necessary enforcement tools to assure that child abductors will not escape justice.

This bill offers a comprehensive package of child abduction prevention tools that make severe child abuse and torture a capital crime, that provides stronger penalties against kidnapping and sexual trafficking, that keeps child kidnappers behind bars until trial and that puts a "two strikes you're out" law in place.

After all, how many children's lives do you have to ruin before you should be locked up for life?

Additionally, it keeps all the safeguards in place for wiretapping, but creates four new circumstances to allow better monitoring of criminals' abuse of children's chat rooms. We used to be able to keep an eye on our children at the playground in order to keep them safe. Chat rooms pose a dangerous new challenge that we must confront.

In addition, the bill would extend the Justice Department's Amber Alert system to a nationwide program and authorizes funds to enhance communication systems along highways to support the Amber Alert communications plans.

Mr. Speaker, I believe that the child-related legislation that the House is set to move this week shows the American people that our children are vulnerable to abuse and exploitation and that the House is committed to ensuring that more of our children are protected and made safe.

DOING MORE TO COMBAT UNDERAGE DRINKING

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized during morning hour debates for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, would not every Member of this House love to have a campaign in which they could run 93 TV ads for every TV ad run by their opponent? There is no doubt which candidate would win.

So it goes with the contest between alcohol commercials and responsible drinking ads purchased by the alcohol industry.

As reported by the Center on Alcohol Marketing and Youth, in 2001 America's youth were 93 times more likely to see an ad promoting alcohol than an industry ad discouraging underage drinking. Although the liquor industry tells us their ads are not targeted at children, our children see plenty of them, and they have enormous impact on our young population. On average, in 2001, an American youngster saw 245 ads promoting alcohol products to only four ads discouraging underage drinking.

The amount of money the liquor industry spends on advertising alcohol is also astounding; and compared to what the industry spends on warnings about underage drinking it is, at best, disappointing.

For example, in the year 2001, the alcohol industry spent $811 million to air 208,000 alcohol ads, compared to $23 million for a mere 2,379 responsible drinking ads. In other words, the alcohol industry spent less than 3 percent of its total advertising dollars on responsible drinking. As a result, our youth saw more commercials for beer

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

than for juice, gum, chips, sneakers or jeans, product ads that usually target a young audience.

The power of liquor advertising has been effective. While drinking under the age of 21 is illegal in all 50 States, a recent report by the National Center on Addiction and Substance Abuse at Columbia University found that kids illegally spent over $22 billion a year on alcohol and they account for 20 percent of all alcohol consumed in our Nation.

These numbers attest to the negative impact of the extensive investment the alcohol industry is making to attract consumers to their products while ignoring their responsibility to be equally diligent about ads warning about the dangers of underage drinking.

Mr. Speaker, why does it matter? It matters because the consequences of underage drinking are devastating to our youth and to our society. According to an NIH study, over 10 million kids in the U.S. consume alcohol illegally, starting, on average, at age 13. The NIH study also found that kids who began drinking before the age of 15 are four times more likely to become alcoholics than those who begin drinking after the age of 21, 22 times more likely to use marijuana and 50 times more likely to try cocaine than kids who do not drink. That, Mr. Speaker, is why it matters.

In order to counter the alarming assault on our youth, Congress has commissioned the Institute of Medicine of the National Academy of Sciences to develop a strategy to reduce underage drinking with a national media campaign at its centerpiece. The report is expected in May.

In the meantime, Mr. Speaker, the beer wholesalers and others representing the alcohol industry will be visiting congressional offices in the coming weeks to lobby for a reduction in alcohol taxes. When they do, I urge my colleagues to make it clear to the liquor industry that our children are an important and critical asset to our Nation and that we cannot afford to lose them.

I urge my colleagues to put the liquor industry on notice that it must do more than pay for their token underage drinking ads and seriously invest to inform parents and children about the dangers of underage drinking.

ASSUMING THE MANTLE OF RESPONSIBLE LEADERSHIP

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, last Sunday I attended the dedication of a recently constructed house of worship at High Point, North Carolina. The minister reminded those of us in the congregation about the past history of the United States, our benevolence, our having offered assistance time and again to our distressed neighbors across the world.

When I heard these words, I concluded that we Americans do need to remind the world, pardon my immodesty, that we are indeed the eternal good guy. We have pulled chestnuts from the fire for many nations and many people; and some who have become beneficiaries of our benevolence conveniently become victims of amnesia.

I recently saw a televised interview, Mr. Speaker, of one protesting our involvement in Iraq, who blamed President Bush for having led us to believe that this would be brief and easy. That charge, Mr. Speaker, is misleading and inaccurate. President Bush from the very outset has made it clear that this encounter would be arduous and demanding.

I have been advised that President Clinton publicly said that this war would be quickly won. I did not hear him say it, but, if he did, it was a reckless, irresponsible conclusion. Such utterances lull observers into what could be a sense of false security and serve no good purpose to our troops.

The United Nations has been disappointing throughout this exercise. Certain members of the U.N. need to enroll, it seems to me, in refresher leadership courses. Saddam Hussein has danced circles around the U.N., and he surely must be laughing up his sleeve.

Saddam, not unlike the school yard bully, has imposed havoc upon his people and upon his neighbors; and, not unlike the school yard bully, he will continue to destroy until someone has the fortitude to challenge him, to call his bluff.

Permit me to examine Saddam's record during his bloody regime: Thousands have disappeared in the Iraqi prison network; there are numerous accounts of torture and burning of human flesh of accused victims, children dying of starvation, starvation accelerated by Saddam, women notoriously raped in the presence of third parties; and, once this evil dictator is removed, I am confident many additional unbelievable horrible accounts will surface.

Enter President Bush, enter Prime Minister Tony Blair, enter Spain and Australia and others. These leaders have decided the time has come to take on the school yard bully.

Many insist that this is a unilateral operation. Not true. There are many supporters, but they are reluctant to openly oppose Saddam. They fear him. They in fact, Mr. Speaker, are afraid. Many of his neighbors loathe Saddam, but they stand in fear. But the Bush-Blair wagon will move forward with the support, albeit sometimes anonymous, of other nations.

Some observers have suggested that the U.N. should remove the United States from the U.N. Kick the United States out, they say. I have an alternative suggestion: Certain members of the U.N. should be led to the gate that leads to the road out of the country. They might be advised to follow that road if they are unable and are unwilling to assume the mantle of responsible leadership.

Mr. Speaker, meanwhile, the liberation of Iraq advances, as we continue to keep our troops and their families and the troops of our neighbors and their families in our thoughts and prayers.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, MALARIA AND TUBERCULOSIS ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, my colleagues on the Committee on International Relations recently introduced H.R. 1298, the United States Leadership Against HIV/AIDS, Malaria and Tuberculosis Act. The bill is a 5-year, $15 billion bill providing $3 billion in relief in each of these 5 years. It provides no minimum for U.S. contributions to the Global Fund and authorizes a maximum of $1 billion for fiscal year 2004 and such sums as necessary in the ensuing 4 years.

□ 1245

The bill provides the limitation that "no U.S. contribution to the Global Fund may cause a total amount of U.S. Government contributions to exceed 33 percent of the total amount of funds contributed to the Global Fund from all other sources."

This encourages other countries to step up to the plate also and other philanthropists around the world.

This bill is a start. It is the first step in a long and difficult journey we must take in the effort to fight AIDS, tuberculosis, and malaria.

Sixty-five million people have been infected with HIV since the epidemic began, 65 million people; and 25 million of them have died. Fourteen million children have been orphaned. The numbers are not only staggering; they are devastating, and they are growing.

I am glad to see this bill authorizes up to $1 billion next year for the Global Fund to fight AIDS, tuberculosis, and malaria; but we need to offer more.

United Nations Secretary General Kofi Annan has asked each of the 25 richest democracies in the world to contribute seven-tenths of 1 percent of their gross domestic product towards world hunger, world poverty, and in combating infectious disease, seven-tenths of 1 percent. Only four countries have committed that figure and have contributed that figure. The United States contributes less than one-tenth of 1 percent of its gross domestic product, ranking as dead last among the 25 wealthy industrial democracies in the world in terms of what we do in foreign aid to combat poverty and infectious disease.

In the upcoming years, we will spend estimates upward of $100 billion to rebuild Iraq. Yet we have been unwilling to spend more than one-fifth of 1 percent of that amount, $200 million so far, to save the lives of millions of people around the world.

A physician with the World Health Organization remarked recently, "There are certain problems the U.S. simply cannot solve on its own, much as it would like to believe otherwise."

Bilateral aid programs are important tools and should not be discounted, but they are not enough. Too often they are BandAids placed on a hemorrhaging patient. To successfully turn the tied against HIV/AIDS, against tuberculosis, against malaria, diseases that kill 6 million people around the world each year, will take the largest multilateral coalition imaginable. Simply put, it will take the entire world to save the world. That level of commitment is not fully on our radar screen, but it needs to be. The Global Fund to fight AIDS, TB, and malaria represents the best tool we have to provide relief on a scale that will really matter.

I started this speech, Mr. Speaker, with numbers, and I will leave my colleagues with some numbers. Thirteen thousand new AIDS infections every day, 2,000 of them in children under age 15; 8,500 AIDS deaths a day; 20 million AIDS orphans are projected in Africa by 2010. Mr. Speaker, 1,100 people in India every day die from tuberculosis.

Take a moment to think about what these numbers really mean. Every day we fail to act, every day we fail to take the necessary action, these numbers increase. Every dollar we fail to provide today will cost us 100 times that tomorrow. U.S. failure to properly commit to the Global Fund is not just unfortunate, it is shameful. In 20 years, we will tell our children that we did all we could to combat the tide of these epidemics, or we will be forced to tell them that we failed the world.

SUPPORTING OUR TROOPS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to make some comments on the war in Iraq. Most of us voted for the resolution to authorize the President to use force in Iraq to help solve the problem of weapons of mass destruction. Voting for that resolution makes us at least somewhat responsible for the young men and women in the military going into harm's way. And even though we know it is the right thing to do, it still gives one pause for all of the suffering and the sorrow. Now we have several of our military who have been captured, or missing, or who have died. The challenge for this country is that if Saddam gets away with it, other tyrants in other rogue nations think that it also is going to be to their advantage to develop these weapons of mass destruction. This will make the world much less secure and this country much less secure.

I pray for not only the young men and women soldiers, but for their families. When I was 21 years old, we got a phone call notifying us that my brother, Chan, who was 23, that his jet plane went down and that he was killed. That grief never left our family. So the sacrifice is great for families. I, for one, am convinced that the war is the right thing to do. If we were to delay, it would mean that much greater of a challenge for us in the future.

Recently a newspaper in my district in Michigan ran an editorial saying that people have the right to protest against the war; and they do, certainly. But now that we are in the war, I think we should encourage everybody to rethink what protesting does. Before we went in, maybe you can protest and maybe it is going to end up in a decision not to be there. But now, we have thousands of our young men and women over there that need our support. We are in combat. Imagine an analogy where a mom did not want her son to go out for boxing because it is too dangerous, or football; but once the decision was made, does she not cheer him and go to the game and cheer him on? Or a mom and dad that did not want their daughter to go out for basketball because, after all, that was sort of wrong for a young lady to do. That was a boy's sport. But once that young lady goes out for the team, the parents cheer her on and say, good game, do your best. Or what happened in Vietnam when we literally spat on some of our soldiers and sailors when they came home?

My point, Mr. Speaker, is that to demonstrate against the war makes the challenge for our military greater. As an old Air Force veteran I assure my colleagues that it is true, it makes it harder for our military, when people now demonstrate and say, look, you are doing an immoral thing, you are doing the wrong thing. It makes it that much more difficult.

We are in it. Let us cheer for our team and give our total support for the action of our military men and women that are now over in this war in Iraq. Give them our prayers and certainly give their families and their loved ones our prayers.

QUESTIONING THE MATRICULA CONSULAR

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to address a problem that should be at the forefront of our agenda as we move into the 108th Congress. Our immigration system today needs improvement. Unfortunately, it took a tragedy to remind us about this.

This country, of course, was based upon immigration. It was what has made us strong and all Americans recognize its importance. But this system needs improvement. We must continue to facilitate the entry of those men and women who make productive citizens, yet continue to filter those who are not eligible and those who could bring harm to our way of life.

As a body, we recently moved the INS to the Department of Homeland Security, a measure that signals a return to our security. This administration has realized the fact that reorganization must take place before we can take steps to reform our immigration system.

At no other time in our Nation's history have we faced more of a threat to our domestic security; but as we make strides towards improved security measures, I am deeply concerned that countries, even those who are considered allies, are lining up to compromise our work.

Every day, Mr. Speaker, thousands of illegal immigrants stream across our sieve-like borders and into our country. Once they are inside, the grim reality stands that they are totally; totally untrackable. Yet our neighbor to the south does nothing to help us. But this is in no way shocking, seeing that remittances from Mexico's citizens, both legal and illegal, account for Mexico's third largest source of income. It amounts to over $10 billion a year. That is what is sent back by the Mexican immigrants. So it is no surprise that the Mexican Government is not helping us to secure our borders.

One method I would bring to the attention of my colleagues has been found recently by Mexico in the wake of the 9–11 terrorist attacks. As we remember, we were going to have legislation on the floor dealing with Mexico that was tabled because our attention was focused on homeland security. So then the Mexican Government decided to change its strategy and they substituted a grass-roots approach that focused at the local level to seek small successes and build momentum for congressional action.

Now, the linchpin for this new strategy was to be the matricula consular.

Now, this is a word which means an official identity card which would be issued by the Mexican Government which it wants to be officially recognized by the United States. Now, unless we recognize this card, it goes nowhere; but they want us to recognize this card. This card would essentially allow illegal immigrants from Mexico the right to apply for a driver's license, Social Security card, and bank account. The U.S. Treasury Department has even gone so far as to promote its use. In a report to Congress, Treasury included a footnote that would go on to influence the language of the United States Patriot Act. The footnote says: "Thus, the proposed regulations do not discourage bank acceptance of the matricula consular identity card that is being issued by the Mexican Government to immigrants."

My colleagues, we can stop this by sponsoring H.R. 502. This bill requires that any ID cards must be verifiable by our government to obtain Federal public benefits. We do not have to recognize these identity cards from Mexico. The intent of the PATRIOT Act of 2000, which passed overwhelmingly by Congress, was to strengthen our homeland security. It addressed the issue of secure identification because the hijackers had obtained Social Security numbers and drivers licenses. Especially in this context, it is difficult to comprehend why Treasury went out of its way to give approval to an identity card being offered by a single foreign government whose contiguous border is a matter of acute concern to the United States and whose nationals represent the majority of illegals within the United States.

As our troops risk their lives thousands of miles from home, it is disappointing that a country so dependent upon us would continue to compromise our security and openly denounce our foreign policy, that is, they are not supporting the war in Iraq. Despite the fact that the United States provides Mexico with 75 percent of their annual trade and is home to millions of migrants, President Fox of Mexico, a friend of President Bush, openly decries our military action.

As the battle for our homeland security wages both here and in the deserts of the Middle East, we must find a way to better monitor the men and women who freely cross our borders every day. The matricula consular identity card would not help in this regard, Mr. Speaker. It is time we reevaluate our immigration system and ensure that our country will be better protected by those who would wish to do us harm.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and earth to each of us You give a moment in time to prove truly who we are and our set purpose in Your sight.

Each of us, Lord, is given a certain span of years to fulfill dreams, accomplish specific tasks and impress lasting memory. Help the Members of Congress and all Americans to seize the present moment and do what You ask of us with nobility and grace.

The brave young men and courageous women now engaged in the liberation of Iraq inspire all of us, Lord. In them and through them You can recreate the face of a Nation.

By simply accomplishing the tasks they are trained to do, they form a union with one another and build their witness before the world. May we like them perform our duties today and every day with fierce commitment and dedicated service.

In our own flesh and blood bring to reality the noble ideals of the Constitution we have promised to uphold and the love we profess. For in Your sight we are already one now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. BEREUTER) come forward and lead the House in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2702, and the order of the House of January 8, 2003, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnetonka, Minnesota.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK,
> HOUSE OF REPRESENTATIVES,
> *Washington, DC, March 13, 2003.*
>
> Hon. J. DENNIS HASTERT,
> *Speaker, House of Representatives,*
> *Washington, DC.*
>
> DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. §2702, I hereby reappoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, Illinois.
>
> With best wishes, I am
> Sincerely,
> JEFF TRANDAHL, Clerk.

ELECTION OF MEMBERS TO CERTAIN JOINT COMMITTEES OF THE HOUSE AND SENATE

Mr. NEY. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 134) electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Madam Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. NEY) to explain the purpose of the resolution.

Mr. NEY. Madam Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Ohio.

Mr. NEY. Madam Speaker, I thank the ranking member, the gentleman from Connecticut (Mr. LARSON). I rise here today to consider H. Res. 134, a bill electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library.

This resolution appoints the following members to the Joint Committee on Printing: the gentleman from California (Mr. DOOLITTLE), the gentleman from Georgia (Mr. LINDER), the gentleman from Connecticut (Mr. LARSON) and the gentleman from Pennsylvania (Mr. BRADY).

In addition, the resolution appoints the following Members to the Joint Committee of Congress on the Library:

the gentleman from Michigan (Mr. EHLERS), the gentleman from Connecticut (Mr. LARSON), and the gentlewoman from California (Ms. MILLENDER-MCDONALD).

These are very distinguished Members, and they will add quite a lot to the importance of this committee. Madam Speaker, I urge full support of the bill.

Mr. LARSON of Connecticut. Madam Speaker, further reserving the right to object, I would just add that it is an honor and a privilege as a new member of the committee to be joined by the gentleman from Pennsylvania (Mr. BRADY) on the Joint Committee on Printing and by the gentlewoman from California (Ms. MILLENDER-MCDONALD) on the Joint Committee of Congress on the Library. Both have distinguished themselves in this Congress, and I look forward as a new member serving with them both and our distinguished chairman.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Doolittle.
(2) Mr. Linder.
(3) Mr. Larson of Connecticut.
(4) Mr. Brady of Pennsylvania.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

(1) Mr. Ehlers.
(2) Mr. Larson of Connecticut.
(3) Ms. Millender-McDonald.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMITTING CHAIRMAN OF SENATE COMMITTEE ON RULES AND ADMINISTRATION TO DESIGNATE MEMBER TO SERVE ON JOINT COMMITTEE ON PRINTING

Mr. NEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 20) permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee of Printing in place of the Chairman, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Madam Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Ohio to explain the resolution.

Mr NEY. Madam Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Ohio.

Mr. NEY. Madam Speaker, Senate Concurrent Resolution 20 permits the chairman of the Committee on Rules and Administration in the Senate to designate another member of the committee to serve on the Joint Committee on Printing to serve in place of the chairman.

Mr. LARSON of Connecticut. Madam Speaker, I concur with the distinguished chairman, the gentleman from Ohio.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Eighth Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after 6:30 p.m. today.

PROVIDING FOR ACCEPTANCE OF STATUE OF PRESIDENT DWIGHT D. EISENHOWER FOR PLACEMENT IN CAPITOL

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 84) providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

The Clerk read as follows:

H. CON. RES. 84

Whereas Dwight D. Eisenhower gave a lifetime of service to the Nation as a military officer, leader of the victorious Allied armies in World War II, first supreme commander of the North Atlantic Treaty Organization, and as President of the United States;

Whereas Dwight D. Eisenhower was raised in Abilene, Kansas;

Whereas Dwight D. Eisenhower was the 34th President of the United States from 1953 to 1961, and during his presidency he saw the end of the Korean War, maintained peace during the Cold War, desegregated the military, marking the beginning of the modern civil rights movement, and implemented the interstate highway program, among other accomplishments;

Whereas Dwight D. Eisenhower and his wife Mamie are buried in the Place of Meditation, on the grounds of the Eisenhower Center and Presidential Library and Museum in Abilene, Kansas, a premier historical institution recognized around the world; and

Whereas the great State of Kansas desires to honor its most famous son for his many contributions and to keep his legacy alive for future generations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF DWIGHT D. EISENHOWER FROM THE PEOPLE OF KANSAS FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Dwight D. Eisenhower, furnished by the people of Kansas for placement in the Capitol in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of Congress are extended to the people of Kansas for providing this commemoration of one of the most eminent persons from Kansas.

(b) PRESENTATION CEREMONY.—The State of Kansas is authorized to use the Rotunda of the Capitol on June 4, 2003, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which time the statue shall be moved to its permanent location.

SEC. 2. TRANSMITTAL TO GOVERNOR OF KANSAS.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor of Kansas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 84. This legislation provides for the acceptance of the statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol.

The Capitol's National Statutory Hall Collection started in 1864 to let each State honor two of its famous own. About half the statues joined the collection in the late 1800s and the early 1900s.

A bronze statue of Dwight D. Eisenhower, better known as "Ike," will replace the statue of the former Governor, George Washington Glick.

Dwight D. Eisenhower was a small-town boy from Kansas who grew up to be one of America's greatest military commanders and 34th President of the United States, from 1953 to 1961. Although his mother was a pacifist who morally opposed war and violence, Eisenhower believed that a strong military was the key to keeping peace. Hence, he decided at a young age to become a military officer.

Eisenhower commanded 420,000 American soldiers in field training in Louisiana, working alongside his West Point colleague George Patton. Impressed with Eisenhower's planning skills, General George Marshall made him liaison between American and British strategic planners in London, where he made such a favorable impression on British Prime Minister Winston Churchill that Churchill had him appointed supreme commander of "Operation Overlord," the Allied assault on Nazi-occupied Europe.

Eisenhower was a hero, loved and admired by the American public.

Madam Speaker, this resolution was brought to us by the gentleman from Kansas (Mr. TIAHRT). I appreciate our ranking member, the gentleman from Connecticut (Mr. LARSON), and members of both sides of the aisle moving so promptly on a measure that is important not only to Kansas to honor one of their own, but also to the Nation, and the debt of gratitude we have to Dwight D. Eisenhower who led us into victory and made the world a safer place.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, how appropriate today as we are engaged in battle abroad that we pause to honor Dwight David Eisenhower, and how appropriate that the gentleman from Kansas (Mr. TIAHRT), the gentleman from Kansas (Mr. RYUN), the gentleman from Kansas (Mr. MORAN) and the great State of Kansas have chosen to erect this statue that will be on display in our Rotunda on June 4 and will then later be moved to a permanent spot in recognition of the great achievements of Dwight David Eisenhower.

I join with the chairman and the entire Kansas delegation in saluting and recognizing this great American, Dwight David Eisenhower.

Madam Speaker, I rise in support of House Concurrent Resolution 84, which would provide for acceptance of a statue of the late President Dwight Eisenhower, presented by the people of Kansas, for placement in the Capitol as part of the National Statuary Hall Collection. Once presented, the statue will become the property of the American people.

The concurrent resolution would also authorize use of the Rotunda of the Capitol on June 4, 2003, for a ceremony presenting the statue of the United States and providing for its display in the Rotunda for six months, after which it would be moved by the Architect of the Capitol to a permanent location in the Capitol selected by the Joint Committee on the Library (JCL).

This is a common form of resolution that Congress has often passed when states are submitting statues for the National Statuary Hall Collection. There is no legal requirement for us to take this action in order to accept the new statue from Kansas, and the practice has not always been followed, but it has been a fairly common practice since the 19th Century.

The arrival of the Eisenhower statue will be historic in one way because this is the first statue ever presented by a state to replace an existing statue in the Statuary Hall Collection. Pursuant to P.L. 106–554, the Legislative Appropriations Act for Fiscal Year 2001, enacted in 2000, states are now allowed to replace their existing statues no more frequently than once every 10 years, subject to the approval of the Joint Committee on the Library. No state may ever have more than two such statues as part of the Collection.

On October 9, 2002, members of the Joint Committee, by a written poll, approved the Eisenhower statue as a replacement for that of George Washington Glick, a former Kansas Governor in the 1880's, whose statue was received in the U.S. Capitol in 1914. Disposition of the Glick statue, which remains the property of the United States in the meantime, will also be determined by the Joint Committee on the Library. Pursuant to the statute, ownership of any replaced statue shall be transferred back to the state, subject to JCL approval. I am hopeful that the State of Kansas will find a suitable location for this statue.

Madam Speaker, this concurrent resolution is sponsored by the entire Kansas delegation and honors Kansas' most famous son, President Eisenhower. He is certainly a worthy recipient of being honored by a statue in America's most prestigious collection here in the Capitol. I would also like to compliment Representative DENNIS MOORE, JIM MORAN, JIM RYAN, and TODD TIAHRT of the Kansas delegation for their work on this effort to honor President Eisenhower and I appreciate the opportunity to join with them in this effort by managing this bill for the Minority.

Therefore, Madam Speaker, I would urge my colleagues to support this effort to honor President Eisenhower by joining the Kansas Delegation, Chairman NEY and myself in voting for this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield 7 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, I thank the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) for moving this legislation quickly.

I am pleased to have this opportunity to speak about a resolution that is very important to me. House Concurrent Resolution 84 officially receives on behalf of the United States a statue of General Dwight D. Eisenhower from the people of Kansas.

□ 1415

Every day visitors to our Capitol are impressed by the diverse manner in which each of the 50 States has chosen to memorialize their favorite sons and daughters. Each State is permitted to provide two statues for display in the Capitol pursuant to an 1864 act of Congress which created the National Statuary Hall. While new statues have been introduced as each State fills their allotment, prior to this resolution no State has replaced one of their statues. So this is a historical event in our Nation's Capitol.

For the past 89 years, the statue of Governor Glick has served as one of Kansas' memorials in our Nation's Capitol. Like other States, Kansas selected individuals it wished to memorialize in the early years of the 20th century. While Governor Glick's contributions to Kansas' political development are notable, many Kansans have long wished for our statues to be replaced by individuals with whom visitors to the Capitol can more readily identify and that reflect Kansas' contributions to the Nation and world.

It is in that spirit that I introduced this resolution, which is cosponsored by the entire Kansas delegation. It will provide for the replacement of Governor Glick's statue with a representation of one of our Nation's most prominent figures, a Kansan, General Dwight D. Eisenhower. General Eisenhower is an instantly recognizable international figure and fully embodies what is best about Kansas and the spirit of its people. The statue of Governor Glick will find a new home in a prominent location at the State capitol in Topeka, Kansas, where Kansans will appreciate its historical value.

Born in 1890, Dwight David Eisenhower grew up in Abilene, Kansas, as the third of seven sons to David Jacob and Ida Elizabeth Stover Eisenhower. He was a capable athlete, and this resulted in his appointment to the United States Military Academy at West Point. He was commissioned a second lieutenant in September 1915 and thus began one of the most illustrious military careers in the history of our Armed Forces.

Stationed in Texas as a second lieutenant, he met and subsequently married Mamie Geneva Doud. In his early Army career he excelled in staff assignments, serving under Generals John J. Pershing and Douglas MacArthur. After Pearl Harbor, he was called upon by General George C. Marshall to assist in developing the strategy by which the Allies would eventually overcome the Axis Powers. Shortly thereafter he was named the Commander in Chief of the Allied forces in North Africa in November 1942. In December 1943 Eisenhower received the assignment that would eventually secure his place in history when he was appointed the Supreme Commander of the Allied Expeditionary Force. As Supreme Commander, he oversaw Operation Overlord that brought together the land, air and sea forces of the Allied armies in what became known as the largest invasion force in human history.

After leading the Allies to victory, Eisenhower briefly served as president of Columbia University before being named Supreme Allied Commander of NATO. While in Paris, Republican emissaries persuaded him to return home and run for President in the 1952 election, which he won in a landslide. As a two-term President, Eisenhower oversaw the end of the Korean War, sought to contain Communist expansion, ordered the desegregation of the United States Army, and oversaw the development of the interstate highway system, among other major accomplishments. The 1950s are remembered as an idyllic period in American history, in no small part due to Eisenhower's principled leadership.

Due to the magnificent example of his life of public service, the great State of Kansas has chosen to honor Dwight D. Eisenhower by having his statue placed in the United States Capitol. General Eisenhower embodied all that was and is great about Kansas and has long been considered Kansas' most revered son. He is also one of our Nation's most revered sons; and in a city that prides itself on honoring our Nation's heroes, I find it regrettable that we have neglected to honor Dwight D. Eisenhower with a memorial in our Nation's capital. This year marks the 50th anniversary year of his inauguration as President. We still like Ike, and it is an appropriate time to commemorate the important contributions he made to our Nation.

We have chosen to remember Dwight Eisenhower as a soldier rather than as President and Commander in Chief because of the extraordinary courage he demonstrated in leading our Nation to victory in the Second World War. It is important to note that there is currently no one of that era honored in the United States Capitol; so as much as this statue will honor the life and service of Dwight David Eisenhower, it will also serve as a memorial to an entire generation of men and women who, together, rose to confront a challenge that threatened our civilization. My family, like those of many Americans, includes a number of individuals who served in our Armed Forces during this period. It is only fitting that we remember the sacrifices that the Greatest Generation and their leader, Dwight D. Eisenhower, made on our behalf.

Jim Brothers, a native Kansan and the sculptor of the statue, chose to sculpt Eisenhower as he spoke to the troops the day before the D-Day invasion at Normandy, June 6, 1944, a day that he often reflected on as the defining moment in his life and which certainly was the defining moment of the Second World War. General Eisenhower was aware of the tremendous risks involved in an Allied invasion of Europe, and his decision to proceed with Operation Overlord was a true test of his character and leadership. His strength in the face of enormous adversity, willingness to shoulder the burden of responsibility alone, and unflagging determination to succeed galvanized the more than 2 million soldiers under his command and led to the ultimate Allied triumph.

The life of Dwight David Eisenhower reminds us that freedom is not free, that it has been bought with blood and sacrifice. When faced with adversity during the Second World War and at other points in his life, Dwight Eisenhower never shirked from his responsibility to the men that he commanded, the obstacles before him, and the Nation that he loved. Given the current challenges facing our great Nation, Dwight David Eisenhower's example is particularly important today.

Today we honor Dwight David Eisenhower so that we may demonstrate to our children and to our children's children that courage matters as much today as it did in 1944. Let us celebrate the courage that he never failed to demonstrate over the course of his remarkable life.

On a final note, I would like to encourage the American public to visit Abilene, Kansas, where both President Eisenhower and his wife, Mamie, are buried in the Place of Meditation on the grounds of the Eisenhower Center and Presidential Library and Museum, a premier historical institution that is recognized around the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair must ask Members to refrain from displaying communicative badges while engaging in debate.

Mr. NEY. Madam Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Madam Speaker, I thank the chairman and the ranking minority member, and I also thank the gentleman from Kansas (Mr. TIAHRT) for his hard work on this issue. I rise today to speak on behalf of House Concurrent Resolution 84. With this bill, a statue of our 34th President and a favorite son of Kansas will adorn the halls of this great institution.

Born in Texas, but raised in Abilene, Kansas, Dwight D. Eisenhower was a small-town boy who led our military through the harsh days of World War II and then led our Nation in the trying times of the Korean Conflict. However, throughout Eisenhower's career, he always remained true to his Kansas roots. Ike understood early on in his life how important the military was to the protection of our Nation and decided to pursue a career as an Army officer. After graduating from West Point, he was transferred around the world from Panama to the Philippines.

During World War II, Ike's talents and character were recognized by everyone who worked with him. He quickly rose through the ranks from lieutenant colonel to five-star general in just 4 short years. He commanded the Allied forces, landing in North Africa and was the Supreme Commander on D-Day. After the war, Eisenhower became the first chairman of the Joint Chiefs of Staff and was the Supreme Commander of the forces of the newly created NATO. Due to his well-proven leadership and strong popularity with the American people, Eisenhower was heavily courted by both political parties to run for the Presidency. Finally, he agreed to become a Presidential candidate under the Republican banner. Eisenhower resigned the Army and 5 months later won the Presidency in a landslide election.

During his two terms as President, Eisenhower worked tirelessly to bring peace and economic prosperity to the American people. Ike signed a ceasefire agreement between North and South Korea, pursued the policies of containment against the Soviet empire, desegregated the military, balanced the Federal budget, and signed the landmark Interstate Highway Act. After leaving the Presidency, Eisenhower returned to private life and enjoyed his final days with his family.

This great general, great President, and great American holds an important place in American history and in the hearts and minds of the American people. He will soon hold a rightful place in the halls of the Capitol.

Mr. LARSON of Connecticut. Madam Speaker, if I might reclaim my time.

The SPEAKER pro tempore. Does the gentleman from Ohio wish to give the gentleman from Connecticut some of his time?

Mr. NEY. Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Madam Speaker, I want to associate myself with the remarks of the gentlemen from Kansas and join with them in saluting Dwight David Eisenhower and also rising on behalf of George Washington Glick. I know that the good people of Kansas and the Representatives here will make sure that this historic figure, as well, receives his just place back in Kansas.

Mr. MOORE. Madam Speaker, I rise today in support of H. Con. Res. 84, legislation introduced by the Kansas delegation to the U.S. House that will replace an existing statue of former Kansas Governor George Washington Glick, who served from 1882 to 1885, with a statue of President Dwight D. Eisenhower. This statue, which is presented from the people of Kansas to the U.S. Capitol, will serve as one of the two statues that our State is allowed to be displayed in the U.S. Capitol.

I want to particularly commend the bipartisan manner in which the dean of our House delegation, Representative TODD TIAHRT, has handled this matter. This marks the first time that a State has sought to replace one of its statues in the Capitol's Statuary Hall. Our actions were prompted by the enactment by the Kansas Legislature of Senate Concurrent Resolution No. 1617, in 1999, which memorialized Congress to authorize the replacement of Governor Glick's statue with the statue of President Eisenhower, and to replace the State's other statue, of the late Senator John J. Ingalls, with a statue of the famous female aviator, Amelia Earhart.

The 7½ foot tall bronze Eisenhower statue, which was privately funded by the Eisenhower Foundation of Abilene, Kansas, was sculpted by Jim Brothers of Lawrence, Kansas. The pose is taken from a famous photograph where General Eisenhower was talking with soldiers from the 101st Airborne Division on the day before the D-Day invasion. It is fitting that we enact this legislation on the fiftieth anniversary of President Eisenhower's first inauguration as president.

Madam Speaker, I am honored to serve as a member of the Executive Committee of the Dwight D. Eisenhower Memorial Commission, which has been tasked with proposing an appropriate permanent memorial in Washington, DC, for President Eisenhower, who served as the Supreme Commander of the Allied Forces in Europe in World War II and subsequently as the 34th President of the United States. Having served on that Commission since my first term in Congress, I have had many opportunities to review and reflect upon the outstanding legacy of service that Dwight Eisenhower selflessly provided to the American people. One of the best discussions of the Eisenhower legacy that I have examined, however, is the foreword that Professor Louis Galambos recently drafted for the Report on the Legacy Committee on Dwight David Eisenhower's Military Achievements, Presidential Accomplishments and Lifetime of Public Service, which was presented to our Commission in December 2002. Professor Galambos chairs this committee, and I ask unanimous consent to include his foreword in the RECORD at this point.

FOREWORD

(By Professor Louis Galambos)

Dwight David Eisenhower left the United States of America and its people a great legacy that deserves our respect today and in future generations. As a military leader, as the nation's President, and as a citizen deeply dedicated to democracy, Eisenhower compiled a record of public service that has won for him a unique place in the history of this country and the world in the twentieth century.

In the realm of military and national security affairs, Eisenhower's vision, his character, and his outstanding leadership are analyzed in the following report by General Andrew J. Goodpaster, chair; Robert R. Bowie, and Carlo D'Este. As supreme commander of the Allied military coalition in World War II—in the Mediterranean and then in Northwest Europe—General Eisenhower made the crucial and frequently controversial decisions that led to victory. He held together the military alliance. The shining moment for his command came at D-Day in early June 1944, when he led his successful Allied forces in the greatest amphibious invasion in history. By the war's end in 1945, he was one of the most acclaimed men of the century, and in the years that followed, this distinguished public servant was in turn Chief of Staff of the Army, President of Columbia University, and first supreme commander of the military forces of the North Atlantic Treaty Organization. He relentlessly promoted unity among the nations allied in opposition to communist aggression, as he did among the services in the U.S. military establishment. One of his most important innovations after he became President of the United States was to place all military operations in a unified command structure. As President, he led the nation through repeated challenges from the U.S.S.R. and China and developed the basic strategy that would guide our policy for the remaining three decades before the Soviet collapse. He was masterful in his handling of the Suez Crisis in 1956–57, and it was a tribute to his leadership that he was able to keep the alliance with our leading European allies together after peace was restored.

The Eisenhower Presidency (1953–61) was distinguished above all by peace and prosperity. As the report by Daun van Ee (chairman), Michael J. Birkner, and John H. Morrow, Jr., demonstrates, Eisenhower, who was firm when directly challenged, was nevertheless always prepared to make the kind of fruitful compromises that were as essential to international relations as they were to democratic government at home. He brought the Korean War to an end and then prepared the U.S. defense establishment for a long struggle to maintain the containment policy without damaging the American economy or breaking down the civil liberties that were essential after the Soviet Union launched its Sputnik earth satellite in 1957. Fear that the United States had fallen behind the communist countries and was threatened by long-rang atomic attacks yielded a sense of panic and a rush to respond. Eisenhower responded by calming the public fear while guiding the government towards eventual victory, both in space and armaments, at a reasonable cost. Steering between war and conciliation, President Eisenhower dealt forcefully with the Chinese effort to seize the islands off the mainland held by America's Chinese Nationalist allies. Through-out, he insisted on a show of good faith before he would negotiate in summit conferences, and he sought always to avoid unrealistic expectations about what such meetings could accomplish. As the French and British empires collapsed, he worked hard to maintain the support of these allies in Europe while helping to ease them out of their colonial possessions. At home, he stayed on the Middle Way, seeking to balance the budget (a goal achieved for three budget years), facilitate creative change in civil rights for African-Americans, and promote economic development with a new federally sponsored interstate highway system. Challenged on civil rights in Little Rock, Arkansas, he forcefully demonstrated that neither mobs nor a belligerent governor could defy the federal courts. The keys to his leadership as president were "strength and civility." Eisenhower's presidency was indeed a triumph of character.

Central to the Eisenhower legacy was his relationship to the American public, a relationship based securely on a shared democratic ethic. Michael Beschloss (chairman), Kiron Skinner, and Richard Norton Smith explore the manner in which Eisenhower's basic values were shaped by his upbringing in Abilene, Kansas, where he learned from an early age to balance team play with leadership, cooperation with competition, and individual striving with service to others. In the years that followed he never lost his faith in the ability of the people to decide for themselves who their leaders should be and what policies they should implement. His values were reinforced at the U.S. Military Academy, and the motto "Duty, Honor, Country," became the bedrock for his life of service to the nation. In effect, the story of that life of service became an essential part of his legacy to the people he loved and led. As a leader, he was interested in making society and its basic institutions successful and efficient. Precise about responsibilities and authority, he was a relentlessly positive and forceful commander and executive. He worked endlessly and effectively to promote cooperation and compromise in every institution he served. His conviction as President that the middle way between extremes was the best way for a democracy to succeed was deeply grounded in his fundamental values and his experiences as a military officer, president of a leading educational institution, and commander of the military forces in Europe for the North Atlantic Treaty Organization. While promoting individualism and cooperation, he fully understood that the United States could not always avoid conflict and needed strong national programs if the country was going to continue to lead the free world against communist aggression. He improved and strengthened the nation's military forces, established the guiding principles for U.S. exploration of space, and promoted the transportation infrastructure the country needed for national security and economic prosperity. By blending traditional American values with a vigorous emphasis upon internationalism, he helped usher the nation into a new age.

Madam Speaker, history marches on, and it is fitting that our State honors one who spent his formative years in Kansas with this resolution today. As the Kansas delegation's lone Democrat, however, I feel I should say a few words about Governor George Washington Glick, whose statue will now be removed to a place of honor in the Kansas State Capitol in Topeka. George Glick was the first Democrat to be elected Governor of Kansas, in 1882; his statute was sent to the U.S. Capitol in 1914, which was the only time in the 20th century when Kansas had both a Democratic governor and a Democratically-controlled Legislature. Governor Glick is also remembered for establishing a livestock sanitary commission that curbed an outbreak of foot-and-mouth disease. I know that many Kansas students of history will welcome the return of his statute to our home State, and I thank my delegation colleagues for their collegial work in support of this measure.

Mr. NEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 84.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H. Con. Res. 84, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING SUPPLEMENTAL FUNDING TO ASSIST CALIFORNIA IN PROVIDING EDUCATIONAL SERVICES IN YOSEMITE NATIONAL PARK

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park, as amended.

The Clerk read as follows:

H.R. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SEC. 2. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of $400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this section.

(e) SOURCE OF PAYMENTS.—

(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq,).

(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note).

(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(D) Emergency appropriations for Yosemite flood recovery.

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term "local educational agencies" has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

(2) EDUCATIONAL SERVICES.—The term "educational services" means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term "Park" means Yosemite National Park.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "transportation systems and" before "the establishment of": and

(2) by striking "park" each place it appears and inserting "parks".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

H.R. 620, authored by me, would authorize the Secretary of the Interior to provide supplemental funding and other services necessary to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park. The three schools in question are Yosemite Valley, which serves 46 students K–8; El Portel Elementary, which serves 50 students in seven grades; and Wawona Elementary, which serves 20 children in grades K–8 with only one teacher. All three schools represent those one-room schools of yesteryear.

Madam Speaker, California is unique in that operating funds for schools are based on an average daily attendance. Since the devastating 1997 Merced River flood, there has been a dramatic reduction in the number of park employees and, thus, fewer school children attending these schools. With fewer and fewer children attending these schools, fewer State dollars are committed. The result is that the superintendent for Yosemite National Park and the concessionaire serving park visitors are attracting less-than-qualified candidates to work in the park because families are not provided with adequate schools. Meanwhile, while Federal funding sources such as Impact Aid and payment in lieu of taxes, or PILT, are made available to Mariposa and Madera Counties where these three schools exist and through which this money is distributed, the reality is very few of these dollars are actually used to fund these classrooms.

In light of these realities, I was able to secure special funding in the amount of $111,000 in the fiscal year 2002 Interior appropriations bill for these schools. However, going to appropriators every year for this critical assistance is not the most productive approach. Therefore, for the reasons I have outlined, the solution before the House today is the best long-term approach to this problem.

During subcommittee and committee consideration in the 107th Congress, I made a number of changes to the bill that addressed issues raised by the administration, members of the Committee on Resources and the Committee on Education and the Workforce. For example, the bill makes it clear that funds made available by the Secretary under H.R. 620 will not go towards new construction, construction contracts, or major capital improvements and thus would be limited to general upkeep, maintenance, and classroom teaching.

Madam Speaker, I do not think that we should stand by and permit children of the Park Service and concessionaire employees from being deprived of their education simply because their parents have chosen to work in Yosemite National Park.

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Lastly, the bill authorizes the Secretary of the Interior to locate facilities including transportation systems outside the boundaries of the Yosemite National Park. H.R. 620 is supported by the minority and majority of the Committee on Resources and the Committee on Education and the Workforce.

I urge my colleagues to support H.R. 620, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have no objections to this legislation in its current form and would encourage our colleagues to support its passage. H.R. 620 provides a unique arrangement for funding certain local public schools. The legislation authorizes the National Park Service to provide funds and services to supplement the educational services and facilities provided to children of Yosemite National Park employees and the park concessionaire at three small local schools located within the park system.

Similar legislation was considered in the 107th Congress. Initially, a significant number of issues and problems were associated with that bill; however, the sponsor, the gentleman from California (Mr. RADANOVICH), agreed to a number of changes requested by the minority and the administration; and it appears as if we have worked out some of those concerns.

There were also changes made to the bill as a result of negotiations with the Committee on Education and the Workforce that holds joint jurisdiction with the Committee on Resources over this matter. As a result of those changes, the bill passed the House in April of 2002.

H.R. 620 is essentially the same bill that was passed through the House last year with limitations on the amount, use, source, and duration of the funds for these local schools. Of particular note, while the bill authorizes the use of appropriated funds, it is our expectation that these will be newly appropriated funds and not come from the existing operating budget within the park system. Yosemite National Park, like many other national parks, has significant operating challenges. The park can ill afford to divert operating funds to a nonoperations function.

Madam Speaker, as I noted earlier, this legislation does provide a unique arrangement for funding what should be a local responsibility. However, we have no objection to the bill's consideration, and again we encourage its passage here today.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 620, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 788) to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The Clerk read as follows:

H.R. 788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glen Canyon National Recreation Area Boundary Revision Act".

SEC. 2. GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION.

(a) IN GENERAL.—The first section of Public Law 92–593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

(1) by striking "That in" and inserting "SECTION 1. (a) In"; and

(2) by adding at the end the following:

"(b) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled 'Page One Land Exchange Proposal', number 608/60573a–2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.".

(b) CHANGE IN ACREAGE CEILING.—Such section is further amended by striking "one million two hundred and thirty-six thousand eight hundred and eighty acres" and inserting "1,256,000 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 788, as introduced by the gentleman from Utah (Mr. CANNON), would authorize the Secretary of the Interior to complete a land exchange that would help protect an important viewshed located in southern Utah at the Glen Canyon National Recreation Area and revise the boundaries of the park to reflect the change. The exchange would facilitate the acquisition of 152 acres, including an important scenic viewshed by the National Park Service, while the private developer would acquire 370 acres of land on the other side of Highway 89 that is more appropriate for development. The parcel acquired by the Park Service will also help facilitate a more manageable boundary at the park's most visited entrance. While the Park Service will be acquiring land of considerably greater value than the developer, the private developer has expressed his willingness to donate the approximately $350,000 difference in value to the National Park Service. Both parties consider the exchange to be mutually beneficial.

The House passed legislation containing this same exchange during the 107th Congress. The bill is supported, as it was during the last Congress, by both the majority and the minority as well as the administration, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we also support the passage of H.R. 788, a bill which is similar to legislation which passed the House in June of last year. It must be said, however, that there continues to be great concern regarding most cases where public land owned by the American taxpayer is exchanged for private land. In many instances it is not at all clear that the taxpayers are receiving full value for the lands being traded away in their names. In fact, in many cases it is clear that they are not.

We have been working with our friends on the other side of the aisle and the Federal Land Management agencies to develop a more comprehensive approach to exchanges that might address the failures in the current process, and we look forward to continuing those efforts. In the meantime, it is our hope that we would only approve specific exchanges that truly serve the best interests of the American taxpayer.

Fortunately, it appears we have such an exchange in this instance. The basic concept of the exchange contained in H.R. 788 appears to serve both the interests of the private landowner as well as the park. In addition, once authorized, this exchange will go through a full NEPA process, including appraisals, which should identify and address any remaining issues.

We commend the gentleman from Utah (Mr. CANNON) on his legislation and support passage of H.R. 788 and encourage our colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Madam Speaker, I thank the gentleman from California for yielding me this time.

Madam Speaker, I rise in support of H.R. 788. This bill has two purposes: first, it will revise the boundary of the Glen Canyon National Recreation Area in Utah by exchanging 152 acres of land owned by Page One LLC for approximately 370 acres of land within the National Recreation Area. This exchange will enable both entities to consolidate the properties and make it possible for the Park Service to better protect the area around Lake Powell and Highway 89.

The second purpose of the bill is to increase the acreage ceiling for the Glen Canyon National Recreation Area. The park's enabling legislation incorrectly identified the total acreage within the park boundary. H.R. 788 will correct that error.

The bill is the result of years of discussion and negotiation between Page One and the National Park Service. The Park Service has been involved from day one. The local communities have also voiced their support for this bill. In addition, the Kane County Planning and Zoning Commission, the Southern Utah Planning Advisory Council, and the National Parks Conservation Association all endorse this land exchange.

H.R. 788 is a noncontroversial piece of legislation that is beneficial to the park, to the private developer, and to the public at large. I urge its support.

Mr. KIND. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 788.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RADANOVICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 961) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The Clerk read as follows:

H.R. 961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Upper Mississippi River Basin Protection Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Reliance on sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

Sec. 101. Establishment of monitoring network.
Sec. 102. Data collection and storage responsibilities.
Sec. 103. Relationship to existing sediment and nutrient monitoring.
Sec. 104. Collaboration with other public and private monitoring efforts.
Sec. 105. Reporting requirements.
Sec. 106. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

Sec. 201. Computer modeling and research of sediment and nutrient sources.
Sec. 202. Use of electronic means to distribute information.
Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

Sec. 301. Authorization of appropriations.
Sec. 302. Cost-sharing requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms "Upper Mississippi River Basin" and "Basin" mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms "Upper Mississippi River Stewardship Initiative" and "Initiative" mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term "sound science" refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

(c) PROTECTION OF PRIVACY.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title 5, United States Code, but may be released only as provided in subsection (b).

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) INVENTORY.—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) INTEGRATION.—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106–457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) MODELING PROGRAM REQUIRED.—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) ROLE.—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) COMPONENTS.—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) COLLECTION OF ANCILLARY INFORMATION.—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) MONITORING ACTIVITIES.—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) MODELING ACTIVITIES.—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.—There is authorized to be appropriated to the United States Geological Survey $6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.—There is authorized to be appropriated $650,000 to allow the National Research Council to perform the assessment required by section 106.

SEC. 302. COST-SHARING REQUIREMENTS.

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost sharing requirements as specified in the last proviso under the heading "UNITED STATES GEOLOGICAL SURVEY-SURVEYS, INVESTIGATIONS, AND RESEARCH" of the Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63; 115 Stat. 427; 43 U.S.C. 50).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 961, the Upper Mississippi River Basin Protection Act, authored by the gentleman from Wisconsin (Mr. KIND) provides for the U.S. Geological Survey under the Department of the Interior to supplement, coordinate, and manage data collection on sediments and nutrients in the Upper Mississippi River Basin. The data would be used to provide the baseline data and modeling tools needed to make scientifically sound and cost-effective river management decisions. The legislation includes a provision requiring landowner permission prior to disseminating information from monitoring stations located at private lands to protect the privacy of individual property owners.

Finally, it provides for the National Research Council of the National Academy of Sciences to conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

I urge adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to, first of all, thank the gentleman from California (Mr. POMBO), the Chair of the Committee on Resources, and the gentleman from West Virginia (Mr. RAHALL), the ranking member, including their entire staff for the help and assistance that they provided in this legislation. It is a bill that has received wide bipartisan support. In fact, it passed the House last year. We were unable to get it on the unanimous consent calendar in the Senate; so we are back here today to move the process along. But it is a process that has been in the works for quite a few years, Madam Speaker.

I have been fortunate enough to spend nearly my entire life alongside one of the greatest national treasures that exists in this great country, the Mississippi River Basin. Like so many others, I grew up enjoying the diverse recreational activities: swimming, boating, fishing, hunting along the river's shore. It was a true Tom Sawyer type of childhood. In fact, it is the background or context to a couple of the greatest American novels written in American literature by Mark Twain, "The Adventures of Tom Sawyer" and "The Adventures of Huckleberry Finn."

As a young boy, though, back in the 1960s growing up, I noticed some problems that the river basin was having.

Going to some of my favorite swimming beaches, they would be closed from time to time because of high bacteria count; or going to some of my favorite fishing holes, there would be signs posted warning not to eat the fish that we were catching from the river because of high mercury count. And as a young boy growing up and seeing that, I knew something was not right.

A lot of progress has, however, been made in regards to the health and sustainability of the Mississippi River Basin. With the passage of the Clean Water Act, the Clean Air Act, significant progress has been made. But it is still an incredible national treasure and ecosystem that faces many challenges. In fact, if one were to consult with most river basin experts, they will tell them that the greatest challenge that the basin faces today is the amount of sediments and nutrients flowing into the river basin, affecting the quality of the water supply, destroying the natural habitat, filling in the back bays.

Why is this important? It is, first and foremost, the primary drinking source for over 22 million Americans who rely on the river basin and the river's tributaries for their water needs. It is also North America's largest migratory route with over 40 percent of water fowl species using the Mississippi River Basin as the main corridor during their migration route in the spring and fall every year. It also is a multifaceted, multiuse river system with incredible economic advantages, given the commercial navigation that takes place on the river, hundreds of millions of tons of product, a lot of it agricultural product, on barges being used to transport the product to market. It has just in the upper Mississippi River Basin alone a $1.2 billion recreation impact for the communities within the basin, a $6.6 billion tourism impact. This year we are going to be celebrating the 100th anniversary of the National Refuge System.

The Upper Mississippi River Wildlife Refuge is the largest refuge system in the entire country. In fact, most people are surprised to learn that we have more visitors to the Upper Mississippi Wildlife Refuge than they have in the entire Yellowstone National Park System every year.

Farmers rely on the health and sustainability of the river basin. That is one of the reasons we have the fertile farmlands in middle America today. Yet every year our farmers are losing topsoil; they are losing over $300 million worth of applied nitrogen that ultimately flows into the river basin and has an ecosystem impact on it. That is what we are trying to correct with this legislation, Madam Speaker.

H.R. 961 authorizes the U.S. Geological Survey to coordinate and integrate Federal, State, and local government agencies' efforts, develop guidelines for data collection and storage, and establish an electronic database system to store and disseminate the information. USGS would also establish a state-of-the-art computer modeling program to identify significant nutrient and sediment sources at the subwatershed level to better target reduction efforts. H.R. 961 includes strong protections for the privacy of personal data collected and used in the monitoring and modeling of activities.

□ 1445

Input from farmers, the navigation industry, sporting groups, environmental organizations, government agencies, was solicited and used for this legislation.

The legislation also fits with the recommendations of the Mississippi River Gulf of Mexico Watershed Nutrient Task Force for reducing, mitigating and controlling the hypoxia problem in the Gulf of Mexico. It was a report that was formally submitted to the Congress for our consideration in January of 2001, and many of the recommendations and proposals contained in this legislation tracks those recommendations significantly with the task force and the work that they had done.

Amazingly enough, in the course of our work and putting this legislation together, I discovered that there were also 77 nonpublic private entities doing some form of water quality testing along the Mississippi River Basin. Unfortunately, because the data was not standardized, it was not being collected and it was not being pooled in order to get the complete snapshot of what was happening throughout the river basin.

What this legislation will do is try to coordinate those levels, from the public sector to the private sector, giving USGS the lead, given their expertise in doing a lot of the water quality and modeling and monitoring that they are already involved in, but to expand it, so we have a complete scientific picture of what is taking place in this valuable ecosystem, so we will know how better to direct the limited resources that we have to optimize the programs that exist, or perhaps create some new programs in order to accomplish the ultimate reduction in the flow of sediments and nutrients that affect the river system.

In the Upper Mississippi alone, in order to maintain the navigable channels for commercial navigation, we are spending over $100 million a year just in dredging costs. So I think there is a significant budgetary impact by getting the science right and getting it in place so that we can reduce that sediment and, therefore, hopefully also have an opportunity of reducing the cost of dredging to maintain the important commercial navigation that exists along the river.

We have worked very closely with the five States in the Upper Mississippi River Basin. In fact, the governors recently submitted a letter to the administration and the Congress basically calling for this type of scientific, comprehensive approach in dealing with the nutrient and sediment flows that affect their regions. That is what we are trying to accomplish here.

Madam Speaker, obviously with this personal background and experience and the work I have done on the river basin, I feel a certain individual responsibility to try to provide some focus on this incredibly important national treasure that we have in the Mississippi River Basin, a treasure that I feel has gone neglected for too long.

One of my first goals in coming to the United States Congress was to help form a bipartisan Mississippi River Caucus between the North and the South so we can get together from time to time and discuss the issues that affect our specific geographic areas, but also how we share this one continuous ecosystem and what we can do, working together, to better preserve and protect it and make sure it is sustainable, so not only can we use it, but our children and grandchildren will be able to benefit from its use.

So I thank the members on the Mississippi River Caucus for the support that they gave to this legislation. All of them were original cosponsors of the bill.

I want to especially thank the cochairs of the Upper Mississippi River Caucus, the gentleman from Illinois (Mr. COSTELLO), the gentleman from Iowa (Mr. LEACH) and the gentleman from Minnesota (Mr. GUTKNECHT), who I have worked closely with on this legislation, for the help and support they have given, as well as the cochairs of the overall Mississippi River Caucus, the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Iowa (Mr. BOSWELL). I thank them for their support of this legislation.

In addition, I want to thank Holly Stoerker of the Upper Mississippi River Basin Association, Doug Daigle of the Mississippi River Basin Alliance, Dr. Jerry Schnoor of the University of Iowa, and especially Dr. Barry Drazkowski and the administration and staff at St. Mary's University in Minnesota. Their expertise and work was essential in crafting this legislation, and I am very thankful for their assistance.

Also greatly appreciated is the tireless work of Allen Hance of the Northeast Midwest Institute and former Sea Grant fellows in my office, Jeff Stein, Ed Buckner, Laura Cimo and currently Melissa Woods, who consulted with stakeholders throughout the region. Their efforts were essential in shaping and reshaping this legislation into a focused, effective bill with broad support.

I also want to especially pay particular thanks to some staff members who have given a couple quarts of their own blood in order to reach the consensus that we have established with this bill, namely Brad Pfaff, Ben Proctor and Darrin Schrader, with the countless hours they put in crafting this important piece of legislation. Finally, I want to thank the members of my Mississippi River Advisory Group back home for their help and input throughout the process.

H.R. 961 represents a commonsense move toward building the scientific foundation necessary to remedy nutrient and sediment problems in the region. I believe this is a needed, cost-effective step in preserving the upper Mississippi River Basin and its multiuse heritage for future generations. I also believe it could provide a wonderful model for similar types of scientific modeling and monitoring efforts in other river basins and watershed areas throughout the entire country.

So, I again thank my colleague for his support of the legislation. It has wide bipartisan support, and I would encourage its passage today.

Mr. POMBO. Madam Speaker, I would like to enter the following letter into the RECORD.

MARCH 24, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes, has been initially referred to the Committee on Resources.

To allow this bill to be considered by the House of Representatives tomorrow, I ask that you forego a referral of the bill. Of course, by allowing this to occur, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 961 or any other similar matter. If a conference on H.R. 961 or a similar bill becomes necessary, I would support the Committee on Transportation and Infrastructure's request to be named to the conference. Finally, this action should not be seen as precedent for any Committee on Resources bills which affect the Committee on Transportation and Infrastruction's jurisdiction. I would be pleased to enter this letter and your response in the CONGRESSIONAL RECORD during debate on this bill to document this agreement.

Thank you for your cooperation in this matter, and I look forward to working with you and your staff on other matters of shared concern in the coming months.

Sincerely,

RICHARD W. POMBO,
Chairman.

Mr. YOUNG of Alaska. Madam Speaker, I would like to enter the following letter into the RECORD.

MARCH 24, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter with regard to H.R. 961, the Upper Mississippi River Basin Protection Act which provides for sediment and nutrient monitoring of the watershed.

I recognize your desire to bring this bill before the House in an expeditious manner and will not exercise my Committee's right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 961. In addition, the Transportation and Infrastructure Committee reserves its authority to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I thank you for your commitment in advance to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 961.

Your cooperation in this matter is very much appreciated.

Sincerely,

DON YOUNG,
Chairman.

Mr. GUTKNECHT. Madam Speaker, I rise today in support of H.R. 961, the Upper Mississippi River Basin Protection Act. This bipartisan bill is the result of efforts to bring farmers, sportsmen's groups, conservation organizations, and government agencies together to develop a strategy to monitor water quality in the Upper Mississippi River Basin. H.R. 961 provides a coordinated, public-private approach to reducing nutrient and sediment losses in the Upper Mississippi River Basin. Relying on existing federal, state and local programs, the bill establishes a water quality monitoring network and an integrated computer-modeling program. These monitoring and modeling efforts will provide the data needed to make scientifically and economically sound conservation decisions that will benefit southern Minnesota and the Nation.

Mr. KIND. Madam Speaker, I yield back balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 961.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RADANOVICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and include extraneous material in the record on H.R. 620, H.R. 788, and H.R. 961, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 14, KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 14) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes;

The bill shall be considered as read for amendment;

The amendment recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendments that have been placed, at the desk, shall be considered as adopted;

The bill shall be debatable for 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce;

The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions;

After passage of H.R. 14, the House shall be considered to have taken from the Speaker's table S. 342, stricken all after the enacting clause of the Senate bill and inserted in lieu thereof the provisions of H.R. 14 as passed by the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the amendments to the printed amendment.

The Clerk read as follows:

Modification to the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce:

MODIFICATION TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 14, RECOMMENDED BY THE COMMITTEE ON EDUCATION AND THE WORKFORCE

On page 32 of the reported bill, after line 20, insert the following:

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.".

Page 32, line 21, redesignate section 115 as section 116.

Page 33, line 9, redesignate section 116 as section 117.

Page 34, line 1, redesignate section 117 as section 118.

Page 56, beginning on line 12, strike ", in consultation with the Comptroller General,".

Page 2, strike the items in the table of contents relating to sections 115 through 117 and insert the following:

Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 116. Miscellaneous requirements relating to assistance.
Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Mr. RADANOVICH (during the reading). Madam Speaker, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Bass) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 788, by the yeas and nays;

H.R. 961, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 788.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Radanovich) that the House suspend the rules and pass the bill, H.R. 788, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 84]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Gephardt
Gilchrest
Hyde
Janklow
McCarthy (MO)
McHugh
Miller, George
Pitts
Smith (WA)
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Bass) (during the vote). The Chair will remind the Members there are 2 minutes remaining in this vote.

□ 1851

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 961.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 961, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 13, not voting 10, as follows:

[Roll No. 85]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Bartlett (MD)
Coble
Collins
Culberson
Flake
Franks (AZ)
Johnson, Sam
Jones (NC)
Miller (FL)
Paul
Sessions
Stearns
Toomey

NOT VOTING—10

Buyer
Gephardt
Hyde
Janklow
McCarthy (MO)
McHugh
Miller, George
Pitts
Smith (WA)
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind the Members that there are 2 minutes left in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). The Chair has been advised that the indicator-lights beside one column of names in the display panel on the south wall of the Chamber are not visible. The Chair will advise Members to verify their votes at a voting station. The Clerk advises that the problem is the display panel and not the voting system.

□ 1901

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–48) on the resolution (H. Res. 160) providing for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 919

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 919.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMEMORATING 507TH MAINTENANCE GROUP AND 11TH AIR DEFENSE ARTILLERY

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I would ask that all of my colleagues in the House join me for a moment of silence as we commemorate the young men and women of the 507th Maintenance Group and the 11th Air Defense Artillery.

One of my constituents, Brandon Sloan, is among those groups of young people. He is a graduate of Bedford High School. His father is Reverend Thandie Sloan, his mother Michelle. His father is a minister at Greater Friendship Baptist Church in my congressional district.

I ask that my colleagues join me in two moments of silence at the end of this statement as we pray for these families and the safe return of those young men and women.

CYPRUS PEACE SETTLEMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BEREUTER. Mr. Speaker, last November U.N. Secretary General Kofi Annan proposed a comprehensive framework for a just and lasting settlement of the Cyprus problem. He then asked the Greek and Turkish Cypriot leaders to accept the plan by February 28. Because of the forthcoming EU membership for at least the Greek portion of Cyprus and other factors of leverage, this was the best opportunity in decades for a solution to the Cyprus problem.

When neither side could resolve their problems by the end of February, the Secretary General asked the two leaders to meet in The Hague on March 10 to sign an agreement to put the framework to simultaneous referenda on the island.

Two weeks ago, we learned with great disappointment that the Secretary General was told by Turkish Cypriot leader Denktash that he could not accept the settlement plan and would not agree to the referenda despite the fact that informal polling indicated that the majority of the Turkish Cypriots were prepared to support the plan.

Mr. Speaker, this Member urges the Greek and Turkish Cypriots to quickly resume negotiations to resolve this problem, to seize this rare opportunity for a peaceful settlement and urge the United Nations and the Bush administration to redouble their efforts to get the talks going once again, and to seek a Cyprus solution which at long last seems to be within our grasp.

Mr. Speaker, it was highly regrettable, to this Member, that Mr. Denktash refused to let the Turkish Cypriot people have the opportunity to determine their own future on an agreement which would have reunited the island and which would have served the best interests of the Turkish Cypriot community. This Member was also disappointed with the government of Turkey for their apparent unwillingness to exert influence on Mr. Denktash to agree to the plan at such a critical time.

Attached is a recent editorial from The Economist on this subject.

[From the Economist, Mar. 13, 2003]

SETTLING CYPRUS—WHAT A WASTE

THE COLLAPSE OF TALKS TO REUNITE THE ISLAND MARKS A STUPIDLY MISSED OPPORTUNITY

Over the years it has been hard to apportion blame for the failure of the divided island's Greek and Turkish leaders to strike a deal to give their people security and prosperity in a loosely federal but reunited Cyprus. Recently, under the blandishments of the United Nations and the European Union, they had come within finger-touching distance of a settlement. All the sadder, then, that this week the Turkish-Cypriots' truculent leader, Rauf Denktash, rejected the UN's sensible proposals for a deal. The government in mainland Turkey must also share blame by failing to bludgeon Mr. Denktash into accepting the plan. A further gloomy outcome is that, while the island's Greek-run part will almost certainly join the EU on its own next year and the Turkish part will fester in isolation and poverty, mainland Turkey's own hopes of starting negotiations to join the Union have been dented too.

Both of the island's communities had a lot to gain. The Turks would have given back control of around 8% of the island's territory to the Greeks—a substantial chunk of the land taken in 1974 when the Turkish army intervened after a short-lived Greek-Cypriot coup on the island. The Turks, 18% of the population before the invasion, have since held 37% of the land. The Greek-Cypriots' new president, Tassos Papadopoulos, at first complained that the latest UN compromise did not adequately address his people's grievances. But he wisely accepted it. This time it is overwhelmingly Mr. Denktash's fault that a settlement has been blocked.

Indeed, the Turks had even more to gain than the Greeks. They would have kept a vast amount of autonomy in their still disproportionately large zone. They would have enjoyed an influx of EU cash had the whole island been joining the Union next year, not to mention the rapid lifting of sanctions long imposed by the EU against their breakaway statelet.

The Turkish government may have been too preoccupied by the political wrangling and tortuous diplomacy over Iraq (see article). Many of Turkey's still-too-influential generals see the Turkish-run bit of Cyprus as a strategic asset, while some Turkish politicians regard the island as a bargaining chip in Turkey's quest to join the EU. They are wrong. Turkey's failure to persuade Mr. Denktash to say yes to compromise will make it much harder for the EU to smile on its application, due for consideration at the end of next year, to start negotiations to join. Many governments are already queasy about the idea of Turkey as a fellow Euro-club member.

WHAT NEXT?

The UN's secretary-general, Kofi Annan, had suggested a ruse to force Mr. Denktash's hand and to strengthen that of the Greek-Cypriots' leader by holding a referendum on the proposals next month—on both sides of the island. Both communities would probably have said yes. But Mr. Denktash wrecked that idea too. If stalemate prevails, as seems likely, Mr. Annan says he will abandon all further efforts to settle Cyprus during his time as UN boss. It would then be up to the EU to reopen proceedings. By the end of this year the Turkish-Cypriots are due for a general election. Mr. Denktash's opponents on his own side of the island, who approved of Mr. Annan's plan, may well take power in parliament but the presidential term has a few years yet to run. One day, perhaps mercifully soon, the ailing Mr. Denktash will go. Then, maybe, a fair deal can at last be done. But a golden chance has been stupidly wasted.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nation of Greece and the United States. 182 years ago exactly on this date, the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles for human dignity were first espoused. They rebelled against more than 400 years, 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world.

I commemorate Greek Independence Day each year for the same reasons that we celebrate our Fourth of July. It proved that a united people through sheer will and perseverance can prevail against tyranny.

Men such as Aristotle, Socrates, Plato, and Euripides developed the then unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: "We make war that we may live in peace," a timely statement considering today's events. On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, Mr. Speaker, bringing forth a greatness of the human spirit. As Thomas Jefferson once said: "To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of Gothic darkness."

Quoting Jefferson on the anniversary of Greek independence is particularly appropriate. Jefferson and the rest of the Founding Fathers looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. In 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

We all know that the price of liberty can be very high. History is replete with the names of the millions that have sacrificed for it. Many great scholars throughout history warn that we maintain democracy only at great cost. The freedom we enjoy today is due, to a large degree, to the sacrifices made by men and women in the past in Greece, in America and all over the world.

Freedom is America's heart. It is central to our being, and from the beginning we have recognized that freedom is not just an American right. It is a God-given right to every citizen of the world.

Even as we commemorate Greek Independence Day, American servicemembers are fighting to liberate the Iraqi people who have suffered for decades under Saddam Hussein's brutal regime. We must never forget that freedom must be constantly guarded. It is a noble, but fragile, thing that can be stolen or snuffed out if not protected.

We cannot take for granted that we are endowed by our Creator with certain unalienable rights. We enjoy our freedom only because we have been willing to fight and die for it, just like our forefathers and the valiant Greeks in 1821.

Mr. Speaker, on this 182nd birthday of Greek independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirm our common democratic heritage.

This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nation of Greece and the United States.

One hundred and eighty two years ago, the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles to human dignity were first espoused.

They rebelled against more than 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our Fourth of July. It proved that a united people, through sheer will and perseverance, can prevail against tyranny. The lessons the Greeks and our colonial forefathers taught us provide hope and inspiration to victims of persecution throughout the world today.

Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: "We make war that we may live in peace." On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit. It was Thomas Jefferson who said that, "One man with courage is a majority." Quoting Jefferson on the anniversary of Greek independence is particularly appropriate. Jefferson, and the rest of the Founding Fathers, looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. And in 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

The history of Greek independence, like that of the American Revolution, is filled with many stories of courage and heroism. There are many parallels between the American and Greek Revolutions.

Encouraged by the American Revolution, the Greeks began their rebellion after four centuries of Turkish oppression, facing what appeared to be insurmountable odds. Both nations faced the prospect of having to defeat an empire to obtain liberty. And if Samuel Adams, the American revolutionary leader who lighted the first spark of rebellion by leading the Boston Tea Party, had a Greek counterpart, that man would be Alexander Ypsilantis.

Ypsilantis was born in Istanbul, and his family was later exiled to Russia. Ypsilantis served in the Russian army, and it was there, during his military service, that he became involved with a secret society called the "Philike Hetairia," which translated means "friendly society." The "friendly society" was made up of merchants and other Greek leaders, but the intent of the society was to seek freedom for Greece and her people.

The group planned a secret uprising for 1821 to be led by Ypsilantis. He and 4,500 volunteers assembled near the Russian border to launch an insurrection against the Turks. The Turkish army massacred the ill-prepared Greek volunteers, and Ypsilantis was caught and placed in prison, where he subsequently died. However, the first bells of liberty had been rung, and Greek independence would not be stopped.

When news of Greek uprisings spread, the Turks killed Greek clergymen, clerics, and laity in a frightening display of force. In a vicious act of vengeance, the Turks invaded the island of Chios and slaughtered 25,000 of the local residents. The invaders enslaved half the island's population of 100,000.

Although many lives were sacrificed at the altar of freedom, the Greek people rallied around the battle cry "Eleftheria I Thanatos"—liberty or death, mirroring the words of American Patriot Patrick Henry who said: "Give me liberty or give me death." These words personified the Greek patriots' unmitigated desire to be free.

Another heroic Greek whom many believe was the most important figure in the revolution was Theodoros Kolokotronis. He was the leader of the Klephts, a group of rebellious and resilient Greeks who refused to submit to Turkish subjugation. Kolokotronis used military strategy he learned while in the service of the English Army to organize a force of over 7,000 men. The Klephts swooped down on the Turks from their mountain strongholds, battering their oppressors into submission.

One battle in particular, where Kolokotronis led his vastly outnumbered forces against the Turks, stands out. The Turks had invaded Peloponnese with 30,000 men. Kolokotronis led his force, which was outnumbered by a ratio of 4 to 1, against the Turkish army. A fierce battle ensued and many lives were lost, but after a few weeks, the Turks were forced to retreat. Kolokotronis is a revered Greek leader, because he embodied the hopes and dreams of the common man, while displaying extraordinary courage and moral fiber in the face of overwhelming odds.

Athanasios Diakos was another legendary hero, a priest, a patriot, a soldier. He led 500 of his men in a noble stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was severely tortured before his death. He is the image of a Greek who gave all for love of faith and homeland.

While individuals acts of bravery and leadership are often noted, the Greek Revolution was remarkable for the bravery and fortitude displayed by the typical Greek citizen. This heroic ideal of sacrifice and service is best demonstrated through the story of the Suliotes, villagers who took refuge from Turkish authorities in the mountains of Epiros. The fiercely patriotic Suliotes bravely fought the Turks in several battles. News of their victories spread throughout the region and encouraged other villagers to revolt. The Turkish Army acted swiftly and with overwhelming force to quell the Suliote uprising.

The Suliote women were alone as their husbands battled the Turks at the front. When they learned that Turkish troops were fast approaching their village, they began to dance the "Syrtos," a patriotic Greek dance. One by one, rather than face torture or enslavement at the hands of the Turks, they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender their freedom.

The sacrifice of the Suliotes was repeated in the Arkadi Monastery of Crete. Hundreds of non-combatants, mainly the families of the Cretan freedom fighters, had taken refuge in the Monastery to escape Turkish reprisals. The Turkish army was informed that the Monastery was used by the Cretan freedom fighters as an arsenal for their war material, and they set out to seize it. As the Turkish troops were closing in, the priest gathered all the refugees in the cellar around him. With their consent, he set fire to the gunpowder kegs stored there, killing all but a few. The ruins of the Arkadi Monastery, like the ruins of our Alamo, still stand as a monument to liberty.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth President, expressed his belief in freedom for Greece, saying: "We must send our free will offering. 'The Star-Spangled Banner' must wave in the Aegean . . . a messenger of fraternity and friendship to Greece."

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence. Among the most vocal was Daniel Webster from Massachusetts, who frequently roused the sympathetic interest of his colleagues and other Americans in the Greek revolution.

It should not surprise us that our Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, "To the ancient Greeks . . . we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness." Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty, and committed to the ideal that each individual deserves the right of self-determination.

We all know that the price of liberty can be very high—history is replete with the names of the millions who have sacrificed for it. Many great scholars throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past—in Greece, in America, and all over the world.

I recount these stories because they pay homage to Greece's absolute commitment to freedom and liberty and the common bonds which we share. Unfortunately, our devotion to the principle of freedom is not shared by many people whose interests are better served by applying oppression to their own people and spreading terror elsewhere. The cowardly attack of September 11, 2001, against our great Nation backfired because these horrific acts united our country as Americans rushed to the aid of their fellow countrymen. The terrorist attacks brought out the best in America and showed the world that ordinary people like you and me will do extraordinary things when called upon.

Freedom is America's heart. It is central to our being, and from the beginning we have recognized that freedom is not just an American right. It is a God-given right to every citizen of the world. Even as we commemorate Greek Independence Day, American servicemembers are fighting to liberate the Iraqi people who have suffered for decades under Saddam Hussein's brutal regime.

We must not overlook those who are still fighting for their independence in other parts of the world, such as in the Republic of Cyprus. Turkey still illegally occupies Cyprus, as it has since its invasion in 1974. Finding a fair resolution for Cyprus will help stabilize a region marked more often by conflict than accord.

As with so many international issues, U.S. leadership is essential to urge Turkish and Turkish Cypriot leaders toward peace.

It is unfortunate that the Turkish Cypriot leadership has recently rejected the plan proposed by the U.N. Secretary General, aimed at reuniting the island under a government of shared power and having the united island admitted to the European Union. This is a vision worthy of our attention and full support because it will end the illegitimate division of Cyprus, improve the relations between Turkey and Greece and promote stability in the sensitive region of Eastern Mediterranean.

We must never forget that freedom must be constantly guarded. It is a noble but fragile thing that can be stolen or snuffed out if not protected. We cannot take for granted that we are endowed by our Creator with certain inalienable rights. We enjoy our freedom only because we have been willing to fight and die for it, just like our forefathers and the valiant Greeks in 1821.

Mr. Speaker, on this 182nd birthday of Greek Independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirms our common democratic heritage. This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

Mr. PALLONE. Mr. Speaker, today Greece celebrates its 182nd year of independence. I am here tonight to praise a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values. There are many of us in Congress, on both sides of the spectrum, who are staunchly committed to preserving and strengthening the ties between Greek and American people.

In the years since its Greek independence, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights, and close personal friendship.

The timeless values of Greek culture have endured for centuries, indeed for millennia. Four hundred years of control by the Ottoman Empire could not overcome the Greek people's determination to be free. But, I regret to say, Mr. Speaker, to this day, the Greek people must battle against oppression. For almost 28 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus.

Given instability around the world and a war in Iraq, now is a good time to heal the wound in Cyprus that has poisoned the relations between Greece and Turkey for so many years.

Mr. Speaker, that is why I was so disappointed earlier this month when I learned of the breakdown in the United Nations-sponsored Cyprus peace talks in The Hague. All of the facts lead to the inescapable conclusion that the cause of the breakdown is the intransigence of the Turkish Cypriot leader, Rauf Denktash, and his supporters in Ankara.

Mr. Speaker, yesterday 16 of my House colleagues joined me in sending a letter to President Bush urging that all official statements from the U.S. Government regarding the Cyprus issue place the blame for this negative outcome squarely where it belongs, with Mr. Denktash and Ankara. We also requested that the Bush administration redouble its efforts to persuade Turkey and Turkish-Cypriot leaders to work constructively within the U.N. process and framework to achieve a negotiated settlement to end the division of Cyprus.

Due to the attitude of Mr. Denktash and Turkey, further progress on the U.N. plan now appears derailed. The office of the Secretary General's Special Advisor on Cyprus will be brought to a close in the coming weeks. The Secretary General has said that his plan is still on the table. It is apparent that continued division serves Mr. Denktash's narrow political interests—even if his position is completely contrary to the interests of the large majority of the Turkish Cypriots, who have made their views known in support of the U.N. process in massive demonstrations.

In contrast, Mr. Speaker, Cyprus President Tassos Papadopoulos has pledged to continue efforts for a Cyprus settlement that would properly serve the interests of both the Greek Cypriot and Turkish Cypriot communities.

Mr. Speaker, it is my expectation, and the expectation of 16 of my colleagues who joined me in sending the letter to President Bush, that the Bush administration will use all available political and diplomatic means to persuade Turkey to work constructively to resolve the Cyprus question. At a time when Turkey is interested in joining the EU, its lack of cooperation in the efforts to solve the Cyprus problem can only result in a setback for Turkey's EU candidacy. Ultimately, the victims of these shortsighted policies from Ankara and the Turkish Cypriot leadership are the people of Turkey and the Turkish Cypriot community, who will continue to be deprived of an opportunity to share in the economic, social and other benefits of EU membership. Moreover, the Turkish rejection is a setback to peace and stability in the Eastern Mediterranean, a U.S. strategic objective and long-standing policy for the region.

Mr. Speaker, I will continue to work with my colleagues here in Congress to ensure that the United States government remains on the right side of this issue—because there is no gray area when it comes to this conflict.

In closing I want to congratulate the Greek people for 182 years of independence and thank them for their contributions to American life.

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the 182nd anniversary of Greece's modern independence, and I can think of no more fitting time to celebrate the birth place of democracy than now, when our brave men and women are overseas fighting for the very principles that the Ancient Greeks first embraced. I am proud and honored to pay tribute tonight to the more than 3 million Greek-Americans in the United States, almost 10,000 of whom reside in my congressional district.

From the books that are still taught in schools, such as Homer's Iliad and Odyssey, to the homecoming of the Olympics in Athens, Greek culture continues to influence American life today. Greek-Americans contribute to every aspect of American culture as teachers, scientists, engineers, writers, actors, and every other occupation in the United States. Greek-Americans continue to teach us about the ideals that their great grandparents first taught the world: loyalty, pride, rugged individualism and governing for the people by the people.

Greece was the world's first democracy, and now more than ever it is important to celebrate democracy at a time when Coalition forces fight to preserve it. The citizens of Iraq will soon reap the benefits of living in a democratic land, and their children will be able to grow up in a society free from tyranny. This is what we celebrate tonight on the anniversary of Greek Independence Day: the idea of living free in a society where citizens freely elect their representatives to govern them, without coercion or intimidation.

Athens was the first city to say that one person does not have the right to rule by whim without the consent of the people. Saddam Hussein is a dictator. His totalitarian regime undermines human dignity. It works against, not for, the people of Iraq. Greece was the first civilization to realize this truth, and it is for this reason that tonight we celebrate its Independence Day.

We must also never forget the exceptional relations that Greece and America enjoy. As Greece continues to be a country of stability in an otherwise turbulent Balkans region, let us always remember that Greece, one of America's greatest allies, has fought with the United States in every major war from World War I to the Persian Gulf, and that it remains committed to promoting the democratic ideals that we celebrate tonight.

Mr. TIERNEY. Mr. Speaker, I rise in honor of the 182nd anniversary of Greek independence. As a member of the Congressional Caucus on Hellenic Issues, I once again join my colleagues in paying tribute to the Greek nation and its people.

Today in the Congress of the United States we commemorate not only the independence achieved by the Greeks in 1821, but the freedom, civil liberties and self-determination sought by people everywhere.

Today is also a day to mark the longstanding special relationship between our two countries. We Americans owe a special debt of gratitude to the country upon which our democratic process is founded. Greece was the cradle of democracy, birthplace of ideals and values that shaped human history. Whenever we promote participatory democracy, public service, and equal rights, we pay testament to our shared heritage.

In the aftermath of the September 11th attacks, modern day Greece was one of the first nations to offer its support to America in the struggle against terrorism so that we could create a safer world where future generations grow up in a free and open society. And during these days of war, cherished democratic principles are more vital than ever.

In my district in Massachusetts, thousands of Greek American families will participate in political, religious and cultural festivities, expressing pride in their Greek heritage and patriotism in their American citizenship. I extend congratulations to them, to all the people of Greek heritage in the United States, and to the people of Greece on this important holiday.

Mr. HOLT. Mr. Speaker, today I rise to honor the Greek people and their successful struggle for independence from Ottoman occupation that began nearly 182 years ago. Greek Independence Day has special symbolic resonance for Americans. Our forefathers founded our democratic system of government on the principles of popular representation introduced to this world by the ancient Athenians.

Our word democracy is, in fact, of Greek derivation and literally translates as people ("demo") rule ("kratos"). The ancient Greek experiment with democracy, however, was a visionary aberration that was centuries ahead of its time. Democracy did not last long in Ancient Greece as the fist of empires—Roman, Byzantine, and Ottoman—silenced democratic yearnings for nearly two millennia.

Although democracy temporarily disappeared, the Greeks continued to thrive and prosper. As the Roman Empire expanded in the early centuries after the birth of Christ, the Greek peoples dominated the eastern half of the Roman Empire, known as Byzantium, and it was the Greek city of Constantinople where the Roman emperor Constantine converted himself and the entire Roman Empire to Christianity.

After the fall of Rome in 476 AD, the Greek-led Byzantine Empire emerged as a potent force in the world and protectorate of Christian Orthodoxy. The Greeks remained strong and independent until the Central Asian Ottomans crushed the Byzantine armies and conquered the spiritual capital of the Byzantine world at Constantinople in 1453.

The victory of the Ottomans cast the Greek speaking peoples into more than four hundred years of occupation. But even while under the yoke of Ottoman rule, the Greeks were an impressive force. As successful and educated merchants, many thrived in the Ottoman middle class and bolstered the Ottoman economy.

Still, the Greeks were not meant to be subject peoples and they began to oppose the imperial policies of the Ottoman government. Greeks, many of whom were educated in the universities of the West, began to adopt revolutionary ideas from France, Great Britain, and the United States. The concepts of the nation-state, self-determination, and liberal democracy found their ways into the Greek villages and cities from Athens to Constantinople.

On March 25, 1821, Greek patriots from the southern tip of the Peloponnese to the northern outskirts of Macedonia finally rebuked the yoke of the Ottomans and declared the independence of the Greek people from subjugation. At first, the Hellenic fighters met with violent failure, but their just cause ignited the imaginations of their people and of scores of Western philhellenes, such as the English poet Lord Byron, who left their homelands to fight and die with the Greeks for their liberation.

The United States was never far from the minds of the revolutionary Greeks, nor was the struggle of the Greeks unnoticed by Americans. As Greek revolutionary commander Petros Mavromichalis, one of the founders of the modern Greek state, said to the citizens of the United States in 1821, "It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you."

By 1833, the Greeks had secured independence and with it a place in history as the first of the subjugated peoples in Europe to overthrow their Ottoman masters.

As the Greek nation developed and grew, it emerged as a stalwart ally of the United States. The Greek people fought alongside the American and Allied forces in both of the world wars of the twentieth century. The Greeks again took up arms against their Ottoman foes in the First World War and then handed the Axis powers their first defeat in World War II when the Greek army pushed back the forces of Mussolini. Soon after, however, they would suffer through a long and painful Nazi occupation.

After World War II, Greece became an instrumental member of the NATO alliance. Greece's strategic location made it a vital buffer between the Western Democratic world and Soviet Communism.

Over the last thirty years, Greece has made major strides forward for its people. In 1974, Konstantine Karamanlis finally restored democracy to Greece, bringing representative government back to its birthplace. Greece became a member of the European Community and the powerful European Union.

Today, Greece continues to move in the right direction thanks to the enlightened leadership of Prime Minister Costas Simitas. Greece currently has the honor of holding the European Union's rotating Presidency. It is working to promote peace and stability in Europe and the Middle East during challenging times. Greece and its Foreign Minister George Papandreou continue aggressive efforts to end generations of strained relations between Turkey and Greece, including actively promoting a settlement on Cyprus and helping to promote Turkey's bid for EU membership. Greece understands that a democratic Turkey belonging to the EU would serve the interests of Greece, Turkey, and all of Europe.

Economically, Greece is prospering and recently became a member of the European Monetary Union. Next year, the Olympics will finally return to their birthplace in Greece where athletes and spectators from around the world will experience the warmth of Greek hospitality.

Strategically, Greece remains important, especially to the United States. It is a force of stability in the volatile Balkans where it continues to promote open markets and democracy. The Greek government is also united with the United States in its war on terrorism. Over the last year Greek law enforcement and intelligence services have worked closely with U.S. authorities to shut down the November 17th terrorist group and its terrorist allies in Greece. Greece has made major arrests and has begun prosecuting terrorist leaders for their crimes.

I cannot overstate the importance of strong ties between Greece and the United States. As an American citizen who believes firmly in the principles of democracy and as a representative of thousands of Greek-Americans that live in Central New Jersey, I rise today in humble recognition of Greek Independence Day.

Mr. LANGEVIN. Mr. Speaker, I rise today in proud recognition of the 182nd anniversary of Greek Independence. This special day for Greece commemorates the end of nearly four hundred years under the rule of the Ottoman Empire and a return to its democratic roots.

The political philosophies of both the United States and Greece have been challenged by oppressive powers, and both nations have proudly defended their right to self-government. After showing a desire to be free from the Ottoman Empire in 1821, Greece endured eleven long years of war to succeed in gaining independence. American and Hellenic cultures greatly respect their tradition of independence and recognize the importance of democratic principles.

The United States and Greece have always enjoyed a reciprocal relationship in international and cultural endeavors. Hellenic principles resonate in our culture and politics, since the United States was founded on the principles of democracy developed thousands of years ago in the city-states of ancient Greece. Hellenic influence can even be seen in the architecture of our Capitol building. Our country has also had an influence on Greece since our Declaration of Independence and the American Revolution influenced their first Constitution.

On a cultural level, I am looking forward to 2004 and the homecoming of the Olympic

Games to Athens. Since Greece resurrected the Olympics in 1896, they have symbolized peace and excellence for people around the world. Greece will undoubtedly serve as a gracious host of the Games, and the 25th Summer Olympics will prove again to the world how Hellenic ideals such as equality and friendship have stood the test of time and continue to flourish at a global level. Hellenic culture, whether through its development of democratic government or from its espousal of friendly competition, encourages people to come together amicably even during the most difficult of times.

Mr. Speaker, it would be difficult to imagine a United States of America, or even the world, without the great contributions from Greece. I will continue my work in Congress to support Hellenic causes and keep the ties between our two countries strong. I would like to join my colleagues in congratulating Greece on the anniversary of its independence.

I urge my colleagues to join me in celebrating this anniversary.

CELEBRATING GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise with my colleague and dear friend, the gentleman from Florida (Mr. BILIRAKIS), with whom we founded and cochair the Hellenic Caucus here in Congress; and I rise with him today to celebrate the 182nd anniversary of Greece's declaration of independence from the Ottoman Empire.

As many of my colleagues may know, New York City is the home of the largest Hellenic population outside of Greece and Cyprus; and historic Queens, which I have the honor of representing, is often called Little Athens because of the large influence from Greece and Cyprus in that neighborhood.

I rise today to pay tribute along with the gentleman from Florida (Mr. BILIRAKIS) to the Hellenic American community, not only in the 14th Congressional District but in the entire country, for their many contributions to America; and also I rise to honor the Federation of Hellenic Societies, which will lead the Greek Independence Day Parade in Manhattan, again in my district, that pays tribute to the Olympic spirit.

The grand marshal this year is Senator SCHUMER, who will be accompanied by the Federation president, Apostolos Tomopoulos, and officers Petros Galatoulas, Takis Vassos, Sotirios Vahaviolos, Demetrios Kachulis, Kleanthis Meimaroglou, Stylianos Manis, Elias Tsekerides, Anastasios Stasinos, George Georgopoulos, Nikos Alegkakis, Gregory Demetroulakos, Nikos Diamantides, Vasilios Petratos, Demetrius Kalamaras, George Kaloudis, Nikos Kouzilos, along with other major leaders from Astoria and Manhattan, Konstantis Lambrakis, Elena Maroulleti, Andreas Savva, John Zapantis, Bill Stathakoss who is the honorary president, and John Spyridakis and George Razis.

Democracy traces its earliest roots back to ancient Greece and the Greeks of 1821 fought for independence from Turkey; and when they fought, they truly drew inspiration in turn from the ideals and institutions of the fledgling United States as they waged their own struggle for independence.

In the year 2003, a vibrant Greek democracy serves once again as an inspiration to its neighbors and the free world.

The recent apprehension of one of the 19 members of the November 17 terror group provides reassurance that Greece deals sternly and effectively with terrorists. That is one reason that in Greece this is considered as the trial of all trials. Certainly, there is every reason to welcome the fact that the group responsible for killing many people, including four American officials and a British general, is finally being brought to justice.

This significant contribution to the prevention of terrorism and Greece's membership to the EU will provide Hellenes with even greater stature.

The Hellenic American community shares a love of freedom, liberty, and individual rights. The friendship between our two nations is based on mutual respect, a commitment to common goals, and a sharing of fundamental values. Ties of blood and kinship also unite us. The modern community of approximately 3 million Greek Americans has established a natural and enduring bridge between our two nations.

Today, we take special note of these citizens and thank them for their many contributions to our Nation's cultural, economic, and political heritage. In the coming year we look forward to the preparations for the 2004 Olympics, which will take place in their birthplace of Greece. We also look forward to progress in the reunification of Cyprus.

The EU council said, "The EU strongly supports the continuation of the Secretary General's mission of good offices and of negotiations on the basis of his proposals." They continued that "it urges all parties concerned to spare no effort toward a just, viable and functional settlement and, in particular, the Turkish-Cypriot leadership to reconsider its position."

My desire is that this Greek Independence Day be the symbol of independence for all enslaved people. Zeto e eleftheria.

☐ 1915

VACCINE INJURY COMPENSATION FUND

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, in the late 1980s, Congress passed a bill that established a Vaccine Injury Compensation Fund. It was supposed to be a nonadversarial fund that was to help children and their parents when they were damaged by vaccines.

We have found in the last few years that we have had a tremendous increase in the number of autistic children in America. We went from 1 in 10,000 children who are autistic to 1 in 200; and now many scientists and doctors around the world and in the United States believe it has been caused by mercury in vaccines.

There is a product in vaccines called thimerosal; and 50 percent of thimerosal, which is a preservative in vaccines, is mercury. Mercury causes damage to the neurologic system and to the brain; and yet we have been putting it in needles and then into our kids for many, many years, mercury which has a cumulative effect in the brain and does cause things like autism and other neurological disorders. Most parents do not know that.

When we established this fund in the late 1980s, there was a 3-year window when people could file if their children had been damaged by vaccines. Many parents with autistic children did not know about the fund until the 3 years had elapsed. We are trying to get that changed so these thousands and thousands of parents with autistic children have the opportunity to apply to that fund to get the kind of restitution that they need to take care of their kids.

Many parents have gone bankrupt, have lost their homes, have had to take extra mortgages to help with their problems, and the children are never going to be completely right. If Members saw the movie Rainman, Members know what I am talking about.

Mr. Speaker, each night I am coming to the floor and reading one of the thousands of letters I get from parents who have no place to turn except to the Congress.

This lady who wrote this letter is named Melinda Clark from Parma, Missouri. Here is what she writes:

> "My family's journey down this road began a little over 3 years ago. The day of my son's diagnosis is permanently etched in my mind. I stood there frozen in the doctor's office almost as if time stood still, and I was instantly put on autopilot. It is still painful to go back to that time in my mind. It finally explained why my precious little boy no longer uttered my name or even looked into my eyes. Oh, how I longed to hear the words 'I love you,' but those were not going to come easily. It would take numerous hours

> of intense therapy to put together any sounds. With our backs against the wall, we immediately immersed ourselves into research and getting therapy treatment under way. While most kids his age enjoyed leisure time playing with toys and watching Sesame Street, my son began a time-intensive schedule of 40 hours a week of combined therapies. We started from scratch and had to first learn what exactly Nicholas knew and then work from there to fill in many gaps.
>
> "As our research continued, I was quick to discover the use of thimerosal in many of my son's vaccines. Nicholas received his vaccines from both the county health department as well as the doctor's office. All in all, too much thimerosal was accumulated for his fragile immunity and nervous system. My investigation has been thwarted by the doctor's office from the beginning. As I began to put together pieces and find proof for my well-founded fears of mercury poisoning in my son, I requested the specific lot numbers as well as manufacturers' names for his vaccines in order to file a vaccine injury report. The doctor's office effectively stalled me for many months before finally telling me that no specific records had been maintained. I could not believe my ears. This was their legal, not to mention ethical, obligation to their patients' safety and welfare. Without this specific information, I was never able to officially report the injury, but it is my sincere hope that through this letter my story can be told. Nothing can be done to undo the damage done to my son, but I pray that no other family will have to suffer at the hands of our ignorant use of mercury in these vaccines.
>
> What sickens me even more is I worked in an environmental lab where we would test for this toxin in parts per billion, and no one ever mentioned to me during my son's vaccines that this toxin was being used as preservative. As an intelligent human being, if given the opportunity and knowledge of being told this chemical was contained in his vaccines, I never would have allowed this poison to be injected into my child.

Then it goes on and tells how horrible it was as she saw her child slip away from her and does not pay attention or look at her any more.

> It is difficult for those who are not personally affected to understand or even acknowledge the truth. We have been trained from early on to trust in our government and follow all the guidelines set forth for vaccine safety. Like many others, I used to have that trust. Now my vision has been greatly blurred as the blame and acceptance of this issue has been set aside time and again. It is time for our country to step forward and do what is right. No other family should have to walk this stony path when it can easily be avoided by the complete removal of all mercury in all vaccines. The monetary loss of dumping these vaccines is a small price to pay. My son is now 6, and he is doing as well as anyone can expect.

Mr. Speaker, there are thousands of these children who have been damaged by mercury in vaccines, and here are a few pictures of some of these children. We need to adjust the Vaccine Injury Compensation Fund to take care of these kids. We cannot leave them and their parents high and dry. It is absolutely criminal for this Congress not to deal with this issue.

TAX CUTS AND SPENDING PRIORITIES NEED NOT BE MUTUALLY EXCLUSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, when the House considered the Republican budget last week, there was a lot of debate regarding whether the President's tax cut proposal was coming at the expense of other obligations, obligations to pay for child care, for public schools, college loans and nutrition programs that help children get a good start in life.

Lost in the argument was the fact that nearly everyone in this body is for tax cuts in some form. Our differences are about who these tax cuts go to. Who needs them and why. Tax cuts and our spending priorities need not be mutually exclusive.

But who do the tax cuts in the President's dividend tax plan go to? By and large, no matter how we look at it, they go to Americans who do not need them. Specifically, two-thirds of the benefits of the tax cut would flow to the top 5 percent of the population. That is individuals with an average income of about $350,000 per year. The top 1 percent of people who, on average, have an average income of $1 million, this is 1 percent of tax filers, they would receive 42 percent of the benefits; and people with incomes that exceed $3 million would receive nearly a quarter of the tax cut benefits. The top 2 percent of tax filers would receive nearly as much from this tax cut as the bottom 90 percent of all tax filers combined.

How much is that exactly? Well, millionaires could receive up to $90,000 in a tax cut. But if one's income is between $40,000 and $50,000, people who could really use a tax cut, they would receive an annual average benefit of $84; and people with incomes between $30,000 and $40,000 would receive only $42.

Mr. Speaker, I think most of us recognize those who pay more into the system will get more out of the system, but a $42 tax cut for some and a $90,000 tax cut for others is simply beyond all reasonable bounds of proportion and fairness, particularly in this economy when these tax cuts mean that vital services are being reduced at a time when so many families are struggling to make ends meet. $42 will not go far for a family worrying about paying the rent or putting food on their table. At the very least, we have an obligation to do something for these families.

Mr. Speaker, that is why I offered an amendment during the Committee on the Budget markup to expand the child tax credit from $600 to $1,000 per child, to make it available to low-income families with children who are currently not eligible because they do not pay enough in Federal income tax to qualify for the full credit. They pay taxes, they pay payroll taxes, State taxes, local taxes, and excise taxes, but they do not pay enough in Federal income tax. My amendment would have built on the President's tax plan to help working families, while at the same time stimulating the economy.

As a matter of fact, the President's tax plan includes a proposal to increase the child tax credit to $1,000 per child for some families. In fact, he allocated $7.4 billion for this purpose in fiscal year 2003. But, today, 20 million children will not receive the full increase, including 10 million who will not receive any increase at all, because, as I have said, these families do not pay enough in income taxes to have the credit count.

I want to be clear, these working families do pay taxes. They pay FICA, payroll taxes, State and local taxes, excise taxes, all of which place a far heavier burden on those with the lowest incomes. This is not an issue of income redistribution. Even taking into account the Earned Income Tax Credit, about two-thirds of low- and moderate-income families with children still face a net tax burden. They deserve to receive the full amount of this tax credit.

Over three-quarters of these children are in working families who are struggling to make ends meets. The President's proposal will also leave out about one-half of African American children and over 40 percent of Hispanic children.

My amendment would have reaffirmed President Bush's proposal to increase the child tax credit to $1,000, but it would make the credit fully refundable so every single eligible family could benefit from it.

In addition to being the right thing to do for working families, this tax cut would stimulate our economy, which continues to flounder. Only about one-fourth of the $300 rebate in the last tax cut were put back into the economy. The rest was saved. Giving tax cuts to families who would spend the money immediately, typically low- and middle-income families, would be the best stimulus we could give to our economy right now.

This proposal would have been offset by reducing other aspects of the President's tax plan, such as the dividends tax cut which, as I have said, would give nearly two-thirds of its benefits to the top 5 percent of the population. The top 5 percent with average incomes of $350,000 do not need another tax cut.

Mr. Speaker, this week is being touted as a week to focus on our children. We should take this opportunity to provide relief to families who need it the most. When this body takes up the tax cut legislation next week, the least we can do is consider the working families who are the backbone of our economy.

H.R. 1413, SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet tomorrow, March 26, 2003, to grant a rule which could limit the amendment process for floor consideration of H.R. 1413, the Smallpox Emergency Personnel Protection Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room H-312 of the Capitol by 2 p.m. on Wednesday, March 26. Members should draft their amendments to the bill introduced March 25 by the gentleman from North Carolina (Mr. BURR).

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, tonight I rise because something has been weighing on my mind since last week, and as I have watched the pressure in the streets of America and around the world, I thought I would observe the protests that were taking place a week ago last Saturday that gathered around the Washington Monument.

I walked around for an hour and a half amongst the people, and the mood was something like I imagine Woodstock was. But as I looked at the signs and I read the profanity, I began to try to sort the people out and what they believed in, and I saw the desecrated American flags in their ranks. There were quite a number of people there.

□ 1930

Then I went up to the White House for a little while and ended up down by Pershing Park on what I call the grassy knoll. I watched probably 50,000 people come streaming by that corner in what I would call a river of discontent. As I looked at the flags and the signs and I watched the people, I saw some things that, of course, I hope was not on television, if your children are watching, but I also saw Communist flags, socialist flags.

I had made the statement a couple of weeks ago that these people were anti-American and that you would not find a single undesecrated American flag in the bunch, but I looked closely through and found about a dozen. For every undesecrated American flag, and some of them were on their way to desecration, there were at least 10 others that were already desecrated marched through. There were probably 10 Palestinian flags for each American flag undesecrated.

The people sorted out into some categories as you watched them go by. Out-and-out Communists, proud and avowed socialists, radical fundamental Islamists, the angriest of the group by my opinion, and regular liberals and pacifists. I deal pretty well with the pacifists. They have a political opinion and a right to speak, as does anyone in this country constitutionally; but when it undermines our war effort, it concerns me greatly.

And so I left that sea of discontent thinking, well, I'll come back to Congress where it will be logical and it will be reasonable and I can deal with people who have the best interests of America in mind. We entered into a debate last Thursday night, a simple resolution to support our troops. This is the CONGRESSIONAL RECORD of that debate that ran on until about 3 o'clock on last Friday morning and some of the things that I heard here are the kind of things that I would have expected to hear from the people that were in the middle of the street.

For example, the gentlewoman from California: "I believed and still believe that diplomatic alternatives existed. The inspection process was working."

That debate was over.

The gentleman from Washington said:

> The leadership should be ashamed of bringing this resolution to the floor. I for one will not be forced to praise the President's reckless decisions. I cannot endorse the administration's policy of unilateral military action without international sanctions. This is a war of choice.

Unilateral military action with 47 nations signed on. I could go on and on. I have marked these in the book over and over again.

If you are on the front lines in Iraq, if you have volunteered to risk your life to protect the liberties of this great Nation and you see the discontent in the streets of America and around the world of people that cannot answer the simple question, has there ever been a just war, and they will not answer that question because they know that if they do, they will have to say the Revolutionary War was not a just one by their logic and they would be kneeling to a King George.

So we have George W. Bush President and a great one, one who has laid out a vision for this country. It is a vision that is in this document, this document that hardly anyone reads, the National Security Strategy of the United States of America. I have gone through that and taken out some excerpts that I think are important that the public understand and know. This is policy that is being applied I believe today in Iraq:

> We do not use our strength to press for unilateral advantage. We seek instead to create a balance of power that favors human freedom. The United States must defend liberty and justice because these principles are right and true for all people everywhere. No nation owns these aspirations and no nation is exempt from them.
>
> People everywhere want to be able to speak freely, choose who will govern them, worship as they please, educate their children, male and female, own property and enjoy the benefits of their labor. These values of freedom are right and true for every person in every society, and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages.

That is our calling. It is a calling to end this war on tyranny at some point. It is a call to provide for the safety of the American people.

In conclusion, I would use these words from the President's State of the Union address January 28:

> Americans are a free people who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world; it is God's gift to humanity.

ATTACK IN KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor this evening to express my deep sorrow for the victims of a brutal attack in Kashmir that began on late Sunday night in Nandimarg village, which was inhabited by 11 remaining Kashmiri Pandit families. After the massacre by gunmen dressed in Indian Army uniforms, 24 Kashmiri Pandits, including 11 women and two children, were left dead.

Mr. Speaker, the conflict in Kashmir has plagued this region for over 3 decades and has created an extremely dangerous and unstable situation for the Pandit community. There was a long history of attacks against Pandits in the 1990s, which started the mass migration of this indigenous people from the valley. As the severity of violence has increased and as the frequency of attacks has risen to a near daily basis, the mass exodus of the Pandits has perpetuated and, over time, well over 60,000 Pandits have been murdered. The Pandits as a people have faced tremendous hardship. They have been forced to leave their homes, jobs and temples in order to stay alive. They have been forced to abandon cultural practices in order to live in refugee camps. The exodus from the valley has left the Pandits as refugees in their own country, running away from persecution and extinction.

Mr. Speaker, for the Pandits who have remained in the Kashmir Valley or who planned to return, assurances were made in November by the new Kashmiri state coalition government to protect Pandits from violence. In fact, when the new government took power in Kashmir, its leaders pledged to provide welcoming conditions and the resources necessary for Pandits to safely return.

Unfortunately, Mr. Speaker, this has not been the case and both the state and federal authorities have failed to protect the Pandits. It has become clear that security lapses contributed to yesterday's Nandimarg massacre and both the state government in Jammu and Kashmir as well as the Indian Government in New Delhi must step up and meet the needs of both the nearly 8,000 Pandits living in the Kashmir Valley and the 200,000 that live outside of Kashmir. The Pandits in the valley cannot continue to endure the unceasing threat of violence, and the Pandits elsewhere in India must be convinced that their return to the valley will be safe.

Mr. Speaker, I hope that a combination of events will take place that will effectuate necessary protections for these people. I encourage the coalition government in Kashmir to do justice to the Pandits. Additionally, I urge President Bush to put more pressure on President Musharraf of Pakistan to stop Islamic militant infiltration into Kashmir and to end Pakistan's moral and military support to these fundamentalists responsible for the mass murder of the Pandits. Pakistan received $50 million in military assistance from the U.S. earlier this month, is slated to receive $25 million in the supplemental appropriations bill scheduled to come to the House floor, and in the President's fiscal year 2004 budget there is a provision that requests $75 million to Pakistan in foreign military financing. My fear is that U.S. military assistance to Pakistan will then be turned around and used against India, particularly in Kashmir.

Mr. Speaker, the President must continue to persuade Pakistan to end terrorism in Kashmir and the U.S. should not be providing military assistance to the Musharraf regime. Mr. Speaker, there are no words to express the devastation of the Nandimarg massacre and the sad history of the Kashmiri Pandits. Mr. Speaker, on behalf of the Pandits, I call upon the coalition government in the state of Jammu and Kashmir to actively engage in steps to protect Pandits that are still in the valley and to ensure the safe return of all Pandits that have been forced to leave for over a decade.

DENOUNCING INHUMANE TREATMENT OF UNITED STATES PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise this evening to denounce the creation and the broadcast of the inhumane treatment of United States prisoners of war held by the Iraqi military, photographed by the Iraqi military in violation of the Geneva Convention and broadcast worldwide by the Qatar government-owned Al Jazeera network.

For those who have been living somewhere other than in front of television the last 48 hours, Mr. Speaker, we all were witness of Iraqi forces parading five captured American soldiers, including a woman, before television cameras this past weekend. The Iraqi television footage, which was replayed to the entire Arab world for half a day, to over a billion people by the Qatar-based and -operated Al Jazeera network, not only showed these American POWs under a state of great indignity and duress, but it also showed the bodies of at least four other soldiers, graphically and closely portrayed, two of whom appeared to have been shot in the head, raising suspicions that they had been executed after being captured.

Mr. Speaker, the Geneva Convention is quite clear and both Iraq and the United States and civilized elements of the media attain to the standards of that convention. It provides in part:

> Prisoners of war must at all times be humanely treated. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults or public curiosity. Measures of reprisal against prisoners of war are prohibited.

It is quite clear, and I cite now Human Rights Watch International, that the humiliating display of prisoners of war is a war crime. The leaders of our military who at this very hour, with tens of thousands of brave soldiers at their side, labor on behalf of liberty and on behalf of our freedoms, have made it quite clear that those who have treated American POWs, past, present and future, will be held to an account, Mr. Speaker. They will be hunted, and they will be prosecuted as war criminals.

But I rise not only in disgust over the behavior of Iraqi military personnel, which comes as no surprise to those of us who are students of the inhumanity of the regime of Saddam Hussein, but I rise also to condemn the decision by the Al Jazeera network to broadcast these materials. Also, as has been observed by military personnel in the field, the very broadcast of these materials to over a billion people in the world was a violation of the Geneva Convention. I would cite Lieutenant General John Abizaid, the deputy commander of Allied forces who said that any state-owned media or network that shows these materials is also in violation of the Geneva Convention and, quote, "will be held to account." This behavior to perform it but also to broadcast it is, in his words, absolutely unacceptable.

Today and tomorrow, Members of this body on both sides of the aisle as a part of our briefings, Mr. Speaker, in the name of the American people and on their behalf, will view these reprehensible 6 minutes which were played over and over again to over a billion people in the world. I rise today not just to offer warning to the deaf ears of an inhumane regime in Baghdad but I rise to offer a warning to the government of Qatar that is friendly to the United States, our own central command is in part located there at this hour, and say that your government-owned media should think very, very carefully about any future decisions which portray American POWs in any way that is violative of international convention, of the Geneva Convention, or of the dignity of those brave men and women who fight on our behalf. The Iraqi soldiers are warned, but let our friends in the government of Qatar also be warned that those who violate this convention will be held to account.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, the President has said that bringing freedom to Iraq would not be easy and that it would not be fast. I think it is important that Americans know that we are indeed making incredible progress, but it is unrealistic to expect that after 12 weeks of digging himself in that we will be able to remove Saddam in a week.

Just yesterday, critics were questioning whether Iraqis really wanted freedom because there had been no popular uprisings against Saddam Hussein's henchmen. Well, today we have reports from our allies that in Basra, Iraqi civilians have challenged Saddam's soldiers. Clearly, the President and his advisers have a plan and it is working.

The second point I would like to make this evening is that we must remember the unsung heroes of this conflict, the military families. For every American soldier, there is a family, there is a community and an entire Nation who is praying that all will go well.

□ 1945

It is imperative that we keep them in our prayers, for too often the challenges that they face go unnoticed.

Mr. Speaker, Fort Campbell sits in my congressional district. I would like to take this time to honor the families of the soldiers from Fort Campbell, the Special Operations forces, the 101st forces. We appreciate so much these families and the sacrifice that they are making to see freedom and liberty preserved not only in our country but also for the Iraqi people.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to bring to the attention of the body another group of people that I would like to bring into what we are now calling the homeland heroes. These are folks whose daily lives confront them with incredible stresses and challenges far different than what their business had provided them with to begin with.

They started out ranching, and that is a difficult task in and of itself. But after generations in that particular industry and living in the same area on the border of Mexico, living in Arizona, many of the people who reside there are now living in what we can, I think, accurately describe as a war zone. Every week I have been bringing to the House the names and pictures of those people that I want to induct into this homeland heroes hall of fame, I guess is the way we will describe it.

Tonight I want to talk about Rob and Sue Krentz, who own and operate a ranch located on the far southeastern corner of Arizona, about 12 miles north of the U.S./Mexico border and 25 miles northeast of the city of Douglas. They are third-generation ranchers. This ranch has been in their family since 1907.

Rob and Susie Krentz have three children they raised on that ranch. Their two sons, Andrew and Frank, attend New Mexico State University, and their daughter, Kyle, is a high school senior.

The Krentz family story is similar in many ways to the experiences of hundreds of other ranchers in this border region. Yet to them and their children it is unique and it is personal and dreadful in the impact it has had on their lives and the future viability of their way of life as ranchers.

Just one tiny statistic that begins to tell the story of what these folks face every single day. In the month of November, 2002, in the Tucson Sector of the U.S. Border Patrol, which includes Cochise County, where this the Krentz ranch is located, the Border Patrol apprehended 23,000 border crossers.

That was in the month of November. It is anybody's guess as to how many people actually come across, but many, many people would suggest that the ratio is just about maybe one in five, and that is a very conservative estimate, that for every one person we apprehend on the border, at least five get through. Again, I think it is closer to one in ten, but I will accept even this very, very conservative estimate, that for every one we get at the border apprehended, five go by them.

This means that in just the month of November near this ranch and over their property, when we had 23,000 apprehended, using the conservative estimate of one to five, it meant that 115,000 people cross the border illegally, that same area. We are just talking about one little chunk of the border, the Tucson Sector.

That means if we project that out over the course of a year that 1,300,000 people come across that border in that sector. I guarantee that is a conservative estimate, but let us use it. One million three hundred thousand people coming across that border and coming across the lands of the people that live there, including the Krentz family.

I had the opportunity to spend some time down there just a few weeks ago, and I can attest to the fact that on any given evening one can watch dozens and dozens of illegal aliens trespassing across the land. The Krentz family will call the Border Patrol to come and intercept them. Sometimes the Border Patrol will come; sometimes they will not.

Mr. Krentz estimates that over the past 5 years his family has suffered a loss of at least $300,000 a year due to cut fences, stolen and damaged vehicles and farm equipment and damage to the rangeland itself. This is very, very delicate land. It is desert land. It is something that has to be conserved and protected; and when we have got 1,300,000 coming across there every year, believe me, it is not being conserved and protected. It is being destroyed.

The Krentz ranch has 1,000 head of cattle. The continual movement of people across that domain constantly disturbs the livestock, impacting their own value, and sometimes somethings happen that are even worse. In February of last year, for instance, a calf was butchered by illegal alien trespassers. Two men responsible were caught. They were tried. They were found guilty. They served a total of 51 days in jail. They were also ordered to pay $200 in restitution to the Krentz ranch. The Krentz ranch has not seen a cent of that money; and, of course, our best guess is they will not because these people have been released. They came back into the population either up here or have returned to Mexico.

These losses that are estimated in the neighborhood of $300,000 include damage and disease that comes into the water tanks and the waterlines on their ranch. The family and their employees cannot drink out of the water tanks any longer because of the disease that happens to be in the water on the land brought in by illegal alien trespassers and the damage done by purposeful, deliberate vandalism.

The estimated value of the water that has been lost on their property to date is $4 million. In June of 2002, the Krentz brothers discovered two separate instances of damaged waterlines. Illegal aliens had broken the two-inch PBC waterline in order to get drinking water. The Krentz ranch waterline runs for 40 miles and is one of the best gravity-flow waterlines in the State of Arizona. Because of these two breaks in the long pipeline, several hundred thousand gallons of precious water were wasted.

The Krentz family continually has to deal with threats, physical threats, from illegal border crossers. Recently, a family member came upon a group of 39 trespassers and was threatened by them when he asked them to turn around and get off his land. He returned home, called the Border Patrol, and they did come and apprehend them. But we both know what happens is they put them into a revolving door near the border and in a few days or in a few hours many times they are coming right back across the border.

The Krentz family members are not vigilantes. They do not try to apprehend illegal aliens by force. They do not carry arms for their own protection. They will always call the Border Patrol when they observe trespassers. They and the other ranchers are trying to follow the law and work with the Border Patrol, and all they want from their own government is to enforce the law as well as to protect them and their property, and that is what we owe them. I mean, they are only asking the minimum, protect their lives and property from people coming across that border, from this invasion.

And there are no two ways about it. That is an appropriate word to use to describe what is happening on our southern border especially. It is an invasion, and they are asking their government to protect them from that invasion.

I want to salute Rob and Susie Krentz, Phil and Carrie Krentz as homeland heroes who are bearing the brunt of an invasion of over a million illegal aliens crossing our southern border. We need to understand their plight. We have a moral obligation to do something about it.

Now for the rest of my time I would like to talk about another aspect of the issue of illegal immigration, and we are going to be doing this for the next several weeks, going to be taking this issue and breaking it down into, I think, more understandable parts. We are going to be explaining its various aspects because I will assure the Members this is one of the most complex, this is one of the most challenging aspects of domestic policy. It has ramifications that go on and on and on. They will affect every aspect of our life.

Massive immigration into this country, as I have said on many occasions, combined with a pernicious multiculturalist attitude and philosophy in this country is a cocktail mix of dangerous components. The one component we are going to talk about tonight, the one part of this picture that we are going to focus on this evening is the issue of our national security, the threat that exists to the United States of America as a result of the fact that our borders are porous and that people can and do cross them at will.

There was a time that the United States of America could be seen as somewhat naive, and because we were protected by two oceans we felt that the world was a place of general safety for us and that we really did not have to be too concerned about borders. There was always illegal immigration into the United States. That has certainly been the case, but it never reached a level that posed a threat to the Nation's existence.

It now has reached that level, not just, as I say, because of the fact that we have far more people coming across these borders than ever before in the Nation's history and into our ports and into our airports, people who come here legally but then overstay their visas, which comprise about 40 percent of the maybe 13 to 20 million people in this country here who are here illegally, but the southern border alone, as I mentioned earlier, is a place of enormous illegal immigration. The numbers are just staggering.

What is very, very worrisome is that in the last several years there has not just been an increase in the number of Mexican nationals coming across the border, but there has been an alarming number of people who are classified as OTM. This is "other than Mexican" coming across our border, coming from all over the world. This phenomenon has been observed and has been noted by the Border Patrol, and they have talked about it. They have indicated that there is a change going on and that this is a strange situation because, all of a sudden, through that southern border and our northern border with Canada, we are seeing people come from many Middle Eastern countries, from Asian countries, many from South America, specifically from a place called the tri-border region.

Let me tell the Members about this. The tri-border region is an area that is really the borders of Brazil, Argentina, and Paraguay, and there is a very large group of Muslims in that area, a very large Muslim population in that area.

□ 2000

Over the last decade or so, without much attention being paid to it, there has been an enormous increase in the number of Muslims living in South America, and even in Canada. Many of them, in the millions, live in this tri-border area. It has become a place through which now we are seeing a great number of people transiting from Middle Eastern countries into Brazil, getting Brazilian documents, then coming north into the United States through Mexico.

When we intercept them, we chalk them down as Brazilian. But we are finding that they are not really Brazilian. For the most part, they are Middle Easterners coming from places throughout the Middle East. Brazil is a very eclectic country. It is a place where it is difficult to look at someone and say, you are from Brazil. It is not that easy. So people who are Middle Eastern can easily be characterized as Brazilian, especially if they are carrying Brazilian passports and Brazilian papers.

But we have had this enormous increase in the last couple of years, it goes off the charts, of Brazilians intercepted at the boarders. It is up in the thousands.

Our Border Patrol people are saying, what is this all about? How come we are seeing so many people from this area? It is because that is the area that actually provides the funnel from the Middle East through South America up into the United States across the Mexican border.

As a matter of fact, there is a statement that I think is certainly worthy of us spending a few minutes on here. Here is the quote. It comes from the National Commission on Terrorism established in the year 2000: "The massive flows of people across the U.S. borders makes exclusion of all foreign terrorists impossible."

Now, this is not an amazing quote, not a very profound quote, but something we should pay attention to. This was a commission established to look into the issue of terrorism. What they are essentially saying is, because so many millions of people are coming across our borders illegally, that we cannot possibly hope to defend ourselves from terrorists coming into the United States.

Is that not an incredible statement, when you think of it? On the one hand, it is completely logical. It is certainly truthful, we all know that is true, because the "massive flows of people across the U.S. borders," this makes the exclusion of all foreign terrorists impossible. "Duh," as the kids say, sure that is the case.

What are we going to do about it? What kind of a challenge does this pose to us? This is 2000. This is before 9/11, remember. So, this particular statement, along with the entire commission report, as far as I know, was tossed into File 13, because no one wants to hear this. No one wants to deal with this.

No one in this body, no one in the administration, really wants to tackle this issue, because, you see, they know that if you try to stop people from coming across that border, if we actually try to defend our borders with our military, which is absolutely necessary, which any country on the face of this Earth would do in these circumstances, any sane policy would tell us that if you are going to be fighting wars halfway around the world and you are doing it today with the new kind of threat we face, that it is not just the war on the battlefields of Iraq that we have to be worried about; it is also the United States of America, the homeland; and just creating a Department of Homeland Defense does not in fact create a defense of the homeland.

It may create the illusion of a defense by the name, but that is it. Because there is no way that that department, funded at the levels that are anticipated, could possibly deal with this one statement, "the massive flows across the United States border makes it impossible to exclude terrorists."

They could not deal with it. They need technology. We need the military. We need the military on the border. Maybe at some time in the future we will have a homeland defense agency that is so competent, so technically advanced, using the best kind of monitoring devices and cameras, and even the low-tech stuff of things called walls and fences; yes, fences. You know, we actually can employ that low-tech type of device to stop a lot of what is happening here.

But we will not even do that, and the reason is because we do not want to stop illegal immigration. That is the dirtiest little secret that passes around this place periodically: We do not wish to stop illegal immigration. That is this government's policy. It is to allow that flow, for a variety of reasons.

On one side we have a political party, the Democratic Party, that sees that flow as a source of support for their political party, that eventually those people will turn into supporters of the Democratic Party, as tradition has certainly proven, that immigrants into the United States, at least for a generation maybe or so, tend to vote Democratic. So the Democratic Party sees that as a source of support.

They also, of course, have to cater to a very strong minority group within their own party who wants open borders, who wants illegal immigration.

On our side, unfortunately, we have a problem also, because there are a lot of people who look at illegal immigration as a source of cheap labor. I certainly hear from a lot of folks who tell me all the time that they would not be able to open their business, their dry cleaning establishment, their restaurant, their hotel, unless they had illegal aliens working for them.

This is amazing. Today, in the Denver paper I was reading, flying out here from home, it talked about a job fair, a job fair held in Denver over the weekend. Something like 6,000 people attended. There were maybe 400 jobs available. Six thousand people attended, maybe 400 jobs available.

But I hear from people all the time that tell me they simply cannot hire any "American willing to do the work." I have a neighbor who has been unemployed for over a year. He was at first employed in the high-tech industry, very, very competent individual, very significant job with a very good salary. He has been unemployed. That industry, everybody knows what is happening to it. He is right now doing data entry work and driving a limo to try to keep food on the table and a roof over their heads. I hear all the time that we do not have Americans who will do these jobs, these other jobs.

There was another article in the paper not too long ago in Denver that talked about the fact that one restaurant, the Luna Restaurant, a Mexican restaurant on 38th and about Lowell, put an ad in the paper for a $3-an-hour waiter position. They had 600 applicants the first day for that one job. Six hundred applicants for one job at $3 an hour. Are all 600 of those applicants illegal aliens? I do not think so.

I think there are a lot of American citizens who want those jobs. I think right now American citizens are in competition with those people coming in across the border, but in fact employers want to pay people less. That is natural. Unfortunately, many employers want to exploit their employees. We see accounts of this happening all the time. So, they want illegal immigration, they want porous borders. They do not want anybody stopping their flow, even if this means that it is something that could pose a danger to this country, and it does pose a danger to the Nation.

It is a very immediate danger, because, you see, when you cannot distinguish at the border, which no one can do, nobody has shown me a way today to distinguish between that illegal immigrant coming in who is just coming to do the job no one else wants to do, who wants to be a restaurant worker or whatever, noone can distinguish just looking at these people, of course, what they are coming for. You can't say, "that one looks like he is just looking for a job, but that one over there, they look like they might be coming to do something bad."

You cannot tell. You have to secure the borders and have everybody coming into this country legally through a process that allows us to identify them, find out what they are coming in for, how long they are going to be here and for what purpose, and find out when they leave. You need internal enforcement in the United States of our immigration laws to make this thing work.

So it is not just the border where we need to have the military, but we have to have the INS using its resources inside the country to identify people who are here illegally and remove them.

I absolutely do not want us, I am not asking for, we never have proposed, using the military for interior enforcement of law. There is a law against that. It is sometimes referred to as the Posse Comitatus Act of 1878. That is not what I am talking about.

I am talking about using the military to augment our homeland defense forces on our borders, at our ports of entry, at our coasts, until that Homeland Defense Agency is ready to take on that job itself.

We can do it. We do not have to have people strung out arm-in-arm across 5,000 miles of border. That is not what we are talking about. It would take relatively few people but people who are trained and have the technology. That is what the military offers us, training and technology, which can be employed for that purpose.

Yes, people say to me all the time, we have got this war going on in Iraq, and are you saying you would use troops on the border? I say, yes. Yes, I would use troops on the border. Because, of course, we only make life more dangerous for everybody. There is not a soul who does not think life is more dangerous for the average American as a result of us going to war in Iraq, at least at the outset of this thing.

I pray to God that our efforts in Iraq will be successful. I hope they are successful immediately. I do not want to see another person hurt or injured. I certainly do not want to see an American soldier in that situation. I want them home as quickly as possible. They are fighting a just war. We have to win it. I hope we win it soon. Then I do believe the world will be safer.

But I know this: That the threat of terrorism will increase as a result of our efforts in Iraq. Even our own government admits that. We went to a heightened state of the alert status immediately upon going to war. Everybody knows that is the case. Everybody knows it is more dangerous right now.

So, yes, I would say use troops on our border, because in fact that is our first line of defense. That is exactly where we should be employing some of our military assets.

We do not need many. We do not need hundreds of thousands of troops. I was on the border, the northern border, observing an operation that used 100 Marines to control 100 miles. That was the test, 100 Marines, 100 miles. And do you know what? When you combine their efforts with the Border Patrol and the Forest Service personnel on that border, it worked.

I saw them interdict people coming across that border on ATVs, all terrain vehicles, and people flying small planes across the border. Believe me, they would have gone unnoticed. It is the most rugged terrain you have seen up on the northern border, in this case just a few miles north of Bonners Ferry, Idaho.

We can do it. Let us extrapolate here tonight and say 100 Marines, 100 miles. You have 5,000 miles, you employ 5,000 troops. It would be more difficult than that, I recognize, but it would not be that much more difficult, and it would not take that many more troops.

If nothing else, we can train them there. Our troops have to be trained somewhere. The Marines told me that that was the best training experience they have ever had. I was told that by the Marine commander of the unit that that was the best training they had ever had, because it was real time, they were trying to stop real bad guys coming across that border, and it was the most rugged terrain you could possibly imagine. So, if nothing else, we should be training on the border.

It could serve two purposes: The training of our troops and also the interdiction of people coming across this border illegally.

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Let us go to some of the specific instances that we have witnessed here in the recent past. Here is an interesting one. Wadih El Hage, he was arrested in the Saguaro National Park for possession of an automatic weapon, an AK-47 rifle. He was using this AK-47 for target practice. On September 15, 1998, Wadih testified before a Federal grand jury which was investigating the bombings of the American embassies in Nairobi, Dar es Salaam. Several days later, he was charged with perjury. On October 7, he was indicted in connection with the embassy bombings. He was subsequently convicted for both offenses and is now serving a life sentence.

Now, what happened? How they got him is that he was observed and arrested after he had just come across the border; he was observed in the national park by a park ranger. He was testifying, Wadih was testifying at this trial in September and he was saying that he has never fired a weapon, he has no arms, he does not know why he was being harassed. A Border Patrol agent came across this guy's picture and he said, you know what? I remember that guy. I remember arresting him not too long ago in the Saguaro National Park. And you know what? He was practicing with an AK-47. So that testimony ended up, the testimony and evidence provided by the Border Patrol ended up with this conviction for perjury in September; and later they were able to connect this gentleman to the embassy bombings.

Gazi Ibrahim Abu Mezer, a 23-year-old Palestinian, 1996 arrested twice within 6 days for crossing over the Canadian border illegally. Both times turned over to the INS who released him back across the border and, of course, the revolving door, he came right back down. In 1997 he was arrested a third time coming across the border illegally, and later arrested in New York in a plot to blow up the New York subways.

This guy, talk about a lucky catch, my colleagues may remember something about him. Ahmed Rassem, December 1999, Ahmed Rassem was arrested with 1,000 pounds of explosives and four timers, the timers are right here in the picture at the bottom. He was arrested at the Olympic National Park, Washington. He chose Port Angeles because of the lack of technology and the manpower there. He was convicted of participating in a plot to blow up Los Angeles Airport on New Year's Eve, 1999. Now, these are three we got.

Remember what I said earlier that for everybody we actually find, actually interdict at the border, for every one of them, at least five people get across. Now, let me tell my colleagues, those are folks who get across and they are the most unsophisticated and perhaps unskilled in the manners and mechanisms that could be employed to come across the border. These are folks, many of them, that are just simply looking for the jobs that are available. They get by on a ratio of 5 to 1. Can we imagine how much more, what the ratio is, I should say, for people who are a little more sophisticated in the smuggling business? How many more Ahmed Rassems got through?

We know that the Center for Immigration Studies has indicated that we have 115,000 illegal immigrants from various Middle Eastern nations who are currently residing in the United States, as many as 115,000 from Middle Eastern nations. Day after day after day we are confronted by news stories of very scary folks coming across the border, sometimes doing very scary things.

This is an interesting article. This was in the Tucson paper not too long ago. An Arizona couple has discovered a diary written in Arabic in a backpack apparently dropped on their property by an illegal alien entering the United States, reports the Sierra Vista Herald Review. According to the report, Walter Kolbe, he owns a ranch down there, was chasing some wild animals away from his home last week when he stumbled upon the backpack. Not an unusual occurrence on his property, since it is a path used routinely by illegal aliens coming from Mexico. He brought it home, but did not immediately open the backpack. After going away for a weekend, Kolbe's wife, May, looked into the backpack and discovered the diary. He says, I found it about a hundred yards from the house near a barbed wire fence. I was just going to throw it in the trash. According to Mr. KOLBE and, by the way, his brother serves in the House of Representatives here from Arizona, most of the writing was in Arabic, though there was some Spanish writing as well.

When I was down on that border in that same area, I came across a lot of material in what are called pickup sites. What these are are places where a large number of people will gather after walking into the United States illegally, they will gather, and it is near a road always, sometimes a dirt road, sometimes a paved road, and they will await transportation northward. It is all arranged, it is taken care of, because now this has turned into a very big business. And the people who used to be selective and only were involved with the importation of drugs are now importing people because it has become very lucrative. And in these pickup sites, as I say, there will be thousands of people gathered and there is trash strewn everywhere, lots and lots of backpacks, as is evidenced here, and lots of materials laying all over the ground.

Not too long ago in this same area we found a prayer rug, a rug that is used by Muslims to conduct prayer ceremonies. It was found, by the way, at one of these pickup sites. There are all kinds of instances where we have found Arabic materials, Arabic passports, Arabic papers, accoutrements in these pickup sites.

Now, there is a road not too far from Douglas, Arizona, that is referred to by the locals in the area as the Arab Road. And when you ask them, what do you mean by that, they say, well, because the Arabs are willing to pay so much more to come into the United States, up to $30,000 per person, that they are sometimes transported separately. They will not come in through the same pipeline as the Mexican nationals. Some of these, the high-paying folks, they will be brought across a different area, brought in a little nicer, like going first class. They pay a little more so that they can come in with a little less possibility of heat exhaustion or dropping dead in the desert from exposure because they will pay, as I say, a lot more money. But they are coming into the United States with purposes that we know are the most diabolical, to do something here that threatens our safety. They are coming across the border because it is the easiest way to get into the United States if you want to do something bad, because our borders are undefended. They are unprotected. It is incredible. Certainly it is something to go down in future history books. I just hope that those chapters will not be titled something like "The Last Days of the American Experience."

I see I am joined tonight on the floor by a friend, a member of our caucus who has been a champion, is the best way I can describe it, ever since I came to the Congress of the United States and have been pushing this issue. The gentleman from Virginia (Mr. GOODE) preceded me here and certainly was laboring in this vineyard before I ever got here and continues to offer his observations, which I invite him to share with us this evening.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado for his focus on this issue, for bringing it to the attention of this Congress, for bringing it to the attention of America. He has made many trips and seen firsthand the huge problem that exists on our border, the huge danger that it poses for all of us in the United States. He has been the head of the Immigration Reform Caucus; and he is awakening, I believe, in many of us the need to take action and to do more than we have done.

We have one piece of legislation before this Congress, H.R. 277, in addition to a number of other measures, aimed at stopping or curtailing immigration. But H.R. 277 would authorize the utilization of U.S. forces on our borders. We have troops on the borders now, but they are not United States troops. Troops from Mexico frequently come to the border and have various activity and occurrences there, but they are not our troops.

The focus of the 107th Congress in large part was on homeland security. A big focus of this, the 108th Congress, is homeland security. On the Committee on Appropriations we have a subcommittee devoted to appropriations matters related to homeland security. They are going to be in charge of billions of dollars. Working with the executive branch and the other body, they will craft a budget for that Department; and I can tell my colleagues when it is voted on here on the floor, it will contain, as I said, billions upon billions of dollars.

But spending a huge sum of money in and of itself will not guarantee us homeland security. There may not be anything that can guarantee us 100 percent safety in the United States of America, but I will tell my colleagues one thing that can significantly enhance our homeland security, and that is having a troop presence on our southern border and on our northern border.

We had a discussion in the 107th Congress on an amendment for troops on the border on the defense authorization measure. It passed the House. We debated that issue. A fear was voiced that the troops might shoot someone; and, in fact, years ago, that occurred, and that has some persons upset. But if we want a lifesaver, I would submit having troops on the border will be a lifesaver. Hundreds die every year trying to cross the border. Some suffocate, a few drown, others are lost, and some just die in the hot desert sun. Troops on the border would save those lives. We need a lifesaving position, and that is having troops on our borders.

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In World War II, prior to World War II, there was a book that received considerable attention after World War II. That was entitled "Why England Slept." America is asleep today by not positioning and having troops on our borders. They are too porous.

I was handed some information that appeared in Newsweek where the mastermind of the September 11 occurrence discussed bringing operatives through the Mexican borders. He indicated that officials were concerned that the United States remains dangerously unprepared for terrorist attacks on several fronts. The easiest way for them to come in would be across our porous northern and southern borders.

If we are to get a handle on illegal immigration and if we are to prevent a situation which has millions of illegals in this country, we must start with troops on the border, and by adopting other measures of the Congressional Immigration Reform Caucus sponsored by the gentleman from Colorado and others.

We also need to discourage those from coming to this country illegally. Under the laws of a number of States, illegals have the opportunity by one way or another of getting a driver's license. My home State of Virginia this year adopted legislation to prohibit those in the country illegally from having a Virginia operator's license.

They also adopted legislation, and I was proud of this because this is a discouragement to illegals from entering the country, they adopted legislation to say that they could not get an in-state tuition rate at our community college system if they were here illegally. I would suggest that they should not even be at the community college system. However, the debate was over whether we should give someone in this country who either came across the border through no checks or overstayed their visas and were undocumented an in-state tuition rate.

What they were saying with a policy like that is if you were from the State of Maryland and you wanted to go to Northern Virginia Community College, you had to pay one rate; but if you were here illegally and you happened to be in the State of Virginia, you got a lower rate. That is the type of encouragement for illegal immigration we need to do away with in this country.

Another thing we cannot do again that we did in the past was adopt another amnesty. Millions that come across the border say, you know what, if I can make it across and not drown, if I can make it across and not die in the hot desert sun, and stay in America a few years and have an employer, I can get amnesty.

We need to send the message loud and clear, if you are here illegally, you are not going to get amnesty, not now and not in the future. If we adopt that forthright position, we will not have between 9 million and 11 million persons in this country illegally.

I will never forget a few months ago standing on the steps of the Cannon Office Building. There was a gentleman there. He had a son that was killed on September 11 at the World Trade Center. He said, if I had to pick out a fact that I think contributed a great deal to what happened to my son, it was the massive illegal immigration in the United States. He said, those 19 terrorists that were here on September 11, all illegal, they were swimming in a sea of illegal immigration. How could the officials ferret out 19 out of the millions and millions that are here that are not supposed to be in the United States of America?

He was right on the money. We need to stop illegal immigration, and we can do that by adopting some of the legislation sponsored by the gentleman from Colorado (Mr. TANCREDO) and others in the Congressional Immigration Reform Caucus, and we need to put troops on the border tonight.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. He brings up an incident I recall well, and I am glad he did bring it to our attention. It was a very emotional time when the father of some young man that was lost in the World Trade Center did in fact say exactly that, that those people were allowed to be in the United States because they were able to swim in this sea of illegal immigration and they were undetectable.

This is why when people talk to us about immigration, and we often have people respond when we start talking about the national security issues. I have been in Mexico and have had Members of the Mexican Government say, you know, none of those people were Mexican that committed those crimes. Of course not. It is the fact that we are only as strong as our weakest link. If we cannot control our borders because we are trying to let illegal immigrants come across from Mexico who are not trying to do anything really bad to us, we cannot possibly hope to protect ourselves from those who are trying to do something bad. That is the point here. That is why we are talking about this as a national security issue.

My friend, the gentleman from Virginia, mentioned this Newsweek article. He has learned that 9–11 mastermind Khalid Sheik Mohammed told interrogators that he discussed bringing operatives through the Mexican border. They worry about these people coming across, suicide bombings at soft targets like malls, public transportation.

Another worry, of course, is that a terrorist could acquire shoulder-fired missiles and shoot them at passenger planes. Of course, any number of horrendous things could happen. Our minds could run wild on all the things that could happen in this country because we are an open and free society. We do not want to change that.

The best way to avoid having an overreaction in the United States and trying to pass laws that we worry about in terms of what we will do to civil liberties, as Members know, we get lots of mail on the PATRIOT Act, and whatever kind of legislation that may be being formulated here as an addition to the PATRIOT Act. There are concerns, and concerns I share, about overreaching government activity. But one way to avoid that, Mr. Speaker, is to protect our borders. It is to stop, to the extent humanly possible, them from getting here to begin with.

Maybe we will not be able to make it absolutely secure. No, in fact, I know we cannot. Even if we do all the things I and the gentleman from Virginia (Mr. GOODE) and other Members of the Congressional Immigration Reform Caucus are suggesting, we cannot make it perfect; but it is our best effort we are supposed to exert here in this Congress. That is the best we can do.

If we have something happen even after we have done it all, we can at least say we have tried everything. That is our responsibility. We cannot continue to ignore the existence of this threat to our very existence.

Other recent news, the Nation's biggest commercial nuclear power facility faces a possible terrorist threat. It just came out. Energy Secretary Spencer Abraham said Thursday, he told the Senate Committee on Armed Services that terrorists may have targeted the Palo Verde Nuclear Plant in Arizona. He said he would not go into details about intelligence reports concerning the plans that may include an attack on the plant.

The Washington Times reported Thursday that terrorists have targeted the Arizona plant, and security officials are looking for Iraqi government sleeper cells that might carry out the attack. The threat to the facility came from sensitive information indicating the plant was targeted by Middle Eastern terrorists who were not further identified.

Earlier this week on our Florida coast, a Cuban Coast Guard vessel slipped in, it was a military vessel, got into Key West without ever being detected. These things go on and on.

In Miami, U.S. authorities made a fresh and urgent call for public help yesterday to find a Saudi-born man who could pose what they termed a very, very serious threat as part of an al Qaeda plot against the United States. Stepping up their search with an appeal to the U.S. Muslim community for information, the FBI said Adnan El Shukrijumah was a friend of a man now serving prison time for plotting to blow up a Florida power plant.

The agency said that this individual is not charged with a crime but is being sought for questioning, involved with al Qaeda activities.

Just a couple of days ago as Baghdad was being bombed, it was reported on Fox News and Sky News as well as Worldnet Daily that there was a search going on for six Iraqis in either northern Mexico or the U.S. Southwest. They were said to be carrying toxic materials requiring temperature control. That means they are either biological or radiological. Either way, they are ominous and dangerous. According to tips by undercover investigators, the search had been going on for 2 to 3 days on the Mexican side, and now it is starting on the United States side.

We could go on through stories like this all night long. Long after I have run out of time to deliver those stories they could be available, because they are there. When we talk about immigration and immigration reform, we have to understand the importance of this concept.

It is not just an issue of jobs; it is not just an issue of acculturation, of integration into the society, of balkanization of America. All of those things are disconcerting. It is not just an issue of American citizens who are out of work and being displaced by people coming here from foreign countries. All those things are serious issues.

It is not just the issue of the amount of drugs coming across both borders and into our ports every single day. We talk about harmful substances and dangerous substances. Certainly the tons and tons and tons of drugs that are being brought in by illegal smugglers, by illegal aliens carrying things on their shoulders and backpacks, in those backpacks it could be 60 pounds of marijuana, sarin gas; it could be all kinds of very, very ugly things.

All of those things are serious consequences, serious threats, I should say, serious issues. But we decided to start this series of discussions tonight with this one specific one of the danger to the country posed by porous borders because of the threat of terrorism that is so real.

I hope and pray that we never have to stand on this floor and say, I told you so. I told you, unless we secure those borders, something horrible is going to happen. Somebody is going to waltz across them and do something very, very bad. Do Members know what is going to happen? Not only are we going to be rushing to the borders to try and do something, but we are going to be overreacting, probably, internally. There are going to be threats to civil liberties that will develop as a result of some incident that occurs in this country.

I hate to think about this, and I hope and pray I am absolutely wrong in this prediction, but it is certainly not out of the question to suggest that this could happen. We are told by Homeland Security Director Ridge and everybody else in positions of authority to expect such a thing, to expect an event. Well, at least if this event occurs, let us at least be able to turn to our constituents and say, we have tried everything we can do. We have committed to you, when we have asked you for a vote and you have asked us to adhere to the Constitution and uphold that Constitution, we have tried to do that. The part of the Constitution that specifically refers to the protection of life and property, we have tried to do it. That is what I want to be able to say. We cannot ensure perfect security and safety, but we can try our best. That is the least we can do is the best that we can do, and we are not anywhere near it, I am sorry to say.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McCARTHY of Missouri (at the request of Ms. PELOSI) for today through April 11 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. BRADLEY of New Hampshire) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, March 26 and 27.

Mr. KING of Iowa, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 28. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005; to the Committee on House Administration.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 26, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1380. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV02–984–1 FIR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1381. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Limes Grown in Florida and Imported Limes; Termination of Marketing Order and Implementing Rules and Regulations [Docket No. FV03–911–1 FR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1382. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Revision of Rules and Regulations [Docket No. FV03–959–2 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1383. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year [Docket No. FV03–982–1 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1384. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Reduction in Production Cap for 2003 Diversion Program [Docket No. FV03–989–3 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1385. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03–989–2 FIR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1386. A communication from the President of the United States, transmitting a request for 2003 supplemental appropriations to support Department of Defense operations in

Iraq and to strengthen the capabilities of our friends and allies who will share the burden of military and stabilization activities; (H. Doc. No. 108–55); to the Committee on Appropriations and ordered to be printed.

1387. A letter from the Register Liaison Officer, DOD, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review (RIN: 0720–AA74) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1388. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program; Correction [Docket No. FR–4111–C–04] (RIN: 2501–AC30) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1389. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting the Bank's 2003 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

1390. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1391. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Standard Flood Insurance Policy (RIN: 3067–AD33) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1392. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7803] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1393. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Affirmative Procedure Program-Acquisition of Products Containing Recovered Materials (RIN: 1991–AB47) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1394. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revision to the General Safety Requirements for Biological Products [Docket No. 97N–0449] (RIN: 0910–AB51) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1395. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b); FM Table of Allotments, FM Broadcast Stations (Shelbyville and LaVergne, Tennessee) [MM Docket No. 01–224; RM–10101] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1396. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b); FM Table of Allotments, FM Broadcast Stations (Junction, Texas); [MM Docket No. 01–263; RM–10280]; (Chino Valley, Arizona) [MM Docket No. 01–264; RM–10281]; (Arkadelphia, Arkansas) [MM Docket No. 01–265; RM–10282]; (Aspermont, Texas); [MM Docket No. 01–266; RM–10283]; (Cotulla, Texas); [MM Docket No. 01–267; RM–10289] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1397. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shafter and Buttonwillow, California) [MB Docket No. 02–58; RM–10415] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1398. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Balmorhea, Texas) [MB Docket No. 02–185; RM–10463] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1399. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendments to Parts 1, 2, 27 and 90 of the Commission's Rules to License Services in the 216–220 MHz, 1390–1395 MHz, 1427–429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz Government Transfer Bands [WT Docket No. 02—8; RM–9267; RM–9692; RM–9797; RM–9854; RM–9882] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1400. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Snyder, Littlefield, Wolfforth, and Floydada, Texas and Hobbs, New Mexico) [MM Docket No. 01–144; RM–10406; RM–10340] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1401. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Survey: BE–605, Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate With Foreign Parent [Docket No. 020913215–3002–01] (RIN: 0691–AA45) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1402. A letter from the Director, Office of Management, Budget and Evaluation/Chief Financial Officer, Department of Energy, transmitting a report pursuant to Pub. L. 105–270, The Federal Activities Inventory Reform Act of 1998''; to the Committee on Government Reform.

1403. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

1404. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kansas Regulatory Program and Abandoned Mine Land Reclamation Plan [KS–023–FOR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1405. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Reclassify and Remove the Gray Wolf from the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves (RIN: 1018–AF20) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1406. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Pacific Remote Island Areas; Permit and Reporting Requirements for the Pelagic Troll and Handline Fishery [Docket No. 020412086–2194–02; I.D. 010202C] (RIN:0648–AJ08) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1407. A letter from the Associate Deputy Assistant Administrator, NOAA, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to Submit Proposals for the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) Program FY 2004 [Docket No. 020213030–3031–02; I.D. No. 010903C] received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1408. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 000320077–2302–03; I.D. 062501B] (RIN: 0648–AN62) received March 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors and Catcher Vessels 60 Feet Length Overall and Longer Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307–2307–01; I.D. 022403E] received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1410. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program [Docket No. 020920220–3038–02; I.D. 090302E] (RIN: 0648–AL97) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1411. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [I.D. 020603C] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area

630 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 020703C] received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1413. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Compliance with Inflation Adjustment Act [T.D. 03-11] (RIN: 1515-AD25) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1414. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report entitled, "Report on Enforcement of Laws: Policies Regarding the Constitutionality of Provisions and Non-Acquiescence," pursuant to Public Law 107—273; to the Committee on the Judiciary.

1415. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Visiting Regulations: Prior Relationship [BOP-1082-F] (RIN: 1120-AA77) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended-Waiver of the Nonimmigrant Visa Fees for Members of Observer Missions to the United Nations (RIN: 1400-AA97) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1417. A letter from the President and Chief Executive Officer, Little League Baseball Incorportated, transmitting the organization's annual report for the fiscal year ending September 30, 2002, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

1418. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No.99-NM-83-AD; Amendment 39-13031; AD 2003-03-07] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1419. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-340-AD; Amendment 39-13030; AD 2003-03-06] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1420. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-308-AD; Amendment 39-13026; AD 2003-03-02] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1421. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation (RIN: 3067-AD32) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1422. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the Trust's annual management report for FY 2002, pursuant to 45 U.S.C. 231n Public Law 107—90, section105; to the Committee on Transportation and Infrastructure.

1423. A letter from the transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PW500 Series Turbofan Engines [Docket No. 2002-NE-45-AD; Amendment 39-13046; AD 2003-03-21] (RIN: 2120-AA64) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1424. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Trade Benefits Under the Caribbean Basin Economic Recovery Act [RIN: 1515-AD22] (T.D. 03-12) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1425. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Entry of Certain Steel Products [T.D. 03-13] (RIN: 1515-AD15) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1426. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Trade Benefits Under the African Growth and Opportunity Act [T.D. 03-15] (RIN: 1515-AD20) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1427. A letter from the Acting Deputy Chief, Regulations & Procedures Division, TTB, Department of the Treasury, transmitting the Department's final rule—Health Claims and Other Health-Related Statements in the Labeling and Advertising of Alcohol Beverages (99R-199P) [TTB T.D.-1; Ref: ATF Notice Nos. 884, 892, and 896] (RIN: 1512-AB97) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1428. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Implementation of the Andean Trade Promotion and Drug Eradication Act [T.D. 03-14] (RIN: 1515-AD19) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Charitable, etc., Contributions and Gifts (Rev. Rul. 2003-28) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1430. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Industry Specialization Program Settlement Guidelines [UIL No. 0611.05.01] received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1431. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guideline Construction/Real Estate Industry—received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in Respect of Losses Attributable to a disaster (Rev. Rul. 2003-29) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 160. Resolution providing for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes (Rept. 108-48). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLINE (for himself, Mr. Boehner, Mr. George Miller of California, Mr. McKeon, Mr. Kildee, Mr. Hoekstra, Mr. Frost, Mr. Sam Johnson of Texas, Mr. Hinojosa, Mr. Greenwood, Mr. Norwood, Mr. Upton, Mr. Isakson, Mr. Tiberi, Mr. Keller, Mr. Osborne, Mr. Wilson of South Carolina, Mr. Cole, Mr. Gingrey, Mr. Goodlatte, Mr. Herger, Mr. Rogers of Michigan, and Mr. Chocola):

H.R. 1412. A bill to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency; to the Committee on Education and the Workforce.

By Mr. BURR (for himself, Mr. Tauzin, Mr. Bilirakis, Mr. Upton, Mr. Norwood, Mr. Whitfield, and Mr. Pickering):

H.R. 1413. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself and Mr. Houghton):

H.R. 1414. A bill to facilitate the establishment of a United Nations civilian police corps for international peace operations to maintain the rule of law and promote peace and stability in post-conflict situations; to the Committee on International Relations.

By Mr. HOUGHTON (for himself, Mr. Thomas, Mr. Rangel, Mr. Crane, Mr. Levin, Mrs. Johnson of Connecticut, Mr. Payne, Mr. English, Mr. Neal of Massachusetts, Mr. Shays, Mr. Jefferson, and Mr. Becerra):

H.R. 1415. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 1416. A bill to make technical corrections to the Homeland Security Act of 2002; to the Committee on Homeland Security (Select).

By Mr. SMITH of Texas (for himself, Mr. Berman, and Mr. Conyers):

H.R. 1417. A bill to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1418. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1419. A bill to amend the Internal Revenue Code of 1986 to exempt from income tax the gain from the sale of a business closely held by an individual who has attained age 62, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1420. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require public availability of an accounting of all funds used, or required to be used, for response to a release of a hazardous substance or pollutant or contaminant; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. Foley, and Mr. Weller):

H.R. 1421. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. English, Mr. Rangel, Mr. Portman, Mr. Lewis of Georgia, Ms. Dunn, Mr. Towns, Mrs. Jones of Ohio, Mr. Wilson of South Carolina, Mr. Gonzalez, Mr. Strickland, and Ms. Loretta Sanchez of California):

H.R. 1422. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. Terry):

H.R. 1423. A bill to amend the Internal Revenue Code of 1986 to expand the energy credit to include investment in property which produces energy from certain renewable sources and expenditures for cool roofing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1424. A bill to extend the possession tax credit with respect to American Samoa an additional 10 years; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mr. Weldon of Pennsylvania, Mr. Israel, Mr. Wilson of South Carolina, Mr. Frelinghuysen, Ms. Lofgren, Mr. Skelton, Mr. King of Iowa, Mr. Bereuter, Ms. Millender-McDonald, Mr. Smith of Washington, Mrs. Tauscher, Mr. McGovern, Mrs. Christensen, Mr. Etheridge, Mr. LoBiondo, Mr. George Miller of California, Mrs. Davis of California, Mr. McHugh, Mr. Davis of Tennessee, Mr. Berman, Mr. Shays, Mr. Ford, and Mrs. Lowey):

H.R. 1425. A bill to provide for the expedited and increased assignment of spectrum for public safety purposes; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. Becerra, Mrs. Bono, and Mr. Kildee):

H.R. 1426. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for ground rent paid on land on which a qualified residence of a taxpayer is located and which is allotted or Indian-owned land; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1427. A bill to establish the criteria and mechanisms for the designation of certain areas in the United States containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as national heritage areas, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON (for himself, Mr. Foley, Mr. Hoyer, Mr. Deutsch, Mr. Rogers of Michigan, Mr. Jenkins, Mr. Castle, Mr. Frost, Mr. Nadler, Ms. Ros-Lehtinen, Mr. Gibbons, Mr. Gordon, Mr. Hoeffel, Mr. Burns, Mr. Gingrey, Mr. Matheson, Mr. Schrock, Mr. Bishop of Utah, Mr. Collins, Mr. Lincoln Diaz-Balart of Florida, Mr. Wicker, Mr. Van Hollen, and Mr. McIntyre):

H.R. 1428. A bill to authorize 36 additional bankruptcy judgeships, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. Jackson-Lee of Texas, Ms. Schakowsky, Mr. George Miller of California, Ms. Kilpatrick, Mr. Sanders, Ms. Corrine Brown of Florida, and Ms. Eddie Bernice Johnson of Texas):

H.R. 1429. A bill to protect tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 who are victims from eviction by reason of criminal activity; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. Crowley, Mr. Nadler, Mr. Frost, Mr. Serrano, Mr. Frank of Massachusetts, Mr. Van Hollen, Mr. Berman, Ms. Schakowsky, Ms. Norton, Mr. Bishop of New York, Ms. Millender-McDonald, Mrs. Napolitano, Mr. McDermott, Mr. Owens, Mr. Kucinich, Mr. Towns, Mr. Deutsch, and Ms. Baldwin):

H.R. 1430. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1431. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1432. A bill to authorize the Secretary of State to enter into negotiations with representatives of the Government of Cuba to establish cooperation between the United States and Cuba on illicit narcotics control efforts; to the Committee on International Relations.

By Mr. RANGEL:

H.R. 1433. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1434. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1435. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN:

H.R. 1436. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation, research, and development and to provide for security and diversity in the energy supply for the American people; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 1437. A bill to improve the United States Code; to the Committee on the Judiciary.

By Mr. WU:

H.R. 1438. A bill to authorize a State to temporarily extend a waiver granted with respect to the State program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. McDermott, Mr. Inslee, Mr. Smith of Washington, Mr. Dicks, Mr. Larsen of Washington, Mr. Lewis of Georgia, Mr. Wu, Mr. Honda, Ms. Eshoo, and Mrs. Capps):

H. Con. Res. 111. Concurrent resolution expressing sympathy for the loss of Rachel Corrie in the Palestinian village of Rafah in the Gaza Strip on March 16, 2003; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. Lantos, Mr. Cantor, Mr. Ackerman, Mr. Pence, Mr. Hoeffel, Mr. Ose, and Mr. Flake):

H. Con. Res. 112. Concurrent resolution condemning attacks on United States citizens by Palestinian terrorists, and for other purposes; to the Committee on International Relations.

By Mr. ENGLISH:

H. Con. Res. 113. Concurrent resolution urging all governments involved in the military action against Iraq to work to take all reasonable measures to avoid damage to the cultural antiquities in Iraq until hostilities have ceased; to the Committee on International Relations.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 114. Concurrent resolution calling on civic groups, women's groups, and others throughout the world to hold workshops, forums, and other events to speak up for world peace and reaffirm women's essential role in the peace-building process; to the Committee on International Relations.

By Mr. PASCRELL (for himself and Mr. KING of New York):

H. Con. Res. 115. Concurrent resolution recognizing the historical significance of the Triangle Fire and honoring its victims on the occasion of the 92nd anniversary of the tragic event; to the Committee on Education and the Workforce.

By Mr. SESSIONS:

H. Con. Res. 116. Concurrent resolution expressing the sense of the Congress that the United States should withhold its assessed and voluntary contributions to the United Nations until the Charter of the United Nations is amended to ensure that a member state may not be a member of the Security Council, or serve as chair of, or in any other position of responsibility in, any organ or agency of the United Nations, unless the government of that country has been democratically elected; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. CHABOT, Mr. ROHRABACHER, and Mr. BROWN of Ohio):

H. Con. Res. 117. Concurrent resolution expressing the sense of Congress that the United States Government should reaffirm its unwavering commitment to the Taiwan Relations Act as the cornerstone of United States relations with Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. KLINE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. SAM JOHNSON of Texas, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. PLATTS, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Mr. GINGREY, Mr. WICKER, Mr. KIRK, and Mr. ROSS):

H. Res. 158. A resolution to express the support and commitment of the U.S. House of Representatives for the troops serving to protect and defend the United States of America by encouraging actions to extend and protect their student financial aid for postsecondary education; to the Committee on Education and the Workforce.

By Mr. HINOJOSA:

H. Res. 159. A resolution expressing profound sorrow on the occasion of the death of Irma Rangel; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. CUNNINGHAM, Mr. OBEY, Mr. FROST, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. ANDREWS, Mr. PALLONE, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. KUCINICH, Mr. WU, Mrs. MALONEY, Mr. HOLT, Mr. BOSWELL, Ms. SCHAKOWSKY, and Mr. MOORE):

H. Res. 161. A resolution recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 162. A resolution expressing support for a National Week of Reflection and Tolerance; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 1439) for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, and Mamadou Bobo Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BARRETT of South Carolina.

H.R. 20: Mr. LANTOS, Mr. MATSUI, Mr. CHOCOLA, Mr. HONDA, Mr. EMANUEL, Mr. DOGGETT, Mr. MCGOVERN, Mr. TOWNS, Mr. QUINN, Mr. BAIRD, and Mr. WEXLER.

H.R. 25: Mr. DOOLITTLE and Mr. PEARCE.

H.R. 36: Mr. GUTIERREZ.

H.R. 40: Mr. MORAN of Virginia and Ms. CORRINE BROWN of Florida.

H.R. 100: Mr. GUTIERREZ.

H.R. 119: Mr. OTTER.

H.R. 126: Mr. NEAL of Massachusetts, Mr. FATTAH, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. KIND, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. HOEFFEL, and Mr. CLAY.

H.R. 135: Mr. RENZI.

H.R. 140: Mr. DEMINT.

H.R. 205: Mr. MICHAUD.

H.R. 218: Mr. CANTOR, Mr. WHITFIELD, and Mr. SHADEGG.

H.R. 241: Mr. GUTIERREZ.

H.R. 253: Mr. TERRY.

H.R. 284: Mr. BURNS, Mr. GOODLATTE, Mr. ISAKSON, Mr. NADLER, Mr. CLAY, Mr. COOPER, Mr. BLUNT, and Mr. MICHAUD.

H.R. 290: Mr. ETHERIDGE, Mr. WILSON of South Carolina, and Mr. CUMMINGS.

H.R. 296: Mr. ANDREWS.

H.R. 303: Mr. SIMMONS, Mr. FLETCHER, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. LAMPSON, Mr. GUTKNECHT, and Mr. BISHOP of Georgia.

H.R. 331: Mr. GORDON.

H.R. 333: Mr. BACA.

H.R. 339: Mr. HOBSON, Mr. GOSS, and Mr. TIAHRT.

H.R. 348: Mr. MCGOVERN and Mr. WHITFIELD.

H.R. 375: Mr. WELDON of Pennsylvania, Mr. SHAW, Mr. CALVERT, Ms. MILLENDER-MCDONALD, Mr. ENGLISH, and Ms. BORDALLO.

H.R. 391: Mr. GARRETT of New Jersey.

H.R. 412: Mr. BOSWELL, Ms. PELOSI, Ms. DEGETTE, and Ms. BORDALLO.

H.R. 428: Ms. LOFGREN and Mr. CASE.

H.R. 440: Mr. RODRIGUEZ.

H.R. 442: Mr. DAVIS of Tennessee.

H.R. 466: Mr. THOMPSON of California, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mrs. DAVIS of California, and Mr. GERLACH.

H.R. 478: Mr. ABERCROMBIE.

H.R. 486: Mr. RYUN of Kansas and Mr. TOOMEY.

H.R. 490: Mr. EMANUEL and Mr. CUMMINGS.

H.R. 498: Mr. TIAHRT.

H.R. 501: Mr. BISHOP of New York.

H.R. 522: Mr. WELDON of Pennsylvania and Mr. COMBEST.

H.R. 525: Mr. ALEXANDER, Mr. BACA, Mr. BALLANCE, Ms. BALDWIN, Mr. BARTON of Texas, Mr. BELL, Mr. BISHOP of Georgia, Mr. BONILLA, Mr. BOSWELL, Mr. BOYD, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. COSTELLO, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DICKS, Mr. DOGGETT, Mr. EDWARDS, Ms. ESHOO, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GORDON, Mr. GRIJALVA, Mr. HALL, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HONDA, Mr. HOYER, Mr. JACKSON of Illinois, Mr. JOHN, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. LANGEVIN, Mr. LEACH, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MANZULLO, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. ROHRABACHER, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESSIONS, Mr. SIMMONS, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WEINER, Mr. WEXLER, and Mr. WU.

H.R. 527: Mr. RANGEL and Mr. FALEOMAVAEGA.

H.R. 545: Mr. OWENS.

H.R. 572: Mrs. MUSGRAVE.

H.R. 573: Mr. ABERCROMBIE.

H.R. 578: Mr. FOLEY, Ms. DUNN, Mr. NEAL of Massachusetts, Mr. HAYWORTH, Mr. KLECZKA, Mr. TERRY, and Mr. CRENSHAW.

H.R. 588: Mr. HINCHEY.

H.R. 591: Mr. ROHRABACHER.

H.R. 648: Mr. OTTER, Mr. NEY, Mr. LAHOOD, and Mr. GOODE.

H.R. 660: Mr. DEAL of Georgia, Mrs. CUBIN, Mr. BONNER, and Mr. MCINTYRE.

H.R. 685: Mr. GRIJALVA.

H.R. 687: Mr. FORBES, Mr. DOOLITTLE, Mr. KELLER, Mr. ROHRABACHER, and Mr. BACHUS.

H.R. 713: Mr. MOORE and Ms. LOFGREN.

H.R. 714: Mr. DOOLITTLE.

H.R. 715: Ms. SOLIS.

H.R. 722: Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CHABOT, Mr. COLE, Mr. DEAL of Georgia, Mr. FLAKE, Mr. GIBBONS, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISSA, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Mr. CHOCOLA, and Mrs. BLACKBURN.

H.R. 731: Mrs. JONES of Ohio, Mr. BECERRA, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. FORD, Mr. LANGEVIN, Mr. ACKERMAN, and Mr. KENNEDY of Rhode Island.

H.R. 735: Ms. SLAUGHTER, Mr. BOEHLERT, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. RYAN of Wisconsin, Mr. MATSUI, Mr. SESSIONS, Mr. MCGOVERN, and Mr. MANZULLO.

H.R. 745: Mr. WYNN.

H.R. 760: Mr. CARTER and Mr. KELLER.

H.R. 764: Mr. ABERCROMBIE, Ms. BORDALLO, Mr. SMITH of Washington, Mr. REYES, Ms. NORTON, Mr. RUPPERSBERGER, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Mr. MEEHAN, Mr. LANGEVIN, Ms. MCCARTHY of Missouri, Mr. MENENDEZ, Mr. OBERSTAR, Mr. ALLEN, Mr. SCOTT of Georgia, Mr. LUCAS of Kentucky, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. MCINTYRE, Mr. MCGOVERN, Ms. LOFGREN, Mr. FROST, Mr. OWENS, Mr. KILDEE, Mr. COOPER, Mrs. MALONEY, Mr. MATHESON, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. MICHAUD, Mr. ISRAEL, Mr. SCHIFF, Mr. WEXLER, Mr. DEFAZIO, and Mr. RYAN of Ohio.

H.R. 768: Mr. SMITH of Texas, Mr. GOODE, Mr. RUSH, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. BOSWELL, and Mr. DAVIS of Tennessee.

H.R. 784: Mr. ABERCROMBIE.

H.R. 785: Mr. STUPAK, Mr. DAVIS of Tennessee, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 786: Ms. ESHOO, Mr. COLLINS, and Mr. JEFFERSON.

H.R. 803: Mr. DAVIS of Illinois, Mr. BISHOP of Utah, and Mr. TIAHRT.

H.R. 806: Mr. Moore.

H.R. 809: Mr. Hoeffel, Mr. Kirk, Ms. DeLauro, and Mr. Schiff.

H.R. 813: Mr. Bishop of New York and Mr. Levin.

H.R. 815: Ms. Carson of Indiana, Ms. DeLauro, and Mr. Rangel.

H.R. 816: Mr. Kucinich.

H.R. 829: Mr. Stark, Ms. Eddie Bernice Johnson of Texas, Mr. Sabo, and Mr. Nadler.

H.R. 850: Mr. Issa, Mr. Jenkins, Mr. Paul, and Mr. Rangel.

H.R. 857: Mr. Smith of Washington, Ms. Lofgren, and Mr. Rangel.

H.R. 870: Mr. Weller.

H.R. 871: Mr. Hastings of Washington.

H.R. 879: Mr. Paul.

H.R. 883: Mr. Gonzalez and Mr. Ford.

H.R. 895: Mrs. Jones of Ohio and Mrs. Davis of California.

H.R. 898: Mr. Baca.

H.R. 918: Ms. Ginny Brown-Waite of Florida, Mr. Frost, Mr. Ford, and Mr. Norwood.

H.R. 919: Mr. Bishop of New York, Ms. Hart, Mr. Berry, Mr. Royce, Mr. Souder, Mr. Rangel, and Mrs. Lowey.

H.R. 927: Mr. Larsen of Washington, Mr. Frost, Mr. Holden, Mr. Hall, Mr. Simpson, Mr. Wilson of South Carolina, Mr. Green of Wisconsin, Mr. Gilchrest, Mr. Toomey, Mr. Nethercutt, Mr. Peterson of Pennsylvania, Mr. Souder, Mr. Pitts, Mr. Camp, Mr. Greenwood, Mr. Ryun of Kansas, Mr. McHugh, and Mr. Paul.

H.R. 934: Mr. Ackerman, Mr. Abercrombie, and Mr. Ortiz.

H.R. 936: Mr. Davis of Tennessee and Ms. Schakowsky.

H.R. 941: Mr. English.

H.R. 953: Mr. Lynch, Mr. Israel, Mr. Markey, Mr. Jefferson, Mr. Rush, Mr. Lucas of Kentucky, Mr. Bishop of Georgia, Mr. Cummings, and Mr. Crowley.

H.R. 973: Mr. Becerra and Mr. McHugh.

H.R. 977: Mrs. Napolitano, Mr. Doolittle, and Mr. Cannon.

H.R. 983: Ms. Dunn, Mr. Weiner, and Mr. Rangel.

H.R. 997: Mr. Norwood, Mr. Baker, Mr. Gingrey, Mr. Gutknecht, and Mr. Boozman.

H.R. 1029: Mr. Ryan of Ohio.

H.R. 1043: Mr. Ryan of Ohio and Mr. Carson of Oklahoma.

H.R. 1050: Mr. Lipinski, Mr. Paul, Mr. Sensenbrenner, Mr. Bishop of Utah, and Ms. Berkley.

H.R. 1056: Mr. Pastor.

H.R. 1061: Mr. Green of Wisconsin.

H.R. 1063: Mr. Calvert and Mr. Sam Johnson of Texas.

H.R. 1072: Mr. Gingrey.

H.R. 1093: Mr. Pallone.

H.R. 1095: Mr. Ortiz and Mr. Green of Texas.

H.R. 1101: Mr. Pallone, Mr. Kildee, Mr. Waxman, and Mr. Baird.

H.R. 1102: Mr. Sherman, Ms. Hooley of Oregon, Ms. Berkley, Mr. Matheson, Mr. Etheridge, and Mr. Kanjorski.

H.R. 1105: Mr. Sherman.

H.R. 1114: Mr. Ose, Mr. Wicker, Mr. Brady of Texas, and Mr. Souder.

H.R. 1125: Mr. Cooper and Ms. McCollum.

H.R. 1155: Mr. Delahunt, Mr. Ford, Mr. Frost, Mr. Hoeffel, Mr. Kolbe, Mr. LaTourette, and Mr. Moore.

H.R. 1157: Mr. Davis of Illinois, Mr. Boucher, Mrs. Jones of Ohio, Ms. DeLauro, and Mr. Flake.

H.R. 1165: Ms. Berkley.

H.R. 1169: Mr. Wicker.

H.R. 1170: Mr. Kennedy of Minnesota and Mr. Barton of Texas.

H.R. 1173: Ms. Bordallo and Ms. Hart.

H.R. 1174: Ms. Bordallo and Mr. Rangel.

H.R. 1191: Mr. English, Mr. Wu, and Mr. Boswell.

H.R. 1212: Mr. Gutierrez.

H.R. 1235: Mr. Pearce, Mr. Hastings of Washington, and Mr. Franks of Arizona.

H.R. 1236: Mr. Feeney and Mr. Burgess.

H.R. 1252: Mr. Flake and Mr. Sensenbrenner.

H.R. 1256: Mr. Ryan of Ohio.

H.R. 1257: Mr. Faleomavaega.

H.R. 1263: Mr. Pastor.

H.R. 1264: Mr. Calvert and Mr. Faleomavaega.

H.R. 1272: Mr. Strickland, Mr. Allen, Mr. Frank of Massachusetts, Ms. McCarthy of Missouri, Mr. Brown of Ohio, Mr. Kleczka, Mrs. Davis of California, Mr. Berman, Mr. Filner, and Mr. Stark.

H.R. 1275: Ms. DeLauro, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Nunes, Mr. Faleomavaega, Ms. Watson, and Mr. Ryan of Ohio.

H.R. 1294: Mr. Olver, Mr. Allen, Ms. Slaughter, Ms. Lee, Mr. Sanders, Mr. Van Hollen, Mr. Honda, Mr. Inslee, Mr. Hoeffel, and Mr. Frank of Massachusetts.

H.R. 1300: Ms. Ros-Lehtinen and Mr. Rodriguez.

H.R. 1304: Mr. Davis of Illinois.

H.R. 1305: Ms. Eshoo, Mr. Walden of Oregon, Mr. Doolittle, and Mr. Royce.

H.R. 1306: Mr. Davis of Illinois.

H.R. 1322: Ms. DeLauro and Mr. Sabo.

H.R. 1323: Mr. Holden, Ms. Waters, Ms. Norton, Mrs. Jones of Ohio, Mr. Sanders, Mr. Grijalva, Ms. Woolsey, and Mr. George Miller of Califonia.

H.R. 1334: Mr. Stupak.

H.R. 1345: Mr. Sanders and Mr. Ryan of Ohio.

H.R. 1349: Mr. Sanders and Ms. Lofgren.

H.R. 1355: Mr. Emanuel, Mr. Green of Texas, Mr. Meehan, Ms. Slaughter, Mrs. Capps, Ms. Lee, Mr. Hinchey, Mr. Serrano, Mr. Wynn, Mr. Grijalva, Mr. Evans, Mr. Frank of Massachusetts, Mr. Israel, Mr. Markey, Mr. Farr, Mr. Taylor of Mississippi, Mr. Crowley, Mr. Conyers, Mr. Engel, Mr. Delahunt, Mrs. Davis of California, and Mr. Obey.

H.R. 1359: Mr. Van Hollen and Ms. Jackson-Lee of Texas.

H.R. 1363: Mr. Payne and Mrs. Jones of Ohio.

H.R. 1372: Mr. Gary G. Miller of California, Mr. Pombo, Mr. Weller, and Mr. Davis of Tennessee.

H.R. 1394: Mr. Blumenauer.

H.R. 1397: Mr. Sanders.

H.J. Res. 4: Mrs. McCarthy of New York, Mrs. Northup, Mr. Simpson, Mrs. Musgrave, and Mr. Boyd.

H. Con. Res. 10: Mr. Davis of Illinois.

H. Con. Res. 23: Mr. Chocola, Mrs. Kelly, Mr. Goodlatte, and Mr. Rogers of Alabama.

H. Con. Res. 50: Mr. Barrett of South Carolina.

H. Con. Res. 57: Mr. Van Hollen.

H. Con. Res. 80: Mr. Rangel.

H. Con. Res. 91: Ms. Linda T. Sánchez of California, Mr. Dingell, Mr. Davis of Illinois, Mr. Michaud, and Mr. Lantos.

H. Con. Res. 103: Ms. Eddie Bernice Johnson of Texas, Ms. Millender-McDonald, and Mr. Watt.

H. Con. Res. 109: Mr. Bonilla, Mr. Hunter, Mr. Baca, Mr. Walsh, Mr. Forbes, Mr. Marshall, Mr. Doolittle, Mr. Cole, Mr. Pearce, Mrs. Miller of Michigan, Mr. Reyes, Mr. Burns, Mr. Hefley, Mr. Leach, Mr. Ryun of Kansas, Mr. LaHood, and Mr. Schrock.

H. Res. 108: Mr. Kind and Ms. Schakowsky.

H. Res. 113: Mr. Burton of Indiana.

H. Res. 127: Mr. Hinojosa.

H. Res. 137: Mr. Baca, Mr. Michaud, Mrs. Jones of Ohio, Mr. Van Hollen, Mr. Jackson of Illinois, Mr. Olver, Mr. Evans, Mr. Becerra, Mr. Stark, Mr. Waxman, Mr. Miller of North Carolina, Ms. Jackson-Lee of Texas, Mr. Faleomavaega, Mr. Cardin, Mr. Tierney, Ms. Harman, and Mr. Wu.

H. Res. 153: Mr. Boozman and Mr. Carter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 919: Mr. Nussle.

EXTENSIONS OF REMARKS

HONORING SANDRA CREQUE'S 38 YEARS OF SERVICE TO THE ALAMEDA COUNTY REGISTRAR OF VOTERS OFFICE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. STARK. Mr. Speaker, we rise today to honor Sandra Creque's outstanding career in the Alameda County Registrar of Voters Office. On April 1, 2003, Sandy will retire as Division Chief, Registration and Outreach after 38 years of dedicated service.

Sandy's long tenure in the office of the County Registrar of Voters is legendary. She was committed to community involvement and service from the start of her career in 1965. She soon became involved in working with Students for Rockefeller at the University of California, Berkeley. Sandy was in the community five nights a week and on weekends, training students at UC Berkeley on how to register voters. Many of those students went into the South and conducted voter registration drives during the Civil Rights Movement, while others lead the nationwide anti-war movement during Vietnam, or worked locally to bring political change.

Sandy understands the importance of political involvement through the ballot box. She has been instrumental in providing professional guidance about the registration process and has kept to her mission to make sure every citizen is able to enjoy the franchise.

With her calm demeanor and wealth of knowledge, Sandy's invaluable contributions to elected officials and office seekers in Alameda County will be long remembered. Sandy helped make the process easier for them and their campaign workers. She made a difference, always behind the scenes, and always willing to go extra miles for everyone.

Highlights of her 38 year career that Sandy points to with pride include witnessing Barbara Jordan testify in Washington, DC, on the Voting Rights Act; the opportunity to help extend the vote to all segments of Alameda County's diverse population; and the opportunity to serve the diverse population in such a way as to enhance the electoral process.

These highlights are a testimony to the caring and professional manner in which Sandy Creque has conducted herself during her tenure in the Alameda County Registrar of Voters Office. She has been an exemplary advisor and a friend. We join Alameda County in saluting this remarkable woman; we thank her for her dedicated service, and applaud her for a job well done.

IN MEMORY OF JAMES G. PATTERSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. ROGERS of Alabama. Mr. Speaker, James G. Patterson of Cusseta, Alabama, died February 26, 2003, at the Veterans Administration Medical Center in Montgomery. He was 69 years old.

Born August 22, 1933, in Valley, Mr. Patterson was a retired veteran of the U.S. Army. James G. Patterson was a proud Alabamian and a model citizen who loved the military. He was a retired employee of Wellington Sears Utilization Plant.

Mr. Patterson was also an active proponent of civil rights. As a member of the Alabama National Guard, he protected 1960s civil rights marchers, including Dr. Martin Luther King, Jr., at events in Alabama and Mississippi.

Mr. Patterson is survived by his daughter, Betty J. Teel of Valley; his son, James Earl Patterson of Washington, DC; and three grandchildren, Michael Corbin Teel, Jamie Patterson and Alexandra Patterson. His children remember their father warmly.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Ms. McCOLLUM. Mr. Chairman, the budget we're considering today does not reflect America's priorities.

At a time when Minnesota is making difficult choices to balance the State budget, at a time when we're confronting terrorism and a slumping economy, this budget turns its back on the American people.

This budget is reckless and irresponsible and hurts American families. It explodes the deficit, fails to create jobs, and fails to invest in education and health care.

Instead of a fiscally responsible budget, this budget piles up record deficits—the worst ever on record.

Instead of offering a budget that creates jobs, this budget incorporates the Bush tax cut plan, which the Economic Policy Institute says would cause a net loss of 750,000 jobs by 2013.

Instead of providing for a meaningful prescription drug benefit, the budget includes only $28 billion in new money for a Medicare prescription drug benefit, and envisions cuts in both Medicare and Medicaid that put hospitals, seniors, children, and the disabled at risk.

The Democratic budget I support focuses on America's priorities. Our budget includes an economic stimulus plan, which would jumpstart the economy, provide tax relief and create 1 million jobs. Our budget provides more funding for homeland security, $34 billion, more funding for education, $44 billion, and more funding for the environment, veterans and other priorities.

We also provide at least $500 billion more for prescription drugs. Finally, our budget matches the President's defense request for the next 5 years, and achieves balance by 2010.

HONORING THE 75TH ANNIVERSARY OF FORDSON HIGH SCHOOL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to recognize the 75th Anniversary of Fordson High School in Dearborn, Michigan.

Dedicated on March 22, 1928, Fordson High School was designed and built on 15 acres to accommodate 2,300 students at a cost of $2 million. Fordson was heralded in the 1920's for being the first million-dollar high school. However, it is the steadfast dedication to education and more specifically, Fordson's national reputation for helping establish immigrants in the United States that has truly set it apart.

Mr. Speaker, the City of Dearborn experienced unprecedented growth with the rise of the automotive industry in the 1920s and 1930s. It was during this time that Fordson became the center of a community increasingly noted for the number of immigrants and for its ethnic diversity. Today, the activities of the Arabic and Romanian clubs at the school continue the tradition of community outreach programs. A plethora of diverse languages and cultures have walked the halls of Fordson High School over the past 75 years. In fact, Fordson pioneers a program teaching non-English speaking students in their native language to keep up with their class work until their English skills are proficient.

Education has remained a top priority for Fordson producing many distinguished graduates. Local businessman and philanthropist Michael Adray; Walter P. Reuther, former president and founder of the UAW; Chuck

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rossi, comedian with Martin and Rossi; name only a few of the noted graduates.

Mr. Speaker, as Fordson embarks on its 75th Anniversary, and in honor of their unfaltering dedication to diversity and education within the community, I would ask that all of my colleagues rise and salute this wonderful school.

MARCH SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I have named Oceanside High School in the Oceanside School District as School of the Month in the Fourth Congressional District for March 2003.

The principal of Oceanside High School is Dorie Ciulla, the vice-principal is Robert Ledlie and the Superintendent of Schools is Herb Brown. Oceanside High School has over 1600 students in grades 9–12 and over 140 staff members. The school philosophy is "Know Thoroughly, Think Critically, Act Ethically."

I chose Oceanside High School because its Participation in Government program for High School Seniors stands out among the other district high schools. Oceanside's seniors are encouraged to get involved in government by learning not only about our nation's history, but by studying our country's evolving public policy and set of laws, and the importance of community service.

Oceanside High School seniors can enroll in a variety of Participation in Government classes. Students with teacher or chairperson recommendations can enroll in Advanced Placement American Government, a college level course that features an in-depth curriculum covering the basic institutions of United States government.

Students who enroll in Community Volunteer Service get a dual curriculum, where they spend three days per week studying the issues faced by our local, state and federal government, and two class periods a week doing volunteer work in hospitals, nursing homes, elementary schools, political offices and day care centers. Completion of the course leaves students with first hand knowledge of the problems discussed in class.

Oceanside seniors have one other Participation in Government option: Public Policy and the Law. This class focuses on the political side of government, by teaching students the nature of politics, how politics relates to decision-making, and the formulation of public policy on local, state and federal levels. Students learn the process by participating in mock trials, town meetings and public hearings.

The Participation in Government classes converge to hold an annual Human Relations Day. On March 19, over 50 speakers were invited to address Oceanside students on a variety of topics, ranging from violence prevention to AIDS awareness to civil liberties to poverty on Long Island. The event provided the students with in-depth discussions of particular issues that they felt were of importance.

Human Relations Day is a unique and wonderful way for our students to be involved in current events. It shows that the classes in which the students are enrolled are truly successful in motivating the students to get involved in many public policy issues and matters of national concern.

I am proud to name Oceanside High School the school of the month for March 2003.

INTRODUCTION OF A RESOLUTION TO EXPRESS THE SUPPORT AND COMMITMENT OF THE U.S. HOUSE OF REPRESENTATIVES FOR THE TROOPS SERVING TO PROTECT AND DEFEND THE UNITED STATES OF AMERICA BY ENCOURAGING ACTIONS TO EXTEND AND PROTECT THEIR STUDENT FINANCIAL AID FOR POSTSECONDARY EDUCATION—H. RES. 158

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. KLINE. Mr. Speaker, I am pleased to introduce a resolution expressing the support and commitment of the U.S. House of Representatives for the troops who are serving to protect and defend the United States. More specifically, the resolution encourages actions to extend and protect the postsecondary student financial aid monies of these soldiers during this uncertain time.

This resolution is simple in its purpose. Following the attacks of September 11, 2001, Congress passed the HEROES Act of 2001, which allowed the Secretary of Education to work with affected borrowers, lenders and institutions of higher education to grant flexibility surrounding student financial aid matters. This resolution urges the Secretary of Education to maintain his commitment to our men and women in uniform by providing assistance and flexibility as they transfer in and out of postsecondary education during this uncertain time.

The resolution also urges all postsecondary institutions to provide a full refund of tuition, fees and other charges to students who are members of the Armed Forces or are serving on active duty, including the Reserves and National Guard. Many times, America's military are also students. They are called away from their class work and studies to serve our nation's national defense. These heroes deserve the flexibility and accommodations that institutions of higher education can provide as they are leaving for active duty and returning to the classroom.

Lastly, this resolution urges lending institutions that hold or service Federal student loans for borrowers who have been called to serve the nation's defense to provide all available benefits and flexibility to these servicemen and women. When these servicemen and women return to the United States, we don't want to put them in a worse position financially because of the time they were overseas serving our nation.

I hope my colleagues join me in expressing the Congress's commitment to our military and to our students and families.

HONORING THE 10TH ANNIVERSARY OF THE KIDS BREAKFAST CLUB

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Kids Breakfast Club of Hayward, California on its 10th anniversary.

The Kids Breakfast Club was started by educator Marlena Uhrik as a program designed to provide a healthy breakfast and activities during school breaks for children who depend on school lunches for nutrition.

After serving 200 breakfasts to low-income children and their families at the Club's inaugural event in December, 1992, Marlena developed a more comprehensive program to include a free breakfast along with expanded opportunities for learning.

Today the program serves children during winter and spring breaks, and includes arts and crafts for children, a literacy program with story time and storytelling, free books, clothing, and health and dental screenings and referrals.

While the children are engaged in activities, the adults attend adult education classes on topics that interest them, including gang prevention, nutrition, drugs, tobacco, and alcohol, and receive training in first aid, CPR, and parenting skills. All of the presenters are bilingual to serve Spanish-speaking parents.

The Kids' Breakfast Club has grown from one location to five, and over 30,000 breakfasts have been served in the program's 10 years of existence. The program also includes a year-round, once-a-month Saturday program. It has formed partnerships with the Youth Enrichment Program to provide tutoring for the students, and the Hayward Adult School to provide presenters and leadership.

I am honored to commend the Kids' Breakfast Club and its founder Merlena Uhrik for its dedication to providing children and their families with a safe and healthy start when school is not in session. The Club has brought the community together to show true meaning of the African proverb "it takes an entire village to raise a child."

TRIBUTE TO SONNY CALLAHAN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. ROGERS of Alabama. Mr. Speaker, from the cab of an 18-wheeler to a seat on one of the most influential committees in Congress, the road Sonny Callahan has traveled getting to our nation's capital was never dull.

Congressman Callahan was first elected to the United States House of Representatives on November 6, 1984 and served the people of Alabama's First Congressional District for eighteen years.

Prior to coming to Congress, Sonny Callahan was a successful small businessman who knew what it was like to meet a payroll each month. This experience taught him valuable lessons in paperwork and management and solidified his views as an outspoken advocate of less govenment.

A veteran of the Alabama legislature, Sonny Callahan came to Washington in 1985 committed to providing a conservative voice in Congress. Ten years later Callahan was tapped to chair the powerful House Appropriations Subcommittee on Foreign Operations. In so doing, he became one of the 13 "Cardinals," an honorary title bestowed on the Appropriations subcommittee chairmen who, by virtue of their positions, are among the most influential members of the House.

During this same time, Callahan won rave reviews for his skills as a legislator, with The Wall Street Journal and The Washington Post praising on him as "an unlikely champion." He later became the chairman of the influential House Appropriations Subcommittee on Energy and Water Development in the 107th Congress.

Mr. Speaker, Sonny Callahan was a dedicated public servant and an honorable Alabamian. Let us take this time to reflect on his work in this historic chamber and thank him for his dedication to his country and the people of Alabama.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today in support of H. Con. Res. 104, our troops in harms way in Iraq, and our President as Commander-in-Chief.

I express my sincere disappointment that the rules for H. Con. Res. 104 did not permit a division of the resolution into two separate pieces of legislation. Had this division been allowed, I would have voted in favor of the provisions on Page 4, lines 1–16. I would have opposed the remainder of the resolution, pages 1–3, because in my opinion this language prevented the House from unanimously supporting our troops and the President as Commander-in-Chief.

At a time of war, I believe we must stand together, united, behind our armed servicemen and women in the field, our commanding officers, and our military leaders. We must send a strong message to our troops that we stand behind them to the fullest degree, and we will continue to support them once their mission is complete.

The service personnel and their families in the Middle East and throughout the world have my thoughts and prayers with them always.

HONORING THE SAINT MARY CATHOLIC CENTRAL HIGH SCHOOL GIRLS VOLLEYBALL CHAMPIONSHIP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to recognize the St. Mary Catholic Central High School (SMCC) volleyball team for winning the Class C state championship for the first time in the school's history.

It is the first state title for any SMCC girls team, and in fact it is the first state crown for any girls team from a Monroe County high school in any Michigan High School Athletic Association-sanctioned competition. It is quite a feat considering their opponent, the North Muskegon Norsemen were ranked third in the state after the regular season. SMCC was unranked most of the year before finally making No. 10 in the last week.

During the regular season, the girls were known for their astonishing comebacks. In the State final, the girls were down 9–0 in the first game before they embarked on their amazing comeback that will go down in state volleyball history. The team finished their remarkable season with a 40–10–4 record.

Mr. Speaker, I would like to ask all my colleagues to rise and join me in congratulating the St. Mary Catholic Central girls' volleyball team for their perseverance, hard work and well-deserved championship.

GREEK INDEPENDENCE DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mrs. McCARTHY of New York. Mr. Speaker, in 1821, drawing inspiration from the ideals and institutions of the fledgling United States, the Greeks waged their own struggle for liberty. They declared their independence after 400 years of rule by the Ottoman Empire, therefore returning democracy to its birthplace. Today, I rise to commemorate the struggle, and later the victory, of Greek Independence.

Throughout the world, and through history, Greek influence can be seen and felt. Our ideas on philosophy, politics, architecture, and the arts, stem from the Greeks. Today, Greece is a strong ally to the United States, proving to be a valued partner in NATO as well as to the whole of Europe. This is also true of Greek-Americans. Greek-Americans are extremely important to American society today. They provide our nation with scientists, artists, politicians, and in countless other areas.

Today, as we celebrate Greek Independence Day, we are all Greek. "Opa!"

INTRODUCTION OF THE HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003—H.R. 1412

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. KLINE. Mr. Speaker, I am pleased to introduce, along with several of my colleagues, the Higher Education Relief Opportunities for Students Act, HEROES, of 2003. This is a bill that expresses the support and commitment of the U.S. House of Representatives for the troops who protect and defend the United States. Specifically this bill provides authority to the Secretary of Education to assist students whose lives are being disrupted by being called to serve in the Armed Forces.

This bill is simple in its purpose. It extends the specific waiver authority within title IV of the Higher Education Act for the Secretary of Education, and allows him to maintain his commitment to our men and women in uniform by providing assistance and flexibility as they transfer in and out of postsecondary education during a time of national emergency. This waiver authority addresses the need to assist students who are being called up to active duty or active service.

This bill is specific in its intent—to ensure that as a result of a war, military contingency operation or a national emergency: Affected borrowers of Federal student assistance are not in a worse financial position; administrative requirements on affected individuals are minimized without affecting the integrity of the programs; current year income of affected individuals may be used to determine need for purposes of financial assistance; and the Secretary is provided the authority to address issues not yet foreseen.

The bill also urges all postsecondary institutions to continue their support and commitment to their students by providing a full refund of tuition, fees, and other charges to students who are members of the Armed Forces or are serving on active duty, including the Reserves and National Guard. Many times, America's military are also students. They are called away from their families, class work and studies to serve our nation's national defense. These heroes deserve the flexibility and accommodations that institutions of higher education can provide as they deploy and return to the classroom.

As families send loved ones abroad to defend our Nation, the Higher Education Relief Opportunities for Students Act will allow the Secretary of Education to reduce some of the effects of that upheaval here at home.

I am proud and delighted that a number of my colleagues have signed on as original cosponsors of the Higher Education Relief Opportunities for Students Act. It is an indication of the Congress's commitment to our military and to our students and families, as well as to those who make higher education available. I look forward to swift passage of this legislation.

CELEBRATING GREEK INDEPENDENCE DAY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. FOSSELLA. Mr. Speaker, today we are gathered to recognize the Greek in their 182nd year of independence. It was the ancient Greeks who coined the ideas of freedom and justice that we founded our country on. And March 25th celebrates the freedom that Greeks enjoy since their war of independence.

In 1821, Greeks forcefully rose up against the oppressive Ottoman Empire, which had occupied Greece for nearly 400 years, embarking on the ultimately successful war of independence. This war was to the same likes that the United States engaged in nearly half a century earlier during the American Revolution. Fighting side by side through two World Wars, Greece and the United States remain committed allies in maintaining and strengthening freedom throughout the World.

My district of Staten Island and Brooklyn celebrates the Greek heritage as an important part of our community, providing diversity and culture to our schools and neighborhoods.

Mr. Speaker, in closing, I want to congratulate the Greek people for 182 years of independence and thank them for their contributions to American life.

ON THE OCCASION OF THE 182ND ANNIVERSARY OF GREEK INDEPENDENCE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. MCNULTY. Mr. Speaker, the American people join with the people of Greece in celebrating the 182nd anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights.

Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a nation, owe a great debt to Greece. Greece is the birthplace of democracy, as we know it.

Thomas Jefferson said, "To the ancient Greeks, we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness."

The terrorist attacks of September 11, 2001, were an attack on democracy and freedom—not just against our people, but also against all freedom-loving people everywhere in the world. The Greek people understand this.

I congratulate the people of Greece and wish them a Happy National Birthday.

INTRODUCTION OF ENERGY TAX LEGISLATION

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. SANDLIN. Mr. Speaker, one of the greatest problems facing the United States today is our lack of national energy independence.

The United States' dependence upon foreign sources of oil is simply unacceptable for a country rich in natural resources and equipped with the capability to develop these resources as a means of increasing our national security. At the height of the energy crisis during the 1970s, the United States imported 46 percent of our oil supply. Today, it is estimated that we import approximately 55 percent of all energy used in this country. As America's energy consumption increases, our need to produce more energy rises as well. Unfortunately, supply is not meeting demand, and our increased reliance on foreign sources of energy has potentially disastrous consequences for our national security.

At the same time, we have to acknowledge that energy independence cannot be attained through production alone. Though Congress should strongly encourage the production of energy sources as diverse as oil, gas, wind and solar power, we should also encourage the increased conservation of energy.

I believe the United States needs a balanced, forward-looking energy policy for the 21st century. For this reason, today I am introducing legislation that will provide needed incentives for the increased production of oil, natural gas, wind and solar power by our small, independent producers, as well as measures to encourage increased conservation of energy.

My bill would provide tax incentives for independent oil and gas producers to maintain production from marginal wells and develop nonconventional fuel sources such as coalbed methane and natural gas from tight sands formations. Further, my legislation would spur development of energy from renewable sources by providing a tax credit for residential solar energy production and electricity generation from wind and other sources.

Any balanced energy plan must acknowledge that Americans need to increase our conservation efforts in an attempt to move closer to energy independence. To that end, my legislation would provide incentives to homeowners to make energy efficient home improvements that decrease their consumption of energy.

Additionally, my legislation would encourage the production of cars powered by fuel cells and hybrid engines. Fuel cell technology holds enormous potential for the future, and the Federal Government has an important role to play in the development and use of this clean, renewable energy source.

The United States will not achieve energy independence overnight, and we must acknowledge that it will take years before America attains a greater level of energy independence. My legislation will move our country in the right direction and bring us closer to the day when we can reduce our dependence upon foreign sources of energy and increase our national energy independence.

TRIBUTE TO LIEUTENANT COLONEL PAMELA H. SMITH-BEATTY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Pamela H. Smith-Beatty for her faithful service of 22 years to the United States Air Force.

Pamela began her career in the Air Force as a Second Lieutenant in the Air Force Medical Service in Offutt Air Force Base, Nebraska. She continued to serve in various locations, including North Dakota, Louisiana, Texas, California, Illinois, Maryland, Korea, and Florida. Throughout her career in these locations, Pamela devotedly performed her duties primarily as a Women's Health Nurse Practitioner, but also as a Deputy Flight Commander and a Deputy Chief Nurse. Pamela has been honored with several awards, including a Space Command Field Grade Nurse of the Year award, a Meritorious Service Medal, a Commendation Medal, and an Achievement Medal. Pamela will be greatly missed by her co-workers, and greatly appreciated by her country.

I am honored today to recognize Lieutenant Colonel Pamela H. Smith-Beatty for her auspicious dedication to serving her country.

TRIBUTE TO COMMANDER CAROL HOTTENROTT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize an outstanding naval officer, Commander Carol Hottenrott, who served with distinction and dedication during the past year for the Assistant Secretary of the Navy, FM&C, as a Navy Appropriations Liaison Officer in the Appropriations Matters Office. It is a privilege for me to recognize her many outstanding achievements and commend her for the superb service she has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During her tenure in the Appropriations Matters Office, which began in March of 2002, Commander Hottenrott has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs with timely and accurate support regarding the Department of the Navy's Operations and Maintenance, Personnel and medical programs budget accounts. Her valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped Naval Forces attainable for the defense of our great Nation.

Commander Carol Hottenrott has demonstrated outstanding leadership in the Navy and on Capitol Hill. She continues to be recognized as a truly unique naval officer and is one of a very select group of female naval officers to command a ship. She distinguished herself as a Commanding Officer of a Mine hunting ship and has been selected for command of another combat vessel. Exemplifying the best this country has to offer, she has made many personal sacrifices in the interest of the Navy and our Nation. Having worked with her on the highly complex operations and maintenance issues impacting the port of San Diego, I know she is a wonderful person and officer, and a bright and talented individual. Although she departs today to return to sea on the staff of the new Pacific Expeditionary Strike Group, I expect that she will continue rising through the Navy leadership ranks and that we will have many opportunities to work together again in the future. I wish her every success in her new job, and call upon my colleagues to join me in wishing her "fair winds and following seas."

NOMINEES FOR THE REGIONAL ACADEMIC ALL-STAR TEAM FROM THE PENNYROYAL REGION IN WESTERN KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based on their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities (both community based and school-related), employment history, and an autobiographical essay.

Mr. Speaker, education is the foundation upon which we reach our human potential. Students in my District are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

J. D. Quin, Princeton; Frank Armstrong, Hopkinsville; Rebekah Woodall, Cadiz; Josh Covington, Hopkinsville; Jason Musser, Elkton; Elizabeth Hostilo, Hopkinsville; Jordan Judy, Trenton; Dana Davis, Gracey; Ethan Thomasson, Cadiz; Lewis Jones, Princeton; James Yoakum, Hopkinsville; Sarah Phaup, Madisonville; Melinda Orten, Hopkinsville; Hannah Cummins, Fredonia; Rachel Jaggers, Cadiz; Kelsie Nabb, Guthrie.

David Harper, Hopkinsville; Patrick Armstrong, Hopkinsville; Louis Clayton, Hopkinsville; Emmy Lou Kacer, Hopkinsville; Gwen Son, Princeton; Tavia Green, Hopkinsville; Kimberly Fennell, Cadiz; Craig Richardson, Hopkinsville; Jennifer Belcher, Hopkinsville; Jessica Mizwa, Elkton; Jonetta Tabor, Elkton; Jeremy Wells, Hopkinsville; Jackie Shiue, Hopkinsville; Emmy Lou Kacer, Hopkinsville; Stuart Cook, Cadiz; Jeffrey Kellow, Hopkinsville.

Kevin Oliver, Princeton; Katharine Pettit, Lewisburg; Tanner Parrent, Hopkinsville; Ben Gray, Cadiz; Hunter Ray, Hopkinsville; Cayce East, Hopkinsville; Ashley Crick, Crofton; Cayce Higgins, Hopkinsville; Rose Heflin, Elkton Menyon; Cayce East, Hopkinsville; Brian Belva, Hopkinsville; Elizabeth Dearing, Princeton; Patience Manos, Cadiz; Angela Latimer, Hopkinsville.

Mr. Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

CONGRATULATING JOHN BRADFORD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. SHUSTER. Mr. Speaker I rise today to recognize and congratulate an exceptional student from Chambersburg, Pennsylvania. John Bradford has been named the male middle school student of the year by the Pennsylvania Middle School Association. John is currently a seventh-grader at Chambersburg Area Middle School, a member of the student council, and involved in numerous projects to help better his community.

Last year, John was instrumental in a campaign to raise money for the Ronald McDonald House. He organized an effort to raise $360 by collecting aluminum can tabs at his school. Through his involvement in student government, John has also been involved in other charity related projects such as Coats for Kids, raising money for Mothers Against Drunk Driving, and a food drive that sent 4,000 canned goods to the Salvation Army. He is most recently working on gathering other middle school students to join him in participating in a walk-a-thon for the March of Dimes.

John has already accumulated an impressive list of accomplishments and has demonstrated a true desire to help better his community. I encourage him to continue volunteering and helping so many worthy charities. Mr. Speaker, I urge my colleagues to join me in congratulating John Bradford for earning recognition as an exceptional individual by being named the male middle school student of the year in Pennsylvania. I am very proud to have such a tremendous individual in my district, and I wish him the best of luck in all his future endeavors.

TRIBUTE TO MR. SUNIL "SUNNY" AGHI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. PALLONE. Mr. Speaker, it is with great sorrow that I rise on the House floor to mourn the passing of one of the Indian American community's most exemplary leaders, Mr. Sunil "Sunny" Aghi. Although we will be at a great loss with his passing and it is difficult to express in words the grief of his family and all those who knew him, I would like to offer this tribute as a celebration of his many accomplishments during his short life.

"Sunny" was a man who stood for the honor and responsibility that comes along with American citizenship. Among his accomplishments was the creation of the Indo-American Political Foundation, a group dedicated to ensuring that Indian Americans were active in their communities and their government.

Beyond his numerous personal efforts to provide food and clothing for local charities, and raising money for scholarships to allow struggling families to send their children to college, Sunil's foundation sought to educate Indian Americans about what it means to be a part of their government and how it allows them to be proud of their citizenship in this great country.

Mr. Speaker, I am honored to have called Sunil Aghl a friend and I am eternally grateful to have called him a partner in the fight to bring government to the people and people to their government. I, for one, am humbled by his accomplishments and can only hope that his message of strong involvement in government, pride in our country, and concern for his fellow Americans will live on in all those he has touched.

In conclusion, Mr. Speaker, I hope "Sunny" is remembered for all he has done and all that he has stood for throughout his short time.

HONORING 182 YEARS OF FREEDOM AND DEMOCRACY IN GREECE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. DOYLE. Mr. Speaker, I rise to honor one of America's greatest allies and inspiration for our freedom, liberty, and most importantly, our democratic system of government—Greece.

Today marks the 182nd anniversary of Greek independence. Greek-Americans in my district of Pittsburgh, Pennsylvania and throughout the United States will celebrate this milestone and continue their rich tradition of philanthropy, civic duty, and education. Indeed, there are more than 3 million Greek-Americans in our country providing America with professors, engineers, scientists, artists, athletes, and politicians. Greek culture and heritage touch nearly every aspect of American life.

Greek Independence Day marks the revival of democracy in the place that gave birth to its principles, and many of the political, artistic and social innovations of Greece were the source of some of America's greatest treasures, including the rugged individualism described in Homer's poetry or the political philosophies of Aristotle.

In these days of war and terrorism, Greece remains a steadfast and stable ally of the United States in a region of the world that is marked by turbulence and violence. Following the attacks on America on September 11th, Greece was one of the very first countries to express solidarity with the United States. Since this time, Greece has made outstanding contributions to the global war against terrorism, including military support for Operation Enduring Freedom, humanitarian assistance for Afghanistan, and participation in the International Security Assistance Force in Afghanistan.

My Speaker, Greek-Americans should be proud of their rich and long heritage of service to their fellow humans, both domestically and abroad. I strongly applaud Greek-American commitment to family, community, and America, and hope all Americans join with Greece and her sons and daughters to celebrate 182 years of freedom, democracy, and friendship.

OREGON OPTION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. WU. Mr. Speaker, my state of Oregon is one of nine states nationwide that currently operates its welfare program under a federal waiver. In Oregon the program is known as the "Oregon Option," and in the past six years, it has seen caseload reduction rates above the national average.

Our innovative, state designed program allows Oregon the flexibility to consider individuals on a case-by-case basis.

Some folks simply need a little job training or job search skills and they are ready to transition back into the workforce. On the other hand, others need extensive drug and alcohol treatments, or basic education, before they are able to hold down a job.

This combination of basic rehabilitative services to the most needy, and more education and job training activities for others, has proved a great success.

Unfortunately, Oregon's federal welfare waiver expires this year. If Oregon is forced to change its program to fit the guidelines laid out in the recently passed TANF reauthorization bill (H.R. 4), the result will be high cost and great disruption to a program that has been heralded as a success.

This simply does not make common sense.

The legislation I am introducing today would extend existing, or recently expired, welfare waivers through fiscal year 2008.

Successful states, like Oregon, should be allowed the ability to continue their federal waivers, for as long as they have successful programs.

CONGRATULATIONS TO THE THOMASVILLE BULLDOGS!

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. COBLE. Mr. Speaker, the Thomasville High School Bulldogs have long been known for their winning football tradition, but with the dawning of the 21st Century, the Bulldogs are distinguishing themselves as a force on the basketball court as well. On March 15, 2003, both the men's and women's basketball teams of Thomasville High School captured the North Carolina state 1A basketball championship.

The Bulldog women's team became the first team in the school's distinguished history to win back-to-back championships after completing an impressive 32–0 season. Congratulations to Head Coach Eric Rader, Assistant Coaches Sara Larrick and Phil Apple, Managers Byron Lattimore, Patrick Jackson, and Andrew Oakley, and each member of the team. Best wishes to Impris Manning (11), Maya Ray (12), Brittanny Marsh (14), Lavonnda Harriott (21), Tyronnica Alford (23), Tameka Thomas (32), Kendra Rutledge (34), Shay Harris (40), Charnette Davis (41), Tiffany Carroll (42), Tasha Dallas (50), and Erin Crowder (33). Miss Crowder performed especially well, obtaining MVP honors for the second time.

The Thomasville men's basketball team also performed well, finishing their season with a record of 29–2 before winning the state title. We congratulate Bryan Shore (10), John Benjamin (12), Adam Oakley (20), Cord Thomas (21), Rasheid Brock (22), Junior Thome (23), A.J. Banks (30), Roy Peake (32), Alan Jeffries (33), Josh Sweitzer (34), Jeremy Mills (42), Terranza Stephenson (44), Patrick Henderson (50), and Brandon Setzer (51). Mr. Setzer obtained MVP honors for the men's team. Athletic Director/Head Coach Woody Honeycutt and Assistant Coach Lacardo Means also deserve congratulations for their leadership in coaching this team to victory.

The Sixth District would like to extend its congratulations to the Principal, Dr. Mike Allred, the students, faculty, and families at Thomasville High School. Best of luck to the Bulldogs for another successful season next year.

SALUTE TO GREEK INDEPENDENCE

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. SWEENEY. Mr. Speaker, I would like to submit the following statement onto the floor in support of celebrating March 25, 2003, as Greek Independence Day. The ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people. The Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy.

Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict in the twentieth century. Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II.

Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights. Those and other ideals have forged a close bond between our 2 nations and their peoples.

March 25, 2003, marks the 182nd anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. DELAHUNT. Mr. Speaker, tonight the invasion of Iraq has begun. Overwhelmingly, it is the men and women of the American military who are carrying out this operation. That's why, although nobody can predict the twists and turns this war will take, I have no doubt that our troops will ultimately prevail. They are the best trained, equipped, and motivated soldiers the world has ever seen. They make us proud even in peacetime. And they will do so again in this conflict.

So it is right that the U.S. Congress should come together to express the Nation's respect and gratitude. And this resolution is a good first step. But it is only a beginning. We must follow up these flattering words with concrete measures of support for our troops, and for those veterans who served before them.

Let me be clear: I oppose this war. I voted against the Congressional authorization to use military force. I would prefer that our fellow citizens in the military were not risking their lives in this invasion tonight. But now that it is underway, there should be no doubt in anyone's mind that the U.S. armed forces have our full and sustained support.

Within the Congress and across our Nation, we still have profound disagreements over the rationale for this pre-emptive strike. For my part, as a member of the International Relations Committee, I have been thoroughly dismayed at the handling of the buildup to this war. I believe it is particularly misleading to argue that this assault is part of the fully justified and necessary response to the savagery of al Qaeda. I strongly object to language in this resolution that does exactly that.

This is not to say that I oppose liberating the Iraqi people or ending the brutality of the Iraqi regime. Saddam Hussein is a ruthless dictator who has visited unspeakable horror on Iraqis and their neighbors. And I find myself concurring with those in the Administration who believe that this could be exactly the kind of radical strategy that could shock the Middle East into real change. But the way that the Administration so thoroughly assaulted the structures of world order in its rush to war could make our coming victory in Iraq a Pyrrhic one.

The White House attitude has isolated our nation from the rest of the world more thoroughly than at any time in recent history. It has alienated some of our closest allies, seriously damaged the United Nations and the North Atlantic Treaty Organization, and potentially undermined the international order that the United States worked so hard to establish after World War II.

Either the Administration does not realize, or else it refuses to accept, that we need that international order. It is precisely because of this global cooperation that we have been so successful in the war against al Qaeda. Since for the most part, that is not a war in the traditional sense. It is one waged in the shadows, through intelligence agencies, special forces operations, and old-fashioned police work. Due to the sheer obscenity of the September 11 attacks, and the threat to the international order that this organization represents, most of the world welcomed the chance to assist us in fighting al Qaeda. And the help of many nations—yes, even that of France—has made a great contribution to our efforts against the terrorists.

But the Administration's belligerent swagger into war with Iraq has squandered that goodwill. Its ever-changing rationales for this action—particularly its assertion of direct links between Saddam and al Qaeda, which our own CIA refuses to corroborate—have undermined our credibility. Its refusal to estimate the cost of the invasion and subsequent occupation has stripped the budget resolution the House considered tonight of any connection to reality. Its abandonment of our veterans calls into question our long-term commitment to our serving military. Its penchant for secrecy and intolerance for dissent feeds conspiracy theories about our true intentions. And its assumption that might makes right sends a terrifying signal to a world that only recently had begun to embrace the traditional American view that legitimacy is derived from democracy and the rule of law. Although I am certain that our military will win the war in Iraq, I am greatly concerned that the Administration will lose the peace.

Time will only tell who is right. Many in this chamber will continue to have great differences with the Administration on this policy. But there is one thing on which I agree wholeheartedly with the President: our men and women in uniform deserve our deepest respect and appreciation. These American citizens are willing to die so that we may live; to risk life and limb for the sake of our national security. And they will do their job effectively, honorably, and without unnecessary partisan rancor. I call on my colleagues, and all Americans, to acknowledge their sacrifices by living up to the ideals for which they are fighting.

RECOGNIZING JASON GUTHERY AS WINNER OF THE COTILLION FOR ACHIEVEMENT SCHOLARSHIP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jason Guthery, a very special young man who has exemplified the finest qualities of citizenship and leadership. He has been honored with the Award of Distinction as winner of the Cotillion for Achievement scholarship program.

The Cotillion for Achievement award was established in 1986 and is presented annually. Two winners, one male, one female, are selected from public and private school seniors attending school in Andrew and Buchanan County, Missouri. Students are evaluated on four criteria; scholastic achievement, extracurricular activities, community involvement and an essay written by the student. This prestigious award has been extended to Jason.

Jason has established himself as a well-rounded student. He is involved in numerous activities, including Student Council president, yearbook editor, newspaper editor, Spirit team, baseball captain, football captain, LaFayette overnight experience, Peers Always Listen, blood mobile, Youth Forum facilitator, Lindbergh Christmas volunteer, Young Life junior leader, and a junior counselor of the Missouri Association of Student Councils. Additionally, he has been honored for his achievements with such awards and distinctions as the Students Owning Academic Responsibility academic pin winner and academic letter winner.

Mr. Speaker, I proudly ask you to join me in commending Jason Guthery for his many achievements and in wishing him the best of luck in his future.

HONORING THE 25TH ANNIVERSARY OF PAT LOOMES' TENURE AS EXECUTIVE DIRECTOR OF GIRLS INC. OF ALAMEDA COUNTY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Pat Loomes, Executive Director of Girls Incorporated of Alameda County. Pat has selflessly dedicated her life to inspiring girls to be strong, smart and bold.

Pat grew up in Ireland and immigrated to the United States with education and activism as her primary goals. After earning a graduate degree she began working at the Berkeley Women's Center in the early 1970s. There she identified the immense need for preventive measures for women who had suffered life-long abuse and low self-esteem, and who possessed very few skills that could translate into employment or self-improvement.

It was at this time that Pat accepted the position as Executive Director at a small organization for girls with the passion and foresight that produced the thriving social service agency that Girls Inc. of Alameda County is today.

For the past 25 years, Pat has been instrumental in the financial growth of the organization. Under her direction, operations grew to over $3 million, and today the organization serves thousands of girls. Girls Inc. has expanded from a small tutoring and recreational club to offering girls more than 10 acclaimed programs ranging from science, math and technology enrichment to leadership and fitness as well as comprehensive mental health services.

During her tenure as Executive Director of Girls Inc., Pat has been ahead of her time in confronting girls' most sensitive needs with conviction and grace. In 1989, when funding cuts discontinued a local program for pregnant teens and teen parents, Girls Inc. began to support services for this population. Pat also oversaw the implementation of the award-winning national program, Preventing Adolescent Pregnancy. Since that time, Girls Inc.'s health and sexuality programming has expanded to include services to school-age mothers, pregnant and parenting girls involved in the juvenile justice system, as well as providing reproductive health education in schools from Berkeley to Union City.

Pat's hard work and devotion have not gone unrecognized. In 1986 and again in 2000, the United Way awarded Pat the Seaton Manning Outstanding Professional Award for her "visionary leadership and tireless advocacy for girls." The Wells Fargo Foundation and the Management Center of San Francisco also honored her with the 2001 Navigator Award for Model Leadership.

Pat served as a member of the National Girls Incorporated Board of Directors for 13 years. In 1995 she delivered a seminar on math and science for girls at the International Women's Conference in Beijing, China. Her advocacy skills were well utilized in these arenas of national and international policymaking.

I am honored to join the colleagues of Pat Loomes in commending her 25 years of tireless commitment to empowering girls. Pat has made it a personal and professional mission to strike a balance between her ideology and direct service to her community. She has been not only the driving force behind the success of Girls Incorporated of Alameda County for 25 years, but a crucial advocate for girls around the globe as well.

GREEK INDEPENDENCE DAY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. MEEHAN. Mr. Speaker, I rise to speak on the 182nd anniversary of Greek Independence Day.

Greek Independence Day is a celebration of freedom and democratic self-governance. Classical Greece was the birthplace of democracy. Athen's era of liberty and self-governance inspired many of our Founding Fathers, particularly Thomas Jefferson as the author of the Declaration of Independence. Freedom movements throughout history have been inspired by classical Greece.

The 400 year foreign occupation of Greece by the repressive Ottoman Empire cast a pall over the proponents of democratic self-governance. The Greeks captured the world's imagination again when they began their fight for freedom from the Ottoman Empire in 1821. The Greeks won their independence and renewed the worldwide movement towards self-governance.

I am proud to represent one of the longest sustained communities of Americans of Greek descent. The first Greek came to Lowell in the mid-19th century. By the 1890s Greek immigrants began moving to Lowell to work in its mills. They opened Greek Orthodox churches, developed small businesses, organized social institutions, and helped build the city of Lowell.

The Greek families thrived and grew and Lowell became a major destination point for Greek immigration. In fact, Lowell was called the "Acropolis of America." Thousands of Greek families throughout the United States can trace their roots back to Lowell.

The Hellenic community of Lowell remains vibrant and engaged. For example, last month I held a community forum on the Cyprus dispute. The unlawful division of Cyprus has been a major foreign policy dilemma for N.A.T.O. and the State Department. This winter, a new United Nations plan and popular support on both sides of Cyprus for a settlement fostered intensive negotiations.

Because of the importance of this issue, I held a forum on the Cyprus negotiations. I'm often told that people do not care about international affairs until after a dispute has become an international crisis. This was proven wrong by the demonstrated interest of the Hellenic community in the Cyprus negotiations.

Those in attendance at the Cyprus forum belonged to such institutions as: Hellenic Holy Trinity Greek Orthodox Church, Transfiguration Greek Orthodox Church, Sts. Constantine and Helen Greek Orthodox Church, St. George's Greek Orthodox Church, the Federation of Hellenic-American Societies of New England, Greek American Legion Post #1, the Mani Society, the Pan-Macedonian Association, the Pan-Laconian Federation, the Order of A.H.E.P.A., the Euorkos Society, the Sons and Daughters of Kastrakini, and the Pan-Messinian Federation, among other institutions.

The latest negotiations failed largely because the northern Cyprus obstructionist leader Rauf Denktash prevented the plan from being sent to the Turkish Cypriots for a referendum. This latest travesty by Mr. Denktash will only fuel the increasing distant between himself and the new, pro-settlement government of Turkey.

While frustrating to all, the negotiations went further than any prior negotiations. It is the continued interest and work of the Hellenic community that will raise awareness about Cyprus. I can think of no better living tribute to Greek Independence Day.

RECOGNIZING THE "LOST THEATRES OF SOMERVILLE" PROJECT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the Somerville Museum on the "Lost Theatres of Somerville" project, a multifaceted exhibition of the architectural, commercial and cultural significance of fourteen movie theaters that were built and operated during the twentieth century.

This "Visual and Oral History of Somerville's Picture Palaces" is an in-depth portrait of Somerville's theatres through compilations of photographs, artifacts and other documents. The exhibit will juxtapose historic accounts of the theatres with present-day photos of the theatre sites.

In addition to the visual displays, a collection of oral histories will provide first-hand narratives about the legendary theaters of Somerville. Dr. Guss, a professor of Sociology and Anthropology at Tufts University, will conduct the oral history component of the exhibit. The Lost Theaters of Somerville display will also include a speaker series. Former theater employees, cultural geographers, anthropologists, and architectural and theatrical historians will share their memories and perceptions of Somerville's theatres.

The Somerville Museum will keep photographs of the theaters in its permanent archives of Somerville history, and oral history tapes will be held at the Somerville Public Library. Retaining these accounts ensures that the legacy of Somerville's twentieth century movie theaters will extend well into the twenty-first century.

Many thanks to the Lost Theaters of Somerville coordinators for the work they have done to document and preserve a very special aspect of Somerville's history.

INTRODUCTION OF A RESOLUTION HONORING OPERATION RESPECT, THE "DON'T LAUGH AT ME" PROGRAM, AND PETER YARROW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit a bipartisan resolution, together with seventeen of my colleagues in the House, recognizing the accomplishments of Operation Respect and of Peter Yarrow of Peter, Paul and Mary, who founded and helps to promote this outstanding program nationwide.

Operation Respect and its "Don't Laugh At Me" initiative are helping to promote anti-bullying, compassion and tolerance among children in after-school programs and children's camps. The "Don't Laugh At Me" program has been presented in 230 workshops in dozens of congressional districts. Over 18,000 educators in 27 states have received its training materials and professionally-developed curriculum. As we all know, Mr. Yarrow has described in words and song the program's goal and objective to enthusiastic meetings of the Republican Conference and the Democratic Caucus of the United States House of Representatives.

The "Don't Laugh At Me" program uses character education to promote the social and emotional growth in children. When a child has fewer worries of bullying and intolerant classmates, that child is able to focus on schoolwork as well as create new bonds with fellow students. It is no wonder that teachers, parents and students alike have given very high marks to the "Don't Laugh At Me" program.

Many organizations have commended Operation Respect and the "Don't Laugh At Me" program, including the National Conference of State Legislatures, who passed a resolution in August of 2001 that recognized the value of Operation Respect. Major educational organizations supporting this important initiative include the National Association of Elementary School Principals, National Association of Secondary School Principals, American Association of School Administrators, Council of Great City Colleges of Education, National Education Association, Council of Great City Schools, American School Counselors Association, National School Boards Association, National Middle School Association, and the American Federation of Teachers.

The House should recognize the achievements of Operation Respect and Peter Yarrow in helping to make schools and camps safer, more tolerant, more learning-friendly environments for our children. I would hope that the House would be able to consider this bipartisan resolution in the near future.

INNOCENTS IN UNIFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. STARK. Mr. Speaker, I rise to draw to the attention of my colleagues an article written by my friend Princeton Economist Uwe Reinhardt. Dr. Reinhardt is well known to many of us in Congress because of his expertise in health care policy. He's an advisor I rely on for his keen insights, knowledge, and his wit—not a characteristic identified in many health economists.

What many of my colleagues may not know is that Dr. Reinhardt and his wife, May, have a son who is serving in the U.S. Marines on the front lines in Iraq.

Dr. Reinhardt grew up in Germany and saw the horrors of war as a young boy there. His words deserve our attention. He's right. Our thoughts and prayers should extend to all involved in war and against any loss of human life—civilian, military, American or Iraqi.

I commend Dr. Reinhardt's article for your attention. His sentiments are ones I share completely and I thank him for being able to so eloquently say what many of us feel. I hope others will take his words to heart.

[From the New York Times, Mar. 22, 2003]

INNOCENTS IN UNIFORM

(By Uwe E. Reinhardt)

PRINCETON, NJ.—CNN recently showed a Marine chaplain admonishing the platoon assembled before him: Pray not only for yourself, he told them, but for your enemies as well. After all, they are just soldiers, like you, doing what they are ordered to do.

What a refreshing departure these words were from what I've been hearing from the civilian sector, where the talk is mainly of minimizing coalition casualties or, in more generous moments, innocent Iraqi civilian casualties as well. I wince every time I hear that kind of talk, especially the reference to innocence. Should not the proper minimum in any war be loss of human life, period—which in this case includes Iraqi soldiers, too?

My earliest childhood memories were forged by war—real war. My family lived near one of the most ferocious battle grounds of the European war theater—the notorious Hürtgen forest, where American and German soldiers fought one another in hand-to-hand combat for more than four months in the fall of 1944. A plaque at one of the military cemeteries in the area notes that more American soldiers died there than in Vietnam, and surely as many or more German soldiers were killed there too.

My family lived opposite a convent that had been converted into a field hospital for the nearby front. I was a small boy then, and watching the ambulances come and go (sometimes peeking curiously into them), I could not help but become witness daily to the horrors of war. Millions of Europeans of my generation, whom many Americans now disparage so contemptuously as pacifists, had a similar experience.

Because we lived so near the Battle of the Bulge and the advancing, allied forces, our village was strafed and bombed routinely. One such attack came as my friends and I were playing outside. We ran as the planes approached, taking shelter in the cavernous basement of the convent. There we spied a row of stretchers. On each was a body covered entirely by a blanket. Possibly to overcome our own terror, we dared one another to pull back a blanket on one of the stretchers, to see what a dead man looked like. Someone did. We fell silent instantly as we beheld the serene, waxen face of a very young soldier who could not have been older than 16 or 17.

More than 50 years later, I can still see his face clearly. The shock of it recurs whenever I hear the chirpy anchors on the morning programs (not to mention the hawkish talking heads) prattle on about innocent civilians, as if the number of fallen enemy soldiers did not count. What does "innocent" mean in the context of war?

I am almost certain that the young German soldier my friends and I saw so many years ago in that convent basement was as innocent as those of us who weren't in uniform. For all we know, he had grown up on a farm somewhere and, while fighting in the trenches, dreamed of his girlfriend and of life as an adult in peaceful times. For all we know, he would have happily quit fighting and joined the allies. (He didn't have much of a choice: some German generals strung up on trees the bodies of young soldiers who had deserted, a powerful warning to their peers.)

Perhaps many of the Iraqi soldiers, too, find themselves where they are because they have no other choice. After all, is not Saddam Hussein a ruthless dictator, and are not some of his generals likely to be as cruel as their Wehrmacht counterparts?

My hope is that Americans can muster the proper decorum that an enterprise as horrible as war demands. There is nothing neat about maiming and killing people with precision bombs from the air or gunfire on the ground—even if they're wearing enemy uniforms. Young lives are snuffed out; parents, siblings and lovers weep, and so should we. We want our troops to win a quick victory, to be sure. As the father of a young Marine officer on the front lines in Iraq, I certainly do. But let us heed that Marine chaplain who, like anyone who has ever witnessed war, knows whereof he speaks. Let us hope and pray for a minimum loss of human life—period.

ELECTION OF ALICE P. MILLER AS PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Ms. NORTON. Mr. Speaker, I am proud to inform my colleagues in the House of Representatives that on February 22, 2003, in Washington, D.C., Alice P. Miller, who is Executive Director of the D.C. Board of Elections and Ethics, was sworn-in as President of the National Association of State Election Directors (NASED).

That was an exceptional achievement, because the membership of NASED comprises the Election Directors of all of the 50 states, as well as the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands.

NASED is a non-partisan organization, whose members do not take stands on legislative matters. Those matters are left to elected officials to decide. NASED members are committed to conducting elections that are free, fair, and open, while maintaining the public trust.

Those of us in the Washington Metropolitan Area (D.C., Maryland and Virginia) have known about Alice's exceptional talents, integrity and leadership for many years. It is especially gratifying, however, that an organization that represents all 50 states and several Territories, also appreciates Mrs. Miller's fine attributes by electing her President of NASED.

I had the honor of welcoming this national organization to Washington recently and also enjoyed meeting the NASED leaders. I found them to be very knowledgeable and dedicated public officials who are certainly aware of the serious responsibilities that they have.

Mrs. Miller, a Washington, D.C. resident, is the first African American to be elected President of NASED and has served on the National Association's executive committee for four years.

She has represented NASED at Congressional hearings, including the 2001 Congressional Black Caucus hearing on election reform. That legislation culminated in the passage and signing of the historic Help America Vote Act of 2002.

Recently, Mrs. Miller, who is married and the mother of two children, was also named to serve on the board of directors of the Election Center. This organization promotes, preserves and improves democracy. Their members are government employees who serve in local voter registration and election administrative activities.

She is also a member of the board of the Center's Professional Education Program. Last year she was also appointed to the Federal Election Commission Advisory Board. Before she was appointed Executive Director of the D.C. Board of Elections and Ethics, Mrs. Miller served as the Board's General Counsel.

She was elected President of NASED at a very important time. The nation is hoping that election reform will increase voter participation and also increase the trust of voters in protecting the integrity of the electoral process, which is vital in a democracy.

Mrs. Miller has done outstanding work at the D.C. Board of Elections, sometimes under trying conditions. For example, the Board conducted a flawless election with new machines that had never been used before when the two leading candidates for Mayor of the city were write-in candidates. Thus, Mrs. Miller's election to NASED begins with excellence at home.

I congratulate Mrs. Miller on her major national achievement and wish her the very best in her new and challenging responsibilities.

RECOGNIZING MRS. "NELL" WRIGHT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. BOEHNER. Mr. Speaker, I rise today to congratulate, thank, and recognize my constituent Mrs. Neldleen "Nell" Wright. Nell is a testament to the innate goodness of human nature and the overwhelming positive effect one individual may have on the community.

As a wife, mother, and tireless volunteer in Ohio's Eighth Congressional District, Nell has quietly given much more than she has taken. Her work, as an employee with the Butler County Republican Party, over the past fifteen years has been a constant source of pride and unconditional praise. Nell's dedication is undoubtedly a major reason for the party's huge success.

Mr. Speaker, Nell's warm smile and gentle personality are known throughout Southwest Ohio. Her attitude, fierce determination, and community spirit are a constant source of energy for all those around her. So much of Nell's work is done quietly and without reward, and it is my honor to take this moment and say thank you to her. I congratulate Nell and wish her a very happy 80th birthday.

TRIBUTE TO DON CASTLEBERRY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I ask my colleagues to join me in paying tribute to an extraordinary professor, an esteemed colleague and dear friend, Don Castleberry. He recently passed away at his home in San Mateo, California on Sunday February 16, 2003, having lived a blessed and generous life.

Don was born December 2, 1914 in Hollis, Oklahoma and received his Bachelor's Degree from Central State College in Edmond, Oklahoma. He then attended the University of Oklahoma to obtain a Master's Degree and went on to the University of Minnesota where he received a Ph. D. in Political Science. During World War II, he bravely served his country as the Assistant Director of Civilian Relief Operations (CRO) for the American Red Cross in Russia and then as Director of CRO in Poland.

After returning from Europe, Don moved his family to California and began his remarkable career at San Francisco State University (SFSU). His extraordinary career at the University spanned a remarkable 31 years. During his tenure he taught political science and held a variety of administrative positions, the last of which as the Dean of the Graduate Division. Additionally, Don had the privilege of spending a year teaching at the American University in Beirut, Lebanon as a Fullbright Scholar in 1959.

Mr. Speaker, it is without exaggeration when I say Don was an exceptional influence on my life. In addition to being a splendid professor, Don was a dedicated advisor during my first Congressional campaign. In fact I have always viewed Don's keen insight, astounding intellect and courageous spirit as great assets that were crucial to my first Congressional victory. His passing has taken away one of San Mateo's favored sons and his contributions to the betterment of our local and national community will certainly be missed.

He is survived by his loving wife of 61 years, Arline, his wonderful children Karen and Gerry, his grandchildren Samantha, Christopher, Timothy and William and his sister Beth. Mr. Speaker, my wife Annette and I are deeply grieved by Don's passing and I urge all of my colleagues to join us in offering our most sincere condolences to Arline and the rest of Castleberry family.

TRIBUTE TO MARCUS C. HANSEN, BUSINESS LEADER AND PATRIOT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, Marcus C. Hansen is one leader whose accomplishments and dedication to both his vision and values have gained him the respect and admiration of individuals across this great country. It is a privilege to take this opportunity to recognize his outstanding leadership as President of Lockheed Martin Management & Data Systems (M&DS). Under Mr. Hansen's leadership for the past six years, M&DS—a $2.3 billion business unit of the Lockheed Martin Corporation headquartered in King of Prussia, Pennsylvania—has contributed vitally to the proud history of Lockheed Martin. It has been both a great honor and a distinct pleasure to work with Marc over the years, and I salute him for his unwavering dedication to our country, citizens and economy.

On March 31, 2003, Mr. Hansen will retire as President of Lockheed Martin Management & Data Systems (M&DS). Mr. Hansen had responsibility for all aspects of the organization's business, including management of more than 8,000 employees. The company's record under his leadership speaks for itself: outstanding execution, disciplined growth and unquestionable commitment to customer and corporate success. Under his tenure, M&DS has truly grown into a world-class organization that values its customers, employees, and the community. Mr. Hansen is often described by his peers as a strong leader who is able to motivate those around him to continued success. Over the years, I have seen first-hand his ability to inspire, and I applaud his talents and dedication.

Since he became president of M&DS in 1997, the company has met or exceeded its financial goals every year while increasing sales from $1 billion to over $2 billion. Under Mr. Hansen's leadership, M&DS has received several business awards and distinctions, including the highest technical accreditation ever accorded a single company, SEI SE/SW CMMI Maturity level 5 from the Carnegie Mellon Institute. Computerworld magazine also featured the company as one of the "Top 100 Best Places to Work in IT" for the last two years.

Mr. Hansen directed a broad array of information technology business areas with capabilities in system engineering and integration, architectural definition, and large-scale data and information software systems design, development and implementation. Additionally, major elements of the company are engaged in system operations, maintenance and enhancement at customer facilities.

Mr. Hansen's business philosophy is driven his unwaivering commitment to the highest ethical standards. He strongly believes that if you genuinely care about your customers and help them succeed, you succeed. To maintain competitiveness, Mr. Hansen believes a company must attract and retain the best employees and create an environment that allows them to flourish.

Mr. Hansen began his career in 1968 with GE Aerospace (GEA) in Valley Forge, Pennsylvania. In 1974, he became program manager supporting the Landsat satellite system. In 1977, he joined Management & Data Systems where he held a number of increasingly responsible engineering and program management positions. In 1988, Mr. Hansen took on the assignment of managing GEA's Aerospace Information Technology component. In 1989, he transferred to Syracuse, New York as General Manager of Engineering, Ocean and Radar Systems, and in 1992 he assumed the same position at Government Electronic Systems in Moorestown, New Jersey.

In January 1994, Mr. Hansen returned to M&DS as vice president, Requirements Management Systems, and in March 1995 assumed the role of executive vice president of M&DS. Mr. Hansen was then named president of Management & Data Systems in March 1997.

With his career at M&DS near its end, Mr. Hansen said that if he could leave just one thing behind, it would be M&DS Guiding Principles or what he calls "the right stuff"—his recipe for a world-class business. He urged employees to read, understand and personalize them, and he encouraged them to make certain that decisions are made in the best interest of the country, the customer and the corporation.

Mr. Speaker, fellow colleagues, please join me in paying tribute to the exemplary accomplishments of Mr. Marcus C. Hansen, for his achievements as a business leader and patriot who exemplifies the spirit that has made this country great. I wish Marc continued success as he utilizes his energies and talents in new and exciting ways. I wish Marc and his wife Cheryl much happiness in the future.

TRIBUTE TO MR. VINCENT L. BARILE, DEPUTY UNDER SECRETARY FOR MEMORIAL AFFAIRS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to Mr. Vincent L. Barile, Deputy Under Secretary for Memorial Affairs, who retired after 28 years of service at the Department of Veterans Affairs, VA.

Vince began his career with VA in 1975 as a veterans' benefits counselor. In 1976, he transferred to the Budget Service in VA's central office. From 1979 to 1984, he served as a budget analyst in the Veterans Health Administration, where he rose to supervisor of budget formulation and operations.

In 1984, Vince joined the National Cemetery Administration, NCA, as the director of budget and planning. In this position he was responsible for the formulation and implementation of the annual budget, all planning activities, and other activities including emergency preparedness, energy conservation and safety programs. The Secretary of Veterans Affairs promoted Vince to Deputy Under Secretary for Management for NCA in 1990.

In 2002, Vince was appointed Deputy Under Secretary for Memorial Affairs. In this capacity, Vince oversaw budget and planning, information systems, communications, human resources, administration, contracting, memorial programs, state cemetery grants, and operations and construction for 120 national cemeteries. Vince testified before the Veterans' Affairs Committee frequently on memorial affairs issues, where he brought extensive knowledge and experience to the witness table.

When asked what they will remember most about Vince Barile, employees he supervised say that he was a mentor and a teacher. He often conducted impromptu sessions in the hallways, always credited his employees for their work, and helped them find opportunities to learn. As evidence of the high regard he had for his employees, Vince summed up his remarks at his farewell party by saying that his Exceptional Service Award was not his award, but one in recognition of all his employees. He noted that if his career was considered successful, it was because of the people who worked for and with him. He then applauded his staff.

With Vince's retirement, VA is losing vast institutional knowledge and a real friend to America's veterans. Thank you, Vince, for your 28 years of dedicated service to the Department of Veterans Affairs and the Nation.

HONORING THE MEN AND WOMEN OF THE U.S. ARMED FORCES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CRENSHAW. Mr. Speaker, the United States of America is the proud home to the best trained, most versatile, and most committed voluntary military force in the world.

The men and women of our armed forces defend our lives, our freedom, and our loved ones at a moment's notice, without question. This incredible commitment provides an incalculable benefit to the citizens of the United States of America; for this, I rise today on behalf of the Fourth Congressional District of Florida to say thank you.

There is a tremendous sense of patriotism among those in the military. These men and women answer a call to duty that often means the difference between life and death. The men and women of our armed forces are the first sent to confront the unknown; they face danger until the last threat is gone.

This unwavering commitment to defending our freedom extends beyond asking our soldiers, sailors, airmen, and marines for their duty; this commitment includes asking their parents, their spouses, and their children to stay strong while they are fighting for freedom on a foreign shore.

To the men and women of our Armed Forces, thank you. Your sacrifice is priceless. Your dedication is greatly appreciated.

HONORING SHERIFF C.A. "PELK" RICHARDS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Sheriff C.A. "Pelk" Richards for his commitment and dedication to the Mariposa County Law Enforcement. On Friday, May 2nd his retirement will be celebrated at Sheriff C.A. "Pelk" Richards' Retirement Dinner in Mariposa, California.

Pelk Richards has been an active member of the community throughout his life. He is a Mariposa native who was born in San Diego and raised in Mariosa County. Pelk graduated from Mariposa County High School and married his high school sweetheart, Dorothy. In his younger years, he was a steer and team roper while taking part in the Triangle Roping Club and the California Cowboys Association.

On July 1, 1972 Mr. Richards joined the Mariposa County Sheriff's Office as a Deputy Sheriff/Jailer. Pelk was very progressive and worked his way up the rank structure at the Sheriff's Office. He was promoted to Sergeant in 1977 while receiving the Outstanding Sergeant Award, and again promoted to Commander in 1985 and later moved up to Undersheriff in 1990. Pelk was sworn in as Mariposa's 21st Sheriff in January of 1999.

During his career, Sheriff Richards solved all homicides assigned to him and was deemed to be a Court expert in Narcotics. In 1990, he was awarded the "J. Edgar Hoover" Law Enforcement Officer of the Year Award. Pelk was also responsible for writing 417(b) California Penal Code-Protecting Peace Officers Legislation. Immediately after taking office, Sheriff Richards gathered his command staff and created a Mission, Vision, and Value Statement which held to the mission "to control, prevent, and reduce crimes in all our communities, while being courteous, professional, and respectful." He also developed a Terrorism Response Plan for Mariposa County in response to the terrorist attacks of September 11th.

Mr. Speaker, I am pleased to honor Sheriff C.A. "Pelk" Richards for his dedication to Mariposa County. I urge my colleagues to join me in wishing Sheriff C.A. "Pelk" Richards many more years of success.

A TRIBUTE TO NANCY RIVARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. LANTOS. Mr. Speaker, I am delighted to pay tribute to one of my most extraordinary constituents, a beacon of kindness in the world, Ms. Nancy Rivard. This outstanding woman is a former airline attendant who single-handedly founded the Airline Ambassadors International (AAI), an extraordinary non-profit organization dedicated to improving the lives of needy children from all over the world.

Ms. Rivard's desire to establish this organization, dedicated to making a difference in the lives of needy children began over ten years ago. After years of trial, turmoil and rejection her dream finally became a reality when AAI was founded in 1996. Every year this wonderful organization makes a difference in the lives of over 100,000 children in 25 of the world's most troubled countries by having its members hand-deliver food, clothing, medicine, school supplies and personal care products directly to the children in the receiving countries. Since its inception AAI has seen the ranks of its volunteers grow to more than 400 people who have contributed over 600,000 hours of their time.

Mr. Speaker, this remarkable organization is made up of 4 different components. First, the Humanitarian Aid Program coordinates the local effort to collect and sort humanitarian and medical supplies. Volunteers arrange the pick up and packing of donations and then with the help of a participating airline, they ship the items to the countries that are currently receiving aid. From there the donations are hand-delivered directly to the children. The volunteers also are involved with facility refurbishing, holiday parties and planting trees. Second is the Children's Escort Program, which supplies volunteer escorts for children in need of medical care in the United States. AAI provides the adoption agency or nonprofit organization with a previously screened and qualified escort at a significantly reduced airfare. The child's airfare is provided through the "Miles for Kids" program. The third component is the Youth Programs. These programs give young people the chance to be involved in the humanitarian missions, a unique opportunity that offers adolescences the chance to help needy kids their own age and experience kindness and compassion on a whole new level. AAI also co-sponsors an annual youth art competition that has received entries from over 60,000 children in approximately 62 countries. Finally, the fourth component of AAI involves members volunteering at special events, locally, nationally and internationally with goals to better the world and bring goodwill into action.

Mr. Speaker, Nancy Rivard's tireless work has helped countless children in their time of need. Her selflessness, passion and drive have not only given the world's needy children the chance to experience things they had only dreamed of, but more importantly, she has given these children a glimmer of hope. Her plan to build Airline Ambassadors into an organization of even more strength and ability is an ambitious plan, one that should be applauded. Nancy was recently presented with a well-deserved "National Caring Award" for her accomplishments with AAI.

Mr. Speaker, I am honored to say that this remarkable woman is one of my longtime constituents and it delights me to think that I am representing such a fine example of the American people. I urge all my colleagues to join me in paying tribute to Nancy Rivard, for this exceptional woman is truly an inspiration to all of us, proving that one person can make a difference.

COMMENDING THE ADMINISTRATION'S POSITION ON THE ISSUE OF TAIWAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. ENGLISH. Mr. Speaker, Secretary of State Powell was in Beijing recently, asking for Beijing's assistance on the issues of North Korea and Iraq. Beijing responded by asking the Bush Administration to consider "trade-offs," especially more American flexibility on the issue of Taiwan. I want to commend Secretary Powell and the Bush Administration for refusing to participate in this sort of irresponsible horse-trading.

We continue to support peaceful solution to any political disagreements between the People's Republic of China and Taiwan. At the same time, Congress has repeatedly voiced its commitment to defend the people of Taiwan from aggression, and we have backed this commitment with economic, political and military cooperation. I believe that this Administration has done an exemplary job of reinforcing this commitment by refusing to compromise Taiwan's security in the face of Beijing's attempts at coercion.

Meanwhile, Beijing has turned a deaf ear to Taiwan President Chen Shui-Bian's calls for renewed dialogue between the two. This lack of communication will certainly result in misunderstanding, and could lead to dangerous miscalculations by both sides. These sorts of miscalculations can in turn lead to the sort of military confrontation that we all wish to avoid. I therefore strongly urge Beijing's new leadership to remove Chinese missiles from the area along the Taiwan Strait and to embrace a peaceful approach to managing the cross-strait relationship.

It is time for bilateral dialogue on economic cooperation, democratic governance, improved human rights and peaceful resolution of all issues between Taiwan and the People's Republic of China.

100TH ANNIVERSARY OF THE LABORERS' INTERNATIONAL UNION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives will want to join me in saluting the Laborers' International Union of North America (LIUNA) on the 100th anniversary of its founding. LIUNA, through its millions of members over the years, has long played a vital role in building America through the construction of highways, bridges, dams and power plants, factories, office buildings, schools, churches, hospitals, apartments, and houses throughout the country.

The first president of the AFL–CIO, Samuel Gompers, convened the meeting in April, 1903, that resulted in the creation of the International Hod Carriers' and Building Laborers' Union of America. That union represented just 8,000 workers. In 1965, the name was changed to the Laborers' International Union of North America to reflect the expansion of the union beyond the construction field.

Today, LIUNA consists of approximately 800,000 members in more than 650 locals throughout the country. LIUNA members work in a wide variety of fields including local, state and federal governments, health care, shipbuilding and hazardous waste removal.

LIUNA is one of the most innovative unions in the labor movement, with state of the art training centers across North America. LIUNA has repeatedly demonstrated its commitment to protecting the rights of laborers and is among the most successful unions at organizing within the labor federation today.

LIUNA's success is predicated on the protection and promotion of its members—goals that are achieved through the dedication and hard work of union officers and their representatives working at all levels of government. The efforts of these men and women to protect and enhance the welfare of LIUNA's members serves to better the lives of all workers throughout the United States.

LIUNA's efforts to raise the standard of living for laborers are deserving of our attention and admiration. This is an extraordinary union whose leadership works hard every day to protect members' health and safety, provide laborers a strong voice in the workplace, provide extensive skill training to empower members to reach their full potential, and perhaps most importantly, to ensure dignity, respect and security for laborers in the workplace.

Mr. Speaker, I join LIUNA's officers and members in celebrating their 100th Anniversary, and I salute the work of the Laborers International Union of North America. I encourage my colleagues to similarly respect the positive impacts LIUNA has had within their home districts and states, and I encourage them to express their support of this historic anniversary.

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182 YEARS OF FREEDOM AND INDEPENDENCE IN GREECE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. KIRK. Mr. Speaker, I rise today in commemoration of the 182 years that have passed since the Greek people's revolution from the Ottoman Empire. Nearly 400 years ago, the Greek people embarked on a powerful revolution against the Ottoman oppressors. As Bishop Germanos of Patras raised the Greek flag at Agia Lavras following the fall of Constantinople, the ancient Greeks forged a mighty wave of democracy and freedom.

Long after the triumphs of 1821, Greece continues to prove itself as a loyal ally of the United States and an internationally recognized advocate of democracy. Greece is one of only three nations in the world beyond those of the former British Empire to be allied with the United States in every major international conflict of the 20th century. I have little doubt this impressive and dependable relationship will continue throughout the 21st century and beyond. In the Balkans, Greece has played a steady hand of democracy in the face of regional unrest and instability.

As we continue in our efforts to free the world of terrorism, Greece again stands firm with the United States. Our efforts in the war against terror would not be as successful without the continued assistance from our allies in Greece. Greece's reliability as a stable democracy and key NATO ally is critical in our efforts to advocate international peace and stability.

As we celebrate 182 years of freedom and independence, I salute and thank the Greek people for their spirit and their ongoing pursuit of peace. To Greece, a free and democratic ally: "Cronia polla hellas".

COMMENDING THE NEW YORK CITY COUNCIL'S EFFORTS AT SUPPORTING PEACE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. RANGEL. Mr. Speaker, as we begin an unjust invasion of Iraq, I think that it is appropriate that this chamber hears from citizens and leaders on the local level, and not just the representatives of the Administration.

Last week, on March 12, 2003, the New York City Council courageously passed resolution 549–A, condemning current plans for an invasion of Iraq. They did so representing their constituents, who have made it abundantly clear through letters, faxes, emails and public protests, that the costs are too great and the evidence too suspect to support an invasion. The resolution represents the voice of the people of our great city.

I applaud the majority of the members of the Council for their principled fight for peace and diplomacy. I commend them for resisting the tempting safety of silence and risk being unfairly labeled and misunderstood as "unpatriotic."

We live in a time where no one wants to challenge our foreign policy decisions for fear of being perceived not supportive of freedom or of our brave men and women who poised for the invasion of Iraq. However, when history records where elected leaders were at the time that this fateful decision between war and international cooperation was made, it will be clear that it was the City Council of New York who stood strongly as voices for peace.

I invite you to read excerpts of their resolution, so that it can be clear why the elected representatives of the citizens of the City of New York, still recovering from the attack of September 11, believe that real peace and democracy should be secured by law, not force.

NEW YORK CITY COUNCIL RESOLUTION URGING MILITARY RESTRAINT IN IRAQ

Resolution calling on the government of the United States to make all efforts to work through the United Nations Security Council in a manner that would reaffirm our Nation's commitment to the rule of law and the primacy of human rights in our international relationships, and to take all appropriate steps toward securing the participation of other nations and international bodies in the effort to ensure that Iraq does not possess biological, chemical or nuclear weapons and toward promoting human rights for all the people of Iraq; and further calling on the government of the United States to work through the United Nations Security Council and with other nations to ensure the unimpeded access of United Nations weapons inspectors to all areas of and facilities in Iraq and to ensure that the inspectors be given a full and fair opportunity to conduct their efforts in accordance with United Nations Security Council resolutions; and further calling upon the Council of the City of New York to oppose a pre-emptive military attack on Iraq unless it is demonstrated that Iraq poses a real and imminent threat to the security and safety of the United States or its allies or unless other options for achieving compliance with United Nations resolutions calling for the elimination of weapons of mass destruction and the means for their development have failed.

By Council Members Perkins, Baez, Barron, Boyland, Brewer, Clarke, Comrie, Davis, DeBlasio, Dilan, Espada, Foster, Gerson, Gioia, González, Jackson, Koppell, Liu, Lopez, Martinez, the Speaker (Council Member Miller), Monserrate, Moskowitz, Quinn, Reed, Reyna, Sanders, Seabrook, Serrano, Stewart, Vann and Yassky.

Whereas, The manner in which the United States government is responding to the crisis involving Iraq has caused great concern among many New Yorkers, resulting in one of the largest public demonstrations in the history of the City of New York on February 15, 2003; and

Whereas, The Council of the City of New York is the locally elected voice of the people of the City of New York; and

Whereas, Saddam Hussein has violated United Nations resolutions requiring his government to destroy biological, chemical and nuclear weapons, cease the development of such weapons and permit international inspection of all areas and facilities to ensure compliance with such resolutions; and

Whereas, Although international weapons inspections barred by Iraq in 1998 have been reinstituted in response to international pressure, particularly from the United States, there is evidence that despite some cooperation, Iraq is not fully complying with United Nations resolutions; and

Whereas, It is imperative that Iraq not be allowed to possess, use or export biological, chemical or nuclear weapons, or weapons of terror, and that Iraq fully comply with United Nations resolutions; and

Whereas, Since taking power in 1979, Saddam Hussein's regime has committed human rights violations against the Iraqi people on a massive scale—documented by Amnesty International, Human Rights Watch and others—and we condemn these crimes and the ongoing oppression of the Iraqi people, including the Kurdish, Shiite and the other minority groups; and

Whereas, It is in the interest of all nations, including the United States, that threats to world peace and violations of human rights be dealt with in accordance with international law and, whenever possible, on a multilateral basis; and

Whereas, A pre-emptive United States military attack on Iraq, absent a real and imminent threat to the security and safety of the United States or its allies and absent the support of the international community would violate our commitments to the United Nations charter; and

Whereas, War has grave repercussions in terms of loss of life; and

Whereas, While it is difficult to project the financial costs of war, a thorough analysis published by the National Bureau of Economic Research estimates that the total cost of invasion, occupation, peace-keeping, reconstruction, nation-building and necessary humanitarian assistance might range from $150 to $750 billion;

Whereas, Such cost would place an enormous strain on our nation's ability to maintain the infrastructure, human services and social programs necessary for our nation's security, general welfare and progress; and

Whereas, It has not been substantiated that all other means of disarming Saddam Hussein in accordance with United Nations resolutions have been attempted and have failed; and

Whereas, The United States government has not articulated how a military attack would result in the formation of an Iraqi government that rejects the development of nuclear, biological or chemical weapons and promotes freedom and democracy; and

Whereas, In the event that our armed forces are called into combat in Iraq, we recognize, honor and appreciate the commitment, service and valor of our military personnel, and together with their families, we fervently hope for their safe return; and

Whereas, This resolution speaks of the United States' response to the current crisis involving Iraq and does not address any action the United States might take in response to any future humanitarian crisis; now, therefore, be it

Resolved, That the government of the United States should make all efforts to work through the United Nations Security Council in a manner that would reaffirm our nation's commitment to the rule of law and the primacy of human rights in our international relationships, and should take all appropriate steps toward securing the participation of other nations and international bodies in the effort to ensure that Iraq does not possess biological, chemical or nuclear weapons and toward promoting human rights for all the people of Iraq; and be it further

Resolved, That the government of the United States should work through the United Nations Security Council and with other nations to ensure the unimpeded access of United Nations weapons inspectors to all areas of and facilities in Iraq and to ensure that the inspectors be given a full and fair opportunity to conduct their efforts in accordance with United Nations Security Council resolutions; and be it further

Resolved, That the Council of the City of New York opposes a preemptive military attack on Iraq unless it is demonstrated that Iraq poses a real and imminent threat to the security and safety of the United States or its allies or unless all other options for achieving compliance with United Nations resolutions calling for the elimination of weapons of mass destruction and the means for their development have failed.

IN MEMORY OF MARINE LANCE CORPORAL THOMAS SLOCUM OF THORNTON, CO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I learned today that Colorado has suffered its first casualty in the war on Iraq. Lance Corporal Thomas Slocum was one of nine Marines killed near Al Nasiriyah on Sunday, March 23, in an ambush. Another forty Marines were wounded in the fight. My heart goes out to Lance Corporal Slocum's family and friends.

Thomas Slocum was based at Camp Lejeune in North Carolina but called Thornton, Colorado, his home. He was just 22 years old at the time of his death—so young, but old enough to have developed the courage and dedication it took for him to answer the call to service. He was a brave and dedicated Marine who proudly served when his nation called on him to fight in the war against Iraq to bring freedom and justice to that country.

The death of Lance Corporal Slocum brings this war closer to home for us all. All Coloradans, and indeed all Americans share in the pain of Lance Corporal Slocum's death, but we also share in honoring his unswerving dedication to our great nation. He will forever be remembered for his heroism and his sacrifice.

APPRECIATING DR. GURMIT SINGH AULAKH FOR BRINGING PLIGHT OF SIKHS, OTHER MINORITIES TO INTERNATIONAL ATTENTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. TOWNS. Mr. Speaker, for 17 years, Dr. Gurmit Singh Aulakh has been serving the Sikhs in this country and worldwide, first as President of the International Sikh Organization, a post in which he still serves, and later as President of the Council of Khalistan, which came into being when Sikhs declared their independence from India on October 7, 1987. He has been a tireless worker for the rights of Sikhs and other minorities in India, such as Christians, Muslims, Dalits (the dark-skinned "Untouchables," the aboriginal people of South Asia), and others. Many of us in Congress have helped to expose the tyranny and terrorism that India has practiced against these groups and Dr. Aulakh has been a friend and an invaluable source of information to us.

Sikhs are a separate nation and they ruled Punjab from 1710 to 1716 and again from 1765 to 1849. They are working to reclaim their lost sovereignty. They face persecution and terror for doing so.

Dr. Aulakh's efforts and the support of those who back him have been crucial in bringing the Sikh struggle to the attention of the international community. He has worked with us in this House to the true and accurate history of the Sikh struggle and the struggles of other minorities in India. In these efforts he has been opposed by the Indian government, which has spent large amounts of money to counteract his efforts and spread disinformation. They even started a rumor on the Internet that he was dead. He has a tough job trying to achieve freedom for the Sikh Nation against the opposition of the Indian government.

Even in the U.S. Congress, the Indian government has formed the Indian Caucus, which has 139 members, to support India and deflect our attention away from the oppression and terror there. He has done a yeoman job in exposing the brutal oppression of the Indian government against the Sikh Nation which has killed over 250,000 Sikhs since 1984. Another 50,000 Sikhs were arrested by the police, tortured, murdered, and then declared "unidentified bodies" and secretly cremated. He has brought to the attention of Congress that even at present, 52,268 Sikh political prisoners are rotting in Indian jails as political prisoners, according to the Movement Against State Repression.

Dr. Aulakh has been tireless in promoting self-determination, which is the cornerstone of democracy. He has been a relentless advocate for the cause of Sikh freedom and the independence of their homeland, Punjab, Khalistan.

Like those of us in Congress, Dr. Aulakh knows and appreciates the privilege of service. Service is essential to the Sikh religion as it is to all religions.

Accordingly, Mr. Speaker, I would like to take this opportunity to salute Dr. Gurmit Singh Aulakh.

STATEMENT ON KASHMIR VIOLENCE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to voice my outrage at the hideous and deplorable terrorist attack in the hamlet village Nadimarg south of Srinagar, in the Indian State of Jammu-Kashmir. I am deeply shocked and saddened by the killings. As we fight against terrorism in the Middle East and Afghanistan, we have to remember that the people of India deal with terrorism every single day. I condemn this hideous crime which represents a most despicable, inhumane act of terror. My feelings and thoughts are with the victims and their families.

The attacks of the gunmen killed nearly half of the people living in the village. 24 Hindus known as Pandits lost their lives, including women and children. Most sadly, Suraj Kumar was killed only hours after celebrating his second birthday. His cousin, who was age 2 as well, was also gunned down.

The attack is an attempt to destroy the conflict resolution endeavors in the region, but violence is no path to bring peace to Kashmir. Although the identity of the gunmen is unknown at this point, it is highly likely that Islamic militants are involved in these actions as part of their efforts to expel Hindus from the valley.

In fact, this is not the first time as Islamic militants have conducted similar attacks in the past leading to an exodus of Hindus from the region. More than 300,000 Hindus have already been forced to leave Kashmir after Islamic militants commenced fighting against Indian rule in 1989. While many Hindus remain, increasing terrorist attacks have meant that they never truly feel completely secure. In fact, the Pandit families who live in Nadimarg had good relations with their Muslim neighbors, and their Muslim neighbors felt the same acute loss and pain that the Hindu community felt as well on this senseless attack.

Last year, President Musharraf pledged to President Bush that he would end Islamic militant incursions in Kashmir and that he would terminate cross-border infiltration. Obviously, the Pakistani President has not kept his promise. Much more needs to be done to protect all communities in Jammu-Kashmir from terrorism and violence. As the snow in the Himalayas starts to melt, and travel between the mountain passes becomes easier, it is more important than ever that President Musharraf redoubles his effort to control Pakistani incursions into India.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, we are at war in Iraq. In the past, when our President has made the decision to commit to the use of force, the Congress has always come together to speak with one voice, for one purpose: to support the efforts of our troops, and to pray for their courage, their success, and their safe and quick return home.

While I have stated my own opposition in the past to military intervention without our allies in the United Nations, and I have heard from thousands of constituents who shared those reservations about unilateral action, I today stand solidly behind our men and women in uniform.

As the debate over whether or not to go to war with Iraq has been in the forefront in the minds of many Americans, there is one segment of our society that has been relatively overshadowed. Military families. For the past seven months, as we debated our policy in Iraq, I have heard from mothers and fathers, sisters and brothers, aunts and uncles, cousins and friends, who have been concerned about a loved one being sent overseas to fight this war. They asked me, "Congressman, when we go to war, will you and the others support our troops when they are over there?" I pledged to do exactly that, and I honor that promise today as their loved one enters the dangerous phase of the war.

More than anything, these young Americans need to know they have the backing of their fellow countrymen as they carry out their missions. As a member of the House Committee on Veterans Affairs, I have heard from many that recall their service who have recalled there was no greater asset to company morale than the knowledge that their citizens in the United States stood behind them.

New Mexico has many young people that are currently involved in the Iraqi effort. Our three Air Force Bases—Cannon, Holloman, and Kirtland—have deployed over 1,000 personnel to the Middle East. These are not faceless, nameless machines. These are people that have left loved ones behind. New Mexicans are proud of these men and women, along with other Americans from all fifty states that are participating in the endeavor.

Our prayers are with them, and we look forward to their speedy success and return home. I have tremendous confidence in the men and women of our armed services to bring this conflict to a successful conclusion.

Yet, this support for the effort is accompanied by a deep sense of anxiety and concern. Mr. Speaker, nobody wants war.

The death, destruction and misery of war are things that we should never ignore and we cannot forget. When our troops are called to defend our nation and international peace, we do so with a heavy heart but strong confidence that we will prevail.

While I remain unequivocal in my support of these men and women, I am deeply disappointed that the House Republican leadership has chosen to bring forward such a divisive resolution to the floor. Unlike our colleagues in the Senate, who passed a noncontroversial and bipartisan resolution in their chamber earlier this evening, the House Republican leadership has chosen to craft a resolution with some provisions that are troubling. It is clear that even during a war, the Speaker and his team will continue to play political games.

It is obvious that Republican leaders are hoping that by including contentious language they can break apart the unity that I believe the House has for our troops. Despite some of my concerns over some of this maneuvering, my support of our New Mexico men and women and the ones they have left behind far outweighs that.

My thoughts and prayers are with our armed forces personnel and their families. At this time of national crisis, our troops and their families must know that their nation is behind them, they are forever our heroes, and they have our full support.

I also want to reassure our future veterans that I will continue to work throughout my tenure in Congress to maintain and expand the benefits that they and their families have earned. The benefits these men and women earn are but a small gesture of repayment for sacrifices and courage that can never be quantified.

Mr. Speaker, I hope this conflict is over as quickly as possible, with the least number of casualties on both sides. I yearn for nothing more than a peaceful and prosperous future for America, Iraq, and the entire world.

A CAPITOL POLICE OFFICER REMEMBERED

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mrs. MYRICK. Mr. Speaker, Audrey Yvette Wall Augustus was born on November 3, 1956, at Saint Agnes Hospital in Raleigh, North Carolina. She departed this life and entered into eternal rest on Saturday, March 1, 2003, with her loving, devoted husband holding her hand. Audrey was the eldest child born to Richmond Wall, Jr. and Lydia Thomas Wall.

"Little Audrey", as she was affectionately known, was named after her father's sister. When she was two years old, the family moved to Washington, DC. Audrey was educated in the District of Columbia and Prince Georges County Public School Systems. She graduated from Largo High School in 1975. Following in the footsteps of her mother, Lydia and her Godmother, Nurry, Audrey became a "Bennett Belle" when she enrolled at Bennett College in Greensboro, North Carolina. In the Spring of 1977, she pledged Delta Sigma Theta Sorority, Incorporated. She established a legacy of love, strength, endurance, patience, courage and enthusiasm and became a beacon of light for all to follow. In 1979, Audrey graduated from Bennett College with a degree in Early Childhood Education and a minor in Library Science. Her love for children was evident in her everyday life, and her home was always a popular gathering place for them.

Audrey joined the United States Capitol Police Department on October 5, 1981, and achieved the rank of Private First Class (PFC). As an educator, she sought and became an instructor in the Capitol Police Training Academy in August 1991, thru June 2001. She taught over 1,000 of the men and women that currently protect and serve the United States Congress today. She shared her enthusiasm and gave of herself until her untimely death.

Audrey leaves to cherish her memory: her husband Kevin A. Augustus; also a Capitol Police Officer since, February 21, 1978. Daughters, Ashli Kai-Leen Jordan, Aysha Monaye Jordan; son Kevin A. Augustus, Jr.; parents, Richmond Wall Jr. and Lydia T. Wall; sister, Adrienne M. Wall; brother, Richmond Wall, Jr.; aunts, June Swindell (Richard), Norma Haywood (David L), Audrey Wall, Nurry Johnson (John), Mary Jeffries and Bessie Morgan (Ed); cousins, Denise Brown (Freddie) and Marielle Posey (Derrick); sister-in-law, Bonnie Claggett; father-in-law, Alfred A. Augustus; nephews, Derek Augustus and Michael "Mikey" Claggett; niece Joy Peterson; devoted friends and guardian angles; Liz Harris, LaMont Lewis, Anita Stoddard, Sherri Morgan, Beverly Davis, JoAnne Morgan; and Godsisters, Kimberley Scott and Mischelle Corbin.

To all who were blessed to know her, Audrey will be remembered as the kindest, most gentle soul.

RECOGNIZING BARBARA KELLY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Barbara Kelly who was recently awarded the Humanitarian Award from the Millbury Democratic Committee. Mrs. Kelly was chosen for her active work for the Democratic Party and her continuous dedication to its principles.

Mrs. Kelly is a close friend of mine, and she has helped out on my campaigns for Congress. She is also a dedicated supporter of the party and a salient activist for the core principles the party represents. She had demonstrated her willingness and commitment by volunteering much of her time to tedious campaign work.

In addition to her work for the Democratic Party, Mrs. Kelly has been a leading advocate for social causes. She is active in the fight for access to health care. She is a leading voice on behalf of our senior citizens. Specifically, Mrs. Kelly has looked for ways to lessen the tax burden that plagues our seniors. She has fought for single payer health insurance. Mrs. Kelly has worked hard to lower the cost of prescription drugs.

In addition to her work in the Democratic Party, Mrs. Kelly is active in many local organizations. She served as president of MSAC, the Massachusetts Senior Action Council and received its "Unsung Hero Award." Mrs. Kelly is currently a member of the Women's Club; she has worked with Alzheimer's patients; she is a senior companion; and she is active in St. Brigid's and St. John's parishes.

Mr. Speaker, I am pleased to call Mrs. Kelly a friend. I am confident that the entire U.S. House of Representatives joins me in congratulating her for a lifetime of service.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. ALLEN. Mr. Speaker, on February 13, 2003, I was unavoidably absent for two rollcall votes, due to the death of a family member.

Had I been present I would have voted "yea" on rollcall votes 31 (Obey motion to recommit on H.J. Res. 2), and 32 (Final Passage of the Conference Report to Accompany H.J. Res. 2, the Fiscal Year 2003 Omnibus Appropriations Bill).

DISMAY OVER THE END OF U.N. NEGOTIATIONS IN CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. LANGEVIN. Mr. Speaker, as a member of the Hellenic Caucus, I rise to register my dismay that negotiations between the President of Cyprus, Tassos Papadopoulos, and Turkish Cypriot leader Rauf Denktash on a United Nations settlement plan to reunite Cyprus ended two weeks ago without a final outcome.

Mr. Denktash has put most of the blame on his own shoulders for this lost opportunity. By not allowing the Turkish Cypriots to vote on the U.S. settlement plan by a referendum, Mr. Denktash has made the decision for the Turkish Cypriots that they will not live under the European Union's laws or reap its economic benefits. Mr. Denktash should not just look at this as a personal matter, or even as a dispute between Turkey and Greece, but should rather take into consideration what is the right choice for the people of Cyprus.

As many other members have expressed, I do not want the recent reunification talks, the fourth attempt since the Turkish invasion of Northern Cyprus in 1974, to end in an impasse. The U.S. settlement cleared a path for all of Cyprus to unite once again, to share in the European Union's prosperity, and to end military zones. Now with just the Republic of Cyprus poised and ready for membership into the EU in 2004, a deeper divide between the two sides may grow without a push for future negotiations.

The United States must continue its role in supporting negotiations so that there is still potential for all of Cyprus to join the EU. Consequently, I recently sent a letter to President Bush asking that we continue to encourage reunification negotiations in Cyprus. Although frustration levels at this point are high, the United States should still play a positive and supportive role that will lead to a final Cyprus settlement. I urge Congress to continue to support Cyprus' membership to the European Union and the United Nation's settlement plan.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, last week Colorado experienced a very heavy snowstorm—in fact, it was a blizzard in many areas. This was good news for our state, which has been suffering from a serious drought. However, it seriously interfered with travel. As a result, I was unable to be present for votes on several measures. Had I been present, I would have voted as follows:

On rollcall No. 65, H. Con. Res. 26—Condemning the punishment of execution by stoning as a gross violation of human rights—I would have voted "yes."

On rollcall No. 66, H.R. 868—Nicaragua Property Dispute Settlement Act of 2003—I would have voted "yes."

On rollcall No. 67, H. Res. 109—Urging passage of a resolution addressing human rights in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens—I would have voted "yes."

On rollcall No. 68, H.R. 314—Mortgage Servicing Clarification Act (Royce Financial Services)—I would have voted "yes."

On rollcall No. 69, H.R. 417—Cibola Wildlife Refuge Boundary Correction—I would have voted "yes."

On rollcall No. 70, H.R. 699—To direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington—I would have voted "yes."

On rollcall No. 71, the Sherman amendment to H.R. 975 (bankruptcy bill), I would have voted "no."

On rollcall No. 72, the Nadler amendment in the nature of a substitute to H.R. 975 (bankruptcy bill), I would have voted "yes."

On rollcall No. 73, the Jackson-Lee motion to recommit H.R. 975 (bankruptcy bill), I would have voted "yes."

On rollcall No. 74, passage of H.R. 975 (bankruptcy bill), I would have voted "no."

On rollcall No. 75, on approving the Journal, I would have voted "no."

On rollcall No. 76, H.R. 1307—To amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes—I would have voted "yes."

On rollcall No. 77, H. Res. 132—Expressing the sense of the House that the 9th Circuit

Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes—I would have voted "present."

I would have voted that way because I am not a lawyer and have not studied the relevant decisions of the Supreme court—and so I do not think it would be appropriate for me to say that the cited decision of the Court of Appeals is inconsistent with those decisions.

Last year, I voted in favor of a related (but not identical) resolution. However, as I said at that time, I did so not because I necessarily agreed that the Circuit Court's decision is "inconsistent with the U.S. Supreme Court's First Amendment jurisprudence" as that resolution said, but because I agreed that "the Ninth Circuit Court of Appeals should agree to rehear" the matter, as that resolution also stated.

I am proud to recite the Pledge of Allegiance because I personally consider it as being neither a prayer nor a religious practice and so think its recitation is not a religious exercise but instead a verbal expression of support for our country. However, obviously not everyone shares my view. And, as I said last year, I am not prepared to conclude that the author of the Ninth Circuit decision—a long-serving judge originally appointed by President Nixon—was clearly wrong as a matter of law, even though as I understand it another appeals court, in a similar case, has ruled differently. So, I definitely think the issue needs to be resolved by the Supreme Court.

On rollcall No. 78, the Hill (Blue Dog) substitute to the budget resolution, I would have voted "yes."

On rollcall No. 79, the Toomey (Republican Study Committee) substitute to the budget resolution, I would have voted "no."

On rollcall No. 80, the Cummings (Black Caucus/Progressive Caucus substitute to the budget resolution, I would have voted "no."

On rollcall No. 81, the Spratt (Democratic) substitute to the budget resolution, I would have voted "yes."

On rollcall No. 82, on passage on H. Con. Res. 95 (the budget resolution), I would have voted "no."

On rollcall No. 83, passage of H. Con. Res. 104—expressing the support and appreciation of the Nation for the President and the members of the Armed forces who are participating in Operation Iraqi Freedom—I would have voted "yes."

I would have done so because although I have disagreed with the way the President has handled the diplomatic events leading up to war, it is now time for us all to support our brave men and women in uniform who are charged with carrying out this mission and to pray for their success and safe return home. We all hope for a swift resolution with minimal casualties—among our troops and Iraqis as well. And we must do more to protect ourselves at home. I am confident that the United States and our allies will win the war. That will not be the end, but the beginning of the more difficult task of securing the peace. Congress must commit to providing aid to rebuild Iraq and the Administration must work to repair relationships with our allies. We will need them and the rest of the international community in our corner to rebuild Iraq, bring stability to the Middle East, and win the war on terrorism.

TRIBUTE TO GARLAND THOMPSON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. KINGSTON. Mr. Speaker, I rise today to pay tribute to a great Georgian and an outstanding American citizen. I am proud to recognize Mr. Garland Thompson in the United States Congress for his invaluable contributions to his community, his state and his nation.

Mr. Garland Thompson was born on June 5, 1928 in Soperton, GA. His dad operated as a one-horse share cropper until he could save enough money to buy a small farm. Garland grew up on the farm planting row crops.

Garland showed signs of the talent, determination and achievement that have been the hallmarks of his career at an early age, when he graduated from Soperton High School. He then attended Abraham Baldwin Agricultural College, and then University of Georgia where he earned his Bachelors degree. He then attended the University of Georgia School of Banking as well as the L.S.U School of Banking.

He met his wife, Anita, in Macon and they married in June, 1943. They have four children; Kirby, Andy, Beth and Tim and five grandchildren; Betsy, Macie, Kip, Katie and Trent.

Mr. Garland Thompson was employed with the U.S. Department of Agriculture for 12 years in Wilkinson County, before serving 37 years in banking between C&S Bank in Dublin, GA, and Sun Trust Bank in Douglas, GA.

Mr. Thompson has served on the Douglas-Coffee County Industrial Authority board for the past 21 years. He has also served as Interim President and Director for the Douglas-Coffee County Chamber of Commerce. Thirty years ago Coffee County was 90% dependent on their agriculture base. Today, they have a widely diversified economy that boasts about $200 million in the industrial base and $200 million in the agriculture base. As Garland says, "it's about 50/50 now and we are extremely blessed".

Garland has retired but still serves on the Georgia State Soil & Water Commission, SubBelt Exposition, ABAC Alumni Board of Directors, and has served on the Vo-Ag Advisory Committee, Georgia Extension Advisory Commission, and the G.T.E. Advisory Board. He is also a consultant on the U.S. 441 Economic Development Council.

It is my distinguished pleasure today to honor Mr. Garland Thompson for his service and dedication to Coffee County and its citizens. He remains an inspiration to us all.

A TRIBUTE TO MOLLIE WEST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Ms. SCHAKOWSKY. Mr. Speaker, today, in celebration of Women's History Month, I rise to honor a woman from my district in Chicago, Mollie Lieber West, for her outstanding work and dedication to organizing women within the labor movement. Her leadership has opened the door to thousands of women to join unions and stand up for their rights in the workplace.

Barely off the boat from Poland, Mollie West became an organizer and a person who stood her ground. She was arrested for passing out leaflets in protest of her high schools' decision to discharge all the music, art, and gym teachers because of budget constraints. Soon after, Mollie was demonstrating in support of the Republic Steel strikers in South Chicago. She found herself in them midst of the Memorial Day Massacre of 1937 where ten workers were killed by police bullets and were she, too, felt the pressure of a pistol at her back as she was ordered off the field.

Later, after working for various unions, she became a professional proofreader, and joined the Chicago Typographical Union. An active member and a delegate to the Chicago Federation of Labor, Mollie became the voice for women laborers. She successfully lobbied for the establishment of an annual tribute to the Trade Union Women of Chicago, which continues to flourish today.

Another of Mollie's great achievements was helping to found the Coalition of Labor Union Women (CLUW) in 1974. Today CLUW has a network of more than 75 chapters and a membership of 20,000 women and men. The goals of CLUW include promoting affirmative action in the workplace, strengthening the role of women in unions, organizing women workers, and increasing the involvement of women in the political and legislative process.

For the last twenty years, Mollie has served as an officer and a volunteer of the Illinois Labor History Society. From that platform, Mollie has been able to pass on her memories of the struggle to audiences across the country. In addition, she has continued to stay involved in electoral politics at all levels. To this day, you can always count on Mollie's voice to be among those fighting for the rights of all women workers.

Today, I ask you to join me in honoring Mollie for all she has contributed to working women everywhere!

IN HONOR OF WOMEN'S HISTORY MONTH

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. KIND. Mr. Speaker, I rise today in honor of Women's History Month. In 1987, Congress passed a resolution designating the month of March as Women's History Month and a time to honor, "American women of every race, class and ethnic background [who] have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways."

For 2003, the theme of Women's History Month is "Women Pioneering the Future." In celebration of this month, I would like to focus on four women from Wisconsin's history and honor their contributions to society.

First, I would like to recognize Cordelia A.P. Harvey. An army nurse during the Civil War, Ms. Harvey worked vigorously in support of soldiers and their families. She not only collected money to support soldiers and their families but also campaigned for cleaner and more efficient hospitals for the soldiers. Her determination and sense of good will is something all Americans can strive for today.

Born in Oshkosh, Wisconsin, Helen Mears was a talented artist who won her first prize for sculpture at the age of nine. She studied formally in New York and Europe and was commissioned to sculpt a woman and winged eagle design, the "Genius of Wisconsin," for the World's Columbian Exposition in Chicago. Her sculpture of temperance reformer Frances Willard was the first of a woman to be placed in the U.S. Capitol's Statuary Hall. Ms. Mears enjoyed a successful career and is remembered for her limitless energy and artistic ability.

Kathryn Clarenbach is a woman who has made invaluable contributions to our educational system. A graduate of the University of Wisconsin-Madison, Ms. Clarenbach created the continuing education program for women at the university and was appointed chair of the Governor's Commission on the Status of Women upon its creation in 1964. She chaired the commission for 14 years and continues to serve as an inspiration to all women.

Finally, I would like to talk about Edna Ferber. A talented writer, Ms. Ferber spent her early years in Appleton, Wisconsin and eventually wrote for the Milwaukee Journal. After four years at the paper, she returned to Appleton where she proceeded to write short stories. Credited with introducing the character of the American businesswoman to modern fiction, she composed not only books but plans as well, many of which have been turned into Broadway productions and movies.

Each of these women has had an impact not only on Wisconsin's history but also on the history of the nation as a whole. Whether in art or literature, activism or teaching, each of these women truly was a pioneer in her field and deserves our remembrance.

TRIBUTE TO AURELIO PALOMARES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on March 31, 2003, Aurelio Palomares, a Los Angeles County Sheriff's Deputy, will be retiring after 32 years of distinguished county service.

Deputy Palomares was born in Leon, Mexico in 1948, and, three years later, immigrated to the United States with his parents. After becoming a United States citizen, Deputy Palomares enlisted in the U.S. Army and served as a medic from 1969 to 1971, until he was honorably discharged.

After his tour of duty, Deputy Palomares began his career with Los Angeles County as a security officer in 1971. Aspiring to be a deputy, he joined the Los Angeles County Sheriff's Department in 1980.

Since then, Deputy Palomares has received 23 commendations throughout his career with the Los Angeles County Sheriff's Department and has served as a bilingual bridge between law enforcement and the Spanish speaking community in Los Angeles County.

On April 8, 1985, he was commended after handling a bank robbery in which the suspect used a handgun and stole over $4,000. Using his uncanny ability to remember names and faces of suspects, Deputy Palomares reviewed the surveillance video and recognized the suspect as an inmate he had seen in the Los Angeles County Jail a few years before. Deputy Palomares provided the suspect's name to investigators, who subsequently arrested the suspect.

In 1986, Deputy Palomares was commended by the Mayor of Artesia, Robert Jamison, for his "consistent willingness to do more than what is required of him." Mayor Jamison also praised him as a "symbol of dedication to the department".

On June 2, 1989, Deputy Palomares was commended for his assistance in the apprehension of a Paramount gang member who had gotten into a shootout with deputies.

In 1994, Deputy Palomares was again commended, this time by the father of a drive-by shooting victim who wrote that Palomares' professional treatment of his son "calmed him and left a lasting and positive impression".

On March 19, 1996, he was commended by the Department of Corrections for "demonstrating exemplary service and dedication" in apprehending convicted felon parolees and for keeping "public safety in the forefront of his dealing with parolees and the community".

In 2000, Deputy Palomares was commended twice, once by a citizen for the caring and compassionate way he handled a rescue call in which a child was injured. The second commendation arose from his "prompt response and professionalism" that led to the arrest of a burglary suspect who had fired a handgun at the victim.

Throughout his career, Deputy Palomares has continuously demonstrated his dedication to his profession, community, and family. Deputy Palomares, who is affectionately called "AP" by his colleagues, has succeeded in having a close-knit family with his wife, Susan, their daughter, Sara, and son, Michael. As a family, the Palomares family regularly takes to the open road in an RV and visits all parts of the United States and Canada. On the road, he is sure to be tuned into National Public Radio, a station he listens to religiously while on duty.

From one public servant to another, I praise Aurelio Palomares for his valor in the face of danger and for his service to the community.

COLON CANCER SCREEN FOR LIFE ACT OF 2003

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CARDIN. Mr. Speaker, I rise today to introduce the Colon Cancer Screen for Life Act of 2003. Colorectal cancer is the number two cancer killer in the United States. This year, an estimated 147,000 new cases will be diagnosed and more than 57,000 Americans will die from the disease. My home state of Maryland ranks 7th in the nation in the number of new cases and in the number of deaths. Our capital city, Washington, DC, ranks first in the nation.

Colorectal cancer disproportionately impacts the elderly. The risk begins to increase after the age or 40 and rises sharply between the ages of 50 to 55, when it doubles with each succeeding decade. Despite advances in surgical techniques and adjudvant therapy, there has been only a modest improvement in survival for patients with advanced cancers.

The good news is that colorectal cancer is preventable, and it is highly treatable when discovered early. Most cases of the disease begin an non-cancerous polyps which can be detected and removed during routine screenings—preventing the development of colorectal cancer. Screening tests also save lives even when they detect polyps that have become cancerous by catching the disease in its earliest, most curable stages. The cure rate is up to 93 percent when colorectal cancer is discovered early.

Recognizing the importance of early detection, Congress in 1997 enacted a Medicare colorectal cancer screening benefit. Medicare currently covers either a screening colonoscopy every ten years or a flexible sigmoidoscopy every four years for average-risk individuals. Beneficiaries identified as high risk are entitled to a colonoscopy every two years.

Despite the availability of this benefit, very few seniors are actually being screened for colorectal cancer. Since its implementation in 1998, the percentage of Medicare beneficiaries receiving either a screening or diagnostic colonoscopy has increased by only one percent.

Why aren't more seniors being screened? I believe the problem is due, in part, to rapidly declining coloercal screening reimbursement levels. By 2002, Medicare reimbursement for diagnostic colonoscopies performed in an outpatient setting had declined 36 percent from initial 1998 level. For flexible sigmoidoscopies, payment in 2002 was 54 percent less.

While reimbursement has dropped across the board, cuts have been particularly harsh for screenings provided in hospital outpatient departments (HOPDs) and ambulatory surgery centers (ASCs). In 1997, a colonoscopy performed in one of these settings was reimbursed at approximately $301. Now in 2002, the rate has fallen to about $213.

The facility-specific cuts provide incentives for physicians to perform screenings in their offices, where reimbursement rates have remained between 68 percent and 108 percent higher. As you know, Medicare has established its own criteria for both ASCs and HOPDs to ensure high quality of care and patient safety. While there are office facilities where endoscopy is safely performed, physicians' offices are, for the most part, unregulated environments. This site-of-service differential may interfere with the clinical decision-making process, at the expense of patient safety.

In addition, Medicare currently pays for a consultation prior to a diagnostic colonoscopy, but not for a screening colonoscopy. Since colonoscopy involves conscious sedation, physicians generally do not perform them without a pre-procedure office visit to ascertain a patient's medical history and to educate patients as to the required preparatory steps. In fact, several states now require physicians to consult with patients prior to procedures involving conscious sedation. Because Medicare will not pay for pre-screening consultations, many physicians must provide them for free.

And, unlike screening mammography, colorectal cancer screening tests are subject to the Medicare Part B deductible, which discourages beneficiaries from seeking screening.

My colleague, Representative PHIL ENGLISH, joins me today to introduce this important legislation, as well as my colleagues in the Senate, JOSEPH LIEBERMAN and SUSAN COLLINS. This bill is supported by the American College of Gastroenterology, the American Society for Gastrointestinal Endoscopy, and the American Gastroenterological Association. It would improve beneficiary utilization and help ensure the safety of colorectal cancer screenings by doing three things.

First, it would increase reimbursement for colorectal cancer related procedures to ensure that physicians are able to cover the costs of providing these valuable services.

Second, our bill will provide Medicare coverage for a pre-screening office visit. If Medicare will pay for a consultation prior to a diagnostic colonoscopy, it also should pay for a consultation before a screening colonoscopy.

Third, the bill would exempt colorectal cancer screening procedures from the customary Medicare deductible requirement. By reducing the financial requirements on the beneficiary, this law will encourage increased access to colorectal screening services.

The preventive benefits we authorized in 1997 were an important step toward fighting this deadly disease. But the colorectal cancer screening program is in danger of failing without our intervention. I strongly urge all my colleagues to support this critical legislation.

TRIBUTE TO RON KEENEY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated civil servant and all around great American, Mr. Ron Keeney. After 37 years with the U.S. Army Corps of Engineers in Huntington, WV, he is retiring and embarking on a new stage of life. I want to express my deepest gratitude for his many contributions.

Ron Keeney has led a distinguished career and played a critical role in improving the lives and living conditions of thousands of people in my home district in Southern and Eastern Kentucky. Ron has been instrumental in getting a number of important flood control projects off the ground in my region and he shares my belief that we must carefully balance economic development with the needs of our rich natural environment. Through his efforts, the Huntington District has become an integral component of our region's PRIDE program, which is helping clean up our waterways and streams. I want to thank Ron for sharing my vision of how federal-local partnerships can bridge gaps, streamline the process, and make real contributions to people's daily lives.

Ron is also widely respected within the Army Corp of Engineers. Beyond measure, Ron has improved the Huntington District's programmatic, oversight, planning, and fiscal performance. He has also proven invaluable as the District's key civilian decision-maker witih regard to strategic management of its major civil-works, environmental, and other programs and projects, including work for other Federal agencies.

The list of awards bestowed upon Ron speaks volumes about his job performance, knowledge, and skills. During his career, he has received more than 30 outstanding/exceptional performance ratings. He also received the May 1999, Silver de Fleury Medal, the 1994 U.S. Army Corps of Engineers Planner of the Year, and the 1994 and 1985 LRD Planner of the Year Award.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank Ron Keeney for the time and effort he has put into the lives of others. Although his time with the Corps of Engineers is drawing to a close, I know the people of the Huntington District will continue to benefit from his contributions for many years to come. I want to wish him and his family all the best for this next stage of life.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this rule. Budgets are about priorities. They are about values. But this budget does not reflect our priorities or our values. Instead, it shows an irresponsible disregard for working families and priorities the American people have made clear.

One example of that disregard in the Republican budget is its potential impact on the Arctic National Wildlife Refuge. While this budget does not explicitly instruct the Resources Committee to open ANWR for oil exploration, it is clear that the Republican majority intends to use its reconciliation instructions to the Resources Committee to move forward with the Administration's drilling proposal.

ANWR is one of the finest examples of wilderness left on the planet, with a full range of largely undisturbed ecosystems. The tens of thousands of caribou, polar and grizzly bears, birds, wolves, and fox that call this place home should not be sacrificed for a mere 180-day supply of oil, which is all the United States Geological Survey says we will likely recover. Even oil companies like British Petroleum, who have given up on the prospect of drilling in the Refuge, understand the relatively small amounts of oil ANWR is expected to yield and the high cost of removing it.

This budget should invest in renewable energy sources, not drilling for oil in the pristine wilderness. Yet my amendment to protect the Refuge in the Budget Committee was defeated on a party-line vote.

Mr. Chariman, this budget does not reflect the priorities or values of the American people. I urge my colleagues to oppose this rule.

TRIBUTE TO REPRESENTATIVE SONNY CALLAHAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. RAHALL. Mr. Speaker, today I rise to recognize the achievements and life of our former colleague, Herbert Leon Callahan, universally known as Sonny. I appreciate the invitation by our colleague, JO BONNER, Sonny's worthy successor, to express my thoughts about Sonny.

Born and raised in Mobile, Alabama, Sonny graduated from McGill Institute High School in Mobile, and went to serve his country honorably in the United States Navy from 1952 to 1954. Later, he attended the University of Alabama, Mobile.

Following a successful career in business, and terms in the Alabama state House of Representatives and state Senate, Sonny was elected to the 99th Congress. He went on to serve his district and his state with distinction for the next 16 years. During this time, he developed into a key authority on foreign aid matters in the House, and he rose to become one of the "Cardinals," the Appropriations subcommittee chairmen.

His involvement with foreign aid allowed him to do great good deeds to help those in need, and it allowed him to develop friendships with a unique cast of characters. I laughed at Sonny's quip about his efforts with the rock star, Bono, which he described as the "Sonny and Bono show."

Also, first as the Chairman of the Subcommittee on Foreign Operations, then as Chairman of the Energy and Water Subcommittee, Sonny always honored every appropriations request with fairness and a much-appreciated willingness to work with members. Sonny helped me personally in my efforts to improve the conditions of my district in rural West Virginia, and I want to publicly and personally thank him for his efforts.

Mr. Speaker, I believe that we are greatly privileged to serve our constituencies and our Nation during our time in office. The "People's House" in which we serve is a monument to the American people, and it is a symbol of our country's sustained democracy. Let it be known that during his time in office Sonny Callahan served the People's House with distinction.

I wish Sonny well in his retirement. As I have said elsewhere, our loss is a clear gain for his family and friends.

SENATE—*Wednesday, March 26, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina.

The PRESIDING OFFICER. Today's prayer will be given by our guest Chaplain, Rev. Campbell Gillon, pastor emeritus of Georgetown Presbyterian Church.

PRAYER

The guest Chaplain offered the following prayer:

Gracious God, we thank Thee for this cornucopia of a continent, blessed not only by natural beauty and resources but by the courage, endurance, inventive skill, and robust faith of those who came, and by the vision and wisdom of the Founders who lived with the awareness that their deeds were done under Thy Providence. We are heirs to a freedom, itself not free, but bought by others' sacrifice. We think even now of those who suffered and died to pass on this legacy.

Remind us, Lord, that the everyday panoramic picture of life in this land is only possible when maintained within the framework of a strong defense. Since the only guarantee of the rights enunciated by the Constitution lies in the will of people prepared to die for them, then multiply, O God, our gratitude to all those who have done so in the past and those who continue to lay their lives on the line for the long-term safety and protection of this Nation and the cause of liberty across the globe. In these testing times give guidance and steadfastness to freedom's defenders: the President and his advisors, the Armed Forces, our allies, and the representatives of the people who gather under this roof.

O God, although the future is unknown, yet grant to this Senate to see clearly the eternal beacons by which the Founders were led. So bless them with vision informed by wisdom; wisdom instructed by truth; truth revealed to integrity and integrity touched by love—all learned in humility before Thee, O God, whose children we are called to be. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 26, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. LINDSEY GRAHAM thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. For the information of all Senators, this morning there will be a period for morning business until 11:30 a.m. A number of Members have requested time to make remarks regarding our courageous men and women of the Armed Forces, and this morning will be an opportunity for them to do that.

At 11:30, we will resume consideration of the budget resolution. We made substantial progress yesterday. Of the 22 amendments remaining on the list, far fewer will be offered and require votes. We will resume voting on the offered amendments at 11:30 a.m. and will continue voting over the course of the afternoon until we reach passage of the resolution.

Under the consent agreement reached last week, we will vote on adoption of the budget resolution at 4 p.m. today. It may be possible to complete action on the resolution earlier than that, but we will have to wait and see how many amendments will actually necessitate votes over the course of the late morning and early afternoon. To this point, we have had 45 rollcall votes on this budget resolution.

I take this opportunity to congratulate the chairman and ranking member for their orderly consideration of this very important measure. I will have more to say about their good work as we approach passage over the course of the afternoon.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. While the majority leader is in the Chamber, on behalf of the Senate, I commend him and the minority leader for the arrangement that was made. This legislation upon which we work is almost impossible to go through each year, but we have done it. This year has been about as orderly as I have seen. I know the leader wanted to finish this bill last week, but it was just impossible to do, no matter what his wishes were. The work that the majority leader and Senator DASCHLE have done to allow us to get to this point has made it possible that the two managers could do the great work they have done to move this legislation along.

As I heard one Senator say last night, this is the Senate at its best. I believe we have had good, short debate and we have had some spirited voting. I hope we can continue that today, which I am confident we will, and make this one of the most productive weeks we have had in a long time.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I thank the assistant minority leader for his comments. Indeed, I believe that by 4 p.m. today the product we end up with will reflect the will of the Senate after adequate time for debate, discussion, and time for people to express both their feelings and their convictions. We will have a product of which we will all be proud, where neither side will agree with it in its entirety.

We have a lot of work to do. I appreciate the comments and look forward to a productive day.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

ORDER OF PROCEDURE

Mr. WARNER. Will the leader suggest perhaps what the order of the first few speakers might be? I see the Senator from Texas is in the Chamber. I understand the Senator from North Dakota is due to arrive shortly and then the Senator from Virginia could follow. Could that be a tentative arrangement?

Mr. REID. That would be certainly appropriate, if the Senator from Texas wishes to speak, and then if Senator DORGAN is on time, which I am confident he will be, then the Senator from Virginia could follow him. I put that in the form of a unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with the time to be equally divided between the two leaders or their designees.

The Senator from Texas.

SUPPORT FOR OUR TROOPS

Mrs. HUTCHISON. Mr. President, I thank the majority and minority leaders for setting aside this time for Senators to talk about events in the battlefield. While our troops are in the field in the Iraqi conflict, I certainly hope we will set aside an hour every morning for Senators to talk about happenings in the field, tributes to the troops, and other related incidents. I can think of no better way to start the Senate every morning than to pay tribute to those who are in the field as we speak.

All of us have seen the graphic pictures on television of the sandstorm and our troops continuing to make their way forward toward Baghdad, even though the pictures show that it is so dark that even in the daytime they have been hampered by these horrendous sandstorms.

I am particularly moved by the prisoners of war and the missing in action. All of us were riveted this weekend to the television that showed our first prisoners taken. There have been quite graphic pictures of these prisoners taken by the Iraqis and published on television stations overseas. They have not, mostly, been published over here. Certain parts have not been published at all.

I say, first, that every single one of the missing or prisoners are from Texas bases, they are from Fort Bliss or Fort Hood—every single one of them.

I have talked to some of the families. I have tried to reach some but I have not been able to. But it really brings it home when you hear that this has happened and you feel as if you know these people because they are so close to home.

I want to reiterate what the President of the United States has said—all of our leaders. We hope the Iraqis will treat the prisoners of war as Americans are treating the Iraqi prisoners of war. Americans are giving the Iraqis medical treatment. They are giving them food and water. I think one of the most poignant early pictures from the field was a marine giving water from his canteen to an Iraqi soldier who had surrendered.

It is my fervent hope that the Iraqis will show a good side in complying with the Geneva Convention so they will not harm these prisoners or in any way treat them improperly, certainly not humiliate them in any way.

There will be more stories of heroism as we go through the coming days and weeks. Today I wish to share some remarks from British Army LTC Tim Collins, who spoke to his troops just before they moved into their first battle against Saddam's forces. These words are stirring and they give us a glimpse into the hearts of those who are carrying out the job in Iraq, who are doing the job so well, part of a coalition of freedom-loving people.

I don't think anyone in America will ever forget the incredible support of the British Government and the British Army. There are many other governments and armies that have come forward. We are up to 45 countries in support of this action, the last I heard. But I particularly was touched by Lieutenant Colonel Collins's speech to his men. He said:

> There are some who are alive at this moment who will not be alive shortly. It is my foremost intention to bring every single one of you out alive, but there may be some among us who will not see the end of this campaign. We will put them in their sleeping bags and send them back. There will be no time for sorrow. . . .
>
> Those who do not wish to go on that journey, we will not send. As for the others, I expect you to rock their world. Wipe them out if that is what they choose. But if you are ferocious in battle, remember to be magnanimous in victory. It is a big step to take another human life. It is not to be done lightly. . . .
>
> I know of men who have taken life needlessly in other conflicts. I can assure you they live with the mark of Cain upon them. If someone surrenders to you, then remember they have that right in international law and ensure that one day they can go home to their family. The ones who wish to fight, well, we aim to please. . . .
>
> We go to liberate, not to conquer. We will not fly our flags in their country. Iraq is steeped in history. It is the site of the Garden of Eden, of the Great Flood and the birthplace of Abraham. Tread lightly there. . . .
>
> You will see things that no man could pay to see and you will have to go a long way to find a more decent, generous and upright people than the Iraqis. You will be embarrassed by their hospitality even though they have nothing. . . .

Colonel Collins and his men formed the first battalion of the Royal Irish Regiment. Colonel Collins is from Belfast and most of his men are from Northern Ireland. We are very proud to have them among our coalition.

I think I speak for every American in saying we support our troops, we support our allies, and we support everything they are doing in the field as we are here, enjoying the freedom they are fighting to keep for us, for our children and our grandchildren.

We will never be able to fully repay the debt to those who have lost their lives, but we will always remember them. We will respect them. We will duly honor them as time goes by, as one of those brave souls in the history of our country who have allowed us to keep the freedom that is the beacon to the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

THE BUDGET

Mr. DORGAN. Mr. President, 100 years from now, none of us will be here. I guess that is the bad news. We will all be dead a century from now. But those who are interested in who we were, what we were, what our value systems were about, could take a look at what we are doing here and determine a little something about what we thought was important.

Someone once asked the question, if you were charged with writing an obituary for someone else and knew nothing about them but had to write it from their check register—the only information you had about someone was their check register—how would you write their obituary? I suppose you would find out what they spent their money on, what they thought was important, what was their value system. So, too, could you evaluate the value system of this country and this Congress by this budget we are voting on today.

I am going to vote against this budget. I will tell you why. Because I think in the rearview mirror, this budget represents a value system that misses much of what is important about what our obligation is today.

We are at war. We are at war with terrorists. We are at war in Iraq. We have a responsibility to protect our homeland. We have a serious threat with respect to North Korea, apparently now building additional nuclear weapons.

What does this budget document tell us is the most important element in the Federal Government? They say the most important element is to give those who have the highest incomes in America more tax cuts.

Let me turn to page 6 and tell you what this budget document says. This budget document says, assume all of the President's proposed tax cuts, most of which go to wealthy Americans—assume that. This is the result on page 6: By the year 2013, this country will have a nearly $12 trillion Federal debt—this country will have a nearly $12 trillion debt. The gross debt will be $11.919 trillion—almost $12 trillion.

We are saying to those men and women fighting for this country today, you go ahead and pursue this battle on behalf of America and when you come back what we will do is burden you, we will saddle your shoulders with all of this debt because the priority in this budget is tax cuts, most of which will go to upper income Americans.

We heard all day yesterday on amendments that this is going to hurt the growth package. What growth? Where is the growth? The only growth I see in this package is going from $6.6

trillion in debt to $12 trillion in debt. Yes, it is on page 6. That assumes all the tax cuts. This is the President's plan. The plan is to go to $12 trillion in debt. I don't think that is much of a plan. This grows the economy, does it? It produces new jobs, new economic opportunity? New tax revenues? I guess not, not if you are going to go to a $12 trillion gross debt. I do not understand at all what on Earth is happening here.

About 2 years ago we had this debate about dramatically increased tax cuts. Some of us said let's be a bit conservative. The President said, no, there is no need to be conservative; let's pass all these tax cuts. Then we had a recession. The technology bubble burst. The stock market pancaked. We had 9/11. We had a war on terrorism. We had the largest corporate scandals in decades and decades—perhaps in this country's history. And the result, of course, was very large budget surpluses turned to very large budget deficits.

Now we are told if we just pass this budget it will be better. But look on page 6. Assuming all the President wants, assuming all he asks us to do, on page 6, they say, in the year 2013, our gross debt will be nearly $12 trillion. Explain that. Explain this. It makes no sense. That is why I am going to vote no.

RECONSTRUCTION AND HUMANITARIAN ASSISTANCE IN IRAQ

Mr. DORGAN. Mr. President, let me make a comment about another item. We will be, later this week, responding to the President's request for a supplemental appropriations.

Clearly, we need to provide supplemental funding. We will not send America's sons and daughters to war and then decide we will not provide the funds necessary. This Congress will and must.

One piece, however, of this request by the President is for reconstruction assistance in Iraq, and humanitarian assistance. Should we do humanitarian assistance? You bet we should. Absolutely. It ought to be a first priority.

But reconstruction? Let me make the case that reconstruction in Iraq, in my judgment, should be funded from Iraqi resources and Iraqi oil. This is a country rich in resources, endowed with very substantial oil reserves.

While I will support reconstruction in Iraq, I am one who believes, when the job in Iraq is finished, the resources and the oil that exists in the country of Iraq ought to produce the revenue for the reconstruction of Iraq. I intend to make that case in the Appropriations Committee later this week and next week here in the Congress.

COVERAGE OF THE WAR ON TELEVISION

Mr. DORGAN. Mr. President, let me make one final point while I am in the Chamber.

I came to talk about this budget and the $12 trillion of debt that this budget document heads us toward. Let me make one final point. I watch the television coverage every morning, as do most Americans, with respect to the war. And my thoughts and prayers are with our soldiers. My thoughts and prayers are with the innocent folks in Iraq. We have no quarrel with the Iraqi citizens. This is with Saddam Hussein and his regime.

It breaks my heart to see casualties on any side. But one of the things that concerns me, in the mornings when I watch this coverage, or in the evenings before I retire and I watch this coverage, is there are a number of retired generals and admirals and others who stand before the cameras, showing us, on the maps, exactly where our troops are moving, exactly what the strategy is, saying: Here is the route to Baghdad for this division and that division.

I ask myself: I wonder if that is in the interests of the American soldiers fighting in Iraq. I just wonder. Do we need to have retired officers, with pointers, pointing to maps and saying, "Here is where this division is going; here is where I think it is going to be," and some saying, "I disagree with the current strategy"?

I worry a lot about whether the information provided to the other side—the information provided to our adversaries from that kind of briefing that goes on on every channel, every network, by retired officers, who know a great deal about battle plans—I wonder whether they should be offering that precise analysis of exactly where troop movements are on television morning, noon, and night.

The 24-hour-a-day, 7-day-a-week coverage on this is something I think provides information to the American people—and I think we want information—but I do not believe anyone wants information disclosed during this 24–7 news cycle in a manner that would in any way alert the adversary about what is happening.

I worry sometimes, when I see this on television: Is this healthy? Is more information made available, by retired generals and admirals and others who are analyzing troop movements, than really should be made available to our adversaries? I just ask the question. I think it is an important question to ask. I intend to ask it this morning in the Defense Appropriations Subcommittee, where I will return in just a few moments.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. SARBANES. Mr. President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state his inquiry, please.

Mr. SARBANES. Mr. President, I ask, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. We are in morning business until 11:30, at which time we will proceed out of morning business to resume consideration of S. Con. Res. 23.

Mr. SARBANES. Mr. President, has morning business been allocated equally to each side?

The ACTING PRESIDENT pro tempore. By unanimous consent, we have the Senator from Virginia to speak next. And I believe the time will be equally divided after that.

Mr. SARBANES. Mr. President, I ask unanimous consent that I be allowed to speak following the Senator from Virginia. As I understand it, the Senator from Virginia is now to be recognized to speak. I ask unanimous consent that I be allowed to speak following the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, I will certainly accede to that, but that then we should indicate the Senator from Utah would follow the Senator from Maryland, if that is agreeable.

Mr. CONRAD. Mr. President, reserving the right to object, I would also like to get in this queue. So we make sure, maybe we can specify the times as well so that we know that we have got enough time before 11:30.

How much time does the Senator from Virginia——

Mr. WARNER. I say to my distinguished colleague, about 10 minutes.

Mr. CONRAD. How much time does the Senator from Maryland seek?

Mr. SARBANES. How much time would there be available?

The ACTING PRESIDENT pro tempore. We have until 11:30 in morning business.

Mr. CONRAD. So there would be 25 minutes.

Mr. SARBANES. Yes. Equally divided?

Mr. CONRAD. Would that be fair for the Senator, if we equally divide the remaining time?

Mr. BENNETT. Reserving the right to object, I want to accommodate my friend and more senior colleague, but I had understood that the time was equally divided between the two sides; the Republicans would have 11 to 11:30, and the Democrats from 10:30 to 11. If that were not done, I would be more than happy to split the time available, after the Senator from Virginia is finished, with the Senator from Maryland.

Mr. CONRAD. Mr. President, I ask unanimous consent that there be 10 minutes for the Senator from Virginia, followed by the Senator from Maryland for 8 minutes, the Senator from Utah for 8 minutes, and 8 minutes for the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Reserving the right to object, and then the time remaining would be accorded to someone on this side of the aisle, should that person appear to seek that recognition?

Mr. CONRAD. I think that will actually use up all the time, I say to the Senator.

Mr. WARNER. If there is time remaining, then it would return to this side.

Mr. CONRAD. All right.

Mr. WARNER. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

SUPPORTING OUR ARMED FORCES

Mr. WARNER. Mr. President, I rise this morning with a deep sense of humility to express this Senator's gratitude for the courage and bravery being displayed from our President, Commander in Chief, to the Secretaries of State and Defense, and to, particularly, General Franks and General Abizaid, and those immediately in charge of the operations in Iraq, and, most importantly, to the men and women of the Armed Forces under these commands, and their families.

We all start this morning with expressing our deepest condolences to the families and loved ones who have lost members of the Armed Forces. That is the cost of freedom.

As we watch unfolding the pictorial representation of these families, as they boldly step up to appear on media, all of us cannot but be heartened by the courage that the families are showing, and as exemplified by the men and women in uniform fighting this battle.

I thought to myself, there were roughly 1,300,000 men and women on active duty prior to the commencement of the larger operations in Iraq. And as the buildup progressed, the President called up roughly 300,000—somewhat short of that—so for ease of mathematics, about 1.5 million are now on active service, together with their families. I always mention the families.

In that 1.5 million, if you juxtapose it with the total population of this Nation of 290 million, roughly one-half of 1 percent—one-half of 1 percent—of our population is out there assuming the full risks of loss of life and limb to defend freedom and to defend this Nation. That shows the magnitude of the depth of gratitude that we have to all those who are engaged in this conflict.

We have conducted—and I commend the administration—each morning, at 9 o'clock, a briefing in S-407. All Senators are invited. We have had very good attendance. We will have, this afternoon, from 5:30 to 6:30, a briefing with the Secretary of Defense in S-407 again for all Senators. But the questions raised there are very good questions. They are tough questions.

I assure America that the Senate is involved in its oversight responsibilities as a coequal branch in this conflict, in the judgment of this Senator. I am proud of the large participation from numbers of our Senators—questions about the magnitude of the battle plan; is that sufficient?

Our colleague from North Dakota just mentioned that there had been a lot of criticism. That is part of the freedoms we enjoy. Those who have served honorably in our Armed Forces are coming forth with their expertise. Frankly, I follow it very carefully. I think it has been constructive on the whole. Nevertheless, the Secretary of Defense, here in the Vice President's office yesterday afternoon when he met with several of us, was asked questions on the battle plan. He very firmly said this battle plan was conceived carefully. It went through the Joint Chiefs, not once, not twice, but perhaps a dozen times, and was shared with our principal ally, Great Britain, and others. I have total confidence in the manner in which this war is being conducted by our military commanders and, indeed, by the Commander in Chief, the President.

The question of the prisoners of war is very much on our minds. It is hoped that the Senate will address this issue in the near future. I have been in consultation, as have other Senators, with the distinguished leadership on both sides. It is important that this institution express its strong sentiment for the care and protection and adherence to international law as this conflict ensues.

The coalition has been very substantial, over 40 nations. I will ask unanimous consent to print in the RECORD following my remarks a communication from the distinguished Ambassador to the United States from Australia, Mr. Michael Thawley, along with the comments of the Prime Minister of Australia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Australia has been a vital part of the coalition from the beginning. They have forces in country in Iraq now assisting in many aspects for the success of this operation.

This morning at around 6:30, I watched the Prime Minister of Great Britain address Parliament just prior to his departure for the United States to confer with our President today. In the course of that dissertation—it is always fascinating for those of us in the Congress to watch their freewheeling system—the first question out of the box to the Prime Minister: Will you talk to the President, impressing upon him the need to address the conflict in the Middle East, most specifically, the remarks made by the President just recently as to reasserting once again the efforts of this President to foster the peace process.

This brings to mind a thought this Senator has had for some time as to one idea—it is just an idea, a concept, a concept that might help to bring about some stability in that region—a cessation of some hopefully large measure of the conflict so that the talks can get under way. It is difficult to see how any constructive talks can take place without the cessation of the fighting, the human bombing employed by the Palestinians, and the retaliation, that is really necessary but all too often takes place before the cameras, as a disproportionate use of force in the eyes of the world, by the Israelis, who have been afflicted so grievously by these human bombs.

I ask unanimous consent to print in the RECORD a letter I wrote to the President just a week or so ago, on March 14.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. I will now address the contents of the letter.

> Dear Mr. President: I would like to commend you on the step you took today to give new impetus to the Middle East process by announcing that it was time to share with Israel and the Palestinians the road map to peace that the United States has developed with its "Quartet" partners. This is a welcome and timely initiative, given the complex way in which the Middle East conflict, Iraq and the global war against terrorism are intertwined.

I pointed out that I have given basically this same set of remarks in concept on the floor three times. I have addressed the NATO ambassadors and given this concept. It is one basically that can help to bring about a measure of stability and cessation to the fighting; that is, at the invitation of the Government of Israel and the Palestinian Authority, particularly now that the new Prime Minister has been designated, at that invitation, that NATO be asked to look at whether or not they could constitute a peacekeeping force to bring in to work in coordination with the security structures of both the people of Israel and the people of Palestine in hopes that the fighting can be brought under control such that the peace talks can originate. That is something I believe in strongly because it has a direct relationship, a threat to not only our forces but the other forces throughout the world of the hatred generated among militants in that region, generated by this conflict.

To the degree this conflict can be brought under control and peace talks initiated, hopefully there will be a commensurate lessening of the threat to our forces, not only the military but our embassies and others abroad. It is an important step. I commend our President. I hope they will consider this concept as they proceed.

The war we are witnessing in Iraq was a last resort to disarm a regime that for more than 12 years has defied the international community and brutalized its own people. Despicable tactics Iraqis are using on the battlefield and the way in which they are treating some of the POWs are further proof of the willingness of this regime to flout international law and the laws of human decency. The coalition is taking great efforts to protect innocent civilians and minimize civilian casualties. Humanitarian assistance—food, water, and medicine—is already being delivered. That will increase in the days ahead hopefully.

Once this regime is removed, the Iraqi people can hopefully look forward to a measure of the freedom they have not experienced these many years, governed by a rule of law of their own design.

I yield the floor.

EXHIBIT 1

EMBASSY OF AUSTRALIA,
Washington, DC, March 21, 2003.

Hon. JOHN WARNER,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR: I just wanted to thank you very much for your reference in the Senate debate yesterday to the support of Australian armed forces in the current fighting in Iraq. It was greatly appreciated. It is nice to know that our contribution is valued.

You might like to see the Prime Minister's comments about the role of our alliance with the United States in the speech he made to the Australian parliament on our commitment. I also attach his address to the nation in which he set out the reasons why the Government had authorized the engagement of Australian forces in military action.

Yours sincerely,
MICHAEL THAWLEY,
Ambassador.

EXTRACT FROM PRIME MINISTER HOWARD'S STATEMENT TO THE AUSTRALIAN PARLIAMENT, 18 MARCH 2003

Our alliance with the United States is unapologetically a factor in the decision that we have taken. The crucial, long-term value of the United States alliance should always be a factor in any major national security decision taken by Australia.

America has given strong leadership to the world on the issue of Iraq. The Security Council would not have been re-energised, the United Nations would not have been re-energised, had it not been for the action of the United States returning the issue to the United Nations in September of last year. We have supported the American position on this issue because we share their concerns and we share their worries about the future if Iraq is left unattended to. Alliances are two-way processes and, where we are in agreement, we should not leave it to the United States to do all of the heavy lifting just because they are the world's superpower. To do so would undermine one of the most important relationships we have and, in an increasingly globalised and borderless world, the relationship between Australia and the United States will become more rather than less important as the years go by.

TRANSCRIPT OF THE PRIME MINISTER, THE HON. JOHN HOWARD, MP, ADDRESS TO THE NATION, MARCH 20, 2003

Good evening: The Government has decided to commit Australian forces to action to disarm Iraq because we believe it is right, it is lawful and it's in Australia's national interest.

We are determined to join other countries to deprive Iraq of its weapons of mass destruction, its chemical and biological weapons, which even in minute quantities are capable of causing death and destruction on a mammoth scale.

Iraq had been an aggressor in the past against its neighbours and even its own people. If Iraq is allowed to keep these weapons not only might she use them again but moreover other rogue countries will copy Iraq knowing that the world will do nothing to stop them.

And the more countries that have these weapons—countries run by despotic regimes—the greater becomes the likelihood that these weapons will fall into the hands of terrorists. If that happens can anyone doubt that the terrorists will use them whatever the cost might be?

The attacks on the 11th of September and in Bali showed that international terrorists have no regard for human life no matter what the nationality of their victims may be.

Iraq had long supported international terrorism. Saddam Hussein pays $25,000 to each family of Palestinian suicide bombers who wreak such murderous havoc in Israel. He has sheltered and sponsored many terrorist groups.

International terrorism knows no borders. We have learnt that to our cost. Australia and Australians anywhere in the world are as much targets as any other western country and its people.

Therefore the possession of chemical, biological, or even worse still, nuclear weapons by a terrorist network would be a direct undeniable and lethal threat to Australia and its people.

That is the reason above all others why I passionately believe that action must be taken to disarm Iraq. Not only will it take dangerous weapons from that country but it will send a clear signal to other rogue states and terrorists groups like Al Qaeda which clearly want such weapons that the world is prepared to take a stand.

There's also another reason and that is our close security alliance with the United States. The Americans have helped us in the past and the United States is very important to Australia's long-term security.

It is critical that we maintain the involvement of the United States in our own region where at present there are real concerns about the dangerous behaviour of North Korea.

The relationship between our two countries will grow more rather than less important as the years go by.

A key element of our close friendship with the United States and indeed with the British is our full and intimate sharing of intelligence material.

In the difficult fight against the new menace of international terrorism there is nothing more crucial than timely and accurate intelligence. This is a priceless component of our relationship with our two very close allies.

There is nothing comparable to be found in any other relationship—nothing more relevant indeed to the challenges of the contemporary world.

I know that some people are saying that what we have done makes it more likely that terrorists will attack Australia.

Australia has been a terrorist target at least since the 11th of September 2001.

Australia is a western country with western values. Nothing will or should change that. That is why we are a target.

Remember that bin Laden specifically targeted Australia because of our intervention to save the people of East Timor.

Does any Australian seriously suggest that if bin Laden's warning had come before the East Timor action we should have caved in and changed our policy. That will never be the Australian way.

We believe that so far from our action in Iraq increasing the terrorist threat it will, by stopping the spread of chemical and biological weapons, make it less likely that a devastating terrorist attack will be carried out against Australia.

I want to assure all of you that the action we are taking is fully legal under international law. Back in the early 1990s resolutions were passed by the Security Council authorizing military action against Iraq.

That action was only suspended on condition that Iraq gave up its weapons of mass destruction. Clearly we all know this has not happened. As a result the authority to take military action under those earlier resolutions has revived.

America's critics both here and abroad have been both opportunistic and inconsistent. They know and admit that weapons inspectors only returned to Iraq because of the pressure of the American military buildup. Yet they have persistently criticized American policy.

Apparently they believe that a quarter of a million American, British and indeed Australian troops should stay in the desert doing nothing indefinitely. We all know that if the troops had been withdrawn Iraq would have immediately stopped its minimal co-operation with the inspectors.

Another point I'd make to you very strongly is that we're not dealing here with a regime of ordinary brutality. There are many dictatorships in the world. But this is a dictatorship of a particularly horrific kind.

His is an appalling regime: its torture, its use of rape as an instrument of intimidation, the cruelty to children to extract confessions from parents. It is a terrible catalogue of inflicting human misery on a people who deserve much better.

This week, the Times of London detailed the use of a human shredding machine as a vehicle for putting to death critics of Saddam Hussein. This is the man, this is the apparatus of terror we are dealing with.

The removal of Saddam Hussein will lift this immense burden of terror from the Iraqi people.

Our argument is with Saddam Hussein's regime. It is certainly not with Islam.

Australians of an Arab background or of the Islamic faith are a treasured part of our community. Over the weeks ahead and beyond we should all extend to them the hand of Australian mateship.

To those in the community who may not agree with me, please vent your anger against me and towards the government. Remember that our forces are on duty in the Gulf in our name and doing their job in the best traditions of Australia's defence forces.

Can I say something that I know will find an echo from all of you whether or not you agree with the Government. And that is to say to the men and women of the Australian Defence Force in the Gulf—we admire you, we are thinking of you, we want all of you to come back home safe and sound. We care for and we anguish with your loved ones back here in Australia. Our prayers and our hopes are with all of you.

We now live in a world made very different by the scourge of international terrorism.

This has been a very difficult decision for the Government but a decision which is good for Australia's long term security and the cause of a safer world. Good night.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 14, 2003.

PRESIDENT GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I would like to commend you on the step you took today to give new impetus to the Middle East peace process by announcing that it was time to share with Israel and the Palestinians the road map to peace that the United States has developed with its "Quartet" partners. This is a welcome and timely initiative, given the complex way in which the Middle East conflict, Iraq and the global war against terrorism are intertwined.

The festering hostilities in the Middle East are an enormous human tragedy. Along with you, and many others, I refuse to accept that this is a conflict without end. You have articulated a vision of an Israeli and a Palestinian state living side by side in peace and security. That is a bold initiative that deserves strong international support. With the Israeli elections concluded, and the imminent confirmation of a Palestinian Prime Minister, you are right to refocus international attention on the Middle East peace process.

Mr. President, in August 2002, I wrote to you to propose an idea concerning the possibility of offering NATO peacekeepers to help implement a cease-fire in the Middle East. I have spoken of this idea numerous times on the Senate Floor. I am now even more convinced that the United States and its NATO partners should consider an additional element for the "road map" concept: NATO should offer, and I stress the word "offer," to provide a peacekeeping force, once a cease-fire has been established by the Israeli Government and the Palestinian Authority. This NATO force would serve in support of the cease-fire mechanisms agreed to by Israel and the Palestinian Authority. The NATO offer would have to be willingly accepted by both governments, and it in no way should be viewed as a challenge to either side's sovereignty. The acceptance of this offer would have to be coupled with a commitment by Israel and the Palestinian Authority to cooperate in every way possible to permit the peacekeeping mission to succeed.

I fully recognize that this would not be a risk-free operation for the participating NATO forces. But I nonetheless believe that the offer of peacekeepers from NATO would have many benefits. First, it would demonstrate a strong international commitment to peace in the Middle East. Second, it would offer the prospect of a peacekeeping force that is ready today. It is highly capable, rapidly deployable, and has a proven record of success in the Balkans. A NATO peacekeeping force is likely to be acceptable to both parties, given the traditional European sympathy for the Palestinian cause and the traditional United States support of Israel.

Third, this would be a worthy post-Cold War mission for NATO in a region where NATO member countries have legitimate national security interests. It could even be an area of possible collaboration with Russia through the NATO-Russia Council. A NATO peacekeeping mission in the Middle East would be wholly consistent with the Alliance's new Strategic Concept. Approved at the NATO Summit in Washington in April 1999, the new Strategic Concept envisioned so called "out-of-area" operations for NATO.

Given the fractious debate in NATO over Iraq and the defense of Turkey, it would be important to show that NATO can work together to make a positive contribution to solving one of the most challenging security issues of our day.

There will be many detractors to the idea of sending NATO peacekeepers to the Middle East to help implement a cease-fire. But I think there is a broad agreement on the imperative of giving new hope to the peace process and redoubling diplomatic efforts to keep Israel and the Palestinians moving on the road to peace. Peacekeepers coming from many NATO nations could give new hope and confidence to the peoples of Israel and Palestine that there could soon be an end to the violence that overhangs their daily lives.

Mr. President, I hope that you will receive this idea in the constructive spirit in which it is offered.

With kind regards, I am
Respectfully,
JOHN WARNER,
Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

TAX CUTS

Mr. SARBANES. Mr. President, I rise in opposition to the budget resolution on which we will be voting later this afternoon. Let me note at the outset that this budget resolution is one of the most important documents we will consider in the Senate. It contains within it thousands of decisions with respect to our national life.

We really set our national priorities by our budget, making fundamental decisions within the budget—how much shall we allot for this spending program, what shall we do on the tax side. In addition, the aggregate budget and the projected deficit can have a profound effect upon our overall economy, not only this year but extending well into future years.

We are considering this budget in the context, first and foremost, of the military conflict in Iraq and, secondly, in the context of a domestic economy which is clearly sputtering.

Last month, we lost over 300,000 private sector jobs. The number of long-term unemployed continues to go up. Now almost 2 million people have been out of work for more than 26 weeks. Consumer confidence is at a nine-year low.

Moreover, our fiscal situation has deteriorated significantly over the course of this administration. In January of 2001, when President Bush took office, the Congressional Budget Office was projecting a budget surplus over 10 years of $5.6 trillion. In fact, the President pointed to that projected surplus as a rationale for doing the 2001 tax cuts. Now the Congressional Budget Office is projecting a $2.1 trillion deficit over the same period, assuming the President's tax proposals are adopted. That is a swing of more than $7.5 trillion in our fiscal position, from a projected surplus of $5.6 trillion to a projected deficit of $2.1 trillion. Despite this severe economic deficit outlook, the fight over this budget resolution has focused primarily on whether to encompass within it sufficient room for another very large tax cut which the President is seeking.

It is asserted by the Administration that this is going to be a growth stimulus package. It is not going to be a growth stimulus package. It is only a flagrant example of discredited trickle-down economics.

Instead, this budget is going to drive us deeper into the deficit and debt hole. It is going to leave us with deficits projected out into the indefinite future. We are really mortgaging away our future. This is bad macroeconomic policy.

In addition, within the budget, our urgent national priorities are not being adequately addressed. There is not enough for homeland defense. We have a pressing health care problem in this country, with regard to both the uninsured and prescription drug benefits for our senior citizens. We have an affordable housing crisis, in which millions of working families cannot afford even a modest apartment in many high-cost cities. We have the question of supporting our first responders. The mayors across the country are saying they are not getting sufficient support from the Federal level in order to meet their responsibilities. Instead of providing fully for education so we leave no child behind, the proposed tax cuts are designed to leave no millionaire behind.

But I want to address a somewhat broader issue dealing with fairness and equity. I first want to note that in every previous instance when we went to war, we didn't cut taxes; we raised taxes to help pay for the war and to meet its costs. The President has now submitted a $75 billion supplemental, and it is very clear that that is a downpayment only. No one asserts that is going to cover the full cost of the war and the reconstruction. So clearly the $75 billion represents the initial downpayment, and there is more to follow.

That further raises the question whether this is the appropriate time to commit away significant resources to a tax cut to benefit the wealthy. Analysis of the tax cut, which the President is seeking and which his supporters in the Senate are trying to carve out room in the budget resolution to accommodate, shows that almost half of the benefits of the proposed tax cut will go to the top 1 percent of the population. Almost three-quarters of it goes to the top 5 percent of the population. The proposed tax cut is very heavily skewed toward those at the very top of the income and wealth scale in this country; this at the very time when the Nation is being rallied, as it should be, to support our men and women in the Armed Forces. This at the very time when we are talking about sacrifice. And it is appropriate that we should talk about sacrifice at a time like this because one cannot follow the events taking place now in Iraq without some deep appreciation of the sacrifice our fighting men and women are making and the risks they are taking every minute.

What sacrifice are those who are most favored in our society in terms of their economic position making at this critical juncture in our history? Not only are they not making a sacrifice, they are getting a very large tax cut skewed to their benefit which, in turn, will put our economy in a more difficult position into the future. It will build up deficits and debt which the fighting men and women, when they return home, will have to pay off well into the future. They are being called upon to make a double sacrifice, now and in the future.

What is the sacrifice here at home that the beneficiaries of this tax cut will be making? Winston Churchill, at the beginning of World War II, when he became Prime Minister, told his nation, "I have nothing to offer but blood, toil, tears, and sweat."

Our young men and women positioned in the Middle East are called upon to sacrifice even as we debate this budget resolution. There will be sweat. There will be tears. There will be toil. And there will be blood. What sacrifice will be made by those who are the most well off in our society? At a time when we face these critical challenges, should they not be making a contribution instead of reaping a large economic benefit?

Mr. President, I urge the defeat of this budget resolution.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

DIPLOMACY

Mr. BENNETT. Mr. President, we have heard on this floor and in the popular media that the main reason we are at war is because "diplomacy has failed," and there are those who have attacked the President for his "failure" in diplomacy. We also hear that polls are running heavily against the war.

My mind goes back to a somewhat similar situation in Great Britain when Neville Chamberlain returned from Munich and said, "We have established peace in our time." He referred to the Czechs, whose country he gave to Adolf Hitler in this fashion:

> Why should we consider people who live in a land far away and with whom we have little or nothing to do?

Winston Churchill opposed the treaty that Neville Chamberlain brought home from Munich. He offered stirring rhetoric, saying, "We have suffered a defeat of the first magnitude." That stirred my soul as a young schoolchild reading about it. What I didn't realize until I became an adult is that Winston Churchill got only three votes, as Parliament overwhelmingly endorsed Chamberlain. And the popular polls, as I say, made Chamberlain the most popular politician in Great Britain, and maybe in all of Europe. Of course, within 2 years, we found that Winston Churchill was right and Chamberlain went off to historical disgrace.

The Munich example is not exactly analogous to this situation. No historical situation is exactly analogous to a current circumstance, but it is one we should keep in mind as we hear rhetoric saying that diplomacy has failed. Diplomacy in Munich is what failed and the war followed.

The Senator from North Carolina has a resolution she wishes to offer with respect to the current British Prime Minister. I yield to her the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. DOLE. I thank the Chair.

(The remarks of Mrs. DOLE pertaining to the introduction of S. 709 are located in today's RECORD under "Statements on Bills and Joint Resolutions.")

Mrs. DOLE. I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The Senator from North Dakota.

THE BUDGET

Mr. CONRAD. Mr. President, I thank the Chair for this opportunity this morning to bring to my colleagues' attention where we stand with respect to the budget resolution that we will be completing today.

A very important report came out late yesterday from the Congressional Budget Office, which is nonpartisan, which is in charge of estimating the effects of what we do here. I might add, while the CBO is nonpartisan, because the Republicans control the House and the Senate, they were able to choose the new CBO Director. One of the tests they had was the use of so-called dynamic scoring. The gentleman who now heads CBO is committed to dynamic scoring, and he has now released an analysis of the budget before us based on dynamic scoring. His conclusion is exactly what I have been reporting to my colleagues day after day on the floor: Tax cuts will make the deficit soar.

I hope we can put this old canard to rest once and for all that somehow you can tax cut your way to prosperity when at the same time you are increasing spending. When you start from a base of record budget deficits, there can only be one result. When you start with record budget deficits and then cut your revenue stream, as the President has proposed, by nearly $2 trillion and increase spending, the deficits and the debt are going to get bigger. The Congressional Budget Office is telling us that is exactly what we face.

There was another article in the Washington Post on this same story. They point out:

> The CBO report also said the president's tax and spending proposals "imply a deficit in every year over the next decade," thus adding to the national debt and to the annual interest payments on that debt beyond 2013.
>
> "For some time, that added need could be met by running higher deficits. However, the federal government could not follow such an approach indefinitely. At some point in the future under the president's proposals, either taxes would have to be higher than they otherwise would have been, or spending would have to be lower," the report said.

It is time we sober up around here. I do not know what happened to our friends on the other side who used to be fiscal conservatives, who used to believe in balanced budgets and now endorse tax cuts that are going to plunge us into deep deficit and debt.

This is the analysis again from the Congressional Budget Office of what the plan before us will do. This is the President's budget plan: a deficit next year of $512 billion. That does not count the war costs. Add in the $75 billion the President wants for the war, and the deficit next year will be $587 billion. Does anybody have sticker shock around here yet? That is getting close to being twice as big as the previous record deficit.

The analysis shows we will not be out of deficit any year for the next 10 years. But that is not the most sobering effect. None of the deficits will be less than $400 billion.

Mr. SARBANES. Mr. President, will the Senator yield for one quick question?

Mr. CONRAD. I will.

Mr. SARBANES. I want to be very clear. The Senator is saying the budget deficit for the next year will be close to $600 billion, more than double the highest deficit we have ever run previously; is that correct?

Mr. CONRAD. That is exactly what we are being told by the Congressional Budget Office. We now face, if we adopt the President's plans for massive tax cuts on top of the spending increases for defense and homeland security, which we all endorse—we endorse the increased funds for defense and homeland security—that we are going to have budget deficits as far as the eye can see, and they are not going to be small deficits. They are going to be massive deficits.

This chart shows that, in fact, we are in the sweet spot now. This is not my chart. This comes from the President's own document. It shows in the period we are in now that the deficits, although they are record levels, are going to get much bigger. As we approach the retirement of the baby boom generation and as we approach the full phasing in of the President's proposed tax cuts, at the very time the cost of the Federal Government explodes, the retirement of the baby boom generation, the cost of the President's tax cuts explode, sending us right off the cliff into deficits and debt that are totally unsustainable.

The other day one of our colleagues on the other side said Democrats were proposing spending that he suggested was just out of control. This chart shows the Democratic alternative we offered. This is a comparison of spending with the Republican plan, which is the green line, 18.8 percent of GDP; the blue line is our spending, 19.3 percent. One of the big reasons there is a difference is because we put the money in to pay for the war. We put the money in to pay for increased homeland security. So certainly we have more spending. We have more spending because we have responded to the President's call to put the spending in for the war. Our friends on the other side did not.

Let me go to the next chart quickly. He also showed what he called the Democrat spend-o-meter. We can look at the Republican debt-o-meter because what they are doing is running up the debt.

When the President took office, he told us that by 2008, there would only be $36 billion of debt left. In his 2002 budget, he said—

Mr. SARBANES. Will the Senator yield on that point?

Mr. CONRAD. Let me complete this thought first, and then I will be happy to yield.

He had the debt run up to $1.2 trillion after adopting his plans; in August of 2001, $1.6 trillion. In February of 2002, with the President's 2003 budget, the debt is up to $3.2 trillion. And if we adopt his budget for 2004, the debt by 2008 will be $5 trillion.

I conclude by saying when we proposed additional spending to fund the war, to fund homeland security, and to improve education, we did it in a controlled way, every bit of it paid for, but we added deficit reduction so that we would have less deficit, less debt, a stronger economy, and more opportunity for the American people.

When I see in the newspapers the President in his plan is down to $350 billion of tax cuts, oh, no, they are only looking at half the proposal. Right now the budget resolution that is before us has $852 billion in tax cuts, not the $350 billion that has been widely reported. When they are talking about the $350 billion, they are talking about the reconciled tax cuts, those that will be given special consideration which cannot be filibustered. So the total tax cuts in this plan are $852 billion.

I am happy to yield to the Senator from Maryland for a question.

Mr. SARBANES. I ask the ranking member of the Budget Committee, with these record deficits and this incredible buildup of debt which would flow out of the administration's policy, who is going to carry the burden of that debt? Will not the same men and women who are now fighting out in the Middle East, when they come home, have that debt settle upon them? And in the meantime, very big tax cuts are being given to very wealthy people. What sacrifice are the people who have been most favored in our society economically making in order to meet this economic crisis? There is no sacrifice on their part.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Mexico.

TRIBUTE TO THE BRAVE

Mr. BINGAMAN. Mr. President, I rise to pay tribute to the brave men and women who are serving our country in both Iraq and Afghanistan, three individuals in particular. First, I will speak briefly about SP Joseph Hudson. He is a 1998 graduate of Alamogordo High School in my State. He is a member of the 507th Maintenance Company out of Fort Bliss, TX, who was captured this past Sunday. His image was seen on a videotape by his wife and high school sweetheart, Natalie, and young daughter Cameron, and his mother Anecita, also of Alamogordo, as well as everyone around the world watching the television coverage of this war. Like them, we wait anxiously for any word about his well-being, and pray for his safe return.

While our attention is focused on the fierce conflict in Iraq, it is important to remember that there are also young men and women putting their lives on the line every day in the conflict in Afghanistan as well. Many of us in New Mexico got a terrible reminder of that on Sunday, when two young people with strong ties to New Mexico were killed attempting to help two Afghan children.

Air Force 1LT Tamara Long Archuleta was the copilot of the helicopter that crashed while on a rescue mission, killing all six aboard. Tammy was from Adelino, near Belen, NM, and her life was a shining example of the power of discipline, drive, and determination. Tammy was valedictorian of her class and a world karate champion. She graduated from the University of New Mexico with honors, and while there became involved with Air Force ROTC. She had wanted to become a fighter pilot, but instead decided to do rescue work. Her grandfather was a Navy pilot and her uncle a pararescue man, and Tammy had been strongly influenced by her family's dedication to service.

Tammy had a 3-year-old son and was to marry a fellow Air Force pilot soon. Sadly, she was scheduled to return home in a mere 2 weeks. Words cannot express the grief many New Mexicans are feeling about the loss of this extraordinary young woman.

I would also add that New Mexico was twice touched by this tragedy, the loss of this helicopter. Another young man killed in the crash, SSG Jason Hicks, met his future wife, Cristy Nolan of Rio Rancho, NM, when he was in training at Kirtland Air Force Base in Albuquerque. We honor his memory as well as Tamara's.

We hope this is the end of the casualties and problems we see for the young men and women of our State.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

IMMINENT DANGER PAY

Mr. DURBIN. Mr. President, it is the nature of our debate on the budget resolution that there is a very limited amount of time available to discuss amendments which we will be offering. I am taking this opportunity this morning to describe to my colleagues and those following the debate an amendment which I plan to offer this morning to the budget resolution.

All of us are transfixed by images that come over the television, as we listen to the radio, and as we read the newspaper about the war in Iraq. We are reminded on a minute-by-minute basis of the heroism, bravery, and determination of our Armed Forces.

Last week, there was a resolution commending the Armed Forces for their efforts, as well as standing, by the President as Commander in Chief as he leads these forces into battle. That resolution was enacted by a vote of 99 to 0, with all Senators present voting in favor of it—all Democrats, Republicans, and Independents. It is an indication of the solidarity in this Chamber behind the men and women in uniform.

The amendment which I will offer during the course of the budget resolution debate today will be further evidence of our solidarity behind the men and women in uniform. My colleagues may be surprised to learn that those who are serving in the military in Iraq are eligible for what is known as imminent danger pay, combat pay. It is one of those rare moments in military life when we know these men and women put their lives on the line and we give them a bonus, an imminent danger pay bonus, above their ordinary compensation. One might ask themselves, well, how much is combat pay for those who are serving? Combat pay today is $150 a month, $5 a day. Combat pay to our soldiers, sailors, airmen, marines, and Coast Guard is less than the minimum wage for one hour in America for each day they are in battle in harm's way. That was last changed in 1991, when it was raised to $150.

The amendment I will propose, the imminent danger pay increase amendment, will raise the monthly amount to $500 a month. Make no mistake, there is no compensation in dollar amounts we can give these men and women for their heroism and sacrifice, but I think it is important that we step forward with this increase so that combat pay is $500 a month.

There is a second part to the amendment. We also say when we activate someone into a war theater that we help their family at home. That is known as family separation allowance. How much do we give the family of these service men and women back home during the period of time their loved ones are in combat? The family separation allowance is $100 a month. I met with some of those families at the Rock Island Arsenal in my State last Saturday. They are facing extraordinary challenges for child care, for the expenses of their families they had not anticipated. We should do better for them. I am suggesting as part of my amendment that $500 should be the monthly compensation for the family separation allowance. That is the nature of my amendment.

I ask all my colleagues in the Senate who stood shoulder to shoulder, 99 to nothing behind the men and women in uniform, to do the same now when we raise combat pay to $500 a month and the family separation allowance to $500 a month as well. That will be a clear demonstration that our commitment to these troops goes beyond words and goes to the budget, so we can provide them and their families the resources they need to not only come home safely but without the hardships that would be part of this service if we did not do our part to help them.

I hope my colleagues on a bipartisan basis will join as we did on the resolution.

I might add, there are some procedural hurdles being thrown in my path. People are saying the procedures may not allow you to offer this amendment. I beg my colleagues on both sides, as our men and women in uniform cannot hide in the deserts of Iraq, we should not hide on the floor of the Senate behind procedural niceties when it comes to fair compensation for our men and women in uniform and their families waiting dutifully at home.

I urge my colleagues to reconsider their opposition to this amendment. This is the right thing to do, and we should do it today.

I yield the floor.

THE GUARD AND RESERVE

Ms. LANDRIEU. Mr. President, in just a few moments as we get underway to debate a series of amendments to the budget bill, I am going to be offering an amendment. Under the rules, I will have just a minute to speak on it, so I thought I would take this time while we are getting organized to describe a little more detail about the Landrieu amendment regarding the Guard and Reserve.

There have been any number of articles—I see the chairman of the Armed Services Committee here, and he is well aware of this—there have been any number of articles written as of late about the tremendous weight the National Guard and Reserve are carrying in our current war against terror, whether it be the campaign underway in Iraq, the supporting of a civilian government in Afghanistan, the carrying out of our missions in Bosnia and Kosovo, or guarding the homefront right here; whether it is in New Orleans or Baton Rouge or sites in Maryland or Virginia or your home State, Mr. President, or overseas.

The Guard and Reserve are doing a magnificent job. These are men and women who maybe served part of their time in the military for a few years and then, because of other family commitments or other calls on their talents, went into the private sector. Some of them started their own businesses. They come from a wide range of backgrounds. You yourself, Mr. President, served in the National Guard and Reserve. There are several Members of Congress who have not only carried out their job here, serving as Member of Congress, but also serve in this capacity.

You are to be commended. I know you have spoken out, Mr. President, on many instances about the problems that are arising in the sense that we are calling on the National Guard and Reserve over and over again. Their deployments are longer and our compensation to them, our benefit package to them, the way we supply them equipment, in my opinion—and an opinion that I think you share and is shared on both the Republican and Democratic sides—is not supportive to the degree that they, basically, are supporting us. I guess I could put it that way.

We ask these men and women to go for longer deployments, more frequent deployments, and not only put their life on the line but their livelihood on the line. We need to keep up our commitment on the benefit compensation end, on the financing side. In a moment—I know I only have a minute or so—whenever the leadership feels it appropriate for my amendment to be taken up, I am going to suggest we make a very modest change in the budget submitted to us by the President. Of course, there are parts of that budget I support. There are some parts that I think could be improved. That is what the amendment process is all about.

This is one of those areas that I think can be improved, to take $10 billion out of the tax cut portion that is not the stimulative part but the unreconciled portion of the tax cut, and add basically $1 billion a year over 10 years to provide critically needed equipment for our Guard and Reserve units.

There are two units now that are being forward deployed to Iraq that, under the President's budget as submitted—and I believe one unit is from Georgia and one unit, I say to the chairman of the Armed Services Committee, is from Virginia—those units will be decommissioned. There is not even enough money in the current budget we are debating to keep those units fighting and forward.

That is what my amendment attempts to do. It adds money. I would like to get more, but we are trying to be reasonable in this request because the Guard is really carrying a tremendous weight. They are happy to do it. They are proud to serve. They are not whining and complaining. But we should be supporting them. I think that is what we should be about today.

I thank you for letting me explain the Landrieu amendment. At the appropriate time, it will come up in the list of amendments. But now, more than ever, we are depending on them. Let us let them know they can depend on us.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The bill clerk read as follows:

> A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, the managers of the bill are working with Senators DURBIN and LANDRIEU to try to get something resolved there.

We know Senator WARNER wants to speak. He should be given whatever time he needs to respond to the Senator from Louisiana. But I would indicate that as soon as we get this resolved, and Senator WARNER has a chance to talk, rather than going directly to the Landrieu amendment, I think we should go to Dayton and get that out of the way.

In the meantime, I ask unanimous consent that the Senator from Virginia be recognized to speak for up to 6 minutes to speak on the Landrieu amendment, which will be offered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished colleague from Louisiana for bringing to the attention of the Senate the need for greater attention to the Guard and Reserve forces. It has been absolutely magnificent how they have been, in many instances, abruptly called from their families and their jobs and within days they are side by side with an active force member performing duties with commensurate skills and commensurate risks.

That is the concept of the total force. It has been in place for some time. But, today, in this situation involving Iraq, we have seen the magnificence of how this total force concept is working.

The Senator is correct; there are needs to increase the equipment, pay in benefits. But the amendment, as written, only goes to equipment. But I am glad you mentioned pay in benefits because the Armed Services Committee will be taking this up, first, in the context of the supplemental, where there will be some provisions therein to provide for the needs the Senator points out, and, secondly, in the annual review of the 2004 Presidential budget we will make corrections.

But as the Senator knows, having served with great distinction on the Armed Services Committee for several years—and you are always welcome back, I say to the Senator—there is a fine balance between allocating the funds between the active and Reserve and Guard forces. And with all due respect to our distinguished colleague, I do not believe this approach you suggest at this time enables us to do the fine balance that we must do, first in the supplemental, and then subsequently in the 2004 review.

The distinguished Senator from Georgia is our chairman of the Personnel Subcommittee; he will have a good deal to say about this as our committee reviews both. So I yield such time as I have remaining to my colleague from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the chairman very much for yielding time.

To the Senator from Louisiana, let me say, I do not think there is anybody in this body who disagrees with you with respect to our need to look at some sort of modernization package—that is the way I refer to it—for our Guard and Reserve.

I think when the Guard and Reserve were created decades ago, nobody ever anticipated they would be called to active duty as many times as they have been called over the last 10 years. We do need a modernization package.

Now, the Senator from Louisiana has this amendment which applies to increasing hardware purchases for our Guard and Reserve. That is great. We need that, certainly. But there are some additional things I think we need to do immediately.

We are not going to send anybody into harm's way—Active-Duty, Guard, or Reserve—who is not properly equipped. But we have families of those guardsmen and reservists who are at home now who need to be taken care of.

For the Senator's information, I will tell you, we have a series of bills, some of which I think will reach the floor at the end of this week, in which we are going to be dealing with benefits, both from the standpoint of pay and additional benefits, such as commissary use, and any number of other benefits for the families of those individuals.

Over the next several weeks, we are going to have, through the normal process, an additional benefits package, that is a modernization package, where we look at health care benefits, and where we look at long-term retirement benefits for our Guard and Reserve. Because, in my home State, we now have the 116th Guard Wing, the Air Control Wings at Robins Air Force Base, where the Guard has been blended into the active force.

Our Guard folks, today, as we sit here and speak, are flying the Joint Stars Airplane weapon system in Iraq. It is critically important that we continue to look after our Guard and Reserve. And I think there is an ongoing series of packages that are going to be coming forward that are more necessary at the present time than what the Senator from Louisiana is asking for here.

But I look forward to working with the Senator to try to do that long term.

Ms. LANDRIEU. Will the Senator yield?

Mr. WARNER. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 1½ minutes.

Mr. WARNER. Fine. I thank my colleague from Georgia.

I say to our colleagues from Louisiana and Georgia, those Guard and Reserve that are now reporting for duty and are integrating with our active forces are, by and large, using that equipment which is in the regular force structure, the equipment which they use having been left at home at their various training centers in the several States. So at this time I believe the equipment to which you refer is that which will be kept in the respective States for the purpose of training.

So I wish to point out that our Guard and Reserve do have the best of equipment. It is available; namely, that of our active forces today.

Will the Senator not concur?

Mr. CHAMBLISS. Without question. Nobody is going to be sent into harm's way without being properly equipped.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mr. WARNER. I will leave it to the managers.

Mr. NICKLES. Mr. President, Parliamentary inquiry: How much time remains?

The ACTING PRESIDENT pro tempore. Twenty-five seconds.

Ms. LANDRIEU. I will take those 25 seconds, if I could.

Mr. President, I thank the leadership for this discussion. I think it has been helpful. I look forward to working with my colleagues to fashion a remedy. But at the appropriate time, I will insist on a vote on this amendment because in order for us to put a budget together, we have to have some money reserved for all of these changes that we are talking about.

I hope, over the course of the day, we can come to some resolution so that the Guard and Reserve can depend on something in this budget.

The PRESIDING OFFICER. The time has expired.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield to the Senator from Minnesota, Mr. DAYTON, for the purpose of offering an amendment.

AMENDMENT NO. 409

Mr. DAYTON. Madam President, I call up amendment No. 409.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 409.

Mr. DAYTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide full and mandatory funding for IDEA beginning in FY 2004)

SEC. 1. FINDINGS.

The Senate finds that: Twenty-eight years ago, the Federal Government promised to pay for 40 percent of the additional cost of special education. Presently, the Federal share is only 17.6 percent. The Nation's school districts cannot afford such a large unfunded mandate. Thus, it is imperative that Congress increase IDEA funding to the long-promised 40 percent share.

SEC. 2.

On page 3 line 10, increase the amount by $792,000,000.

On page 3, line 11, increase the amount by $25,771,000,000.

On page 3, line 12, increase the amount by $38,503,000,000.

On page 3, line 13, increase the amount by $41,764,000,000.

On page 3, line 14, increase the amount by $43,121,000,000.

On page 3, line 15, increase the amount by $44,515,000,000.

On page 3, line 16, increase the amount by $45,912,000,000.

On page 3, line 17, increase the amount by $47,316,000,000.

On page 3, line 18, increase the amount by $48,731,000,000.

On page 3, line 19, increase the amount by $50,129,000,000.

On page 4, line 1, increase the amount by $792,000,000.

On page 4, line 2, increase the amount by $25,771,000,000.

On page 4, line 3, increase the amount by $38.503,000,000.

On page 4, line 4, increase the amount by $41,764,000,000.

On page 4, line 5, increase the amount by $43,121,000,000.

On page 4, line 6, increase the amount by $44,515,000,000.

On page 4, line 7, increase the amount by $45,912,000,000.

On page 4, line 8, increase the amount by $47,316,000,000.

On page 4, line 9, increase the amount by $48,731,000,000.

On page 4, line 10, increase the amount by $50,129,000,000.

On page 4, line 15, increase the amount by $19,797,000,000.

On page 4, line 16, increase the amount by $20,103,000,000.

On page 4, line 17, increase the amount by $19,903,000,000.

On page 4, line 18, increase the amount by $19,417,000,000.

On page 4, line 19, increase the amount by $18,837,000,000.

On page 4, line 20, increase the amount by $18,416,000,000.

On page 4, line 21, increase the amount by $17,347,000,000.

On page 4, line 22, increase the amount by $16,435,000,000.

On page 4, line 23, increase the amount by $15,382,000,000.

On page 4, line 24, increase the amount by $14,179,000,000.

On page 5, line 5, increase the amount by $389,000,000.

On page 5, line 6, increase the amount by $12,533,000,000.

On page 5, line 7, increase the amount by $18,013,000,000.

On page 5, line 8, increase the amount by $18,482,000,000.

On page 5, line 9, increase the amount by $17,873,000,000.

On page 5, line 10, increase the amount by $17,182,000,000.

On page 5, line 11, increase the amount by $16,377,000,000.

On page 5, line 12, increase the amount by $15,457,000,000.

On page 5, line 13, increase the amount by $14,418,000,000.

On page 5 line 14, increase the amount by $13,239,000,000.

On page 5, line 18, increase the amount by $403,000,000.

On page 5, line 19, increase the amount by $13,239,000,000.

On page 5, line 20, increase the amount by $20,489,000,000.

On page 5, line 21, increase the amount by $23,283,000,000.

On page 5, line 22, increase the amount by $25,248,000,000.

On page 5, line 23, increase the amount by $27,333,000,000.

On page 5, line 24, increase the amount by $29,535,000,000.

On page 5, line 25, increase the amount by $31,859,000,000.

On page 6, line 1, increase the amount by $34,313,000,000.

On page 6, line 2, increase the amount by $36,890,000,000.

On page 6, line 6, decrease the amount by $403,000,000.

On page 6, line 7, decrease the amount by $13,642,000,000.

On page 6, line 8, decrease the amount by $34,131,000,000.

On page 6, line 8, decrease the amount by $57,414,000,000.

On page 6, line 10, decrease the amount by $82,662,000,000.

On page 6, line 11, decrease the amount by $109,995,000,000.

On page 6, line 12, decrease the amount by $139,529,000,000.

On page 6, line 13, decrease the amount by $171,388,000,000.

On page 6, line 14, decrease the amount by $205,701,000,000.

On page 6, line 15, decrease the amount by $242,591,000,000.

On page 6, line 19, decrease the amount by $403,000,000.

On page 6, line 20, decrease the amount by $13,642,000,000.

On page 6, line 21, decrease the amount by $34,131,000,000.

On page 6, line 22, decrease the amount by $57,414,000,000.

On page 6, line 23, decrease the amount by $82,662,000,000.

On page 6, line 24, decrease the amount by $109,995,000,000.

On page 6, line 25, decrease the amount by $139,529,000,000.

On page 7, line 1, decrease the amount by $171,388,000,000.

On page 7, line 2, decrease the amount by $205,701,000,000.

On page 7, line 3, decrease the amount by $242,591,000,000.

On page 25, line 16, increase the amount by $19,804,000,000.

On page 25, line 17, increase the amount by $396,000,000.

On page 25, line 20, increase the amount by $20,456,000,000.

On page 25, line 21, increase the amount by $12,886,000,000.

On page 25, line 24, increase the amount by $21,141,000,000.

On page 25, line 25, increase the amount by $19,251,000,000.

On page 26, line 3, increase the amount by $21,817,000,000.

On page 26, line 4, increase the amount by $20,882,000,000.

On page 26, line 7, increase the amount by $22,525,000,000.

On page 26, line 8, increase the amount by $21,560,000,000.

On page 26, line 11, increase the amount by $23,221,000,000.

On page 26, line 12, increase the amount by $22,257,000,000.

On page 26, line 15, increase the amount by $23,925,000,000.

On page 26, line 16, increase the amount by $22,956,000,000.

On page 26, line 19, increase the amount by $24,635,000,000.

On page 26, line 20, increase the amount by $23,658,000,000.

On page 26, line 23, increase the amount by $25,329,000,000.

On page 26, line 24, increase the amount by $24,366,000,000.

On page 27, line 2, increase the amount by $26,005,000,000.

On page 27, line 3, increase the amount by $25,064,000,000.

On page 40, line 6, decrease the amount by $7,000,000.

On page 40, line 7, decrease the amount by $7,000,000.

On page 40, line 10, decrease the amount by $353,000,000.

On page 40, line 11, decrease the amount by $353,000,000.

On page 40, line 14, decrease the amount by $1,238,000,000.

On page 40, line 15, decrease the amount by $1,238,000,000.

On page 40, line 18, decrease the amount by $2,400,000,000.

On page 40, line 19, decrease the amount by $2,400,000,000.

On page 40, line 22, decrease the amount by $3,687,000,000.

On page 40, line 23, decrease the amount by $3,687,000,000.

On page 41, line 2, decrease the amount by $5,076,000,000.

On page 41, line 3, decrease the amount by $5,076,000,000.

On page 41, line 6, decrease the amount by $6,579,000,000.

On page 41, line 7, decrease the amount by $6,579,000,000.

On page 41, line 10, decrease the amount by $8,201,000,000.

On page 41, line 11, decrease the amount by $8,201,000,000.

On page 41, line 14, decrease the amount by $9,947,000,000.

On page 41, line 15, decrease the amount by $9,947,000,000.

On page 41, line 18, decrease the amount by $11,826,000,000.

On page 41, line 19, decrease the amount by $11,826,000,000.

Strike Section 211.

Mr. DAYTON. Madam President, this amendment increases spending for America's schoolchildren and reduces the tax cut for millionaires. That should not be controversial. It finally fulfills the promise Congress made 28 years ago that we would pay for 40 percent of special education costs and would do so starting in fiscal year 2004.

The President deserves great credit for proposing, and Congress for passing, increased special education funding. We have raised the Federal share to 17 percent nationwide, but that is still less than half of what we promised. It is good, but it is not enough.

We have increased spending for defense and homeland security in the last couple years, and when that wasn't enough, we increased it more. We responded to urgent needs. For once, let's meet an urgent need that isn't military. Last year's increase for special education was only 2 percent of that for the Department of Defense. We can afford to do more.

The need is so urgent that surely we can postpone half of the tax cut going to the richest Americans. The President's proposal would give people whose annual incomes exceed $1 million tax cuts averaging $85,000 every year. That is in addition to the $45,000 they are already getting each year from the 2001 tax bill.

So who comes first, schoolchildren or millionaires? Yes, it is a vote for our children.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I rise in opposition to the amendment. We seem to have had an intermission on the issue of spending, but the curtain has risen again. This amendment sets a new standard, quite honestly.

We increased IDEA spending by 24 percent in this bill in 1 year, and 380 percent since 1996. What this amendment would do is increase IDEA spending by 250 percent in 1 year, $229 billion over 10 years. In fact, the way the amendment is drafted, the Federal Government would now be paying not 40 percent of the cost of IDEA; it is on a glidepath—under the amendments that were already accepted, the Federal Government would be paying 60 percent of the cost of IDEA, which is 20 percent over what we committed to as a government. Now, that is absurd.

At some point, this spending simply has to be brought under control. At some point, we have to recognize that what is happening here is not an attempt to have fiscal responsibility or proper budgeting but simply to put forward a show.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 409.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN), is absent attending a funeral.

The PRESIDING OFFICER. Are there are other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—28

Akaka
Boxer
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Leahy
Levin
Lieberman
Mikulski
Murray
Pryor
Reed
Rockefeller
Sarbanes
Stabenow

NAYS—70

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Lautenberg
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Biden
Miller

The amendment (No. 409) was rejected.

CHANGE OF VOTE

Mrs. CLINTON. Madam President, on rollcall vote No. 103, I voted no. It was my intention to vote aye. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. NICKLES. Madam President, for the information of our colleagues, we are making progress a little slower today than we would like. But yesterday we had 23 rollcall votes. We had 13 voice votes. So we disposed of a lot of amendments, a lot of resolutions yesterday. We only have a few remaining for today.

I thank a couple of my colleagues, particularly Senator WARNER, Senator DURBIN, and Senator LANDRIEU, because they have been able to work out a couple of amendments, probably saving us two or three rollcall votes. So I appreciate their cooperation. Shortly we will be accepting a couple of other amendments that I believe will be offered by the Senator from California and the Senator from Michigan. So we are making progress and we will make our 4 o'clock final vote. I just wanted to mention that to our colleagues.

We will shortly be voting on the amendment of the Senator from Massachusetts, dealing with AIDS.

Mr. REID. Madam President, Senator BIDEN was necessarily absent on the last vote as a result of attending a funeral. I want the RECORD to reflect that.

The PRESIDING OFFICER. The Senator from Arizona.

CHANGE OF VOTE

Mr. MCCAIN. Madam President, on rollcall vote No. 94, amendment 413, I voted yea. It was my intention to vote nay. I ask unanimous consent I be permitted to change my vote, since it will not affect the outcome of the vote.

(Vote No. 94 would have resulted as follows: yeas 47, nays 52.)

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 383, AS MODIFIED

Mr. CONRAD. Madam President, I now yield to the Senator from California, Senator BOXER, for the purpose of presenting an amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I call up amendment No. 383. I ask unanimous consent to modify it.

The PRESIDING OFFICER. The Senate will be in order, please.

Mrs. BOXER. Madam President, I call up amendment No. 383 having to do with afterschool activities and ask unanimous consent to modify my amendment, deleting finding No. 5 in the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 383) as modified, is as follows:

(Purpose: To ensure that the number of children in after-school programs does not decrease)

At the appropriate place, insert the following:

SEC. ___ . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3 p.m. and 8 p.m.—after school is out and before parents arrive home.

(3) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(4) Current funding for after-school programs provide almost 1.4 million children across the country a safe and enriching place to go after school instead of being home alone.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that funding for 21st Century Community Learning Centers is at least enough to ensure the number of children participating in after-school programs does not decrease.

Mrs. BOXER. I thank my colleagues on the other side of the aisle for agreeing to this sense-of-the-Senate amendment. I will be very brief in explaining it.

The budget before us assumes a cut of 40 percent in afterschool programs.

This is a program that both sides of the aisle have been very involved in crafting, watching the number of children grow in the program.

We know from the FBI the greatest number of juvenile crimes occur after school. We also know mentoring is working in these afterschool programs. We do not want to see 570,000 kids kicked out of the valuable program, so this sense of the Senate simply is actually a plea that it not occur, and at the minimum we provide afterschool slots for the current number of children who are in those programs right now, 1.4 million children.

I ask at this time the amendment be unanimously agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank our colleague from California. We have no objection to her sense-of-the-Senate amendment.

Mrs. BOXER. I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 383), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield to the Senator from Massachusetts, Senator KERRY, to address amendment No. 281.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 281

Mr. KERRY. I call up amendment No. 281.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], for himself, Mr. KOHL, Mr. LAUTENBERG, Mrs. BOXER, and Mr. DASCHLE, proposes an amendment numbered 281.

Mr. KERRY. I ask unanimous consent that Senators KOHL, LAUTENBERG, DASCHLE, and BOXER be added as cosponsors and the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, March 19, 2003, under "Text of Amendments.")

Mr. KERRY. As all of us know, there are 42 million people living with AIDS worldwide. The Senate has addressed this issue previously, but the amount of money annually allocated falls short of the promises almost every single year. We have been working in the Senate Foreign Relations Committee to develop bipartisan legislation. What I ask our colleagues to do today is to provide the amount of money that we will authorize in that legislation, in order to combat the AIDS epidemic. It simply increases the funding level included in the budget resolution to match the spending levels that will be in the authorization bill by $800 million.

In addition, I tell all my colleagues, this is completely in line with the legislation Senator FRIST and I wrote and put together and that the Senate passed last year. So it is not a change; it is what we did before, but it meets the promise of the Senate and does not fall short. It also dedicates $800 million for deficit reduction.

I ask my colleagues to help us fulfill a promise that has been too long in coming.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, we adopted an amendment yesterday, offered by the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, to restore spending to international affairs programs next year by over $1.1 billion, from the committee's level. The bipartisan Lugar-Biden level would fund the President's proposal next year for global AIDS prevention. The resolution now accommodates $15 billion in spending over the next 5 years for those countries hardest hit by the HIV/AIDS epidemic. This is the largest commitment made by any country in the world to address this specific problem.

This administration is taking a very bold step, which we support, to combat HIV/AIDS. I therefore rise in opposition to the Kerry amendment which would increase by nearly 80 percent the amount of money provided by this function of the budget. It would also increase taxes by nearly $1.6 billion, further undermining the growth package now assumed in the resolution.

I have been working with Senator LUGAR and others on this important issue and will devote my full resources to the effort to combat the scourge of HIV/AIDS.

Mr. NICKLES. I ask for the yeas and nays.

Ms. STABENOW. Mr. President, I ask unanimous consent to be added to the amendment as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 281. The clerk will call the roll.

Mr. NICKLES. I ask unanimous consent this vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk called the roll.

Mr. REID: I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN), is attending a family funeral.

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Biden
Miller

The amendment (No. 281) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Oklahoma.

RECESS

Mr. NICKLES. Mr. President, for the information of our colleagues, we are making good progress. We only have a few amendments left. To give staff a chance to work out a couple of amendments—I thank my colleagues for working together with us on the amendments—I ask unanimous consent that the Senate stand in recess until 1:40.

There being no objection, the Senate, at 1:04 p.m., recessed until 1:45 p.m., and reassembled when called to order by the Presiding Officer (Mr. HAGEL).

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

AMENDMENT NO. 403

Mr. NICKLES. Madam President, I call up amendment No. 403, offered by our colleague from Oklahoma, Senator INHOFE.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 403.

Mr. INHOFE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Friday, March 21, 2003, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is something we are all familiar with, except perhaps new Members. Back in the fifties, we had a program to replace some of the money that was taken away when land was taken off the tax rolls. It is called impact aid.

Over the years, people started taking money out of this program. It is an easy place to grab money. It has gotten down to 40 percent funding. We are now up to 70 percent. The current legislation would leave it at 70 percent. This amendment will increase it by $112 billion, bringing it up to $1.3 billion, 76 percent. That keeps us on track to have it fully funded 5 more years.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, maybe my ears deceived me. I heard the Senator say $112 billion. My reading on the amendment is $112 million.

Mr. INHOFE. That is what I said.

Mr. CONRAD. I heard the Senator say $112 billion.

Mr. INHOFE. We are used to using the B's around here. It is $112 million.

Mr. CONRAD. I thank the Senator. My further understanding is this is funded by an across-the-board cut in all other functions.

Mr. INHOFE. That is right.

Mr. CONRAD. So there are no new discretionary funds available through this amendment. With that understanding, there is no objection on this side to the Senator's amendment. He is quite correct that impact aid is underfunded, and it is important to virtually all our States and all our communities.

Mr. INHOFE. I appreciate that. I ask for the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I encourage our colleagues to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 403) was agreed to.

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. CONRAD. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The senior assistant bill clerk continued with the call of the roll.

Mr. NICKLES. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I believe the Senator from Alaska has an amendment to send to the desk.

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, we have been negotiating for some time, trying to resolve two or three amendments. I think we have done that.

I thank Senator WARNER, Senator CHAMBLISS, Senator DURBIN, and Senator LANDRIEU because I think they have cooperated. They came up with amendments I think all of us can be supportive of.

I ask on this amendment, and this amendment alone, there be 4 minutes equally divided so all the principal players can have a moment to speak on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 429

Ms. LANDRIEU. I send an amendment to the desk on behalf of myself, Senator DURBIN, Senator WARNER, and Senator CHAMBLISS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. DURBIN, Mr. WARNER, and Mr. CHAMBLISS, proposes an amendment numbered 429.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Provide additional pay and benefits for active duty, guard, and reserve forces, such as augmenting Imminent Danger Pay and Family Separation Allowance, and for modernization of equipment, weapons, and technology needs of the National Guard and Reserves in recognition of those currently involved in conflict operations and the need of their family members left behind)

On page 8, line 23, increase the amount by $3,000,000,000.

On page 8, line 24, increase the amount by $3,000,000,000.

On page 46, line 20, increase the amount by $3,000,000,000.

On page 46, line 21, increase the amount by $3,000,000,000.

On page 4, line 14, increase the amount by $3,000,000,000.

On page 5, line 4, increase the amount by $3,000,000,000.

On page 5, line 17, decrease the amount by $3,000,000,000.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Senator STABENOW and Senator LINCOLN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I thank my colleagues and particularly Senator DURBIN for his work in working out this amendment. It is for the Guard and Reserve units that have been called up.

This amendment is crucial. It is important that we adopt it for a number of reasons. No. 1, from 1945 to 1990, a period of 45 years, our Guard and Reserve units were called up four times. In the last 13 years they have been called up eight times. They represent a growing and necessary component of our force protection for our Nation, both abroad and at home.

Unfortunately, our commitment to their budget has not kept up with the contributions they are making. This amendment attempts to begin to fill that gap.

I submit for the RECORD, because this is a $1 billion amendment, a list of equipment needs that could be provided by this amendment. I suggest the $1 billion could be for this or something comparable to it. I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STRATEGIC EQUIPMENT, WEAPONS, AND TECHNOLOGY NEEDS OF THE NATIONAL GUARD AND RESERVE

Service	System	Cost
Air Force Reserve	WC–130J Radar—Upgrades Reserve Radar to specifications needed by Active forces	$50,000,000.
Air Force Reserve	F–16 LITENING II AT Upgrade Modification—Provides Reserve Tactical Fighters with same radar upgrades as active forces; reserve fighters flying same missions.	$16,200,000.
Air Force Reserve	F–16 LITENING II AT Pod Procurement—Provides Reserve Tactical Fighters with same radar upgrades as active forces; reserve fighters flying same missions.	$14,400,000.
Air Force Reserve	A–10 TARGETING PODS—Provides Reserve Tactical Fighters with same radar upgrades as active forces; reserve fighters flying same missions.	$48,000,000.
Air Force Reserve	B–52 TARGETING PODS—Provides Reserve B–52s with same radar upgrades as active B–52s; performing same missions	$4,800,000.
Air Force Reserve	TACTICAL RADIOS—Provides radio upgrades for interoperability with active forces	$14,900,000.
Air Force Reserve	LAND MOBILE RADIO INFRASTRUCTURE	$12,000,000.
Total		$160,300,000.
Navy Reserve	VAW–78; EC–2 Squadron—Funding Prohibits decommissioning in FY05 of this currently deployed unit	$10,160,000; Allen/Warner.
Navy Reserve	VFA–203; F/A–18 Squadron—Funding Prohibits decommissioning in FY04 of this currently deployed unit	$20,110,000; Chambliss/Miller.
Navy Reserve	Littoral Surveillance System—Procures one additional system to upgrade port surveillance by Navy Reserve	$14,500,000; Lott/Cochran/Specter/Santorum.
Navy Reserve	F/A 18 Advanced Targeting FLIR—Procures radars for 5 squadrons to make compatible with Active Navy	$14,700,000; Bond/Talent.
Navy Reserve	P–3 Aircraft Improvement Program (AIP)—Would upgrade 28 of 42 Reserve P3s to have same capabilities as Actives; AIP allows P–3s to better operate against surface combatants and improve surveillance and targeting.	$29,700,000; Snowe/Collins.
Navy Reserve	P–3 Block Modification Upgrade Program (BMUP)—Brings all Reserve P–3s into compliance with each other, not Actives—gives all Reserve P–3s similar computers and acoustics sensors.	$33,000,000; Snowe/Collins.
Navy Reserve	F/A 18 ECP 560 Precision Guided Munitions Upgrade—Provides 1 Reserve F/A Squadron with precision guided munitions similar to Active F–18s.	$33,240,000; Kyl; McCain.
Navy Reserve	CBR–D Equipment Storage and Logistics—Funds shortfall of 10,000 bio-chem suits for Navy Reservists	$8,000,000.
Total		$163,410,000.
Army Reserve	High Frequency Radios (Interoperability for Special Ops Reservists)	$57,138,816.
Army Reserve	M–4 Rifles	$1,200,000.
Army Reserve	M–16 Rifles	$1,200,000.
Army Reserve	Tactical Electrical Power (5–60KW) TQG	$5,404,000.
Army Reserve	Tactical Electrical Power (3KW) TQG	$3,000,000.
Army Reserve	Truck Tractor Line Haul	$12,420,000.
Army Reserve	Improved Ribbon Bridge	$22,400,000.
Army Reserve	Truck Cargo PLS 10X10 M1075 (T40999)	$6,936,000.
Army Reserve	Trailer PLS 8X20 M1075 (T93761)	$1,320,000.
Army Reserve	Spreader Bituminous Module PLS 2500 Gal. (S13546)	$2,080,000.
Army Reserve	Mixer Concrete	$1,375,000
Army Reserve	Dump Body Module	$3,496,000
Army Reserve	Engineer Mission Module Water Distributor	$9,630,000
Army Reserve	Airborne/Air Assault Scraper (S30039)	$7,575,000
Army Reserve	Distributor Water Self-Propelled 2500 Gal.	$2,970,000
Army Reserve	Truck Transporter Common Bridge (CBT) (T91308)	$8,360,000
Army Reserve	Truck Dump 20 Ton	$7,215,000
Army Reserve	Generator Smoke Mechanical	$11,667,600
Army Reserve	Tent Expandable Modular (Surgical)	$729,000
Total		$166,116,416.
Army Nat'l Guard	Black Hawk Helicopters	$223,200,000; Santorum, Specter, Chambliss, Ensign, Frist, Alexander.
Army Nat'l Guard	SINCGARS (Radio Systems)	$34,900,000.
Air Nat'l Guard	F–16 Targeting Pods	$35,100,000; Talent/Bond.
Air Nat'l Guard	A–10 Targeting Pods	$70,200,000.
Air Nat'l Guard	C–130H2 AN/APN–241 Radar	$24,500,000.
Air Nat'l Guard	F–15 AIFF/IFF (Data Link Systems)	$31,300,000; Smith (OR), Talent, Bond.
Air Nat'l Guard	F–15 220E Engine Kits	$98,000,000 Smith, Talent, Bond.
Total		$517,200,000.
Marine Corps Reserve	Reserve Training Center Vehicle Maintenance Facility, Mobile, AL	$8,000,000; Sessions/Shelby.
Marine Corps Reserve	Reserve Tank Maintenance Facility, Columbia, South Carolina	$3,800,000; Graham (SC).
Marine Corps Reserve	Reserve Training Center Vehicle Maintenance Facility, Camp Lejeune, NC	$8,100,000; Dole.
Marine Corps Reserve	Uniform and Equipment needs	$13,200,000.
Marine Corps Reserve	Weapons System Repairs	$7,300,000.
Total		$40,400,000.
Grand Total		$1,047,426,416.

Ms. LANDRIEU. This amendment is supporting the Guard and Reserve for equipment, as well as for pay and compensation, and Senator DURBIN will explain the second part of this amendment.

Mr. DURBIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. Forty seconds.

Mr. DURBIN. Madam President, I thank my cosponsors, Senators MIKULSKI, DAYTON, BOXER, SCHUMER, CLINTON, and FEINGOLD.

What we are seeking to do here is to raise combat pay, the imminent danger pay for those who are serving overseas. It will be raised from $150 a month to at least $250 a month, and to increase the family separation allowance from currently $100 a month to at least $250 a month.

Senator WARNER was generous enough to talk about $3 billion here, which will accommodate the needs for the Guard and Reserve that Senator LANDRIEU has raised and also bring the combat pay and separation allowance figures up to where they should be. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Virginia.

Mr. WARNER. I thank the distinguished managers of the bill and our two colleagues on the other side of the aisle. I think this is an amendment each Senator not only can but should vote for. I hope we get 100 votes because it is a consensus across the aisle about the imminent needs of the men and women of the Armed Forces, indeed the Guard and Reserve which in historic numbers have rallied to the call to serve side by side with the Active Force in the conflict, not only in Iraq but also elsewhere in the world.

I strongly support it and yield the remainder of my time to my colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I, too, thank my colleagues, Senators WARNER, LANDRIEU, and DURBIN for their strong leadership on this issue. We now have a significant number of Guard and Reserve personnel who are in harm's way, protecting freedom and democracy. It is only right that we address some shortfalls in the way in which these folks are compensated.

In addition to that, we have provided within this budget number for the ability of the authorizing committees to come back and purchase needed equipment from a hardware perspective, as well as to look after the families of our brave guardsmen and reservists.

I think this is a good amendment. I echo what Senator WARNER said. I hope we get 100 votes so we can send the right message to all our Guard and Reserve and Active duty personnel that we are concerned about them and we want to make sure we treat them fairly and equitably. This does so.

Mr. DURBIN. I ask unanimous consent to add Senator KENNEDY as an original cosponsor.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 429.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

The amendment (No. 429) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, for the information of our colleagues, we are making good progress. I again thank my colleagues for their cooperation in working out the last two or three amendments.

I now call upon the Senator from Alaska to introduce an amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 430

Ms. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 430.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 24, increase the amount by $47,904,000,000.

On page 46, line 1, increase the amount by $18,768,000,000.

Mr. CONRAD. Will the Senator withhold for a moment.

I think it would be wise for us to get in place an agreement on the amendment that would either be in the second degree or be side by side at this moment so that that is prepared at the end of the presentation of the Senator from Alaska. Otherwise, the second-degree amendment would be offered. I think it would be better if we did not do it that way.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent that following disposition of the Murkowski amendment, Senator CONRAD or his designee be allowed to introduce a sense of the Senate relative to the Murkowski amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, the current budget resolution assumes the growth package will immediately raise the $600 child tax credit to $1,000. My amendment is going to require that the growth package extend that $1,000 child credit until the year 2013. The child credit is currently $600, and it is scheduled to go up to $1,000 in 2010. The problem we have with this, however, is that in the year 2011, you are going to have a child credit of $1,000. But the following year, that is going to drop in half to $500. In other words, families with two children will face a $1,000 tax increase in the year 2011. A family of three is going to face a tax increase of $1,500. I don't think any of us would suggest that is fair. This is to help the families, particularly in times when we have some economic difficulties. This is an amendment that will help America's families.

I urge Members' support.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, let me just say to my colleagues, the amendment of the Senator from Alaska has nothing to do with the child tax credit—zero. The amendment increases the tax cut by $47.9 billion and increases the instruction to the Finance Committee for outlays of $18.8 billion. It has nothing whatever to do with the child tax credit because the budget resolution does not make those decisions, as the chairman has indicated over and over.

There will be a subsequent amendment by the Senator from Arkansas that will make clear there is plenty of room in the underlying tax cut to accommodate the child tax credit the Senator from Alaska is advocating. I urge my colleagues to vote no on this increase to the tax cut.

Mr. NICKLES. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. I ask unanimous consent that the vote on this amendment and subsequent amendments be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 430.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

The amendment (No. 430) was rejected.

Mr. NICKLES. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I believe there is a sense-of-the-Senate amendment that is going to be offered.

Mr. DASCHLE. Mr. President, I yield time to the distinguished Senator from Arkansas for the purpose of offering another amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 431

Mrs. LINCOLN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 431.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding extending the $1,000 child credit for three additional years (2011–2013))

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON THE $1,000 CHILD CREDIT.

It is the sense of the Senate that extending the $1,000 child credit for three additional years (2011–2013) can be accommodated within the revenue totals and instructions of this resolution.

Mrs. LINCOLN. Mr. President, I compliment my colleague from Alaska for the intent of the previous amendment. Many of us in this body have children. We understand what it takes to raise our children. Across this country, we want to provide all families, all parents the ability to do as much as they possibly can for their children. I again compliment the Senator from Alaska for the intent of her amendment.

My amendment expresses that it is the sense of the Senate that we should extend the refundable child credit for 3 years and that this can be accommodated within the revenue totals in the resolution as it currently exists.

As the Senator from Oklahoma has said several times during this debate, we cannot write the tax cut on the budget resolution. The previous amendment was simply an attempt to increase the size of the tax cut, nothing more, nothing less.

Although the intent of the amendment of the Senator from Alaska I think was good, I do think it is important that we make sure this tax cut actually goes in the child credit and we understand that the money already exists to do it. I ask for my colleagues' support of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment is a sense of the Senate. It may provide political cover—I compliment my colleague from Alaska for her effort to help American families—but this is a sense of the Senate, so it does not change any revenue numbers. It may give political cover.

I have no objection to this amendment. I hope we accept it by a voice vote. Almost all of the sense-of-the-Senate amendments have been accepted by voice vote. Regardless, I urge my colleagues to support this amendment and provide ample political cover for our colleagues on the other side of the aisle.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 431. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Santorum

The amendment (No. 431) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are very close to finishing. I expect we will have a vote on final passage in probably about 10 minutes.

Mr. NICKLES. Mr. President, I believe the Senator from Michigan has a sense-of-the-Senate amendment to be called up.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 407

Ms. STABENOW. Mr. President, I call up amendment No. 407.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. HARKIN, Mr. LEAHY, Mr. JOHNSON, Mrs. MURRAY, Mr. DAYTON, Mr. KOHL, Mr. CORZINE, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. DODD, Mr. FITZGERALD, and Mr. WYDEN, proposes an amendment numbered 407.

Ms. STABENOW. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the final budget conference agreement should not take or propose any actions that reduce the level of funding provided for domestic nutrition assistance programs administered by the Secretary of Agriculture below current baseline spending levels for the programs)

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING FUNDING FOR DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) domestic nutrition assistance programs administered by the Secretary of Agriculture—

(A) have a long history of bipartisan support;

(B) have an accomplished record of preventing health problems for children and promoting the health, growth, and development of children;

(C) provide United States agricultural producers and food manufacturers with important and substantial markets through which they can obtain and sustain livelihoods; and

(D) are due to be reauthorized and improved during the 108th Congress; and

(2) the budget proposed by the President for fiscal year 2004—

(A) maintains current levels of funding for child nutrition;

(B) extends and improves nutrition assistance programs, including—

(i) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(ii) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(iii) the child and adult care food program established under the section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(C) renews and fully funds the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the final budget conference agreement should not take or propose any actions that reduce the level of funding provided for domestic nutrition assistance programs administered by the Secretary of Agriculture below current baseline spending levels for the programs.

Ms. STABENOW. Mr. President, this amendment is a sense of the Senate declaring that there will be no cuts to important domestic nutrition programs in this year's budget. I am very pleased to have letters of support from the American School Food Services Association and a number of other nutrition organizations. This is a bipartisan amendment cosponsored by Senators FITZGERALD, HARKIN, LEAHY, JOHNSON, MURRAY, DAYTON, KOHL, CORZINE, JACK REED, CLINTON, BINGAMAN, DODD, and WYDEN.

Our concern is that the House budget resolution will cut child nutrition funding by an estimated $5.9 billion. These cuts would have a devastating impact on important child nutrition programs such as the School Lunch Program, breakfast programs, child and adult care feeding programs, and WIC.

We, in the Senate, have a long tradition of working together in a bipartisan way on nutrition programs. I hope we can adopt this sense of the Senate and, once more, show that we are very supportive that reauthorization of child nutrition programs is one of the Agriculture Committee's top priorities this year.

Frankly, Mr. President, we need more funding for child nutrition, not less. I ask for the Senate's support.

Mr. LEAHY. Mr. President, I am pleased to join Ms. STABENOW and my other colleagues today in offering this amendment to express the sense of the Senate that the final conference agreement on the budget resolution should not reduce funding for domestic nutrition programs below the current baseline levels. The reconciliation instructions included in the House Budget Resolution to cut mandatory funding in the areas of domestic nutrition assistance would be devastating to the children and families who count on these programs to meet their daily food needs. In these difficult economic times, we must not put the basic needs of low-income Americans—particularly children—on the chopping block in order to make room for an ill-advised tax cut package this country cannot afford. I strongly urge my colleagues to vote in support of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe we adequately take care of many of the functions that our colleague from Michigan mentioned in her statement. We have no objection to accepting her amendment by a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 407) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am happy to yield to the majority leader for comments about the former chairman of the Senate Budget Committee, who did such a superb job over so many years.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I take this opportunity, before we enter into the final vote on the resolution, to congratulate the chairman of the Budget Committee, Senator NICKLES, first, on bringing before this Chamber a budget resolution, and for the last 7 days of his very diligent work. My thanks to him and his staff for the long hours of hard work and their dedication.

I also thank the ranking member, Senator KENT CONRAD, for his cooperation here on the floor, as well as that of the Democratic assistant minority leader and the minority leader. We have not agreed on many issues over the last several days, but it has, nonetheless, been a respectful debate. And I think the will of the Senate will have spoken in a sound way when we adopt this resolution today.

I will have more to say about the resolution after adoption, but I did want to take just a few moments to pay tribute to the former chairman and former ranking member of the Senate Budget Committee, Senator PETE DOMENICI.

For many in this Chamber who have been through the budget wars over the last nearly three decades, it has been a little strange over the last 7 days not to see the senior Senator from New Mexico right here and down in the well managing this resolution. But I also know he trained his successor—and all of us—well, and we have all benefited from his counsel and guidance.

With the start of this Congress, Senator DOMENICI stepped down as the longest serving chairman of the Senate Budget Committee. I should note, under our conference rules, he could have served as chairman of the Budget Committee but chose, rather, to pursue another of his passions, energy policy. He gave up the chairmanship of Budget to take on another with the Energy Committee. I know he will devote his extensive talents and energies to help the country craft a sensible and reliable energy policy, as much as he devoted them to the process over the last 28 years in the field of the budget. Both remain major challenges.

Senator DOMENICI has been a member of the Budget Committee since 1975—1 year after it was created with the enactment of the Congressional Budget and Impoundment Control Act. History will also show that shortly after his first coming to this Chamber in 1972, he and a group of other Senators, including the very distinguished Senator BOB BYRD of West Virginia, saw a need to put some order into what was then an even more chaotic budget and appropriations process. Indeed, it was through this freshman Senator PETE DOMENICI's efforts and prodding that the Budget Act became a reality.

Until Senator NICKLES took over the reins in January, Senator DOMENICI had been the only Republican chairman in the committee's history, holding that position for 12½ years, and the ranking member position for 9 years. Over 21 years—three-quarters of the committee's history—Senator DOMENICI has been at the forefront of setting and guiding fiscal policy in this country.

I am proud to say, in my first 8 years in this body, I had the honor to call Senator DOMENICI my chairman, as I served on that committee, learning the complexities of the Federal budget.

Senator DOMENICI has always been known for his tireless devotion to the budget process, his ability to patch together coalitions, and even a moodiness on fiscal policy that led another majority leader from Tennessee, Howard Baker, to dub his good friend Senator DOMENICI as the "Hamlet of the Senate" in the 1980s.

What has been accomplished under his leadership? Over the period, Senator DOMENICI has participated in the adoption of 26 concurrent budget resolutions, 27 Senate-passed budget resolutions, 26 committee-reported budget resolutions, and 17 major budget reconciliation bills. Conservatively, we estimate that he has taken over 1,000 votes on the Senate floor during the budget debates, and countless additional votes on motions to waive the Budget Act when enforcing the budgets he helped to craft.

He has been at the center of all debates and legislation to modify the Budget Act over the years, with the Balanced Budget and Emergency Deficit Control Act of 1985, better known as the Gramm-Rudman-Hollings Act. When differences between the Senate, House, and President seemed to doom the budget process, he took the Senate lead in putting it back on track with its major budget summits in 1987, 1990, and, of course, the 1997 historic bipartisan balanced budget agreement.

Many of these agreements were not always popular, even with some of his fellow Republicans. But he has always—always—stood on principle and what he thought was best for the country at the time. Those principles and convictions to sound public policy have been evident in this debate on this resolution, specifically related to ANWR and the Federal energy policy in this country.

Despite the impressive record on the budget, the one statistic no one will ever challenge in the Senate's entire history, and the one statistic he is probably most proud of, is the fact that in 1986, while serving as a Senator, Senator DOMENICI had seven children in college and graduate school at one time. This son of an Italian immigrant grocer has always been devoted to his family through the good and the tough times. His wife Nancy has been loving support and inspiration to her husband throughout their 45 years of marriage. But I also know that Nancy, in her own right, has been a dedicated public servant, working to improve health care throughout the country, and particularly in New Mexico.

So, Mr. President, I did not want this occasion to pass, as we are about to complete another budget resolution, without paying tribute to the former chairman and ranking member of the Budget Committee for his years of service and devotion to this process, to his family, to his State, and to his country.

Thank you, Senator DOMENICI.

(Applause, Senators rising.)

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, momentarily we will be voting on final passage. We have a couple of additional things to do.

I believe we are trying to work out a McConnell sense of the Senate. That will take just a moment. And then we will be voting in just a few minutes.

I also wish to join the majority leader in complimenting Senator DOMENICI for his many years of service, either as chairman or ranking member of this committee. I have a much greater appreciation for its challenges. He passed resolutions when we had a majority and minority, even when we were 50–50. My compliments to him. He is "Mr. Budget" as far as I am concerned. Plus, as evidenced in some of the debates, he proved that he knows this act unlike any other on the floor.

So I thank our friend and colleague.

Mr. DOMENICI. Thank you.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 432

Mr. NICKLES. Mr. President, I send a sense-of-the-Senate resolution on behalf of Senator McCONNELL to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES], for Mr. McCONNELL, proposes an amendment numbered 432:
>
> (Purpose: To provide for future consideration of a possible free trade agreement with the United Kingdom)
>
> At the appropriate place, insert the following:
>
> "It is the Sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom."

Mr. McCONNELL. Mr. President, it has been said that the United States and the United Kingdom are a common people separated by a common language. But we also share a unique cause for freedom, and to preserve that we should also share a common market.

Today I am offering an amendment that ensures that our economies become as integrated as the other common causes that we share. The amendment will provide for a Free Trade Agreement to be negotiated between the United States and United Kingdom similar to the North America Free Trade Agreement.

Specifically, this amendment will create room in the budget for Congress to consider, and the President to successfully negotiate with, the United Kingdom for a Free Trade Agreement with the United States.

The world is witnessing once again the unique brotherhood of freedom and the special bond between America and United Kingdom. Those who know and enjoy the benefits of freedom are willing to join together and pay freedom's price. With so much at stake, America and United Kingdom should do all we can to ensure our common cause stays strong for the benefit of generations to come. With this United Kingdom—United States Free Trade amendment, our mutual bond will only become stronger.

Mr. NICKLES. Mr. President, I hope our colleagues will agree with this. We can agree with it by voice vote. It is a sense of the Senate that we should negotiate a free trade agreement with the United Kingdom. The United Kingdom has proved to be a very valuable ally, certainly in this latest conflict, but they have been for a long time. I compliment Prime Minister Blair and his leadership team and compliment Senator McCONNELL for his amendment and also thank the cooperation of the staff of the Finance Committee for working with us to make this an acceptable resolution. I urge its adoption.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. We have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 432) was agreed to.

Mr. BAUCUS. Mr. President, I rise today to explain why I had to oppose Senator CORZINE's amendment to increase funding for environmental and natural resource programs in the budget resolution.

Let me be clear that I fully support the goals of Senator CORZINE's amendment. While it is true that we are facing a tight budget situation, protecting our environment and the health and well-being of our citizens should remain a top priority. That includes setting aside adequate funding for programs such as the Superfund and Brownfields programs.

But I was forced to vote against Senator CORZINE's amendment because of another concern. My concern with mounting deficits. The budget resolution brought before us includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues. Or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

Why is $725 billion in tax cuts inappropriate at this time? The most crucial problem is that it is not paid for. The budget resolution brought before us forecasts enormous deficits for almost the next decade. Reducing revenues by $725 billion adds to the already mounting deficits. In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

I joined three of my colleagues in a letter that laid out these concerns—we pledged that we would not agree to tax cuts above $350 billion. This is crucial. The Budget Committee approved $725 billion in tax cuts, and brought it to the Senate floor. Along with my colleagues, I promised to vote to bring this number down by $375 billion.

In a narrowly divided Senate, it is important that both parties work together to come up with the appropriate spending and revenue targets for the budget. That is why I worked with both Democrats and Republicans. Together, we came up with a target of $350 billion for this tax cut, and we agreed that we would all stick to that number.

As part of our commitment to try to reduce the size of the tax cut approved by the Budget Committee, we also agreed that we would not try to reduce the size of the tax cut below $350 billion. That means I am forced to make difficult decisions. In order to keep my commitment to a more responsible tax cut, I have to vote against funding priorities.

During tough times, we must make tough choices. I chose to commit to a responsible tax cut. A tax cut that will prevent worsening deficits that would hurt our economy.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the fiscal year 2004 budget resolution, S. Con. Res. 23.

Although I believe this budget, as amended on the floor of the Senate, is better than the resolution passed by the Budget Committee, it is still fiscally irresponsible, and I cannot support it at this time.

This budget, if passed, would increase the fiscal year 2004 budget deficit by $138 billion above the Congressional Budget Office, CBO, baseline, to $338 billion. This does not include the cost of the war or the reconstruction of Iraq, which is likely to push the budget deficit above $400 billion.

The resolution contains a $350 billion tax cut which we cannot afford, and which would be financed entirely through deficit spending.

The resolution does not adequately address numerous domestic spending priorities, such as education and homeland security.

Despite having been amended to reduce the size of the tax cut from $726 billion to $350 billion, this budget would still add more than $1.3 trillion to our national debt over the next 10 years when interest costs are included.

Our budget deficit this year alone is likely to surpass $400 billion, even before the new tax cuts proposed in this budget go into effect. While the administration pushes for new tax cuts, our fiscal situation continues to deteriorate.

Just last night, CBO released a report that indicates that even with no changes in tax law, the Government will take in $30 billion less in 2003, and $60 billion less between 2004 and 2008.

In the same report, CBO estimated that the President's tax cut package would have at most a small stimulative effect on economic growth, and might not increase growth at all.

While the effect this budget will have on the economy is uncertain, we can be certain that it will increase our debt. In fact, net public debt will exceed $5 trillion by the end of the decade, and interest payments on the debt will double over the next 10 years, from $155 billion this year to $310 billion in 2013.

Only at the very end of the 10-year budget period, and under the most optimistic scenario, would we return to surplus.

There is an urgent need to fund many priorities which are not dealt with in this budget, and those needs are not likely to disappear over the next decade.

Those priorities include, among others: The war in Iraq and the subsequent reconstruction of Iraq, the President's No Child Left Behind education initiative, homeland security, and a full prescription drug benefit in Medicare.

Thanks to the success of an amendment offered by Senator FEINGOLD, the budget does include a $100 billion war reserve fund to be used to cover the cost of the war in Iraq. The reserve fund is not paid for, however, and will increase the deficit substantially in fiscal years 2003 and 2004.

Moreover, the ultimate costs of the war and postwar reconstruction are still unknown, and could be substantially higher than $100 billion.

With regard to domestic spending, the limits set out in this budget are extremely low. The President's No Child Left Behind initiative would go largely unfunded, and funding for homeland security is not adequate to meet the security needs of cities, towns, and counties across the country.

Many priorities that are important to Californians are either cut or eliminated altogether, most notably funding for the State Criminal Alien Assistance Program. If that program is eliminated, the burden of processing and incarcerating criminal aliens will fall entirely on thinly stretched State law enforcement budgets.

I believe that bipartisan cooperation is crucial to the Federal budget process, and such cooperation requires both sides to forgo certain new spending initiatives and new tax cuts.

In an attempt to bridge the gap, I cosponsored a bipartisan amendment offered with Senators CARPER, CHAFEE, LINCOLN, and LANDRIEU.

Unlike the final resolution being voted on today, our substitute budget included significant tax relief for low- and middle-income families that is paid for over a 10-year period by freezing future tax cuts for taxpayers in the two highest-income tax brackets.

That budget would have balanced the budget in 2009, 3 years before the underlying resolution.

That budget would have required tough choices with regard to discretionary spending, but it would have been entirely revenue neutral over the 10-year budget period and would not have added any new debt whatsoever.

When faced with the choice between supporting a bad budget and no budget at all, I must choose the latter.

I support a budget which faces our fiscal needs head on, even when an economic downturn forces us to make tough choices, and which resists the temptation to further increase the debt burden on future generations of taxpayers. Mr. President, this is not that budget.

I urge my colleagues to vote against the fiscal year 2004 budget resolution.

Mr. DASCHLE. Mr. President, it is sadly ironic that at the same time we are asking our young people to fight a war for our security, Republicans are passing a budget that will force those same young people to pay the bill for the reckless fiscal policies of this administration and the Republican Congress. Democrats are proud that we were able to make an irresponsible budget a little less irresponsible. But by showering the most privileged among us with hundreds of billions of dollars in tax breaks and running up more than a trillion dollars in debt, this amended budget still poses a serious threat to the long-term economic well-being of the Nation.

Month after month, more American families are suffering from the failure of this administration's irresponsible economic strategy. With the economy hemorrhaging jobs from every sector, an increasing number of Americans are losing faith that they will ever find a job. With this budget, Republicans have turned their backs on the problems of American families. Instead of offering new ideas and fresh solutions, the administration continues to push a tired ideology that has turned our economy into a job-destroying machine. This budget will hang more than a trillion dollars of debt around the necks of our children and grandchildren. They will be paying for this mistake for decades to come. The President's own chief economist, in his academic writings, agrees that the chronic deficits perpetuated by this budget will raise interest rates and cut off economic growth for the future.

And though all Americans' thoughts are with our armed forces today, I would ask that they take a moment to ask, why is this Republican Congress saddling our children with record-breaking deficits and massive debt? It's not to fund the war or the rebuilding of Iraq that will follow.

It is not to honor our men and women in uniform. Republicans voted against funding for health care for reservists.

It is not to strengthen our homeland defense. Republicans continue to shortchange the police and firefighters who need our help to prevent or respond to a terrorist attack in their own communities, and continue to oppose funding to better secure our borders, ports, and vulnerable infrastructure.

It is not to get our economy moving again. Like the President's budget, the Republican resolution before us contains very little to stimulate the economy now.

This budget is not about meeting the challenges of the moment or the future. Its focus is on more new tax breaks for the very wealthy at the expense of everyone else. At the expense of deep cuts in domestic priorities. At the expense of record deficits that will be imposed on our children and grandchildren.

Democrats have been able to restore a small measure of sanity to this budget. And we are going to keep fighting to make sure that government's resources are used responsibly to meet the fundamental needs of our country. We are going to keep fighting to get our economy moving today with a broad-based tax cut that stimulates job creation; to fund homeland security; to provide a real Medicare prescription drug benefit, and to honor our commitment to our students and teachers. This is not a time to shrink from our responsibilities to one another.

We need to meet the test of this demanding moment in our history. This Congress should be producing a fiscally responsible budget that reflects the very best of our Nation, the spirit that our soldiers exemplify, the spirit of honor, community and duty in the service of a better future for us all.

Mr. FRIST. Mr. President, we are now coming to an end in our debate on this year's budget resolution.

I congratulate the chairman of the Senate Budget Committee, Senator NICKLES for producing this resolution and reporting it from his committee in an expedited manner. We are doing the Nation's business on time.

I know that this resolution has put extraordinary pressure on the committee and floor staff, and I want them to all know my appreciation for their long hours of work. We are not done, but we will take a major step forward with the passage of this resolution today.

I also want to thank the ranking member, Senator CONRAD, who, while certainly not supporting this resolution, did cooperate in the scheduling of this resolution both in the committee and here on the floor.

Having been a member of the Budget Committee my first 8 years here in the Senate, I know how difficult it is to craft a budget resolution.

These are challenging times for our great country—certainly challenging on the international front and equally as challenging in setting a fiscal path for the future. Clearly how the war unfolds with Iraq can impact our economic outlook. But as we move forward on this budget resolution, we are also confronted with longer-term challenges of slow economic growth and the increasing demands of an aging population.

In the near term we will provide whatever resources are necessary to our troops in Iraq to bring that conflict to a quick, expeditious, and victorious end. I also believe that the completion of that conflict and the liberation of the Iraqi people from its dictator will not only provide freedom and economic growth for that country but also lift this cloud of uncertainty that has hung over our economy and depressed investment, growth, and job creation here at home.

For the long term, economic growth remains the key to an expanding economy. Real economic growth will provide the resources necessary to address the demographic changes that confront us both in the Social Security and Medicare programs. We should never forget that for these two programs, it is not the size of their trust fund that matters, it is the size of the economy that matters.

It is for this reason that the President's economic growth and job creation proposal is critical to setting a path toward future economic growth. I will continue to press for the largest growth package possible that will allow us to fully consider the growth legislation later this spring. But for now this is just the beginning, not the end of the process.

S. Con. Res. 23, as amended, and before us today is a blueprint. It is the start of the process. Once adopted later today in the Senate and conferenced with the House, this budget blueprint will guide the fiscal policy for the remainder of this first session of the 108th Congress. Unfolding events over the next many months may require modifications to the resolution. I believe emergency provisions built into this resolution will allow it to be flexible and adjust to changing events.

The failure of the last Congress to even consider here in the Senate chamber a budget resolution undermined the budget process and created significant problems. The failure to even consider a budget left the process in shambles and resulted in the failure to complete action on 11 of 13 annual must-do appropriations bills.

We all know the result. Less than 6 weeks ago, with one-quarter of this fiscal year already over, we finally passed an omnibus spending bill for FY 2003.

We must not repeat that mistake of the last Congress. We must pass a budget resolution and then get on with the business of enacting legislation that follows the budget's outline.

Beyond making it possible for considering an economic growth package later this spring, this resolution will provide resources requested by the President to win the war on terrorism, to protect the homeland, to modernize the Medicare program with a prescription drug benefit, increase funding for both IDEA and Title 1 education programs, increase veterans health funding, and provide over $450 million next year for global AIDS programs.

Equally as important this resolution reinstates the tools we need here in the Senate to provide fiscal discipline. It establishes discretionary spending caps for this year and the next two. It puts a limit on the budgetary gimmick of advance funding. It extends the discipline of pay-go beyond its expiration date of April 15, and it reestablishes the supermajority points of order against spending that is not truly emergency spending.

Once again I congratulate the Chairman and the members of the Budget Committee on all their work that has brought us to this point. We will pass a budget and the legislative, budget and appropriation process will go forth as it should.

LOCAL HEALTH EMERGENCY REIMBURSEMENT ACT OF 2003

Mr. KYL. Mr. President, I appreciate the opportunity to briefly address a health care issue of great importance to Arizona, all other southwest border States, and numerous other States. Hospitals in Arizona and throughout the country incur uncompensated costs of over $1.5 billion annually to provide federally mandated emergency health treatment to undocumented immigrants.

MTG Corporation, a Texas-based firm, and the Border Counties Coalition, through a congressionally directed study, determined that the 24 counties along the Southwest border alone incur unreimbursed costs of over $200 million per year to provide emergency health treatment to undocumented aliens. Based on these estimates, MTG Corporation has concluded that nationwide hospitals, ambulances and other providers incur costs of over $1.5 billion per year.

Arizona, as an example, is indicative of the problems that all States and their providers are facing. The cost to Arizona and its providers for providing these services might well be close to $200 million. These unreimbursed costs, and other health-related issues, have put hospitals around the country in a state of dire fiscal emergency. As a result of these costs, many doctors are simply choosing to practice medicine in such a way that they do not have to provide emergency room treatment—in Phoenix, AZ, depending on the time of day, if you have a specific emergency a specialty doctor might not be available to treat you. Some emergency rooms have closed, or are in danger of having to close, their emergency rooms either temporarily or permanently because of these costs.

I have introduced legislation, along with Senators McCAIN, FEINSTEIN, DOMENICI, CORNYN, HUTCHISON, CLINTON, and SCHUMER to provide $1.45 billion in funding annually to reimburse providers for these federally mandated, but uncompensated, costs.

It is my understanding that there are resources in the budget for the Finance Committee to consider a measure to provide reimbursement funding for health providers that currently provide federally mandated, but uncompensated, emergency medical treatment to undocumented aliens, be it in the Finance Committee allocation, its reserve fund for the uninsured, or any other appropriate funding stream.

Mr. NICKLES. That is correct. I appreciate the important information that Senator KYL has brought to the attention of the Senate, and I will work with Senator KYL and other interested Members to address this issue.

Mr. KYL. I would ask the Finance Committee, in its consideration of legislation dealing with welfare reform, Medicaid, and issues regarding uncompensated care, to work with me to provide for consideration of legislation to provide for this reimbursement funding.

Mr. GRASSLEY. I will work with both Senators and other interested Members to provide for consideration of legislation to provide reimbursement to health providers who provide federally required, but uncompensated, emergency health treatment to undocumented aliens.

Mr. KYL. I thank the Senator for taking the time to help me clarify this important issue.

PAYMENT LIMITATIONS

Mr. COCHRAN. Can the distinguished chairman of the Budget Committee offer me assurance that budget resolution agreement will leave policy decisions regarding payment limitations to be resolved by the Senate Committee on Agriculture, Nutrition, and Forestry.

Mr. NICKLES. I provide that assurance.

Mr. COCHRAN. I thank the Senator for his cooperation.

SUPERFUND

Mr. BAUCUS. Mr. President, I am in support of Senator LAUTENBERG's amendment to replenish the superfund trust fund, by reinstating the superfund taxes that expired in 1995. The trust fund is running dangerously low, and that is just not acceptable.

As I've stated before, I remember very clearly when Congress debated the original superfund law, and I remember thinking what an incredible legacy Congress could leave the Nation by enacting that historic legislation.

Seeing how successful superfund has been over the last 25 years, particularly in Libby, MT, reinforces my belief that we did the right thing for the people of this country when we created the superfund program.

The superfund program brought millions of dollars to Montana for clean up activities, to protect the health and well being of Montana's citizens and create good paying jobs in the local communities left with a contaminated site. For example, more than $34 million has been spent in Libby alone in an effort to remove asbestos contamination caused by the now defunct WR Grace vermiculite mine, as well as to provide health screenings for Libby residents. Hundreds of millions have been spent in the Clark Fork basin to remedy decades of industrial pollution. Millions more will be spent to clean up the Berkeley Pit and other sites in the State.

Some of this money will come from an identifiable, solvent responsible party, but much of it will not, as companies go out of business or declare bankruptcy. And, Montana is not alone. That is why maintaining the integrity of the superfund trust fund is so important.

I'm extremely concerned that the more we fall behind in securing the funding necessary for clean-up activities at sites in Montana and around the country, the worse off we're going to be in future years. This has serious implications for the future stability of the superfund program.

I don't believe it's fair to solve this problem by forcing the average taxpayer to pick up the tab for the clean up of toxic sites that were created by private entities, and which threaten our health and our children's health. That's why I strongly support reinstating the superfund tax, and why I support Senator LAUTENBERG's amendment.

A Superfund designation is not a trivial event for the communities involved—it invokes real fear and uncertainty in people about the future, about the future economic health of their community, and about the future effects of any contamination on their health or their children's health. These communities cannot shoulder the immense burden of cleaning up highly contaminated sites by themselves, or forcing a responsible party to pay for the clean-up. The Federal Government is a necessary and important partner in this effort through the Superfund program.

Superfund is a success; we should build on that success, not allow it to fall apart.

Mr. COCHRAN. Mr. President, I express my strong opposition to a provision in the budget resolution that proposes to shift $1.4 billion in mandatory spending over the next 10 years from agricultural programs, budget function 350, to the Conservation Security Program, budget function 300, compared to projected mandatory spending under the Agriculture Committee's jurisdiction under current law. I am pleased that the budget resolution does not require the Agriculture Committee to report legislation reducing mandatory spending pursuant to a budget reconciliation instruction, nonetheless this proposal amounts to a policy recommendation that the Agriculture Committee shift spending away from agricultural programs and towards the Conservation Security Program.

More importantly, as I understand it, the $1.4 billion in agricultural program savings is to be achieved by reducing farm support program payment limitations below those that were agreed to as part of the 2002 farm bill, the Farm Security and Rural Investment Act of 2002, FSRIA. Specifically, the proposal would reduce statutory payment limitations for farm program payments to producers of covered crops—wheat, feed grains, oilseeds, cotton, and rice—from $40,000 to $20,000 for direct payments and from $65,000 to $30,000 for counter-cyclical payments. In addition, the proposal would include certificate transactions and loan forfeitures under the marketing loan program's payment limitation.

I oppose this proposal for a number of reasons. First, the FSRIA, enacted less than a year ago, has already reduced farm program payment limits compared to the 1995 farm bill. Second, the FSRIA, established a Commission on Application of Payment Limitations which is to analyze and make recommendations related to this issue to the President and to the House and Senate Agriculture Committees in a report that is due on or before May 13, 2003. Clearly, the Senate should consider the Commission's findings before it endorses a further policy change in this area. Third, the budget resolution should provide us with a broad plan for Federal revenues and expenditures but leave policy decisions within that budget framework to the Appropriations Committee, in the case of discretionary spending, and to the various authorizing committees such as the Agriculture Committee, in the case of mandatory spending. This proposal violates that principle by attempting to dictate policy to the Agriculture Committee without having any impact on the overall level of Federal expenditures. Fourth, because their crops cost more to produce, southern cotton and rice farms tend to be larger, on average, than wheat, corn, and soybean farms in other regions. The payment limit proposal would reduce Government payments to larger farms, hurting southern cotton and rice producers the most. It is unclear, at best, what the proposal's changes to the marketing loan program would mean for our farmers. This is a program that has been highly successful in helping our farmers remain internationally competitive without undue Government involvement in the marketplace.

Taken together, the proposal's payment limitation changes could seriously undercut the farm safety net that was a principal goal of the FSRIA, particularly for southern producers of cotton and rice. I strongly oppose this provision.

Mr. BIDEN. Mr. President, our Nation is at war. Our Federal budget faces unprecedented deficits. According to the Congressional Budget Office, counting the cost of that war, the deficit will be $587 billion this year alone. And we are on the threshold of a crisis in the funding of our Social Security system as the baby boom generation begins to retire in the next decade.

Yet this budget resolution calls for fully $850 billion in tax cuts, all of which will be borrowed from that Social Security system. In my 30 year career in the Senate, I cannot recall a more reckless or irresponsible proposal.

Instead of a careful, conservative approach to our finances, instead of caution and a sense of responsibility in these dangerous times, this budget throws caution to the wind and simply dumps the bill for our actions today on our children and grandchildren.

These are no ordinary times. We are now fully engaged in a war in Iraq, a war that will not be truly over until the reconstruction of that nation is accomplished. The $75 billion that the President has just requested is just the first installment on that commitment. We cannot know the full costs of that undertaking, which could take many years to complete. At the same time, the global war on terrorism must be fought here at home as well as in the farthest corners of the globe. The costs of that commitment will be substantial and could well represent a permanent change in the way we do business.

This budget simply ignores those new realities and treats the Social Security system like a broken piggy bank, grabbing the savings the system will soon need for its own obligations to paper over the costs not only of our new security responsibilities, but hundreds and hundreds of billions of dollars of tax cuts as well. But those bills will come due, as the baby boom generation retires, and this budget plants a time bomb in a Social Security system that already faces a serious future imbalance.

Beyond those profound problems, the massive loss of revenues called for in this budget means that we do not have the funds available for such fundamental priorities as homeland defense, health care, or education.

I was glad to see that we fixed some of the problems in this resolution. Senator FEINGOLD's amendment rescued $100 billion from those tax cuts to set aside to pay for the war now being fought in Iraq. That will be just the beginning of the resources we will need to fully cover the cost of that conflict and the massive reconstruction that will follow.

I am glad that we were able to reduce by half the size of the tax cuts that will be protected by a special budget fast-track procedure. We need to stimulate our sagging economy and restore the growth and job creation we have lost in the past 2 years. But at $350 billion, half the original amount that was protected by budget rules, that tax cut is still far too large given the other obligations that we face.

But on top of the $350 billion in tax cuts protected by special budget rules, this resolution still contains an additional $500 billion in other tax cuts, for a total of $850 billion in revenue losses. Counting the additional interest we will have to pay on the debt we will pile up, that is another trillion dollars that will not be available for our national security and homeland security obligations, not available for health care, for education, for law enforcement. Nor will it be there when we need to restore balance to Social Security.

We have made some progress during this debate to restore funding in some of those areas, but not enough to meet the needs and priorities of the vast majority of Americans. This budget resolution is the first step in our consideration of priorities this year, and it is a big step in the wrong direction, one that I fear we will regret.

I hope my colleagues will join me in rejecting this resolution. We can and must do better. We can hardly do worse.

Mr. LEVIN. Mr. President, I cannot support this budget resolution. In my judgment, this budget, like the President's budget which it reflects, represents the wrong priorities. A close look reveals too many ill-advised cuts in too many critical areas in order to help pay for a tax cut which is too large, too inequitable, and which will worsen our fiscal situation without providing our economy the jump-start it needs.

The proposed budget cuts in education are particularly troubling. While I am pleased that the Senate passed an amendment I introduced that increased education funding by over $2 billion by proposing to close down two egregious tax haven loopholes, that increase doesn't come close to making up for the shortfalls.

Other priorities are similarly underfunded. The transportation request is less than what was allotted in 2002 and 2003. This year Congress plans to reauthorize TEA–21, the highway reauthorization bill, yet the budget resolution as proposed would limit our ability to increase the program to meet our Nation's transportation needs. The budget would provide inadequate funding for State sewer and water programs, and would cut funding to the Community Oriented Policing Services, COPS, Pprogram, which has helped fund more than 3,300 police officers in Michigan. The proposal provides no funding for the community access program, which improves health care coordination for the uninsured, or for extending unemployment benefits for those whose benefits have expired, even though the number of unemployed in our country has increased by about 40 percent since January 2001.

While I am pleased that we were able to reduce the President's fiscally irresponsible tax cut proposal, the tax cut package in the existing budget resolution is still too large, and likely will increase in conference committee with the President's party in charge of both Houses.

In January 2001, the Office of Management and Budget was projecting a 10-year surplus of $5.6 trillion. Now we are back into a huge deficit ditch and will be for the foreseeable future. In fact, the President's proposed budget and tax cuts would lead to more than a trillion dollars in deficits over the next 5 years, including record deficits of over $300 billion this year and next. The right type of tax cuts could stimulate the economy by being effective in the short term and going to working families and small businesses that will spend the money now instead of mainly going to the wealthiest among us who don't need tax cuts. But tax cuts that drastically worsen our long-term fiscal situation, that won't help out in the short term, and that would require cuts to many other priorities are not what our economy needs.

Surely, simple equity as well as economic stimulus needs suggest that if we are going to have tax cuts they should be broad-based tax cuts, providing, for instance, every working family of four with an immediate tax cut of $1,200. And we should also extend unemployment benefits for those whose benefits have expired and weren't previously extended, provide short-term incentives for businesses to invest immediately, and provide some assistance to our struggling States for education, homeland security, Medicaid, and highway and other infrastructure improvements.

These measures would be better for our economy today, our fiscal situation in future years, and the many other challenges that lay ahead. They also would address today's problems today without passing the bills onto future generations.

In addition, the Senate is asked by the majority to pass a budget without including any estimated costs of the war in Iraq and its aftermath, even though such estimates exist. Yesterday the President sent a $75 billion funding request regarding Iraq to Congress in the form of an emergency supplemental. That request is not included in the current 2004 budget resolution before us. There is no reason that the costs of the war and its aftermath after September 30, 2003, should be omitted. While there is no question that we will fully fund our troops, we are asked to approve massive tax cuts and huge deficits while totally ignoring the large additional expenditures which will be required by the war in Iraq. In my view, it is both reckless and irresponsible to intentionally keep those costs out of this budget resolution.

This budget emphasizes the wrong priorities, burrows us deeper into the deficit ditch, continues our reliance on the Social Security surplus, and fails to provide the stimulus needed to improve our sputtering economy. I cannot support it.

Mr. LEAHY. Mr. President, the administration's budget was wrong for the Nation when the President proposed it in February. It is even worse for the Nation now that we are at war. I will oppose it, and I hope that reason and common sense will prevail in the remaining steps of the budget process to prevent this package from doing lasting damage to the economy and to our communities.

As incredible as it might seem, this budget plan would worsen the fiscal and economic harm done by the administration's 2001 economic package, which, in one fell swoop squandered the hard-won budget surpluses and converted them to ever-deepening deficits and debt. Making matters all the worse, this budget would compound this squandering while the Nation is at war.

Can anyone seriously argue, just for instance, that it makes fiscal or economic sense to borrow money to pay for a tax cut package which itself is steeply tilted to the wealthiest individuals?

This budget plan is misguided in its priorities. It severely underfunds essential health, education and employment training programs; it contains an enormous government giveaway to wealthy corporations and the wealthiest individuals that will skyrocket our Nation's debt; and it is wholly inadequate to meet the domestic security needs of the first-responder agencies that are our first line of defense against terrorism.

Even before the war, when the President unveiled his budget proposal in February, his priorities were sharply out of kilter with the Nation's needs. By severely underfunding education and other domestic needs, and by making a nearly $700 billion tax package the focus of his budget, the President compounds the irresponsible polices of the last 2 years that have traded record surpluses for record deficits.

Let me cite just a few examples of how bad the President's budget is for Vermont: The $6.7 million cut in after-school programs that will leave 9,566 children in my State without after-school activities; the $2,405,259 cut in Clean Water Act funding, at a time when Vermont has nine toxic waste sites on the National Priorities List; the $524,673 cut in the Low Income Home Energy Assistance Program (LIHEAP) that helps Vermonters who need assistance with the electricity and heating bills; the $793,220 cut in the Community Services Block Grant that provides local organizations in Vermont with funds to help reduce poverty, revitalize low-income communities, and offer families the help they need to become fully self-sufficient; and the elimination of the COPS police-hiring program that has put 245 officers on our streets. And I could go on and on.

In 2001, I voted against the Bush tax package because it was too skewed toward the wealthiest Americans and it was fiscally irresponsible. Since then, we have gone from record surpluses to red ink, and the economy is still floundering. Leading economists have repeatedly made clear that the elimination of taxes on dividends paid to investors, the centerpiece of the President's tax-cut proposal, will do little if anything to spur economic growth or to reduce the Nation's jobless rate.

As Congress shapes an economic package, fiscal responsibility needs to be a priority. We need to be smart about how we proceed, and we need to be fair about it. The tax cuts the President has proposed not only will worsen our Federal deficit, but it will also eliminate $16 million in revenue from the State of Vermont. Congress now has the responsibility to bring stability and sensible fiscal policies back into the budget process. We must work to reestablish a balanced budget and to restore our country's economic health.

Our Nation is at war. We have nearly a quarter of a million troops in the Middle East. We have five carrier battle groups in the region. And we have National Guard units being called up all across the country. Yet the President has only recently submitted an estimate to Congress about the cost of this war. The $75 billion he requested on Monday does not adequately address our country's homeland security needs and is likely just a start in funding all of the United States operations in Iraq.

I was disappointed that the Senate did not adopt my amendment to boost funding for first responders. We are in a two-front war, overseas and here at home, and we need to fund both. First responders are on the front lines in defending against and preparing for terrorist attacks. The White House has refused to adequately fund homeland security, and these added responsibilities have become unfunded Federal mandates that are severely straining our police, fire and rescue agencies. Every time the alert level is raised, it costs our communities and states millions more. Everyone recognizes the vital role of first responders, but the White House is overdue in acting accordingly. The sooner we help first responders help us in the war on terrorism, the better.

In his State of the Union Message, the President was right when he said we should not pass on our problems to other Congresses, other Presidents and future generations. Unfortunately, that is exactly what this budget plan would do. The White House's own documents predict the deficit will hit highs of $304 billion this year and $307 billion in 2004. Over the next 5 years, deficits would total $1.08 trillion. Even these staggering numbers are short of the real mark because the administration will surely need hundreds of billions of dollars more in Iraq-related spending that is not counted here.

This administration has been in a rush to war, but it has been in no hurry to substantively deal with the poor economy that millions of Americans are coping with today.

This budget was a bad plan for the Nation before the war began. It is an even worse plan now.

I ask unanimous consent that an editorial by Emerson Lynn that appeared in the March 21 edition of the St. Albans Messenger be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IT'S WRONG TO TIE PATRIOTISM TO MASSIVE TAX CUT

There is the distinct sense that the American people cannot do two things at once, that we cannot separate our thoughts of the war with our thoughts of how the government spends and collects our taxpayer dollars. Worse, there is the conviction that one should be labeled unpatriotic if the attempt is made to draw the distinction.

This contradiction was played out yesterday in the House of Representatives which passed largely along party lines the president's proposed budget, including his budget busting tax cuts. The cuts were thought to be in jeopardy a month ago, particularly with the Congressional Budget Office's assessment of unending budget deficits as far as the eye can see.

Why the miraculous turnaround? Because, as partisan Republicans said, it would be wrong to embarrass the president just as war is being waged in Iraq. In other words, one's budget sense should be placed at the mercy of the president's polling numbers.

Hmmm. If there is a sense of discomfort in having the budget resolution being debated while war is being waged, then why not delay discussion of the budget? If the president's experts are to be believed, the war will be over in less than a week or so. Why the hurry?

Was the pressure applied because the Republican leadership (and the White House) are concerned about conflicting messages of domestic support, or is it because they saw the opening moments of the war as the most propitious time to push the president's $726 billion in tax cuts, a proposal most Republicans a month ago thought would be beyond their reach?

Guess.

Today, the same arm-twisting efforts will be applied in the U.S. Senate. Again, it was thought only a week or so ago that the entire tax cut proposal had no chance of being approved, particularly with several moderate Republicans proposing a plan to shave the tax cut in half. The ground has shifted, Senate insiders now believe the president has a good chance of winning it all. Again, it's the war and the pushed thought that a good American supports whatever the president wants right now. We must stand together.

Dear Mr. President: We are smart enough to distinguish between a necessary war and an unnecessary tax cut. Too, our patriotism remains intact; in fact, it is with ease that we can argue that being opposed to the $726 billion in tax cuts is utterly patriotic. How else to avoid an endless string of swollen budget deficits? How else to protect the integrity of legislative branch's responsibility to be acting on behalf of its constituents?

We find it incredible that we have a president who lost the popular vote and today rules as if it was his divine right, as did the kings in Shakespeare's time. And, yet, we are impressed. Highly impressed. In terms of sheer accomplishment, he has achieved more in two years than Bill Clinton did in eight. An it was thought that the balance of power between the Democrats and the Republicans would largely result in legislative stalemate. The Democrats could only wish.

What is most upsetting, however, is understanding how completely backwards the argument before congress is. The primary focus is on the war and stalwart Republicans are using the emotion of the moment to wash away all other thoughts. In truth, what happens in Iraq, while terribly important, pales in comparison to the long-term effects of the president's decision to essentially strip this Congress and all future Congresses of the resources needed to address essential issues such as health care, Social Security, Medicaid and Medicare. The war will not last long, and even the rebuilding efforts afterwards will be short in duration when compared to huge tax cuts that keep on taking, and taking, and taking.

So you say, just elect a Democrat as president. A year from now the primaries will be in full swing. We could have a change in leadership within 24 months.

Think again.

Politically, it is almost impossible for Congress to raise taxes. Our representatives can oppose the cuts to begin with, which is what we hope happens, but once they are in place, good luck turning back the clock.

That's why today's vote in the United States Senate is so important. Although it is a budget resolution and does not have the effect of law, it does pave the way for acceptance later. Let's hope common sense prevails and that our legislators act as if they are capable of distinguishing between what needs to happen in Iraq and what needs to happen here.

Mr. ROBERTS. Mr. President, I rise to day to discuss several issues related to agriculture funding in the budget resolution proposed by the distinguished chairman of the Budget Committee.

While there are no specific reconciliation instructions for agriculture in this proposal, the summary documents issued by the committee indicate an assumed savings of $80 million from the crop insurance program.

I have been one of the strongest defenders of this program in the Congress, and I have fought hard to improve the program for producers throughout the country.

Simply put, cutting $80 million from this program is exactly the wrong thing to do at this time. As budgets continue to tighten, both the administration and Members of this congress have said that producers must do more to rely on crop insurance as their primary risk management tool and decrease reliance on emergency disaster assistance programs.

Last fall we also saw the collapse of the largest seller of crop insurance in the country. This was the result of several factors, but the significant drought we have suffered took its toll as indemnity payments to producers added up. And, several other companies are not in strong financial positions for the same reason.

Finally, the entire insurance industry has struggled with reinsurance since 9/11. This is also true in the crop insurance industry, and the difficulties of obtaining reinsurance have been compounded by the drought.

The bottom line is this: We have worked hard to make crop insurance the primary risk management tool for producers. But, crop insurance is struggling along with the entire insurance industry, and this cut many be something it can not recover from. It could put several of the smaller companies out of business and lead to further consolidation in the industry and concentration in agriculture.

I urge the chairman to omit this specific cut in any reconciliation instructions that may come out of the conference with the House.

Finally, I understand that an amendment was offered during committee discussion of the resolution that shifted funds from commodity programs to the conservation budget. I am not going to discuss the merits of the proposal that accomplished this shift. I think that is a discussion best conducted within the Agriculture Committee.

However, if we are going to shift funds to the conservation program, I believe they should go to our well-established programs that benefit producers throughout the United States. These include the Environmental Quality Incentives Program, the Conservation Reserve Program, the Wetlands Reserve Program, and the Farmland Protection Program.

I do not think these funds should go to the Conservation Security Program—a program that will divert the largest portion of the funds to only a couple States that can undertake farming practices that simply do not work in regions of the country where the land is not on the river bottom and the rain comes down sideways with a 50-mile-per-hour wind.

Lets put the money where it will actually work and achieve real conservation benefits.

I thank my colleagues for listening to my views on these issues, and I hope they will continue to consider them as this process toward a final budget agreement progresses.

Mr. CHAMBLISS. Mr. President, it does not seem like all that long ago that efforts were under way to reauthorize the 1996 farm bill. Many of you know that we spent over 2 years listening to ideas and formulating the model for this legislation. I am pleased that I was able to be a part of yet another farm bill that provides planting flexibility, price stability, and allows producers to receive a decent return on their investments.

The Farm Security and Rural Investment Act of 2002 is a balanced 6-year farm bill which met specified budget requirements and was adopted by Congress. The farm bill provides an adequate financial safety net in times when prices are depressed. This safety net allows crops to be priced competitively in the domestic and world markets.

The farm bill is less than 1 year old. The United States Department of Agriculture, USDA, is still working to fully implement some of the remaining provisions. However, the actions taken by the distinguished Senator from Iowa during the markup of this budget resolution was an effort to unravel this carefully drafted legislation. I am referring to a provision that was adopted in the Senate Budget Committee which shifts the Senate Agriculture Committee's mandatory spending, totaling $1.4 billion, from agriculture programs, budget function 350, to the Conservation Security Program, budget function 300.

I want to express my strong opposition to this provision as it negates the carefully crafted payment provision during the farm bill. The Farm Security and Rural Investment Act of 2002 contains specific limitations on program benefits and adds an adjusted gross income test that makes participants with substantial nonfarm income ineligible for program benefits. In addition, program participants are required to meet detailed eligibility requirements regarding contributions of management and/or labor requirements. My colleague's further efforts to make these limitations even more restrictive only adds additional transitional costs which producers must absorb and creates additional administrative costs for USDA.

As a result of this provision, my distinguished colleague ultimately discriminates against southern crops which are more expensive to produce. Farms in the South tend to be larger than those in the Midwest and other areas of the country where the cost of production is much less. Further restrictions on payment limitations only hurt southern commodity producers.

The farm bill has been debated in the Senate Agriculture Committee, passed by Congress, and signed into law by the President of the United States. This provision reopens the farm bill—the farm bill should not be reopened during the budget process—that results in bad farm policy. And it should not be reopened during the appropriations process—that results in bad farm policy. Therefore, I strongly oppose this provision in the Senate budget resolution.

Mr. GRASSLEY. Mr. President, the American people recognize the importance of the family farmer to our Nation and the need to provide an adequate safety net for family farmers. In recent years, however, assistance to farmers has come under increasing scrutiny.

Critics of farm payments have argued that the largest corporate farms reap most of the benefits of these payments. What's more, farm payments that were originally designed to benefit small- and medium-sized family farmers have contributed to their own demise. Unlimited farm payments have placed upward pressure on land prices and have contributed to overproduction and lower commodity prices, driving many family farmers off the farm.

Last year, the Senate agreed, by an overwhelming vote of 66 to 31, to a bipartisan amendment sponsored by Senators DORGAN and myself to target Federal assistance to small-and medium-sized family farmers. The amendment would have limited direct and counter-cyclical payments to $75,000. It would have limited gains from marketing loans and LDPs to $150,000, and generic certificates would have been included in this limit. That would have limited farm payments to a combined total of $275,000.

That amendment was critical to family farmers in Iowa and indeed farmers across the Nation. I feel strongly the farm bill failed Iowa and failed all of our farmers when it failed to effectively address the issue of payment limitations.

A solid majority in the Budget Committee voted last week in favor of a payment limitation provision to limit total payments of all kinds to a combined limit of $300,000. This is more than I think is necessary. It is $25,000 more than the limit that won over two-thirds of the Senate. But in the interests of compromise it seems like a fair approach. The most important thing is that loopholes in the payment limitation law be closed so that the limitation at whatever level is actually the real, effective level.

The Budget Committee voted to apply the savings from this reasonable payment limit proposal against the reductions suffered by the Conservation Security Program, CSP, during consideration of the agricultural disaster package in the fiscal year 2003 omnibus appropriations bill.

This new conservation initiative from the 2002 farm bill will reward farmers and ranchers who voluntarily implement effective conservation on their working lands. Farmers and ranchers will receive public support as they provide public benefits to the Nation's natural resources and environment. This program allows family farmers to solve critical resource problems, with graduated rewards for increasing efforts. The CSP is an innovative new program in the Federal agricultural conservation toolbox and its full funding should be restored as soon as possible.

The Budget Committee endorsed payment limitation reform including a combined maximum cap of $300,000 and endorsed restoring funds to the Conservation Security Program. Payment limitation reform is long overdue, a fact reflected in the vote of the Budget Committee. If cuts should be ordered in the final budget resolution emerging from conference, payment limitations would be the most logical place to look for savings. I look forward to working with my colleagues on this important issue.

Mr. NICKLES. Mr. President, I ask unanimous consent that there be 4 minutes equally divided between myself and the ranking member for closing debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge our colleagues to vote in favor of the resolution. I thank all of our colleagues. We have conducted a number of rollcall votes. By the time we have final passage, there will have been 51 rollcall votes; we will have had 29 voice votes, for a total of 80 votes on this resolution. That may be an all-time high, one I hope we don't repeat next year.

The budget process, in my opinion, is somewhat flawed. It is not easy to pass a budget. That is one of the reasons I wanted to compliment my friend and colleague, Senator DOMENICI, because he did it year after year. It is not easy to do. I understand we didn't get it done last year. I don't want to be too critical, but we didn't pass a budget last year. And because we didn't pass a budget, we didn't get appropriations bills done. We didn't do a prescription drug bill, a Medicare bill. We didn't do anything to help grow the economy. The budget does lay the blueprint for the next Congress, certainly for the rest of the year. So we need to pass a budget. I have told my colleagues, we need to pass a budget regardless of the size of the growth package.

I readily admit this growth package is not what I wanted. It is about half a loaf. That is better than none.

We could have done better. We didn't; we tried. We let the legislative process work. With 80 votes, the legislative process did work. The Senate did speak.

I thank my colleagues for their participation. I happen to believe the level of debate was good. I think it was a healthy debate. I thank colleagues on all sides for their cooperation in making that happen.

I also especially thank my friend and colleague, Senator CONRAD, and his staff. They have been a pleasure to work with in a very challenging environment, particularly on Friday evening. Also, I thank our staff as well, Hazen Marshall and Stacey Hughes and our entire staff. They worked very hard to put together a budget process that will work, a budget that will lead us to a balanced budget, a budget that will have deficits declining, substantially declining in the next couple of years, the percentage of GDP substantially.

We need to be in balance. We will work to do that. That is not easily done since we have inherited a situation where revenues have declined substantially in the last 2 years. We need to figure out ways to grow the economy. I look forward to working with my colleagues to try to make that happen. I appreciate very much their cooperation and support throughout the challenging last several days. I urge my colleagues to vote in favor of the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first let me thank the outstanding staffs on both sides. Hazen Marshall, staff director for Senator NICKLES, and his able staff, thank you for the really good attitude that you all brought to this task and challenge. I thank also on our side my staff director, Mary Naylor, who has done such a superb job holding us all together. I think part of the reason this was well organized was because of Mary's talents. And to Jim Horney and Sue Nelson and Lisa Konwinski and all of the other staff members of the Budget Committee, thank you.

Special thanks to the chairman of our committee. Thank you for the effort to organize these votes in a way that was comprehensive and that was understandable to people. Thanks, too, for the attitude and the tone you brought to the debate because we have had significant differences. But I think we have conducted ourselves in the way that our forefathers intended the Senate to be conducted—real debate on real differences without personal rancor of any kind.

While this budget resolution has been substantially improved, we have now reduced the President's proposed tax cut of $1.6 trillion to $850 billion. Still I believe it is fatally flawed. I don't believe we can afford $850 billion of tax cuts that will add in this budget resolution over a trillion dollars of deficit to our country when we are already in record deficit and when we are right on the brink of the retirement of the baby boom generation.

That does not make sense to me. I believe it threatens the long-term economic security of our country. I don't believe it will grow the economy. That view is buttressed by the report of the Congressional Budget Office today. They applied dynamic scoring and what they said is, the one thing that is going to grow under this budget is the deficits and the debt of our country. I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. ENZI). The Senator's time has expired. All time has expired.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the concurrent resolution, as amended. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—56

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

The concurrent resolution (S. Con. Res. 23), as amended, was agreed to, as follows:

(The concurrent resolution will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER (Mr. ENZI). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank all of our colleagues for their cooperation. We did finish the budget resolution by 4 p.m. on Wednesday, as we committed to do. That would not have happened if it had not been for the cooperation certainly of Senator CONRAD and his staff.

I wish to thank Mary Naylor and their entire team, as well as Hazen Marshall, Stacey Hughes, Beth Felder, and our team. The staffs had to work extremely hard over the weekend. This lasted about 2 or 3 days longer than is usual for the budget process. I hope maybe we can streamline it next year a little bit more.

I thank all the staff for their hard work. They put in a lot of hours. We produced a product that is not perfect but it is a significant improvement over no budget. Again, I thank my colleagues for their cooperation.

I ask unanimous consent that a list of staff Democrats and Republicans be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE

Amy Angelier; Lauren Baylor; Dan Brandt, Economist; Cara Duckworth; Beth Smerko Felder; Ron Floyd; Megan Hauck; Jim Hearn; Jody Hernandez; Stacey Hughes; Rachel Jones; Don Kent; Hazen Marshall; David Myers; Maureen O'Neill; and David Ortega.

Gayle Osterberg; Anne Oswalt; David Pappone; Roy Phillips; Cheri Reidy; Margaret Stewart; Bob Taylor; Jennifer Winkler; Lee Greenwood; Letitia Fletcher; Tim Nolan; Lynne Seymour; George Woodall; Shelley Amdur; Steve Bailey; and Rock Cheung, Jr.

Jim Esquea; Tim Galvin; Lawrence Hershon; Jim Horney; Mike Jones; Erin Keogh; Lisa Konwinski; Sarah Kuehl; Jessie LaVine; Stu Nagurka; Mary Naylor; Kobye Noel; Steve Posner; Lee Price; John Righter; Dakota Rudesill; and Barry Strumpf.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, I congratulate the chairman of our committee on successfully passing a budget resolution. As strongly as I disagree with the contents of this resolution, I feel equally as strongly about the way this process was conducted, and the chairman's leadership both in the committee and on the floor in terms of the tone that he set and in terms of the attitude he brought to the job. It makes a big difference, and we appreciate it.

I will now take a moment to thank staff: Mary Naylor, my staff director; Jim Horney and Sue Nelson, my deputy staff directors; Lisa Konwinski, my counsel; Shelley Amdur, who handles education and appropriations; along with John Righter, who is our chief numbers man and handles appropriations as well; Steve Bailey, who does taxes; Sarah Kuehl, who handles Social Security and transportation; Jim Esquea, who handles Medicaid, welfare, and veterans; Tim Galvin, who handles agriculture; Mike Jones, homeland security and energy issues; Dakota Rudesill, who handles defense; Rock Cheung, international affairs; Lee Price, our chief economist; Kobye Noel, our chart master—as my colleagues know, we produced a lot of charts—and Stu Nagurka and Steve Posner, in charge of communications for me; and Jessie Lavine, Erin Keogh, and Lawrence Hershon, our staff assistants. We appreciate very much their hard work.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 95; all after the resolving clause is stricken and the text of S. Con. Res. 23 is inserted in lieu thereof, the resolution is adopted, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints conferees.

The Presiding Officer (Mr. ENZI) appointed Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES, conferees on the part of the Senate.

The concurrent resolution (H. Con. Res. 95), as amended, was agreed to.

MORNING BUSINESS

Mr. CONRAD. I now ask there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I rise today with great honor and pride to pay tribute to the men and women of our Armed Forces, tens of thousands of whom are deployed right now in the Middle East in military action against Iraq. I encourage all my colleagues in the Senate, and in the Congress, that we take a few moments out of each and every one of our days we are engaged in this conflict to come to the floor and speak to our constituents, speak to the American people, and speak to the servicemen and servicewomen who are so valiantly out there defending our freedoms and this great country that we believe in. We are going to take a few moments here today to talk about how important are these men and women in service to our country. We would like to encourage, again, all Members of Congress to come to the floor and spend a few minutes out of their day or out of their week to talk about the incredible lives of these individuals who are there on our behalf, defending our freedom.

Over the course of the last week, since hostilities began in earnest on March 19, our troops have made tremendous progress toward the objectives of their mission. At the same time, we have seen a few setbacks, but these do not detract from what has been accomplished. For that, we have no one to thank but the courageous, hard-working men and women of the American service arm and the coalition of Armed Forces.

We hear a great deal about the technology behind this war—missiles, aircraft, telecommunications devices, weaponry, and other equipment of battle. But we should all remember that even the best equipment and the best technology is of little value without the best soldiers and commanders to make it useful.

Today we have over 230,000 troops representing air, sea, and land forces in the theater, with our allies in the coalition contributing an additional 45,000. These young men and women are serving in a wide variety of capacities but with a unifying mission—to liberate the Iraqi people from the brutal regime of Saddam Hussein, and to destroy his weapons of mass destruction which threaten our globe. They are separated from their families and their friends, placing themselves in great personal danger in order to provide for a safer, more secure world for all of us.

I myself have a young man from my staff who is serving in the Middle East. He was called up on a Tuesday, left here on Friday, and I just recently heard from his mother. He is in Baghdad. Our thoughts and prayers go out to him. We want him to know we are thinking about him and that we are looking forward to his safe return to us here at home.

We are all deeply grateful for the sacrifices our service men and women are making and the risks they are taking on all of our behalf. Those sacrifices and those risks will not be forgotten.

In addition, I remind my colleagues that a large number of these troops come from the National Guard and the Reserve, nearly 217,000 at our last count. Over 2,000 of these guardsmen and reservists come from my home State of Arkansas. One of those soldiers is Major Stephen Wilson, of Rogers, AK.

Major Wilson, who is 38 years old, is the operations officer for an Apache attack helicopter unit, the 2nd Squadron, 6th Cavalry of the 11th Aviation Regiment. We have all seen in recent days the difficult odds our attack helicopter crews work under. They are vulnerable to small arms fire from the ground, not to mention difficult weather conditions that we have all been seeing on the television. In spite of these difficulties, Major Wilson and his colleagues persevere in an extremely challenging but extremely necessary mission.

He is a proud representative of our State and our Nation, and we are extremely proud of him for his service to this country.

If there were a way to thank each and every soldier by name, I would do it. I would take the necessary time to make sure that each of them knows how important they are in this conflict and in our resolve. Since it is not possible for me to recognize who is serving today, allow me at least to give a sense of where these units come from all across our great State of Arkansas: Little Rock, North Little Rock, Fort Smith, Van Buren, Siloam Springs, West Memphis, Ozark, Charleston, Marked Tree, Fayetteville, Pine Bluff—and the list could go on.

Furthermore, these units are comprised of individuals from all over the State, meaning that we have soldiers serving from virtually every community in our great State of Arkansas. It is a reminder that even from thousands of miles away, Arkansans have a very serious stake in this war.

On behalf of the people of Arkansas, I wish to say we are proud of all of our troops, and we look forward to welcoming them back home soon and safely.

It is also true that as of today we have suffered casualties, and we should not turn away from this fact. It is believed that up to 14 of our troops from both the U.S. and our broader coalition are missing or captured by enemy forces. Our prayers are that they will be returned to their units safely and timely.

We also had a number of our troops wounded in battle, and we wish them the best in a speedy, full recovery from all of their injuries.

Most tragically of all, over 40 troops from the U.S. and from Great Britain have been killed in action or in accidents. We extend our deepest sympathies to their families, their friends, their loved ones, and we vow that we will honor their service and their memories by finishing this great task in which they have given their lives. Those lives will not have been lost in vain.

In the days and weeks to come, we will no doubt discover that others of our troops will have been captured, wounded, or cut down, but we must remain firm in our resolve that Operation Iraqi Freedom will continue to move forward.

My own father, who passed away last October, was a veteran of the Korean war, and he taught me always to respect the great commitment made by our troops in fighting to protect our freedoms. He taught me better to understand the mind of a soldier when he shared with me the stories and experiences he had on the front lines of Korea. And also, sitting at the foot of the chair of my grandfather, who served in World War I—both of my grandfathers did—I listened to stories of his travels on trains from Helena, AR, west to Little Rock, to catch another train to boot camp, and then on to France.

To better understand the minds of the men and women who serve us in the armed services, each of us must take the time to reflect on the personal stories of the family members, the neighbors, the friends, the staff, all of those who are so critically involved in this conflict in which we now find ourselves.

I again encourage all of my colleagues to take those few moments out of their day, out of their week, to think about what these generous souls are giving on our behalf to be there, to defend so many of the freedoms we in this great country take for granted, to remember them and their families in our thoughts and prayers.

Our troops of today's generation deserve the same respect for the work they do as when we look back at many of our family members who have served in previous wars.

As I reflect today with my colleagues in the Senate, there is no one I think of more at this moment than one of my colleagues here in the Senate, who I would like to share my time with, someone who has a son overseas in the Middle East.

I have to say, as a mother of twin boys who are now in the first grade, it is amazing to imagine how quickly our children grow up. The questions that I get at night from my children—Where they are going? What they are doing? What is our country involved in? Where will they be in 10 or 15 years from now?—it is so important for each of us to reflect on this as we lift up the service men and women who are there valiantly now defending our freedoms.

They and their families will be in our hearts and in our minds and in our prayers in the coming weeks. We wish them Godspeed, God's safety, and a timely return home to this country and this land that we all love so much.

I thank you, Mr. President. And I want to again tell my colleague, Senator JOHNSON, how much I appreciate him and his family for the incredible contribution they make with his son serving in the Middle East right now. It is an unbelievable gift, and we are all truly indebted.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am honored to have an opportunity to take part in this tribute to our American troops this evening here on the floor of the Senate.

I express a special commendation to my colleague and good friend, Senator LINCOLN of Arkansas, for her comments and for her leadership in helping to put together this tribute, as well as my South Dakota colleague, Senator DASCHLE, for all his support of our troops and his suggestion that we go ahead with a regular tribute and acknowledgement of the contributions our American military personnel are making.

This is a matter of particular personal importance to me with my own oldest son Brooks serving in the 101st Airborne in Iraq today. But there are thousands of others from South Dakota—Reserve, National Guard, Active Duty, Ellsworth Air Force Base in our case in South Dakota—and around the Nation who each are making profound contributions to the security and freedom of this country and for stability in that troubled part of the world.

We owe so much to each and every one of them, not only to honor the men and women who put on our Nation's uniform and jeopardize their lives by doing so but their families who suffer mightily from the sacrifices that are made, and from the prospect of death, injury, captivity—all that to which our military personnel subject themselves.

In our own family's case, we recognize this is a voluntary military in this day and age. Our son Brooks chose to enter the military. It was not my encouragement, particularly. It was his choice. All the credit goes to him. And that young man, with so many others, has served in four conflicts in the last 5 years: Bosnia, Kosovo, Afghanistan, and now in Iraq. And we in South Dakota, and many around the country, do what we can to demonstrate our pride and support. In South Dakota, we have revived an old World War I tradition of wearing the blue star if we have a family member in the war. We have banners on our front door and at my offices around the State and here in Washington with that same blue star. We recognize that as the tradition goes, some of those blue stars will eventually become gold stars, and that is the symbol worn by parents who have lost a loved one.

We keep a map of Iraq in our family kitchen, as I am sure, in some similar way, the hundreds of thousands of other parents do all across this country, trying to keep track, as best we can, where our son is, as others keep track of where their sons and daughters are, their husbands and wives.

The communication, of course, at this time is just spotty. Initially, we were able to get a couple e-mails. A short time ago, I received a note from our son Brooks on the back of a beef stew box, a piece of cardboard. They had no paper anywhere, and they had to make do as they could. We will keep this forever.

We sent, obviously, notes and cards to them. There are organizations that have encouraged this to go on, and I am sure that builds morale, as these troops suffer through incredible circumstances, both militarily as well as just the sandstorms and all that goes with living out in a desert and in a troubled place.

One of the things Barbara and I recognize, that all the other parents share in a way that is more profound than could possibly be the case unless you have had a loved one in a circumstance like this, is that every glance at the television, every glance toward the radio could convey to you at any moment some catastrophic news. There are many who follow the conflict, have an interest in it, but the families recognize more so than anyone the very real nature of what is happening.

These are not video games. There is a tendency sometimes in the media to talk about collateral damage and casualties, and you see numbers on the maps and colored diagrams going in one direction or another. But the families recognize that each one of those represents real people and real hopes and the love of real families. We in this body understand the sacrifices that need to be made. But it goes almost beyond understanding how much we owe to these men and women and all that they do.

This past week, Barbara and I were listening at our home to some reports, and there was a report of casualties and deaths in our son's division. I went to tell Barbara about it, and it was almost impossible for me to even speak. She had been following the news herself and knew that in this instance it involved a different brigade than where our son was; our son had left Kuwait for Iraq the day before. We breathed a sigh of relief as parents will when their own son or daughter has escaped harm, but we recognized more than ever because of our circumstances that while our son in that case was safe, the losses were very real. Someone else's son, someone else's husband was injured, was killed, somewhere else families are devastated.

We will win this war. We have the greatest military in the world. The world will be a better place when we are victorious. But it is important for us to take stock of the men and women who make this possible. It is important for us to express our honor for what they do and who they are. It is important for us to share our prayers that this conflict is a short and decisive conflict with the fewest losses of life possible on either side.

We as a people owe more to these men and women than words can possibly convey. It is my hope that as we follow this conflict and pray that it is a short one, we in the Senate will do all we can, obviously, to express our honor and our praise for these people, but also that we will go beyond that to take the steps necessary so when they come home, they will come home to a country where there is opportunity, where schools for their children are good, where the environment is clean, the economy is growing, where there are jobs available that are challenging and meaningful to them, and that so long as they remain in the military, their pay, their housing, their quality of life is what it deserves to be.

Every night when we go home and live in relative comfort, I hope we keep in mind these hundreds of thousands of our troops, who this very night, many of them, are sleeping in a hole in the sand 2 or 3 feet deep to protect themselves from shrapnel during the course of the evening, blowing sand, horrible weather, fear of snipers, bombs, biological, chemical warfare that could arise at any moment, and appreciate the quality of these troops and how we as a free people could not possibly sustain our freedoms were it not for the willingness of these troops, these men and women, to voluntarily step into this kind of circumstance and fight this war.

I yield to our leader, Senator DASCHLE. Again, I acknowledge my gratitude to him for helping to organize this tribute to our American troops.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am sure everyone can appreciate the difficulty that our Senator from South Dakota has experienced in coming to the floor to talk, as he has with pride and enormous appreciation, of the commitment made by a member of his own family.

On a regular basis, we want to come to the Chamber with our Republican colleagues and call attention to all those who, like Brooks Johnson, are now serving in the Persian Gulf. I thank the distinguished Senator from Arkansas for agreeing to help organize today's colloquy and reiterate my deep gratitude to my dear friend and colleague, Senator JOHNSON. We thought it would be appropriate today, as we begin this practice, to call the Senate's attention to the fact that Senator JOHNSON is the only Member of this Congress who has a child serving in Iraq.

As he has noted, Brooks, his son, is a staff sergeant with the Army's 101st Airborne Division. He is 31 years old. I know him, and I can see why his parents are as proud of him as they are. He is remarkable. He has turned down offers to attend recruiter's school because he said he wants to be close to the men he leads.

He is 6′1″, 215 pounds, almost all shoulders and biceps. He loves the rough-and-tumble of the outdoors. But he also enjoys gourmet cooking and Broadway musicals. He is a very thoughtful man, an eloquent speaker. He loves to read the classics. When he was serving in Afghanistan, he was reading the history of the Peloponnesian wars.

He has known since he was a very young man that he wanted to serve and protect our country. He missed his own high school graduation because he was attending Marine Corps Reserves basic training at Parris Island. He went to college at the University of South Dakota, and during college, Brooks served first in the Marine Corps Reserve, then the Army Reserve, then the Army National Guard.

The reason he served in so many branches is that he was looking for a unit that was close to college. He wanted to be able to learn and to serve at the same time. When he decided to make a life of the military, he chose the Army. He has now been on active duty for 8 years.

This is Staff Sergeant Johnson's fourth war in 5 years. He served in Bosnia. He served in Kosovo. He arrived in Afghanistan in December of 2001, 2 months after the terrorist attack on America. He served in Afghanistan for 6 months.

Like so many family members who have loved ones in this war, TIM and Barb aren't exactly sure where Brooks is detailed, but they do know his division has been moved into Iraq.

The other day, TIM came to the floor and he shared something with me. I hope he doesn't mind if I share it with our colleagues. Brooks sent him a postcard, but this isn't a normal postcard. This is a postcard carved out of the box of an MRE, one of these portable meals that they take with them. I have eaten them myself. They are a box about like this. Well, Brooks carved out one side of an MRE, brown, cardboard box. On one side of that postcard box he wrote a message to his parents. On the other side was the address to his parents and his return address. Up in the right-hand corner, instead of a postage stamp, it said "free." There are a lot of connotations to the word "free" on that postcard.

So we think of Brooks and the freedom he fights for, the freedom he has, and all the things that we cherish as Americans, recognizing that Brooks Johnson learned those values from two extraordinary parents.

A quarter of a million Americans and several thousand South Dakotans today serve in the Persian Gulf. We are in awe of their courage. Their dedication. Their sacrifice. We are grateful to every one of them and their families. We are resolved to ensure they have everything they need so they can be successful and return home safely.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it seems only yesterday that Senator JOHNSON and I were sharing stories about our sons, the athletes. They both were back here with their parents in the East while we were in the Congress. They were little boys then. Then they got to where they were in high school, and they were bigger boys, but they were boys. So it is hard to imagine now our two boys are grown up. They are adults.

Barbara and TIM's son, though, is really grown up. This young man is fighting in the deserts, in the sands of Iraq so that we can continue to enjoy our freedoms in America.

I had to call TIM at home this past Sunday to talk about some of the issues we were working on legislatively. I hated to call TIM because I am sure he and Barbara at this stage do not like to get phone calls on Sunday afternoons, during nonworking hours. I am sure TIM and Barbara every night pray for their boy and probably a few times during the day.

All of us should recognize that we, too, can join in a prayer for the Johnson's son Brooks. We need to do that because you see, what is going on in Iraq is more than just numbers. We hear numbers such as 250,000 people over there, and we hear talk about skirmishes that have taken place. I pray that Brooks Johnson will return home safely to his parents, TIM and Barbara.

I received a message yesterday, as we are notified as Senators, when something happens to someone from our States. Yesterday I received a message about a young man from Tonopah, NV. It used to be a big booming town where heavyweight prize fights were held, and at the turn of the last century it was a great mining community. Now it is a relatively—not relatively, it is a small place.

A man by the name of Frederick Pokorney came there. His parents moved around a lot. He wanted to finish high school. He was a sophomore. He was able to stay with the sheriff. Wade Lieseke took in this young man. It was great for Tonopah High School because he was large—6 foot 7, very athletic; he was a linebacker, a center for the basketball team. He was a great young man, quiet and kept to himself.

To make a long story short, he went into the military. He was in the military for 11 years. He was just made a second lieutenant. He was one of the seven who was taken down in an ambush and killed.

People who serve in the Iraqi conflict are in harm's way—every one of them. My heart goes out to Senator JOHNSON. Through TIM JOHNSON, we all recognize the ultimate sacrifice that young men and women are making in Iraq. He represents, in effect, the Congress. He is the only Member I am aware of who has a family member serving in that conflict.

I congratulate TIM and Barbara for raising such a wonderful son. As I said, Brooks sets a great example for other young men and women in this country. I again say I hope that we all celebrate with the Johnsons when he returns home.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada for his words. We came to Congress together with TIM JOHNSON many years ago and feel a special kinship and friendship with TIM and Barbara and the family.

I was fortunate enough to be walking past the Chamber and saw Senator TIM JOHNSON speaking and stopped to hear the words he had to say about his son. I thought he showed remarkable composure when he talked about his son who is currently with the Army in Iraq in the midst of this battle. Obviously, he has a great deal of pride and, of course, a great deal of concern, natural concern of any parent.

And then to hear Senator DASCHLE's special tribute to Brooks Johnson told us a little more about this young man, an extraordinary young man who has done so many things in his short life of 31 years and has tried over and over to continue to serve his country.

What a great reminder of the men and women who are serving their country overseas today. I am glad this Senate went on record today with an incredible vote of 100 to 0 to increase combat pay and the family separation allowance of those who are serving. That is something that should be done, and I am glad we said it today and said it decisively, and I hope we move quickly to change the law to help those families.

I also wish to say before I yield to my great friend and colleague from West Virginia, that I thank the Senator from Arkansas, Mrs. LINCOLN, who has brought us to the floor now several times to talk about our men and women in uniform. It is important we continue on a daily basis to remind America that this Senate, as well as the Congress, is very sensitive to the fact that what is happening on the screens of the television just a few feet away involves real lives and real Americans and that our commitment is to them.

The vote in the Senate just last week, 99 to 0 in support of those men and women in uniform, I think shows the current state of affairs in America transcends our political differences. We may disagree on foreign policy, we may disagree on what led up to this war, but when the first shot was fired, 99 Senators, everyone voting stood up and said: At this point, make no mistake; we are standing behind our men and women in uniform.

I have been surprised and disappointed by some of the comments I have received in my office from a few people, some by e-mail and some by telephone, who have taken exception to that vote. They said: We thought you voted against the use-of-force resolution, and now what are you doing, hedging your bet by saying you support the men and women in uniform?

What I have said to them and I say on the floor of the Senate is: You better draw a clear and bright line between the debate on foreign policy and whether or not we stand up for these young men and women who have volunteered to serve their country to risk their lives in battle.

I lived through the Vietnam war and remember it as one of the most formative experiences in my life and one of the saddest chapters in American history, the fact that many people channeled their hatred for the war toward the men and women in uniform. That was unfair. It was unfortunate. It should never be repeated.

Political leaders make decisions about foreign policy, committing our troops in various parts of the world, and those men and women who are sworn to serve the leaders and our Nation meet their call of duty, and we should never forget they did not make the foreign policy decision. They are serving their Nation as we asked them to serve. We should never ever compromise our commitment to them. That is why I think the resolution we have adopted, the vote today when it comes to combat pay and the tribute on the floor, is a reminder that we stand as one, shoulder to shoulder in unity, with these men and women in uniform.

In the congressional family of 100 Senators and 435 Members of the House, it turns out we have, to my knowledge, only one son, and that is TIM JOHNSON's son, Brooks, who is in our Senate congressional family serving our Nation.

We are going to be mindful of him. I ask TIM every day: Have you heard anything from Brooks? We will be mindful of him, as we are mindful of people from my town of Springfield, IL, or my State of Illinois who may be in harm's way. It is part of an expanding American family that we come together in times of fear and in times of crisis.

To those who oppose the war, to those who favor peace, please draw that clear bright line: We should never take it out on the men and women in uniform, no matter how much we may disagree with the policy. And I think most Americans who feel that way, even those with misgivings with the events that led up to this war, feel this commitment should be singular.

I mentioned Senator BYRD. Today there is a front-page story in the Washington Post about a family in West Virginia—and I imagine he will bring our attention to that in his remarks which follow. It, too, tells the story of a young woman, in this case, who made an extraordinary sacrifice and is in an usual, unpredictable situation perhaps being captured in Iraq.

I take the floor today to thank Senator LINCOLN and Senator JOHNSON. I urge my colleagues, if you can, spare a few moments each day to come and tell a story of those you know who are serving this war and serving this Nation so well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, just an hour or so ago, barely 50 feet out this door, many remaining members of the Delaware Army and National Guard were gathered. Coincidentally, it was a day that had long been scheduled for them to be on the Hill. National Guard associations from all over the country have converged on Washington, DC.

In the last several weeks, many of their colleagues in the Army and National Guard have since deployed to the Middle East, to the area around Iraq, and some to Iraq. On Sunday night, at a National Guard headquarters hangar in Wilmington, DE, at the airport we said goodbye to almost 100 of the members of the 166th Military Airlift Command as they set off to join their colleagues and their aircraft on the other side of the world. They are the maintainers of the C–130s which are part of the air bridge from the United States to Iraq.

It starts here with a very large C–5 aircraft and includes the C–17s, and at the end of the delivery system, the end of the air bridge, the C–130s, the smaller sort of rangers. The maintainers, the members of the 166th who have gone to join their colleagues, are the folks who make sure the landing gear works, the radio works, the hydraulic works, the avionics systems work. Without them we would not have C–130s that function, and without C–130s we would not have the kind of air bridge that we need to be successful in this war.

I was privileged to be there to salute them and send them on their way, as were our former Governor, former commander in chief of the Delaware National Guard, MIKE CASTLE, our Congressman, and our Governor, our current commander in chief of the Delaware National Guard, Ruth Ann Minner. I was privileged to be their commander in chief for much of the last decade when I served as Governor of Delaware.

As we said goodbye to the men and women of the 166th, we also had important words for the families of those who stayed behind, the wives and the husbands, the children, the parents of those whose loved ones are climbing on to that C–5 and getting prepared to fly thousands of miles from home. In some cases—and I say this as one who deployed on several occasions as a naval flight officer in the Navy back during the Vietnam war—the deployment is tougher not on the one being deployed but on the ones who stay behind. To those families we owe a lot because they have shared their loved ones with us, and in many cases they put their families in difficult straits at a tough time.

We voted today on several amendments to the budget resolution which are designed to lighten the load a little bit for those who are being deployed, particularly those who are being put into a hazardous place to perform their duties. I am grateful for that and would express on behalf of not just the families of the 166th whose loved ones deployed this Sunday but on behalf of all the members of the Delaware National Guard who are now serving in this war, thank you on their behalf and on behalf of their families for thinking of them, for remembering them along with the other Guard and Reserve men and women who are being called to active duty around this country.

During the time I served on active duty in Southeast Asia, we would from time to time receive a Reserve air crew that came in usually from the west coast, but flying their P–3 aircraft for 3 years hunting for Red October, tracking Soviet nuclear submarines, but also flying low-level missions along the coast of Vietnam and Cambodia.

In those days, back in the early 1970s, when we had a tough and dangerous job to do, we would never turn it over to a reserve air crew. The Active-Duty crews would take care of that, and we would be careful to send the Reserve air crews on a job where they could not get in trouble or could not get hurt. That was 30-some years ago. Today it is such a different world. We have guards men and women, activated, deployed, reservists called to active duty who are serving alongside full-time soldiers, sailors, and airmen. They are doing the very same jobs, dangerous jobs, tough dirty jobs in some cases, and to them we owe an enormous debt of gratitude.

A closing word to my friend Senator TIM JOHNSON of South Dakota whose son is over in Iraq, and I am sure a matter of great concern to him and to Barbara, his wife, a concern that is shared by literally tens of thousands of families across this country. I say a special prayer for Brooks and for the Johnson family, and remember them and all who have been deployed and serve our Nation at this tough and challenging time.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

TRIBUTE TO DANIEL PATRICK MOYNIHAN

Mrs. CLINTON. Madam President, I come to the floor on very sad business, both for this body, for my State, and my country. We have just received word that Senator Daniel Patrick Moynihan has passed away. For those of us who were privileged to know him, to work with him, to admire and respect him, this is a loss beyond my capacity to express.

Senator Moynihan for decades represented the highest ideals and values of the United States of America. A son of Hell's Kitchen in New York City, he rose to be a confidante and adviser to Presidents. He is responsible for many of the most important ideas and legislative programs that have improved the lives of people in New York, people here in Washington, DC, and our country and around the world.

I am very honored to hold the seat that Senator Moynihan held for so long and so well. Along with his wonderful wife Liz Moynihan, they have been great counselors and advisers to me personally. I will miss him greatly.

Sometimes when I sit here on the floor of the Senate, I wish that Senator Moynihan could be here in spirit as well as body, that his wise counsel could influence our decisionmaking, that he would remind us that what we do, what we say, what we vote for is not just for today, it is for all time. It goes down into the history books. It represents the judgments that we make. It truly displays the values that we claim to hold.

He understood that being a U.S. Senator was a precious trust. Anyone who ever heard him speak knows the experience of learning more than you ever thought possible in a short period of time. He could explain and expound on such a range of subjects that it took my breath away. I remember riding with him through western New York on a bus during the 1992 campaign and hearing the most exquisite disposition about the history of the Indian nations, the Revolutionary War, the geological formations. The love he had for New York and America was overwhelming and so obvious to anyone who spent more than a minute in his company.

He also held high standards about what we should expect from this great country of ours. He wanted us to keep looking beyond the short term, looking beyond the horizon, thinking about the next generation, understanding the big problems that confront us, having the courage to tackle what is not immediately popular, even not immediately understandable, because that is what we are charged to do in this deliberative body.

Senator Moynihan's scholarly undertakings also will stand the test of time. He sometimes was ahead of his time. In each of his writings or his speeches, whether you agreed with him or not, you were forced to think and think hard. He certainly opened my eyes to a lot of difficult issues.

I could not have had a stronger, more helpful adviser during my campaign than Senator Moynihan. I started my listening tour of my exploration of whether or not to run for this office at Pinders Corner, his farm in upstate

New York, a place that he loved beyond words.

I met him in a little schoolhouse, a 19th century schoolhouse that was on the property where he wrote. He would walk down the road from his house to that little schoolhouse every day where he would think deeply and write about the issues that he knew would be important, not just for tomorrow's headline but for years and years to come.

There is not any way that anyone will ever fill his place in this Senate, not just in the order of succession definition but in the intellectual power, the passion, the love of this extraordinary body and our country. He will be so missed.

On behalf of myself and my family and the people I represent, I extend my condolence and sympathy not only to his wonderful family and not only to New Yorkers who elected him time and time again, increasing majorities from one end of the State to the next, but to our country. We have lost a great American, an extraordinary Senator, an intellectual, and a man of passion and understanding about what really makes this country great.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise in abject sadness on the horrible news that Senator Moynihan has passed from our midst. When it was announced in our caucus that this terrible event had occurred, you could just see the energy come out of the room and the sadness come on everybody's face. Senator Moynihan was a unique individual. He wasn't just another Senator. He wasn't just another human being. He was very special.

Rarely has one man changed society so with his ideas, the idea that one man can change society for the better. Senator Moynihan's life was testament to that fact. His life was testament to the fact that one man who just thinks can make an enormous difference. He was truly a giant—a giant as a thinker, as a Senator, and as a human being. He was a kind and compassionate person, a loving husband. Liz, our thoughts go out to you and to all of the Moynihan children and family. I have known him for a very long time.

When I was a student at Harvard College, I audited his course. I got to know him a little bit then. As I went through my congressional career, we used to have lunch every so often. He was a complete joy to just sit down and have lunch with and exchange ideas.

He looked out for people. He cared about people. He had real courage. When he disagreed with the conventional wisdom, nothing would stop Pat Moynihan from making his view heard and making it heard in such an interesting and intellectually and thoughtful way.

Again, he changed our world for the better. There are hundreds of millions of human beings in this country who do not know it, but he made their lives better. There are billions of people in the world, and through his work he made their lives better.

Senator Moynihan was loved in my home State of New York from one end of the State to the other. We are a big, broad, diverse State. It is very hard to find consensus with 19 million New Yorkers, but just about everybody loved Pat Moynihan. He did it through a big heart and a great mind.

He is now with his Maker. I know I will be looking up to the heavens for inspiration, as I looked to Senator Moynihan's office when he was still with us.

I very much regret his passing. I pray for the Moynihan family and for the children. I hope God gives us a few more Pat Moynihans in this Senate and in this country. I thank the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I commend the distinguished Senator from New York for his eloquence and his empathy for the family especially of our departed colleague, Pat Moynihan.

The Senator from New York used the term "giant," and, indeed, in this case, I can think of no better word to describe the man, the magnitude, the depth, the history, the persona of Pat Moynihan.

"The Almanac of American Politics" called Pat Moynihan the Nation's best thinker among politicians since Lincoln and its best politician among thinkers since Jefferson. Scholar, educator, statesman, adviser to four Presidents—Presidents Kennedy, Johnson, Nixon, and Ford—Pat Moynihan was the only person in American history to serve in a Cabinet or sub-Cabinet position in four successive administrations.

As my colleagues have noted, he represented the State of New York for 24 years in the Senate with unique vision, imagination, intelligence, and integrity. In many respects, Pat Moynihan was larger than life, whether on the streets of New York or in the corridors of this Capitol. He was a beloved father, grandfather, friend, and colleague to so many of us.

I, too, extend my condolences on behalf of the entire Senate to his wife Liz, to his children, Tim, Maura, and John, his grandchildren, Zora and Michael Patrick. New York and the Nation have lost a giant.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I was very sorry to learn of the passing of our good friend and great Senator from New York, Senator Moynihan. I wanted to come and extend condolences on behalf of myself and a lot of other Senators to the family, the children, the grandchildren, and the people of New York, and to America because we have lost truly a great man in Senator Pat Moynihan.

Sometimes people do not realize the types of relationships we do build in this Chamber across the broad philosophical and partisan divide. But Pat Moynihan was not that kind of man. He was always willing to work with Senators, no matter where they were from or what their views were, to try to do the right thing.

Since I have been watching the Senate over the last 30 years up close and personal, as a House Member and a Senator, I have not known a more brilliant and more erudite Senator than the distinguished Senator Pat Moynihan of New York. He served his country in so many different critical roles.

He studied, wrote papers, and made us realize problems we would just as soon not talk about—problems with the children in America, the problems of poverty, the importance of the world community.

He did so many exceptional things for Democratic administrations and, yes, Republican administrations, and in the majority and in the minority in the Senate. I grew to admire him and appreciate him, to seek his advice, and even try to get his vote on occasion, and on occasion he gave it because I was able to convince him that maybe it was the right thing to do.

He also had a sense of humor I learned to appreciate. But more than anything, I will remember my encounters with Senator Moynihan in the little dining room downstairs. About once a week—sometimes not that often, maybe once a month—I would go down to get a bite to eat and he would be there. He always ate strange orders of food, I might say, but I just loved his knowledge. It became an opportunity for me to learn about the world. I would pick a country: Tell me about India. An hour later he was still talking.

I remember one time, I said: I do not quite understand what is going on in East Timor, and he corrected my pronunciation and told me what was going on in that part of the world, what had happened historically—such a wealth of knowledge—all the players involved, the religious considerations, what the solutions could have been, what the solutions might be, what the future would hold. More than once—I would say at least three times—before I got back to my office, before the afternoon was out, a book would arrive that he had written or that I should read to understand what was going on in the world. What a special touch.

Senator Pat Moynihan tried to help educate this Senator, one who needed a lot of help, but he gave me a greater appreciation of our relationship with countries and people all over the world.

This was a giant of a man, a giant of a Senator, a humble man, in many respects. I have missed him since he left the Senate, and we will all miss him now that he has gone on to his great reward.

I had to come to the floor and express my personal feelings about the great Senator from New York and how much he meant to me personally, to the Senate, and to the country.

I yield the floor, Madam President.

Mr. DASCHLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I have just heard the saddening news that our former colleague, Senator Moynihan of New York, has passed away. This is a great loss for the State of New York, but it is also a great loss for the people of the United States. He was one of the truly outstanding public servants of his time and one of the intellectual towers of this body.

I first met Pat Moynihan when I served in the Nixon administration working at the Department of Transportation. I can say with some accuracy that the name Pat Moynihan filled us all with dread and fear because he was the President's counselor on domestic issues. We were afraid he would come to the Department of Transportation and expose all of our weaknesses; that with his intellect he could discover very quickly where we were doing things wrong.

I met him at the White House as we would go over and discuss various transportation issues. On one occasion, Secretary Volpe invited Mr. Moynihan to come to the Department and address all of the Department's senior management. We had a program of management dinners where all of the senior officials of the Department would gather together and we would have a speaker come in and talk with us. Mr. Moynihan was the first of those speakers, along with Bryce Harlow, who came at my invitation, a little later. That was my moment in the sun with Secretary Volpe, that I was able to call Bryce Harlow and get him to come over and give the address. I still remember very clearly what Pat Moynihan said to us on that occasion and the lesson he gave us.

Being the student of history that he was, he went back to relatively recent history in describing pivotal events in America. He made this point: Political scientists assume that President Kennedy and President Johnson were activist Presidents, whereas President Eisenhower is always described as a passive President, or a pacifist kind of President. He said that particular characterization is given by their opponents, as well as their defenders, people defending Eisenhower's passive attitude toward Government, as well as those attacking it, and so on with Kennedy and Johnson.

However, he said, history will show that President Eisenhower affected life in the United States more than all of the things done by Kennedy and Johnson put together. Why? Because President Eisenhower was responsible for the creation of the interstate highway system.

Recognize again, he was addressing a group of officials at the Department of Transportation. He had done his homework and focused on a transportation issue. He outlined for us the changes in American life that came from the interstate highway system, how cities that were left off the system more or less withered and died and other cities that found themselves on the system had tremendous growth; how the system created efficiency for the transportation of goods and people all over the United States.

I remember one statistic, when I worked at the Department of Transportation, that said 95 percent of intercity trips took place on the interstate highway system. We focused on travel as being a competition in those days between air travel and rail travel, and indeed in the industrial age, going back to Abraham Lincoln's time and after the Civil War, almost all intercity trips were by rail. Then the airlines came in and we talked about the airlines cutting into the rail industry.

He pointed out it was not the airline industry that destroyed railroad passenger traffic; It was the interstate highway system and the convenience that came with the opportunity to take one's own automobile and go from one city to the other and then have local transportation while there. They did not have to catch a cab when they came out of the train station. They brought it with them.

It was this ability to see beyond the specifics of conventional wisdom, step back and see the overall picture that defined Pat Moynihan. He did it for us in that particular speech, but he did it throughout his entire career.

I remember as we became acquainted that he talked with me about the work he did with my father when my father was in the Senate and he was in the Nixon administration. They were talking about programs that the Nixon administration tried to put into place which, for one reason or another, the Congress did not accept. He said to me, if we had prevailed in that program that Wallace Bennett was for, we wouldn't have many of the urban problems that we have today.

I won't try to imitate his accent because it was distinctly his and was part of his charm.

One of the things that I had not understood but that I came to know while Pat Moynihan was in the Senate was the role he played in the rejuvenation of Washington, DC. The story is told and accepted as conventional wisdom that when John F. Kennedy went in his inaugural parade from the Capitol to the White House, he noticed how rundown Pennsylvania Avenue was—and it was. Those of us who remember Pennsylvania Avenue in the 1960s remember it as a place of rundown seedy shops and disreputable buildings that were badly in need of replacement. The conventional wisdom is that John F. Kennedy noticed that as he went by in his limousine and said, We have to do something about that. And the rejuvenation of Pennsylvania Avenue began in the Kennedy administration.

In fact, that is not true. It was not John F. Kennedy who noticed it; it was Pat Moynihan who noticed it and called it to the attention of John F. Kennedy, who, then, in the spirit of all of us in politics, took his staffer's advice and put it forward as his own.

Pat Moynihan, as chairman of what we used to call the Public Works Committee—now it is the Environment and Public Works Committee—Pat Moynihan, of what we used to call the Public Works Committee, presided over the public works that saw to it that Pennsylvania Avenue was turned into the kind of memorial avenue that the world's greatest power deserves; that it changed from what it had been to become the architectural delight that it is today.

I had not realized that until I read Pat Moynihan's memos. He shared them with me, in another circumstance, and going through the memos I realized he was personally the driving force behind that kind of an effort. That demonstrates how much of a renaissance man he was. He was interested in architecture. He was interested in art. He was one of those who helped create the National Endowment for the Arts.

Yes, as a legislator he was interested in public issues and public policy, but as a renaissance man he remained interested in just about everything else.

I can't think of any career covering a wider number of opportunities than his: Ambassador to the United Nations, Ambassador to India, serving Presidents regardless of party, regardless of ideology, with wisdom, clarity, and again the ability to see the big picture, the overall historical circumstance, and not just the issue directly in front of him.

I remember when he was chairman of the Finance Committee and we were locked in this Chamber in a bitter battle over health care. He did his duty. He was the good soldier. He did his best to carry the water for the administration. But in private conversations with him he would candidly share some of the same concerns that the rest of us had. While he was the good soldier all the way to the end, I know he gave the administration Dutch uncle advice as to what they should be doing.

I remember sitting in the Cabinet Room of the White House when President Clinton had a group of us down to talk about what we needed to do to get trade authority, to get fast track. All of us were being appropriately respectful of the President, as you are in that kind of circumstance. All of us were trying to put forward our opinions in as tender and gingerly expressed a way as we could because we were with the President. Pat Moynihan sat at the President's left and the President said; "What do we need to do to get trade authority passed?"

He said; "Sir, you need to get more Democrats."

That warmed my heart. The Republicans were in favor of fast track. We didn't want to say it. And Pat Moynihan summarized it: "Sir, you need to get more Democrats."

The President looked at him and said; "Pat, you are absolutely right. How do we do that?"

Then they had a very candid discussion.

He was not overly awed by anyone, regardless—with respect to their position. But he was always awed by any human being who had something to tell him. His attitude was that he could learn from anyone.

His health was not the best. His passing is not unexpected. But this is a time for us to rejoice in the opportunity of having known him, having worked with him in this body and having been blessed by his intellect, his humor, his humility, and his great understanding. We shall miss him, and we express our great condolence to his wife Liz and to all of the members of his family.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I had the opportunity to hear the Senator from Utah talk about our friend Pat Moynihan because in 1969 the Senator from Utah and I had different jobs. I was working for Bryce Harlow in the White House and he was working for Secretary Volpe, both of us in the Nixon administration.

One of the things I think many people will look at, about the Nixon administration, is what an extraordinarily diverse group of individuals the President was able to attract. The Senator from Utah and I were young persons. I am not talking about us at that time. But I am talking about Henry Kissinger and Arthur Burns and Bryce Harlow and foremost among them was Pat Moynihan.

Particularly when we look at a Washington, DC, where so many issues are so divisive and so partisan—and there was a lot of partisanship back then. Look back at 1969. Here was Pat Moynihan, a Harvard professor, Kennedy Democrat, who became the Republican President's domestic policy adviser. He was an extraordinary person. He was, as the Senator from Utah pointed out, a man who could see a long distance.

In the 1960s he coined the phrase "benign neglect," when he talked about the breakdown of the American family and the effect it might have on African-American families. He was courageous enough to talk about that. He predicted at that time that if the rate of breakdown of families that was then occurring among African-American families were to occur among all families, it would be a catastrophe for America. That percentage has long since passed. Pat Moynihan was willing to talk about it.

He was a great teacher. He attracted into the White House at that time a cadre of young Moynihan devotees who are still around today—for example, Checker Finn, a young Harvard graduate who is a leading education expert; and Chris DeMuth, who has had a distinguished career here. All of those young people were attracted by his intellect and his sense of public service.

He had an ability even then to be a person who crossed party lines. He was one of the old Democratic liberals such as Al Shanker—some of them are now called neoconservatives today—who saw our country in a very accurate and clear way.

He believed in America. He was an immigrant, a great immigrant, an Irish immigrant, with all the characteristics that we think of when we think of great Irish immigrants, but he was an American first. He was proud of where he came from but he was prouder of the country to which he came.

He loved politics. His favorite character was George Washington Plunkett, the boss of Tammany Hall. He wrote a forward for a book on Plunkett. Plunkett's favorite comment was:

> I seen my opportunities and I took them.

He went to the United Nations where he pounded the desk. He went to India as Ambassador. He ran for the Senate. Think of this. He ran in 1976, a Republican from the then-disgraced Nixon administration. I know what that was like. I was in that administration. I had been a candidate myself in 1974—lost; and here was Pat Moynihan in New York State, a Democratic State, running for the Senate as a Democrat, able to be elected because of the respect people had for him.

I watched him during his whole career. When I was Education Secretary he came down and lectured me from this body because he wanted me to be more aggressive on standards. But he was always such a gentle person.

As I have gone along in life, I have especially appreciated people who are well known and famous who take time for people who are not so well known and famous. I can remember when my wife and I, in our early 30s—I was, she was younger—went to Harvard, to the John F. Kennedy School of Government, where Pat had gone in the early 1970s. He was a famous man, a great professor, a former adviser to Presidents. Everyone knew him. No one knew us. But he saw us and he spent 45 minutes or an hour with us. He was a teacher and we were his students.

I am glad to be on the floor today to hear my friend from Utah speak of such a distinguished American. We need more Senators, more public leaders, with the breadth and the intellect and the understanding of American history that Pat Moynihan had. We need more who have the capacity to work across party lines, to solve tough problems such as Social Security, which he helped to solve, and to enjoy politics, to love George Washington Plunkett, and the rough and tumble of Tammany Hall politics, but at the same time, when the Nation's issues are foremost, to put them first.

So I rise today to salute a great American, a real patriot, and perhaps a person who most of us—Senators or students—will remember as a great teacher.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF THE BUDGET RESOLUTION

Mr. FRIST. Mr. President, today we passed the budget resolution 56 to 44. I want to end what has been a very productive week on this budget resolution—the debate and the vote earlier this afternoon—by congratulating the chairman of the Budget Committee, Senator NICKLES, for doing an outstanding job in terms of leadership, in terms of keeping this train moving on time, so that legislative process will be able to go forward in a timely way.

In addition, there are so many others to thank, but in particular I thank Senator JUDD GREGG from New Hampshire, who spent so much time on the floor debating the various amendments and supporting the budget resolution and its ultimate passage today.

In addition, on that committee, there are seven new Republican members. I thank them. The budget process is one that I had the opportunity to address first through that committee in my first 8 years in the Senate. I know it has been an eye-opening experience for them. They did a tremendous job in supporting their leader, their chairman in accomplishing this resolution passage today.

In addition—and it has been mentioned on the floor several times this afternoon since we voted on the bill—we have had a very cooperative spirit. People have been able to express their opinions, to debate, to articulate their views as to what is appropriate to establish their priorities. But at the end of today—this afternoon, shortly after 4 o'clock—I think we can all be proud, on both sides of the aisle, for developing a product that reflects that debate, that reflects the will of the Senate.

I congratulate Members on the other side of the aisle, the ranking member, Senator KENT CONRAD, the assistant Democratic leader, HARRY REID, and Minority Leader DASCHLE for their cooperation in moving this resolution to a conclusion today.

I thank the staffs. It has been done on the floor already today, but I thank the staffs, under the direction of Hazen Marshall and Mary Naylor, for their long hours and dedication to the process. We saw their participation here on the floor. And in addition to that time on the floor, they have spent many hours developing this budget, they and their staff. I thank them because without their hard work, their tremendous dedication, what we have accomplished today simply would not have been possible.

Today, we did accomplish a lot in passing this budget resolution. I say that because it was on the backdrop of last year, where we were unable even to bring a budget to the floor of the Senate. We were unable to ever see the conclusion that we saw today in this vote.

I understand—and we all understand—this is the first step, the next is the conference, and then the reconciliation. But what we have done today is to establish the framework for that legislative process. It has taken a lot of cooperation on both sides of the aisle.

The resolution today, in terms of the jobs and growth package, is, indeed, less than what I had preferred as we come forward. But the majority of people in this body did speak today. I do want to tell the Members on our side of the aisle that I will continue to work to achieve the growth in this resolution because I think it is important. In fact, it is incumbent upon us to address those jobs and growth issues to stimulate the economy, both in the short term, midterm, and long term.

Again, that process has just begun. The resolution today accomplishes a lot. I am not going to go through the various priorities that were placed, but it establishes fiscal discipline on the spending side. It does that through what we call pay-go and certain spending caps. But it is important the American people understand that what we have done is slowed that growth of spending, which is absolutely critical to do in this environment of deficits.

It strengthens and improves Medicare. That is our health care system and program for our seniors and our individuals with disabilities. It takes a major step forward to strengthen and improve that program so that we can better serve our seniors, so they will have more security in terms of their health in the future.

In terms of our national defense and homeland security needs, it sets those parameters to accommodate that necessary funding, as spelled out by the Budget Committee, by the priorities in the Senate, and the Commander in Chief, the President of the United States.

Fourthly, it increases funding for that much broader spectrum of education in an unprecedented way. It includes education K–12, IDEA—that is the Individuals With Disabilities Education Act—for title I, and then there is veterans health and an initiative that is important to this body, global HIV/AIDS.

But you wrap all that together and, most importantly, I think what we accomplished today is that we allow this legislative process to continue in an orderly, systematic way, to accomplish our responsibilities in this institution of the Senate.

We are on course to finish the conference report of this budget by April 11. The law says that we do it by April 15. I think, just as we have today, we will be able to pass that in advance, not just on time, but in advance a few days.

Again, I thank Chairman NICKLES for being so instrumental in this process.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. FRIST. Mr. President, I rise with sadness on the word we heard this evening with regard to the death of one of our most notable former Members this afternoon.

Daniel Patrick Moynihan served in the Senate over a period from 1977 to 2001. But he served our country in so many different roles over the past half century, as we have heard through other tributes tonight. Rising from the depths of Hell's Kitchen in New York, he became one of America's true leading intellectuals whose foresight and whose ability brought to public attention a mass of critical issues long before others even realized these issues existed. From identifying the stresses and challenges of urban America to spearheading the reformation of Pennsylvania Avenue, from President Nixon's welfare reform plan to Y2K, from Soviet spying to bringing our national security state into the sunshine, Pat Moynihan was at the center of most of our public policy challenges in the last half of the 20th century.

Pat Moynihan, a confidant and essential aide to Presidents of both parties, came to Washington's attention in the early 1960s as a steward of President Kennedy's effort to bring Pennsylvania Avenue back to life. His ability brought him to President Nixon's Cabinet as head of the Domestic Policy Council, and he later became Ambassador to India and Gerald Ford's Ambassador to the United Nations, where he served so well defending the West against totalitarian regimes.

Elected to the Senate in a notable class, he quickly became a leading voice on an extensive range of public policy. While the Senate recognized his ability as chairman of both the Finance Committee and the Environment and Public Works Committee, his contributions to our work were broad and deep.

For example, at a time when Social Security was reeling and near insolvency, Pat Moynihan stepped forward and, with Senator Dole, Alan Greenspan, and President Reagan, rescued the system for the benefit of millions of Americans. In that role, he bridged partisan differences and rose above petty politics to forge a successful solution that brought stability and security to that system. He did that conscious of the need to be responsible not only to the current recipients but to the future beneficiaries who at the time were not even born.

This spirit animated his observations and animated his work, not just on Social Security but other great domestic programs, such as Medicaid, Medicare, and welfare.

Daniel Patrick Moynihan served not only as a Senator from New York, he was one of our leading lights and innovative thinkers. He never hesitated to offer a timely observation, a useful insight, or a historical analogy that not only demonstrated his vast knowledge but was truly useful in analyzing the challenges ahead. His contributions to public policy and his influence in this Chamber will echo for decades to come.

Indeed, our condolences go out to his family and to loved ones, as well as to his many friends and former staff members. We are a better institution, and we are all better public servants for having known Pat Moynihan.

NAVY LIEUTENANT THOMAS MULLEN ADAMS

Mrs. FEINSTEIN. Mr. President, it is with a heavy heart that I rise today to pay tribute to another American—and another Californian—killed in the line of duty. His name: LT Thomas Mullen Adams, of La Mesa. He was only 27.

Yesterday, I spoke of LCpl Jose Gutierrez, a young immigrant from Guatemala who was struck down trying to liberate the Iraqi port city of Umm al Qasar. Corporal Gutierrez was an orphan who first settled in a homeless shelter in Hollywood, before being taken in by foster parents.

Lieutenant Adams, on the other hand, grew up in comfort, in the suburbs, as a member of a family that traces its roots directly to John Adams, one of America's most important Founding Fathers.

On the surface, there seems little in common with Corporal Gutierrez and Lieutenant Adams. But together, they embody the depth and breadth of America's Armed Forces—men and women from all walks of life, willing to give their lives to defend our freedoms.

Lieutenant Adams graduated from Grossmont High School in 1993 and the United States Naval Academy in 1997.

He received flight training in Pensacola, FL, and inherited his love of flying from his father, John, an architect who helped design the Aerospace Museum in San Diego.

Promoted to lieutenant in the year 2000, Adams won two National Defense Service Medals, three Sea Service Deployment Ribbons and other awards.

"He's one of these amazingly clean-cut, all-American kids," his aunt, Elizabeth Hansen, told the San Diego Union Tribune newspaper. "He's the kind of kid that if you had a very special daughter, you would hope that she would snag him. He was just amazingly bright, funny and kind."

In October of 2002, Lieutenant Adams was assigned as an exchange officer with the British Royal Navy's 849 Squadron, now on the aircraft carrier Ark Royal.

An avid soccer fan who had volunteered to go to Japan with the carrier *Kitty Hawk* in time for the World Cup finals last summer, he joined a local team near his base in Helston, England. Lieutenant Adams' family said that he particularly enjoyed his time with the Royal Navy for two reasons: every ship had a pub on board, and he was allowed a weekly 20-minute phone call home.

"This is an extremely close family, and none of us will ever be the same," said his aunt, Elizabeth Hansen. "All of us just remember him as a fun-loving guy with a wry sense of humor and we can't imagine going forward without him."

I can only hope that they do go forward. And it is to his family—to his parents, John and Marilyn, and his younger sister, Cari—that I extend my deepest sympathies.

All Americans owe an enormous—an almost incalculable—debt to LT Thomas Mullen Adams, who accepted great risk and was willing to sacrifice his future for the future of the country he so clearly loved, so that we, as a people, might be safe and free. His sacrifice will never be forgotten.

TRIBUTE TO CALIFORNIA SERVICEMAN KILLED IN IRAQ

Mrs. BOXER. Mr. President, as we pray for all those who are in harm's way, I rise to pay tribute to a Californian who was killed in the Iraqi war.

Marine Corps Cpl Randal Kent Rosacker, age 21, of San Diego, CA, was killed on Sunday, March 23, when he encountered Iraqi troops pretending to surrender. He graduated in 2000 from San Diego's Junipero Serra High School where he was a star baseball player. He joined the Marines at age 18 and was a machine gunner based at Camp Lejeune in North Carolina. He is survived by his wife, his father—a Navy Master Chief at Naval Station Bremerton his mother and two sisters.

May this beautiful young American rest in peace. May we have a short war. And may we also pray for the wisdom of those who send our young men and women on their mission.

THE WAR IN IRAQ AND SUPPORT FOR OUR TROOPS

Mr. DODD. Mr. President, on March 20, President Bush ordered U.S. forces to begin attacking Iraqi installations. There are currently 225,000 American service men and women in the Persian Gulf region. Two hundred thousand members of the Reserves and National Guard have been called to active duty. Several thousand Connecticut residents are doing their part—1,500 members of Connecticut's National Guard; 750 deployed to the Middle East and another 750 activated to participate in homeland security related responsibilities. There are also 2,778 of Connecticut's sons and daughters serving in the Navy—active members and reservists, 532 in the Army, and 310 in the Air Force. Dozens of Connecticut's police officers and firefighters have been called up for active duty. I thank each and every one of them. And say to them that I am proud and honored to represent them in the United States Senate.

As is always the case, these young men and women stand ready to obey the orders of the Commander in Chief—the President of the United States—to take up arms and risk their lives in defense of all Americans and the values of freedom, liberty, and democracy. I greatly admire the courage and professionalism of our service men and women who are now engaged in this dangerous conflict far away from home and loved ones. Americans stand as one in support of these brave individuals. I also want to express my gratitude to the family members of our soldiers. They more than anyone understand the sacrifices involved in the service of our country. War is a treacherous endeavor, and we will all pray for their safe return. I am confident that in the days and weeks to come, America and the U.S. Congress will continue to provide our service men and women with all the support they need and deserve.

Over the last several months, my colleagues and I have engaged in an ongoing dialog about when and under what circumstances the U.S. should commence military action in Iraq. I have been a participant in these important debates, as have many others in this Chamber. And across the country, in cities and towns, Americans have also been discussing these issues with their families and neighbors. Many have voiced strong opinions. It is right and appropriate that this has occurred—that is what living in a free country is all about.

Last fall, I supported President Bush's decision to go the United Nations and seek the support of U.N. members to resolve the threat posed by Iraq's weapons of mass destruction. I supported the deployment of U.N. weapons inspectors to Iraq to verify its peaceful disarmament. As much as anyone, I wanted those diplomatic efforts to succeed. I believe that President Bush did as well. Unfortunately, Saddam Hussein obviously did not.

While there may have been differing opinions on some aspects of our policy toward Iraq, there has been no disagreement that Saddam Hussein is anything but a cruel and murderous tyrant. At every critical juncture, Saddam Hussein chose to impede the work of the inspectors. At every fork in the road, he chose to squander opportunities for peaceful disarmament presented to him by the international community. Finally time has run out.

And now, Saddam Hussein must bear full responsibility for what is about to befall him. He brought it upon himself. I have no sympathy for his plight. The real tragedy is that others may have to suffer for his sins—although I am confident that American soldiers will make every effort, use every means of intelligence, and employ all available technology to minimize civilian casualties.

Would that Saddam Hussein had shown the same regard for his people that our forces will. His record has been the opposite. This murderous tyrant has routinely had his own people tortured, raped, beaten, and executed. In 1988, he ordered the use of chemical weapons against the Iraqi people, killing 5,000 men, women, and children in a single day. Now, he may be ordering his elite troops to use the city of Baghdad as a fortress—a human fortress—endangering the lives of countless Iraqi civilians.

It is my hope that United States military action will not only free the world of the dangers posed by Saddam Hussein's weapons of mass destruction, but provide an opportunity for the

Iraqi people to free themselves from 30 years of tyranny and oppression, to begin a new chapter in the history of their country.

The current military action may only last a few days or a few weeks. But in the end, I have not doubt that our American service men and women will prevail in this conflict. However, after we emerge successfully from our military conflict with Saddam Hussein, another challenge will face us—the task of establishing a free and stable Iraq. In many ways this is an even more important battle then the one currently ongoing in the deserts of Iraq. And it is a battle that we should not "wage" alone. An international coalition of friends, allies, and U.N. humanitarian organizations must be mobilized to share the costs and responsibility for providing humanitarian relief to the Iraqi people, and the larger and more complex reconstruction of Iraqi society.

The United States is not the only nation that has a stake in rebuilding Iraq. The entire world has a huge stake in getting this right. For only an Iraq that is strong, free, and democratic—only an Iraq that respects the rights of all its citizens—only an Iraq that respects the territorial integrity of its neighbors—can be counted on to contribute to building a Middle East that is stable and prosperous. That is why I am confident that whatever our past differences may have been, our friends and allies at the United Nations will join with us in this effort.

Once again let me express my thanks to the American men and women who have put themselves at risk for each one of us. Let me also thank the service members from other nations who have joined with our forces in this endeavor. And let me offer one more prayer for their swift and safe return home once their mission is complete.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 16, 2001, in Eagan, MN. An Indian-American woman left a grocery store followed by three teenage boys. One of them pushed her against her car. When she turned, another punched her in the stomach and then elbowed her in the back. As they left, the assailants said, "This is what you people deserve."

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NOMINATIONS OF HAROLD DAMELIN

Mr. KERRY. Mr. President, I speak today to ask my colleagues to support the nomination of Mr. Harold Damelin, whom President Bush has nominated to serve as the next Inspector General, IG, of the U.S. Small Business Administration, (SBA). Mr. Damelin's extensive experience in and out of government makes him very well suited to this important position, and I look forward to working closely with him and his office.

As my colleagues are well aware, the IG post at any Federal agency is a critical one—assigned by Congress the duties of protecting taxpayer money, ensuring that laws are upheld, and investigating abuses within an agency. This is no less true at the SBA, which has played a vital role in helping to develop and foster small businesses and small business initiatives for the past 50 years.

The role of the IG is unique: someone who is above the political fray of other appointees, and someone who may even be called upon to investigate them. By their very nature, IG's must function independently and with a distinct authority, so it is no small amount of trust the President and the Congress must place in any IG. Additionally, an IG must possess not only managerial and policy experience, but should possess investigative experience as well. Fining such a candidate can be a difficult task.

Phyllis Fong, the former IG for the SBA, was recently confirmed as the IG for the Department of Agriculture, where I am sure she will continue to perform her official duties in a skillful, competent, and efficient manner. However, because of a delay in her confirmation, the IG position at the SBA was only recently vacated. Given this delay, coupled with the importance of the IG position, Senator SNOWE, the Chair of the Committee on Small Business and Entrepreneurship, and I have agreed to seek unanimous consent that Mr. Damelin's nomination be discharged from the Committee on Small Business and Entrepreneurship and considered immediately by the full Senate.

In my capacity as ranking member, I have thoroughly reviewed Mr. Damelin's employment and educational experience, his FBI background check and the Committee questionnaire. Mr. Damelin has fully answered all questions put before him. As Mr. Damelin clearly possesses the necessary skills and experience to serve as the next SBA IG, I support moving forward with his nomination at this time.

Mr. Damelin, if confirmed by the Senate, will come to the SBA from the private sector, where he most recently worked as a lawyer for the firm of Powers, Pyles, Sutter and Verville in Washington, DC. Prior to joining the private sector, Mr. Damelin had a long and illustrious career as a public servant, holding such positions as the branch chief for the U.S. Department of Justice's Criminal Division, Fraud Section, Governmental Fraud Branch and the senior counsel to the majority for the Senate Committee on Governmental Affairs' Special Investigation Committee. I believe these experiences and others uniquely qualify Mr. Damelin to serve as the SBA's IG.

Mr. Damelin was born in Malden, in my home State of Massachusetts, although he now resides in Virginia. He attended Boston College and earned his JD from Boston College Law School, also my alma mater. Mr. Damelin was also a member of the Armed Forces, serving as a 2nd Lieutenant after college and attaining the rank of Captain in the Army Reserves before being honorably discharged with the rank of Captain. I am always pleased to see a fellow Bay Stater, and Eagle, dedicate his energies toward public service, and this is no exception.

Mr. Damelin's nomination also has the support of Small Business and Entrepreneurship Committee Chair OLYMPIA SNOWE.

I ask all of my colleagues to vote in favor of Mr. Damelin's nomination to be the next Inspector General of the U.S. Small Business Administration.

ADDITIONAL STATEMENTS

NORWICH UNIVERSITY CADETS, ICE HOCKEY NATIONAL CHAMPIONS

• Mr. JEFFORDS. Mr. President, I rise to recognize the victory last weekend of the Norwich University men's ice hockey team in the NCAA Division III National Championship against the Oswego State Lakers. This is the second championship in four years for the Cadets, who finished this season with an outstanding 27–3 record.

Norwich University enjoys a proud history as the United States' oldest private military college. The campus, founded in 1819, sits in the small town of Northfield, VT, and it offers a tremendous education for those in the Corps of Cadets as well as for students who choose the civilian lifestyle. Norwich is a school of honor and tradition, qualities well-reflected in their champion ice hockey team. The Cadets play with discipline, energy, and confidence. The team played hard this season and now they deserve to enjoy their success.

I congratulate each member of the team: Coach Mike McShane, Assistant Coaches Steve Mattson and Fred Coan, Strength Coach Eric Corey, Trainer Rachel Sutherland, Kevin Schieve, Brad Powell, Brian Mullally, Toza Crnilovic, Ryan Thompson, Chris Fuss, Lou DiMasi, Matt Schmidt, Peter Catalano, Paul Mattucci, Ed Boudreau, Jon Bokelmann, Bob Jaggard, Vadim Beliaev, Marshall Lee, Kurtis McLean, Chris Petracco, Lynn Beedle, Michael Serba, Andrew Senesi, Phil Aucoin, Dominick Dawes, Mario Chinelli, John Grabie, Garett Winder, Randy Hevey, Mike Boudreau, and Aaron Lee. Everybody involved deserves much credit for this outstanding season.

Again, congratulations for a job well done and good luck next season.•

HONORING ELIZABETH NAMUSOKE KIZITO

• Mr. BUNNING. Mr. President, I have the honor of rising today to recognize Ms. Elizabeth Namusoke Kizito of Louisville, KY. Earlier this month, Ms. Kizito was named Woman Business Owner of the Year by the Louisville chapter of the National Association of Women Business Owners.

Ms. Kizito is being honored for demonstrating smart business practices that have led to the success of Kizito Cookies located in Louisville. Almost 20 years ago, Ms. Kizito began her entrepreneurial experience by selling cookies as a way to pay for her son's birthday present. Shortly thereafter, she had enough business to begin selling cookies from a street cart. Within a few years she traded her cart for a bakery on Bardstown Road. What sets Kizito Cookies apart from other businesses are Ms. Kizito's superior marketing skills. Dressed in traditional garb from her native country of Uganda, she sells cookies from a basket placed atop her head. Many Louisvillians affectionately refer to her as the "Cookie Lady."

Her African heritage plays a dominant part in her life and business. Born in Uganda during the 1950s, she moved to America to attend school. Unfortunately, civil unrest resulting in a civil war prevented her from returning to Uganda. She moved to Louisville in 1978 and began making cookies for coworkers, a skill she learned from her father who ran a bakery in Uganda. Each year she travels to her home country and even provides financial assistance to her relatives. Ms. Kizito continues honoring her roots by passing along to the people of Louisville a piece of her culture.

Ms. Kizito's hard work and dedication are inspiring. She has created a great deal from very little, and in the process made an entire community her friend. Please join me in congratulating Ms. Elizabeth Namusoke Kizito on this much deserved honor.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 20. Concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 620. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

H.R. 788. An act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

H.R. 961. An act to promote Department of Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 620. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park; to the Committee on Energy and Natural Resources.

H.R. 788. An act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Energy and Natural Resources.

H.R. 961. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

S. 721. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1727. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule exempting three Federal Bureau of Investigation (FBI) systems of records from subsection (e)(5) of the Privacy Act (5 U.S.C. 552a): National Crime Information Center (NCIC), FBI–001; Central Records System (CRS), FBI–002; and National Center for Analysis of Violent Crime (NCAVC), FBI–015 (Justice/FBI–001, FBI–002, FBI–015)" received on March 26, 2003; to the Committee on the Judiciary.

EC–1728. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clandestine Laboratory Seizure System (CLSS) Drug Enforcement Administration (DEA) –002 (Justice/DEA–002)" received on March 26, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns (Rept. No. 108–29).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. Cochran for the Committee on Agriculture, Nutrition, and Forestry.

*Vernon Bernard Parker, of Arizona, to be an Assistant Secretary of Agriculture.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. Fitzgerald):

S. 708. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building"; to the Committee on Governmental Affairs.

By Mr. LEAHY (for himself, Mr. Hatch, Mr. Lieberman, and Mr. Levin):

S. 710. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Graham of South Carolina, Mr. Chambliss, and Mr. Allen):

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; read the first time.

By Mr. McCAIN (for himself, Mr. Graham of South Carolina, Mr. Chambliss, and Mr. Allen):

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; read the first time.

By Mr. ALLEN:

S. 713. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. Smith):

S. 714. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM of South Carolina (for himself, Mr. McCain, and Mr. Chambliss):

S. 715. A bill to amend title 10, United States Code, to repeal the calendar year limitations on the use of commissary stores by certain reserves and others; to the Committee on Armed Services.

By Ms. LANDRIEU:

S. 716. A bill to amend the Federal Power Act to improve the electricity transmission system of the United States; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 717. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself, Mr. Allen, Mr. Graham of South Carolina, and Mr. Chambliss):

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; read the first time.

By Mr. GREGG:

S. 719. A bill to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. Frist, Mr. Breaux, and Mr. Gregg):

S. 720. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN (for himself, Mr. McCain, Mr. Chambliss, and Mr. Graham of South Carolina):

S. 721. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes; read the first time.

By Mr. DURBIN:

S. 722. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 723. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. Fitzgerald, Mr. Grassley, Mr. DeWine, Mr. Biden, Mr. Johnson, Ms. Landrieu, Mr. Bunning, Ms. Murkowski, Mr. Inhofe, Mrs. Murray, Mr. Specter, Mr. Wyden, and Mr. Craig):

S. Res. 98. A resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week"; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. Clinton, Mr. Frist, Mr. Daschle, Mr. Lott, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Graham of Florida, Mr. Graham of South Carolina, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Miller, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Voinovich, Mr. Warner, and Mr. Wyden):

S. Res. 99. A resolution relative to the death of Daniel Patrick Moynihan, former United States Senator for the State of New York; considered and agreed to.

By Mr. McCONNELL (for himself, Mr. Levin, Mr. Allen, Mr. Dayton, Mr. Bunning, Mr. Miller, Mr. Chambliss, Ms. Stabenow, Mr. Coleman, Mr. Durbin, Mr. DeWine, Mr. Voinovich, and Mr. Warner):

S. Res. 100. A resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution, and congratulating Ford Motor Company for its achievements; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. Biden):

S. Con. Res. 30. A concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United

States to the nations participating with the United States in the Coalition to Disarm Iraq; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 148

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 148, a bill to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 300

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 333

At the request of Mr. BREAUX, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 333, a bill to promote elder justice, and for other purposes.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 464

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 464, a bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 468, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay.

S. 470

At the request of Mr. SARBANES, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 544

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 598

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 598, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Delaware (Mr. CARPER), the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S.J. RES. 4

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S.J. Res. 4, resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 15

At the request of Mr. ALLEN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 27

At the request of Mr. BOND, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 27, a concurrent resolution urging the President to request the United States International Trade Commission to take certain actions with respect to the temporary safeguards on imports of certain steel products, and for other purposes.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 58

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS), the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 58, a resolution expressing the sense of the Senate that the President should designate the week beginning June 1, 2003, as "National Citizen Soldier Week".

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

AMENDMENT NO. 281

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 281

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 401

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 401 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 407

At the request of Ms. STABENOW, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 407 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 409

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 409 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 708. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building"; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, today I am introducing legislation to name the U.S. Post Office at 7401 W. 100th Place in Bridgeview, IL after Postal Police Officer Michael Healy.

On June 21, 1981, while guarding the Chicago Main Post Office at Harrison Avenue and Canal Street, Officer Healy's life was senselessly cut short by a random act of violence. Officer Healy was murdered by three assailants in a foiled robbery attempt. Sadly, Michael Healy became the first officer of the Postal Inspection Service to be killed while on duty.

Shortly after his murder, the Postal Inspection Service retired Michael's badge, number 3972. Subsequently, Michael's name was added to the Federal Law Enforcement Memorial in Washington, DC as well as the Law Enforcement Memorial in Springfield, IL.

In 2001, the Northern Illinois Division of the United States Inspection Service honored the 20th anniversary of Michael's death. The Fraternal Order of Police, FOP, has tried for two years to rename the local post office after Officer Healy.

In protecting others, Officer Healy made the ultimate sacrifice. I believe it is fitting to pay tribute to him by designating the postal facility in honor of Michael J. Healy. I think that it is the most appropriate way to recognize and remember a man who gave so much to his family, his friends, the Postal Inspection Service, and his community of Hometown, IL.

By Mrs. DOLE (for herself, Mr. ALEXANDER, Mr. ALLEN, Mr. BUNNING, Mr. CARPER, Mr. CHAMBLISS, Ms. COLLINS, Mr. CORNYN, Mr. DEWINE, Mr. GRASSLEY, Mr. HAGEL, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. NICKLES, Mr. SCHUMER, Ms. STABENOW, and Mr. WARNER):

S. 709. A bill to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. DOLE. Mr. President, I rise today to introduce legislation to award the Congressional Gold Medal to The Right Honorable Tony Charles Lynton Blair, Prime Minister of Great Britain, First Lord of the Treasury and Minister for the Civil Service.

For more than two centuries, Congress has expressed public gratitude on behalf of the Nation for the notable contributions of individuals and of groups through the Congressional Gold Medal. Congress created this honor as its highest expression of national appreciation for distinguished achievement and contributions.

Originally bestowed upon military leaders, the first Congressional Gold Medal was awarded to George Washington by the Continental Congress on March 25, 1776, for his heroic service in the Revolutionary War. In the two centuries since the medal was first awarded, Congressional Gold Medal recipients have transcended nationality, country and politics. In addition to modern military leaders including General Douglas MacArthur and General Colin Powell, this award has recognized the extraordinary character and efforts of such world leaders as Mother Teresa, Pope John Paul II, and Prime Minister

Winston Churchill, another British wartime leader.

In the year and a half since September 11, 2001, and particularly over the course of recent weeks, Prime Minister Blair has exhibited extraordinary courage in the war against terror. With steadfast and unwavering resolve, he has held firm to his principles without regard to, indeed in spite of, the shifting political winds. Again and again, he has been called on to demonstrate his recognition that tyrannical dictators cannot be allowed to terrorize their citizens and neighbors, or the world community.

In the process, Prime Minister Blair has proven to be one of the strongest and most distinguished allies of the United States in our efforts to rid the world of terrorists, and to bring to justice the corrupt regimes that support them. Great Britain has long been a trusted ally of our Nation; however, Prime Minister Blair has gone beyond friendship to demonstrate true leadership for his nation and for Europe.

In the 18th century, English philosopher Edmund Burke once said, "The only thing necessary for the triumph of evil is for good men to do nothing." How poignant and how true that remains today.

It is clear that Prime Minister Blair understands the truth in these words, and that true leaders often hold lonely positions when they forgo the political expedient to stand for what is right.

Last week, a British newspaper editorialized about Prime Minister Blair's lonely struggle. "Mr. Blair has not shrunk from debate," said The Independent, a newspaper that has frequently and loudly criticized the Prime Minister in the past. "He has taken the argument to all quarters of his restive party. He has allowed the Commons its say. And despite all the doubts about this war, Mr. Blair has shown himself in the past few days to be at once the most formidable politician in the country and the right national leader for these deeply uncertain times."

These are uncertain, but defining, times. America suffers with Great Britain during the struggles in Iraq. And we mourn together the loss of the brave individuals who dedicate their lives to defending freedom. The courage of the coalition forces in the theater, their skill and bravery on the front lines, the dedication and patriotism of their families at home, all extends back to their leaders.

Prime Minister Blair has had the vision to see that Saddam Hussein is a dangerous man who continues to pose a threat to the region's stability, to his own people, and to the world through his sponsorship of terror.

The liberation of Iraq will be the beginning, not the end, of our commitment to the people of Iraq. We will work together to supply humanitarian relief and strive for the long-term recovery of Iraq's economy.

In this effort to bring freedom to a nation of people who have thirsted for relief from terror, Prime Minister Blair has taken a courageous and principled stand before the world. The simple lesson learned, the lesson Prime Minister Blair personifies, is that evil must be checked.

History will be a kind judge of Tony Blair, for great leaders are remembered well when they stand by their convictions, especially when those stands are tested in the face of adversity, during times of conflict and strife. In such times of testing, we take the measure of our leaders, our institutions, and ourselves.

Prime Minister Blair's character has proven strong and he deserves nothing less than our highest accolades.

That is why I am proud and honored today to introduce legislation to award the Congressional Gold Medal to Prime Minister Blair, and to thank him, on the floor on this Chamber, for his steadfast stand against evil.

I encourage my colleagues to recognize Prime Minister Blair for the courage of his convictions by joining in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our 2 countries, that he is a staunch and steadfast ally of the United States of America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Prime Minister Tony Blair, in recognition of his outstanding and enduring contributions to maintaining the security of all freedom-loving nations.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. LIEBERMAN, and Mr. LEVIN):

S. 710. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

Mr. LEAHY. I am pleased today to introduce the Anti-Atrocity Alien Deportation Act of 2003, a bill intended to close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. Senator HATCH has joined me in offering this bill, along with Senators LIEBERMAN and LEVIN. In the other body, Representatives MARK FOLEY and GARY ACKERMAN today introduce identical legislation.

Our bill would update the charter of the Justice Department's Office of Special Investigations, OSI, which for years has investigated and has sought justice in the cases of Nazi war criminals who have sought refuge on our shores. It is time to renew the OSI charter to take into account the new generations of war criminals who try to escape justice by living among us.

This bill closely mirrors legislation I had offered that was reported unanimously by the Senate Judiciary Committee last year, and which passed the Senate during the 106th Congress. I hope and expect that, with the help of Senator HATCH and others, this bill will become law during this Congress.

As we introduce this bill, our armed forces are fighting to replace an Iraqi regime that has been marked by its utter disregard for the human rights of its people. We must not fight this war on the one hand, and let human rights abusers from around the world enter our Nation with impunity on the other.

When they learn it is so, the American people are appalled to learn that our country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A report issued last year by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here and warns that this number may be as high as 1,000. Meanwhile, an article in the New York Review of Books stated that "hundreds, if not thousands, of foreign nationals who have been plausibly accused of the most heinous human rights crimes, including torture and assassination, either have lived or still live freely in the U.S." [William Schulz, "The Torturers Among Us," New York Review, p. 22, April 25, 2002.]

I introduced a similar version of this bill on May 10, 2001, and the Judiciary Committee reported the bill with a Leahy-Hatch managers' amendment on April 18, 2002. Unfortunately, the bill was subject to an anonymous hold on the Senate floor.

I introduced similar legislation in the 106th Congress and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The legislation passed the Senate on November 5, 1999, as part of S. 1754, the Hatch-Leahy "Denying Safe Havens to International and War Criminals Act," but unfortunately it was not acted on by the House before the end of the 106th Congress. Nevertheless, Representatives FOLEY and ACKERMAN have provided consistent leadership in moving this legislation in the House, by introducing the measure in the 106th Congress as H.R. 2642 and H.R. 3058, in the 107th Congress, as H.R. 1449, and again today.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation.

For example, three Ethiopian refugees proved in an American court that Kelbessa Negewo, a former senior government official in the military dictatorship that ruled Ethiopia in the 1970s, engaged in numerous acts of torture and human rights abuses against them when they lived in that country. Negewo oversaw and participated in the torture of opposition political figures in Ethiopia, and then moved to the United States only to work at the same Atlanta hotel as one of his own victims. The court's descriptions of the abuse are chilling, and included whipping a naked woman with a wire for hours and threatening her with death in the presence of several men. The court's award of compensatory and punitive damages in the amount of $1.5 million to the plaintiffs was subsequently affirmed by an appellate court. [See Abebe-Jira v. Negewo, 72 F.3d 844 (11th Cir. 1996).] Yet during the pendency of his appeal of the civil verdict, the Immigration and Naturalization Service granted Negewo citizenship.

This situation is an affront both to the foreign victims of torture who fled here to escape their persecutors, and to the American victims of such torture and their families. As Professor William Aceves of California Western School of Law has noted, this case reveals "a glaring and troubling limitation in current immigration law and practice. This case is not unique. Other aliens who have committed gross human rights violations have also gained entry into the United States and been granted immigration relief." [20 Mich. J. Int'l L. at 657.]

Indeed, another case actually involves American victims. In 1980, four American churchwomen were raped and murdered by the Salvadoran National Guard. Two former Salvadoran government officials who allegedly covered up the murders currently reside in Florida.

Unfortunately, criminals who wielded machetes and guns against innocent civilians in countries like Haiti, Chile, Yugoslavia and Rwanda have been able to gain entry to the United States through the same doors that we have opened to deserving refugees. We need to lock that door to human rights abusers who seek a safe haven in the United States. To those human rights abusers who are already here, we should promptly show them the door out.

We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We waited too long after World War II to focus prosecutorial resources and attention on Nazi war criminals who entered this country on false pretenses, or worse, with the collusion of American intelligence agencies. Thousands of declassified CIA documents were made public last year, as a result of the Nazi War Crimes Disclosure Act that I was proud to help enact in 1998. These documents made clear the extent to which the United States relied upon and helped Nazi war criminals. As Eli M. Rosenbaum, the head of the Justice Department's Office of Special Investigations, noted at the time, "These files demonstrate that the real winners of the Cold War were Nazi criminals." We should not repeat that mistake for other aliens who engaged in human rights abuses before coming to the United States. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

When I first introduced this bill, the Rutland Daily Herald in Vermont editorialized that:

> For the U.S. commitment to human rights to mean anything, U.S. policies must be strong and consistent. It is not enough to denounce war crimes in Bosnia and Kosovo or elsewhere and then wink as the perpetrators of torture and mass murder slip across the border to find a home in America. (October 31, 1999)

The Clinton Administration recognized the deficiencies in our laws. One Clinton Administration witness testified in February 2000 that:

> The Department of Justice supports efforts to enhance our ability to remove individuals who have committed acts of torture abroad. The department also recognizes, however, that our current immigration laws do not provide strong enough bars for human rights abusers. . . . Right now, only three types of human rights abuse could prevent someone from entering or remaining in the United States. The types of prohibited conduct include: (1) genocide; (2) particularly severe violations of religious freedom; and (3) Nazi persecutions. Even these types of conduct are narrowly defined. [Hearing on H.R. 3058, "Anti-Atrocity Alien Deportation Act," before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Feb. 17, 2000 (Statement of James E. Costello, Associate Deputy Attorney General).]

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers and close loopholes in our current laws. The Immigration and Nationality Act (INA) currently provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, (ii) aliens who engaged in genocide, and (iii) aliens who committed particularly severe violations of religious freedom, are both inadmissable to the United States and removable. [See 8 U.S.C. §1182(a)(2)(G) & (3)(E) and §1227(a)(4)(D).] This bill would expand the grounds for inadmissibility and deportation to: (1) add new bars for aliens who have engaged in acts, outside the United States, of "torture" and "extrajudicial killing," and (2) remove limitations on the current bases for "genocide" and "particularly severe violations of religious freedom."

The definitions for the new bases of "torture" and "extrajudicial killing" are derived from the Torture Victim Protection Act, which implemented the United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." These definitions are therefore already sanctioned by the Congress. The bill incorporates the definition of "torture" codified in the federal criminal code, 18 U.S.C. §2340, which prohibits:

> an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control." [18 U.S.C. §2340(1).]

"Severe mental pain or suffering" is further defined to mean:

> prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application

> of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. [18 U.S.C. §2340(2).]

The Torture Victim Protection Act also included a definition for "extrajudicial killing." Specifically, this law establishes civil liability for wrongful death against any person "who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing," which is defined to mean "a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. This term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation."

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have "engaged in genocide" defines that term by reference to the "genocide" definition in the Convention on the Prevention and Punishment of the Crime of Genocide. [8 U.S.C. 1182(a)(3)(E)(ii).] For clarity and consistency, the bill would substitute instead the definition in the federal criminal code, 18 U.S.C. §1091(a), which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who "engaged in genocide," as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed "particularly severe violations of religious freedom," as defined in the International Religious Freedom Act of 1998 (IRFA), limits its application to foreign government officials who engaged in such conduct within the last 24 months, and also bars from admission the individual's spouse and children, if any. This bill would delete the reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world. As Professor Aceves has written:

> This provision is unduly restrictive . . . The 24-month time limitation for this prohibition is also unnecessary. A perpetrator of human rights atrocities should not be able to seek absolution by merely waiting two years after the commission of these acts. [William J. Aceves, supra, 20 Mich. J. Int'l L., at 683.]

In addition, the bill would remove the current bar to admission for the spouse or children of a violator of religious freedom. This is a serious sanction that should not apply to individuals because of familial relationships that are beyond their control. The purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Under current law, most aliens who are inadmissible may receive a waiver under section 212(d)(3) of the INA to enter the nation as a nonimmigrant, where the Secretary of State recommends it and the Attorney General approves. Participants in Nazi persecutions or genocide, however, are not eligible for such a waiver. Our bill retains that provision. It does not, however, ban waivers for those who commit acts of torture or extrajudicial killings. I would hope that such waivers are used sparingly and only under the most compelling of circumstances.

Of course, changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement. As one expert noted:

> [s]trong institutional mechanisms must be established to implement this proposed legislation. At present, there does not appear to be any agency within the Department of Justice with the specific mandate of identifying, investigating and prosecuting modern day perpetrators of human rights atrocities. The importance of establishing a separate agency for this function can be seen in the experiences of the Office of Special Investigations. 20 Mich. J. Int'l L., at 689.

Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department's specialized unit, OSI, which was created to hunt down, prosecute and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since OSI was created in 1979, more than 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI was created almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Specifically, when Attorney General Civiletti, by a 1979 Attorney General order, established OSI within the Criminal Division of the Department of Justice, that office was directed to conduct all "investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion." (Attorney Gen. Order No. 851-79). The OSI's mission continues to be limited by that Attorney General Order.

I believe it is time to reward the tremendous work that OSI has done by expanding its mission to ensure effective enforcement against war criminals of all stripes.

Little is being done about the new generation of international human rights abusers and war criminals living among us, and these delays are costly. As any prosecutor knows instinctively, such delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement, and should never come to believe that they will find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would amend the INA, 8 U.S.C. § 1103, by directing the Attorney General to establish an Office of Special Investigations (OSI) within the Department of Justice with authorization to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. Not only would the bill provide statutory authorization for OSI, it would also expand its jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad not just Nazis.

The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and would best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

These are the sound policy and practical reasons that experts in this area recommend that the United States "establish an office in the Justice Department similar to the one that has tracked Nazi war criminals, with an exclusive mandate to carry out the task of investigation [of suspected human rights abusers]." [William Schulz, supra, at p. 24.]

I appreciate that this part of the legislation has in the past proven controversial within the Department of Justice, but others have concurred in my judgment that the OSI is an appropriate component of the Department to address the new responsibilities proposed in this bill. Professor Aceves, who has studied these matters extensively, has concluded that the OSI's "methodology for pursuing Nazi war criminals can be applied with equal rigor to other perpetrators of human rights violations. As the number of Nazi war criminals inevitably declines, the OSI can begin to enforce U.S. immigration laws against perpetrators of genocide and other gross violations of human rights." 20 Mich. J. Int'l. 657.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission instead, additional resources are authorized in the bill to cover the costs of the Office's expanded duties.

Significantly, the bill further directs the Attorney General, in determining what action to take against a human rights abuser seeking entry into or found within the United States, to consider whether a prosecution should be brought under U.S. law or whether the alien should be deported to a country willing to undertake such a prosecution. Despite ratifying the Convention Against Torture in 1994 and adopting a new law making torture anywhere in the world a crime, federal law enforcement has not used this authority. In fact, one recent observer noted that "the U.S. has never prosecuted a suspected torturer; nor has it ever extradited one under the Convention Against Torture, although it has surrendered one person to the International Criminal Tribunal for Rwanda." [William Schulz, supra, at p. 23–24.]

As one human rights expert has noted:

> "The justifiable outrage felt by many when it is discovered that serious human rights abusers have found their way into the United States may lead well-meaning people to call for their immediate expulsion. Such individuals certainly should not be enjoying the good life America has to offer. But when we ask the question 'where should they be?' the answer is clear: they should be in the dock. That is the essence of accountability, and it should be the central goal of any scheme to penalize human rights abusers." [Hearing on H.R. 5238, "Serious Human Rights Abusers Accountability Act," before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Sept. 28, 2000 (Statement of Elisa Massimino, Director, Washington Office, Lawyers Committee For Human Rights).]

Finally, the bill directs the Attorney General to report to the Judiciary Committees of the Senate and House on implementation of the new requirements in the bill, including procedures for referral of matters to the OSI, any revisions made to immigration forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

I urge my colleagues in the Senate again to give their approval to this bill, and for the House to help us finally make it law. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Atrocity Alien Deportation Act of 2003".

SEC. 2. INADMISSIBILITY AND DEPORTABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking "has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible" and inserting "ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible";

(2) by adding at the end the following:

"(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

"(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

"(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

is inadmissible."; and

(3) in the subparagraph heading, by striking "PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE" and inserting "PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(b) DEPORTABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)"; and

(2) in the subparagraph heading, by striking "ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE" and inserting "PARTICIPATED IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 3. INADMISSIBILITY AND DEPORTABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) GROUND OF INADMISSIBILITY.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

"(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.".

(b) GROUND OF DEPORTABILITY.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable.".

SEC. 4. WAIVER OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) in subparagraph (A), by striking "and 3(E)" and inserting "and clauses (i) and (ii) of paragraph (3)(E)"; and

(2) in subparagraph (B), by striking "and 3(E)" and inserting "and clauses (i) and (ii) of paragraph (3)(E)".

SEC. 5. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting "; and"; and

(2) by adding at the end the following:

"(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).".

SEC. 6. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(h)(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 212(a)(3)(E).

"(2) The Attorney General shall consult with the Secretary of the Department of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 212(a)(3)(E).

"(3) In determining the appropriate legal action to take against an alien described in section 212(a)(3)(E), consideration shall be given to—

"(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

"(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(h) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 7. REPORT ON IMPLEMENTATION OF THE ACT.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security, shall submit to the Committees on the Judiciary of the Senate and the

House of Representatives a report on implementation of this Act that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this Act;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this Act; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this Act.

By Mr. McCAIN (for himself, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. ALLEN):

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; read the first time.

By Mr. McCAIN (for himself, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. ALLEN):

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; read the first time.

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Payment to Mobilized Members.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty, notwithstanding the service of the member on active duty pursuant to such call or order to active duty.".

S. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) Surviving Spouse Annuity.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

"(1) Surviving spouse annuity.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a person who is eligible to provide a reserve-component annuity and who dies—

"(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

"(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

"(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in line of duty during inactive-duty training.".

(b) Conforming Amendment.—The heading for subsection (f) of section 1448 of such title is amended by inserting "or Before" after "Dying When".

(c) Effective Date.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 714. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise today, with my friend and colleague Senator SMITH of Oregon, to introduce legislation to improve the management of and recreational access to the Oregon Dunes National Recreation Area in Douglas County, OR.

For the small, rural, coastal community of Winchester Bay in Douglas County, OR, this piece of legislation is critical. Hit first in the early 90's with a steep downturn in the timber economy, closely followed by a near shutdown of the fishing industry, this community found itself on the brink of economic ruin. The final blow came in March of 2000 when the major employer, International Paper, closed its paper mill, putting 300 residents out of work and sending an economic shockwave through the community that impacted the city, the school district, the hospital district, and literally every resident in the area.

Yet, since that time, Winchester Bay, OR has adopted a "never give up" attitude, changed its long term outlook, and focused its efforts on developing a thriving tourist industry. The bill I introduce today directs the Secretary of the Interior to convey approximately 68.5 acres from the Bureau of Land Management, BLM, in Douglas County, OR, to Douglas County to be managed for open space and for recreational purposes. The acreage is located just west of tourist and recreational area developments already owned and run by Douglas County. The County will use the land to provide a staging area for off-highway vehicles, thereby improving management of the Oregon Dunes National Recreation Area. The land transfer also facilitates the policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas. This land transfer will improve tourism on Oregon's economically challenged South Coast, as well as improve public safety and reduce traffic congestion along Salmon Harbor Drive.

This legislation is supported by the entire Oregon delegation. It is also supported by the BLM, Douglas County Commissioners, and the community of Winchester Bay. An identical bill was introduced in the last Congress by Representative DEFAZIO, though the 107th Congress ended before both houses could pass it. Representative DEFAZIO reintroduced this land transfer legislation in the 108th Congress, H.R. 514, in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND IN DOUGLAS COUNTY, OREGON.

(a) In General.—

(1) Conveyance.—The Secretary of the Interior shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to the parcel described in paragraph (2) for use by the County for recreational purposes.

(2) Parcel.—The parcel referred to in paragraph (1) is the parcel of real property consisting of approximately 68.8 acres under the administrative jurisdiction of the Bureau of Land Management in the County, as depicted on the map entitled "Umpqua River Lighthouse and Coast Guard Museum Master Plan Study", dated April 17, 2002.

(b) Purposes of Conveyance.—The purposes of the conveyance under subsection (a) are to improve management of and recreational access to the Oregon Dunes National Recreation Area by—

(1) improving public safety and reducing traffic congestion along Salmon Harbor Drive (County Road No. 251) in the County;

(2) providing a staging area for off-highway vehicles; and

(3) facilitating policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas.

(c) Reversionary Interest.—

(1) In general.—If the Secretary determines that the parcel conveyed under subsection (a) is not being used by the County for a recreational purpose—

(A) all right, title, and interest in and to the parcel, including any improvements on the parcel, shall revert to the United States; and

(B) the United States shall have the right of immediate entry onto the parcel.

(2) Determination on the record.—Any determination of the Secretary under this

subsection shall be made on the record after an opportunity for an agency hearing.

(d) SURVEY.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey—

(1) that is satisfactory to the Secretary; and

(2) the cost of which shall be paid by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

By Mr. GRAHAM of South Carolina (for himself, Mr. MCCAIN, and Mr. CHAMBLISS):

S. 715. A bill to amend title 10, United States Code, to repeal the calendar year limitations on the use of commissary stores by certain reserves and others; to the Committee on Armed Services.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CALENDAR YEAR LIMITATIONS ON USE OF COMMISSARY STORES BY CERTAIN RESERVES AND OTHERS.

(a) MEMBERS OF THE READY RESERVE.—Section 1063(a) of title 10, United States Code, is amended by striking the period at the end of the first sentence and all that follows and inserting "in that calendar year.".

(b) CERTAIN OTHER PERSONS.—Section 1064 of such title is amended by striking "for 24 days each calendar year".

By Ms. LANDRIEU:

S. 716. A bill to amend the Federal Power Act to improve the electricity transmission system of the United States; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I introduce the "Federal Power Act Amendment of 2003." This bill is intended to ensure for the future the two things that matter most to all electricity customers: affordable electricity and reliable electricity.

Electricity users, my constituents and your constituents, wake up in the morning, flip a switch and expect their lights to turn on. They also expect that each month when their electricity bill arrives in the mail that they'll pay a reasonable price for that service. Customers don't care where the electrons come from or what new scheme the Federal Energy Regulatory Commission has in mind for the electricity industry or really much of anything else. And frankly, as a representative of nearly four and a half million people in my home State of Louisiana, affordable and reliable electricity are my primary concerns when it comes to electricity policy, and that is the purpose for which I offer legislation today.

Electricity prices in Louisiana, and throughout the Southeast for that matter, are some of the lowest in the nation. According to the North American Electric Reliability Council's most recent reliability assessment report, the Southeast region is expected to enjoy, at least for the near term, "adequate delivery capacity to support forecast demand and energy requirements under normal and contingency conditions." In other words, electricity customers in the Southeast should expect to continue to enjoy reliable electric service over the short run. My concern, however, is about the future of retail electricity service in my State.

There are several specific areas of concern that I have and that I attempt to address in the legislation being offered today.

First, the current balance between State and Federal jurisdiction, which has worked exceedingly well in my home State to provide low-cost and reliable electric service, is in jeopardy. Retail transactions, regulated by State public utility commissions, have historically comprised 90 percent of most utilities' transactions and continue to do so in a majority of States that have not restructured their electricity markets. In fact, there is not a single State in the Southeast with the exception of Virginia that has authorized retail competition. Yet, customers in our region of the country enjoy some of the lowest priced electricity service.

The Federal Energy Regulatory Commission or FERC, however, has issued a proposed rule that would strip States of much of their current jurisdiction over retail electric service, including the transmission component of bundled retail sales. In so doing, FERC would dramatically impair the ability of States to use retail ratemaking to attain local policy goals and to continue to ensure low costs for retail customers. It would also prohibit States from ensuring that retail customers are given a priority for electricity service. As a result, in the event that supplies are tight, retail customers could lose the right to priority service.

FERC's proposed plan is a one-size-fits-all scheme on the entire country based on a model that closely resembles the one in place in New Jersey, much of Pennsylvania and Maryland. This model may work well in the Northeast, but it has never been tested or proven viable in any other part of the country. In fact, in a study performed by the consulting firm, Charles River Associates, it was concluded that there is "considerable uncertainty as to whether [the FERC's proposed plan] would provide greater benefits to the southeast than the implementation costs." In Louisiana, and I'm sure in many other States throughout the Southeast and across the country, customers are happy with their electric service. So I ask, what's wrong with the current jurisdictional division between the State and Federal government? If a State or region wants to adopt a new approach, they should be free to do so. But we should not allow a Federal agency to make fundamental policy decisions that are best left to State officials who are accountable to local interests. We know what happened out West when California regulators attempted to institute a sweeping, new plan for its electricity markets. I hope to avoid importing those problems into Louisiana.

To address this jurisdictional concern, Section 2 of my bill would clarify the Federal-State arrangement under the Federal Power Act by explicitly stating that States shall have jurisdiction over the retail sale of electric energy, including all component parts of a bundled retail sale. In addition, Section 7 would enable States to continue to allow utilities to reserve transmission capacity for retail customers. This is current law and the current practice in a large number of States, including States with some of the lowest average retail rates and the best history of reliability. As contemplated by Congress when the Federal Power Act was enacted, FERC will retain jurisdiction over the wholesale sales of electric energy and States will retain jurisdiction over retail.

My second concern for retail customers is the potential for increased rates caused by the costs of accommodating the "merchant generation" that, over the past several years, have been seeking to connect to the electric grid in the Southeast. Though new generation is important to wholesale competition, it is a strain on the transmission system. To accommodate the new generation, new transmission facilities and upgrades to existing facilities are needed. However, customers in Louisiana would be forced to pay for the facilities needed to accommodate the merchant generators, even though most of their customers are out-of-region customers. State regulatory commissioners, understandably, are reluctant to pass transmission construction and upgrade costs off to local customers who are not benefitting from the electricity. Meanwhile energy dependent regions of the country are denied cheap and reliable electricity.

A reason they choose to site in Louisiana is because we are blessed with abundant reserves of natural gas—the currently favored fuel source for electric generation. Merchant generators are siting their facilities to gain access to these resources as cheaply as possible, and then are delivering electricity to regions where they can sell electricity at a higher cost. If enough transmission is built to export just a portion of the new generation that is planned to come on-line in Louisiana—10,000 megawatts—the estimated cost would impose a retail rate increase of 5 to 11 percent.

Surely, there must be a more equitable way to allocate cost while simultaneously enhancing our transmission capacity. It is not fair to expect customers in energy generating States to keep paying for transmission expansion when this increased transmission is primarily being developed for out-of-region use. In Sections 3 and 4 of this bill, I have attempted to provide a more equitable system. Section 3 would allow for "voluntary participant-funding" in which a regional transmission organization may choose to establish a system in which market participants pay for expansions to the transmission network in return for the transmission rights created by the expansion investment. This approach gives proper economic incentives for new generator location and transmission expansion decisions.

Similarly, Section 4 of my bill would require the FERC to initiate a proceeding to establish rules for interconnecting new generation to transmission facilities. As in Section 3, any costs made necessary by the interconnecting generator would be funded by the generator, or cost-causer, in return for a right to use such facilities funded by the investment.

The third problem that I see is the lack of new investment in transmission facilities. FERC noted in its Electric Transmission Constraint study that transmission congestion costs retail customers across the country millions of dollars every year. Over the past 10 years, demand for electricity has increased by 17 percent while transmission investment during the same period has continuously declined about 45 percent.

What is even more troubling is that current demand for electricity is projected to increase by 25 percent over the next 10 years with only a modest increase in transmission capacity. In the short term, this lack of transmission investment and the corresponding lack of transmission capacity, adversely affects the ability of retail customers to realize the benefits of wholesale competition. Over the long term, and if this trend continues, the reliability of the bulk power system could be compromised. In the summer of 2000, transmission constraints limited the ability to sell low-cost power from the Midwest to the South during a period of peak demand, causing higher costs for customers. In the summer of 2001 during the California electricity crisis, transmission constraints along the Path 15 transmission route were a significant cause of the blackouts experienced by customers in the northern parts of that State.

To help spur this needed investment in the transmission sector, Section 5 of the legislation would provide further guidance to FERC in establishing transmission rates in two ways. First, Section 5 would amend Section 205 of the Federal Power Act to clarify that the cost causer is responsible for paying the costs of new transmission investment and that all users of the transmission facilities are required to pay an equitable share of the costs such facilities. These provisions will help ensure that users of the transmission system have proper economic price signals and encourage investment where it is needed most. Second, Section 5 would add a new section to the Federal Power Act, Section 215, that would require the FERC to initiate a rulemaking to establish transmission pricing policies and standards to promote investment in transmission facilities. Although the Commission may have sufficient authority under current law to initiate such policies, our Nation's transmission system has been neglected too long and I believe that the FERC could benefit from more specific guidance from Congress.

Finally, customers are not realizing all of the potential benefits of wholesale electricity markets because of its balkanization. The likely result is higher electricity prices. In different parts of the country, electric utilities are in various stages of joining together to form large regional markets, or in the terms used by FERC—regional transmission organizations. In addition, public power entities, including municipal utilities, cooperatives, and federal and State power marketing associations have been willing or resisting, to varying degrees, to contribute to the efforts to establish regional markets. Exacerbating this problem is the underlying fact that FERC does not have the same jurisdiction over public power utilities as it does over electric utilities.

Properly functioning regional markets for electricity can bring about significant benefits to customers in all parts of the country. More competitive wholesale generation, for example, will allow retail sellers greater opportunities to purchase generation from independent power producers. Improperly functioning markets, or one-size-fits all proposals that do not take into consideration regional differences, can be devastating. Current law and policy at FERC has been insufficient in achieving the proper balance between the need for robust regional markets, the reality of regional differences and the legitimate efforts of utilities.

Therefore, in Section 6 of the bill, the FERC would be required to convene regional discussions with State regulatory commissions to consider the development and progress of regional transmission organizations. It would further provide for specific topics of discussion between FERC and the States including the need for regional organizations, the planning process for facilities, the protection of retail customers, and the establishment of proper price signals to ensure the efficient expansion of the transmission grid. Section 6 would also help reduce the balkanization of the electric grid by authorizing the federal utilities such as the Tennessee Valley Authority and the Bonneville Power Administration to join regional transmission organizations. Also, in an attempt to help expand wholesale markets, Section 8 would provide for FERC to require that public power entities provide a limited form of access to their transmission facilities. This provision would give wholesale generators increased access to markets and ensure that competitors pay only the fair and reasonable price to use the transmission grid owned by public power.

In conclusion, I ask my colleagues to support this legislation and consider its affect on retail electricity customers in their States. Affordable and reliable electricity should be our objective for all customers, in all parts of the country.

By Ms. SNOWE:

S. 717. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to enhance the safety of large passenger vans, which are highly susceptible to rollovers and have been associated with more than 500 fatalities since 1990.

It was under the most tragic circumstances that this issue came to my State's attention last year. On September 12th, 2002, 14 migrant forestry workers were killed when their 15-passenger van rolled off a bridge over the Allagash Wilderness Waterway in northern Maine. The sole survivor of this catastrophe escaped when he kicked out the rear window of the sinking van in what was the single worst motor vehicle accident in Maine's history.

I quickly learned that this was the latest in a long line of deadly crashes involving the popular vans, which were initially designed to carry cargo rather than passengers and are highly prone to rollovers, especially when fully loaded. There are more than 500,000 of these vans on the road today, and they are frequently used for a wide variety of purposes, from van pools and church outings, to transportation to and from airports, to transporting college athletics teams or workers.

In response to the spate of fatal accidents involving the vans in the past few years, the National Highway Traffic Safety Administration, NHTSA, conducted a study in 2001 to analyze the vans' propensity to rollover. In May 2001, after concluding the study, NHTSA issued a national warning to users of such vehicles that they have an increased risk of rollovers under certain conditions. They issued a similar warning in April 2002. The results of the NHTSA study are dramatic, finding that rollover risks rise sharply as the number of van occupants increases. With 10 or more occupants, the rollover rate is nearly three times the rate of vans that are lightly loaded. And with more than 15 occupants, the risk of a rollover is almost six times greater than if the van only has five occupants.

Following up on NHTSA's work, and as the deadly march of van accidents continued, last year both the National Transportation Safety Board, NTSB, and the consumer advocacy group Public Citizen issued a number of safety recommendations on the issue. Given the increasing use of 15-passenger vans in transporting larger groups, I believe it is time to move beyond warnings and for Congress to take action to address the safety of these vans.

The bill I am introducing today would require NHTSA to include 15-passenger vans in their dynamic rollover testing program. While NHTSA is currently developing this program, as mandated by The Transportation Recall Enhancement, Accountability, and Documentation, TREAD, Act of 2000, it does not include 15-passenger vans. Given the demonstrated propensity of these vans to roll, and the deadly effects of a rollover in fully loaded passenger vans, it is vital that we subject them to the same safety standards that NHTSA plans to apply to passenger cars and sport utility vehicles, SUVs.

My bill would also require NHTSA to include 15-passenger vans in their New Car Assessment Program, NCAP, rollover resistance ratings, and to test them at various load conditions. The NCAP, which provides consumers with a measure of the relative safety potential of vehicles in frontal crashes, was expanded recently to include the rollover risk of passenger cars and light trucks. However, the expansion does not extend to vehicles that carry more than 10 passengers. I believe that before churches or colleges or employers purchase one of these vans, they should have access to NCAP information about their rollover propensity relative to other vehicles.

In addition, the bill requires NHTSA to work with van manufacturers to evaluate and test the potential of technological systems to help drivers in maintaining control of the vans. Specifically, NHTSA would look at electronic stability control, ESC, systems that some high-end SUVs are already equipped with and rear-view mirror-based rollover warning systems. ESC systems are computer-controlled systems that attempt to stabilize the vehicle by monitoring a vehicle's movement and the direction the driver is steering. I am also aware of rollover warning systems under development, attachable to the rear-view mirror, that will warn a driver if his speed or driving maneuvers risk a rollover. In short, technology can help us to greatly reduce the tendency of these vans to roll, and in the process save lives.

These vans are also in widespread use for commercial purposes like airport shuttles and vanpools. Therefore, my legislation would require the Federal Motor Carrier Safety Administration, FMCSA, to finish their rulemaking on the application of federal motor carrier safety regulations to 15 passenger vans used for commercial purposes. Both the Transportation Equity Act for the 21st Century, TEA–21, and the Motor Carrier Safety Improvement Act of 1999 directed FMCSA to promulgate regulations on the commercial use of the vans. While they initiated rulemaking in 1999, to date, FMCSA applies no operating regulations whatsoever to these vans.

Finally, this bill addresses the use of 15-passenger vans to transport schoolchildren. Under current law, schools are prohibited from purchasing these vans new to transport schoolchildren because they do not meet the same safety standards as schoolbuses do. However, counter-intuitively, Federal law is silent about the purchase of used vans, or the use of rental vans.

My bill addresses this loophole by incorporating language introduced during the 107th Congress by Representative MARK UDALL of Colorado to extend the ban from the sale of vans to leasing, renting and buying of vans. This is intended to make the buyers accountable as well as the seller. At a recent Senate Commerce Committee hearing, I asked NHTSA Administrator Jeffrey Runge about this disparity in current law, and he agreed that when we're talking about transporting schoolchildren, what's good for new vans should be good for used and rented vans.

Also, to make it worth NHTSA's while to pursue violators, my bill would raise the maximum penalty for violations of the prohibition on the sale or rental of these vans to schools from $5,000 to $25,000.

I truly believe that this legislation will cut down on the number of fatal accidents involving 15-passenger vans by subjecting them to federal rollover standards, providing consumers with adequate safety information and making sure that our schoolchildren are driven to school in safe vehicles. I urge my colleagues to join me in a strong show of support for this effort.

By Mr. McCAIN (for himself, Mr. ALLEN, Mr. GRAHAM of South Carolina, and Mr. CHAMBLISS):

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; read the first time.

Mr. McCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Troops Phone Home Free Act of 2003".

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the members.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources and without compromising the Department's military objectives and mission.

By Mr. ALLEN (for himself, Mr. MCCAIN, Mr. CHAMBLISS, and Mr. GRAHAM of South Carolina):

S. 721. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes; read the first time.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INCOME TAX EXCLUSION FOR COMBAT ZONE SERVICE.

(a) COMBAT ZONE SERVICE TO INCLUDE TRANSIT TO ZONE.—Section 112(c)(3) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new sentence: "Such service shall include any period of direct transit to the combat zone.".

(b) REMOVAL OF LIMITATION ON EXCLUSION FOR COMMISSIONED OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 112(a) of such Code is amended—

(i) by striking "below the grade of commissioned officer", and

(ii) by striking "ENLISTED PERSONNEL" in the heading and inserting "IN GENERAL".

(B) Section 112(c) of such Code is amended by striking paragraphs (1) and (5) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

SEC. 2. AVAILABILITY OF CERTAIN TAX BENEFITS FOR MEMBERS OF THE ARMED FORCES PERFORMING SERVICES AT GUANTANAMO BAY NAVAL STATION, CUBA, AND IN THE HORN OF AFRICA.

(a) GENERAL RULE.—In the case of a member of the Armed Forces of the United States who is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger), for services performed at Guantanamo Bay Naval Station, Cuba, or in any country located in the region known as the Horn of Africa as part of Operation Enduring Freedom (or any successor operation), such member shall be treated in the same manner as if such services were in a combat zone (as determined under section 112 of the Internal Revenue Code of 1986) for purposes of the following provisions of such Code:

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid on or after such date of enactment.

By Mrs. BOXER:

S. 723. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, the Federal Energy Regulatory Commission, FERC, released documents substantiating evidence of market manipulation during the California electricity crisis.

At the same time, I am stunned that FERC took no action today on ordering the companies that cheated California to pay refunds. Nor did FERC order renegotiation of the long-term electricity contracts that were entered into when prices were artificially inflated. The documents released provide absolute and irrefutable evidence of market manipulation by power generators and wholesale traders during California's electricity crisis. I believe it is long past due to end the discussions and deliberations and time to start sending the refund checks.

FERC should use its authority to order full refunds and order them immediately. To make sure that happens, I am introducing legislation to guarantee that the people of California get back the money they are owed.

When the crisis first began in 2000, I introduced my first bill to order refunds. The bill that I am introducing today would require energy companies to pay full refunds in the minimum amount of $8.9 billion. In addition, my bill requires the FERC to order the renegotiation of long-term contracts.

I ask my colleagues to support this legislation. We must not let these companies get away with thievery.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK OF OCTOBER 12, 2003, THROUGH OCTOBER 18, 2003, AS "NATIONAL CYSTIC FIBROSIS AWARENESS WEEK"

Mr. CAMPBELL (for himself, Mr. FITZGERALD, Mr. GRASSLEY, Mr. DEWINE, Mr. BIDEN, Mr. JOHNSON, Ms. LANDRIEU, Mr. BUNNING, Ms. MURKOWSKI, Mr. INHOFE, Mrs. MURRAY, Mr. SPECTER, Mr. WYDEN, and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as "National Cystic Fibrosis Awareness Week"; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

(c) ADDITIONAL ACTION.—The Senate commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund-raising efforts for research, and increased levels of support for those with cystic fibrosis and their families.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution recognizing October 12, 2003, through October 18, 2003, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by thirteen of my colleagues who are original cosponsors of the bill. We are hopeful that greater awareness of cystic fibrosis (CF) will lead to a cure.

The resolution is similar to one which I introduced in the 107th Congress, S. Res. 270, which was agreed to by unanimous consent on October 3, 2002. Since then, I have received input from the National Cystic Fibrosis Foundation (CFF) and the National Cystic Fibrosis Awareness Committee (NCFAC) and have updated the information accordingly. Cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure. It affects approximately 30,000 children and adults in the United States. As recently as 25 years ago, most children born with cystic fibrosis died in early childhood and few survived to their teenage years. Today, most can expect to live past 30. The difference stems from productive research which has led to an understanding of the way cystic fibrosis causes life-threatening damage and to the development of preventive techniques and treatments.

While there is no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. My home state of Colorado was one of the first states to require CF screening for newborns. Happily, more states are now performing this simple test.

And, since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. I am proud that Colorado is home to the University of Colorado Health Sciences Center, including the Children's Hospital, the National Jewish Medical and Research Center and the Anschutz Centers for Advanced Medicine, all of which are actively involved in CF research and care. The Children's Hospital is one of fourteen innovative Therapeutics Development Centers nationwide performing cutting edge clinical research to develop new treatments for CF.

Currently, the CF Foundation oversees more than 27 potential CF products in its drug development pipeline, including dozens in clinical trials. In addition, small pilot trials and large clinical studies are carried out in the 119 CF Foundation-accredited care centers across the United States. Organizations such as the Cystic Fibrosis Research, Inc. also sponsor studies for treatment of the disease. Efforts such as these throughout the nation are providing a greater quality of life for those who have CF. We applaud these efforts.

While I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. I believe we can increase the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding of the disease in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those who have CF and their families.

Therefore, I urge my colleagues to act on this resolution so we can move another step closer to eradicating this disease.

Thank you, Mr. President. I yield the floor.

SENATE RESOLUTION 99—RELATIVE TO THE DEATH OF DANIEL PATRICK MOYNIHAN, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW YORK

Mr. SCHUMER (for himself, Mrs. Clinton, Mr. Frist, Mr. Daschle, Mr. Lott, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Graham of Florida, Mr. Graham of South Carolina, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Miller, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Voinovich, Mr. Warner, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 99

Whereas Daniel Patrick Moynihan served in the United States Navy from 1944 to 1947;

Whereas Daniel Patrick Moynihan held cabinet or sub-cabinet positions under Presidents John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford from 1961 to 1976;

Whereas Daniel Patrick Moynihan served as Ambassador to India from 1973 to 1975;

Whereas Daniel Patrick Moynihan served as the United States Permanent Representative to the United Nations from 1975 to 1976;

Whereas Daniel Patrick Moynihan served the people of New York with distinction for 24 years in the United States Senate; and

Whereas Daniel Patrick Moynihan was the author of countless books and scholarly articles which contributed enormously to the intellectual vigor of the nation: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Daniel Patrick Moynihan, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Daniel Patrick Moynihan.

SENATE RESOLUTION 100—RECOGNIZING THE 100TH ANNIVERSARY YEAR OF THE FOUNDING OF THE FORD MOTOR COMPANY, WHICH HAS BEEN A SIGNIFICANT PART OF THE SOCIAL, ECONOMIC, AND CULTURAL HERITAGE OF THE UNITED STATES AND MANY OTHER NATIONS, AND A REVOLUTIONARY INDUSTRIAL AND GLOBAL INSTITUTION, AND CONGRATULATING FORD MOTOR COMPANY FOR ITS ACHIEVEMENTS

Mr. McCONNELL (for himself, Mr. Levin, Mr. Allen, Mr. Dayton, Mr. Bunning, Mr. Miller, Mr. Chambliss, Ms. Stabenow, Mr. Coleman, Mr. Durbin, Mr. DeWine, Mr. Voinovich, and Mr. Warner) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 100

Whereas on June 16, 1903, then 39 year-old Henry Ford and 11 associates, armed with little cash, some tools, a few blueprints, and unbounded faith, launched the Ford Motor Company by submitting incorporation papers in Lansing, Michigan;

Whereas the Ford Motor Company began operations in a leased, small converted wagon factory on a spur of the Michigan Central Railroad in Detroit;

Whereas the first commercial automobile emerged from the Ford Motor Company in 1903 and was the original 8-horsepower, 2-cylinder Model A vehicle, which was advertised as the "Fordmobile" and had a 2-speed transmission, 28-inch wheels with wooden spokes, and 3-inch tires;

Whereas between 1903 and 1908, Henry Ford and his engineers developed numerous models named after the letters of the alphabet, with some of the models being only experimental and not available to the public;

Whereas on October 1, 1908, the Ford Motor Company introduced its "universal car", the Model T (sometimes affectionately called the "Tin Lizzie"), which could be reconfigured by buyers to move cattle, haul freight, herd horses, and even mow lawns, and Ford produced 10,660 Model T vehicles its first model year, an industry record;

Whereas the Ford Motor Company inaugurated the first automotive integrated moving assembly line in 1913, changing the old manner of building 1 car at a time through moving the work to the worker by having parts, components, and assemblers stationed at different intervals, and beginning a new era of industrial progress and growth;

Whereas Henry Ford surprised the world in 1914 by setting Ford's minimum wage at $5.00 for an 8-hour day, which replaced the prior $2.34 wage for a 9-hour day and was a truly great social revolution for its time;

Whereas, also in 1914, Henry Ford, with an eye to simplicity, efficiency, and affordability, ordered that the Model T use black paint exclusively because it dried faster than other colors, allowing cars to be built daily at a lower cost, and Ford said the vehicle will be offered in "any color so long as it is black";

Whereas, Ford's self-contained Rouge manufacturing complex on the Rouge River, completed in 1925, encompassed diverse industries, including suppliers, that allowed for the complete production of vehicles from raw materials processing to final assembly, was an icon of the 20th century, and, with its current revitalization and redevelopment, will remain an icon in the 21st century;

Whereas, in 1925, the company built the first of 196 Ford Tri-Motor airplanes, nicknamed the "Tin Goose" and the "Model T of the Air";

Whereas consumer demand for more luxury and power pushed aside the current model, and, on March 9, 1932, a Ford vehicle with the pioneering Ford V-8 engine block cast in 1 piece rolled off the production line;

Whereas, while Ford offered only 2 models through 1937 (Ford and Lincoln), due to increased competition, in 1938 Ford introduced the first Mercury, a car with a distinctive streamlined body style, a V-8 engine with more horsepower than a Ford, and hydraulic brakes, thus filling the void between the low-priced Ford and the high-priced Lincoln;

Whereas the United Automobile Workers (UAW), one of the largest labor unions in the Nation, was formed in 1935 and, after a rather tumultuous beginning, won acceptance by the auto industry, becoming a potent and forceful leader for auto workers with Ford, which built a strong relationship with the union through its policies and programs;

Whereas, by government decree, all civilian auto production in the United States ceased on February 10, 1942, and Ford, under the control of the War Production Board, produced an extensive array of tanks, B-24 aircraft, armored cars, amphibious craft, gliders, and other materials for the World War II war effort;

Whereas Ford dealers rallied to aid the Ford Motor Company in its postwar comeback, proving their merit as the public's main point of contact with the Company;

Whereas on September 21, 1945, Henry Ford II assumed the presidency of Ford, and on April 7, 1947, Ford's founder, Henry Ford passed away;

Whereas a revitalized Ford met the postwar economic boom with Ford's famed F-Series trucks making their debut in 1948 for commercial and personal use, and the debut of the 1949 Ford sedan, with the first major change in a Ford body since 1922, the first change in a chassis since 1932, and the first integration of body and fenders which would set the standard for auto design in the future;

Whereas these new models were followed by such well-known vehicles as Ford "woodies", the Mercury Turnpike Cruiser, the retractable hardtop convertible Ford Skyliner, the high performing Ford Thunderbird (introduced in 1955), the Ford Galaxy (introduced in 1959), and the biggest success story of the 1960s, the Ford Mustang, which has been a part of the American scene for almost 40 years;

Whereas, in 1953, President Dwight D. Eisenhower christened the new Ford Research and Engineering Center, which was a milestone in the company's dedication to automotive science and which houses some of the most modern facilities for automotive research;

Whereas Ford's innovation continued through the 1980s with the introduction of the Ford Taurus, which was named the 1986 Motor Trend Car of the Year and which resulted in a new commitment to quality at Ford and in future aerodynamic design trends in the industry;

Whereas Ford's innovation continued through the 1990s with the debut in 1993 of the Ford Mondeo, European Car of the Year, the redesigned 1994 Ford Mustang, and the introduction in 1990 of the Ford Explorer, which defined the sport utility vehicle (SUV) segment and remains the best selling SUV in the world;

Whereas, as the 21st century begins, Ford continues its marvelous record for fine products with the best-selling car in the world, the Ford Focus, and the best-selling truck in the world, the Ford F-Series;

Whereas the Ford Motor Company is the world's second largest automaker and includes Ford, Lincoln, Mercury, Aston Martin, Jaguar, Land Rover, Volvo, and Mazda automotive brands, as well as diversified subsidiaries in finance and other domestic and international business areas; and

Whereas, on October 30, 2001, William Clay Ford, Jr., the great-grandson of Henry Ford, became Chairman and Chief Executive Officer of Ford Motor Company, and as such is concentrating on the fundamentals that have powered the company to greatness over the last century and made it a world-class auto and truck manufacturer, and that will continue to carry the company through the 21st century with even better products and innovations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution; and

(B) the truly wondrous achievements of the Ford Motor Company, as its employees, retirees, suppliers, dealers, its many customers, automotive enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone on June 16, 2003;

(2) congratulates the Ford Motor Company for its achievements; and

(3) expects that the Ford Motor Company will continue to have an even greater impact in the 21st century and beyond by providing innovative products that are affordable and environmentally sustainable, and that will enhance personal mobility for generations to come.

SENATE CONCURRENT RESOLUTION 30—EXPRESSING THE SENSE OF CONGRESS TO COMMEND AND EXPRESS THE GRATITUDE OF THE UNITED STATES TO THE NATIONS PARTICIPATING WITH THE UNITED STATES IN THE COALITION TO DISARM IRAQ

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 30

Whereas on September 12, 2002, the President of the United States, appearing at the United Nations, called on that institution and its member states to meet their responsibility to disarm Iraq;

Whereas on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under chapter VII of the United Nations Charter by a vote of 15–0, giving Iraq a final opportunity to comply with its disarmament obligations;

Whereas on January 30, 2003, the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government, issued a declaration regarding Security Council Resolution 1441, wherein they stated that "[t]he transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.";

Whereas the January 30, 2003, declaration continued to state that "Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him . . . Our governments have a common responsibility to face this threat . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.";

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia issued a declaration regarding Security Council Resolution 1441, stating that "the United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.";

Whereas the February 5, 2003, declaration continued to state that "it has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441 . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.";

Whereas many of the supporters of the January 30, 2003, and February 5, 2003, declarations have provided important support to the United States in addition to their political declarations; and

Whereas in addition to the supporters of the January 30, 2003, and February 5, 2003, declarations, important diplomatic and strategic support to the United States-led Coalition to Disarm Iraq have been provided by such nations as Afghanistan, Angola, Australia, Azerbaijan, Colombia, Costa Rica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Honduras, Iceland, Japan, Kuwait, Macedonia, the Marshall Islands, Micronesia, Mongolia, the Netherlands, Nicaragua, Palau, Panama, the Philippines, Rwanda, Singapore, the Solomon Islands, South Korea, Tonga, Turkey, Uganda, Ukraine, and Uzbekistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends and expresses the gratitude of the United States to the nations participating in and contributing to the Coalition to Disarm Iraq, including—

(A) the supporters of the January 30, 2003, declaration issued by the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government;

(B) the supporters of the February 5, 2003, declaration issued by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia; and

(C) other allies of the United States who are participating in or contributing to the Coalition;

(2) expresses sincere gratitude to Australia, Denmark, Poland, and the United Kingdom, whose military forces have joined United States Armed Forces to disarm and liberate Iraq;

(3) expresses sincere gratitude to the Prime Minister of the United Kingdom, Tony Blair, the Prime Minister of Australia, John Howard, and the President of the Spanish Government, Jose Maria Aznar, for their courageous support and strong commitment to the Coalition to Disarm Iraq;

(4) expresses sincere gratitude to other allied nations, including nations in the Persian Gulf region, for their military support, logistical support, and other assistance in the current campaign against the regime of Saddam Hussein in Iraq;

(5) welcomes and encourages the active involvement and participation of these countries, other nations, and key international organizations in the reconstruction and administration of Iraq after the current conflict in Iraq; and

(6) commends and expresses the gratitude of the United States to the military personnel and civilians of the member states of the Coalition to Disarm Iraq who are serving in operations against the regime of Saddam Hussein in Iraq, and to the family members of such personnel and civilians who have borne the burden of sacrifice and separation from their loved ones during the current conflict in Iraq.

AMENDMENTS SUBMITTED & PROPOSED

SA 428. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table.

SA 429. Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. STABENOW, Mrs. LINCOLN, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 430. Ms. MURKOWSKI proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 431. Mrs. LINCOLN proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 432. Mr. NICKLES (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

TEXT OF AMENDMENTS

SA 428. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, increase the amount by $367,000,000.

On page 3, line 12, increase the amount by $1,807,000,000.

On page 3, line 13, increase the amount by $1,881,000,000.

On page 3, line 14, increase the amount by $1,921,000,000.

On page 3, line 15, increase the amount by $1,963,000,000.

On page 3, line 16, increase the amount by $2,006,000,000.

On page 3, line 17, increase the amount by $2,051,000,000.

On page 3, line 18, increase the amount by $2,097,000,000.

On page 3, line 19, increase the amount by $2,143,000,000.

On page 4, line 2, increase the amount by $367,000,000.

On page 4, line 3, increase the amount by $1,807,000,000.

On page 4, line 4, increase the amount by $1,881,000,000.

On page 4, line 5, increase the amount by $1,921,000,000.

On page 4, line 6, increase the amount by $1,963,000,000.

On page 4, line 7, increase the amount by $2,006,000,000.

On page 4, line 8, increase the amount by $2,051,000,000.

On page 4, line 9, increase the amount by $2,097,000,000.

On page 4, line 10, increase the amount by $2,143,000,000.

On page 4, line 16, increase the amount by $1,835,000,000.

On page 4, line 17, increase the amount by $1,874,000,000.

On page 4, line 18, increase the amount by $1,913,000,000.

On page 4, line 19, increase the amount by $1,956,000,000.

On page 4, line 20, increase the amount by $1,998,000,000.

On page 4, line 21, increase the amount by $2,042,000,000.

On page 4, line 22, increase the amount by $2,088,000,000.

On page 4, line 23, increase the amount by $2,134,000,000.

On page 4, line 24, increase the amount by $2,180,000,000.

On page 5, line 6, increase the amount by $367,000,000.

On page 5, line 7, increase the amount by $1,807,000,000.

On page 5, line 8, increase the amount by $1,881,000,000.

On page 5, line 9, increase the amount by $1,921,000,000.

On page 5, line 10, increase the amount by $1,963,000,000.

On page 5, line 11, increase the amount by $2,006,000,000.

On page 5, line 12, increase the amount by $2,051,000,000.

On page 5, line 13, increase the amount by $2,097,000,000.

On page 5, line 14, increase the amount by $2,143,000,000.

On page 25, line 20, increase the amount by $1,835,000,000.

On page 25, line 21, increase the amount by $367,000,000.

On page 25, line 24, increase the amount by $1,874,000,000.

On page 25, line 25, increase the amount by $1,807,000,000.

On page 26, line 3, increase the amount by $1,913,000,000.

On page 26, line 4, increase the amount by $1,881,000,000.

On page 26, line 7, increase the amount by $1,956,000,000.

On page 26, line 8, increase the amount by $1,921,000,000.

On page 26, line 11, increase the amount by $1,998,000,000.

On page 26, line 12, increase the amount by $1,963,000,000.

On page 26, line 15, increase the amount by $2,042,000,000.

On page 26, line 16, increase the amount by $2,006,000,000.

On page 26, line 19, increase the amount by $2,088,000,000.

On page 26, line 20, increase the amount by $2,051,000,000.

On page 26, line 23, increase the amount by $2,134,000,000.

On page 26, line 24, increase the amount by $2,097,000,000.

On page 27, line 2, increase the amount by $2,180,000,000.

On page 27, line 3, increase the amount by $2,143,000,000.

On page 47, line 14, increase the amount by $1,835,000,000.

On page 47, line 15, increase the amount by $367,000,000.

SA 429. Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. STABENOW, Mrs. LINCOLN, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 8, line 23, increase the amount by $3,000,000,000.

On page 8, line 24, increase the amount by $3,000,000,000.

On page 46, line 20, increase the amount by $3,000,000,000.

On page 46, line 21, increase the amount by $3,000,000,000.

On page 4, line 14, increase the amount by $3,000,000,000.

On page 5, line 4, increase the amount by $3,000,000,000.

On page 5, line 17, decrease the amount by $3,000,000,000.

SA 430. Ms. MURKOWSKI proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 45, line 24, increase the amount by $47,904,000,000.

On page 46, line 1, increase the amount by $18,768,000,000.

SA 431. Mrs. LINCOLN proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON THE $1000 CHILD CREDIT

It is the sense of the Senate that extending the $1,000 child credit for three additional years (2011–2013) can be accommodated within the revenue totals and instructions of the resolution.

SA 432. Mr. NICKLES (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the appropriate place, insert the following: "It is the Sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a judicial nominations hearing on Wednesday, March 26, 2003, at 2 p.m. in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Paul Sarbanes, United States Senator [D–MD]; The Honorable Barbara Mikulski, United States Senator [D–MD]; The Honorable Jeff Bingaman, United States Senator [D–NM]; The Honorable John Breaux, United States Senator [D–LA]; The Honorable Mary Lendrieu, United States Senator (D–LA]; The Honorable Kay Bailey Hutchison, United States Senator [R–TX]; The Honorable John Cornyn, United States Senator [R–TX]; The Honorable Blanche Lincoln United States Senator [D–AR]; The Honorable Mark Pryor, United States Senator [D–AR]; The Honorable George Allen, United States Senator [R–VA]; and The Honorable Billy Tauzin, United States Representative [R–LA–3rd District].

Panel II: Edward C. Prado to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard D. Bennett to be United States District Judge for the District of Maryland. Dee D. Drell to be United States District Judge for the Western District of Louisiana. J. Leon Holmes to be United States District Court Judge for the Eastern District of Arkansas. Susan G. Braden to be Judge for the Court of Federal Claims. Charles F. Lettow to be Judge for the Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Kevin Avery to be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that Ann Marie White, a legislative fellow in the office of Senator DODD, be granted the privilege of the floor for the duration of this debate on S. Con. Res. 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 99 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 99) relative to the death of Daniel Patrick Moynihan, former United States Senator for the State of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 99.

Whereas Daniel Patrick Moynihan served in the United States Navy from 1944 to 1947;

Whereas Daniel Patrick Moynihan held cabinet or sub-cabinet positions under Presidents John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford from 1961 to 1976;

Whereas Daniel Patrick Moynihan served as Ambassador to India from 1973 to 1975;

Whereas Daniel Patrick Moynihan served as the United States Permanent Representative to the United Nations from 1975 to 1976;

Whereas Daniel Patrick Moynihan served the people of New York with distinction for 24 years in the United States Senate; and

Whereas Daniel Patrick Moynihan was the author of countless books and scholarly articles which contributed enormously to the intellectual vigor of the nation: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Daniel Patrick Moynihan, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Daniel Patrick Moynihan.

UNANIMOUS CONSENT AGREEMENT—H.R. 1307

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, March 27, at 11 a.m., the Senate proceed to the consideration of H.R. 1307, the military tax bill, that there be 3 hours of debate equally divided between the chairman and ranking member of the Finance Committee; further, that the only amendment in order be a Grassley substitute which is the text of calendar item No. 11, S. 351; that at the expiration or yielding back of time, the amendment be adopted, the bill, as amended, be read a third time, and the Senate proceed to a vote, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE HELD AT THE DESK—S. CON. RES. 30

Mr. FRIST. Mr. President, I ask unanimous consent that S. Con. Res. 30, which was submitted earlier today by Senators LUGAR and BIDEN, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 711, S. 712, S. 718, S. 721

Mr. FRIST. Mr. President, I understand the following bills are at the desk, and I ask that they be read for the first time, en bloc: S. 711, S. 712, S. 718, and S. 721.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 711) to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selective Reserve who are mobilized.

A bill (S. 712) to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

A bill (S. 718) to provide a monthly allotment of free telephone calling time to members of the United States Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

A bill (S. 721) to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

Mr. FRIST. Mr. President, I now ask for their second reading and object to further proceeding on these matters, en bloc.

The PRESIDING OFFICER. Objection is heard.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar items en bloc: No. 45, S. Res. 48; No. 46, S. Res. 52; No. 47, S. Res. 58.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 48) designating April 2003 as "Financial Literacy For Youth Month."

A resolution (S. Res. 52) recognizing the social problems of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

A resolution (S. Res. 58) expressing the sense of the Senate that the President should designate the week beginning June 1, 2003, "National Citizen Soldier Week."

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments to the resolutions, where applicable, be agreed to, the resolutions, as amended, if amended, be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 48

Whereas the percentage of income used for household debt payments, including mortgages, credit cards, and student loans, rose to the highest level in more than a decade in 2001 and remained at 14 percent in 2002;

Whereas consumer bankruptcies in 2001 increased 19 percent over those in the previous year, exceeding the previous high reached in 1998, and the rate of filings did not slacken during the first 9 months of 2002;

Whereas personal savings as a percentage of Gross Domestic Product decreased from 7.5 percent in the early 1980s to 2.4 percent in 2002;

Whereas approximately 40,000,000 Americans, the "unbanked", are not using mainstream, insured financial institutions;

Whereas home foreclosures in 2002 reached the highest rate in 30 years;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 83 percent of college students have at least 1 credit card;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2002 study by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than seniors did 5 years ago;

Whereas a 2002 survey by the National Council on Economic Education found that a decreasing number of States include personal finance in their education standards for students in grades K–12;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas personal financial management skills and long-lived habits develop during childhood;

Whereas personal financial education is essential to ensure that our youth are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated each April as "Financial Literacy for Youth Month", the goal of which is to educate the public about the need for increased financial literacy for youth in America: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2003 as "Financial Literacy for Youth Month" to raise public awareness about the need for increased financial literacy in our schools and the serious problems that may be associated with a lack of understanding about personal finances; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

The resolution (S. Res. 52), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

[Omit the part in bold brackets and insert the part printed in italic]

S. RES. 52

Whereas approximately 3,000,000 reports of suspected or known child abuse and neglect involving 5,000,000 American children are made to child protective service agencies each year;

Whereas 588,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,200 children, 85 percent of whom are under the age of 6 years and 44 percent of whom are under the age of 1 year, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on Wednesday, April 2, 2003, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved, That—

[(1) it is the sense of the Senate that—

[(A) all Americans should keep the victims of child abuse and neglect in their thoughts and prayers;

[(B) all Americans should seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future; and

[(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these abused and neglected children; and

[(2) the Senate—

[(A) supports the goals and ideas of the "Day of Hope", which was initiated by Childhelp USA and will be observed on April 2, 2003, as part of Child Abuse Prevention Month; and

[(B) commends Childhelp USA for all of its efforts on behalf of abused and neglected children throughout the United States.]

(1) it is the sense of the Senate that—

(A) all Americans should keep the victims of child abuse and neglect in their thoughts and prayers;

(B) all Americans should seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these abused and neglected children; and

(2) the Senate—

(A) supports the goals and ideas of the "Day of Hope", which will be observed on April 2, 2003, as part of Child Abuse Prevention Month; and

(B) commends those working on behalf of abused and neglected children throughout the United States.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas members of the National Guard and the other reserve components of the Armed Forces perform a vital role in the defense of the United States;

Whereas members of the National Guard and the other reserve components of the Armed Forces make significant personal sacrifices in performing military service when called to active duty; and

Whereas there are over 100,000 members of the National Guard and the other reserve components of the Armed Forces serving on active duty: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CITIZEN SOLDIER WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning June 1, 2003, as "National Citizen Soldier Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning June 1, 2003, as "National Citizen Soldier Week"; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council for the 108th Congress:

The Senator from Utah, Mr. HATCH; the Senator from Maine, Ms. COLLINS; and the Senator from Minnesota, Mr. COLEMAN.

MEASURE RETURNED TO CALENDAR—S. CON. RES. 23

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on adoption of S. Con. Res. 23 be vitiated. I further ask that the resolution be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 27, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, March 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 11 a.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of Senators, the Senate will be in a period for morning business until 11 a.m. Under a previous order, at 11 a.m., the Senate will proceed to the consideration of H.R. 1307, the military tax bill, for 3 hours of debate. The Senate will vote on passage of the military tax bill at approximately 2 p.m.

In addition, there are several judicial nominations which may be cleared for votes during tomorrow's session. We are also attempting to reach an agreement for the consideration of S. Con. Res. 30 which expresses the gratitude of the United States to the nations participating with the U.S. in the coalition to disarm Iraq. Members, therefore, should expect rollcall votes throughout the day tomorrow.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 99 as a further mark of respect for our friend and colleague, Senator Daniel Patrick Moynihan, following the remarks of Senator SESSIONS for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. SESSIONS. Mr. President, I wish to share a few thoughts on the passing of the remarkable Daniel Patrick Moynihan, one of America's most brilliant people. He graced this Senate and served this country in innumerable ways.

He, of course, was a great scientist, a person able to study complex data and make serious judgments. I remember being in the subway at a point not too long before he left the Senate. Some numbers had come out that indicated we were doing a little better in marriage, a little less number of children were being born out of wedlock. We were standing there and somebody said something about that point. With great intensity and passion, he said: That's nothing. In the history of the world, no nation has ever seen a collapse of marriage like we are seeing in this country.

It just hit me he was giving us a scientific analysis of a very serious social problem with which we needed to deal, and he took it very seriously.

Another incident I recall was being in this small dining room. We were working late one night and voting. I went in with the majority leader, TRENT LOTT, and was talking to TRENT about Colombia, the revolutionaries there, the Marxist group, the drug dealing group and wanted to do some things better for Colombia. We sat down and Senator Moynihan was there. TRENT said: Pat, tell me about Colombia; what's going on in Colombia.

We just sat in rapt attention as he described the last 50 years in Colombia in detail—how this country had developed a history of violence, how they were having revolutionary problems, and how it was going to be very difficult to eliminate those problems. I was stunned at the encyclopedic knowledge he displayed.

As we left, TRENT said: I love to ask him those questions. He always knows those kinds of things. He said: I do it frequently just to see what he will share with us.

I remember asking about serving as Ambassador to India. He told a story, a complex story, that gave such great insight into the good people of India.

Pat Moynihan was an extraordinary person. He operated on a higher level. He benefited this country in many ways. He served Republican Presidents and Democratic Presidents, and he served in this body. He helped point out the problems with welfare and helped us move toward reform. He served on the commission that courageously gave insight into how we may improve Social Security. He, in many ways, on those two issues with Nixon going to China had the ability and the credibility to move the country in a way that some lesser Senator may not have been able to do.

I wanted to take a moment before we adjourned to express my thoughts about Senator Daniel Patrick Moynihan, one of the most brilliant people to ever grace this body.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Thursday, March 27.

Thereupon, the Senate, at 7:35 p.m., adjourned until Thursday, March 27, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 2003:

DEPARTMENT OF STATE

MARSHA E. BARNES, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

DEPARTMENT OF JUSTICE

JOHN FRANCIS BARDELLI, OF CONNECTICUT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE JOHN R. O'CONNOR.

ADAM NOEL TORRES, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JOSE ANTONIO PEREZ.

DEPARTMENT OF HOMELAND SECURITY

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

ROBERT N. DAVIS, OF FLORIDA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–103, APPROVED DECEMBER 27, 2001.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF CHAPLAINS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DAVID H. HICKS, 1012

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

CHAPLAIN (COL.) JEROME A. HABEREK, 0306

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HENRY P. OSMAN, 9358

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GARY D. BOMBERGER, 3635
WILFRED R. BRISTOL, 7994
JEFFRY A. DULL, 7146
ROBERT S. HOCHREITER, 9759
JOSEPH S. KUAN, 2111
WARREN R. ROBNETT, 4268

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

REBECCA G. ABRAHAM, 7762
ALAN K. ANDERSON, 9001
LYNDON S. ANDERSON, 2593
MICHAEL ANGLEY, 5395
MARK ANTHONY, 5485
GLEN A. APGAR, 3561
ROBERT A. ARBACH, 9575
STEVEN J. ARQUIETTE, 9025
TIMOTHY D. ARRINGTON, 9542
CARLOS V. ARVIZU, 1324
BRADLEY K. ASHLEY, 5092
GARRY C. BACCUS, 3023
DANIEL D. BADGER JR., 6721
OCTAVIO NMI BAEZ JR., 3334
STEVEN F. BAKER, 7069
MARTIN D. BANNON, 1351
RICHARD D. BARTHOLOMEW, 9314
MICHAEL L. BARTLEY, 3811
MICHAEL O. BEALE, 2505
DENNIS J. BEERS, 0366
SHERON L. BELLIZAN, 1222
ROBERT S. BELLOMY, 7606
HOWARD D. BELOTE, 1905
LISA M. BELUE, 1861
GARY C. BENDER, 9838
EDWARD J. BERGEMANN, 8043
THOMAS W. BERGESON, 9378
WILLIAM J. BERNARD, 8815
LOUIS A. BERRENA, 9315
WARREN D. BERRY, 1635
THOMAS W. BILLICK, 2547
MATTHEW T. BLACK, 4433
LEMOYNE F. BLACKSHEAR, 1387
RANDY L. BLAISDELL, 2946
CAROLYN M. BLALOCK, 9211
GRACE M. BLEVINSHOLMAN, 7095
JODIE L. BLISS, 3944
MICHAEL J. BLOOMFIELD, 1588
LOUIS G. BOCHAIN, 5911
RICHARD L. BORNMANN JR., 3426
AMY M. BOUCHARD, 9178
CHRISTOPHER W. BOWMAN, 4377
GARY A. BRAND, 7803
JOSEPH P. BREEN, 7699
WILLIAM P. BRIDGES, 1759
ANDREW J. BRITSCHGI, 7086
STEPHEN M. BRUMMOND, 3972
JOHN A. BRUNDERMAN, 8707
JOHN S. BRUNHAVER, 6853
ARNOLD W. BUNCH JR., 6872
ROBERT E. BURNETT JR., 3961
THOMAS A. BUTER, 5231
GREGORY S. BUTERBAUGH, 7369
ALAN E. BYNUM, 9672
KENNETH L. BYRD, 4747
DANIEL H. CAMPION, 7726
JAY S. CARLSON, 6225
JOHN C. CASSERINO, 8624
WILFRED T. CASSIDY, 2579
JOHN R. CAWTHORNE, 4656
MICHAEL J. CAYLOR, 2352
CHRISTOPHER S. CEPLECHA, 3107
RAYMOND J. CHAPMAN, 1218
WILLIAM G. CHAPMAN, 7561
RICHARD M. CHAVEZ, 5899
JUDY G. CHIZEK, 1723
DANIEL A. CIECHANOWSKI, 2430
RICHARD M. CLARK, 5701
JOSEPH D. CLEM, 5110
KRISTINE M. CLIFTON, 8742
BARRY B. COBLE, 9454
JOSEPH M. CODISPOTI, 2231
JAMES R. CODY, 2067
PATRICK A. COE, 5944
CYNTHIA M. COHAN, 8114
CATHERINE G. COLEMAN, 3833
LEONARD T. COLEMAN, 1750
CHRISTOPHER E. COLEY, 6627
JAMES M. COLLINS, 5526
PATRICK M. CONDRAY, 7057
JEFFREY P. CONNORS, 3649
CHRISTOPHER A. COOK, 1354
MICHAEL B. COOLIDGE, 9821
MICHAEL A. CORBETT, 2302
KIMBERLY J. CORCORAN, 2880
MARIA L. CORDERO, 5395
DAVID C. CORDON, 3853
MICHAEL A. COX, 0756
STEVEN M. CRANDALL, 0029
DAVID W. CRIBB, 3140
YOLANDA CRUZ, 4012
STEPHEN B. CZERWINSKI, 9430
SUSAN E. DABROWSKI, 8060
ARDEN B. DAHL, 0380
SIGFRED J. DAHL, 6641
LOUIS M. DANTZLER, 8109
CONSTANCE H. DAVIS, 6835
DENNIS J. DEGRAFF, 5048
JAMES E. DENNIS, 3907
LEE E. DEREMER, 5574
BRUCE R. DEWITT, 6732
BRIAN D. H. DICKERSON, 6285
DEREK R. DICKEY, 4811
MICHAEL R. DICKEY, 7524
TERESA L. DICKS, 2358
MARK C. DILLON, 8154
MARC K. DIPPOLD, 6982
LAURA A. H. DISILVERIO, 5286
RALPH S. DOBBS, 2765
MATTHEW J. DORSCHEL, 3924
MARIA J. DOWLING, 6703
WILLIAM E. DURALL, 2058
MICHAEL S. DUVALL, 1594
JAMES E. EDGE, 5395
GEORGE V. EICHELBERGER, 2696
JAMES E. EISENHART, 2617
MATTHEW C. ENGLUND, 9910
JAMES C. EPTING, 6081
STEPHEN C. FAIRBAIRN, 7917
ANNE R. FAIRCHILD, 8987
ANTHONY W. FAUGHN, 2196
ANGELIQUE L. FAULISE, 9014
TERRY M. FEATHERSTON, 0681
MARK P. FITZGERALD, 1783
MARTIN E. BARTEAU FRANCE, 8981
RANDAL C. FRANKLIN, 5526
WARREN H. FRANKLIN, 0746
DAVID T. FREANEY, 4156
KEITH D. FREDE, 3414
MICHAEL K. FRYE, 8473
JAMES P. GALLOWAY III, 5144
JERRY L. GANDY, 9982
IGOR J. P. GARDNER, 8956
ERIC D. GARVIN, 5624
JORGE S. GARZA, 8116
HENRY J. GAUDREAU, 0367
MILO R. GAVIN, 9411
JOHN P. GEIS II, 2347
CHRISTIAN G. GEISEL, 3265
BRADFORD D. GENTRY, 6547
JAMES F. GEURTS, 5867
PHILLIP G. GIBBONS, 8191
RICHARD F. GIBBS II, 2282
TOM GILBERT, 3282
DORILYNN D. GIMONDO, 6518
JOHN PHILLIP GOOD, 2254
DAVID E. GOSS, 8755
ROBERT S. GREEN, 5707
TIMOTHY S. GREEN, 2100
RODERICK I. GREGORY, 2191
RONALD A. GRUNDMAN, 7203
GLEN E. GULLEKSON, 9075
MORRIS E. HAASE, 1505
CHRISTOPHER B. HALE, 6427
THELMA R. HALES, 3221
BRIAN K. HALL, 5572
DONALD J. HALPIN, 6884
CHARLES A. HAMILTON, 3010
ROBERT E. HAMM JR., 8330
HARVEY L. HAMMOND JR., 9895
JAMES L. HANNON, 2658
JEFFREY A. HANSON, 5573
MICHAEL R. HARGROVE, 9025
STUART D. HARTFORD, 1071
MARVIN K. HARVEY JR., 9490
WALTER B. HARVEY III, 9937
KEN R. HASEGAWA, 1792
MICHAEL L. HELSABECK, 1646
JAMES E. HENRY, 3718
WILLIAM E. HERR, 1321
JENNIFER L. HESTERMAN, 3987
MARK C. HIEBERT, 9844
DOUGLAS J. HINE, 1257
PAMELA R. C. HODGE, 7928
EDWARD E. HOLLAND JR., 9848
GARY W. HOLLAND, 5885
DANA J. HOURIHAN, 2492
STEPHEN P. HOWARD, 6123
ARTHUR F. HUBER II, 2330
BENJAMIN C. HUFF, 1730
STEPHEN L. HUFFMAN, 3779
CRAIG A. HUGHES, 8951
WILLIAM D. HUGHES III, 2732
JOHN F. HUNNELL, 7895
JAMES C. HUTTO JR., 4725
JUAN IBANEZ JR., 3977
NANCY R. INSPRUCKER, 5943
MICHAEL J. IRWIN, 3019
DOUGLAS JACKSON, 1400
JOHN C. JACKSON III, 7783
ALLEN J. JAMERSON, 5167
VERALINN JAMIESON, 6699
JEROME M. JANKOWIAK, 0245
MARK P. JELONEK, 0180
BRUCE A. JOHNSON, 0028
DAVID C. JOHNSON, 9450
JEFFREY R. JOHNSON, 5418
PAUL T. JOHNSON, 5212
GERARD JOLIVETTE, 0617
STEPHEN M. JONES, 5361
DANIEL P. JORDAN, 6369
MARTHA K. JORDAN, 5535
GREGORY J. JUDAY, 6785
MICHAEL J. KADLUBOWSKI, 2376
ROBERT J. KAUFMAN III, 5186
KEVIN V. KECK, 3071
GAIL A. KEEFE, 7274
ALVIN R. KEMMET JR., 4473
JON A. KIMMINAU, 6793
ROBYN M. KING, 6625
MICHAEL J. KINGSLEY, 2558
MAX E. KIRSCHBAUM, 9175
BRET T. KLASSEN, 2064
KURT A. KLAUSNER, 5811
ANDREW Q. KNAPP, 0670
MARK E. KOECHLE, 6484
KEVIN C. KRINER, 0302
ROBERT D. LAFEBRE, 3363
PAUL S. LAND, 4596
GARY W. LANE, 6568
RONALD K. LAUGHBAUM, 7649
TIMOTHY J. LEAHY, 8014
DAVID C. LEE, 8894
RICHARD W. LEIBACH, 3930
JOHN W. LENT, 6937
ROBERT P. LEROUX, 2103
ALFRED M. LEWIS, 8127
JOHN C. LIBURDI, 8489
JOHN S. LILLY, 9233
MARK F. LIST, 6611
RODNEY K. H. LIU, 9695
PAUL S. LOCKHART, 8833
JEFFREY G. LOFGREN, 4976
JAMES T. LONG, 1840
KEVIN W. LOPEZ, 7294
ROBERTA R. LOWE, 2395
MARC A. LUIKEN, 6020
GEOFFREY T. LUM, 0421
KENNETH O. LYNN, 9086
BRIAN R. MADTES, 7752
ROBERT J. MAHONEY, 4114
JOEL E. MALONE, 7224
JAMES R. MARRS, 9957
KEVIN L. MARTIN, 5478
WILLIAM H. MARTIN JR., 8322
EARL V. MCCALLUM JR., 9141
ROBERT S. MCCORMICK, 1186
WAYNE L. MCCOY JR., 3377
MICHAEL E. MCGAUVRAN, 4704
ANNE E. MCGEE, 1351
MATTHEW P. MCKEON, 4528
CHARLES G. MCMILLAN, 8862
MICHAEL R. MCPHERSON, 7379
JOSEPH MEANS JR., 2292
LINDA R. MEDLER, 9295
MARCUS S. MILLER, 3906
SCOTT A. MILLER, 5306
STEVEN F. MILLER, 9608
EDWARD M. MINAHAN, 4745
TIMOTHY R. MINISH, 1744
MICHAEL J. MIXON, 0387
STEVEN J. MOES, 4905
JAMES P. MOLLOY, 3524
PAUL J. MONTGOMERY, 7080
LLOYD B. MOON JR., 1859
DAVID A. MOORE, 6800
MICHAEL A. MORABITO, 7241
WILLIAM A. MORGAN, 5530
LEONARD S. MOSKAL, 0888
MARK R. MUELLER, 1640
STEVEN C. MUHS, 5298
EDEN J. MURRIE, 3050
JAMES J. NALLY, 9003
WILLIAM M. NAPOLITANO JR., 5157
RICHARD G. NAUGHTON, 6456
DAVID NEGRON JR., 8858
DEAN A. NELSON, 6152
ALLAN S. NETZER, 7034
JOHN F. NEWELL III, 4484
JAMES O. NORMAN, 0087
DAVID H. NUCKLES JR., 4167
WILLIE G. NUNN, 9445
THEODORE P. OGREN, 6638
LOUIS W. OLINTO, 3175
DAVID P. OLSON, 6379
JOHN T. ORSATO, 8070
TERRENCE J. OSHAUGHNESSY JR., 3181
STEVEN R. OTTO, 4427
ROXANN A. OYLER, 4821
CHARLES E. PARKS, 7343
ERNEST L. PARROTT, 8793
CHARLES C. PATTILLO JR., 3283
CHRISTOPHER E. PELC, 4486
JOSEPH PELCHAR, 2049
ALAN J. PERDIGAO, 3608
GEORGE PERKINS, 2697
RICHARD M. PERRY, 4617
DAVID E. PETERSEN, 3591
EDWARD J. PHILLIPS, 6506
ALFRED L. PITTS, 0413
NICOLE H. PLOURDE, 0854
GARY L. PLUMB, 3313
ROBERT D. POLLOCK, 0766
CHARLES H. PORTER, 1696
RUSSELL L. PORTER, 3152
JAMES N. POST III, 9892
NORMAN D. POTTER, 3797
JOHN D. POUCHER II, 9599
JOSEPH J. PRIDOTKAS, 7751
MARVIN S. PUGMIRE, 7378
MARY L. PURDUE, 3878
FOWLER O. RAGLAND JR., 0441
GLENDA P. RAICHLEN, 6614
DOUGLAS J. RAILEY JR., 2384
ROBERT A. RATNER, 3387
GREGORY J. RATTRAY, 2247
STEVENSON L. RAY, 8203
TIMOTHY M. RAY, 0981
JOHN W. RAYMOND, 7256
DOUGLAS J. REED, 6157
JOEL S. REESE, 7182
ROBERT E. REHBEIN, 2485

JERRY RENNE. 7111
CURTIS R. REYNOLDS. 0713
PATRICK L. RHODE. 7223
DAVID L. RICHARDS. 4933
EDDIE L. RICHARDSON. 2481
DENEAN P. RIVERA. 9638
HECTOR V. RIVERA. 4982
LARRY E. ROAN. 7833
STEVEN W. ROBINETTE. 0579
CHARLES M. ROBINSON. 6617
JOSEPH T. ROHRET. 9609
STEVEN A. RUEHL. 1186
COLLEEN M. RYAN. 5129
MICHAEL C. RYAN. 7046
FREDERIC C. RYDER. 6618
DAVID H. SAMMONS JR., 6036
SCOTT H. SCHAFER. 6446
JOHN M. SCHIAVI. 5361
DAVID P. SCHILLER. 6211
CHARLES J. SCHNEIDER. 7485
SHEILA L. SCHROCK. 3508
BERNARD A. SCHWARTZE. 6962
JOSEPH H. SCHWARZ. 9619
GEORGE D. SCISS. 0342
REBECCA N. SEEGER. 0377
WILLIAM D. SELLERS. 5805
ROBERT H. SHAMBLIN. 3251
MICHAEL R. SHANAHAN. 7423
KENNETH M. SHARPLESS. 0507
WILLIAM L. SHELTON JR., 7381
MICHAEL M. SHEPARD. 9404
LAURA E. SHOAF. 8099
PAUL D. SIEVERT. 6420
MICHAEL A. SILVER. 8573
JOHN D. SILVIA. 7591
THOMAS L. SIMPSON. 9152
ERIC N. SINGLE. 1474
ALBERT L. SLY. 8875
LEONARD C. SMALES. 0289
KEVIN C. SMITH. 0463
ANNE E. SOBOTA. 2097
JOHN L. SOKOLSKY. 9748
DAVID F. SOLOMON. 4603
DON W. SPARKS. 6225
JEFFREY W. SPRAGGINS. 8592
ROBERT J. STAIB. 2479
ROBERT M. STAMBAUGH. 8170
EDWARD M. STANHOUSE. 7992
WENDELL T. STAPLER. 9390
JOHN D. STAUFFER. 8281
CAREY A. STEGALL. 6027
JOSEPH V. STEPHANS. 5503
WILLIAM D. STEPHENS. 8733
JEFFREY L. STEPHENSON. 3238
RALPH O. STOFFLER. 4447
KURT A. STONEROCK. 0048
BRIAN W. STORCK. 2405
DAVID A. STRAND. 2962
SUSAN E. STREDNANSKY. 6966
PAUL C. STRICKLAND. 0859
THOMAS R. STULL. 0659
SHANNON M. SULLIVAN. 1608
PHILIP A. SWANSON. 3536
GERALD E. SZPILA. 4503
JOHN R. TAYLOR. 2308
MICHAEL D. TAYLOR. 7099
LEE E. THOMAS. 5492
ANTHONY C. THOMPSON. 6165
DAVID D. THOMPSON. 7608
JEFFERY G. THOMPSON. 3152
TERRY D. TICHENOR. 1041
THOMAS L. TINSLEY. 0430
STEVEN M. TIPPETS. 3134
DAVID M. TOBIN. 1095
THERESA MARY TOIA. 6490
KIMBERLY K. TONEY. 4711
LINDA E. TORRENS. 3274
GEORGE TORRES JR., 5093
BENJAMIN D. TROTTER. 3718
DAVID P. TROTTIER. 7067
COUNT B. TYE JR., 7719
DAVID C. UHRICH. 7878
SCOTT A. VANDERHAMM. 6801
DEBORAH S. VANDEVEN. 8806
VICTORIA A. VELEZ. 8554
JOHN R. VENABLE. 6168
ROSS A. VICTOR. 6913
TIMOTHY D. VINOSKI. 9074
RONALD J. WAGNER. 9814
MARK T. WALDRON. 8377
PAUL C. WALKER. 8982
JOSEPH S. WARD JR., 3284
DONALD S. WATROUS. 0485
ROBERT D. WATSON. 3922
DAVID D. WATT. 3234
JOHN D. WEIDERT. 2745
STEPHEN P. WEILER. 9676
JAMES G. WELTON. 7647
RICHARD J. WHEELER. 0325
JERRY D. WHITLEY. 8701
ERIC J. WILBUR. 5587
TERRY E. WILLETT. 6716
DAVID J. WILMOT. 8479
KENNETH S. WILSBACH. 8212
MICHAEL P. WINSLOW. 9312
RICHARD L. WOJICK JR., 5904
MARTIN J. WOJTYSIAK IV. 6616
ELDON A. WOODIE. 0365
WILLIAM N. WOOTTON. 1269
EDWARD G. WORLEY. 6798
ROBERT G. WRIGHT JR., 7421
DONALD E. WUSSLER JR., 2090
CHARLES E. WYNNE. 0584
EFFREY YUEN. 5336

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BRIAN J. ACKER. 7495
LOREN A. AHNBERG. 9303
JOHN L. BINDER. 2116
PAULETTA D. BLUEITT. 5451
CHARLES M. CAMPBELL. 3017
PERRY R. COOPER. 3564
THOMAS S. DELANEY. 7221
RONALD S. DORNIN. 3936
CATHERINE M. ERICKSON. 7838
LEONARD W. JACKSON. 1215
KENNETH C. JACOBS. 8085
KELLEY J. KASH. 7396
GRANT D. KOTOVSKY. 4948
DAVID J. LANNEN. 1029
LAWRA A. LEE. 9340
DENISE K. LEW. 7147
CHARLES E. POTTER. 8351
ANGELA D. WASHINGTON. 6300

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL M. BARZLER. 3735
BARBARA G. BRAND. 7093
MARSHALL L. CAGGIANO. 1203
WILLIAM T. CUMBIE. 3972
GORDON R. HAMMOCK. 6180
STEPHEN R. IRWIN. 3204
ALBERT W. KLEIN JR., 9910
FELIX A. LOSCO. 3216
MICHAEL W. MEADOWS. 1443
WILLIAM W. PISCHNOTTE. 5577
MATTHEW J. POLGAR. 5130
RONALD A. RODGERS. 8997
LAURENCE M. SOYBEL. 9904
JEFFREY W. WATSON. 4905
RONALD J. WILLIAMS. 3149
CHARLES W. WILLIAMSON III. 0143

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL V. BENNETT. 5650
NAOMI M. BOSS. 0590
SHERRY L. COX. 8444
DAVID T. HOCKING. 2890
LELA M. HOLDEN. 6855
PAULA R. JAMESON. 4294
JOHN S. MURRAY. 9181
MICHAELA R. SHAFER. 4261
MARGARET A. STULTZLALK. 3504
DONNALEE SYKES. 8434
GLORIA J. TWILLEY. 3640
BARBARA L. WOLFE. 6985
VICTORIA G. ZAMARRIPA. 6328

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL F. ADAMES. 6185
LISA M. BECK. 8873
PAUL F. BLAISSE. 8133
DEAN B. BORSOS. 1995
ERIC C. BRUSOE. 6500
JAMES J. BURKS. 7883
RICHARD C. BYRD. 1640
CHARLES D. CHAPDELAINE. 5989
JAMES R. CLAPSADDLE. 6935
ROBERT H. COTHRON III. 6191
SUSAN L. DAVIS. 1706
PATRICK L. DAWSON. 6919
DONALD L. FAUST. 8465
JAMES T. FISH. 0646
BARBARA J. HENNING. 0036
EDWIN A. HURSTON. 8512
PHILIP E. JONES. 9166
BRIAN E. KING. 0597
DARRELL W. LANDREAUX. 0470
REX A. LANGSTON. 5175
RACHEL H. LEFEBVRE. 3755
ARMAND L. MARTIN. 3836
LEWIS M. MARTIN. 7176
RICHARD W. MILES. 4218
DANIEL S. MILNES. 8260
TERANCE L. NIVER. 5400
JAMES B. PAYNE JR., 8300
THEODORE O. PERSINGER. 1274
JAMES C. RAY. 7883
HEIDIE R. ROTHSCHILD. 7806
WEATHERLY A. RYAN. 0983
KIM L. SCHMIDT. 7707
CHARLES W. SCHOTT. 1624
REBECCA C. SEESE. 8626
PAUL M. SKALA. 0357
THOMAS A. STEINBRUNNER. 5776
TRACY A. TENNEY. 1367
MARK W. TESMER. 6465
CAMILLE M. TILSON. 2360
WILLIAM R. TYRA. 3554
ROBERT A. VALENTINE. 5103
KENNETH R. WILSON. 8520
SCOTT A. ZUERLEIN. 1813

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be colonel

HENRY E ABERCROMBIE. 0665
DAVID L ALLWINE. 1454
MICHAEL E BONHEIM. 9296
MATTHEW L BRAND. 7255
PETER C BRIGHAM. 5149
STEVEN M BROUSE. 0929
DONALD J BURNETT. 4969
PEGGY R CARSON. 2205
ANGEL L COLON. 0645
JOHN P CONNELL. 6549
CHARLES G COUTTEAU. 3180
DAVID L CRAWFORD. 7942
PHILIP J DERMER. 4909
TIMOTHY D DIXON. 5429
NATHAN R EBERLE. 4758
ANAS T ECONOMY III. 7692
GEORGE D EVELAND JR., 6227
JEFFREY FARGO. 6515
FRANCIS X FIERKO. 7965
TIMOTHY G GODDETTE. 5000
RICHARD L GREENE JR., 6213
SUSAN K GRUBB. 8367
MICHAEL A HALLISEY. 8130
RICHARD D HANSEN JR., 8874
EARNEST D HARRIS. 4017
THEODORE C HARRISON. 6481
PETER F HOFFMAN. 7440
ANTHONY R INCORVATI II. 5511
KERMIT C JONES. 3666
ROBERT KENDRICK III. 4822
JIYUL KIM III. 5715
CHRISTOPHER F KUREK. 2057
GLEN D LAMBKIN JR., 2882
KELLY M LANGDORF. 3792
DEBRA R LITTLE. 5986
CORY W MAHANNA. 9185
PAUL A MCGUIRE JR., 7680
LEONARD R MONTFORD JR., 0514
SUSAN B NEUMANN. 9074
ROBERT B NEWMAN. 8273
WILLIAM E PARKER. 9899
JAMES R RALPH III. 3654
ENRIQUE RAMOS. 0792
GRADY G REESE JR., 4294
MARK D RIDER. 2758
JESS A SCARBROUGH. 6120
GEORGE A SEARS II. 5949
JORGE L SILVEIRA. 8840
WILLIAM W STEVENSON. 9696
MICHELLE D STOLESON. 6572
KENNETH R STOLWORTHY. 0434
CHRISTOPHER C SULLIVAN. 0975
GREGORY J ULSH. 3681
JOHN K VAUGHN. 3598
THOMAS D WAHLERT. 1545
STEPHEN WALTERS. 4581
HENRY WALLER III. 6050
RANDY L WILLIAMS. 7031
DANIEL G WOLFE. 5282
MICHELLE F YARBOROUGH. 9308

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL P ARMSTRONG. 1819
WILLIAM BALOGH. 1211
WAYNE M BRAINERD. 2007
ROBERT H BRUCE. 5103
CURTIS P CHEESEMAN. 9012
JOHN A DAVIS. 0364
GARRIE P DORNAN. 6315
CHARLES DUNN III. 9878
KIMBERLY K DURR. 2952
DAVID C GROHOSKI. 6933
THOMAS G HARRIS. 1395
RUDOLPH C HAYNIE. 4093
CARL W HUNT. 5623
THOMAS C LUTHER. 0411
SHARON M MACK. 3743
RANDALL L MACKEY. 2184
KEVIN J MCCLUNG. 1264
NELSON MCCOUCH III. 5412
DAVID R MCDONALD JR., 1594
THOMAS Z NAPIER. 6703
SCOTT F NETHERLAND. 0224
KEVIN P POLCZYNSKI. 6710
GREGORY S RASSATT. 3338
PATRICK H RAYERMANN. 7963
ARNOLD K VEAZIE. 4783
ROGER WATERS. 6217
CRAIG M WHITEHILL. 2929

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN F AGOGLIA. 8612
RICHARD E ARNOLD. 9278
CHARLES T BARHAM. 5779

MARGARET H BELKNAP, 0673
KENNETH W BISHOP, 2700
DAISIE D BOETTNER, 7792
CLARENCE A CRUSE III, 9813
MICHAEL F DAVINO, 1862
PETER DEFLURI III, 8197
JOHN J DOLAC, 5974
MICHAEL E DONOVAN, 6688
ROBERT M DYESS JR., 4205
ALLEN C EAST, 1232
CHRISTOPHER W FOWLER, 3163
THOMAS FREEMAN JR., 7579
ANTHONY GLENN JR., 3142
BRIAN L GROFT, 3792
DARRALL R HENDERSON, 1106
RICKY E HILL, 3319
PAUL S HILTON, 9087
WILLIAM C HIX, 4334
GREGORY C HOSCHEIT, 6699
CINDY R JEBB, 4760
BARRETT F LOWE, 9388
MICHAEL W KIRSCH, 9557
JAMES A KNOWLES, 5941
PARIS M MACK, 9794
ROBERT W MACKAY, 0082
JOE D MANOUS JR., 0995
LLOYD W MARSHALL, 4566
RICKIE A MCPEAK, 7110
STEVEN J MULLINS, 3637
DANIEL J RAGSDALE, 9182
BRUCE J REIDER, 4932
DAVID J SCARCHILLI, 9096
ROBERT L STEINRAUF, 2110
WILLIAM J TARANTINO, 3009
WENDELL L TAYLOR, 9742
PAUL D THORNTON, 5350
BRIAN S VEIT, 5780
ALFRED VIANA, 3450
MICHAEL L WACLAWSKI, 3167
JAMES N WASSON, 0954
RONALD W WELCH, 9204
MICHAEL C WILMER, 6772
MICHAEL B WINZELER, 4046
JEFFREY R WITSKEN, 5110

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL F ABEL JR., 8084
MICHAEL S ADAMS, 7792
GARY A AGRON, 3145
MICHAEL W ALEXANDER, 0045
CHRISTOPHER E ALLEN, 3417
RODNEY K ALSTON, 0995
ROBERT ASHLEY, 4530
KEVIN M BADGER, 9454
ALVIN L BAILEY, 5804
JEFFREY L BAILEY, 4122
MARK D BAINES, 4439
JAMES B BALOCKI, 9338
STEFAN J BANACH, 6909
THERESA L BARTON, 0923
RICHARD C BASSETT, 8383
ALLEN W BATSCHELET, 3064
PETER C BAYER JR., 4267
JEFFREY A BEDEY, 5801
JAMES L BEDINGFIELD, 0398
BRENDA K BESS, 3385
ROBERT L BETHEA JR., 0935
TERRY W BEYNON, 9380
MICHAEL D BIANCHI, 9652
GWENDOLYN BINGHAM, 4051
PETER E BLABER, 2187
DAVID J BISHOP, 4626
RICHARD E BLOSS, 0066
CHARLES A BOAZ JR., 9172
RANDALL J BOCKENSTEDT, 6514
ALAN G BOURQUE, 9946
MAX A BOWERS JR., 7155
MICHAEL A BRADLEY, 0856
CLAY F BRIDGES, 5679
JASEY B BRILEY, 8573
CRAIG A BROWN, 3842
GARY B BROWN, 3014
JAMES B BROWN, 1374
KEVIN W BROWN, 7000
DANIEL V BRUNO, 2048
VICTORIA M BRUZESE, 7699
JEFFREY S BUCHANAN, 2774
RANDY A BUHIDAR, 8211
MICHAEL J BURNS, 6469
JAMES B BURTON, 1678
RALPH A BUTLER, 6373
MICHAEL D CASE, 3302
JAY W CHAMBERS JR., 6889
CLARENCE K CHINN, 3093
JOHN M CHIU, 6508
MICHAEL C CLOY, 3014
ROBIN D COFER, 5033
GEORGE G COFFELT, 2367
HECTOR L COLON, 7403
THOMAS J COMODECA, 9405
BRIAN A CRAWFORD, 0113
CARDON B CRAWFORD, 2364
JAMES B CROCKETT III, 8338
JOSEPH P CROWLEY, 2221
JACQUELINE E CUMBO, 5882
JOHN P CUMMINGS, 3436
KENDAL W CUNNINGHAM, 2267
CRAIG J CURREY, 6789
PETER E CURRY, 2743
KENNETH R DAHL, 9364
EDWARD B DALY, 9609
GORDON B DAVIS JR., 4484
MICHAEL J DAVIS, 8589
WAYNE K DAVIS, 5795
TIM L DAY, 8711
WILLIAM S DECAMP JR., 1485
NORVEL L DILLARD, 6283
RICHARD J DIXON, 1137
JANICE L DOMBI, 7659
SCOTT F DONAHUE, 1467
CHARLES W DURR JR., 6511
JAMES F DUTTWEILER, 9880
TIMOTHY J EDENS, 4993
MICHAEL C EDWARDS, 9281
BILLY D FARRIS II, 0276
QUILL R FERGUSON, 4503
ROBERT S FERRELL, 2603
JEFFREY D FIELD, 3151
KENNETH F FISHER JR., 7986
KELLY F FISK, 4100
DEBRA L FIX, 9236
CHRISTINA F FLANAGAN, 3760
PETER W FOREMAN, 8586
KIRK L FOSTER, 3354
BRYAN C FOY, 1343
TONY R FRANCIS, 5182
MARY L FRANKLIN, 3321
CHRISTOPHER T FULTON, 8206
JOHN J GALLAND, 1745
MARK C GARDNER, 3908
MARGUERITE C GARRISON, 6814
KEITH G GEIGER, 7695
STEPHEN J GERRAS, 9092
WALTER L GILLIAM, 8553
JAMES A GRAY, 3368
GARY R GRIMES, 4174
ROBERT D GRYMES, 9571
MICHAEL C GUNN, 5797
SAMUEL A GUTHRIE, 2932
DAVID L HAGG, 9242
CATHERINE G HAIGHT, 7959
DAVID B HAIN, 4616
JOHN L HAITHCOCK JR., 5376
SCOTT A HALASZ, 2490
WILLIAM E HARMON, 9697
DAVID D HAUGHT, 9274
STEVEN P HAUSTEIN, 5335
SAMUELL R HAWES, 0299
MARK W HAYES, 3915
FALKNER HEARD III, 5988
MARK S HELD, 4447
SCOTT A HENRY, 9079
WALTER M HERD, 3902
ERNEST J HEROLD III, 4397
ROBERT T HESS, 4421
STEPHEN L HILL, 8520
RICHARD D HOOKER JR., 1777
RICHARD M HORNACK JR., 0323
JAMES R HOY JR., 7292
JONATHAN B HUNTER, 8597
FRANK P IPPOLITO, 4920
JEFFREY JARKOWSKY, 0170
GREGORY L JOHANSEN, 2661
MICHAEL R JOHNSON, 2567
ROBERT L JOHNSON JR., 7776
SAMUEL H JOHNSON, 9092
MARK A JOHNSTONE, 7549
BRIAN D JONES, 9841
FRANKLIN K JONES, 5677
JOHN D JORDAN, 2485
RAY A JOSEY, 0033
KENNETH G JUERGENS, 4565
JEFFREY T KAPPENMAN, 7822
BRIAN KEETH, 5326
BRYAN D KEIFER, 5497
THOMAS M KELLEY, 2891
MICHAEL M KERSHAW, 2378
HOWARD J KILLIAN III, 2853
DAVID M KING, 8434
ROBERT W KLINE, 8969
THOMAS G KNIGHT JR., 2619
JAMES A KNOWLTON, 6093
TIMOTHY A KOKINDA, 7873
MICHAEL A KRIZ, 2261
THOMAS W KULA, 1011
DWAYNE A LACEWELL, 6719
CATHERINE H LACINA, 0947
RAYMOND L LAMB, 6005
SCOTT A LANG, 0314
GARY D LANGFORD, 7877
HENRY S LARSEN III, 1828
JON S LEHR, 2874
RONALD N LIGHT, 5885
BRIAN S LINDAMOOD, 2384
JAMES B LINDER, 1682
DAVID H LING, 2057
MICHAEL D LINGENFELTER, 6647
XAVIER P LOBETO, 8834
MARK A LORING, 4458
KEITH R LOVEJOY, 1285
THOMAS F LYNCH III, 5137
SEAN B MACFARLAND, 5381
FRANCIS A MACHINA, 6528
DONALD M MACWILLIE, 6280
KEVIN W MANGUM, 5500
GERALD J MANLEY, 7287
DAVID L MANN, 8247
DORIOT A MASCARICH, 9117
RICHARD J MASON JR., 2312
ANTON E MASSINON, 1759
JAMES J MATHIS, 3301
DAVID S MAXWELL, 0441
MICHAEL T MCBRIDE, 0077
DOUGLAS E MCCALLUM, 0563
EVERETT K MCDANIEL, 9701
JAMES D MCDONOUGH JR., 2289
RALPH M MCGEE, 4010
MARK J MCKEARN, 1956
MARK E MCKNIGHT, 7489
HERBERT R MCMASTER JR., 1888
JOHN J MEGNIA, 9781
CHARLES R MEHLE II, 8312
FRANCIS R MERRITT, 2783
AUSTIN S MILLER, 6695
BRICK T MILLER, 4884
DEREK A MILLER, 2483
EARL E MILLER, 4028
ROSE M MILLER, 7753
DAVID L MOLINELLI, 4120
JOHN M MOORE, 9187
DOUGLAS J MORRISON, 1562
CHRISTOPHER V MOYLAN, 4923
JOSEPH P MUDD, 7500
PAUL J MULLIN, 6058
JAMES M MURPHY, 5292
MARK D NEEDHAM, 4022
GLENWOOD NORRIS JR., 1447
THOMAS E ODONOVAN, 3918
JEFFREY R OESER, 1919
TIMOTHY M OHARA, 9981
JOHN A OLSHEFSKI, 3867
DAVID C OSBORNE, 9412
KEVIN C OWENS, 3441
KEVIN J PALGUTT, 5615
MARK S PATTERSON, 2138
DAMON C PENN, 7354
DEBRA J PEREZ, 1000
STEVEN W PETERSON, 2929
JAMES A PHELPS, 1123
WARREN E PHIPPS JR., 2023
AUNDRE F PIGGEE, 1592
MARTIN B PITTS, 5547
RICHARD J POOLE, 0761
THOMAS G POPE, 0196
GREGG C POTTER, 2207
KENNETH L PRENDERGAST, 8376
BECKY PRETTYMAN, 3920
DANNY G PUMMILL, 5688
ALEXANDER B RAULERSON, 9272
DOUGLAS E RAYMOND, 0724
CHRISTOPHER J REDDISH, 4549
JARROLD M REEVES JR., 5870
CARLTON B REID JR., 4982
STEWARD E REMALY, 1142
BRYAN T ROBERTS, 6102
ROBERT H ROOME, 4814
MICHALE S ROSE, 2494
JOHN G ROSSI, 1780
MICHAEL A ROSSI, 2686
DINO D ROTH, 4867
DONALD M SANDO, 3260
LAWRENCE SANSONE, 9211
TIMOTHY A SASSENRATH, 0099
WAYNE A SAUER, 7385
WALTER J SAWYER, 7785
MICHAEL D SAXTON, 1834
ANDREW K SCHWEIKERT, 7129
ROBERT E SCURLOCK JR., 0778
THOMAS C SEAMANDS, 5320
MICHAEL K SEIDL, 4938
GARY M SERVOLD, 2061
TIMOTHY M SHERWOOD, 9980
MICHAEL H SHIELDS, 7504
JAMES D SHUMWAY IV, 5612
JAMES M SIMMONS, 4088
DAVID A SMITH, 8067
EUGENE B SMITH, 5729
JACK F SMITH JR., 7814
KEVIN B SMITH, 8592
STEPHEN T SMITH, 2276
WILLIAM E SMITH, 4427
AUDY R SNODGRASS, 0189
JEFFREY J SNOW, 7711
ROBERT D SNYDER, 9891
PATRICK T STACKPOLE, 6028
CHARLES A STAFFORD, 1203
GARY R STANLEY, 9566
MICHAEL D STEELE, 0310
GRANT D STEFFAN, 2587
KENNETH R STRICKLAND, 7311
ERIC C SURLES, 4755
LORI L SUSSMAN, 4511
DAVID W SUTHERLAND, 8472
ANTHONY SWAIN, 5809
PETER J TABACCHI, 5192
MICHAEL J TALIENTO JR., 0665
STEVEN C TALKINGTON, 2196
JOHN A TARTALA, 3367
JOHN J TAYLOR, 9468
PETER F TAYLOR JR., 3158
LOUISE V TERRELL, 2223
DEBRA A THEDFORD, 9808
RICHARD G THOMAS JR., 7247
JOSEPH E THOME JR., 6612
DAVID S THOMPSON, 3806
GARY M THORNE, 3096
MARK E TILLMAN, 0648
RICHARD C TOWNES, 1773
STEPHEN J TOWNSEND, 7675
TODD J TRAVAS, 9124
RONALD D TUGGLE, 3839
JOHN N TULLY, 3781

BARRY N TYREE, 5758
JOHN UBERTI, 1020
RAMON VALLE, 2240
RAYMOND T VANPELT, 7713
ROBERT J VASTA, 0706
DAVID W VERGOLLO, 7755
ANTHONY C VESAY, 2515
DOROTHEA I WALLACE, 0847
JOSEPH K WALLACE, 7782
JAMES M WARING, 8554
TIMOTHY L WHALEN, 0235
WILLIAM A WHATLEY JR., 5148
TIMOTHY L WHITE, 8277
JOHN A WILCOX, 4163
JOHN A WILHELM, 3817
ANTHONY L WILLIAMS, 0596
BENJAMIN H WILLIAMS III, 1613
DARRYL A WILLIAMS, 1008
DONNA L WILLIAMS, 8536
HERMAN WILLIAMS III, 4611
VIRGIL S WILLIAMS, 7077
THOMAS F WOLOSZYN, 1294
JOHN K WOOD, 3740
KENT T WOODS, 9632
EDMUND W WOOLFOLK JR., 0327
HAROLD H WORRELL JR., 3458
JOHN T WRIGHT, 1578
LARRY D WYCHE, 9416
EDGAR J YANGER, 5910
MICHAEL S YARMIE, 4116
MARK W YENTER, 9087
PETER B ZWACK, 0137
X9464
X4432

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL H. GAMBLE, 4821

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY L. MILLER, 3095

HOUSE OF REPRESENTATIVES—*Wednesday, March 26, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OTTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 26, 2003.

I hereby appoint the Honorable C.L. "BUTCH" OTTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Ed Sears, Pastor, Grace Baptist Temple, Winston-Salem, North Carolina, offered the following prayer:

Eternal God, Father of Nations. We come into Your presence this day asking for Your blessing and Your help. Your Holy Word admonishes us to pray for those in authority over us. Therefore, Lord, we lift the men and women of the 108th United States Congress to You. Remind them of past blessings and present responsibilities. Exhort them to personal integrity and empower them with truth and honor to carry out the awesome task of government.

We would ask also that our President, George W. Bush, be granted the wisdom and ability to lead us in accordance with Your divine plan.

Please, Lord, give protection to the men and women in our Nation's military as they are placed in harm's way. Grant victory quickly. We make these petitions because of Your grace and mercy. In the name of Jesus Christ we humbly pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND ED SEARS, PASTOR, GRACE BAPTIST TEMPLE, WINSTON-SALEM, NC

(Mr. BURR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR. Mr. Speaker, it is my pleasure that I rise today in recognition of our guest chaplain, the Reverend Ed Sears of Winston-Salem, North Carolina. He is a blessing to our community, and it is an honor to have him in Washington and in this House today.

Reverend Sears is the senior pastor at Grace Baptist Temple in Winston-Salem. He has been faithfully serving this congregation of over 1,000 members for the past 22 years. His faithfulness to the ministry and gift of leadership extends into his work as a teacher at the Piedmont Baptist College and Calvary Baptist College. His service on various leadership boards, such as the General Council of Baptist Mid-Missions and his chairmanship of the Board of Trustees of the Baptist World Missionary Outreach Ministries, is only a partial list of his extensive community service.

Reverend Sears has been happily married for 36 years. He is joined today by his wife, Linda, and also by their daughter, Heather.

I want to thank Reverend Sears for his commitment to his ministry and to our community and take this opportunity to welcome him to the United States Capitol.

Mr. Speaker, it is my privilege to have Reverend Sears open the House of Representatives with prayer this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

FDA STARTING NEW DRUG WAR

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, a new drug war is starting. The first shots have been fired by the FDA. Those shots are being fired at American seniors. This is a dumb fight, dumbly fought.

The Bush administration, which claims to support open markets, must decide whether it will stand with American consumers or with the new elitist drug lords that run the multinational pharmaceutical industry.

The FDA has decided to use the iron fist of the Federal Government to defend the abusive monopolistic practices of those drug lords. This is a policy and political mistake of historic proportions.

Who is the FDA really trying to protect? Surely Teddy Roosevelt is rolling in his grave.

RECOGNIZING HELEN HUTT AND HER 75 YEARS OF SERVICE TO THE AMERICAN RED CROSS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Helen Hutt, joining us in our gallery, a distinguished citizen from Ohio. When Helen first began her service to the American Red Cross, Calvin Coolidge was President of the United States, a first-class stamp cost 2 cents, and the first Academy Awards were presented. That was 1928. Since that time, Helen has touched countless lives through her 75 years of service to the American Red Cross.

Helen began her involvement with the Red Cross in 1928 when she became certified to teach swimming lessons. During World War II, she worked in the South Pacific as a "Doughnut Dolly," serving GIs coffee and doughnuts. In the 1950s and 1960s, she organized a "Learn to Swim" program for Port Clinton children and the blind. Helen worked as a local Disaster Relief Volunteer during the 1970s, and then volunteered at Magruder Hospital recruiting blood donors and sharing expertise with the Ottawa County Advisory Board. She is still an active volunteer for the Ottawa County district office of the Red Cross.

Throughout her years of volunteerism, Helen has received numerous honors, including the Volunteer of the Year Award for the Ottawa County District, and the highest local award for the Red Cross that it ever bestows, the Clara Barton Volunteer Leadership Award.

Mr. Speaker, in view of the fact that this incredible American now is over 90

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years of age and she will be receiving her 75-year volunteer pin at the National Red Cross Headquarters here in Washington, D.C., I ask my colleagues to join me in congratulating this magnificent American.

Congratulations. We are so very, very proud of you, Helen Hutt.

SIMPLE SAVINGS TAX RELIEF ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the House will soon mark up tax legislation, including the elimination of dividend double taxation. I propose we also provide tax relief for interest earned from savings in bank accounts. I have introduced the Simple Savings Tax Relief Act, H.R. 1163, which would help all savers, including those in lower-income levels who do not earn corporate dividends.

Like dividend recipients, bank and credit union customers report interest as income to the IRS, increasing their tax burden. Let us not punish those who invest for a rainy day. Let us encourage them.

In 1998, the Joint Economic Committee wrote that exemption of interest from taxation is a significant economic step we should take, and "such a proposal would primarily benefit the low- and middle-income taxpayers."

H.R. 1163 would permit a single filer to earn up to $200, $400 for a joint filer, in bank account interest tax-free.

It is very simple: let us help those who are primarily low- and middle-income taxpayers today.

HONORING AMERICA'S SERVICEWOMEN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of Women's History Month, to pay tribute to the dedication and courage of the millions of women who have served in the United States Armed Services.

Since the earliest days of our Nation, women have played an integral part in our military operations, either behind the front lines or in actual combat. As far back as the Revolutionary War, there are stories of women who posed as men so that they could go and fight at the frontline. Others offered their services as nurses. Still others worked to support the war movement by leaving their domestic roles to take on jobs that were necessary to maintain the Nation's economy.

More recently, the role of women in the armed services has greatly expanded. In 1978, women began to be assigned to duty aboard ships; in 1991, women were assigned to aircraft in both the Air Force and the Navy; and by 1994, the ban on women on combat ships was lifted, allowing women greater opportunities in our armed services.

As the war in the Persian Gulf looms ahead, we send our thanks and support to all our members of the armed services. But let us not forget the women and their contributions in this time of need.

ROLE OF THE RURAL EDUCATION CAUCUS

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, schools in rural districts face a barrage of problems unheard of in more populous areas. Country schools have continually had to confront the one-size-fits-all mentality of Washington, DC, when it comes to Federal education policy. For rural States like Montana, the sun always seems to set on the Potomac, where policymakers seem to ignore the rest of the map stretching 3,000 miles beyond that river.

In my home State, our schools fight year after year to come up with enough funding to cover the federally mandated Individuals With Disabilities Education Act, IDEA. In just 5 years, the estimated Federal shortfall in IDEA funding has cost my State nearly $93 million, money that larger and wealthier school districts in more populous States can easily afford; but in Montana it is real money that comes out of funds for new teachers, computers, books and Internet access.

Our families in western and rural States deserve the same access to quality education for their children that urban families have. That is why I, along with the gentleman from Wisconsin (Mr. KIND), the gentleman from Nebraska (Mr. OSBORNE), and the gentleman from Minnesota (Mr. PETERSON), have formed the bipartisan Rural Education Caucus. Together we have come together to devise solutions to the unique problems associated with the business of educating children in rural areas.

INVEST IN CHILDREN, THE FUTURE OF OUR COUNTRY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, my colleagues on the other side of the aisle have declared this week Children's Week. Their actions, however, speak louder than their words.

Last week they pushed for a budget that fails children and fails families. The Republican budget that barely passed fell $6.15 billion short for funding title I, the largest source of Federal education aid to disadvantaged youth and the centerpiece of the Bush education reform program. It cut $81 million from programs to improve State and local teacher quality, which was a stated goal of the President's education reform plan.

We must remember, Mr. Speaker, that the biggest challenge facing American families is how to bridge their responsibilities between work and caring for their children, and the budget that passed last week did nothing to help working parents.

Mr. Speaker, if my colleagues want to support children, they will not shy away from promises for our children in favor of big-money special interests. They will invest in children. Children are 25 percent of our population. They are 100 percent of our future.

TRIBUTE TO LANCE CORPORAL DAVID FRIBLEY

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, it is with a heavy heart I stand before you today. Near An Nasiriyah, Iraq, Marine Lance Corporal David K. Fribley, from Atwood, Indiana, and seven of his fellow Marines were killed in the opening march of Operation Iraqi Freedom. Reports of the incident indicate that a group of Iraqi soldiers approached the Marines under a flag of surrender and proceeded to open fire. It is tragic that Corporal Fribley died. It is outrageous that he was murdered under a white flag.

David grew up in Kosciusko County. There he attended Warsaw Community High School, where he lettered 4 years in football and track and field. A former teacher said of David that he could not think of anyone who worked harder, both on the field and the classroom.

David continued his track career at Indiana State University. After graduating from college in 2001, David moved to Fort Myers, Florida. The tragic events of September 11, 2001, his father said, played a major role in motivating David to join the Marine Corps.

□ 1015

Lance Corporal David Fribley is survived by his parents, Gary and Linda Fribley, who remain residents of Kosciusko County. I ask that my colleagues join me and my fellow residents of the Third District in offering our most sincere condolences to the Fribley family and all who loved David.

DENIAL OF WORLD HEALTH ORGANIZATION MEMBERSHIP TO TAIWAN IS UNJUSTIFIED

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, in mid-February the World Health Organization began reporting cases of an atypical pneumonia throughout Asia identified as Severe Acute Respiratory Syndrome. Since then, more than 450 cases, with 17 deaths, have been reported in 13 countries.

As members of the World Health Organization, most of these countries have received assistance in confronting this pandemic, but Taiwan, not a member, has not received any assistance from WHO.

The WHO's refusal to assist Taiwan is unfair not only for the people of Taiwan but for the world at large, given the transnational nature of this outbreak. With a population of 23 million people, Taiwan is larger than 75 percent of the countries that belong to WHO and is prepared to contribute meaningfully to the global health efforts discussed at the World Health Assembly, but without membership or observer status, its delegates cannot even enter the room.

Taiwan has eradicated smallpox and cholera and polio and has achieved infant mortality rates on par with western countries.

Earlier this year, this House passed a bill ordering the State Department to endorse observer status for Taiwan at the World Health Assembly, yet the Bush administration continues to say no. The denial of WHO membership to Taiwan is an unjustifiable violation of its people's basic right to good health.

SUPPORT H. RES. 153, DESIGNATING A NATIONAL DAY OF PRAYER AND FASTING FOR OUR TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, we live in extraordinary times. Never in history has the public been able to experience a war so vividly, watching battles unfold on their television screens as the heroes of our military secure freedom and liberty for the people of Iraq and rid the world of the threat of Saddam Hussein and his weapons of mass destruction.

As these battlefield images can fill us with anxiety, it is now more important than ever to take time to pray for God's protection over our valiant soldiers and that he would grant wisdom, guidance, and strength to our Commander in Chief, President George W. Bush, and his team.

I ask my colleagues to join me in supporting the proposal of the gentleman from Missouri (Mr. AKIN), House Resolution 153, to designate a national day of prayer and fasting. As it is written in the book of Psalms: "God is our refuge and strength, an ever-present help in trouble."

May God bless our troops and may God continue to bless America.

TRIBUTE TO WORKERS AT McALESTER AMMUNITION DEPOT

(Mr. CARSON of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Oklahoma. Mr. Speaker, I stand today to recognize almost 1,200 constituents of mine whose job is unknown to most Americans. They go to work every day at a 45,000 acre compound the size of the District of Columbia with a sense of pride and patriotism as they do their part to help this country defend our freedoms and fight the war on terrorism.

Ever since October, 1943, the McAlester Ammunition Depot has led our country in the production of ammunitions. Through World War II, the depot employed 8,000 people and produced 325,000 tons of ammunition. During the Korean and Vietnam Wars, the depot employed more than 3,000 workers. Today, this state-of-the-art maintenance and renovation facility for the weaponry of the United States Armed Forces continues to build vital ammo to defend and protect our great country.

These workers, most all of them civilians, come to work every single day with a very deep understanding about the purpose of their job. As one worker who has passed through those guarded gates for the last 14 years stated, "I have always felt a lot of pride having a job here. But now, when I come through that front gate, I just feel so good knowing that what we do supports the people who are out there really taking care of this country."

Mr. Speaker, I will close by saying that I am proud and honored that I can call these 1,200 workers my constituents; and at a time when our Nation is at war, let us not forget those men and women in and out of uniform who dedicate their lives so that we can all live in peace and freedom.

LIBERATION FOR IRAQ COMING SOON

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, many have questioned whether or not a war with Iraq is just and if the dictatorship of Saddam Hussein is a threat to the world. Well, certainly the events of the last few days have shown just how brutal and how uncaring of human life Saddam and his gang of thugs actually are.

The Geneva Convention requires that prisoners of war be treated with dignity and protected at all times from torture and public humiliation. Just as Saddam has not followed the mandates imposed upon his regime by the cease-fire agreement of 1991 and the United Nations Security Council resolutions, he has now disregarded the Geneva Convention.

The need for our intervention in Iraq is now clearer than ever. If Saddam would so brutally violate international protocol with regard to prisoners of war, just think how badly he has repressed his own people.

This dictator, like countless others before him, will earn his fate.

Now there are reports of a popular uprising of the Iraqi people in Basra against Saddam's tyrannical regime.

I say to the people of Iraq, rise up and join our coalition fighting to secure your freedom. Rise up and embrace your liberation.

Liberation Day is coming soon to the Iraqi people.

TOWN HALL MEETING ON AFFIRMATIVE ACTION

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, on Friday, March 28, at 1 o'clock, I shall join the Chicago Urban League, several Chicago land chapters of the NAACP, the National Association of Health Service Executives, the National Alliance of Black School Educators, and others in a town hall meeting to address the need for the continuation of affirmative action as a way of helping to level the playing field for all races and gender groups in employment, education, and upward mobility.

There has been tremendous progress in these areas, but not nearly enough. Therefore, we must continue to move America towards becoming a land of equal opportunity, which affords to every man and every woman his or her chance, their golden opportunity to become whatever their manhood, womanhood, talents, and ambitions combine to make them.

That is indeed the promise of America.

NOMINEE HELD HOSTAGE

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we live in difficult times, as we all know. Yet, in the other body, the nomination of a brilliant young lawyer, Miguel Estrada, is being held hostage. Today is the fiftieth day of that tragic event, the fiftieth day of holding a man hostage using innuendoes and double standards and fake accusations and, again, double standards. A person who got here at 17, who worked, studied, became a brilliant jurist, worked under 2 presidents, one Democrat and one Republican, who deserves to be on the court, on the bench of this country.

Again, I repeat, he is being held hostage, is being held to a higher standard, a different standard than every other judge that has gone through that illustrious body.

Mr. Speaker, it is a sad day to know that, again, with all of the difficult times and all of the difficult things going on, this one man is not being allowed to have a vote on the other floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER). The Chair would remind the Members of the House that they should avoid comments which urge action in the other body.

FCC SHOULD CORRECT BAD DECISION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, I would like to comment briefly on the flawed regulatory decision recently announced by the Federal Communications Commission. The FCC's approach can be deemed as borrowed from what the railroad industry refers to as trackage rights; that is, using another company's property.

Under the FCC rules, competitors are able to pay a bare minimum to use the incumbent phone company's networks. The prices are set using a complicated formula devised by the FCC and administered by State commissions. It is Federal price controls at their worst.

This approach has two negative effects. First, it discourages investment in the U.S. network by incumbent phone companies. Why would you invest if someone else is going to be able to use your property? Second, by deliberately underpricing network access, the FCC has discouraged investment in other networks by other firms. It hurts facilities-based competitors who cannot hope to match the FCC-mandated artificially low rates. Even Wall Street has expressed their dismay at this decision.

Mr. Speaker, this country should be encouraging investment, not discouraging it. We should be creating jobs, not discouraging it. I hope that the FCC will correct this bad decision as soon as possible.

COMMENDING THE UNIVERSITY OF MIAMI'S CENTER FOR ECOSYSTEM AND SCIENCE POLICY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to commend the University of Miami for launching its Center for Ecosystem and Science Policy.

This new center, led by its Director, Professor Mary Doyle, will work to ensure that sound environmental decisions are made based on the best scientific knowledge and understanding available. It will combine expertise in government and the environmental sciences in order to positively impact policy creation.

The Center for Ecosystem and Science Policy emphasizes the University of Miami's stance as a first-rate educational institution.

So I highly commend the President of the University of Miami, Donna Shalala, and the Center's Director, Mary Doyle, for taking leadership roles in the field of environmental research and policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are requested or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 113) recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem, as amended.

The Clerk read as follows:

H. Res. 113

Whereas approximately 3,000,000 reports of suspected or known child abuse and neglect involving 5,000,000 American children are made to child protective service agencies each year;

Whereas 556,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,200 children, 85 percent of whom are under the age of 6 years and 44 percent of whom are under the age of 1 year, lose their lives as a direct result of abuse and neglect every year in the United States;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on Wednesday, April 2, 2003, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) all Americans should keep the victims of child abuse and neglect in their thoughts and prayers;

(B) all Americans should seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across the United States should recommit themselves and mobilize their resources to assist these abused and neglected children; and

(2) the House of Representatives—

(A) supports the goals and ideals of the "Day of Hope", which was initiated by Childhelp USA; and

(B) commends Childhelp USA for all of its efforts on behalf of abused and neglected children throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 113 offered by my colleague, the gentleman from Arizona (Mr. HAYWORTH).

House Resolution 113 recognizes the social problem of child abuse and neglect and supports efforts to enhance public awareness of child maltreatment. The resolution is timely and appropriate, as next week begins National Child Abuse Prevention Month.

Every year, approximately 3 million reports of possible child abuse and neglect are made to child protective services. According to the most recent report, it is estimated that 63 percent of victims suffered neglect, 19 percent were physically abused, and 10 percent were sexually abused in the year of 2000. Unfortunately, Mr. Speaker, 1,200 children died in that same year due to child maltreatment.

Child abuse and neglect have tragic social repercussions. Human and economic costs related to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency affect all citizens; and all citizens should seek to break this cycle and give victimized children hope for a brighter future.

This resolution also commends Child Help USA for its efforts on behalf of abused and neglected children throughout the United States. Child Help USA is one of the Nation's oldest and largest nonprofit organizations dedicated to the prevention and treatment of child abuse and neglect.

Mr. Speaker, their mission is to meet the physical, emotional, educational, and spiritual needs of abused and neglected children.

Child Help USA has also created a National Day of Hope to be observed on April 2, 2003, to focus public awareness on child maltreatment.

□ 1030

National Day of Hope is a time for all Americans to remember the young victims of abuse and neglect by keeping them in their thoughts and prayers and encouraging community involvement to ensure that all appropriate resources are available to assist the abused and neglected children.

Mr. Speaker, this resolution is important and timely in that it draws attention to the need for more public awareness of the problem of child abuse and neglect and supports the goals and ideals of the National Day of Hope.

I would like to thank the gentleman from Arizona (Mr. HAYWORTH) for bringing this resolution forward and urge my colleagues to vote in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Resolution 113, recognizing the social problems of child abuse and neglect and to bring attention to this issue. I also want to commend the gentleman from Arizona (Mr. HAYWORTH) for introducing such a timely and important piece of legislation.

Mr. Speaker, today we call attention to the important fact that in the year 2000 about 879,000 children were victims of abuse and neglect in this country. Of this number, approximately 1,200 children died of abuse or neglect, and 44 percent of those children were under the age of 1 year. It is indeed a disturbing thought that an adult would want to hurt an innocent, helpless child; yet it still occurs daily in our country.

By the United States Congress taking a moment to bring this issue to the floor, we are not only acknowledging that there is a problem, but expressing a concern to help a child in need. I am pleased to report that in the past 7 years, the State of Illinois, my State, has seen a significant drop in its number of abuse cases. There was a 39 percent decrease in the number of cases of children that were victims of sexual abuse, as well as a 45 percent decrease in child abuse and neglect cases.

However, there is always the correlation between the state of the economy and violence. As the economy worsens and the number of unemployed rises, it is likely that we will see the number of crimes also increase. We will see the level of frustration increase. We will see an increase in the number of individuals who will take out their anger and frustration on whoever and whatever is closest to them. Oftentimes, these are innocent children.

We must ensure that crimes towards one's child are prevented as much as crimes towards one's neighbor. The National Institute of Justice reported that maltreatment in childhood increases the likelihood of arrest as a juvenile by 53 percent and as an adult by 38 percent. Therefore, we need to intervene today and every day to keep our children safe and protected before we severely pay for it tomorrow.

Mr. Speaker, I again commend the gentleman from Arizona (Mr. HAYWORTH) for this thoughtful and timely legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the distinguished author of this legislation.

Mr. HAYWORTH. Mr. Speaker, let me also, at the outset, begin with a personal note: how pleased I am to have my neighbor from Nevada here managing this legislation on the floor of the House, the first such opportunity he has had. I predict he will have many more opportunities to serve his home State of Nevada and this Nation with great distinction.

Let me also take time at the outset to thank my friend, the gentleman from Illinois (Mr. DAVIS), on the other side of the aisle for his support of this resolution, House Resolution 113, a resolution that recognizes the scope of child abuse and neglect and declares support for efforts to raise public awareness of this tragic problem.

Mr. Speaker, in many ways this House Chamber becomes America's town hall. We are able to focus the collective attention of our Nation on vital concerns of the day. While war rages around the globe, while our men and women in harm's way are doing their best to liberate another nation, it is worth noting that here at home we have serious problems; and, indeed, these problems extend to the youngest among us.

Mr. Speaker, homicide is the only major cause of childhood death that has increased over the last 30 years. Think about that for just a minute. In the last 3 decades, while we have made such tremendous strides against childhood disease, a cause of death so brutal as the premeditated taking of another's life continues to be on the rise among our youngest. Mr. Speaker, the tragic fact is, murders of children 5 years old and younger are most often committed by family members through beatings or suffocation.

While we welcome the strides my friend, the gentleman from Illinois, talked about in his home State, Mr. Speaker, I am compelled to come to the floor and talk about the challenges my home State of Arizona confronts. An average of 89 reports of alleged child abuse and neglect are made to Arizona's Child Protective Services each day. Of the over 17,000 reports of alleged maltreatment received from April 1 of 2002 to September 30 of that same year, 60 percent alleged neglect, 32 percent physical abuse, 6 percent sexual abuse, and 2 percent emotional abuse.

My friend, the gentleman from Illinois, touched on it earlier; but it bears repeating: sadly, parents who abuse all too often raise children who become abusers when they become parents. Maltreated children are at a higher risk of arrest at a younger age, with more significant and repeated criminal involvement. They can be expected to commit nearly twice as many crimes as children raised in a healthier environment.

We come to this floor today to recognize this social ill, but to go beyond that, not only to draw the scrutiny of our Nation, Mr. Speaker, to this problem, not only to talk about the width and breadth of the challenge we confront, that approximately 3 million cases of suspected or known child abuse and neglect involving 5 million American children are made each year, but also the sobering speculation and belief among many who study this problem that the actual incidence of abuse and neglect is estimated to be three times greater than the number actually reported to authorities. Mr. Speaker, we move beyond mere statistics to the very real human equation of the desperation confronted by the youngest among us.

Therefore, Mr. Speaker, this resolution expresses the sense of Congress that all Americans should keep victims of child abuse and neglect in their thoughts and prayers and urges the faith community, nonprofit organizations, and individual volunteers to recommit and mobilize their resources to assist the victims.

Mr. Speaker, we might also make a personal appeal to those parents who, for reasons of rage or helplessness or, sadly, convenience, reach out almost reflexively to strike a child. Mr. Speaker, in this place at this time we would ask those parents and those adults to stop and think. Indeed, Mr. Speaker, this resolution urges Americans to seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future.

As was noted earlier, the upcoming month of April is distinguished as

Child Abuse Prevention Month. The nonprofit organization Childhelp USA, which I am honored by the fact that it is headquartered in the Fifth Congressional District of Arizona, has initiated the National Day of Hope to focus public awareness of child abuse and neglect. As my colleagues mentioned earlier, this year National Day of Hope is scheduled for Wednesday, April 2.

This resolution also commends Childhelp USA for its efforts on behalf of children and its embracing of the goals of the National Day of Hope.

Lost among all the platitudes about children representing our future is this stunning fact that we cannot ignore: millions of American children are abused and neglected each year. This brutal behavior is so devastating that not only those children, but also our society, are victimized.

The challenge we confront demands the attention and compassionate action of every American. That is why I would urge Members' support for this resolution today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I first would like to extend my commendation to the sponsor of this resolution, my good friend, the gentleman from Arizona (Mr. HAYWORTH), who also happens to be the co-chair of our Congressional Native American Caucus. I am very moved by the leadership and the initiative that this gentleman has taken to bring this resolution to the floor for consideration by the Members of this Chamber.

I also would like to thank my good friend, the gentleman from Illinois (Mr. DAVIS), as co-manager of this legislation, and the gentleman from Nevada (Mr. PORTER) for his management of this proposed resolution.

Mr. Speaker, today I rise in support of House Resolution 113 to recognize the social problems of child abuse and neglect and support efforts to enhance public awareness of the problem. Currently, much of the world is focused on the current global events, and as a Nation we support our troops overseas and pray for their safe return home.

I would also like to express my gratitude to our Committee on Armed Services for their diligence and bravery, as well as to their family members who continue to remain stalwart in support of them.

Mr. Speaker, as we continue to keep abreast of these global events, we must also remember that we have a generation of children who need our support and our protection. Each year, child protective service agencies receive approximately 3 million reports of suspected or known child abuse and neglect. Many of these children are removed from their unsafe home conditions and placed in foster care; tragically, some die as a result of abuse and neglect.

Mr. Speaker, our children require our assistance. They need us to defend their right to provide safe havens for them to grow and flourish. There has been a recognition for the need to get out into the public and educate families regarding parenting skills aimed at rehabilitating the family and preventing out-of-home placement of children.

We have seen a struggle between old, traditional views of childrearing and modern society's views. As a society, it has been important for us to recognize that child abuse and neglect occurs in our community and that we as a collective unit are charged with preventing such abuses. We cannot continue to ignore the problems our children face. Now is the time for us to act to stand up for our children's rights, to report abuse that we see take place, and to get involved.

With all the trials and tribulations that life holds, we owe it to our children to provide them a safe environment while they are young, one where they have the opportunity to grow, to learn, and to live without fear. We can achieve this goal by supporting this resolution and calling on all Americans to participate in breaking the cycle of child abuse and neglect and to give these victimized children hope for the future.

Again, I am always impressed by the eloquence of my good friend, the gentleman from Arizona (Mr. HAYWORTH), and I thank him for his initiative and efforts to bring this resolution to the floor. I ask my colleagues to support this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I will just make two observations in closing. One is to follow up on the comments of Mr. FALEOMAVAEGA, that there is a tremendous need for parenting classes and parenting help, for many of our young parents, especially, who have children but not much opportunity to really know about parenting. That is one of the needs that exists and one of the program areas that we need to pay serious attention to.

□ 1045

The other is, people often ask me, are these kind of resolutions of any value? Do they make any sense?

I thought of a story that I heard the other day that a man was walking along the beach, and ne saw a silver fish, and he picked it up and threw it in the water. Another fellow walking behind him says, I hate to bother you, he said, but can you tell me what you are doing? He said, well, I am throwing the silver fish back into the water. He said, I do not know why you are doing that. There are so many of them you could never throw them all in, and even if you did all of them in this particular area, there are beaches all over the world, and so you are kind of wasting your time. Do you really think it will make a difference?

The man never answered. He just reached down, threw another fish into the water. Of course, when the fish fall into the water, they oxidate and continue to live, and he said it made a difference to that one, picked up another one, made a difference to that one.

If we only make a difference in the life of one child with this resolution, we have made a difference to that one.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of this resolution and thank my colleague from Arizona for introducing it.

The problem of child abuse and neglect is one of the great social ills of our society and must be a major focus of our nation. The statistics are staggering. More than three children die each day as a result of abuse in the home, with 85% of the victims under the age of six. Approximately three million child abuse reports are made each year, and it is estimated that the actual incidence of abuse and neglect is estimated to be three times that of the number reported to authorities.

We all know that the federal government is limited in our ability to combat this problem. It takes the individuals on the front lines in child protective services, law enforcement, and the volunteer community to break the cycle of abuse and neglect, ensuring that the most fragile and innocent among us are protected. We are fortunate that such individuals and organizations exist among us.

In my home county of Fairfax, we are fortunate to have the Childhelp USA Children's Center of Virginia working to combat abuse. Last week, they entered into an agreement with the Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth Attorney, Inova Fairfax Hospital for children, and Hispanics Against Child Abuse and Neglect to better integrate our efforts to prevent and respond to child abuse and neglect in Fairfax County. I commend this partnership for their commitment and for their efforts.

We can never appropriately thank or recognize the individuals and organizations that make up this network for the services, compassion, and hope that they provide to children all across our great nation. We can, however, ensure that we work with them and help to provide the necessary resources to ensure that all children have the ability to hope, dream, and achieve their full potential. Together we can break the cycle of abuse that threatens the future of so many of our nation's children.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I commend the gentleman from Arizona for bringing this critical issue to the floor of the House, and I join him in calling for a Day of Hope during Child Abuse Month. Thank you for your commitment and dedication to addressing this issue that impacts over 5 million children in the United States.

It is also my hope that this will be a year of action by this Congress in working to strengthen our Nation's response to child abuse and foster care.

Sadly, as is the case on the Mainland, child abuse and neglect are very serious and urgent problems in Puerto Rico. The twin evils of poverty and substance abuse have combined to conspire against our children and have placed too many of them at risk for abuse and neglect. In 2002, the Commonwealth received around 30,000 complaints of abuse and neglect and nearly 10,000 children went through our foster care system,

Governor Calderon has made this issue a top priority, and, with an additional investment of $12 million in Commonwealth funds, and no additional support from the Federal Government, doubled the number of social workers in the Family Department, lowered caseloads to 31, and practically eliminated the backlog of complaints. A pilot program to reduce investigation time to less than 48 hours was implemented successfully and is being expanded, and a new inter-agency, multi-service transitional housing center for foster children was inaugurated. We know this is not enough, but we think it is an excellent start, and the Commonwealth will be more aggressive in reaching out and partnering with the community based and church affiliated organizations on the island in order to succeed.

In fact, some of the residential services offered to our foster children are being provided by a variety of community and faith based organizations throughout the Island, such as "Ave Maria," in Bayamón, which is run by priests and shelters children from infancy to five years, and "Aldea Juvenil," in San Lorenzo, a specialized facility for boys with behavioral problems that is run by a local pastor.

Mr. Speaker, as you may know, on the mainland a child in need of foster care is entitled to federal/state assistance for foster care through the Title IV-E program. However, because of statutory restrictions, children in Puerto Rico do not have that same guaranteed access. Our children get care, but once the limit of federal support is reached, it is the Commonwealth alone providing the resources. Even when the Commonwealth has earned a performance bonus for its good work, if it means the so-called cap is exceeded, the Commonwealth is denied the bonus. Just last year a $200,000 adoption bonus payment was denied because of limitations on Title IV-E funds—a restriction that children on the mainland do not have to worry about.

This resolution calls on us to give children hope for the future.

Mr. Speaker, it is my hope that my colleagues will join with me this year in working to see that Puerto Rico's abused and neglected children are provided the same access to federal assistance during the darkest times of their lives—without the imposition of arbitrary limits that bear no relationship to their actual needs.

If we are able to accomplish this goal, it will get one more positive step in making sure no child living under the laws of our land be left behind.

Again, Mr. Speaker, I want to commend the gentleman from Arizona for bringing this important issue to the floor of this House and I join with him in urging the resolution's adoption.

Mr. BURTON of Indiana. Mr. Speaker, today the House considered H. Res. 113, a resolution that recognizes the scope of child abuse and neglect and declares support for efforts to raise public awareness of this tragic problem. I wholeheartedly support H. Res. 113 for several reasons. Approximately 3 million cases of suspected or known child abuse and neglect involving 5 million American children occur each year. The actual incidence of abuse and neglect is estimated to be 3 times greater than then number reported to authorities. This social problem results in human and economic costs due to its relationship to crime, delinquency, drug and alcohol abuse, domestic violence, and welfare dependency.

As a child growing up in Indiana, I personally experienced the horrors of child abuse in my own family. Children in abusive homes have very few options to improve their situations. I believe that the public needs to be better educated about the effects of abuse. It is important that children living in abusive homes know that there are people and organizations available to help them. Children shouldn't have to live in fear of abuse. The law should be there to protect them, and when it doesn't we should take steps to ensure their safety.

H. Res. 113 recognizes the need for better public awareness of the tragedy of child abuse. I urge my colleagues to continue to promote awareness of this tragic problem.

Mr. BOEHNER. Mr. Speaker, I rise today in support of House Resolution 113 offered by my friend and colleague, the gentleman from Arizona, Mr. HAYWORTH. House Resolution 113 recognizes the social problem of child abuse and neglect and supports the goals and ideals of the National Day of Hope. I am pleased to have the opportunity today to speak on behalf of it.

This resolution addresses an issue that, unfortunately, plagues many of our districts. Each year approximately 3 million reports of possible child abuse and neglect are made to child welfare agencies. As a result, about 556,000 children are unable to live safely with their families at home and are placed in foster care.

Child abuse and neglect is a social problem that affects all Americans. The results of such abuse and neglect have great human and economic costs and are related to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency. Therefore, all Americans should strive to break the cycle of child abuse and neglect to give victimized children hope for the future.

Childhelp USA is one of the Nation's oldest and largest nonprofit organizations dedicated to the prevention and treatment of child abuse and neglect. As part of their efforts to bring attention to this issue, Childhelp USA has initiated a National Day of Hope to be observed on April 2, 2003. A day that is appropriate and timely as April is designated as National Child Abuse Prevention Month.

This day of hope is a reminder to all Americans that they should keep the victims of child maltreatment in their thoughts and prayers, and it encourages community efforts to mobilize resources to assist abused and neglected children.

Mr. Speaker, this resolution is very simple and straightforward. It rightly recognizes the need for more public awareness of the problem of child maltreatment and supports the goals and ideals of the National Day of Hope.

I commend the gentleman from Arizona for his leadership on this matter and urge my colleagues to vote in support of the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I applaud all the speakers this morning. We have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 113, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 160 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 160

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 45 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1104, it shall be in order to consider in the House S. 151. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1104 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 151 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1104, the Child Abduction Prevention Act. This fair rule also facilitates resolving the differences between the two bodies by making in order the motion requesting a conference with the Senate after the passage of H.R. 1104.

The Child Abduction Prevention Act sends a clear message to those that prey upon children that, should they commit these crimes, they will be punished. This legislation provides stronger penalties against kidnapping, ensures lifetime supervision of sexual offenders and kidnappers of children, gives law enforcement the tools it needs to effectively prosecute these crimes, and provides assistance to the community when a child is abducted.

It is hard for me to understand how someone could prey on a defenseless child. It is the worst nightmare a parent has to hear, that his or her child has been taken by a stranger and that they do not know what has happened. The agony that they must go through every day is something that no parent should have to endure.

Unfortunately, a family in my area has been living with this agony since Valentine's Day of 2000. Asha Degree has been missing since she left her Fallston, North Carolina, home in the early hours of the morning with a book bag and other items. She was only 9 years old at the time.

It has been quite a while; and, after time, there are torn and damaged billboards seeking information about Asha, and faded yellow ribbons still around town. If this legislation had been enacted earlier, her story may have been very different.

This is a bill that will make a difference. We know that if we can find a missing child within 24 hours after they are abducted, we have the best chance for a safe recovery. To accomplish this, H.R. 1104 authorizes increased funding for a National AMBER Alert Program.

AMBER is an acronym for America's Missing Broadcast Emergency Response. The AMBER program was created in 1996 as a legacy to 9-year-old Amber Hagerman, who was kidnapped and murdered in Arlington, Texas.

States can apply for grants so that information can be broadcast on radio and television. Outdoor boards can be posted; and, in some States, the electronic highway message boards are used so that license plates or vehicles or a description of the child can actually be displayed along the highway. The purpose is to provide a rapid response to the most serious child abduction cases.

Doing this bill will enable all 50 States to implement this life-saving program, and we have seen several examples of it very recently working and saving children's lives.

For the individuals who would harm a child we can ensure that the punishment is severe and that sexual predators are not allowed to slip through the cracks of the system to harm other children. We all know that the recidivism rate of sexual offense is about 70 percent. No excuse for that.

To this end, this legislation provides a 20-year mandatory minimum sentence of imprisonment for stranger abductions of a child under the age of 18, lifetime supervision of sex offenders and mandatory life imprisonment for second-time offenders. We know that, as I said before, that most of them are repeat offenders.

Furthermore, this bill removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses. Often times it is years later that the sex offense comes to light out of fear. The child is very afraid to tell.

That is why this bill is so important. Not only does it come to the aid of children after the abduction with the AMBER alert, but it aims to prevent the abduction with the provisions that I just mentioned.

I would also like to note that these provisions have overwhelmingly passed the House in the previous Congress. So there is no reason not to support this overall bill. It is a good bill. I urge my colleagues to support this rule and to support the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to make a lengthy statement in just a moment, but I think it should be made clear to people who may be watching this on television, listening to this, Members listening to this in their offices or watching it, what is really going on here today. We have a noncontroversial bill, the AMBER alert bill, that was passed unanimously by the Senate both last year and this year; and we have an omnibus bill with all kinds of provisions, the AMBER alert provision being one of those that has now been reported out of the committee.

While this omnibus bill passed the House in the last session, it did not pass the Senate because there are a number of provisions that the Senate finds objectionable. So what we are doing is we are holding hostage the AMBER bill, the stand-alone AMBER bill, because some Members in the other party want an omnibus crime bill with controversial provisions.

If the leadership on the other side would simply let us have a separate vote on the AMBER provisions that have already passed the Senate unanimously this year, those would be passed by this House immediately and then could be sent to the President for his signature, but that is not what is being done today.

What we are doing is considering an omnibus bill with AMBER as one part of it, an omnibus bill that contains some very controversial provisions that indications are the Senate will not accept.

I would paraphrase something that is often said in criminal court: Justice delayed is justice denied. That is basically what is happening here today, is that we are packaging something that we know probably will not be accepted by the Senate, and even if it is accepted, it would be after a long and lengthy discussion and perhaps a conference committee.

Mr. Speaker, I have been a Member of this House for 25 years, and over that time I have been disappointed with the majority leadership on more than one occasion, but I cannot recall anything as utterly indefensible as the fact that the House leadership, Republican leadership, continues to block a very simple, very noncontroversial legislation, to set up a nationwide network of AMBER alerts to help save abducted children. If that sort of obstructionism is not out of touch, then I do not know what is.

Mr. Speaker, the rule for the Child Abduction Prevention Act is fine enough, fine enough that is if one is okay with politics as usual, fine enough if one is okay with delaying help to abducted children. America's children desperately need a nationwide system of AMBER alerts, and passing the Child Abduction Prevention Act through the House will not provide that anytime soon, if ever, and abducted children do not have time to wait any longer for politics as usual.

□ 1100

Mr. Speaker, House Republican leaders have blocked the simple AMBER Alert bill for 6 long months, and I am confident they have carefully constructed talking points to confuse the issue even further today.

So I want to be very clear about what the House is doing. We will be debating in a little bit two separate bills. One is the large, complicated and somewhat controversial bill this rule makes in order, the Child Abduction Prevention Act, H.R. 1104, of the gentleman from Wisconsin (Mr. SENSENBRENNER). The other bill this bill does not make in order is the simple, noncontroversial AMBER Alert Network, S. 121, which has already passed the Senate unanimously and which could become law tomorrow if Republican leaders would only allow us to vote on it today.

I am not here to oppose the bill of the gentleman from Wisconsin (Mr. SENSENBRENNER). I am not trying to defeat it. That is why Democrats did not offer a substitute yesterday in the Committee on Rules. All I am asking, as I and others like Ed Smart and Marc Klass have asked for the past 6 months, is for a separate vote on a separate bill, the AMBER Alert Network Act. Why? Because the Senate has passed the simple AMBER bill unanimously; because it has 220 cosponsors in the House, a clear majority; because the President supports it; and because if Republican leaders allow the House to pass it, then it will become law and communities across the Nation will get desperately needed resources to set up and/or strengthen the AMBER Alert systems that save children's lives.

Mr. Speaker, there is no valid reason that the House could not easily pass both bills, the simple AMBER Alert bill and the larger bill of the gentleman from Wisconsin (Mr. SENSENBRENNER) today, but the rule only allows a vote on the bill of the gentleman from Wisconsin (Mr. SENSENBRENNER), and passing it through the House will not send immediate help to AMBER Alerts any more than passing bankruptcy reform last week did.

Mr. Speaker, that is because the bill of the gentleman from Wisconsin (Mr. SENSENBRENNER) is a large and complicated piece of legislation. It has not even been introduced in the Senate, much less passed by the Senate Judiciary Committee or the full Senate, or reconciled with the House bill in a conference committee. No one knows whether it will ever become law. That is why I tried to bring up the simple AMBER bill by unanimous consent last week, but the Republican leadership refused to allow it, and that is why I tried to amend the rule last night in the Committee on Rules to bring up both bills today on the floor, but Republicans blocked the AMBER bill as a stand-alone bill in a party-line vote last night.

Mr. Speaker, this is about protecting our children. It is not about party politics; so I cannot understand why Republican leaders insist on blocking the simple, stand-alone AMBER bill passed by the Senate. But they have been doing it for 6 months, and they make plenty of arguments. Last night in the Committee on Rules, one Republican member, the gentleman from Texas (Mr. SESSIONS), called it a feel-good, do-nothing piece of legislation. Like me, he is from North Texas where the AMBER Alert was invented, so I was surprised to hear him say that. The gentleman from Wisconsin (Mr. SENSENBRENNER) said that those of us arguing for a simple, stand-alone vote on the simple AMBER bill are misinformed about the impacts such a bill would have.

Mr. Speaker, with due respect to the gentleman from Wisconsin (Mr. SENSENBRENNER), the family of Elizabeth Smart is not misinformed. That is why they wrote an open letter to the House last week stating, "As you know, I can't express enough how our children can't wait another day for the National AMBER Alert to be signed into law by President Bush. Please, please, please, pass the stand-alone AMBER Alert legislation now. You cannot comprehend the joy and adulation of having your child return. The AMBER Alert will make this a reality for countless families. Please don't underestimate the immediacy and power of this legislation."

Similarly, Mr. Speaker, Marc Klass, the father of Polly Klass, was not misinformed when he wrote a letter expressing support for a nationwide network of AMBER Alerts.

And several Republican Members of the other body, including the chairman of the Committee on the Judiciary, were not misinformed when they urged the House to pass the simple stand-alone AMBER bill. Finally, the President of the United States was not misinformed when he said passing the AMBER bill is critical. All of these people are advocates for passing the simple AMBER legislation. Why? Because they understand that the AMBER Alert system works.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would ask the gentleman to refrain from quoting Senators unless the quotations are from Senate proceedings.

Mr. FROST. Mr. Speaker, I did not mention them by name, but I thank the Chair.

Mr. Speaker, they understand that the AMBER system works. It has helped to recover 52 abducted children, five of them in the month of March alone; but it does not work where it does not exist, and the AMBER Alert Network Act will help set up a nationwide network of AMBER Alerts. It provides 10 times the resources to communities that the President has requested for next year.

But the AMBER Alert bill will never become law as long as House Republican leaders are holding it hostage. Over the past 6 months, they have proven their willingness to do just that. As a result, Mr. Speaker, there is only one way to pass the AMBER Alert Network Act through this House, by defeating the previous question today. If we defeat the previous question, I will offer an amendment to the rule to bring up S. 121, the Senate-passed stand-alone AMBER bill immediately after the House passes H.R. 1104, the Sensenbrenner bill. That way the AMBER bill can become law and we can immediately begin strengthening AMBER Alerts around the country to save abducted children. The larger bill by the gentleman from Wisconsin (Mr. SENSENBRENNER) can continue through the legislative process, hopefully through the Senate, through a conference committee, and back to the House and Senate as a conference report, and maybe one day become law. But abducted children cannot wait that long.

I urge Members, especially the 220 who have cosponsored the AMBER Alert Network Act, to defeat the previous question so we can vote on this bill today and begin helping abducted children.

Mr. Speaker, defeating the previous question will not stop the Child Abduction Prevention Act, but it is the only way to immediately strengthen AMBER Alerts around the country.

In closing, let me quote from a letter that the family of Elizabeth Smart sent to all Members of the House this morning. They write: "Chairman Sensenbrenner's efforts on this issue are greatly appreciated, and his bill contains several worthy measures. But there is no reason the House can't vote on this bill while also passing the AMBER Alert Network Act that has been delayed for over 6 months.

"So we urge Members of the House who want to strengthen the AMBER Alert to vote 'no' on the previous question today. That is the only way for the House to pass the National AMBER Alert to help protect America's children immediately.

"Our children can't afford to wait another day for the National AMBER Alert so we urge the House not to waste this opportunity to act on the legislation that has already passed the Senate twice."

Mr. Speaker, I believe the Smart family has stated the case very clearly, so I urge my colleagues to oppose the previous question.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. FROST) is aware, there are technical problems with the stand-alone Senate bill that need to be corrected and that is being done so it can come to the House floor.

My second point is some have suggested that this stand-alone AMBER bill would implement the system. That is erroneous information. It is very misleading because this legislation provides for grants to the States, and the States can apply for that money and then implement the program if they wish to do so. Currently, 38 States have done it, but there is nothing in this bill that says that the other 12 States will be required to implement it if they chose not to. That is their choice.

I find it difficult to understand how these following things are controversial. We are talking about a 20-year mandatory minimum sentence of imprisonment for abduction of a child under the age of 18, for lifetime supervision of child abductors and sex offenders, for mandatory life imprisonment for second-time offenders. It also removes any statute of limitations for child abduction and sex offenders. It denies pretrial release for those who rape or kidnap children, and it allows local law enforcement agencies to receive funding to establish sex offender apprehension programs, and it doubles the authorization for the National Center for Missing and Exploited Children to $20 million a year.

I would think that any parent who has a child abducted not only wants to find that child, but wants to be sure when that happens the maximum punishment is given to the person who did that horrible thing. That is what this omnibus bill does. Again, I recommend that Members support this rule and the underlying bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER), another member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the rule and the underlying legislation, H.R. 1104, the Child Abduction Prevention Act of 2003.

H. Res. 160 is a structured, but fair, rule designed to ensure that the whole House has the opportunity to consider a number of substantive amendments to improve upon the underlying legislation. The Committee on Rules has worked to be as evenhanded as possible and has permitted the overwhelming majority of amendments that were submitted for review last evening.

Mr. Speaker, it is disheartening to know that the youth of this country are exposed to the harsh realities of life earlier in their lives than ever before. This does not mean, however, that they are better prepared to face those realities. We must do everything possible to protect those who cannot defend themselves.

During this debate, it will be argued that we should simply take up a more limited bill that would be acceptable to the other body. Mr. Speaker, I do not believe that we serve in this House simply to pass legislation acceptable to the other body. We are elected to pass effective legislation that will have the optimum benefits for the people we represent. In this case, we have the opportunity to enact effective legislation that will prevent crimes against children and save lives.

The Committee on Rules heard compelling testimony from the gentleman from Wisconsin (Mr. SENSENBRENNER), who stated that he wanted to enact the AMBER Alert legislation into law as soon as possible to assist in finding those children who have been taken. But he continued to state that we have a duty not only to pass legislation to find those who have been abducted, but we have an obligation to ensure that this legislation does everything possible to prevent children from being abducted in the first place. H.R. 1104 will achieve this goal by deterring crimes and providing a necessary line of defense. This bill does not impose excessive fines or punishment on convicted individuals; rather, this bill imposes reasonable, bottom-line standards of intolerance for the violation of our laws. I cannot possibly think of a more appropriate situation where strong punishment is warranted.

The desire to protect our children originates not from the mortal law of man, but rather the rules and state of affairs governed by the laws of nature. As a father and grandfather myself, I fully support any reasonable efforts that prevent harm from befalling our children or grandchildren and that punish those who would commit the crimes.

Mr. Speaker, I ask that the House pass this rule and pass the underlying legislation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, Members watching this must be scratching their heads and saying what are they talking about. The stand-alone AMBER bill has already passed the Senate 92–0. It would pass this House probably unanimously. They should just have a vote on it. Why do we just not have a vote on it; they will not let us have a vote on it.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Last night in the Committee on Rules I put the question to the gentleman from Wisconsin (Mr. SENSENBRENNER): Is it correct that all of the Members of the House of Representatives want an AMBER Alert bill? The gentleman concurred.

Additionally, I asked the gentleman from Wisconsin (Mr. SENSENBRENNER): Is it not true that the Senate has passed this measure unanimously on two occasions? The gentleman concurred.

Now what is happening here today is a whole lot of measures have been added to the AMBER bill that are in some respects going to slow this process down. The gentleman from Wisconsin (Mr. SENSENBRENNER), well-intentioned though he may be, is mindful that the matters that are brought in the legislation that he offers will muddy up the clean AMBER bill passed by the Senate that we could pass here in the House of Representatives and the United States President would sign.

I am asking Members to vote "no," not to stop consideration of the Sensenbrenner bill; but so we can receive our own vote on a clean AMBER Alert.

□ 1115

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Let us be clear what is going on here. I may have misunderstood my colleague from Georgia, a member of the Committee on Rules. I think he said that I did not support the larger bill. That is not the case. I support the larger bill, the Sensenbrenner bill; and I intend to vote for it. I just want a separate vote on the stand-alone AMBER provisions so that we can do that today rather than 6 months ago, 6 months later or a year later.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue; and I want to strongly associate myself with and endorse all the remarks he has made in this debate today. I, too, will vote for the underlying bill, the omnibus bill, but I cannot believe that we are in the circumstance we are in right now.

I come from Salt Lake City. The Smarts are my constituents. We had a miracle occur in Utah a couple of weeks ago. It happened based on the principles of AMBER Alert, where information was disseminated to the public, and the public was looking for the perpetrators, and they were found.

How can we let this delay any longer? Every day we delay is another opportunity lost, perhaps; and how do we place the value of even one, just one time when we could find a child after being abducted before that child was harmed?

I think that, as we look at this debate, it is important to note that the Senate passed this bill unanimously. A majority of the House of Representatives in both parties has signed on as cosponsors to the comparable legislation in the House. If it comes up for a vote, I cannot imagine anyone not supporting this. We are getting caught up in another important piece of legislation that, as I said, I would support, but it is going to take time for that legislation to become law. That is the fact. If we separate out a stand-alone AMBER Alert vote in the House, that can become law very quickly. That is the issue at hand today. That is why I urge all my colleagues to vote "no" on the previous question. Let us get this bill out on the House floor.

I cannot understand why this has become partisan. This should not be a partisan issue, but the leadership seems to not want to allow a vote on this. It happened in the last session of Congress after the Senate passed it unanimously. It is happening again now. It is time for us to put that aside. This is too important of an issue. We all care about this so much. Again, I urge my colleagues to defeat the previous question.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would like to note that there currently is $12.5 million in the system already for States who wish to implement AMBER Alert systems.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. I thank the gentlewoman from North Carolina for pointing out that, on an administrative basis, there is $12 million that has been set aside. Of course, this or some subsequent administration could withdraw that money, could terminate the program if it does not become permanent statutory law. We know this administration is under great budgetary pressures because of the large deficit that they have run up, and we do not want to risk someone in the administration waking up tomorrow and deciding that they cannot afford to spend this money for the AMBER Alert. So we want to put it in statutory law where they will have to spend it.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. A "no" vote, Mr. Speaker, on the previous question will allow the House to vote on both the bill reported by the committee and the clean AMBER Alert bill passed by the Senate which can then go immediately to the President for his signature.

I have heard the claim that the amendment on AMBER Alert developed by our Committee on Transportation and Infrastructure shows that there are, quote, serious flaws in the AMBER Alert provision in the Senate bill. That is simply not the case. I support our committee's amendment, but I believe the original provision is workable and could be the basis for prompt implementation of AMBER Alert as it has been initiated by the U.S. Department of Transportation.

The original AMBER Alert provision in the House and Senate bills authorized the Secretary of Transportation to make grants to develop a program in general terms. The amendment our committee adopted made two changes: First, it described the concepts of the program and the purposes for which grants would be made in very specific terms to track the criteria included in the DOT announcement of its AMBER Alert grants issued February 12 of this year. Secondly, the amendment changed the Federal share.

These are good changes, a good provision in the amendment, but I also believe that if the original language is adopted, DOT could go ahead with the program announced on February 12 because the specific criteria for DOT's program fall within the general criteria of the Senate bill. DOT would not have to redo its criteria. I would be supportive of prompt passage of the Senate bill followed by further proceedings on the House bill, to include the technical changes in the AMBER Alert. We can do that at some other time. It is not necessary now. We do not have to gild the lily, if you will.

A "no" vote on the previous question will allow consideration of both the committee bill and the Senate-passed bill. Let us get on with the substance of this issue.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would just make the comment, Mr. Speaker, that there is also an additional $2.5 million in the 2004 budget that just passed the House for AMBER Alert.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I call on the House to immediately turn to what we know as the Frost-Dunn National AMBER Alert Network Act. This legislation would make $25 million available to State and local entities for highway signage, for education, for training programs. It would make AMBER Alert a national program. AMBER Alert works. It should be a national program.

This legislation has 220 cosponsors. We are all influenced by the evidence that this works with more than 52 abducted children recovered through AMBER Alert-like processes, five here in the month of March alone.

As my colleague from Texas said, anyone who is watching this debate must wonder what in the world is going on. We have the opportunity to pass a clean bill for AMBER Alert to become law. We had this opportunity last fall. At the time I got in some political trouble in my home State for saying this bill is designed to prevent AMBER Alert from becoming law, and it is not very constructive to say I told you so, but in fact 6 months have passed and when AMBER Alert could have been law on a national scale last fall, it still is not.

The reason is, the other side here insists on putting other things into the bill. These might be controversial. At least they are complicated and serious issues that deserve to be aired and debated, such things as expanding the death penalty, increasing mandatory sentences, criminalizing traveling with a criminal intent or a perceived intent, two strikes and you're out for certain kinds of legislation, expanding wiretap authority, eliminating the statute of limitations in some circumstances, eliminating pretrial release in some circumstances.

I think any Member of the House, if they would speak objectively, would have to say that some or all of these provisions deserve thorough airing. They are serious matters. They should not just be stuck into another bill, and they certainly should not be put into this bill that is urgent that we pass now.

We all celebrated with the Smart family, Edward and Lois Smart, when their daughter Elizabeth was returned to them. Just a few days ago, the Smart family wrote to Members of Congress and said:

"As you know, we can't express enough how our children can't wait another day for the national AMBER Alert to be signed into law. Please, please, please, please, pass the stand-alone AMBER Alert legislation now."

I could not agree more with the Smart family, Edward, Lois and Elizabeth. We have the opportunity to do it. We can do it today. The President will sign it in a matter of days, I am certain.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would just like to remind people that on these bills that are so controversial, they have been vetted, because on the lifetime supervision for sex offenders, the vote was 409–3; on the two strikes and you're out, the vote was 382–34; on the Child Sex Crime Wiretapping Act, it was 396–11; on the sex tourism bill, it was 418–8; and the Child Abduction Prevention Act was 390–24. Hardly controversial.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

It was once observed many years ago in the pre-television age that there are two things that you do not want to see happen. One is the making of sausage and the other is the making of legislation. But, of course, now we see the making of legislation on television; and I would suggest that what the other side is doing today is giving sausage-making a bad name.

It is very clear that this legislation could become law in the next couple of days if they would just let it go, just let us have a separate vote on it. But they are not willing to do so.

My colleague from North Carolina cited the votes in the House for various provisions in this bill, other provisions. Of course those are all true, but the point is that they did not pass the Senate. They did not pass the other body. While they may be very popular in the House, that does not mean that the other body is going to take them all in one package with a little bow around them. They would not do it in the last Congress, and there is no real reason to believe they would do it anytime soon in this Congress. So all we are asking is a vote separate, a stand-alone vote just on the national AMBER network provisions which the other side, unfortunately, in this rule does not give us.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that, immediately after the House passes the Child Abduction Prevention Act, it will take up the Senate-passed version of the AMBER Alert legislation. The Senate bill is identical to its House counterpart, H.R. 412, which has over 220 cosponsors.

The Senate passed S. 121 by a unanimous vote of 92–0 on January 21 of this year. All that stands in the way of a presidential signature on this legislation is a clean vote by the House. That is what my amendment will allow us to do.

I am sure most of us cannot imagine the horror of having a child kidnapped. Research has shown that most kidnapped children are killed within 3 hours of their abduction. In these terrible, terrible instances, it is absolutely crucial that information be disseminated immediately so that these children can be rescued. AMBER programs in 39 States have already been credited with saving 31 lives.

It is hard to put into words the collective joy that this Nation felt 2 weeks ago when Elizabeth Smart was found alive and returned to her loving family. Let us help more families celebrate the joy of the safe return of a kidnapped child and not the sorrow of a tragic ending. Let us pass the Senate AMBER bill now and send it to the White House immediately.

Let me make very clear that a "no" vote on the previous question will not stop consideration of the Child Abduction Prevention Act. A "no" vote will allow the House to vote on H.R. 1104 and on S. 121 as well. However, a "yes" vote on the previous question will prevent the House from passing the clean AMBER bill and getting it to the President's desk as soon as possible. I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment that I would offer be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, again, I have been in this House for 25 years, and I simply do not understand what the other side is doing today. It makes no sense. It is indefensible. Let this legislation come to a vote and let it come to a vote today and be sent to the President.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I also agree AMBER Alert needs to be passed, but I think it is just as important that there be punishment for the abductors of these children. Because any parent is thankful to get their child back, but they do not want that person out on the street so they can do it again, and 70 percent of these people do it again.

The material previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new section:

SEC. . Immediately after disposition of the bill H.R. 1104, it shall be in order without intervention of any point of order to consider in the House the bill (S. 121) to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Chairman and ranking Minority Member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

☐ 1130

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 198, not voting 18, as follows:

[Roll No. 86]

YEAS—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Biggert
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)

Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Beauprez
Bilirakis
Bishop (UT)
Buyer
Davis (FL)
Emanuel
Frank (MA)
Gephardt
Hall
Harris
Hyde
McCarthy (MO)
Miller, George
Moore
Pitts
Putnam
Wamp
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1151

Mr. FORD, Mr. BECERRA and Ms. ESHOO changed their vote from "yea" to "nay."

Mr. PETRI changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. BISHOP of Utah. Mr. Speaker, on rollcall No. 86, I was inadvertently detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) recognizing and supporting the goals and ideals of "National Runaway Prevention Month".

The Clerk read as follows:

H. RES. 57

Whereas the prevalence of runaway and homeless situations among youth is staggering, with studies suggesting that between 1,300,000 and 2,800,000 youth live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 youth in the United States running away from home before the age of 18;

Whereas runaway youth most often are youth who have been expelled from their homes by their families, physically, sexually, and emotionally abused at home, discharged by State custodial systems without adequate transition plans, separated from their parents through death and divorce, too poor to secure their own basic needs, and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based supports that address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month, during the month of November, to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of "National Runaway Prevention Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 57.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 57, introduced by my distinguished colleague, the gentleman from the City of New York (Mr. ISRAEL), recognizes and supports the goals and ideas of National Runaway Prevention Month.

Mr. Speaker, we all want every child in America to grow up in a safe, loving home and to realize his or her full potential in life. However, the plight of children who run away from their homes continues to plague American families. Sadly, the factors that prove to increase the chances that children will leave their homes seem so preventable. These factors include drug and alcohol abuse by a family member, severe neglect or mistreatment, and serious family unrest. I remember hearing after one of the school shootings a couple of years ago the national head of the YMCA on the CBS national news who said children were being neglected in this country like never before.

Even in this compassionate Nation, the challenges that today's youth face are many. But so too are the responsibilities that all Americans have to be aware of the conditions that encourage children to run away from home, and to address those conditions where they exist.

Hopefully, all Americans will pay more attention to the serious problem of runaway children. We can each act to enrich the lives of children in our communities by volunteering at a local school, or in a child-mentoring program, or in a faith-based organization that works with children or families. And in the most unfortunate cases in which children have left their homes, for whatever reason, it must be a priority of all Americans to work together to reunite parents with their runaway children.

Since nothing is more important than the safety and stability of the lives of our Nation's children, I urge all Members to support the adoption of House Resolution 57.

Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for introducing this worthwhile measure.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Res. 57, a bill recognizing and supporting the goals and ideals of National Runaway Prevention Month, and I commend the gentleman from

New York (Mr. ISRAEL) for its introduction.

Each year, more than 1 million teenagers run away in the United States, a rate of more than 1 every minute. Many of these young people leave their homes to escape abuse and neglect or because their parents could not or would not meet their basic needs for food, shelter, and a safe, supportive home environment.

While on the streets, America's children are vulnerable and may be exploited by drug dealers or become victims of crime or violence.

To survive, runaways may resort to shoplifting or prostitution to earn money for food and clothing. Medical conditions may go untreated or become aggravated by neglect, and those who drop out of school threaten their chances for economic independence.

The National Runaway Switchboard, which was founded by a group of Chicago agencies in 1971, gives help and hope to youth and their families by providing nonjudgmental, confidential crisis intervention and local and national referrals through a 24-hour hotline. The NRS, along with the National Network for Youth, are cosponsoring National Runaway Prevention Month during the month of November to increase awareness of the life circumstances of youths in high-risk situations and the need for a safe haven for these youths.

I also want to commend the Chicago public school system, the Chicago Board of Education for the work that it does of providing education for homeless children without their having to go through lots of changes in terms of identification of where they are and where they come from. This resolution supports NRS and NN4Y in their efforts to create National Runaway Prevention Month. I urge my colleagues to support H. Res. 57 and the runaway children it will help.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Tennessee (Mr. DUNCAN) for yielding me this time.

Mr. Speaker, I rise today to join my colleague, the gentleman from New York (Mr. ISRAEL) in strong support of a resolution recognizing the goals and ideals of Runaway Youth Prevention Month, which is being sponsored by the National Network For Youth and the National Runaway Switchboard.

Within the last year, a number of highly publicized child abductions focused the attention of Americans on the plight of exploited and abducted children and the pain and agony suffered by the families left behind. Recognizing the serious threat that faces our children every day as they travel to and from school and play with friends in parks and neighborhoods, President Bush, in October of last year, convened a conference on missing, exploited, and runaway children. Again, the main focus was on abducted and exploited children, and rightly so. One child abduction is one too many.

But let us put the problem of child abductions into perspective. Five times as many children run away as are abducted in this country, and one runaway child is also one too many. There are approximately 1.3 million young Americans on the street every day as a result of running away and/or homelessness. One in seven children between the ages of 10 and 18 will run away. Some will return within a few days, while others will remain on the streets and never return. And each year, assault, illness, or suicide will take the lives of 5,000 runaway youth. That is 5,000 too many.

There are many reasons why children run away from home. Some are expelled from their homes by their families or separated from their parents because of death or divorce. As much as violence is involved in the abduction of a child, so too does physical, sexual, and emotional abuse at home often cause a child to run away. Having run away, these youth are now homeless, too poor to secure their own basic needs and often ineligible or unable to access medical or mental health resources.

Many runaway youth also have difficulty obtaining an education because they are homeless. Being a runaway or being without a home should not mean being without an education. Yet that is what homelessness means for far too many of our poor and runaway children and youth today.

Congress recognized the importance of educating homeless and runaway youth when it enacted in 1987 the McKinney Education program. But despite the progress made over the past decade, we know that homeless children continue to miss out on what is often the only source of stability and promise in their lives: school attendance.

That is why in the 107th Congress I introduced the McKinney-Vento Homeless Education Act, which was included in the No Child Left Behind Act that became law at the beginning of 2002.

By incorporating the innovative provisions contained in the legislation, the No Child Left Behind Act strengthened the McKinney program, ensuring that homeless or runaway children are immediately enrolled in school when they desire an education. That means no red tape, no waiting for paperwork, and no bureaucratic delays. A school liaison helps runaway or homeless youth make certain decisions about their education and, upon enrollment, ensures that they have access to the special assistance and services available to runaway and homeless youth.

This is only one small way in which more is being done to help children who are runaways or who are homeless. There are many others, individuals and organizations, who are doing whatever they can to assist America's runaway youth by providing food, shelter, clothing, and counseling. Others are working with families to prevent a child from running away in the first place, and still others are intervening and advocating on behalf of children and giving them options other than running away.

One such organization is the National Runaway Switchboard, which provides crisis intervention and referrals to reconnect runaway youth with their families and to link young people to local resources that provide positive alternatives to running. I am compelled to call to the attention of my colleagues, just as the gentleman from Illinois (Mr. DAVIS) did, this important resource because it originated in Chicago.

Founded by a group of Chicago agencies, the National Runaway Switchboard was established in 1971 to provide comprehensive crisis intervention services for young people in the Chicago area. It was conceived as a centralized organization with free, 24-hour services, expertise in all youth-related issues, and as an information clearinghouse.

In 1974, it became a national resource and now is the federally designated national communication system for runaway and homeless youth. The Switchboard is still available 24 hours a day and fields more than 100,000 calls each year from the Nation's runaway and homeless youth; and through a partnership with Greyhound, the National Runaway Switchboard reunited approximately 1,000 families each year.

The National Runaway Switchboard, the National Network for Youth, an organization that my colleague, the gentleman from New York (Mr. ISRAEL), will highlight, I am sure, have designated November as National Runaway Prevention Month. The purpose of this month is to call attention to the problem, its causes and impacts, and all of those organizations and services that exist to help both runaways and their families.

I want to thank the gentleman from New York (Mr. ISRAEL) for introducing this resolution. It has been an honor and a privilege to work with him in the last Congress, and now in this Congress, to bring this issue to the forefront. It is fitting for Congress to endorse the goals and ideals of National Runaway Prevention Month and to highlight those organizations that work so hard to help the youth of America who have left or who are seriously considering leaving their homes for a dangerous and uncertain life on the street.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he may consume to the author of this resolution, the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank the distinguished gentlewomen from Illinois for her continued bipartisan leadership and compassion and concern on the issue of runaways.

The gentlewoman and I introduced this bill in February, 2003.

The National Network for Youth and the National Runaway Switchboard have designated November as National Runaway Prevention Month because many of the causes of runaways can be successfully addressed before the problem emerges. Unfortunately, many children do not realize that there are resources available to them, and they choose to run away because they think that there are no other options.

During National Runaway Prevention Month, the National Network for Youth and the National Runaway Switchboard publicizes the realities that runaways face on our streets. During this month, parents are reminded to keep communication with their children open. During November, the two organizations will reinforce the message that setting aside regular time for planned family activities is just critical.

These organizations also reach out to youth to educate them about how they can communicate more effectively with their parents. Young people can learn the techniques needed to adequately express their feelings. These organizations have the resources that can show youth that there are alternatives, which include counseling to address the unhappiness and a myriad of social services and youth groups.

The two main goals of National Runaway Prevention Month are to increase awareness of issues facing runaways and to educate the public about their role in preventing youth from running away.

Community programs in my district such as the Sanctuary Program in Huntington provide a safe haven for youth. They teach youth the value of trusted friends, family, adults, clergy, professionals. They teach teens how to listen; how to understand, and how to communicate.

Some people run away because of physical or sexual abuse in their homes. In these cases, youth should know that there are options. They do not have to run and live on the streets. They can make the abuse stop. They can get counseling, they can continue their education, they can remain fully contributing members of society. There are alternatives. We need to educate our youth as to where those alternatives are.

That is what this bill helps do. The National Network for Youth and the National Runaway Switchboard use the month of November to publicize their efforts and educate people about those alternatives. National Runaway Prevention Month provides a vital service in informing both at-risk youth and their parents that communication is essential. This resolution before us demonstrates that the House of Representatives recognizes the service that these organizations provide.

I was very proud to introduce and cosponsor this resolution with the gentlewoman from Illinois (Mrs. BIGGERT), and I urge the House to join us in passing it today so that we may save families and save lives.

Mr. DAVIS of Illinois. Mr. Speaker, I would just again commend the gentleman from New York (Mr. ISRAEL) and the gentlewoman from Illinois (Mrs. BIGGERT) for the introduction of this resolution and the work that they have done on it. It is an important one.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I will simply close by saying that I would also like to commend the gentleman from New York (Mr. ISRAEL) and the gentlewoman from Illinois (Mrs. BIGGERT).

The scope or magnitude of this problem is simply staggering. The gentlewoman from Illinois (Mrs. BIGGERT) mentioned that there are 1.3 million children on the streets, either because of running away or because of homelessness. Probably the most conservative study I have seen on this says there are a minimum of 450,000 children who run away from homes all across this Nation each year.

As I mentioned in my opening statement, I was so amazed when I heard, as I was driving to the airport one afternoon here in Washington, I heard on the CBS National Radio News that the national head of the YMCA said children are being neglected in this country today like never before. Unfortunately, children have more material wealth today than probably ever before, but there are also many, many, many children who are growing up without the love or discipline that they had in past years or, perhaps because of broken homes or parents working long hours, they are not getting the attention that they need and deserve.

I have said before that children today would be far better off with a few less toys and designer fashions and another brother or sister, or certainly more attention from their parents.

So this resolution is a small, but important, step in trying to do something about a very serious national problem; and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the resolution, H. Res. 57.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1215

EXPRESSING SUPPORT FOR CELEBRATION IN 2004 OF 150TH ANNIVERSARY OF GRAND EXCURSION OF 1854

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) to express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

The Clerk read as follows:

H. CON. RES. 44

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the "Grand Excursion of 1854";

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River, and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 44, introduced by our distinguished colleague, the gentleman from Iowa (Mr. LEACH), expresses support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

Mr. Speaker, during the summer of 1854, the Chicago Tribune sponsored a trip for around 1,000 well-regarded east coast journalists, artists, businessmen and others to visit the great Midwest. The Tribune wanted to expose this influential group to American culture west of the east coast.

These people traveled through Chicago and on to Rock Island, Illinois, by train, and then boarded a steamboat to head to the Twin City area of Minneapolis/St. Paul, Minnesota. This event, called the Grand Excursion of 1854, is credited with having massively impacted the development of the Upper Mississippi River Valley and greatly promoted westward expansion in the United States as a whole.

Many communities and organizations in the Mississippi River Valley have celebrations planned for the summer of 2004 to commemorate the 150th anniversary of this momentous event. Therefore, I urge all Members to join in this tribute by supporting the adoption of House Concurrent Resolution 44. I thank our colleague, the gentleman from Iowa (Mr. LEACH), for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 44, a concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

Mr. Speaker, the Grand Excursion of 1854 represents a major turning point of the settlement and expansion of the Upper Mississippi River. It started out simply as a celebration of America's first railroad link to the Mississippi River from Chicago to Rock Island. Over 1,200 dignitaries, politicians, journalists, and businessmen, including former President Millard Fillmore, boarded a rail car in Chicago for Rock Island, Illinois. This group transferred to a fleet of at least five steamboats for a trip up the Mississippi to St. Paul, Minnesota, then traveled by horseback and wagon to view the falls of St. Anthony in what is now known as Minneapolis.

When the travelers wrote home about their great adventure, word spread about what a splendid place that part of America was. The next year, the upper Mississippi saw twice the number of visitors as the previous year.

The 2004 Grand Excursion is a regional initiative designed to recognize and celebrate the incredible renaissance that has occurred throughout the upper reaches of America's river, the Mississippi. As of December 2, 2002, 48 communities and 22 regional organizations, including Moline, Illinois, have endorsed and will participate in the Grand Excursion.

The 2004 excursion is designed to celebrate the capital improvements, along with the environmental and ecological changes, that have made the upper Mississippi one of the cleanest stretches of river in the country. Steamboats, river boats, and trains will be used to honor the spirit of the 1854 Grand Excursion to draw national and international attention to the lasting legacies of the 1854 excursion.

I urge my colleagues to support House Concurrent Resolution 44.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank my good friend, the gentleman from Tennessee (Mr. DUNCAN), for yielding time to me, and for his thoughtfulness in bringing this resolution. I also thank our distinguished colleague, the gentleman from Illinois (Mr. DAVIS), for his input into the resolution.

Mr. Speaker, at a time when we as a country are galvanized by a singular international event, it is important to deal with normalcy. It is particularly uplifting to discuss history.

The resolution before us speaks to an event a century and a half ago, the Grand Excursion of 1854, which symbolizes the energy of the railroads from the east meeting and crossing our country's greatest river at what we now call the Quad Cities.

The excursion party of 1854 traveled from Chicago, the home of the gentleman from Illinois (Mr. DAVIS), to Rock Island by train, proceeding then by boat from the Quad Cities to the present day Twin Cities of Minneapolis and St. Paul, Minnesota.

Among the 1,200 participants in the initial excursion was our 13th President, Millard Fillmore. In the first year after the trip, steamboat traffic from St. Paul doubled and 30,000 new immigrants traveled the Mississippi River. The power of the river as a force for commerce, along with its magic and beauty, drew increasingly greater numbers of people as the years continued.

The second Grand Excursion, the one which will take place in 2004, builds on the history of the Grand Excursion of 1854 to bring together the communities of the Upper Mississippi River in a celebration of national and international proportions. The capstone event of the celebration will be a grand flotilla which will retrace the path of the original trip made 150 years ago.

Featuring the finest river boats from all reaches of the inland waterways, this journey along the upper Mississippi will not only recall a time gone by, but bring the attention of the Nation and the world to the Mississippi River.

From the Quad Cities to the Twin Cities, over 50,000 opportunities exist to board authentic river boats, steam boats, or rail cars for sightseeing trips or excursions up river from one community celebration to the next. It is anticipated that people from around the world will join in community celebrations, activities and programs highlighting local and regional accomplishments along the way.

For the last 10 to 15 years, communities have been working together to reclaim their relationship with the Mississippi and reestablish vibrant riverfront communities. Over 50 communities along the 419-mile route are investing millions of dollars, in fact billions of dollars, in recreational, commercial, and environmental improvements as part of preparation for the celebration, but more importantly, as permanent improvements in their communities.

Mr. Speaker, in conclusion, let me stress that the early history of my State, that of Iowa, is the history of Native Americans and then European, African, and Asian settlers finding the Mississippi River basin bountiful and beautiful.

As word of the majesty and opportunity of the area spread to new generations of Americans, commerce and industry followed. The trains from the east and the boats from the north and south brought excitement and adventure to a land destined for greatness. It is this greatness that we celebrate, and it is this greatness that its citizens who are so privileged to live along this great waterway pledge to preserve and enhance in this particular set of commitments related to this particular celebration.

I thank again the distinguished chairman and the gentleman from Illinois (Mr. DAVIS) for their thoughtfulness.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Iowa (Mr. LEACH) for bringing this tremendous event to our attention. I had the good fortune to drive from Chicago to Rock Island 2 weeks ago, and it is indeed tremendous territory. Looking at the mighty Mississippi is a delight in and of itself.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in strong support of House Concurrent Resolution 44, which recognizes the contributions of the many Mississippi River communities which are planning events to commemorate the 150th anniversary of the Grand Excursion that took place in 1854. In 1854, the Grand Excursion was truly a historic event. It brought nationwide attention to the Upper Mississippi River and led Minnesota to statehood.

This excursion transformed our entire region, bringing prosperity and economic growth. However, over time the development that followed separated the people from the river. Transportation and industry walled communities off from the Mississippi, and pollution took its toll. Now we are working to reclaim our relationship with the mighty Mississippi.

In preparing to celebrate the 150th anniversary of the Grand Excursion, communities all along the 419-mile route are redeveloping their river fronts. Citizens and business groups have joined with State and local governments to renew their commitment to this great international resource. River fronts are being revitalized, and our quality of life is being improved.

St. Paul, for example, has turned the Mississippi River back into our community's gathering place. On Harriet Island, the Target Stage is a place for the world-renowned St. Paul Chamber Orchestra to play on summer nights, while people overlook St. Paul's downtown skyline or walk along the river.

New projects are also planned to help reconnect St. Paul's people to its river's edge. Mr. Speaker, the Grand Excursion, the 150th anniversary celebration, is not just about recognizing these achievements; it is also an opportunity to learn about the Mississippi and what we need to do to protect it for future generations.

The Mississippi is America's river, it is Minnesota's river, and like many towns in south St. Paul where I grew up, it is a childhood river. It is also a working river, a river that continues to work. Thousands of jobs and the livelihoods of many families are connected to it.

People not only from St. Paul, from the United States, and from around the world call the Mississippi River home, but it is also home to our wildlife, from eagles in Minnesota to pelicans in the Delta Bay of Louisiana.

Activities associated with the Grand Excursion's anniversary will bring its historical, cultural, and environmental importance alive for thousands of people. Hundreds of permanent exhibits will be established honoring the river's past and looking towards the river's future.

Mr. Speaker, I am very proud to have an opportunity to support this resolution today. As an original cosponsor, I look forward to continuing working with the gentleman from Iowa (Mr. LEACH) and others to bring attention to this national treasure, our Mississippi River, and to this exciting national event, the 150th anniversary of the Grand Excursion.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I simply reiterate, Mr. Speaker, that this has been a tremendous event and will be a tremendous event. I strongly support it.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will simply close by saying that my mother spent all of her life from her birth to the end of her college years, in Iowa. I still have relatives in the great State of Iowa. Thus, it has been an honor for me to help bring this resolution to the floor, along with the chief sponsor, the gentleman from Iowa (Mr. LEACH), and to recognize a very important part of this great Nation.

I urge all Members to support this resolution.

Mr. KIND. Mr. Speaker, I am pleased to offer my strong support of this legislation anticipating next year's 150th anniversary of the Grand Excursion of 1854, offered by my colleague, Mr. LEACH.

The Grand Excursion is regarded as one of the greatest promotional trips ever devised in our Nation's history—one that changed the face of the upper Mississippi River.

In 1854, the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River. To celebrate, the owners and contractors for the railroad proposed an excursion for a select group of stockholders, friends, and family.

But word spread quickly about the occasion, resulting in a 1,200-person entourage traveling from Rock Island, IL to the Falls of St. Anthony—now known as Minneapolis, MN.

According to the Chicago Tribune, the excursionists were considered "the most brilliant ever assembled in the West": statesmen, historians, diplomats, poets, and newspaper editors. As the media wrote home to their newspapers, word spread about the wonders of the Nation's "dark interior".

This event turned into an opportunity to show some of our Nation's most influential people the fantastic beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide.

The year after, steamboat traffic along the upper Mississippi River doubled, flooding the region with new settlers. The Grand Excursion also brought millions of dollars of investment to the area and positioned the upper Mississippi region as a dominant force in the development of the Nation in the 19th century.

The Grand Excursion of 2004 is an opportunity to draw awareness from around the Nation and around the world about the recreational, commercial and environmental opportunities the Mississippi River provides. In addition to the "Grand Flotilla"—the retracing of the Grand Excursion's journey by trains, paddlewheelers, and steamboats—over 50 communities along the 419-mile route, many in my district, will hold festivals and educational events to commemorate the event's sesquicentennial. And those who are unable to participate first-hand in the celebrations will be able to experience the excitement through a dynamic website and through "exploration trunks" that will be provided with curriculum to classrooms throughout the region.

I urge my colleagues to join me in supporting this resolution of America's celebration of the Mississippi River: the Grand Excursion of 2004.

Mr. NUSSLE. Mr. Speaker, I rise today in support of H. Con. Res. 44, a resolution expressing support for 150th anniversary celebrations of the Grand Excursion of 1854.

In 1854, the Chicago and Rock Island Railroad became the first American railroad to reach the shores of the Mississippi River. To celebrate the achievement, a combined railroad and riverboat trip was organized. A group of 1,000 dignitaries including journalists, educators, and business representatives gathered in Chicago to start their journey. The Grand Excursion, as it became known, traveled by train for Rock Island, IL. From there, the journey proceeded by riverboat on the Mississippi River to the present-day twin cities of Minneapolis and St. Paul, MN.

The Mississippi is widely and appropriately recognized as "America's River." Today's Mississippi is a vital artery for commerce, economic development and tourism in Iowa's communities along the river. The river has shaped much of the Nation's history and will be a vital element for Iowa's future.

Next year, events are planned to mark the 150th anniversary of the Grand Excursion all along its 419-mile route. In my Iowa district, these events include celebrations in the riverside cities of Davenport, Clinton, and Dubuque. These exciting celebrations will share with the world the incredible attributes of the upper Mississippi River. Thousands of visitors will learn more about the river's role in America's history, and will learn more about Eastern Iowa.

Mr. Speaker, I applaud the efforts of the communities celebrating this historic trek's anniversary. I look forward to welcoming visitors from around the world to experience our mighty Mississippi. As Captain Russell Blakeley said in 1894, "the success of [the Grand Excursion] did more than the best laid plans for advertising the country than has ever been made since. . . . Good results came back to us in a thousand ways and for many years."

Mr. EVANS. Mr. Speaker, I am here today to add my voice to those celebrating the 150th anniversary of the Grand Excursion of 1854. This was an important journey in the upper Mississippi River valley that incorporated rail and steamboat travel and went from Chicago, Illinois to Saint Paul, Minnesota, and to the Falls of Saint Anthony. This trip began as a promotion by the Rock Island Railroad, the first railroad to reach the Mississippi and ended up transporting more than a thousand businessmen, statesmen, journalists, and others, including President Millard Fillmore, into the West. The Grand Excursion brought recognition and interest to the natural beauty and economic potential of the upper Mississippi River valley.

The Grand Excursion helped open up the upper Mississippi River area, which includes Illinois, Iowa, Wisconsin, and Minnesota, creating a number of communities all along the river. My district includes the city of Rock Island, the starting point for the riverboat journey, and many other communities that flourished. The prosperity of much of the Midwest was due to the development of the Mississippi River and the interest that developed in the valley's natural resources and access to the west.

This year, in honor of the 150th anniversary, many of the communities that took part in the original Grand Excursion are educating their residents and tourists about the trip and celebrating the success of the excursion. I support this resolution as it recognizes both the importance of the 1854 trip and of the 2004 commemoration. Communities such as Rock Island and Moline, Illinois are taking part through education programs linked to the original journal, environmental projects linked to the River, and development plans linked to the waterfront. I support these efforts, and hope that the Administration will help celebrate and commemorate this important historic event.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MICHAEL J. HEALY POST OFFICE BUILDING

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 825) to redesignate the facility of the United States Postal Service located at 7401 West 100th place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building".

The Clerk read as follows:

H.R. 825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICHAEL J. HEALY POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, and known as the Moraine Valley Post Office, shall be known and designated as the "Michael J. Healy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Michael J. Healy Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

□ 1230

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 825 was introduced by the gentleman from Illinois (Mr. LIPINSKI), our distinguished colleague and my great friend and one of our most outstanding Members of this body. This bill redesignates the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the Michael J. Healy Post Office Building. The entire delegation from the State of Illinois has signed on as cosponsors of this legislation.

Mr. Speaker, the story of Michael Healy is a heartbreaking one. On June 21, 1981, Michael Healy was a 26-year-old postal police officer who worked at a downtown Chicago post office building. During an attempted robbery of the facility that day, Officer Healy was shot and killed by one of three assailants, becoming the first officer of the Postal Inspection Service ever to be murdered in the line of duty.

The Postal Service has had to deal with a variety of tragedies over the years, most recently the anthrax mailings of fall, 2001, and last year's pipe bombings in mailboxes across the Midwest.

This legislation would appropriately rename one of the U.S. Postal Service's Buildings after one of its very own heroes, Officer Michael J. Healy, who died fighting criminals who attacked our Nation's postal system. Therefore, I urge all Members to support the passage of H.R. 825.

I thank the gentleman from Illinois (Mr. LIPINSKI) for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as the ranking member of the Committee on Government Reform's Subcommittee on Civil Service, Census and Agency Organization, I join my colleague in the consideration of three postal naming bills. I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) for the timely consideration of these measures.

For the benefit of my colleagues, the postal naming measures before us today have met the committee requirements and enjoy the support and cosponsorship of their respective State congressional delegations.

We continue the tradition of naming post offices after individuals of enormous character who have made important contributions to their community, State and country. To that end, I commend the sponsors of these postal naming bills for seeking to recognize their respective designees by naming a United States Post Office in their honor.

H.R. 825, to Redesignate the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the Michael J. Healy Post Office Building.

Mr. Speaker, H.R. 825, which names a U.S. Post Office located in Bridgeview, Illinois, after Michael J. Healy was introduced by the gentleman from Illinois (Mr. LIPINSKI), my friend and colleague, on February 13, 2003.

On June 21, 1981, Michael Healy became the first uniformed postal police officer of the Postal Inspection Service to be killed in the line of duty. Sadly, he was slain by two assailants in a foiled robbery attempt while guarding the Chicago Main Post Office located at Harrison Avenue and Canal Street, which is now known as the Cardiss Collins Post Office.

As one of our Nation's oldest Federal law enforcement agencies, founded by Benjamin Franklin, the United States Postal Inspection Service has a long and proud and successful history of fighting criminals who attack our postal system and endanger the public. Since its inception in 1772, the Postal Inspection Service has lost nine employees in the line of duty.

In 2001, the Chicago division of the U.S. Postal Inspection Service honored the 20th anniversary of the passing of their fallen comrade and the Fraternal Order of Police has supported the effort to rename the local post office after Officer Healy.

Mr. Speaker, in addition to the roughly 1,900 postal inspectors who serve as fact finders and investigators, the Inspection Service maintains a security force of approximately 1,400 uniformed postal police officers assigned to critical facilities throughout the country. Postal police officers provide perimeter security, escort high-value shipments and protect and defend postal employees. As the primary law enforcement arm of the U.S. Postal Service, the Postal Inspection Service was very ably represented by Officer Michael Healy.

The gentleman from Illinois (Mr. LIPINSKI) is to be commended for seeking to recognize Officer Healy by designating a post office in his honor.

Mr. LIPINSKI. Mr. Speaker, I would like to thank Congressman DANNY DAVIS for helping to bring H.R. 825 to the floor this morning.

Today, I am very pleased to pay tribute to a fallen federal law enforcement officer and the service he represented with the highest honor. On June 21st, 1981, Officer Michael J. Healy, of the United States Postal Inspection Service, was slain by two armed assailants in a foiled robbery attempt outside of Chicago's Main Post Office. That day, Mr. Healy sadly became the first Postal Police Officer to be killed in the line of duty.

Fortunately, Michael J. Healy has not been forgotten. In fact, Healy has come to symbolize the personal risk that police officers from a relatively unrecognized federal force undertake everyday. Healy's badge #3972 was retired, and all official depictions of Postal Police Officer badges bear #3972 in honor of Healy. In 2001, The Fraternal Order of Police, National Labor Council #2 and The Postal Inspection Service gathered to remember the 20th anniversary of Healy's passing. At their gathering, the Fraternal Order of Police pledged to continue the memory of their fallen comrade, and contacted my office to discuss an appropriate memorial.

Together, we felt it would be fitting to name a federal building in Healy's honor. We felt it further appropriate that the post office nearest to Hometown, Illinois—the Healy family's "home town"—would best enshrine Officer Healy's ultimate sacrifice. Simultaneously, we felt this renaming would pay belated tribute to the U.S. Postal Inspection Service.

In October 2001, when letters filled with Anthrax spores were sent to several offices on Capitol Hill, the United States, and especially its Congress, became suddenly reminded of the necessity of a Postal Inspection Service. In fact, our Nation's 1,400 Postal Police Officers are first responders in this unprecedented Front Line on the War on Terror—the U.S. mail system.

In 2002 alone, Postal Police Officers and Inspectors responded to 17,000 suspicious mailings, anthrax hoaxes and threats—a 100 fold increase from the previous year. Besides protecting America's post offices and 200,000 postal carriers, the service responds to more than 1,000 postal-related assaults and credit threats, 75,000 complaints of consumer mail fraud, and it arrests 12,000 criminal suspects for mail-related crimes each year.

Today, my colleagues have a special opportunity to honor the entire United States Postal Service, by naming a postal facility after one of their own heroes. With the passage of H.R. 825, The House of Representatives will rename the Moraine Valley, Illinois Post Office the Michael J. Healy Post Office.

Finally, I would like to recognize Joan Healy, Michael's mother, his brother David, sister Mary, and widow Barbara, as well as Lieutenant Michael Ruth and the Fraternal Order of Police, Labor Council #2, who have ably continued Officer Healy's memory.

Mr. DAVIS of Illinois. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 825.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FLOYD SPENCE POST OFFICE BUILDING

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 917) to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building".

The Clerk read as follows:

H.R. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLOYD SPENCE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, shall be known and designated as the "Floyd Spence Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Floyd Spence Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a real honor and privilege for me to bring this particular legislation to the floor at this time because Floyd Spence was a close, personal friend of mine and one of the greatest Members this body has ever seen. I had the privilege of traveling several different places with Congressman Spence and working with him on many different pieces of legislation.

H.R. 917, introduced by the gentleman from South Carolina (Mr. WILSON), a great and honorable replacement for Congressman Spence, designates the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the Floyd Spence Post Office Building. The entire House delegation from the State of South Carolina has signed on as cosponsors of this legislation.

Mr. Speaker, Congressman Floyd Spence served for 16 terms in this House and was unquestionably one of its most influential and devoted Members. Congressman Spence was first elected to this body in 1970 and was reelected 15 times by the citizens of South Carolina's 2nd District before sadly passing away on August 16, 2001. His diligence for his constituents, the people of South Carolina, indeed all of America, was legendary.

As a Member of this House, Congressman Spence chaired the Committee on Armed Services for 6 years. Chairing the Committee on Armed Services was one of the most appropriate congressional positions Congressman Spence could have held because for much of his adult life he served in the United States Naval Reserves.

After graduating from the University of South Carolina in 1952, where he had a great athletic career, he initially was commissioned as an ensign and later served as the group commander of all naval reserve units in his hometown of Columbia, South Carolina. In 1988, Congressman Spence retired from the naval reserves as a captain.

During his career in the House, he made no mistake about his priority to protect all Americans by being one of the strongest advocates for a strong national defense. Furthermore, many have looked back and credited Congressman Spence for his presence in recognizing the threat that terrorism posed against our country, despite the fact that he passed away less than one month before September 11, 2001.

This House will always miss the contributions of Congressman Floyd Spence, as well as the wonderful person with a great sense of humor and great kindness and compassion that he had for all people.

Mr. Speaker, for these reasons I urge all Members to support the adoption of H.R. 917. I thank my colleague from South Carolina for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 917, which names a postal facility located at 1830 South Lake Drive in Lexington, South Carolina, after Floyd Spence, was introduced on February 25, 2003, by the gentleman from South Carolina (Mr. WILSON).

Floyd D. Spence, a former Member of Congress, was born in Columbia, South Carolina, in 1928. He was a graduate of Lexington High School and the University of South Carolina. He served in the United States Navy first as an ensign and later as group commander before he retired as a captain from the U.S. Naval Reserve in 1988.

As a Democrat, Floyd Spence was first elected to public office in 1956 as a member of the South Carolina State House of Representatives. He later switched to the Republican party and went on to serve in the State Senate. He was first elected to the U.S. House of Representatives, representing the 2nd Congressional District of South Carolina, in 1970. He served as chairman of the House Committee on National Security from 1995 to 1999 and as Chairman of the House Committee on Armed Services from 1991 to 2001. In the last Congress, he served on the House Committee on Armed Services and Committee on Veterans Affairs.

Mr. Speaker, Representative Floyd Spence represented his district for 31 years until his untimely death on August 16, 2001. He truly is deserving of this honor, and I urge swift passage of this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all remaining time on this legislation on our side be controlled by the gentleman from Connecticut (Mr. SHAYS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I might consume, which will not be much because we have already put on the record that Floyd Spence was a tremendous Member of Congress and an outstanding public servant; and we are just eager to move forward on this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

It is a great honor for me to be the author of this particular bill to name the postal facility of the city of Lexington, which is located in the Red Bank community, which is the central part of Lexington County. It is very appropriate, and I want to thank my colleagues, the balance of the South Carolina delegation, Mr. BROWN, Mr. DEMINT, Mr. BARRETT, Mr. SPRATT and Mr. CLYBURN, for joining with me as cosponsors of this bill.

It is very appropriate that the Lexington Post Office be named in honor of Congressman Floyd Spence. The reason is that he was the favorite son of Lexington County. He ran for public office in the 20th century and was elected and reelected more times than any other elected official in our county and actually in our region in the midlands of South Carolina.

Additionally, he, by becoming Chairman of the Committee on National Security, which is the Committee on Armed Services, he achieved the highest position in national government of any person ever from the midlands of South Carolina. We are very grateful for his service; and it is just so appropriate, again, to give him this recognition.

Congressman Spence was born April 9, 1928, in Columbia, our capital city, and he passed away on August 16, 2001. He was the son of James Wilson Spence and Addie Jane Lucas Spence of Lexington County. He was married to the late Lula Hancock Drake of Drake, South Carolina, in Marlboro County in 1952; and they had four sons, who are all outstanding in our community, David, Zack, Benjamin and Caldwell.

When the Congressman was elected in 1970, Lu was so special. She truly raised the four boys. In fact, their home was known as Lexington, District of Columbia. She, in effect, really with the four sons had virtually on the shores of Lake Marion a recreation center where she was the surrogate mother for dozens of young people in our community; and she was quite beloved until she passed away in 1978.

Then Congressman Spence married 10 years later Deborah Ellen Williams of Lexington. Debbie Spence indeed is another very dear lady; and she has been given such due credit as being the person who helped Congressman Spence in his recuperation from a very historic operation, being a double lung transplant.

☐ 1245

Mr. Spence is believed to be the fifth person in the United States to have this experimental operation, and it is due to her loving care that he recuperated and continued his service in Congress.

Congressman Spence began his leadership career very early. He was president of the student body at Lexington High School. He then went to play All-State Football. He was on the South Carolina Shrine Bowl team, and he went to the University of South Carolina where he was president of the student body. He was recognized by ODK Fraternity as one of the great leaders of the school. He received the Algernon Sidney Sullivan Award as the outstanding male graduate. He was on the football and basketball teams and was captain of the track team. He was also a member of Kappa Sigma Kappa fraternity. He then went on to the University of South Carolina Law School where he achieved the highest position available at the law school, and that was to be editor of the law review.

His military service includes service in the U.S. Navy during the Korean Conflict. Then he returned to South Carolina and became the commanding officer of all Naval reserve units in South Carolina. He retired in 1988 as a captain in the U.S. Navy, but still devoted to the Reserves.

He was a former church councilmember and Sunday school teacher at St. Peter's Lutheran Church in Lexington, he was the first president of the Lexington Historical Society, and he was chairman of the Lexington County Mental Health Association.

In his political career, he was first elected in 1956 as a very young person, as a Democrat to the House of Representatives in South Carolina. Then in 1962 he switched to the Republican Party beginning a very historic realignment and political revolution in South Carolina. He was the first elected official to switch parties. This was very historic and brave on his part in that in the 20th century prior to his switching parties, there had only been one Republican in the House of Representatives in the entire 20th century, and that was in 1961, Charles Boineau was elected to the House of Representatives from Richland County in a special election. And so by his switching parties, he immediately doubled the number of elected Republicans in public office.

That has led to the realignment which was completed this year where now the Republican Party in South Carolina has a majority in the State House, the State Senate and Governor for the first time since 1877, and many of us credit the late Congressman Floyd Spence and his integrity in switching to the Republican Party.

In the General Assembly, he ultimately was elected to the State Senate in 1966 and served for 4 years. He was a leader in establishing the technical college system in South Carolina, which has been so instrumental in our efforts to recruit industry to South Carolina and provide good jobs for the people of South Carolina.

Additionally, he was one of the lead authors of the bill which established the Lexington Medical Center, which is one of the largest hospitals in all of South Carolina. In Congress, he was elected in 1970. He was very proud of his service on the Committee on Veterans Affairs. He worked very hard as the ranking member of the House Committee on Official Standards, which is the ethics committee. I remember so well his feeling so strongly about serving on that particular committee which gets no real public attention.

Then of course we were so proud he was selected and elected as the chairman of the Committee on National Security, which is now the Committee on Armed Services, where he led the effort to warn against terrorism. He pointed out that steps needed to be taken. He was a leader on that effort, and he was also a leader in promoting a ballistic missile defense system, working very closely with President Reagan.

In terms of his community service, we are pleased he was active with the Boy Scouts. At the age of 17, he was a scout master. He was awarded by Governor Jim Edwards and Governor Campbell of South Carolina the highest honor of a citizen of South Carolina, being the Order of Palmetto.

He received a Doctor of Law degree from the Citadel in Charleston and also a Doctor of Public Service degree from the University of South Carolina.

When I think of Congressman Floyd Spence, I think of the political courage he had and also the personal courage. In 1988, he had a double-lung transplant. He had been suffering from a disease which had affected his lungs to the point he was near imminent death; but thanks to a wonderful doctor, Dr. Seshadri Laju, of Jackson, Mississippi, Congressman Spence was the beneficiary of a double-lung transplant. He survived from this and then in fact in the year 2000 had a kidney transplant. In South Carolina, we are very proud of Congressman Floyd Spence as the miracle Congressman, and it is with great pleasure that I urge adoption of the resolution.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. WILSON) for introducing this legislation. I want to say to the gentleman that I am certain that Floyd Spence would be very proud of the job he is now doing for the people of his district, which is the district Floyd Spence represented before.

Mr. SKELTON. Mr. Speaker, Floyd Spence was a true Southern gentleman, a good friend, a dedicated Congressman, and a champion of a strong national defense. I had the pleasure of serving with him on the Armed Services Committee during his chairmanship, and I found that he always worked for the betterment of our men and women in uniform and of our national security. I miss him very much.

About 2 years ago, an overflow crowd gathered in the House Armed Services Committee hearing room for the unveiling of Floyd's portrait as chairman of committee. Often we do not have the chance to let friends know how we feel about them before they are gone, so I am very grateful that we had that evening together to enjoy Floyd's company and let him know how much he meant to us.

Floyd Spence began serving his country as an active duty member of the U.S. Naval Reserve during the Korean conflict. That service continued until the end of his life. Our former chairman understood that our Nation needs a strong national defense, and he worked tirelessly with Members on both sides of the aisle to strengthen our Armed Forces, and to take care of our men and women in uniform and their families. No one spoke out more forcefully on the need to maintain readiness. On rare occasion, we disagreed. But never disagreeably. Our relationship was one of mutual respect based on values which we both learned in small towns named Lexington—one in South Carolina and one in Missouri.

During the years Floyd Spence served on the House Armed Services Committee, he blessed us with his leadership; honored us with his friendship; and inspired us with his courage. Floyd Spence was courteous, thoughtful, respectful of others. It was a pleasure for me to serve in Congress with this decent, fair, and honorable man. We are all the richer for his years of dedicated service to the Armed Services Committee, the Congress, the people of South Carolina, and the Nation. It is so fitting that we act to name the post office in Floyd Spence's hometown in his honor.

Mr. MILLER of Florida. Mr. Speaker. I rise today in support of H.R. 917, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building."

Floyd Spence began his political career as a Democrat in the South Carolina House of Representatives in 1956, but he is remembered for having the foresight and the courage to switch parties. In 1962, he became the first member of the General Assembly to switch to the Republican Party, which helped pioneer the development of the two-party system in South Carolina. In 1966, he was elected as a Republican to the South Carolina Senate where he served as the Senate Minority Leader.

In 1971, Congressman Spence was elected to the Ninety-second Congress, and represented South Carolina's Second Congressional district for thirty years. During his tenure, he served in a numerous positions of leadership: For thirteen years, he was the Ranking Member of the Ethics Committee. In the 104th Congress, he was elected to represent the Tidewater Region on the Republican Policy Committee. He also served as Chairman of the Committee on National Security and after serving as Ranking Member, became Chairman of the Armed Services Committee following the 1995 Republican takeover of the House.

One of the longest-serving Republicans in the House of Representatives, Floyd Spence maintained one of the highest voting attendance records, while consistently supporting a strong national defense and fiscal integrity. Spence once said, "I make no bones about the fact my Number One priority is defending this country."

He drew his passion for the military from his own experiences. After graduating from the University of South Carolina in 1952, Spence was commissioned as an ensign in the U.S. Navy and served aboard the USS *Carter Hall* (LSD–3) and the LSM–397. He was the Group Commander of all Naval Reserve Units in Columbia, South Carolina, and was the Commanding Officer of a Naval Reserve Surface Division. After more than 40 years in the United States Naval Reserve, the Congressman retired as a Captain in 1988. Spence was a member of the American Legion, Sons of Confederate Veterans, and Veterans of Foreign Wars.

Congressman Spence was a longtime Pentagon booster from a state that, like my home state of Florida, benefited greatly from his advocacy. He supported the Reagan administration military buildup and opposed the size of post-Cold Ware defense cuts made during the Clinton administration.

Congressman Spence was known for his amiable ways. Although opponents often criticized the lack of his own legislation, Spence was a proud voice against big Washington government and he resisted introducing federal legislation.

Mr. Speaker, Floyd Spence was recognized around the world as an authority on defense issues and Communism. His tireless efforts on behalf of our national defense are a testimony to his enduring will to serve and to triumph in the face of adversity. Here is Washington and at home, he was recognized as a man of fiscal integrity and true legislative restraint. As President Bush stated upon his death in 2001, Floyd Spence will be remembered as a true friend of the men and women in our armed services and as a servant of his fellow South Carolinians. He was a leader of great courage and determination.

Mr. Speaker, although I did not have the opportunity to serve with Congressman Spence, I learned a great deal from his example. It is with great admiration that I today support the dedication of the Floyd Spence Post Office Building to a true American patriot.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES R. MERRY POST OFFICE

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 981) to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the "James R. Merry Post Office."

The Clerk read as follows:

H.R. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES R. MERRY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, shall be known and designated as the "James R. Merry Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the James R. Merry Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 981 was introduced by the gentleman from Pennsylvania (Mr. ENGLISH). It designates the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the James R. Merry Post Office. The entire House delegation from the State of Pennsylvania has signed on as cosponsors to this legislation.

Mr. Speaker, former State representative Jim Merry was a devoted public servant who worked in the State legislature for the people of Pennsylvania for 16 years. He was known to be well liked by Representatives on both sides of the aisle, and he capitalized on his good relations with colleagues to pass many meaningful pieces of legislation for his district.

Beyond his political career, Jim Merry was remarkably involved in his hometown of Linesville, where he owned for 25 years a successful automotive shop, the Linesville Western Auto Store. In addition, he served as a borough councilman and was active in the local chapters of the American Legion, Rotary Club, and other service organizations.

Sadly, Representative Merry passed away on February 1, 2001. Since James R. Merry was a lifelong resident of the town of Linesville, it would be extremely appropriate if this House would act to rename this post office building in his hometown after one of Linesville's most venerated citizens.

I urge Members to support adoption of H.R. 981. I thank the gentleman from Pennsylvania (Mr. ENGLISH) for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 981, which designates a postal facility located at 141 Erie Street in Linesville, Pennsylvania, after James R. Merry was introduced by the gentleman from Pennsylvania (Mr. ENGLISH) on February 27, 2003.

Mr. Merry was a former Pennsylvania State representative who represented his constituents in the legislature for 16 years, from 1980 to 1996. A graduate of Linesville School, Mr. Merry went on to operate a successful business in town and remained very active in local affairs, serving as a borough councilman and later as president of the local chamber of commerce. As a man dedicated to his community and its residents, it is truly an honor to name a postal facility after the late James R. Merry, who passed away on February 1, 2001. I join Members in support of this measure and urge its swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH), the sponsor of this bill.

Mr. ENGLISH. Mr. Speaker, it is a privilege to be here, and I particularly want to thank the chairman and thank the committee for having moved this resolution forward so quickly.

It is a real honor to be able to participate in an action which would recognize the value of the long public service that Jim Merry provided as a community leader and as a member of the State legislature, serving in his last 2 years as chairman of the local government committee and also my colleague at the same time that I was serving in Congress.

This was a great experience for me because during my career as a staffer in the State legislature, I had an opportunity to work with Jim Merry in that capacity, and I saw him from a number of different angles. Jim Merry was the kind of legislator that I think Mr. Jefferson had in mind when he considered that our legislatures would be populated with individuals who were citizen politicians. Jim Merry came by his interest naturally. His father had been a State representative in Crawford County during the 1950s and early 1960s, and Jim had been a borough councilman, had been head of the chamber of commerce, and was enormously active in his community.

When the seat came into play in 1980, Jim ran and in something of an upset won the seat and quickly made it his own. It was a seat that straddled the Erie and Crawford County lines, and a lot of diverse communities; but he reached out everywhere he went. He was a fine legislator, an active community member. He was a great gentleman. The thing that I think is his greatest legacy is, although he was a man of his party, he was a very active Republican. At no time did I ever see him become rancorous about his politics. He worked well with people on both sides of the aisle. He was always committed to finding a way of getting things done and putting that over party politics. Particularly important, he always treated every individual with a great deal of deference.

As someone who learned a lot from Jim Merry, it is a real privilege to be able to play a role in honoring him by renaming the post office in the community that he long represented, Linesville, Pennsylvania, where his family still is, where he was a lifelong resident, after him in recognition of that great community contribution.

Mr. Speaker, I thank the Members, and ask for a "yea" vote.

Mr. SHAYS. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 981.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 153) recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home.

The Clerk read as follows:

H. RES. 153

Whereas the United States is currently engaged in a war on terrorism in response to the attacks of September 11, 2001;

Whereas the Armed Forces of the United States are currently engaged in a campaign to disarm the regime of Saddam Hussein and liberate the people of Iraq;

Whereas, on June 1, 1774, the Virginia House of Burgesses called for a day of fasting and prayer as an expression of solidarity with the people of Boston who were under siege by the enemy;

Whereas, on March 16, 1776, the Continental Congress, recognizing that the "Liberties of America are imminently endangered" and the need "to acknowledge the overruling Providence of God", called for a day of "Humiliation, Fasting and Prayer";

Whereas, on June 28, 1787, during the debate of the Constitutional Convention, Benjamin Franklin, convinced of God's intimate involvement in human affairs, implored the Congress to seek the assistance of Heaven in all its dealings;

Whereas, on March 30, 1863, in the midst of the Civil War, Abraham Lincoln, at the bequest of the Senate, and himself recognizing the need of the Nation to humble itself before God in repentance for its national sins, proclaimed a day of fasting, prayer and humiliation;

Whereas all of the various faiths of the people of the United States have recognized, in our religious traditions, the need for fasting and humble supplication before Providence;.

Whereas humility, fasting, and prayer in times of danger have long been rooted in our essential national convictions and have been a means of producing unity and solidarity among all the diverse people of this Nation as well as procuring the enduring grace and benevolence of God;

Whereas, through prayer, fasting, and self-reflection, we may better recognize our own faults and shortcomings and submit to the wisdom and love of God in order that we may have guidance and strength in those daily actions and decisions we must take; and

Whereas dangers and threats to our Nation persist and, in this time of peril, it is appropriate that the people of the United States, leaders and citizens alike, seek guidance, strength, and resolve through prayer and fasting: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should issue a proclamation—

(1) designating a day for humility, prayer, and fasting for all people of the United States; and

(2) calling on all people of the United States—

(A) to observe the day as a time of prayer and fasting;

(B) to seek guidance from God to achieve a greater understanding of our own failings and to learn how we can do better in our everyday activities; and

(C) to gain resolve in meeting the challenges that confront our Nation.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 153, introduced by the distinguished gentleman from Missouri (Mr. AKIN), recognizes the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and their Armed Forces abroad due to the armed conflict in Iraq and the threat of terrorism here at home.

Mr. Speaker, our great Nation is at battle overseas with the vicious regime of Iraqi leader Saddam Hussein. The mission Operation Iraqi Freedom aims to dislodge Hussein and his top advisers from power, eliminate weapons of mass destruction from the Iraqi military's arsenal, and free the Iraqi people from Hussein's awful dictatorship. This conflict can lead to a wonderful improvement in the lives of all Iraqi people. The risks of this conflict, however, are terribly significant to all American citizens.

In Iraq, the threats to our remarkable servicemen and women are many. The Iraqi soldiers' resistance may include the deployment of chemical and biological weapons, not to mention the lethality of Iraq's military's conventional weapons. Here at home, the Federal Government has launched Operation Liberty Shield to increase domestic security due to the danger of terrorist attacks within our borders.

This combination of threats to Americans across the globe make passage of this resolution essential and meaningful. Since the birth of our Nation, Americans of all backgrounds, faiths and creeds have especially recognized the value earned from prayer, reflection, sacrifice and humility during times of national crisis.

Mr. Speaker, for these reasons, I urge all Members to support the adoption of House Resolution 153. I thank my colleague from Missouri for introducing this extremely relevant and valuable measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us calls on the American people to fast and pray for the United States and the Armed Forces fighting the war in Iraq. Anytime there is any conversation or notion or discussion of a religious nature, there are bound to be different people who have different thoughts and ideas about it. Different people worship different forms of supremacy. As mothers and fathers, sisters and brothers, friends and neighbors, and most of all as a peace-loving people, we seek and hope for a quick resolution to the conflict in Iraq.

All those who believe in a supreme being, whether it be God, Jehovah, Allah, Buddha or whether people call their belief Prince of Peace or Rose of Sharon or Lily of the Valley, to me it does not really matter. What matters is that people believe in the supremacy of a being. They believe in the coming together. They believe in a force that is more powerful than anything that we have been able to actually discern or see. It is something that is one of the mysteries, in many ways, of life but a part of the hope that people have, part of the faith.

And so I rise in support of this resolution. I urge that we pray for the men and women who are giving of themselves each and every day, who even may or may not return. I would urge passage, then, of this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I have the greatest respect for the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) and understand the spirit in which they come forward to support this resolution.

Considering the dynamics of this war, I would just like to urge a note of caution here, Mr. Speaker; and the note of caution is that this resolution may be seen by some as an attempt to inject religion into this war at a time when some of America's enemies abroad are asserting that this is indeed a war about religion.

I know that the intentions of the sponsors are to ask for the blessings of Providence upon our troops. I think that all of us support the troops. Some of us do not support the mission.

Pope John Paul II, greeting a group of Polish pilgrims in Vatican City on March 5, 2003, said, "I ask all of you for this prayer and fasting. May these be concrete gestures of the involvement on the part of those who believe in the mission to remind the world that it is never too late for peace."

I think that it would be very constructive as this House proceeds in deliberating resolutions of this type if an appeal was made not only for the success of those who work for this country under the flag of this country in fields far from home, as soldiers in combat, I think it would be constructive if this House also in this resolution or in another resolution would agree that it is never too late for peace.

I also think that aggressive war is not consistent with prayerful aspirations. The golden rule, which represents an even higher calling than this resolution, do unto others as you would have them do unto you and love your neighbor as you would love yourself. I think is instructive in guiding us to be quite cautious about passing a resolution that would easily be interpreted as sanctioning aggressive war.

So I reluctantly come here to offer this note of caution, knowing full well that Members who have proposed this are very good people, they are good Americans, they are patriotic Americans, and we all care about our troops.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I would like to read this resolution, and I think it is pretty clear what it says:

Recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home.

Whereas the United States is currently engaged in a war on terrorism in response to the attacks of September 11, 2001:

Whereas the Armed Forces of the United States are currently engaged in a campaign to disarm the regime of Saddam Hussein and liberate the people of Iraq;

Whereas, on June 1, 1774, the Virginia House of Burgesses called for a day of fasting and prayer as an expression of solidarity with the people of Boston who were under siege by the enemy;

Whereas, on March 16, 1776, the Continental Congress, recognizing that the "Liberties of America are imminently endangered" and the need "to acknowledge the overruling Providence of God", called for a day of "Humiliation, Fasting and Prayer";

Whereas, on June 28, 1787, during the debate of the Constitutional Convention, Benjamin Franklin, convinced of God's intimate involvement in human affairs, implored the Congress to seek the assistance of Heaven in all its dealings;

Whereas, on March 30, 1863, in the midst of the Civil War, Abraham Lincoln, at the behest of the Senate, and himself recognizing the need of the Nation to humble itself before God in repentance for its national sins, proclaimed a day of fasting, prayer and humiliation;

Whereas all of the various faiths of the people of the United States have recognized, in our religious traditions, the need for fasting and humble supplication before Providence;

Whereas humility, fasting, and prayer in times of danger have long been rooted in our essential national convictions and have been a means of producing unity and solidarity among all the diverse people of this Nation as well as procuring the enduring grace and benevolence of God;

Whereas, through prayer, fasting, and self-reflection, we may better recognize our own faults and shortcomings and submit to the wisdom and love of God in order that we may have guidance and strength in those daily actions and decisions we must take; and

Whereas dangers and threats to our Nation persist and, in this time of peril, it is appropriate that the people of the United States, leaders and citizens alike, seek guidance, strength, and resolve through prayer and fasting: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should issue a proclamation—

(1) designating a day for humility, prayer, and fasting for all people of the United States; and

(2) calling on all people of the United States—

(A) to observe the day as a time of prayer and fasting;

(B) to seek guidance from God to achieve a greater understanding of our own failings and to learn how we can do better in our everyday activities; and

(C) to gain resolve in meeting the challenges that confront our Nation.

Mr. Speaker, I think the resolution speaks for itself. It is a resolution that I think all of us can support with humility and grace and a love for our great Nation.

I would just remind the Members of this Chamber that the medallion that is directly facing the Speaker is the medallion of Moses. We have been guided by his laws for many years.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I came to the Chamber today to speak on this resolution. I intend to vote for it and support it, but there were some comments that I think are relevant regarding this resolution.

I am a little troubled that we would presume to tell the American people what they should do to secure the blessings and protections of Providence. It just troubles me that it begins by saying we recognize the public need for fasting and prayer in order to secure the blessings and protections of Providence. I really think that is a theological conclusion, a theological belief. It just causes me some difficulty.

I think that each of us in our own way have an understanding of how to pray and why we should pray, but it also bothers me that we would pass this resolution without considering it as serious as it is. I would hope, and I am going to make three suggestions related to those of us who in a few moments may be voting on this resolution, that we do three things.

□ 1315

That we commit ourselves during this day of fasting to go without food, that we not ask the American people or suggest the American people should do something that each of us as individuals do not do ourselves. I would also suggest that on that day we should forego any political fundraising at which food may be served or consumed; and, thirdly, I would suggest that those of us who would vote for this resolution would ask our leadership to close the Members dining room during that day. I think if we vote for this resolution, we should take it seriously. We should follow its dictates, and we should do what we are asking each of the American citizens to do. I thank the gentleman for yielding me this time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I do not have any other speakers; so I would say, in closing, I would state that I am a strong believer in the first amendment. I believe in prayer, fasting. I believe that we should pray not only for our troops but that we pray to end this conflict as quickly as it could possibly be ended and as peacefully as it could be ended. I pray that the loss of life would be diminished as much as possible and that people who are fighting from the United States as well as those from other countries and other nations would have the power of an Almighty supreme force invoked so that all of us can escape this effort with as much hope, peace, and possibility as we can. I urge support for this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Illinois (Mr. DAVIS) for his very thoughtful words and comments, and just to remind Members again that the most operative words in this resolution are what we resolve, that we designate a day for humility, prayer, and fasting for all people of the United States and call on all people of the United States to observe the day as a time of prayer and fasting, to seek guidance from God to achieve a greater understanding of our own failings to learn how we can do better in our everyday activities, and to gain resolve in meeting the challenges that confront our Nation.

I believe that resolve is so in line with the spirit of what our Founding Fathers did in years before.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Missouri (Mr. AKIN), who was the presenter of this resolution. I thank him for that.

Mr. AKIN. Mr. Speaker, I thank the gentleman very much for his remarks and for a moment to talk about something that is so much a pattern of America's history.

If we go back to the early days of our system of republics, we go back to the time in 1774 when there was a day of fasting and prayer that was called by the Virginia House of Burgesses. That was where Patrick Henry, of course, made his famous speech.

But I think perhaps historically one of the more amazing incidents occurred the next year, 1775, where the Governor of Connecticut called his State to a time of fasting and prayer for the people of Boston and the people of Massachusetts. He coincidentally called that time of fasting and prayer for the month of April on the 18th day. As it turned out, that was the exact day that the Redcoats left Boston in search of John Hancock and the weapons that they thought were being stored in Concord, Massachusetts, and the War of Independence began.

That continues along. In fact, we had FDR, even going back to World War II time, talking about the fact that this is a war, really defending the idea that everybody should have equal rights because God gives them those equal rights. That was FDR making that comment in World War II. So we have a long history of a Nation that, when we get into an armed conflict, to turn to God and to ask His support and to humble ourselves before Him.

That actually, though, if we think about it logically, is very consistent with the very purpose and cause of what America has always been about. If we really think about what is it that is the glue that defines America, what holds us together as a people, it is that belief that there is a God who grants to all of us certain basic and unalienable rights, the right to life, the light to liberty, the right to pursue the dream that God puts into everybody's heart. So we do not believe that that is just an American right, but that is something that is for all people everywhere, and it is that belief that has propelled our soldiers onto the battlefield and made us to stand strong in the face against many different types of tyrants, just as we are even at this day.

So it is with these thoughts and these sentiments that we once again turn back to our traditions and to our history and ask and implore the Almighty God to watch over us, to remind us of our faults and places where we need to change our ways but also to strengthen us and to encourage us and help us to prevail because we do know, in fact, it is true that all people everywhere should have life and liberty and be allowed to pursue the dreams of their own hearts.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I have no other speakers, and I want to thank, before returning the balance of my time, the gentleman from Missouri (Mr. AKIN) again for introducing this important resolution and also the gentleman from Illinois (Mr. DAVIS) for his thoughtful comments and support.

I urge all Members to support the adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 153.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:15 p.m. today.

Accordingly (at 1 o'clock and 22 minutes p.m.), the House stood in recess until approximately 2:15 p.m.

□ 1416

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 2 o'clock and 16 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 17 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1732

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 5 o'clock and 32 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 118) concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities, as amended.

The Clerk read as follows:

H. CON. RES. 118

Whereas the Armed Forces of the United States and military forces of United States coalition partners are currently engaged in hostilities in Iraq in prosecuting Operation Iraqi Freedom;

Whereas an unknown number of members of the Armed Forces of the United States have been taken prisoner by Iraqi authorities and it is possible that, before the end of hostilities, additional members of the Armed Forces of the United States and members of other coalition forces may be taken prisoner by Iraqi authorities;

Whereas members of the military forces of Iraq have been taken prisoner by coalition armed forces;

Whereas all such prisoners who are captured while complying with the laws of war are entitled to prisoner of war status until their final release and repatriation;

Whereas in the Convention Relative to the Treatment of Prisoners of War, signed at Geneva on August 12, 1949 (referred to as the "Third Geneva Convention"), the international community has prescribed rules concerning the treatment of prisoners of war;

Whereas more than 190 nations, including the United States and Iraq, are parties to the Third Geneva Convention;

Whereas Article 13 of the Third Geneva Convention requires the humane treatment of prisoners of war and that prisoners of war be protected against acts of violence or intimidation and against insults and public curiosity;

Whereas Article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind;

Whereas Article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where the prisoner may be exposed to the fire of the combat zone, nor may a prisoner's presence be used to render certain points or areas immune from military operations;

Whereas the Third Geneva Convention requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross (ICRC) free access to all prisoners of war;

Whereas the Government of the United States has informed the Iraqi authorities that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention and is in discussions with ICRC officials to facilitate access at the earliest possible time to Iraqi enemy prisoners of war held by United States Armed Forces; and

Whereas Iraqi television has broadcast what appear to be pictures of captured American military personnel; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the bravery and professionalism of the members of the Armed Forces of the United States and the military forces of United States coalition partners; and

(2) extends heartfelt sympathies to the families and loved ones of those who are killed, wounded, missing in action, or taken prisoner by Iraqi authorities.

SEC. 2. The Congress—

(1) demands that Iraqi authorities comply fully and immediately with its obligations and responsibilities of the Convention Relative to the Treatment of Prisoners of War;

(2) condemns the failure of Iraqi authorities to treat prisoners of war in strict conformity with that Convention;

(3) demands that Iraqi authorities permit the International Committee of the Red Cross to visit any and all American and coalition prisoners of war at the earliest possible time, in accordance with the requirements of that Convention;

(4) joins the President in warning all Iraqi authorities that any individual who mistreats any prisoner of war in violation of that Convention shall be considered a war criminal and prosecuted as such to the full extent of United States and international law; and

(5) supports the President in committing the full effort and reach of the United States Government to the swift and safe repatriation of all prisoners of war at the earliest possible moment consistent with that Convention.

SEC. 3. The Congress supports the President in seeking the fullest possible accounting, at the earliest possible time upon the cessation of hostilities, of all members of the Armed Forces who are in a missing status as a result of operations during Operation Iraqi Freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises today to speak on behalf of those brave men and women of our Armed Forces who have been taken prisoner of war by the Iraqi regime, and for those who are missing in action.

All Members were appalled by the reports and images of the barbaric treatment of our soldiers by the Iraqi regime captors. This resolution will send a clear message of resolve that this Congress will stand by and insist on the rights of its military sons and daughters in their time of peril. We will spare no effort to bring them home alive and in good health, and to hold to account anybody who would dare mistreat them.

All of us join families, comrades in arms and friends in prayer for their safe return, the safe return of all members of our armed services. I note with pride that the American military is already carrying out its obligations under the Geneva Conventions. We have invited the Red Cross or Red Crescent to visit our prisoners, and we demand the same access for the Red Cross to coalition prisoners held by Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, I want to thank my good friends, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Texas (Mr. REYES), for introducing this most important resolution.

Mr. Speaker, today marks the seventh day of Operation Iraqi Freedom, a valiant campaign by the United States, the United Kingdom, and our partners to rid the world of Iraq's weapons of mass destruction and the regime that wields them.

We have achieved much in this war so far. Iraq's southern oil fields have been saved, its western deserts have been secured, and its gulf ports have been opened. Our Air Forces have meticulously degraded Iraq's defenses while minimizing civilian casualties, and our Third Infantry Division is poised at Saddam Hussein's doorstep.

We owe these successes to America's soldiers, sailors, airmen, and Marines who have performed bravely and brilliantly in this fight. The courage and skill they have displayed on the battlefield comes as no shock. Their training and leadership has prepared them well, but it does continue to inspire awe.

I know I speak for all Americans, Mr. Speaker, in expressing my deepest admiration and strongest support for all of our military men and women fighting in Iraq. We admire especially the service of those who have paid the ultimate sacrifice in this war to date, and those who may do so in the days ahead. Our deepest condolences go to the families who have lost their loved ones. The brave men and women who have laid down their lives in Iraq are true American heroes whose debt our thankful Nation can never repay.

America's Armed Forces, Mr. Speaker, represent the best our democracy has to offer. Their conduct reflects the values we cherish. We respect international law and uphold the highest human virtues in this fight.

The enemy we face does not share these values. The Iraqi regime of Saddam Hussein has waged this war in total violation of all norms of civilized behavior. Its armed forces use innocents as human shields, execute deserters on sight, hide in hospitals, fire from behind white flags, and deny their own people access to humanitarian assistance. They deliberately position their tanks and artillery next to mosques, schools, and hospitals, putting innocent Iraqi civilians at great risk.

In a futile attempt to build support for his doomed regime, Saddam Hussein has waged a relentless and reckless disinformation campaign. To this end, he has utilized American prisoners of war as propaganda props, abusing, humiliating, and intimidating them, in clear violation of the Geneva Convention.

The resolution before us delivers a stern warning to the Iraqi regime to end such atrocities and to comply with the terms of the Third Geneva Convention relating to the treatment of prisoners of war. It places the full weight and power of the American people behind the enforcement of this code of conduct.

We should not delude ourselves, Mr. Speaker. Saddam Hussein has utter contempt for the Geneva Convention and all international agreements. He feels no obligation to abide by the norms of civilized behavior, as he showed in his reprehensible conduct towards coalition soldiers in the first Gulf War.

Our vote today is not likely to deter him, although we hope that it does. It will set the standard for the swift and certain justice we shall deliver to those who have perpetrated war crimes after Saddam's rotten regime collapses. It will show the entire world that the United States, the United Kingdom, and all of our partners are committed to the lawful, humane conduct of this war, despite the evil and cowardly tactics the enemy employs.

I urge my colleagues to lend their support to this resolution and to the American prisoners of war currently in captivity.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) for bringing this to the floor.

Mr. Speaker, I would hope that there would not have been a day that we had to bring a resolution like this to the floor. I rise today in strong support of this resolution. Frankly, I am just so outraged at the inhumane treatment of American POWs by Saddam Hussein's brutal regime. I am really fighting to hold down a deep anger at these purveyors and practitioners of torture and terror who have been wickedly exhibiting their captives over the last few days.

There is no doubt that war is brutal, and it is a terrible situation; but there are rules of engagement, and there should be some basic human decency. The actions of this regime, including abusing our POWs and using civilians as human shields, serves to remind the world what a vicious, ruthless dictator we are dealing with.

One thing is certain: this is an immoral, immoral regime. These oppressors have made it clear that they have no regard for human life. But they should bear this in mind: our POWs are not faceless victims. They will return home, and those responsible will have to answer to a higher power, and they will answer to one on this Earth, as well.

We have a Member of this House who was once a prisoner of war, my friend, the gentleman from Texas (Mr. SAM JOHNSON). On February 13, 1973, the gentleman from Texas boarded a plane at Hanoi's airport and returned home after spending 7 years as a prisoner of war at the hands of the North Vietnamese. He endured unspeakable torture, lived in primitive conditions, and suffered from malnutrition.

The gentleman from Texas (Mr. SAM JOHNSON) serves as an inspiration to every Member of this House and to the people of this country. These captured members of our Armed Forces will soon serve as an inspiration to all Americans. In the meantime, we pray for our unselfish heroes, and we eagerly await their return home. Today's effort will help Americans keep our POWs in our hearts and remember them in our prayers. Nothing is more fitting at this time than honoring those who are sacrificing their liberty in the defense of our freedom.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to my good friend, the gentleman from Texas (Mr. REYES), the original author of this legislation and a distinguished member of our Committee on Armed Services.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding time to me on this very important issue.

Let me first begin by thanking my colleague, the gentleman from Georgia (Mr. KINGSTON), for allowing me to work with him to draft this resolution in support of our POWs.

Also, I would like to thank the gentleman from California (Chairman HUNTER) sitting here; the ranking member, the gentleman from Missouri (Mr. SKELTON); the gentleman from Illinois (Chairman HYDE); and the ranking member, the gentleman from California (Mr. LANTOS), for their work to bring this resolution to the floor.

Mr. Speaker, I stand today before the House not only as a Member of Congress but as a former member of the United States Armed Forces, and also as a proud citizen of this great country of ours.

As we all know too well, our country is currently facing very difficult times. We have all heard the unfortunate news concerning the captured members of the 507th Maintenance Company by Iraqi military. Fort Bliss, home of the 507th Maintenance Company, is located in my district. This disturbing news truly hit home for me and for all my constituents in El Paso, Texas. Over the past few months, nearly 4,000 of Fort Bliss's troops have been deployed to the Middle East. On February 17, 2003, the 507th Maintenance Company was also deployed.

Mr. Speaker, I can personally vividly remember that windy day back in 1967 when I was getting ready to deploy overseas. I remember then how proud I was wearing the uniform of our military, and how proud I was to be a soldier representing this great country. I also remember the concern that I had for my family.

☐ 1745

I was leaving behind my mom and my dad, my nine brothers and sisters and my then girlfriend Carolina, who today has been my wife for 34 years. I was being sent away to a country unknown to me, away from my family and my friends; and I can assure my colleagues, Mr. Speaker, war is the most difficult of experiences one can experience.

Thirty-six years ago, I served my country proudly. I was fortunate enough to be one of those that returned. I will not even begin today to compare my experiences with those that are facing our courageous men and women being held captive in Iraq. I do strongly commend these troops for their unwavering bravery and pledge my support that they are returned safely.

Mr. Speaker, among those troops are the 507th Maintenance Company. Being held captive is a constituent of mine from El Paso. She is an honorable patriot, and now she is an inspiration not only to the people of El Paso but to all of us all across this country. We stand behind her and her brothers and her sisters in arms.

I would also like to recognize the courage of our other captive troops, including the Apache pilots from Fort Hood, Texas. My deepest and most heartfelt thoughts and prayers are with their families, as well as with all families affected by this tragedy.

I know the people of Fort Bliss and the city of El Paso will continue to keep our brothers and sisters in their prayers. I have the utmost confidence in our armed services so that they will very soon reunite the captive soldiers with their loved ones.

Mr. Speaker, I decided this afternoon that in my remarks I would not mention any names of any of the troops that are currently held prisoner out of respect for their privacy and the privacy of their families, as well as deferring to the request from the Department of Defense. It was recently this afternoon brought to my attention that two more of our soldiers have made the ultimate sacrifice for our country.

I am proud to be able to stand before this House and express my support for our troops. As a member of the House Committee on Armed Services, I have had the privilege and the honor of visiting our troops on many occasions, not only at Fort Bliss but around this country and around the Middle East. I am very proud and honored to be able to represent such brave and professional soldiers.

Mr. Speaker, I am in strong support of this resolution before us today. I want to assure the American people and the families and the friends of our captive troops that the Congress of the United States stands behind our brave men and women, and we will do everything in our power to see that our prisoners are treated with dignity and humanity and that they are recovered as quickly and as safely as possible.

I strongly encourage all my colleagues to vote for this resolution.

I also in the strongest terms wish to condemn the Iraqi government and the media that has sought to degrade and humiliate our soldiers in violation of the Geneva Convention, as some of my colleagues have already previously mentioned.

Finally, Mr. Speaker, I would like to conclude by commending all the members of our armed services that are serving us so valiantly in Operation Iraqi Freedom, as well as the troops that are supporting Operation Enduring Freedom for their patriotism, their bravery and their professionalism will never be forgotten.

I also wish to express my appreciation to the British and Australian troops and other members of the coalition who are fighting alongside Americans in combat and to all the personnel from other allied countries who are providing support to our troops. I support our government's effort to prosecute this war swiftly and successfully with a minimum of military and civilian casualties. Our soldiers deserve our fullest support, and they can count on all of us for that, no matter how long it takes.

Mr. Speaker, may God bless our troops and God bless America. I thank my good friend for yielding me the time.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Missouri (Mr. BLUNT) the majority whip.

Mr. BLUNT. Mr. Speaker, I want to express my gratitude to the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER) as well as the gentleman from Texas (Mr. REYES) and the gentleman from Georgia (Mr. KINGSTON) for bringing this resolution on the floor and doing it so quickly after the latest round of atrocities that we see from Saddam Hussein and his regime.

Once again, he showed us just how evil his regime is by the treatment of American POWs in this war. What has happened to Iraqis for decades now we have seen happen to Americans, torture, murder, setting examples so that a tyrant can continue to subjugate his people.

This regime has clearly violated the Geneva Convention. They have apparently murdered imprisoned American soldiers. They have exploited POWs and their families by broadcasting images of these captives on TV and in a broadcast where they also display the bodies of those who died at their hands.

Saddam Hussein's actions in this war demonstrate, once again, just how depraved he is. He has ordered the murder of his own people. He has attacked his neighbors. He has used weapons of mass destruction. Every day that passes in this war unearths a new atrocity from this tyrant.

Iraqi citizens were fired on today as they attempted to throw off their oppressors. News reports were that antiaircraft weapons were turned on people in the streets to take one more step in a series of steps by Saddam Hussein to take freedom away from his people.

Our young people continue to fight courageously for the liberation of Iraq. My thoughts and prayers, the thoughts and prayers of so many in our country go out to everyone involved, those who have given their lives and the families of those who have given their lives in this effort already, the families of those who are prisoners, the families of those who are injured. They should take pride in the commitment that these brave men and women who serve us so well have made, and made, as we have so often done, not selfishly on our part but selflessly reaching out to try to secure freedom for others.

I applaud our troops. I join in this resolution that condemns the behavior of this regime as it violates the standards of civilized society once again.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

I first wish to compliment the gentleman from Georgia (Mr. KINGSTON) and the gentleman from California (Mr. LANTOS) for this resolution and bringing it to the floor. So I rise in support of this resolution, which demands that the Iraqi authorities abide by the principles and obligations of the Geneva Convention relative to the treatment of prisoners of war.

Our Nation is at war with Iraq. Service members on both sides of this conflict have been taken prisoners of war. Yet while the United States has held up its obligations under the Geneva Convention, recent news reports from the Middle East suggest that the Iraqi government and its leaders are not following the requirements of international law.

Mr. Speaker, I recently saw the Al Jazeera tape that has been played regarding the American prisoners of war and those who were killed. Words cannot express my disgust.

The United States has allowed representatives from the International Committee of the Red Cross free access to Iraqi prisoners, as required under the Geneva Convention. The Iraqi government so far as not provided any access to American prisoners of war by the Red Cross.

The Geneva Convention also requires that prisoners of war not be exposed to fire in combat zone, not be used as human shields and not be held up to public ridicule. The United States has fully complied with all these obligations. It is unknown if the Iraqi government has used its American and British prisoners as human shields or exposed them to fire in the combat zone, but as those of my colleagues have seen the videotape that ran on Al Jazeera TV knows, the Iraqis have permitted American casualties to be filmed and have held up our prisoners to public interrogation and ridicule. This is simply unforgivable.

American allies have lost several of their sons and daughters in uniform in this conflict. Our Nation mourns their loss, and the thoughts and prayers of all Americans are with their families and loved ones.

Mr. Speaker, we must demand needed compliance with the Geneva Convention by the Iraqi authorities. Representatives from the International Committee of the Red Cross need to be provided immediate and unfettered access to our prisoners of war. And let there be no misunderstanding, Mr. Speaker. We will give no quarter to those who would blatantly violate the laws of war. They will be held accountable.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. HUNTER), the Chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. KINGSTON) for his great work in bringing this to the floor and the gentleman from California (Mr. LANTOS) and the gentleman from Texas (Mr. REYES) and the gentleman from Nebraska (Mr. BEREUTER) for accommodating and working this resolution and, of course, the gentleman from Missouri (Mr. SKELTON), my partner on the Committee on Armed Services.

Mr. Speaker, Iraqi officers today must consider one thing, the United States will win this conflict. Iraq may have the ability to delay that victory for a short period of time, but they cannot stop it.

Secondly, after we win this war, and we will win it, all Iraqi officers will be held accountable for their actions with respect to POWs and the Geneva Conventions. So if prisoners of war are abused in any way, if bodies are displayed, if POWs are displayed or humiliated, or if you abuse women POWs in any way, as they have been abused in the past by Iraqi service personnel, you will be held accountable. That means that those Iraqi officers will be identified, the people who are in charge of that particular operation, and if you go to the far corners of the globe, you will be found by Americans. Just as we have found dozens of terrorists in very remote niches of the world, we will find you; and at that point you will be brought to justice.

So the message for Iraqi military officers right now is a very clear one. If you want to protect your own future after this war is over, you had better protect POWs today.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the Kingston resolution. I want to recognize the brave men and women of our Armed Forces who are valiantly serving our country in the war in Iraq.

Over the weekend, seven of our soldiers were taken prisoner by the Iraqi government. One of the POWs is within my district and lives in Elgin; and I want to take this opportunity to indicate to my colleagues that I wanted to express my support to his family, to his mother and the rest of his family.

I know that his mother, my constituent, has indicated and had asked me to send a message to her son. The family has indicated that the whole community is supporting and praying for his safe return. She is asking him to be strong and to not lose faith in the Lord. The family has faith that you will return home safely.

I hope and I expect that the POWs and our troops that are being held in Iraq will be treated with the dignity and respect that they deserve under international law. Iraq and the United States are both parties to the Geneva Convention, and they are required to treat POWs both in a humane way and to protect them against any violence, any intimidation and to avoid insults and public ridicule. The actions of the Iraqi government that we have seen so far of displaying our captured soldiers on television is unacceptable.

I support our troops who are in Iraq, and I want them to know that the country is fully behind them, and we pray for their safe return. In these times of conflict is when I want the families of the soldiers to know that they have our prayers and assurance that we will do everything we can.

☐ 1800

My sympathies go out to the families of our soldiers who have lost their lives, have been wounded, are prisoners of war, or are missing in action. I hope that this war ends soon and successfully and all our soldiers will return home safely.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that remarks in debate should be addressed to the Chair and not to others in the second person.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES), a senior member of the Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. LANTOS), and certainly the gentleman from Texas (Mr. REYES) and the gentleman from Georgia (Mr. KINGSTON) for offering this resolution.

I represent Camp Lejeune Marine Base, Cherry Point Marine Air Station, New River Air Facility, and Seymour Johnson Air Force Base; and I stand with my colleagues on both sides of the aisle. I am offended on behalf of our men and women in uniform by the way that the POWs have been treated. It is unacceptable. I want to take my limited time by making a point on a part of this resolution that joins the President in warning all Iraqi authorities that any individual who mistreats any prisoner of war in violation of the convention shall be considered a war criminal and shall be prosecuted as such to the full extent of United States and international law.

Mr. Speaker, in 1995 the first bill that I had the opportunity to introduce was called the War Crimes Act of 1996. I worked with a former POW of the Vietnam War, Mike Cronin, a Navy pilot shot down, and he spent 6½ years at the Hanoi Hilton. I know the agony that our POWs are going through in the hands of the Iraqis, and I want the Iraqis to know that we are not going to allow mistreatments in violation of the Geneva Convention.

I want to mention the bill that Mike Cronin helped me and other Members of the House and Senate pass. The War Crimes Act of 1996 and the Expanded War Crimes of 1997 carried out the obligation the United States incurred after it signed the 1949 Geneva Convention for the protection of victims of war. This legislation allows for prosecution of war criminals in the absence of a specific international tribunal or military judicial proceedings with penalties which could include fines, life imprisonment or death in circumstances where the act resulted in the death of the victim.

Mr. Speaker, I mention that because I want people to know that this country is not going to allow our men and women in uniform to be mistreated.

I close by asking God to please bless our men and women in uniform, please bless the families, and please, God, bless America.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side be given an additional 10 minutes so that Members who choose to speak on this important resolution may have the opportunity to do so.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the gentleman from Georgia (Mr. KINGSTON), the original sponsor of this resolution, for his vision and his willingness to ensure that we stand united on this question of our POWs, as well as the gentleman from Texas (Mr. REYES), whose district is most pointedly impacted. I also thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. LANTOS), who has been a champion on the issue of human rights, along with the gentleman from Nebraska (Mr. BEREUTER), who has been on the forefront of the issue of human rights; and these are questions of human rights.

I come to the floor today to show truly to the world that the Congress stands united in support of our troops and demand that they be treated humanely and with great cause of concern. I am reading from the provisions of the Geneva Convention, article 12; and it says prisoners of war are in the hands of the enemy power, but not of the individual enemy unit that captured them. Irrespective of the individual responsibilities that may exist, the detaining power is responsible for the treatment given to them. Article 13 says prisoners of war must at all times be humanely treated.

I stand before this House not calling the names of those who are missing or the names of POWs except to say that a large number of them have come from the State of Texas and the 507th Maintenance Company in Fort Bliss, Texas. To all of the families, some of them who have lost loved ones now as the war is raging, and those who are missing and those who are POWs, we stand united to demand that the Geneva Convention be adhered to. This resolution is a loud sound that gives a clarion call to the Iraqi Government and to the Iraqi military that we will not tolerate the inhumane treatment of our brave young men and women. And it also states that the United States, as we capture the Iraqi military, also adhere to the Geneva Convention; and we have been told by our military leadership that that is the case.

Mr. Speaker, as I stand here united, let it be clear there is no divide between us in our support of the United States troops. They are valiant young men and women. Their families are standing by. Our prayers are with them; but most of all our resolve for them to come home safely, that they be treated humanely and that the international law of the Geneva Convention be adhered to. We stand united, undivided, and we will prevail.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the resolution offered by the gentleman from Georgia (Mr. KINGSTON). It is incumbent on the Congress to send a warning to Saddam Hussein and his regime of their obligation to treat prisoners of war humanely and abide by the rules of the Geneva Convention.

Mr. Speaker, the State of Georgia received sad news yesterday that one of our brave sons, Army Chief Warrant Officer Ronald Young, Jr., of Lithia Springs was captured and taken prisoner by enemy forces in Iraq. His capture and detainment by Iraqi forces troubles me greatly, and I know the entire House joins me in sending my strongest prayers and thoughts to his parents, Kaye and Ronald, Sr., as well as his wife, Stephanie, and their infant son. We pray for his safety and his quick return home.

Mr. Speaker, our goal is the swift and safe repatriation of all prisoners of war at the earliest possible moment, but I want the warning to Saddam Hussein and his regime to be clear: Any individual who mistreats a prisoner of war in violation of the Geneva Convention will be considered a war criminal and prosecuted to the full extent of United States and international law.

Mr. Speaker, I urge Members to support this resolution today and to remember the young family in your hearts and prayers.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

(Mr. COLE asked and was given permission to revise and extend his remarks.)

Mr. COLE. Mr. Speaker, this is the first occasion I have had to speak in the well of the House, and I do not expect to ever have an opportunity to speak on a more important issue on a more important occasion.

I keep in my office a picture of my uncle who was liberated from an axis prison camp in August 1945 after spending over 3 years in enemy captivity. He is surrounded by another group of brave Americans, and I keep that picture to remind me of the sacrifices people paid so that we have an opportunity to come here and debate and argue and discuss the great issues of the day.

I often asked my uncle when I was growing up if he ever thought that he would be left behind or forgotten. He told me never, that he knew no American would ever leave another American in captivity. I knew some day my fellows would come for me.

Mr. Speaker, I want to assure those brave men and women in captivity tonight that their country has not forgotten them. We will come for them. We will make sure that they come home safe, sound and free.

I also want to join the Members in this House in warning their captors that if they are not treated with respect and with the dignity that they not only deserve but that we extend to our enemies in this particular conflict, there will be a terrific price to pay in terms of being war criminals.

Finally, I want to say how proud I am to be in this body at this moment, where we have differences occasionally on policy, even this policy; but we have absolutely no difference when it comes to our regard for the men and women in uniform that serve and protect us, and absolutely no difference in our determination to reach out to them to protect them and to see that they are dealt with fairly when they are in captivity and they come home safely.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) to pay special tribute to women soldiers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I associate myself with the remarks of the gentleman from Oklahoma (Mr. COLE) regarding Members' differing views on the policies of this war, but that we are united behind the idea and the efforts of our troops.

I do want to acknowledge that one of the POWs from Texas is a woman who happens to be a single parent. I want to say on behalf of the women of the United States military, to thank this Congress for its support of women in the military, recognizing their talents and contributions, and not one of them has refused to serve their Nation.

In particular, I think it is important to lift up the Geneva Convention so that none of our troops, whether or not one happens to be a woman, and may be violated, that none are subjected to inhumane treatment and that we stand united on this. There is no difference on how we will fight for our troops and how our troops' bravery will show themselves well on behalf of the American people. God bless them and God bless the United States of America.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY.)

Mr. MURPHY. Mr. Speaker, I am here to voice strong support for the resolution offered by the gentleman from Georgia (Mr. KINGSTON). By passing this resolution, we in Congress will call upon the Iraqi regime to abide by the obligations of the Geneva Convention by treating prisoners of war with dignity and humanity. We are also making it very clear that any individual who mistreats a prisoner of war in violation of the Geneva Convention will be considered a war criminal themselves and prosecuted to the full extent of United States and international law.

The Geneva Convention requires the humane treatment of prisoners of war and that prisoners of war be protected against acts of violence, intimidation, insults, and public curiosity. Furthermore, the Geneva Convention prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatsoever, and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

U.S. service personnel have confirmed several prisoners of war, and we have to make sure we protect them. I would like to mention as an aside that I ask the American media, television, radio, newspapers, to also avoid any exploitation of family and friends of captives. Information that may be released for the sake of trying to present a good story may be played before our prisoners to try to break their will or manipulate them. I ask Americans if they see such exposures and exploitations, they will speak out.

The thoughts and prayers of all Americans are with the families and loved ones of those soldiers who are captured or missing in action. We owe a debt of gratitude to all servicemen and women who are sacrificing to defend our freedom.

Let me leave this final message to the Iraqi military and their leadership. Soon, very soon, you will be surrounded. Soon, very soon, you will be defeated. Soon, very soon, you will be captives, and the fate you will face will be decided by how you treat our POWs.

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Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I do rise in support of the resolution concerning our POWs and appreciate the sponsors of that bill and the bipartisan support that is coming today.

Mr. Speaker, the hometown of one of the POWs is in my district. Last Monday I had the opportunity to visit with his wife and discuss the situation as she understood it. I was pleased to note that she seemed comfortable and confident that the military had communicated well with her and was very aware of the potentials that she brought to the table by making public statements and was very careful to not draw too much attention to her husband.

Mr. Speaker, I remember a generation ago, 30 years ago, in a different war, in the Vietnam War where an entire segment of the population spoke out in favor of the opposition. One actress even went to Hanoi with prisoners of war there. I would remind the public that there is still pain and an entire Vietnam generation. I speak for that generation urging those who are opposed to the war to please stay here and not take the side of the opponents in this very difficult situation.

I ask the prayers of our country for the young men and young women who are serving in that theater but especially for those who are POWs. And for Specialist Joseph Hudson from Alamogordo, New Mexico, I send my special prayers to you and request the prayers of the country for your family and for you.

Mr. Speaker, I rise in strong support of H. Con. Res. 118. I am proud to be an original cosponsor of this concurrent resolution and I thank Mr. KINGSTON for introducing this important resolution.

First, I would like to commend all of the U.S. troops participating in Operation Iraqi Freedom. All of you are in our thoughts and prayers and especially those who have been captured by the Iraqi regime.

One of the soldiers captured by Iraqi forces is Army Specialist Joseph N. Hudson of the 507th Maintenance Company stationed at Fort Bliss, Texas. Specialist Hudson is a resident of Alamogordo, New Mexico. Hudson is 23 years old. A 1998 graduate of Alamogordo High School, Hudson is described by his principal as a "good kid." "He took care of business. He went through the system and took care of what he needed to," the Principal said. Hudson has a wife and daughter—and a very concerned family.

Specialist Hudson, along with the other soldiers currently held by the Iraqi regime, represent the best of our country. These are courageous, young soldiers who were captured during an ambush while fighting to bring freedom to a people who have not known it for a very long time.

It is important that we speak on this issue on a bipartisan basis. This House must condemn the actions taken by the Iraqi regime and hold them accountable for their actions.

We must let Saddam Hussein and his regime know that we expect them to treat our soldiers in accordance with the Geneva Convention or else they will be dealt with accordingly.

It is time.

I pray for the prompt and safe return home of Specialist Hudson and the other American soldiers held captive by the Iraqi regime.

I ask all of my colleagues to support this concurrent resolution.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 118, sponsored by the gentleman from Georgia (Mr. KINGSTON), urging the Iraqi government and military to treat our troops humanely and our POWs also in accordance with the Geneva Conventions.

Our prisoners of war should be protected by the standards the Geneva Conventions outline, which prohibit persons engaged in warfare from humiliating, televising or harming prisoners of war.

Mr. Speaker, we probably all remember the news stories about our POWs from the conflict in Afghanistan at Guantanamo Bay in Cuba. The POWs there were made to kneel; and people around the world erupted in protest, claiming that we were being unfair to them.

This is nothing compared to what our prisoners of war in Iraq are having to endure. The Iraqi soldiers have not followed the traditional rules of warfare. They have dressed their troops in civilian clothes and hidden them in crowded public places and placed troops in hospitals and schools and fired upon our troops who cannot fire back, and they have instructed their troops to ambush Americans while attempting to surrender.

Mr. Speaker, just today I had the unfortunate experience of calling a family in my district whose son was killed in the line of duty in Iraq. Lance Corporal Brian Rory Buesing, who was only 20 years old, was ambushed by Iraqi troops who were pretending to surrender. These kinds of unfair, inhumane, indecent actions are happening, unfortunately, all the time in this conflict. I urge the Iraqi government to treat our prisoners of war with the respect we treat theirs. We urge other nations in the world to be as outraged at their practices as I am and I am sure all my colleagues are, and I urge them to also support this resolution.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time. I want to begin by congratulating the authors of this resolution, the gentleman from Georgia (Mr. KINGSTON), the gentleman from Texas (Mr. REYES) and, of course, my good friend, the gentleman from Nebraska (Mr. BEREUTER), and my dear friend and neighbor, the gentleman from California (Mr. LANTOS), who has spoken so eloquently on this issue of the war. I want to especially congratulate him because of his life experiences which he brings to this entire question and challenge.

During the 1980s, Mr. Speaker, I had the opportunity to serve on the POW/MIA Task Force. I first was privileged to join this great body in 1981. I came, in fact, with my friend from California (Mr. LANTOS).

Shortly after arriving I met with a woman. Mrs. Masterson was her name. Her daughter looked at me and said, "Congressman, please tell me that my father is dead." It was one of the most incredible things said to me because this young woman lived daily with the uncertainty as to whether her father had survived or not. He was missing in action, and still is, in Vietnam.

That is why this resolution is so important and the message which has come forth as I have listened to the eloquent words of our new colleague, the gentleman from Oklahoma (Mr. COLE), who talked about his uncle, as I have listened to so many people talk about this, this challenge we face will, I believe, lead every American to redouble our efforts to ensure that we bring about justice. This is a war of good versus evil. We are on the side of good, and the courageous men and women who have sacrificed and stepped up to the plate are in fact on the side of good. That is why our effort to underscore the importance of the safe return of those prisoners of war and any missing in action is of the highest priority for all of us. I congratulate my friends and look forward to their safe return.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding back my time, I would like to make one observation. We have paid tributes to our military who have been captured. We have expressed our determination that they be treated with dignity and within the confines of the Geneva Convention, and we have expressed our commitment that those who do not will be punished however long it takes us to find them and to bring them to justice.

There is only one item that has not yet been mentioned in this debate. The Arab television network Al Jazeera has become part and parcel of Saddam Hussein's propaganda machine. I call on the government of Qatar and others who are capable of doing so of rectifying the outrageous policies of this television network which is being used to humiliate and intimidate our military. It is unacceptable that an international television network be used as part of Saddam Hussein's propaganda machine, and we expect action to be taken on that issue.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I want to thank all of our colleagues for their insightful and heartfelt comments. I am pleased to yield the balance of my time to the distinguished gentleman from Georgia (Mr. KINGSTON), the author of the resolution, a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from Texas (Mr. REYES), the cosponsor of this, the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. LANTOS), the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for all the work that their committees did in bringing this to the floor today.

I am wearing, Mr. Speaker, a patch of the Third Infantry Division. This particular emblem, and we all get many lapel buttons in Congress, but it means probably more to me than any that I have ever received. It was given to me by retired Lieutenant Colonel Robin Webber, whose husband is General-promotable Joe Webber. He is over in the theater right now from the Third Infantry Division.

In communities like Fort Stewart, Georgia, which I have the honor of representing where the Third Infantry is headquartered, and Fort Bliss, Texas, and other military communities around the country, we see these young soldiers and some of the older soldiers and all the soldiers and the support personnel as friends and neighbors. When we have an international conflict, we look at it both on a personal level and, of course, on an international level.

I was there at the dockside when the Mendonza ship was loading up the equipment from Fort Stewart, 500,000 square feet worth of tanks and personnel movers and helicopters.

I was there at the DAG at Hunter Air Base when we were shaking hands with the soldiers and standing by the USO as they put the deodorant and the Bibles and sometimes the pocketbooks and other items in bags for them, shaking hands with these soldiers as they went off to mission.

I was at the luncheon meeting with the military wives' organization when Ms. Webber gave this patch to me. They were talking about their own personal struggles and how this conflict affects their lives. Yet to a person and to an experience, everybody who was involved in this great human chain of activity was very proud of the work of the Third Infantry Division; and indeed now, as they sit on the banks of the Euphrates River, our hearts and thoughts remain with them more than ever.

The men and women who make up the Third Infantry Division, of course, come from all over the country. They come from Mission, Texas; Alamogordo, New Mexico; Park City, Kansas; Pennsauken, New Jersey; Lithia Springs, Georgia; Orlando, Florida; and all over. In that way they are so much members of the American fabric that we all are with them, even the people who did not see the horrible film which Members of Congress saw today, which Members of Congress saw some of our bravest and finest young men dead in apparent execution. We saw other soldiers, men and one woman, who were detained as prisoners of war.

It is with this outrage that we all come together on a bipartisan basis and support H. Con. Res. 118. We believe it is very important to send a signal not just to the soldiers and the members of the Iraqi military but the international community that we believe in the Geneva Convention and we expect any nation that we are at war with to abide by the Geneva Convention.

The four Geneva Conventions, Mr. Speaker, were agreed upon in August, 1949, and they were signed by 164 different nations, including Iraq. The International Committee of the Red Cross oversees the implementation of the conventions. The conventions include the following:

Article 13 states that prisoners of war must at all times be treated humanely, they must be protected against acts of violence or intimidation and against insults and public curiosity.

Article 14 states that prisoners of war are entitled in all circumstances to respect for their persons and their honor.

Article 17 states, in part, every prisoner of war, when questioned on the subject, is bound to give only his surname, first name and rank, date of birth, and army, regimental or personnel serial number or equivalent information. No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever.

Article 19 states that POWs shall be evacuated as soon as possible after their capture to camps situated in an area far enough from the combat zone for them to be out of danger.

And article 23 says no POW may be sent to, or detailed in, areas where he may be exposed to the fire of the combat zone.

These articles, Mr. Speaker, seem to be totally ignored. We have soldiers over there now that are captured, seven that we know of, that we have confirmed. Yet we have 4,000 Iraqi soldiers, and we are abiding by the Geneva Convention. How easy it would be to manage for the care of seven prisoners compared to 4,000. Yet the United States, just like Iraq in 1949, signed these conventions; and we intend to stick by them.

By passing this resolution today, which we will, I hope, on a bipartisan and unanimous basis, we are sending a strong signal, three of them, Mr. Speaker, one to the troops, to say that you are foremost on our minds, so are your families and so are the other soldiers who are fighting to regain your freedom. Number two, we are sending a signal to the government and the military of Iraq that if you do ignore the Geneva Convention, then we intend to give you a criminal trial as a war criminal when this conflict is over with or as soon as possible.

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And, number three, we are sending a signal to the international community because we know there are many who have opposed this action. We know there are many nations who do not like the United States of America, and yet since there are 164 nations that have signed the Geneva Conventions, we hope that all 162 others, excluding the United States and Iraq, would join us and say this is an outrage, we insist that Iraq abide by the Geneva Conventions. And this is an opportunity for France, for Russia, for China, for Germany, or any other critics that we have in this action to come together, as have Members of Congress, to say this is not right, we want these conventions followed.

So with that, Mr. Speaker, I yield the floor and close with the remarks of so many other colleagues. God bless these prisoners, God bless our troops, and God bless America.

Mr. EDWARDS. Mr. Speaker, we have brave men and women in harm's way in Iraq. They are risking their lives for the cause of freedom and security for our Nation. We have lost soldiers in this war, and now we know that Iraq has taken prisoners.

Two of those brave soldiers that have been taken prisoner are from Fort Hood, in my district—Apache pilots from the 1st Battalion, 227th Aviation Regiment. These men and their families are in my prayers. I know they have a very difficult road in front of them.

We stand here on the floor of this House to speak for these two pilots, and for all the men and women who may be prisoners of war during this conflict. Iraq, as a signatory of the Geneva Convention, has an obligation to treat American prisoners humanely.

We have already received indications that Iraq is not adhering strictly to the Convention. This is outrageous and must change immediately.

If I could speak to the prisoners and their families for a moment . . . the whole country is behind you right now. We're thinking of you and praying you will be reunited soon. Your sacrifices for your country will not be forgotten.

Mr. LANGEVIN. Mr. Speaker, I rise today as a proud American to commend the brave men and women of our armed services who are carrying out the mission to provide hope and freedom to the Iraqi people held captive by Saddam Hussein and his regime.

I also join my colleagues in praying for the continued safety of the Prisoners of War from the United States: five members of the 507th Maintenance Company, taken from their convoy during the confusion of war, and the two pilots of an Apache helicopter shot down while on a mission. Sadly, the fates of several others are still unknown.

I am disgusted by the Iraqi regime's blatant disregard of the Geneva Conventions implemented after World War II to protect soldiers on either side of any conflict. The regime of Saddam Hussein, which rules over a signatory nation of the treaty, is responsible for the safety of our soldiers. If they ignore this serious responsibility, they will bear the consequences when they are prosecuted as Prisoners of War after this conflict. The United States will not allow Iraq's failure to abide by international law go unpunished.

Finally, I wish to add my voice to those commending all our men and women in uniform, praising them for their efforts and praying for their swift and safe return to us.

Mr. CANTOR. Mr. Speaker, two days ago, horrifying video broadcast by the Arab satellite station Al Jazeera filtered back to us here showing tortured and murdered American troops.

I want Saddam to know that here in America we are angry, and we want justice.

The brutal treatment of our unarmed troops has produced in America a wave of defiance; Absolute disgust of Saddam; Magnified the determination of our American military; and Hardened our commitment to remove this barbaric regime.

This treatment provides a sharp reminder of the past cruelty American prisoners of war suffered during the Second World War, Korea and Vietnam.

As a nation, we endured these hardships then—we will endure them now. However, we will endure this pain only until we have Saddam and the generals who ordered these killings—then we will seek the justice our murdered servicemen deserve.

Deliberately killing our men will not weaken our resolve or change our goal to free Iraq. The regime of Saddam Hussein will be removed—the outcome of the conflict is determined and settled. We will win, we will bring our troops back home and we will punish the Iraqi murderers.

Mr. ORTIZ. Mr. Speaker, I rise in support of the resolution demanding Iraq abide by the Geneva Conventions in the treatment of prisoners of war. While war is hideous and deadly, civilized nations of the world over 50 years ago came together to make the situation of POWs less awkward and more humane.

Iraq is a signatory to the conventions. The Geneva Convention Relative to the Treatment of Prisoners of War requires the humane treatment of prisoners of war, and that POWs be protected against acts of violence or intimidation, insults, and public curiosity. The convention also explicitly prohibits the infliction of physical or mental torture; provides that POWs may not be exposed to fire in a war zone; and requires that a government holding such prisoners grant representatives of the International Committee of the Red Cross free access to all POWs.

Congress demands that Iraqi authorities abide by the principles and the obligations of the Geneva Convention Relative to the Treatment of Prisoners of War, and we condemn the failure of Iraqi authorities to treat prisoners of war in strict conformity with the conventions. Congress also demands that Iraqi authorities permit the International Committee of the Red Cross to visit all U.S. prisoners of war and any other prisoner of war at the earliest possible time, in accordance with the requirements of the conventions.

The U.S. government has informed the Iraqi authorities that we will treat all captured Iraqi prisoners in accordance with the Geneva Convention. We are a peace-loving nation roused to war, but we are not inhumane; we will treat the prisoners of Iraq with respect and decency. We demand no less from the other signatories of the convention.

This resolution warns all Iraqi authorities that anyone mistreating any POW is in violation of the conventions and will be a war criminal this country will chase down and prosecute to the full extent of U.S. and international law.

I join my colleagues in commending the bravery and professionalism of the members of the U.S. armed forces and its coalition partners. My heart is heavy for the families and loved ones of those who are killed, wounded, missing in action, or taken prisoner by Iraqi authorities.

Know that we do not leave our men and women on the battlefield, we will fight to find them and bring them all home.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on April 16, 1966, during my second tour of Vietnam I was shot down. I spent nearly 7 years as a prisoner of war—more than half of that time in solitary confinement.

During my 25th mission I weighed about 200 pounds. During my captivity in Vietnam, I got down to 120 pounds. My captors beat me, tortured me, starved me, and interrogated me.

When I ejected out of the plane, I broke my back and right arm. It was these injuries my captors would use to push me to the brink. One time they put me in front of a firing squad and said, 'we're going to kill you.' They readied their AK–47s. Now I started praying harder than I ever prayed in my life. In a few seconds, the guns went click, click, click, click, click. I laughed at them—big mistake. It is only because of the grace of God I survived.

When I heard about American P.O.W.s in Iraq, my heart skipped a beat. And when I saw pictures of them—I was furious!! That is a flagrant violation of the Geneva Convention. That's just wrong.

It is my hope that this Congress and the international community will send a strong signal to the Iraqis that if they do not uphold the Geneva Conventions and treat our troops humanely . . . the Iraqis will be sought . . . they will be caught . . . and they will be punished as war criminals.

I just hope that those Iraqis see the writing on the walls that they're working for a falling regime and that if they don't adhere to these international laws they will be punished.

Now my heart goes out to the family and friends of our troops and especially our P.O.W.s. You're in our thoughts and prayers. And to our soldiers—all I can tell you is that what you're doing is the greatest job in the world and America will be there for you!

To the P.O.W.s—we will find you and we will come and get you! And when we do—trust me—it will be the most incredible day of your life. God bless you and God bless America.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise in support of both the important resolutions we are considering today. These resolutions are two ways that we in Congress can express our appreciation for our troops in Iraq, share our condolences with the families of those who have been lost and increase support around the country for our men and women in uniform who are serving their country with bravery and much success.

H. Res. 153 calls for observance of a day of prayer and fasting in our country. People in our country and our leaders have a long history of turning to God in times of need, especially war situations. We need to again take time, regardless of our religious traditions, to ask for guidance and strength for our military leaders and the future of our Nation. We have been threatened by terrorism, and we are acting now to prevent future threats. We pray for the knowledge to make the right decisions and the ability to help advance peace and safety around the world.

I also strongly support the Concurrent Resolution regarding the treatment of our prisoners of war. We know how poorly Saddam Hussein has treated his own citizens over the years, so there is reason to be concerned for the safety of our POWs. I join the Congress in sending a clear message to the Iraqis who are holding our prisoners: treat them with respect and dignity, in the same manner we are treating your prisoners. Any one who violates the law and mistreats our POWs will be prosecuted to the fullest extent.

As we witness our U.S. and coalition troops serving with bravery and resolve in their mission to disarm Iraq, I have great confidence in their ability to get the job done. They are focused on the mission at hand. They have the advantage of precision weapons, and we have seen their ability to select and hit targets. Their commanders have planned and executed an aggressive strategy in the air and on the ground.

Here at home, we need a showing of support for our troops and their families. Many in Kentucky have loved ones serving our Nation in Iraq, especially with the deployments from Fort Knox and Fort Campbell. As our men and women in uniform fight in order to improve security in the world, their anxious and proud family members keep faith and await their safe return. This military effort to provide for future security has not come without loss of life. We pray for those who have been lost, for their families and for our troops' safety.

We will be successful in disarming Saddam Hussein of his weapons of mass destruction, no matter how long it takes. We will eliminate the threat he poses to our country and to our allies. The Iraqi people are more than ready for liberation from Saddam.

A liberated Iraq with a leader who no longer threatens peace and security is a goal all nations can agree on. The United States is providing the military means to that goal, and our country and the Congress have the highest support and appreciation for our troops.

Mr. KINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 118, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

Pursuant to clause 8 of rule XX, further proceedings on House Resolution 153 also will resume tomorrow.

INTERIM COMMITTEE EXPENSES FOR 108TH CONGRESS THROUGH APRIL 11, 2003

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 163) providing amounts from the applicable accounts of the House of Representatives for continuing expenses of standing and select committees of the House from April 1, 2003, through April 11, 2003, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Chairman NEY) to explain.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Connecticut for yielding.

The Committee on House Administration in conjunction with the Speaker's office, our ranking member, and all the members of the Committee on House Administration continue to work towards a final resolution that will ultimately provide House committees with a permanent funding resolution for the 108th Congress. House rules contain an interim funding provision that provides a temporary funding mechanism to fund committees until a permanent committee funding resolution is passed. The deadline set by the House rules is March 31. However, negotiations on the 2004 budget resolution delayed work on the committee budget resolution which will make it impossible to pass this resolution by the March 31 deadline set forth in the House rules. As a result, we are seeking unanimous consent to pass a temporary funding resolution which would temporarily fund committees after the March 31 deadline and until a permanent funding resolution is passed.

I also want to thank the tremendous communication, cooperation of the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the committee who diligently worked together to achieve a funding document that will be able to allow the committees of the House to do their job, respond to the citizens of the United States, and carry on the very important work of the House committees.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving the right to object, again let me applaud the chairman and the staff and the committee for their outstanding work in echoing the comments of our Chair, and if the Chair would engage me in a short dialogue, this extension has no impact on the well thought-out plan of the two-thirds/one-third distribution in the committee that all the Chairs and ranking members had agreed to over the course; is that correct?

Mr. NEY. Mr. Speaker, if the gentleman will yield further, to answer the ranking member's question, it has absolutely zero impact. Our ranking member has made it crystal clear, and we understand that there will be the two-thirds/one-third. We appreciate that. We appreciate our Chairs cooperating fully on that and the ranking member. So there will be zero impact on the two-thirds/one-third ratio.

Mr. LARSON of Connecticut. Mr. Speaker, continuing that dialogue, it is our understanding as well that as we proceed down this course that the Special Select Committee on Homeland Security has been treated outside of this process as well; is that correct?

Mr. NEY. Mr. Speaker, if the gentleman will yield further, the gentleman is correct. We have a very unique situation in this funding resolution; and I have been here 8 years, and for one of the first times we have a major committee, which is important, and has been created, and now we have to do the funding for it. So this year our ranking member and me and the members of the committee had even a bigger task to set up the funding, the process for that committee for the gentleman from California (Chairman COX) and the gentleman from Texas (Mr. TURNER), ranking member, and to make sure that important committee can function and that it really is considered absolutely outside the box.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Ohio for clarifying that. The distinguished chairman again has done an outstanding job in putting this together.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 163

Resolved, That there shall be available from the applicable accounts of the House of Representatives such amounts as may be necessary for continuing expenses of standing and select committees of the House for the period beginning on April 1, 2003, and ending on April 11, 2003, on the same terms and conditions as amounts were available to such committees for the period beginning at noon on January 3, 2003, and ending at midnight on March 31, 2003, pursuant to clause 7 of rule X of the Rules of the House of Representatives, or, in the case of the Select Committee on Homeland Security, pursuant to House Resolution 77 (agreed to February 13, 2003).

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, pursuant to the order of the House of March 25, 2003, I call up the bill (H.R. 14) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, March 25, 2003, the bill is considered read for amendment.

The text of H.R. 14 is as follows:

H.R. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Authorization of appropriations.
Sec. 116. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. Demonstration grants for community initiatives.
Sec. 413. Transitional housing assistance.
Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) Functions.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) Coordination With Available Resources.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) Research.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) Research.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

"(3) Report.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) Provision of Technical Assistance.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) Demonstration Programs and Projects.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) Demonstration Programs and Projects.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) Promotion of safe, family-friendly physical environments for visitation and exchange.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) Education identification, prevention, and treatment.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) Risk and safety assessment tools.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) Training.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) Demonstration Programs and Projects.—Section 105(a) of the Child Abuse

Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "(such as Parents Anonymous)";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) KINSHIP CARE.—" and inserting the following:

"(4) KINSHIP CARE.—

"(A) IN GENERAL.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.".

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(4) in paragraph (4)(D), by striking "nonprofit".

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.".

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.".

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;";

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: " provide notice to the Secretary—

"(i) of any substantive changes; and";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

"(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

"(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;";

(iii) in clause (iii) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iii) (as so redesignated), the following:

"(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (vii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (viii)";

(vi) by inserting after clause (vii) (as so redesignated), the following:

"(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xiv) (as so redesignated), by striking "to be effective not later than 2 years after the date of enactment of this section";

(ix) in clause (xv) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvi) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xv)"; and

(xi) by adding at the end the following:

"(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

"(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.".

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 116. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

"(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and".

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate)".

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State)";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B)—

(i) by striking "to the network"; and

(ii) by inserting ", and parents with disabilities" before the semicolon;

(C) in subparagraph (C), by striking "to the network"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(C) in subparagraph (C), by striking "and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated"; and

(2) by striking "the lead agency" and inserting "the current lead agency".

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(2) in paragraph (2)—

(A) by striking "network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(B) by striking ", including those funded by programs consolidated under this Act,";

(3) by striking paragraph (3), and inserting the following:

"(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;";

(4) in paragraph (4), by striking "State's network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (5), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(6) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(7) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(8) in paragraph (9), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(9) in paragraph (10), by inserting "(where appropriate)" after "members";

(10) in paragraph (11), by striking "prevention-focused, family resource and support program" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "family resource and support services" and inserting "family support services for the prevention of child abuse and neglect";

(ii) in clause (iii), by striking "and" at the end; and

(iii) by adding at the end the following:

"(v) respite care;

"(vi) home visiting; and

"(vii) family support services"; and

(B) in subparagraph (B), by inserting "voluntary home visiting and" after "including"; and

(3) by striking paragraph (6) and inserting the following:

"(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.".

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking "a Statewide network of community-based, prevention-focused, family resource and support

programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect";

(2) by striking paragraph (3), and inserting the following:

"(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);";

(3) in paragraph (4),

(A) by inserting "and parents with disabilities," after "children with disabilities,"; and

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking ", prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

SEC. 129. DEFINITIONS.

(a) Children With Disabilities.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) Community-Based and Prevention-Focused Programs and Activities to Prevent Child Abuse and Neglect.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) Community-based and prevention-focused programs and activities to prevent child abuse and neglect.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.".

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

"Sec. 105. Grants to States and public or private agencies and organizations.".

(2) By striking the item relating to title II and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes;";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "Sec. 203. (a) The Secretary" and inserting the following:

"(a) In General.—The Secretary";

(3) in subsection (b)—

(A) by inserting "Required Activities.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) Services for Families Adopting Special Needs Children.—

"(1) In general.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) Services.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) Improving Placement Rate of Children in Foster Care.—

"(1) In general.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) Applications; technical and other assistance.—

"(A) Applications.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) Technical and other assistance.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) Payments.—

"(A) In general.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment"; and

(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

"(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; AND

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting "AUTHORIZATION.—" after "(1)"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this Act:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services.".

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);".

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).".

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every 2 years,".

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2004 through 2008.".

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.".

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2004 through 2008".

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.".

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of the fiscal years 2004 through 2008".

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking "demonstrate the effectiveness of assisting" and inserting "assist".

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and inserting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

(ii) in subparagraph (F), by adding "and" at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking "provide for research, and into" and inserting "provide for research into".

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking "other criminal justice professionals,;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendments reported by the Clerk in conjunction with that previous order, is adopted.

The text of H.R. 14, as modified pursuant to the order of the House of March 25, 2003, is as follows:

H.R. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.

Sec. 112. Research and assistance activities and demonstrations.

Sec. 113. Grants to States and public or private agencies and organizations.

Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.

Sec. 116. Miscellaneous requirements relating to assistance.

Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. Demonstration grants for community initiatives.
Sec. 413. Transitional housing assistance.
Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "(such as Parents Anonymous)";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) KINSHIP CARE.—" and inserting the following:

"(4) KINSHIP CARE.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.".

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(4) in paragraph (4)(D), by striking "nonprofit".

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.".

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.".

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;";

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: "provide notice to the Secretary—

"(i) of any substantive changes";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

"(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

"(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;";

(iii) in clause (iii) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iii) (as so redesignated), the following:

"(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (vii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (viii)";

(vi) by inserting after clause (vii) (as so redesignated), the following:

"(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xiv) (as so redesignated), by striking "to be effective not later than 2 years after the date of the enactment of this section";

(ix) in clause (xv) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of the enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvi) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xv)"; and

(xi) by adding at the end the following:

"(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

"(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.".

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and

local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system''.

(d) Annual State Data Reports.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

''(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

''(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.''.

(e) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.''.

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

''(d) Sense of Congress.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authorization.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) General authorization.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

(b) Demonstration Projects.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking ''Secretary make'' and inserting ''Secretary shall make''; and

(2) by striking ''section 106'' and inserting ''section 104''.

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(c) Study and Report Relating to Citizen Review Panels.—

''(1) Study.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

''(2) Report.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) Purpose.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

''(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''.

(b) Authority.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''Statewide'' and all that follows through the dash, and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—'';

(B) in subparagraph (F), by striking ''and'' at the end; and

(C) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

''(H) provide referrals to early health and developmental services;''; and

(2) in paragraph (4)—

(A) by inserting ''through leveraging of funds'' after ''maximizing funding'';

(B) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(C) by striking ''family resource and support program'' and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate)''.

(c) Technical Amendment to Title Heading.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(ii) by striking ''family resource and support programs'' and all that follows through the semicolon and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate);''

(B) in subparagraph (B), by inserting ''that exists to strengthen and support families to prevent child abuse and neglect'' after ''written authority of the State)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''a network of community-based family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B)—

(i) by striking ''to the network''; and

(ii) by inserting '', and parents with disabilities'' before the semicolon;

(C) in subparagraph (C), by striking ''to the network''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(C) in subparagraph (C), by striking ''and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(D) in subparagraph (D), by inserting '', parents with disabilities,'' after ''children with disabilities''.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking ''as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the'' and inserting ''as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated''; and

(2) by striking ''the lead agency'' and inserting ''the current lead agency''.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(B) by striking '', including those funded by programs consolidated under this Act,'';

(3) by striking paragraph (3), and inserting the following:

''(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;'';

(4) in paragraph (4), by striking ''State's network of community-based, prevention-focused,

family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (5), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(6) in paragraph (7), by striking ''individual community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(7) in paragraph (8), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(8) in paragraph (9), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(9) in paragraph (10), by inserting ''(where appropriate)'' after ''members'';

(10) in paragraph (11), by striking ''prevention-focused, family resource and support program'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''family resource and support services'' and inserting ''family support services for the prevention of child abuse and neglect'';

(ii) in clause (iii), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(v) respite care;

''(vi) home visiting; and

''(vii) family support services;''; and

(B) in subparagraph (B), by inserting ''voluntary home visiting and'' after ''including''; and

(3) by striking paragraph (6) and inserting the following:

''(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.''.

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking ''a Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect'';

(2) by striking paragraph (3), and inserting the following:

''(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);'';

(3) in paragraph (4),

(A) by inserting ''and parents with disabilities,'' after ''children with disabilities,''; and

(B) by striking ''evaluation of'' the first place it appears and all that follows through ''under this title'' and inserting ''evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs'';

(4) in paragraph (5), by striking '', prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (6), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(6) in paragraph (8), by striking ''community based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking ''Statewide networks of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking ''given such term in section 602(a)(2)'' and inserting ''given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)''.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

(2) by inserting the following after paragraph (2):

''(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.''; and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

''Sec. 105. Grants to States and public or private agencies and organizations.''.

(2) By striking the item relating to title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

''(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

''(3) each year, thousands of children are in need of placement in permanent, adoptive homes;'';

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

''(7)(A) currently, there are 131,000 children waiting for adoption;''; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', including geographic barriers,'' after ''barriers''; and

(B) in paragraph (2), by striking ''a national'' and inserting ''an Internet-based national''.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 203. INFORMATION AND SERVICES.'';

(2) by striking ''SEC. 203. (a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(3) in subsection (b)—

(A) by inserting ''REQUIRED ACTIVITIES.—'' after ''(b)'';

(B) in paragraph (1), by striking ''nonprofit'' each place that such appears;

(C) in paragraph (2), by striking ''nonprofit'';

(D) in paragraph (3), by striking ''nonprofit'';

(E) in paragraph (4), by striking ''nonprofit'';

(F) in paragraph (6), by striking ''study the nature, scope, and effects of'' and insert ''support'';

(G) in paragraph (7), by striking ''nonprofit'';

(H) in paragraph (9)—

(i) by striking ''nonprofit''; and

(ii) by striking ''and'' at the end;

(I) in paragraph (10)—

(i) by striking ''nonprofit''; each place that such appears; and

(ii) by striking the period at the end and inserting ''; and''; and

(J) by adding at the end the following:

''(11) provide (directly or by grant to or contract with States, local government entities, or

public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) SERVICES.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

"(A) APPLICATIONS.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment"; and

(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

"(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"(a) There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; AND

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting "AUTHORIZATION.—" after "(1)"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this Act:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services.".

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);".

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).".

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every 2 years,".

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2004 through 2008.".

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.".

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2004 through 2008".

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.".

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of the fiscal years 2004 through 2008".

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking "demonstrate the effectiveness of assisting" and inserting "assist".

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and inserting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

(ii) in subparagraph (F), by adding "and" at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking "provide for research, and into" and inserting "provide for research into".

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking "other criminal justice professionals,;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 1 hour.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 14.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are here today to consider H.R. 14, the Keeping Children and Families Safe Act of 2003, which reauthorizes and improves the Child Abuse Prevention and Treatment Act, CAPTA, the Adoption Opportunities Program, the Abandoned Infants Act, and the Family Violence Prevention and Treatment Act.

Consideration of this bill today is appropriate and timely, as next week begins National Child Abuse Prevention month. Unfortunately, the House and Senate were unable to reach agreement on all issues pertaining to the reauthorization of CAPTA and FVPSA at the end of last Congress. The bill before us today shows our efforts and commitment to ensuring that programs aimed at the prevention of child abuse and neglect continue.

I would like to thank my colleagues on both sides for their hard work and efforts in developing this legislation under consideration today. I especially want to thank the gentleman from Ohio (Mr. BOEHNER), the full committee chairman, for his continued support of our efforts in moving this bill forward; the gentleman from Pennsylvania (Mr. GREENWOOD) for his diligence in ensuring that infants born addicted to alcohol or drugs receive necessary service; and of course my colleagues on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee, for his support in quickly bringing this bill before us; and also the gentleman from Texas (Mr. HINOJOSA), who again in somewhat of irregular order consented to bypass the subcommittee and enable this bill to come right to the full committee and now come to the House. I thank him very much again for his partnership, and as we complete this bill today, it will now enable us to move on to other issues within the committee, so I thank the gentleman from Texas (Mr. HINOJOSA) very much.

H.R. 14 provides for the continued provision of important Federal resources for identifying and addressing the issues of child abuse and neglect and for supporting effective methods of prevention and treatment. It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

Mr. Speaker, this bill emphasizes the prevention of child abuse and neglect before it occurs. It promotes partnerships between child protective services and private- and community-based organizations, including education and health systems to ensure that services and linkages are more effectively provided. H.R. 14 appropriately addresses a growing concern over parents being falsely accused of child abuse and neglect and the aggressiveness of social workers in their child abuse investigations. It includes language to increase public education opportunities, to strengthen the public's understanding of the child protection system, and appropriate reporting of suspected incidents of child maltreatment.

The bill fosters cooperation between parents and child protective service workers by requiring caseworkers to inform parents of the allegations made against them. It improves the training opportunities and requirements for child protective services personnel regarding the extent and limits of their legal authority and the legal rights of parents and legal guardians. It also ensures the safety of foster and adoptive children by requiring States to conduct criminal background checks for prospective foster and adoptive parents and other adult relatives and nonrelatives residing in the household.

Lastly, this bill expands adoption opportunities to provide for services for infants and young children who are disabled or born with life-threatening conditions and requires the Secretary of Health and Human Services to conduct a study on the annual number of infants and young children abandoned each year and extends the authorization for the Family Violence Prevention and Services Act.

I want to thank my colleagues for their work on this bill and urge them to join me in supporting this effort to improve the prevention and treatment of child abuse and family violence by supporting H.R. 14, the Keeping Children and Families Safe Act of 2003.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Ohio (Chairman BOEHNER). I want to thank the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. HOEKSTRA), subcommittee chairman, for their commitment to writing such a good bipartisan bill; and I look forward to working with our subcommittee chairman on many more issues that are going to be coming up in this session.

The Keeping Children and Families Safe Act of 2003, or as it is better known, CAPTA, is a small program that fills an important role in the Federal response to child abuse by focusing on prevention and treatment. Child abuse is a serious public problem, and we must do much more at the Federal level to protect children from abuse and improve the treatment they receive.

In 2002 there were almost 900,000 substantiated cases of child abuse and neglect. In 2000 an estimated 1,200 children died as a result of abuse and neglect. The bill before us today will enhance collaboration between child protection systems and the juvenile justice system. Research shows that children who are abused and neglected are more likely to be involved in delinquent and criminal behavior. By fostering linkages between the child protection and juvenile justice systems, the provisions of this bill should lead to better, more appropriate treatment services.

The legislation also makes important changes by increasing collaboration between child protective services and health agencies. Children with disabilities are almost four times more likely to be victims of abuse and neglect, and children in the child welfare system are at higher risk for health problems. Any serious attempt to prevent and treat child abuse and neglect must include procedures for linking abused children and children at risk for abuse to the appropriate health and mental health services. The bill also requires States to report on their efforts to improve caseworker training, supervision, and retention so that children and families will be served better.

Ultimately, our success in appropriately intervening and providing services and treatment for vulnerable children and their families is dependent on having a well-trained workforce to make difficult judgments about how to best keep a child safe and make sure they have the love and the support of a permanent family.

□ 1845

This is a strong bill that will help children receive the services they need to grow up safe and healthy.

We must not be hypocritical about this. We cannot say we support children, but not provide the resources to do it. Right now, only 12 percent of Federal money for child abuse and neglect go toward prevention and treatment. This is shortsighted policy, because if we do not pay now for prevention and treatment, we pay later in our criminal justice system and health care costs.

The leadership has designated this week as Children's Week, and it is fitting that we focus on protecting our most vulnerable children. However, this legislation will offer little protection if it is not fully funded at the authorized level of $285 million. Similarly, designating a week as Children's Week will be little more than another empty promise if we are unwilling to provide the resources that we authorize for the key programs that serve our youth, such as this one, and the No Child Left Behind Act. I hope that the week we consider fiscal year 2004 appropriations for these programs will truly be Children's Week.

In closing, Mr. Speaker, I urge my colleagues to support H.R. 14 today.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), an individual who has a passion for helping all of our children and who has demonstrated a real caring for abused and neglected children in America.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 14, to reauthorize the Child Abuse Prevention and Treatment Act, and I thank the chairman of the committee and the ranking member of the Committee on Education and the Workforce for all the hard work that they put into this important piece of legislation.

I truly want to commend the gentleman from Michigan (Mr. HOEKSTRA) for the work that he put into this in working with Members on both sides of the aisle. He has crafted a piece of legislation that will be meaningful to the children of this country. The work that he put in is exemplary; and most importantly, what he did is he put the best interests of the child forward in writing this legislation. So many times we forget the child when we put legislation in, and the gentleman from Michigan (Mr. HOEKSTRA) did an outstanding job, and we appreciate it.

Mr. Speaker, the dimensions of child mistreatment and child murder are staggering in this country. Sadly, each day four children die from child abuse and neglect. The rate of infant murder has doubled over the last 30 years. Almost one infant homicide per day was reported in the year 2000. Incredibly, half of all the infant murders took place before the baby even reached the fourth month of life; and tragically, the risk of infant homicide is highest on the day that the child is born.

The impact of child abuse goes way beyond the 1,200 children that lose their lives each year. The consequences are far reaching and devastating, resulting in permanent disabilities, juvenile delinquency, teenage drug addictions, and prostitution. Today's abused children, if they live long enough, grow up to become tomorrow's murderers and perpetrators of violence. Seventy percent, 70 percent, of adult male prisoners in this country convicted of felonies report a history of child abuse.

Mr. Speaker, in the fall of 2001, The Washington Post ran a series of articles describing the deaths of infants born addicted to drugs or alcohol in the District of Columbia. Over a period of 7 years, 11 newborns died right here in our Nation's Capital because they simply got lost in the system.

The bill before the House today offers hope. H.R. 14 will ensure that when an infant is born drug exposed, procedures will be put into place at the hospital to identify the fragile newborn and provide services to the mother.

In addition, H.R. 14 strikes the appropriate balance between ensuring a child's safety and protecting the individual rights of parents accused of child maltreatment. The committee heard testimony describing numerous cases of innocent families, many of them home schoolers, being aggressively investigated for child abuse, and then allegations were proven to be false. When this happens, not only do the families lose, but abused children lose as well, because precious time was lost.

This bill does two important things: one, it will improve public education on the role of the caseworker in investigating complaints of child abuse; and, two, it will increase training on appropriate reporting of suspected child abuse. I believe that these two things will significantly decrease the incidence of false reports that tie up the system, leaving real abused children uninvestigated.

In short, Mr. Speaker, I believe that H.R. 14 will make our children safer, and there can be no higher goal.

Mr. HINOJOSA. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to speak out of order revise and extend her remarks and include extraneous material.)

TRIBUTE TO THE LATE DANIEL PATRICK MOYNIHAN

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership on this important bill that I am supporting. But I rise today to pay tribute to Senator Daniel Patrick Moynihan, and, on behalf of my colleagues and constituents, to join with them in mourning his passing today.

Senator Moynihan was one of our truly inspiring legislators. He was a scholar, a legislator, an ambassador, a cabinet officer, a Presidential adviser in four administrations, the only person in history to serve four consecutive administrations. He was a teacher, a writer, and one of the best Senators ever to grace the halls of this institution.

He was unmatched in his ability to craft innovative solutions to society's most pressing problems, from welfare to Social Security, to transportation, to taxes. His legislative stamp is everywhere.

Known as, and I quote from the Almanac of American Politics, "the Nation's best thinker among politicians since Lincoln, and its best politician among thinkers since Jefferson," Senator Moynihan moved people through the power of his ideas. He was a unique figure in public life, a man of pure intellect, who was unafraid of speaking inconvenient truths.

Senator Moynihan's life exemplified the American dream. He grew up in a slum known as Hell's Kitchen. Abandoned by his father, his mother became the sole supporter of the family during the Depression. Small wonder that Senator Moynihan grew up to be a strong voice on welfare issues. He recognized the danger of fostering a culture of dependency, while understanding the importance of maintaining a strong safety net.

He proved to be one of the most accurate prophets of our era. Time and time again he correctly predicted future consequences, even though many refused to believe him when his prediction ran counter to conventional wisdom. In the 1980s, he predicted the coming collapse of the Soviet Union. In the 1990s, he expressed concern about the tendency of our society to define deviancy down.

For New Yorkers, Senator Moynihan has and always will be one of our own homegrown heroes, our proud gift to the Nation. Despite his reputation for attention to the more scholarly pursuits, he authored 18 books, Senator Moynihan never forgot those of us who elected him.

He was a hero to landmark preservationists for his effort to preserve the Custom House and the Farley Post Office, the new train station on the Farley site, which he helped plan and which he helped to fund, but it does not yet have a name. I believe that it should be named for Daniel Patrick Moynihan.

When the Coast Guard left Governors Island, he persuaded President Clinton to agree to give the island to New York for $1, and it was this Congress that was able to make that pledge a reality. As ambassador to the United Nations, he denounced the resolution equating Zionism with racism. Seventeen years later, the U.N. reversed itself, revoking this shameful resolution.

Senator Moynihan was a prime mover behind ISTEA, which changed the way highway and transportation funds are distributed. He was widely credited with shifting transportation priorities and making it possible for us to invest in alternatives, like high-speed rail.

As a member of the Senate Finance Committee, he was a guardian of Social Security; and he focused his attention on the importance of opening up government filings and reducing secrecy in government. I was proud to have worked with him on the passage of the Nazi War Crimes Disclosure bill. After 50 years, Americans finally are beginning to get a glimpse of the things that our government knew.

Senator Moynihan was also a tireless worker on getting an accurate census for our country.

Senator Moynihan's passing will make this country a poorer place. I join my constituents and my colleagues in paying tribute to the great Senator from the Great State of New York.

Senator Moynihan was truly an American treasure. He was a great friend and mentor to me, and we will miss him greatly. My colleagues and I send to Elizabeth and their family our deep concern and condolences.

Mr. Speaker, I include for the RECORD a biography of this remarkable man.

Daniel Patrick Moynihan was the senior United States Senator from New York. First elected in 1976, Senator Moynihan was reelected in 1982, 1988, and 1994.

Senator Moynihan was the Ranking Minority Member of the Senate Committee on Finance. He served on the Senate Committee on Environment and Public Works and the Senate Committee on Rules and Administration. He also was a member of the Joint Committee on Taxation and the Joint Committee on the Library of Congress.

A member of the Cabinet or sub-Cabinet of Presidents Kennedy, Johnson, Nixon and Ford, Senator Moynihan was the only person in American history to serve in four successive administrations. He was U.S. Ambassador to India from 1973 to 1975 and U.S. Representative to the United Nations from 1975 to 1976. In February 1976 he represented the United States as President of the United Nations Security Council.

Senator Moynihan was born on March 17, 1927. He attended public and parochial schools in New York City and graduated from Benjamin Franklin High School in East Harlem. He went on to attend the City College of New York for one year before enlisting in the United States Navy. He served on active duty from 1944 to 1947. In 1966, he completed twenty years in the Naval Reserve and was retired. Senator Moynihan earned his bachelor's degree (cum laude) from Tufts University, studied at the London School of Economics as a Fulbright Scholar, and received his M.A. and Ph.D. from Tufts University's Fletcher School of Law and Diplomacy.

Senator Moynihan was a member of Averell Harriman's gubernatorial campaign staff in 1954 and then served on Gov. Harriman's staff in Albany until 1958. He was an alternate Kennedy delegate at the 1960 Democratic Convention. Beginning in 1961, he served in the U.S. Department of Labor as an assistant to the Secretary, and later as Assistant Secretary of Labor for Policy Planning and Research.

In 1966, Senator Moynihan became Director of the Joint Center for Urban Studies at Harvard University and the Massachusetts Institute of Technology. He has been a Professor of Government at Harvard University, Assistant Professor of Government at Syracuse University, a fellow at the Center for Advanced Studies at Wesleyan University, and has taught in the extension programs of Russell Sage College and the Cornell University School of Industrial and Labor Relations. Senator Moynihan is the recipient of 62 honorary degrees.

Senator Moynihan was the author or editor of 18 books. His most recent work is Secrecy: The American Experience, published in the fall of 1998, an expansion of the report by the Commission on Protecting and Reducing Government Secrecy. Senator Moynihan, as Chairman of the Commission, led the first comprehensive review in forty years of the Federal Government's system of classifying and declassifying information and granting clearances.

Since 1976 Senator Moynihan has published an analysis of the flow of funds between the Federal Government and New York State. In 1992 the analysis became a joint publication with the Taubman Center for State and Local Government at Harvard University, and includes all fifty states.

Senator Moynihan was a fellow of the American Association for the Advancement of Science (AAAS). He was Chairman of the AAAS's section on Social, Economic and Political Science (1971–72) and a member of the Board of Directors (1972–73). He also served as a member of the President's Science Advisory Committee (1971–73). Senator Moynihan was Vice Chairman (1971–76) of the Woodrow Wilson International Center for Scholars. He served on the National Commission on Social Security Reform (1982–83) whose recommendations formed the basis of legislation to assure the system's fiscal stability.

He was the founding Chairman of the Board of Trustees of the Hirshhorn Museum and Sculpture Garden (1971–85) and served as Regent of the Smithsonian Institution, having been appointed in 1987 and again in 1995. In 1985, the Smithsonian awarded him its Joseph Henry Medal.

In 1965, Senator Moynihan received the Arthur S. Flemming Awards, which recognizes outstanding young Federal employees, for his work as "an architect of the Nation's program to eradicate poverty." He has also received the International League of Human Rights Award (1975) and the John LaFarge Award for Interracial Justice (1980). In 1983, he was the first recipient of the American Political Science Association's Hubert H. Humphrey Award for "notable public service by a political scientist." In 1984, Senator Moynihan received the State University of New York at Albany's Medallion of the University in recognition of his "extraordinary public service and leadership in the field for education." In 1986, he received the Seal Medallion of the Central Intelligence Agency and the Britannica Medal for the Dissemination of Learning.

He has also received the Laetare Medal of the University of Notre Dame (1992), the Thomas Jefferson Award for Public Architecture from the American Institute of Architects (1992), and the Thomas Jefferson Medal for Distinguished Achievement in the Arts or Humanities from the American Philosophical Society (1993). In 1994, he received the Gold Medal Award "honoring services to humanity" from the National Institute of Social Sciences. In 1997, the College of Physicians and Surgeons at Columbia University awarded Senator Moynihan the Cartwright Prize. He was the 1998 recipient of the Heinz Award in Public Policy "for having been a distinct and unique voice in the century—independent in his convictions, a scholar, teacher, statesman and politician, skilled in the art of the possible."

Elizabeth Brennan Moynihan, his wife of 44 years, is an architectural historian with a special interest in 16th century Mughal architecture in India. She is the author of Paradise as a Garden: In Persia and Mughal India (1979) and numerous articles. Mrs. Moynihan is a former Chairman of the Board of the American Schools of Oriental Research. She serves as a member of the Indo-U.S. Subcommission on Education and Culture, and the visiting committee of the Freer Gallery of Art at the Smithsonian Institution. She is Vice Chair of the Board of the National Building Museum, and on the Trustees Council of the Preservation League of New York State.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD), a member of the full committee and a gentleman who helped us work through this legislation.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me time. I also thank him for his splendid work on this very important piece of legislation.

Mr. Speaker, I also thank the gentleman from Texas (Mr. HINOJOSA), the gentleman from Ohio (Chairman BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their work, because they truly produced a bipartisan product here. If there was ever a reason to come together across the aisle, Republican and Democrat, to come to agreement, I cannot think of one more vital than that, of protecting children from child abuse and responding to children who have been abused.

Mr. Speaker, before I entered politics, I was a caseworker. I worked with abused and neglected children. And it is painful work to do. We all know about child abuse, the immediate consequences of child abuse. There is nothing more pathetic and pitiful than to think of a young child, a newborn, a child of any age, who looks to his or her mother, his or her father, for the kind of guidance, the kind of love, the kind of nurturing that all of us want to give to our children and all of us were fortunate enough to have in our childhood, and instead receive rebukes, receive blows, to be tortured, to be sexually abused. The pain of that is unimaginable and anguishing for the child.

Then, of course, it produces long-term consequences that the gentleman from Texas (Mr. DELAY) and others have referred to. It is the cause of so many people turning to lives of crime, it is the cause of so many individuals becoming abusers themselves of their children and of their spouses, it is the cause of substance abuse in so many cases. So many of the ills of society that are costly in terms of human suffering and costly in terms of tax dollars have their origin in the abuse of children.

One of the things that frustrated me as a caseworker was that we know how to respond to abuse. We know how to get it reported now. We have hot lines. We know how to do interventions and investigations. We know how to prosecute child abusers. We know how to seek custody of children who are dependent and not safe at home and place them into foster care. We know how to place children in adoption. We even know how, in some instances, to bring families together again and heal the parents and provide them the services that they need so that they do not have to be abusive.

But the thing that we have the most difficulty in doing is preventing the abuse in the first place. That is so hard, so difficult to get to. That is why I take such great satisfaction in the fact that the members of my committee, the ranking members of the subcommittee and the full committee and the chairman and the gentleman from Michigan (Mr. HOEKSTRA) and the staff helped me to put language in this bill that I hope will do a great deal to prevent child abuse.

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If we look at the precursors to child abuse, if we try to predict child abuse and see where we can intervene before it occurs, what the experts will tell us, and those of us who have been in the field know, is that substance abuse is a great predictor of child abuse. When you have a mother and/or a father or others in the house who are addicted to alcohol, who are addicted to drugs, you find so frequently in, I think, 35 percent of the cases, you find that because they are inhibited, they break awful taboos; because their nerves are ruined, they become short-tempered and abusive to their children; because they are out of touch with reality, they do things they do not even know that they are doing. We know that substance abuse leads so frequently, almost invariably, to child abuse.

So what do we do about that? The opportunity to intervene is best found when a child is born. When a child is born in a hospital and it suffers from fetal alcohol syndrome, if it is clear that the mother is addicted to drugs because either she is showing the signs or the child is in neonatal abstinence syndrome, which means they are coming off of drugs at the time of birth, if we can see the systemic presence of a substance, a controlled substance in a child, if it has done neurological damage to a child, we know right there and then at that moment of birth of this child that if something does not happen there is an extraordinarily high chance that that child, after its neurological conditions, its physiological conditions are healed in the hospital, will then return home to a situation in which it is incredibly likely to be abused.

The problem we have had heretofore is there is no legal way to intervene. People have tried to pass laws at the State level and at perhaps the Federal level to make it a child abuse case. Well, that is problematic, because we do not want to necessarily prosecute the woman for child abuse because she has a substance abuse problem. We may even drive her away from the hospital if she knows she is going to face that, and she may choose to deliver at home in a dangerous situation. So it seems that the thing to do is to intervene with social services.

What the language that is in the bill says is that when these children appear under these circumstances is that the hospital personnel, the medical personnel shall be required to report that information to the child protective services specialists who then will come out to the hospital right away and intervene and get with that mother and hopefully the father, if the father is there, and say, look, you have a problem here. You have struck bottom. Look what your problem has done to your child. Here is an opportunity to get help. For the sake of your child, are you willing to receive nursing care at your home, in-home nurses? Are you willing to get treatment for your drug abuse? Are you willing to get social services? We can bring to bear a whole host of intervention services so that your problems are solved and you do not put your child at risk.

It is a wonderful opportunity. All of the substance abuse treatment experts will tell us that it is a bottoming-out experience when the mother and/or the father look and say, what have we done here? This is as low as it gets. We have hurt our newborn baby, that they are most ready for help. By bringing these services to bear, we can help these children and these families. We can prevent child abuse.

In the cases where the mother and the father just refuse to accept services, then that may be the trigger for the caseworkers to take that case to court and seek custody of the child and provide protective custody. But hopefully, in most cases, it will result in a happier ending than that and one in which the child is protected, the family is healed, and good is done all around.

So I want to thank the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Texas (Mr. HINOJOSA), the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), and the staff on both sides of the aisle for helping me get this language in which I tried for years and years in my State legislature of Pennsylvania to get it in; and I am so happy to have it as part of this bill this evening.

Mr. HINOJOSA. Mr. Speaker, before bringing this to closure, I want to join the gentlewoman from New York (Mrs. MALONEY) in agreeing that the tribute that she paid Senator Daniel Patrick Moynihan was one that is well deserved and one that is going to be remembered throughout the country by many thousands of people who learned to love Senator Moynihan.

I want to thank the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), for bringing this legislation forward and bringing it to the floor in a very bipartisan manner.

Mr. Speaker, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, some may ask, what is the Federal Government's role in this? Do we not realize that dealing with these kinds of issues is done at the local level, that it is done at the State level? And they are absolutely right. What we want to do tonight is we want to recognize the tens of thousands of caseworkers and social workers who each and every day wrestle with these kinds of issues and how they help these children, how they help these families address these very serious problems.

What we are doing here tonight, what comes out of the CAPTA bill, is that at the Federal Government level we do research, we identify best practices, we provide technical assistance, we provide funding for demonstration projects. All of these things are intended to help the States and help those workers at the local level, that when they are involved in these cases that they come up with the right set of answers, the right sets of proposals, to help the child, to help the family, and to help the community forward. That is where the Federal Government can provide a helping hand to address this very, very serious problem.

So, in closing, I thank the gentleman from Texas (Mr. HINOJOSA), I thank the gentleman from Ohio (Mr. BOEHNER), and I thank the gentleman from California (Mr. GEORGE MILLER) and the staff on both sides of the aisle for working in a very collaborative way to get this bill done. I look forward now to joining with my colleagues in passing this bill out of the House and bringing it to the other body and, soon, either being in a conference committee or being at the White House for the President to sign this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I rise today in support of the Keeping Children and Families Safe Act (H.R. 14). This legislation reauthorizes several programs that attempt to both prevent and respond to cases of child abuse.

In addition to authorizing spending for these child abuse prevention programs, H.R. 14 also expands their focus to address some of the growing problems within our child protective services system.

For example, the legislation highlights the need to improve the retention and training of child welfare caseworkers. The average tenure of these workers who deal with very difficult cases of dysfunctional families and abused children is less than two years. Such a rapid turnover rate negatively affects the system's ability to make informed decisions about the placement of at-risk children.

The bill also acknowledges the importance of providing mental health and substance abuse services to some of the troubled families in the child welfare system.

We know that appropriate access to these critical services is often very limited—which either delays the reunification of children with their families, or potentially leads to their placement in unsafe environments.

As we laud this bill, we must remember that it authorizes only a few hundred million dollars a year for a whole spectrum of activities related to providing protection and permanency for children. In the context of a foster care system that spends about $5 billion a year on the placement of children outside of their homes, this is a very modest investment.

We also need to keep in mind that this bill is merely an authorization—meaning the funding must still be approved every year by the Appropriations Committee. The CAPTA grants, which the bill authorizes $200 million for next year, were funded at less than half that amount this year ($89 million).

So this bill is a good step in the right direction, but we still have a long road to travel to adequately protect at-risk children. As the year continues, I hope we can emulate the bipartisan spirit of this bill and make some additional progress toward ensuring the safety and well-being of our most vulnerable children.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 14, the "Keeping Children and Families Safe Act of 2003." This bill reauthorizes the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act, and related child and family protection acts. H.R. 14 represents our efforts and commitment to once again ensure that programs aimed at the prevention of child abuse and neglect are strengthened and continue to serve vulnerable children.

It's fitting that we are considering this bill today, as next week marks the beginning of National Child Abuse Prevention Month. This bill reflects our strong belief that every child in America deserves the security of being a part of a safe, permanent, caring family.

H.R. 14 aims to improve program implementation. It makes improvements to current law to ensure that states have the necessary resources and flexibility to properly address the prevention of child abuse and neglect.

It ensures that children are protected from abuse and neglect through best practice prevention and treatment services. It also reflects our belief that we can help achieve this goal by maintaining resources for adoption opportunities, identifying and addressing the needs of abandoned infants, and ensuring that resources continue to be available to promote family violence prevention activities. This bill also addresses the problem of child abandonment and abuse with effective solutions that can make a real difference in the lives of children.

H.R. 14 appropriately addresses issues regarding child protective services across the United States by enhancing training for personnel, requiring more effective partnerships between child protective services and private and community-based organizations, and improving public education on the child protection system.

This bill enjoys bipartisan support and is widely supported throughout the child abuse prevention and family violence prevention communities.

Finally Mr. Speaker, I want to thank my colleagues—Select Education Subcommittee Chairman HOEKSTRA, Mr. GREENWOOD, and Mr. MILLER, the ranking member of the full committee—for their efforts in bringing forward this important and timely legislation.

I urge my colleagues to join me in support of H.R. 14, the Keeping Children and Families Safe Act of 2003.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 14, the Keeping Children and Families Safe Act. There are provisions in this bill that will provide much needed resources for child abuse prevention, assistance for victims of child abuse and family violence, and adoption opportunities. In particular, I am very pleased that this bill authorizes $25 million for each of the fiscal years 2004 through 2008 for transitional housing for victims of domestic violence. It is my sincere hope that this bill will pass and the funding for transitional housing will be appropriated as soon as possible.

Transitional housing has been shown to prevent domestic violence and mitigate its effects. Unfortunately, many women who leave their abusers lack adequate resources and, with a shortage of emergency shelter and transitional housing options, are forced to choose between abuse at home or life on the streets. Yet, despite the fact that 50 percent of homeless women and children are fleeing domestic violence, there is currently no federal funding for transitional housing specifically for those victims.

It is critical that transitional housing be available to all those fleeing domestic abuse if we want to see an end to this violence. Transitional housing resources and services provide a continuum between emergency shelter provisions and independent living. A stable, sustainable home base for women and their children in transitional housing allows women the opportunities to learn new job skills, participate in educational programs, work full-time jobs, and search for adequate child care in order to gain self-sufficiency. Without such resources, many women eventually return to situations where they are abused and even killed.

In addition to supporting the funding for transitional housing as provided in H.R. 14, I am currently preparing to reintroduce the Domestic Violence and Sexual Assault Victims Housing Act. This bill would authorize $50 million a year to the Violence Against Women Office to award grants to provide transitional housing to women and their children escaping violence. I urge my colleagues to support this measure.

However, supporting measures such as H.R. 14 and the Domestic Violence and Sexual Assault Victims Housing Act are only the first step in making sure that Congress works to end the cycle of violence against women. It is crucial that Congress take the next step of actually making the money available. The House has authorized funding for transitional housing for domestic violence victims multiple times, yet has never appropriated a single dollar for this purpose. Therefore, I strongly urge my colleagues to follow through on their support for transitional housing and appropriate money for this purpose in the Fiscal Year (FY) 2004 budget.

Victims of domestic violence deserve nothing less than our full commitment to providing adequate resources that will help them rid their lives of violence forever and rebuild healthy lives for themselves and their children. I urge my colleagues to vote "yes" on H.R. 14.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 14. This bill reauthorizes several Federal programs aimed at curtailing the prevalence of child abuse across this country. While each Congressional district in the Nation is affected by atrocities against children, in our South Texas community, we were vividly reminded this month of the horrors people visit on children.

Recently, three young children, ages two months to three years old, were brutally murdered by their parents in Brownsville. These children were the latest innocent victims in society's ongoing struggle against child abuse.

There is nothing this House can do to change the sad, sick hearts of those who abuse our children. But we can offer local communities resources to combat this serious problem. This legislation will increase grant funding by 114 percent for child abuse prevention and will offer roughly $80 million for community-based grants to target and combat child abuse.

This bill will require the overburdened child welfare systems to ensure abused or neglected children under age 3 have access to early intervention programs. We know that without early intervention, children become harder and harder to reach. It is the child welfare programs that are our most effective anti-crime weapon. When we reach children early, we have a chance at preserving their morale and directing their emotions in a healthy way.

This bill incorporates private partnerships by improving the supervision of casework and promoting partnerships between state child protective service systems and private organizations.

Estimates are that child protective agencies receive 3 million reports of child abuse or neglect involving 5 million children in the United States. More than 1,200 children die each year as a direct result of this neglect. This abuse is most often associated with delinquency, drug abuse and other vices on part of the parents, which was the case of the young Brownsville victims. This cycle of violence evolves from abused children to troubled adults who then victimize their own children. Intervening in this cycle, as early as possible, is the best recourse we can offer.

I am also pleased that we are also considering today H. Res. 113, to provide Congressional recognition to Child Help USA for sponsoring a "Day of Hope" which will be observed on April 2, during Child Abuse Prevention Month. While Congress cannot change the dark hearts of those who abuse innocent children, we can at least focus public attention on this important subject and offer additional resources to those who fight this heartbreaking fight every day.

The SPEAKER pro tempore (Mr. GUTKNECHT). All time for debate has expired.

Pursuant to the order of the House of Tuesday, March 25, 2003, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the previous order of the House of March 25, 2003, the Senate bill, (S. 342) is amended by striking all after the enacting clause and inserting in lieu thereof the text of H.R. 14, as passed by the House.

The text of the Senate bill is as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National clearinghouse for information relating to child abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Miscellaneous requirements relating to assistance.
Sec. 116. Authorization of appropriations.
Sec. 117. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local projects.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. National domestic violence shelter network.
Sec. 413. Demonstration grants for community initiatives.
Sec. 414. Transitional housing assistance.
Sec. 415. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) Research.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) Research.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

"(3) Report.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) Provision of Technical Assistance.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) Demonstration Programs and Projects.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) Demonstration Programs and Projects.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) Promotion of safe, family-friendly physical environments for visitation and exchange.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) Education identification, prevention, and treatment.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) Risk and safety assessment tools.—The Secretary may award grants under this subsection to entities for projects that provide for the development of effective and research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) Training.—The Secretary may award grants under this subsection to entities for projects that involve effective and research-based innovative training for mandated child abuse and neglect reporters.

"(5) Comprehensive adolescent victim/victimizer prevention programs.—The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be comprehensive, meet State guidelines for health education, and should reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) Demonstration Programs and Projects.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "Demonstration" and inserting "Grants for";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "nonprofit";

(B) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(C) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(D) in subparagraph (C), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in effective and research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "nonprofit organizations (such as Parents Anonymous)" and inserting "organizations";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) KINSHIP CARE.—" and inserting the following:

"(4) KINSHIP CARE.—

"(A) IN GENERAL.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.".

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (b)" and inserting "subsection (a)";

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(5) in paragraph (4)(D), by striking "nonprofit".

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.".

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.".

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including—

"(A) training regarding effective and research-based practices to promote collaboration with the families;

"(B) training regarding the legal duties of such individuals; and

"(C) personal safety training for case workers;";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;";

(8) by striking paragraph (9).(as so redesignated), and inserting the following:

"(9) developing and facilitating effective and research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;";

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: "provide notice to the Secretary—

"(i) of any substantive changes; and";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iv), (vi), (vii), (viii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure;

"(iii) the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;";

(iii) in clause (iv) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iv) (as so redesignated), the following:

"(v) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (viii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (ix)";

(vi) by inserting after clause (viii) (as so redesignated), the following:

"(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xiii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xv) (as so redesignated), by striking "to be effective not later than 2 years after the date of enactment of this section";

(ix) in clause (xvi) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvii) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xvi)"; and

(xi) by adding at the end the following:

"(xviii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xix) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xx) provisions and procedures for improving the training, retention, and supervision of caseworkers; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.".

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) GAO STUDY.—Not later than February 1, 2004, the Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning—

"(1) the current training (including cross-training in domestic violence or substance abuse) of child protective service workers in the outcomes for children and to analyze and evaluate the effects of caseloads, compensation, and supervision on staff retention and performance;

"(2) the efficiencies and effectiveness of agencies that provide cross-training with court personnel; and

"(3) recommendations to strengthen child protective service effectiveness to improve outcomes for children.

"(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

"(f) ANNUAL REPORT ON CERTAIN PROGRAMS.—A State that receives funds under section 106(a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 105(a)(4)(B).".

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

"(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and".

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths-that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)".

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State)";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B)—

(i) by striking "to the network"; and

(ii) by inserting ", and parents with disabilities" before the semicolon;

(C) in subparagraph (C), by striking "to the network"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(C) in subparagraph (C), by striking "and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 123. AMOUNT OF GRANT.

Section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated";

(B) by striking "State lead agency" and inserting "State lead entity"; and

(C) by striking "the lead agency" and inserting "the current lead entity"; and

(2) in subsection (c)(2), by striking "subsection (a)" and inserting "subsection (b)".

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)";

(2) in paragraph (2)—

(A) by striking "network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)"; and

(B) by striking ", including those funded by programs consolidated under this Act,";

(3) by striking paragraph (3), and inserting the following:

"(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;";

(4) in paragraph (4), by striking "State's network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(5) in paragraph (5), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(6) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(7) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(8) in paragraph (9), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(9) in paragraph (10), by inserting "(where appropriate)" after "members";

(10) in paragraph (11), by striking "prevention-focused, family resource and support program" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect"; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(2) in paragraph (3)(B), by inserting "voluntary home visiting and" after "including"; and

(3) by striking paragraph (6) and inserting the following:

"(6) participate with other community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.".

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking "a Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(2) by striking paragraph (3), and inserting the following:

"(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);";

(3) in paragraph (4),

(A) by inserting "and parents with disabilities," after "children with disabilities,"; and

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking ", prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities

designed to strengthen and support families to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect".

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect".

SEC. 129. DEFINITIONS.

(a) Children With Disabilities.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) Community-Based and Prevention-Focused Programs and Activities to Prevent Child Abuse and Neglect.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) Community-based and prevention-focused programs and activities to prevent child abuse and neglect.—The term 'community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs or networks of such programs that provide activities that are designed to prevent or respond to child abuse and neglect.".

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

"Sec. 105. Grants to States and public or private agencies and organizations.".

(2) By striking the item relating to title II and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes;";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "Sec. 203. (a) The Secretary" and inserting the following:

"(a) In General.—The Secretary";

(3) in subsection (b)—

(A) by inserting "Required Activities.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) Services for Families Adopting Special Needs Children.—

"(1) In general.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) Services.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) Improving Placement Rate of Children in Foster Care.—

"(1) In general.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) Applications; technical and other assistance.—

"(A) Applications.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) Technical and other assistance.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) Payments.—

"(A) In general.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) Reversion of unused funds.—Any payment"; and

(6) by adding at the end the following:

"(e) Elimination of Barriers to Adoptions Across Jurisdictional Boundaries.—

"(1) In general.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) Services to supplement not supplant.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) In General.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity";"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) Dynamics of Successful Adoption.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) Interjurisdictional Adoption.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly known as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8)—

(A) by striking "such infants and young children" and inserting "infants and young children who are abandoned in hospitals"; and

(B) by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) private, Federal, State, and local resources should be coordinated to establish and maintain services described in paragraph (7) and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROJECTS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROJECTS.";

and

(2) by striking subsection (b) and inserting the following:

"(b) Priority in Provision of Services.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) Evaluations of Local Programs.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) Study and Report on Number of Abandoned Infants and Young Children.—

"(1) In general.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 101(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) Deadline.—Not later than 36 months after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to Congress a report describing the findings made as a result of the study.

"(c) Evaluation.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Authorization.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) Limitation.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting "Authorization.—" after "(1)" the first place it appears; and

(ii) by striking "this title" and inserting "this Act"; and

(B) in paragraph (2)—

(i) by inserting "Limitation.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) Redesignation.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating section 104 as section 302; and

(2) by moving that section 302 to the end of that Act.

SEC. 305. DEFINITIONS.

(a) In General.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 301. DEFINITIONS.

"In this Act:

"(1) Abandoned; abandonment.—The terms 'abandoned' and 'abandonment', used with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) ACQUIRED IMMUNE DEFICIENCY SYNDROME.—The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) DANGEROUS DRUG.—The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(4) NATURAL FAMILY.—The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation, with respect to infants and young children covered under this Act.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.".

(b) REPEAL.—Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);".

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).".

(c) CHILDREN WHO WITNESS DOMESTIC VIOLENCE.—Section 303 of such Act (42 U.S.C. 10402) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) For a fiscal year described in section 310(a)(2), the Secretary shall use funds made available under that section to make grants, on a competitive basis, to eligible entities for projects designed to address the needs of children who witness domestic violence, to—

"(1) provide direct services for children who witness domestic violence;

"(2) provide for training for and collaboration among child welfare agencies, domestic violence victim service providers, courts, law enforcement, and other entities; and

"(3) provide for multisystem interventions for children who witness domestic violence.".

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every 2 years,".

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out sections 303 through 311, $175,000,000 for each of fiscal years 2004 through 2008.

"(2) PROJECTS TO ADDRESS NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE.—For a fiscal year in which the amounts appropriated under paragraph (1) exceed $150,000,000, the Secretary shall reserve and make available 50 percent of the excess to carry out section 303(c).".

(b) ALLOCATIONS FOR OTHER PROGRAMS.—Subsections (b), (c), and (d) of section 310 of such Act (42 U.S.C. 10409) are amended by inserting "(and not reserved under subsection (a)(2))" after "each fiscal year".

(c) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) FUNDING.—Of the amount appropriated under section 310(a) for a fiscal year (and not reserved under section 310(a)(2)), not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year (and not reserved under section 310(a)(2)), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.".

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is repealed.

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. NATIONAL DOMESTIC VIOLENCE SHELTER NETWORK.

The Family Violence Prevention and Services Act is amended by inserting after section 316 (42 U.S.C. 10416) the following:

"SEC. 317. NATIONAL DOMESTIC VIOLENCE SHELTER NETWORK.

"(a) IN GENERAL.—For a year in which the Secretary makes an amount available under subsection (g)(2), the Secretary shall award a grant to a nonprofit organization to establish and operate a highly secure Internet website (referred to in this section as the 'website') that shall—

"(1) link, to the greatest extent possible, entities consisting of the entity providing the national domestic violence hotline, participating domestic violence shelters in the United States, State and local domestic violence agencies, and other domestic violence organization, so that such entities will be able to connect a victim of domestic violence to the most safe, appropriate, and convenient domestic violence shelter; and

"(2) contain, to the maximum extent practicable, continuously updated information concerning the availability of services and space in domestic violence shelters across the United States.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, a nonprofit organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

"(1) demonstrate the experience of the applicant in successfully developing and managing a technology-based network of domestic violence shelters;

"(2) demonstrate a record of success of the applicant in meeting the needs of domestic violence victims and their families; and

"(3) include a certification that the applicant will—

"(A) implement a high level security system to ensure the confidentiality of the website;

"(B) establish, within 5 years, a website that links the entities described in subsection (a)(1);

"(C) consult with the entities described in subsection (a)(1) in developing and implementing the website and providing Internet connections; and

"(D) otherwise comply with the requirements of this section.

"(c) USE OF GRANT AWARD.—The recipient of a grant award under this section shall—

"(1) collaborate with officials of the Department of Health and Human Services in a manner determined to be appropriate by the Secretary;

"(2) collaborate with the entity providing the national domestic violence hotline in developing and implementing the network;

"(3) ensure that the website is continuously updated and highly secure;

"(4) ensure that the website provides information describing the services of each domestic violence shelter to which the website is linked, including information for individuals with limited English proficiency and information concerning access to medical care, social services, transportation, services for children, and other relevant services;

"(5) ensure that the website provides up-to-the-minute information on available bed space in domestic violence shelters across the United States, to the maximum extent practicable;

"(6) provide training to the staff of the hotline and to staff of the other entities described in subsection (a)(1) regarding how to use the website to best meet the needs of callers;

"(7) provide Internet access, and hardware in necessary cases, to domestic violence shelters in the United States that do not have the appropriate technology for such access, to the maximum extent practicable; and

"(8) ensure that after the third year of the website project, the recipient will develop a plan to expand the sources of funding for the website to include funding from public and private entities, although nothing in this paragraph shall preclude a grant recipient under this section from raising funds from other sources at any time during the 5-year grant period.

"(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require any shelter or service provider, whether public or private, to be linked to the website or to provide information to the recipient of the grant award or to the website.

"(e) DURATION OF GRANT.—The term of a grant awarded under this section shall be 5 years.

"(f) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall—

"(1) provide technical assistance, if requested, on developing and managing the website; and

"(2) have access to, and monitor, the website.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out section 316 and this section, $5,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

"(2) CONDITIONS ON APPROPRIATIONS.—Notwithstanding paragraph (1), the Secretary shall make available a portion of the amounts appropriated under paragraph (1) to carry out this section only for any fiscal year for which the amounts appropriated under paragraph (1) exceed $3,000,000.

"(3) ADMINISTRATIVE COSTS.—Of the amount made available to carry out this section for a fiscal year the Secretary may not use more than 2 percent for administrative costs associated with the grant program carried out under this section, of which not more than 5 percent shall be used to assist the entity providing the national domestic violence hotline to participate in the establishment of the website.

"(4) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.".

SEC. 413. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2004 through 2008.".

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 414. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of fiscal years 2004 through 2008".

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended—

(1) in section 302(1) (42 U.S.C. 10401(1)) by striking "demonstrate the effectiveness of assisting" and inserting "assist";

(2) in section 303(a) (42 U.S.C. 10402(a))—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and inserting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

(ii) in subparagraph (F), by adding "and" at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3);

(3) in section 303(g) (as so redesignated)—

(A) in the first sentence, by striking "309(4)" and inserting "320"; and

(B) in the second sentence, by striking "309(5)(A)" and inserting "320(5)(A)";

(4) in section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) by striking "provide for research, and into" and inserting "provide for research into";

(5) by redesignating section 309 as section 320 and moving that section to the end of the Act; and

(6) in section 311(a) (42 U.S.C. 10410(a))—

(A) in paragraph (2)(K), by striking "other criminal justice professionals,;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

(For text of Senate bill, as amended, see prior proceedings of the House of today.)

The Senate bill, as so amended, was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14) was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

URGING AMERICANS TO PARTICIPATE IN THE "E-MAIL OUR TROOPS" PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, tonight I rise to urge my colleagues to participate in the E-mail Our Troops Project, a vitally important endeavor that is good for our military personnel and also good for our children.

This program allows people to send e-mail messages to men and women serving in very dangerous places around the world. It boosts the morale of our service members, it alleviates their loneliness, but it is also very helpful to children in particular.

For young children, news of war can be overpowering. It can leave them with a sense that they are not connected, they have no control; frightening news controls them. Giving them an e-mail connection to our Armed Forces is one way of creating a positive connection, letting them voice an opinion, ask a question.

Mr. Speaker, I learned that just yesterday when I visited the J. Taylor Finley Middle School in Huntington. I went there to talk to the youngsters about their opinions on what is happening in Iraq and to teach them how to e-mail our troops. I would like to share with my colleagues and with the country some of the messages that these young men and women sent to other young men and women who are fighting for our freedom.

Mario from the Taylor Finley Middle School wrote, "Hi! My name is Mario; and I want to tell you that, in my opinion, you are going to be fine because people will and are praying for you."

Becca wrote, "Dear serviceperson. My name is Becca, and I am a 12 year old student at Finley Middle School. I am writing to you to say how much I am thinking about you. Our country is so grateful to have people like you fighting for America. You must be truly brave."

Tori wrote, "Hi! How are you? Is it hard to be so far away from your family? Do you miss them? I can't thank you enough for what you are doing. I hope you get back safely."

Madeleine and Shannon wrote, "Dear American, thank you for defending our country. We hope you are safe and well. You are very important to us. It must be hard to leave your family for so long. Your decision to help the effort is so commendable. We hope you come back soon."

Mr. Speaker, Jenny wrote, "Hello, I just wanted to say that myself and many other people are thinking of you. We are thinking very often of you during the day and how much you are doing for this country. We are so proud of you."

And Megan wrote, "Dear Friend, I just want to say that I am very proud of you and I support you. Thank you so much for putting your life on the line to protect the rights of others in this country and in Iraq. We all believe in you and hope that you will return very soon."

Lauren-Taylor wrote, "I don't want this to be another letter that says 'thank you' over and over. I want to tell you that I truly feel that you are giving this ultimate gift to people that you don't even know. The fact that you love your country and fellow Americans so much is incredible. You are showing this in great fashion. Please know that even if we don't support this war, we support you."

And Tara e-mailed, "Dear American, thank you so much for what you have done for our country. I really appreciate what you are doing. You are so brave to risk your own life for us. You are so brave and courageous. I hope you are proud, because I know I am."

Mr. Speaker, just one more.

Daniella wrote, "Dear Navy soldiers, I wanted to tell you thanks for being our hero, representing our country. Thanks for everything you have done. It is amazing. Thanks for fighting for peace in the United States. Thank you so much for everything, and thanks for being our hero."

Mr. Speaker, when I visited this school yesterday, I learned that our young children, who have the same opinions that many of their parents do and many Members of Congress do, have a vitally important opportunity, despite those opinions, to show what counts, and that is support for our troops. These young students at the Finley Middle School had the opportunity not only to show that support but also to give expression to their feelings, to ask some questions; and, ultimately, I hope that that gave them a sense that they can engage in the great issues of our time, that they can venture an opinion, that that opinion counts, and that they can give some solace and some comfort to people who are fighting for their future in far away and dangerous places.

I want to thank the teachers, the administrators, and the students of that school; and I want to thank the people that they sent e-mails to just yesterday.

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THE VOTE FOR A TAX CUT DURING A TIME OF DEFICIT AND WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, this past weekend I traveled to the district after our vote on the budget, and there were sincere questions that came from many of the people in the district why we would do what we had done. I felt it was necessary to address this body again about the comments that we heard and the responses to that.

First of all, Mr. Speaker, I would remind this body that when we discuss such things as a budget, we should discuss, first of all, principles, that is, values. We should remember, Mr. Speaker, that this Nation was founded on the principle of freedom; but without economic freedom, no other freedoms really make a difference. It is economic freedoms that allow us access to the other freedoms granted by our Constitution.

Mr. Speaker, I would remind the Members that property rights, private property rights, are one of the most significant aspects of our Constitution. They are one of the significant components of our economic freedoms.

So as we discuss our budget, we should remember that economic freedoms, that our constitutionally given private property rights, are a very important concept. They are the basis of the hopes and dreams, of the opportunities that this country makes.

A generation can dream for itself and then dream for its children and dream for its grandchildren. I know that is one of the greatest things that people knock on the door to get into America to achieve, to reach out for those economic freedoms, and the other freedoms of their daily lives. Mr. Speaker, as we reach those dreams, we should always be mindful that the dreams should be made ever-increasingly accessible to those who have not had them.

Mr. Speaker, I think, as we discuss the budget, we should recognize other basic principles, that is, basic, recognizable truths.

First of all, Mr. Speaker, I would say that America is overtaxed. It is not that America is undertaxed; it is that Washington overspends that causes the difficult situation facing us today.

My daughter graduated from college several years ago. She received her first paycheck. She called in indignation. I was serving as a State representative. She thought we could cure such things. She said, I am paying more in taxes than for rent, entertainment, and food combined. She said, what can you do about that? I said, well, I registered Republican. I do not know what you will do.

I would say one of the greatest principles we have here today is winning the war on terror. As we discuss the budget, we would want to understand that.

Another recognizable truth, Mr. Speaker, is that when the government spends an accumulated 20 to 25 percent of the gross domestic product, that an economy begins to stall. It becomes stagnant. We are seeing that model lived out in the socialist economies of Europe. We are very near the 22 percent limit that most economists suggest is an upward limit for vibrant growth, I would say.

I think another recognizable truth is that many of our corporations, because of our tax policies, are no longer competitive. They begin, before they even invest their first dollar, with a 10 percent or 12 percent disadvantage in the world markets.

So, Mr. Speaker, I voted for that budget because we began to cut spending and exercise fiscal restraint, and we did it while holding some of the basic programs harmless.

Mr. Speaker, there is a great curiosity why we would, in times of deficit, vote for a tax cut. I would just remind the Members that tax cuts are like investments. If we as individuals want more income in the future, we would invest a portion of our current income. We would forgo consumption in the current time to invest it into the future.

Mr. Speaker, tax cuts are the investments in the future for our government. We send the money back to a generation, that they would be able to spend it and use it in consumption, driving up demand, increasing jobs. It is not just enough to increase that demand in the short run, Mr. Speaker; we have to increase it in the long run. So the tax cuts that we offered were permanent, extending into the future.

A tax cut also needs scope. It needs largeness. That is where the dividend tax cut comes in, Mr. Speaker. It also helps as far as business investment. One of the most significant aspects of this tax cut is that it has a size and scope to make a difference.

Mr. Speaker, the tax cut will fuel the economy into the future. The growth of the economy will result in greater revenues for the current time; and by forgoing current consumption, investing in a tax cut, we grow the size of the economy so we will have more revenues in the future. With that, we will balance the budget.

UNREAL BUDGET PASSED IN HOUSE ENDANGERS OUR ARMED FORCES, AMERICA'S FAMILIES AT HOME, AND OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last week, as our Nation engaged in war in Iraq, this House voted to approve a budget resolution for fiscal year 2004 that seriously jeopardizes the health, well-being, and security of our families, our economy, and our communities. It is a budget that benefits the few, the wealthy, and those who are not in need at the cost of working families, the young, the vulnerable, the aged, and the sick. It is a budget that puts both our present and our future at risk.

I do not know what world those who supported the budget live in, but it certainly is not the real world. In the real world, our economy is in trouble. We face massive budget deficits, and our States are confronting the worst fiscal condition in over 50 years.

In the real world, our communities are laying off teachers, police, and firefighters. In the real world, our infrastructure needs repair and modernization. In the real world, our families need quality schools and child care. In the real world, our current and future veterans deserve health care and other support. In the real world, our Social Security and Medicare systems are in financial crisis.

It is past time for this Congress to debate how to meet our obligations; not a time for silence, cynicism, and accounting tricks.

Mr. Speaker, we simply cannot afford the tax cuts passed in the Republican leadership's budget resolution. We are at war in Iraq; we are in fiscal crisis at home. We have critical needs for our hometown security.

Next week, this House will debate the President's $75 billion supplemental request to support the immediate costs of the war and the immediate needs of homeland security. This House was also going to take up a tax bill to approve at least the $726 billion in tax cuts desired by the President. That tax bill might now be temporarily postponed because yesterday the other body was shocked into a moment of clarity. If only this House might also be jolted into facing reality.

Mr. Speaker, I had, and I still have, great reservations about our policy in Iraq. I continue to believe that this Congress has abdicated its responsibilities by not having a real debate about the war for more than 5 months. As parliaments and assemblies and congresses around the world debated this issue, the United States House of Representatives was silent. What a shameful performance.

We must not repeat that mistake by failing to ask the tough, necessary questions: How much will this war cost? What are the long-term consequences of occupying Iraq? How will that affect our ability to fund other priorities? What does it mean for our war on terrorism?

I believed then and I believe today that Congress must have the basic information to meet its foreign and domestic obligations. We were told during the budget debate that the administration did not know how much the war might cost or what might be in the supplemental. Two days after the House passed its budget, however, they obviously had a very clear idea and a very specific request for $74.7 billion.

Mr. Speaker, this House passed a budget that makes a mockery of our duty to protect and promote the common good of the American people. We are not responding to the needs of the people when we pass a budget that closes down hospitals, lays off police and firefighters, shuts down after-school programs and child care centers, and cuts $15 billion from veterans health and benefits.

We are now preparing to debate a supplemental that deliberately fails to provide Congress information on the full cost of the war, of rebuilding Iraq, and of protecting our communities. Now it is being described as the first installment; but we do not know how many other installments are coming, or when, or for what purpose. We do know that this first installment includes items that have nothing to do with the war, the reconstruction of Afghanistan, or homeland security. In fact, Colombia receives more aid for military security in this supplemental than my State of Massachusetts does for homeland security.

How sad. We must do better. We must make sure that America can meet its critical needs at home and abroad. We need to support our troops, and we also need to support their families and our States and our communities right here at home.

Mr. Speaker, in conclusion, I urge my colleagues to get real.

ALERTING MEMBERS TO NEW REPRESSION IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my concern regarding a disturbing chain of events that have unfolded in Cuba over the last week and a half.

With the United States and the world preoccupied with the situation in Iraq, Castro is using this opportunity to take steps to dismantle the pro-democracy movement on the island. Hoping his actions would be overshadowed by world events, the regime has arrested and detained over 70 nonviolent human rights activists, pro-democracy leaders and independent journalists. These are the harshest acts of oppression taken by the Castro regime to silence opposition in recent years. Many worry these are only the first steps in an all-out campaign to silence all opposition on the island.

Last Monday, Castro issued an official communique that accused dissidents on the island of Cuba of conspiring with U.S. Interests Section Chief James Cason and other American diplomats to undermine the island's leadership.

On Tuesday, Castro agents began the first wave of a series of arrests on the island, rounding up dissidents, independent journalists, owners of independent libraries, leaders of opposition political parties, and pro-democracy advocates who have worked to gather signatures for the Varela Project.

Detainees have been charged with counts of counterrevolutionary activities, subversion, and conspiracy with U.S. diplomats. Many fear that Castro will use this as an opportunity to prosecute the prisoners under a much-criticized 1999 Cuban law that makes it a crime to publish subversive materials provided by the U.S. Government, and that carries with it a sentence of up to 10 years.

Mr. Speaker, leading up to last week's events, Castro was becoming increasingly agitated by Cason and other American diplomats on the island who have met in public with opposition leaders in an effort to encourage democracy in Cuba. Cason and his associates have logged countless miles of travel and have crisscrossed Cuba to distribute shortwave radios and a wide array of books and pamphlets aimed at promoting American culture, democracy, and human rights.

In an effort to silence these efforts, the Cuban Government announced on Tuesday that it was restricting the travel of Cason and other Americans at the U.S. Interests Section, and quarantining our diplomatic officials in the province of Havana.

I would like to take this opportunity, Mr. Speaker, to note that one of the independent journalists currently in custody is Omar Rodriguez Saludes, whose work I have mentioned during previous speeches on the House floor, and who was featured in a story last June by The New York Times.

At the time, Omar shared his struggles and those of other independent journalists currently working in Cuba. He told of how he traveled around Havana on a battered child-sized bicycle and wrote his articles in longhand, or on a 20-year-old typewriter that a group of reporters share; and how he gathered every 2 weeks with other journalists in a cramped apartment in Havana to wait his turn to place a phone call and dictate his stories to audiences in the United States.

Castro believed the U.S. and other nations would be too engaged in world matters to notice the atrocities that he and his regime were committing against Omar Rodriguez and other voices for change in Cuba. I urge my colleagues to join with me and speak on the House floor and in other public forums to shed light on the situation in Cuba and show Castro that the world is indeed watching.

A RUSH TO EXEMPT DEFENSE DEPARTMENT FROM MAJOR ENVIRONMENTAL LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in the wake of our march to war with Iraq, too little attention has been placed on the rush to exempt the Department of Defense from most of America's major environmental laws.

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This is more than just another misguided assault on the environment by the Bush administration. It is a significant missed opportunity for the military.

Our defense-related activities are the source of the Nation's largest pollution and Superfund sites. From the radioactive legacy at Hanford, Washington, to the toxic residue of our chemical testing and manufacturing around American University here in Washington, D.C., every State, district and territory struggles with this problem.

More exemptions are not going to help. A lack of controls created this toxic legacy across America in the first place. These exemptions will actually cost us money. Much of the tens of billions of dollars that will be necessary to clean up after our military activity is a result of delay and lack of commitment. States will be forced to step in where the Federal Government has walked away.

Failure to invest in technologies of cleanup will put lives at risk. Land mines, unexploded ordnance kill people at home and abroad.

Even the sprawl that vexes communities around the country hits at the military. Isolated areas that were once perfect for testing weapons and training soldiers are now victims of our headlong rush for urban development. Sprawl is one of the greatest challenges to military readiness as civilian uses encroach upon and around military bases and ranges.

For too long, Congress has been missing in action in this critical area. It should not just reject the Bush administration's ill-conceived but cleverly-timed effort. Now is the time for Congress to help the military fulfill its environmental obligations.

As the finest fighting force in the world, our military achieves astounding results. All they need are direct orders and adequate resources. Why not put them to work to enhance and protect the environment, rather than create more environmental threats in the future while we ignore the challenges of today?

Since I came to Congress I have been working on this problem, fighting to at least inventory the areas that are blighted by unexploded ordnance, to put somebody in charge and incrementally increase funding for cleanup and research.

As a gusher of money flows to defense, just half the budget for the ill-conceived national missile defense program could revolutionize military cleanup. Instead of a rate of spending that will now take centuries, maybe millennia, we could finish the job in a few decades.

In the long term, investing in cleanup can actually save substantial sums of money. As technologies are developed and economies of scale are achieved in environmental cleanup, there will be a wide range of civilian contractors willing, able and eager to expand their business.

Additional money for research will do far more than merely hasten cleanup and lower costs. It will have a profound implication not just for soldiers but for children and farmers who are killed and maimed every day as a result of unexploded ordnance and land mines. And this just does not happen overseas. They have been able to document over 60 American victims, including children, who have been victims here in this country.

At a time when we are deeply concerned about our economy, these investments will provide tens of thousands of family-wage jobs. Accelerated cleanup will speed the return of some of America's most interesting, scenic and valuable properties to productive uses and, in some cases, to the tax rolls.

It is not just a fear of job loss that keeps between a quarter and a third of domestic bases that are surplus to our needs in operation. Many communities feel that they will lose not just the economic security and the jobs but they will be left with a white elephant that is polluted, surrounded by barbed wire and a cyclone fence.

The Fort Ord base in California is an example. It contains some of the world's most spectacular landscape, but after 13 years since closure and over $500 million, the land still has not been fully restored to productive use.

Twenty years ago, a bipartisan coalition of "cheap hawks" made some significant reforms in military weapons procurement. Today, the "hawks" who care about the environment, the budget and military readiness should embrace bold, environmental military action.

Congress should firmly reject the anti-environmental, unnecessary initiatives of the administration and, instead, give the money and instructions to the Department of Defense so they can clean up after themselves. It will boost the economy, save taxpayer money and enhance the environment. It will improve military readiness at home while it enhances the safety of soldiers and civilians around the world.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, 108TH CONGRESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Colorado (Mr. HEFLEY) is recognized for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 108th Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on March 19, 2003. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—ADOPTED MARCH 19, 2003

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 108th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) "Committee" means the Committee on Standards of Official Conduct.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule 23(a), that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefits of the House of Representatives.

(j) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appeal to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethnics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c), (e) of this Rule, and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, included but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, fining, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chairman and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chairman and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the members cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 17(e) or Rule 23(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption or amendment of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, an the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee. may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, establishes an investigative subcommittee;

(4) a Member, officer, or employee is convicted in a Federal, State, or local courts of a felony; or

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted to a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the Committee.

(e) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a compliant is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(e) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

RULE 18. COMMITTEE-INITIATED INQUIRY

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a) Upon the establishment of an investigative subcommittee, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives, are eligible for appointment to an investigative subcommittee, as determined by the Chairman and Ranking Minority Member of the Committee. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of the investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intended to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility; and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(e) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chairman and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chairman.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statements or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent;

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and as the Chairman considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

BUTLER BULLDOGS ADVANCE TO SWEET SIXTEEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise to pay tribute to Butler University, Indianapolis, Indiana, President Bobby Fong, Coach Todd Lickliter, and the outstanding basketball team, affectionately named the Butler Bulldogs.

The Bulldogs, despite previous rejection from previous participation in the championship games, won last Saturday over Louisville by 79 to 71, to advance to the Sweet 16 of the NCAA Men's Basketball Championship.

Coach Todd Lickliter, son of a coach, led the Bulldogs to an outstanding season record of 27 to 5 overall. As winners of the Horizon League's regular season crown, Coach Lickliter and his team earned an at-large bid to the NCAA tournament.

I commend the Bulldog players whose outstanding teamwork has led them to the Sweet 16: Brandon Miller, Joel Cornette, Duane Lightfoot, Darnell Archey, Mike Monserez, Avery Sheets, Lewis Curry, Bruce Horan, Ben Grunst, Jeff James, Mike Moore, Andy Grunst, Nick Gardner, Rob Walls and Ryan Reynolds.

The Bulldogs face Oklahoma, No. 1 seed of the East, in the NCAA East Regional semifinals this Friday in Albany, New York.

Not only do I want to commend Butler University for their athletic achievements, but I also want to make note of their high academic standards by acknowledging them as having the highest graduation rate, 86 percent, of all schools remaining in the tournament.

It has been an exceptional season for the Bulldogs who have defied all odds and truly excelled as a team. I applaud the Bulldogs' excellent performance and sportsmanship and wish them good luck in this Friday's game.

MISTREATMENT OF OUR NATION'S VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Madam Speaker, I am joined here on the floor of the House of Representatives by my colleagues to simply bring to the attention of the President of the United States and to our Republican colleagues the mistakes they are making in the way they are mistreating our Nation's veterans in the 2004 budget that passed our House in the wee hours of the morning last Friday.

The irony of the President of the United States leading the deep and harmful cuts in this budget while we are in the middle of a war in the Persian Gulf, with our brave men and women in harm's way, is more than any American can understand. The veterans of this country are honored in ceremonies on Veterans Day and Memorial Day and at conventions, dinners, receptions and on and on and on, but when it comes to putting our money where our mouths are, increasingly we are abandoning our veterans and not taking care of their needs, as we promise them when we recruit them and when we benefit from their services.

God willing, these young men and women fighting in Iraq will some day be veterans. They are going to have medical needs, housing needs; and we will need to pay for special programs and services to attend to the problems that they will have created by their service to this country. How then can we in good conscience turn our backs on these young men and women by cutting their budgets? We should be happy to provide services for our veterans.

The President of the United States will probably try and tell the American public that we really cannot afford to take care of our veterans, but how can the President explain to our veterans why he insisted on a $1.3 trillion tax cut in 2001 and has come back to Congress with a demand for $675 billion in new tax cuts, tax cuts that benefit the wealthiest people in our society?

Madam Speaker, it does not take a Harvard scholar to know we cannot keep cutting and cutting and cutting our income and pay for our basic services and have money for a rainy day. This President is simply mismanaging this country. We are now in deficit. The economy is failing. Our President and the members of his party have failed to come up with a stimulus package, and we have placed our Social Security system in jeopardy. Education is underfunded, and millions of Americans have no health care. But one of the most unconscionable consequences of the Republican budget is the deep and devastating cuts to our veterans.

Let me just give my colleagues an example of how devastating it is. The Republican budget cuts $25 billion from veterans programs at a time when the Department of Veterans Affairs is already severely underfunded. The 2004 House budget has reduced funding for veterans health care by $844 million below the President's inadequate recommendation for next year.

Over 10 years these programs will be cut by $9.7 billion. The House budget cuts $463 million from benefit programs such as disability compensation, pension, vocational rehabilitation, education and survivors benefits this year.

Over the next 10 years, these programs will be cut by $15 billion. These cuts will likely result in the loss of 9,000 VA physicians and 19,000 nurses. It could also result in the loss of 5,000 nursing home beds for veterans.

Madam Speaker, I am so proud this evening to be a Democrat because my party developed our own budget, and we tried to convince our Republican colleagues not to make the deep cuts that they are making. The Democratic budget took a much more responsible approach to our Nation's heroes.

Unlike the Republican budget, the Democratic budget does not include any cuts to veterans benefits over the next 10 years. In fact, it provides much-needed increases. It provides for more health care than the President's budget and the House Republican budget in each of the next 10 years.

The Democratic plan provides $216 million next year for veterans health programs, including medical research and construction. It increases funding for these programs by $2 billion over the next 10 years, and it fully funds compensation for service-connected disabilities, burial benefits, means-tested pensions for permanently disabled low-income veterans, Montgomery GI Bill education benefits, rehabilitation benefits and housing loan programs.

In conclusion, the Democratic budget is an important and responsible budget that truly respects the sacrifices our veterans have made for our country.

This evening I call on the President and my Republican colleagues to stop the empty rhetoric and support our veterans before we finally resolve the differences in the budget and come up with a budget that is going to be signed by the President of the United States. I hope we can reverse the harm that is being done in this Republican budget.

Mr. EDWARDS. Madam Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Texas.

Mr. EDWARDS. Madam Speaker, I first want to thank the gentlewoman from California (Ms. WATERS) for giving us the opportunity tonight to speak out on behalf of America's veterans, and I can say to my colleagues firsthand that this is not the first time she has spoken out. Because 12 years ago she and I were both new members of the Committee on Veterans Affairs, and our veterans service organizations quickly learned that no one would speak out more loudly and more eloquently or more firmly in behalf of our Nation's veterans.

Madam Speaker, I am privileged to represent the only two division Army installation in the United States, Fort Hood, Texas. Even as we speak tonight in the comfort of this congressional hall, thousands of soldiers from my district are being deployed to the Iraqi theater and within days could be fighting on behalf of our country.

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Those of us here rise tonight to speak on behalf of those soldiers, our future veterans. There is one fundamental point that I would like to emphasize in my remarks, and that is that the true test of Congress' commitment to veterans is not what we say; it is what we do. Now, I would say it is fair that some people in this country believe that Republicans are veterans' best friends, but we should look at the facts. The fact is that not many Americans saw what happened at 3 a.m. on the House floor last Friday morning, but this is the fact. On that morning 214 House Republicans voted to cut veterans benefits by $28 billion, to cut veterans benefits by $28 billion. Then 5 minutes later, they voted for a resolution saying we support our troops in Iraq.

Madam Speaker, I find that hypocrisy to be outrageous. Last Friday morning, 214 House Republicans voted to cut veterans benefits, including benefits for war-wounded combat veterans, cut their benefits and their pensions and compensation checks; and 5 minutes later they voted for a resolution with no force of funds behind it saying we support our troops.

Madam Speaker, today's troops in Iraq are tomorrow's veterans. So when Members voted last Friday to cut $28 billion out of veterans programs, they are basically voting to cut the veterans benefits of those fighting and putting their lives on the line for us right now. That is outrageous.

Do not just take my word for it. Let us see what a distinguished American, Edward Heath, Sr., the National Commander of Disabled American Veterans, had to say about the Republican budget resolution. In a letter that he sent 9 days ago to the gentleman from Illinois (Mr. HASTERT), this is what Commander Heath said: "Has Congress no shame? Is there no honor left in the hallowed halls of our government? Did you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy?"

Well said, Commander Heath.

Now, Madam Speaker, I think it is important to point out that if our country was at a time of war and we were asking all Americans to tighten their belts and sacrifice, I would imagine the first group at the front of the line to say we will play our part would be American veterans; but not one dollar in the Republican budget resolution was allocated for the Iraqi war, so these cuts were not necessitated to pay for war, they were necessitated to pay for a $374 dividend tax cut that will go to the wealthiest Americans who are sitting safely in their homes and offices as American soldiers from my district at Fort Hood will be fighting in Iraq. Outrageous.

A dividend tax cut, a dividend tax cut paid for by reduced benefits and health care for our soldiers in Iraq today, and today's and tomorrow's veterans. I find that to be a bad idea at any time, cutting benefits to pay for tax cuts that benefit primarily the wealthiest Americans; but to do so within 24 or 36 hours of the beginning of our war against Iraq I find to be insulting. No wonder the National Commander of the Disabled American Veterans asked the question: Is there no honor left in the hallowed halls of our government?

As the gentlewoman from California (Ms. WATERS) pointed out, it was good to know and I am proud as a Democrat to say that almost all House Republicans voted for these cuts, I am proud that all but one House Democrat voted against that resolution with veterans cuts. There were a handful of Republicans who went to the Republican House leadership and said these veterans cuts really are not fair, especially at time of war. I think America's veterans would be interested to hear what the response was from the House Republican leadership when, for example, our colleague, the gentleman from New Jersey (Mr. SMITH), went to them and said we should not be cutting veterans benefits, it is a horrible idea.

Did the House leadership commend the gentleman from New Jersey (Mr. SMITH) for standing up for veterans, the chairman of the Committee on Veterans Affairs? Did they salute him, honor him? I am afraid not, sadly not. Today's Roll Call newspaper on Capitol Hill has a headline stating: "Smith Spars With Leaders, Veterans Chairman Upsets Fellow Republicans on Funding Issues."

Madam Speaker, let me read some of this: "After months of railing against his own leadership, House Veterans Affairs Chairman Chris Smith has earned public rebukes from the Chamber's top Republicans and private warnings that he needs to do a better job toeing the GOP line."

So not only did they not commend him for fighting on behalf of veterans, they threatened him. They said he is guilty of not toeing the GOP line. I am glad to be another colleague of the gentleman from New Jersey (Mr. SMITH) not toeing the GOP line. Perhaps later on they found some way in their hearts to commend him for fighting for veterans.

They said: "Smith has pushed hard for more funding for veterans this year. In the process, he has criticized both the House Republican budget resolution and the White House spending proposals. Earlier this month, Smith's complaints about veterans funding at a Republican conference meeting so angered Speaker Dennis Hastert that he rose to deliver the New Jersey lawmaker a highly unusual tongue lashing. 'Hastert got up and just shut him down,' said a Republican source that witnessed the exchange. 'It was off the charts. I've never seen anything like it. It was scathing.' "

Madam Speaker, a scathing attack from the House Republican leadership on a Republican House Member for the crime of standing up and saying we should not be cutting veterans benefits by $28 billion in time of war.

I think the veterans of America are smart enough to know the difference between those who speak out on behalf of veterans on patriotic occasions like Memorial Day and Veterans Day, and then vote for a resolution at 3 a.m. on Friday morning saying we support our troops, and 5 minutes later that very morning would vote to cut veterans benefits by $28 billion. Who do they think they are fooling?

Madam Speaker, they are not fooling the veterans who put on our Nation's uniform, fought for our country, many have died for our country, and those who have survived understand the sacrifices that our country has asked them to make.

This article gets better, Madam Speaker. It goes on and says that the gentleman from New Jersey (Mr. SMITH) does not understand what being a team player is about: "As one Republican staffer put it, 'The leadership wants SMITH to remember that a chairmanship is a privilege, not a right.' "

Let me rephrase that. The American people need to understand that the leadership of this House and top staffers for them have threatened, in effect, the Committee on Veterans Affairs chairmanship by the gentleman from New Jersey (Mr. SMITH) for having said that he thought it was a bad idea to cut veterans benefits by $28 billion. Just as DAV National Commander Heath was outraged and insulted by the cuts for veterans, I think America's veterans are going to be even more outraged at the added insult to injury that the House leadership not only wanted the cuts, they rebuked and even now in effect have threatened the chairmanship of a Member of the House who said that was wrong.

We will be judged when it comes to supporting our veterans not by our words, but by our deeds. That is the way it should be. I hope America's veterans will look at the facts and the present Republican leadership and its effort to undermine important commitments for health care and benefits to America's men and women who have served our Nation.

Ms. WATERS. Madam Speaker, I thank the gentleman, and I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I thank the gentlewoman from California (Ms. WATERS) for her care and concern for veterans.

As I rise tonight, I am thinking of two people, one a veteran and one I hope who will soon be a veteran. One of the people I am thinking about is my oldest brother, Charles, who is 79 years old, currently in the hospital with a broken hip. He served our country during World War II. The other individual I am thinking about tonight is a younger person, 20-year-old Matthew Dingus. Matthew is my nephew's son. We do not know where he is, but we know he is in Kuwait; and tonight our thoughts and prayers are with Matthew as he joins other young Americans in carrying out the orders of his Commander in Chief.

I speak tonight not only for veterans, but for all those who are active duty servicemen and women because they hopefully soon will be veterans. It is shocking to me that this Republican administration, that this President who has made the decision to send our young men and women into battle would at the same time preside over a budget that is so harmful to America's veterans. Some of these facts are so shocking as to almost be unbelievable.

Mr. Speaker, if there are those watching who think that I and my colleagues are exaggerating tonight, I encourage them to seek out the facts because what this administration is doing to veterans is shameful. I will just mention a few things.

About a year and a half ago when most veterans went to a VA Hospital to get a prescription medication, they were charged a $2 copay per prescription, and I was outraged when the Department of Veterans Affairs decided to increase that copayment from $2 to $7 a prescription, and I introduced legislation to roll back that copayment increase because many veterans get 10 or more prescriptions a month, and they get a 3-month supply at a time, and veterans on fixed incomes cannot afford this additional financial burden.

But what did the President ask for in his most recent veterans budget? He asked that that copayment be increased from $7 to $15 a prescription. Think about that. An additional burden of that magnitude on our veterans, I just simply find it outrageous. How, at a time when we are literally giving tax breaks to the richest people in this country, can we justify increasing the copayment for prescription drugs for our veterans, a copayment that has already been increased from $2 to $7, and now the President wants that copayment increased from $7 to $15 a prescription? That is outrageous. But the outrage does not stop there.

The President in his budget has asked for a $250 annual enrollment fee be imposed upon veterans for enrollment in the VA health care system. So we increase the cost of their prescription drugs, and then we impose a $250 annual enrollment fee.

Then we create a special priority group of veterans. We call it priority group 8, and these are veterans who have served our country with honor; and we are saying to these priority group veterans, some of whom make no more than $28,000 a year, you are a high-income veteran. And because they are high-income veterans, they will no longer be allowed to enroll in the VA health care system.

□ 2000

I think the American people should know that those of us who serve in this Chamber, the President, his Cabinet, all the Members of the Senate, the Supreme Court and those of us in the House of Representatives make about $150,000 a year. Yet we have the gall to imply that if you make $24,000 or $25,000 a year, you are a high-income veteran and so you should no longer be allowed to enroll in the VA health care system. It is outrageous. It is almost unbelievable when we really look at what they are trying to do to our veterans.

It gets worse. About a year ago, the VA decided to impose a gag order on their health care providers. Think of this. All of the health care providers around the country were told, too many veterans are coming in for services and we do not have enough money to provide those services. I guess it is because we want to use our resources to give tax breaks to wealthy people. And so a memo was put out mandating a change in policy. Health care providers were told, you can no longer market our services. You can no longer participate in community health fairs. You can no longer make public service announcements. You can no longer send out newsletters encouraging veterans to take advantage of the services they are entitled to receive under the law.

Think of that. It is what I call the VA's if-you-don't-ask-we-won't-tell policy. If you do not ask as a veteran what services you are entitled to receive under the law, services that the Congress has decided that you should receive, if you do not ask, the VA system is not going to make an effort to tell you what services you are legally entitled to receive.

Reference has been made here to the VA budget. It is true that the VA budget passed out of this House is a shameful document. No wonder they decided to do it at 3 o'clock in the morning last Friday morning when most of America was asleep. We passed two bills during those late-night hours. One bill was to provide a resolution in support of our troops, the men and women currently fighting for us in Afghanistan and in Iraq and in other parts of this world. Within 5 or 10 minutes of casting that vote, we cast another vote to pass the Republican budget resolution. That Republican budget resolution cuts funding for veterans' benefits and health care by over $28 billion. Think of that. With one hand we salute our troops and we pass a resolution thanking them for their service, and with the other hand we take our voting cards and we vote for a budget that cuts $28 billion out of veterans health care and veterans benefits.

I want to say something that I believe deep in my heart. The best way to honor the troops who are fighting for us now is to keep our promises to the troops who have fought for us in the past. When we honor our veterans, we honor our current young men and women who are fighting for us. The American people need to know what is going on. What we are doing in this Chamber is cutting health care benefits for veterans and other benefits for veterans so that we can have the money and so that we can give it to the richest people in this country in the form of tax cuts.

That is shameful. The American people need to know it; and the veterans of this country need to rise up, draw a line in the sand and say, no more. We paid the price, we have given the service, we have risked our lives, and in some cases we have given our body parts for the defense of this Nation.

This President and this Congress have a responsibility to keep their promises to the veterans.

I want to thank the gentlewoman from California for having this Special Order and for giving us an opportunity to speak out. I want to thank her for her commitment to America's veterans.

Ms. WATERS. Madam Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding, and I thank her for holding this Special Order.

First of all, we need to put these cuts in perspective and with the budget to see how we got to where we are. This is a chart, not spin, not adjectives, a chart of the budget deficit which you notice goes deep under the Reagan and Bush administrations, 8 years of digging out in the Clinton administration up to a surplus and right back down into a deep deficit. This is not a war budget way down here, because this was passed without the war budget money in it. The war budget will take you off the chart. This is where we are.

What is the plan? You notice we started with a little surplus in 2001, and we spent all the Medicare surplus; in 2002, all the Medicare, Social Security and then some for as far as you can see. We had no growth, unemployment is up, the stock market is down. And what is the consequence of running up all that debt? Right now, a family of four, divide the country into the interest on the national debt, $4,500 for a family of four paying on the national debt. If we had not messed up the budget, we would have paid off the whole national debt and have zero debt tax. But by 2008 it will be $6,400; and by 2013 it will be $7,500 for a family of four because we have run up so much debt.

Because we have so much debt, we have had to cut the budget. We have had to cut agriculture. We have had to cut education, energy and commerce; and we have had to cut veterans benefits, disability compensation, pensions, GI bill, housing subsidies, health care. This is wrong. We are cutting these because we have run up the debt because of the tax cuts.

Our veterans deserve better. We should improve the budget before final passage and restore the cuts in those veterans programs. We should honor the sacrifices our troops are making today by restoring the cuts in veterans programs. Today's troops are tomorrow's veterans.

Ms. WATERS. Madam Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I would like to thank the gentlewoman, also, for holding this Special Order tonight.

I would also like to thank the gentleman from Ohio whom I share Mahoning County with in northeast Ohio. He has done a fine job and been quite a leader on veterans issues.

Madam Speaker, is it no wonder that people do not vote? Is it no wonder that people are disconnected from their government when they see the duplicity that we have seen in the last week or so in this Chamber? It has been stated many times tonight and I hope it will continue to be stated, where on one hand we are falling all over each other to say we are supporting our troops in Iraq and at the same time in the wee hours of the morning we are cutting veterans benefits, $15 billion in benefits, $9.7 billion in health care.

All of a sudden, we say that we can afford a tax cut that is primarily going to the top 1 and 2 percent in this country, which is going to lead to more debt. At the same time, we have more seniors, we have more veterans, we have more challenges and need more aid to spread democracy around the world. We need more aid to heal and mend the international relationships that we have ruined over the past few months. We have more of a demand for education in this country.

Madam Speaker, let me make some recommendations. We need to index the GI bill for inflation so that our veterans can afford to be educated. We need to increase the service-connected compensation and death benefits.

One thing that I constantly hear back in my district is the concurrent receipt, where someone who has been issued disability benefits, veterans disability, they leave their limbs on the battlefield all around the world, they come home, and they do not just take the benefits, they go out and they work and they get a Federal job and earn a Federal military retirement. And then we have the audacity to say you are not allowed to get both. You can leave your limb in Europe, but you are not allowed to get any benefit from it.

If we say we support our troops now, then we can only really mean it if we support our troops from wars gone by. And so I urge this Congress to reevaluate the decisions we made in the wee hours of the morning last week. Let us not be duplicitous, let us not contradict ourselves by saying one thing and doing something completely different and, more importantly, let us respect the sacrifices that have put us all in this Chamber, the respect for freedom and the dignity and what this country really stands for. Let us honor our veterans.

Ms. WATERS. Madam Speaker, I am so proud of Democrats this evening. They have taken this evening to come to the floor to speak up for this Nation's veterans.

Madam Speaker, I yield to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise today to ask this Congress to seriously consider the harmful impact the budget resolution could have on veterans health care and other VA services. Already, thousands of veterans face waiting lists 6 months or longer to see a physician in a VA medical facility. All too often, veterans must seek treatment elsewhere simply because the VA does not have the resources to meet the need.

With so many veterans living in San Diego, I see firsthand the difficulties they encounter. Just today, Petty Officer Al Kovach, a paralyzed veteran from Coronado, called my office to share his story. He was bedridden for more than a year due to a service-related injury. Once doctors realized he required surgery, it took 6 months for an operating room to become available. I have heard from hundreds of others who have experienced similar delays in the VA health care system.

I do not see how, after the great sacrifices they have made, we can support a budget that cuts more than $25 billion in VA funding over the next several years. This astonishing amount will greatly reduce services and undoubtedly cause these waiting lists for health care to become even longer.

Madam Speaker, we are in a time of war. Last week we stood before the Nation and passed a resolution in support of our military personnel fighting in Iraq. On the same day, this body approved a budget outline that communicated a very different message to the men and women in the battlefield, that when the fighting is done and you return home, do not expect us to care for your needs.

I call on my colleagues to correct this contradiction, to prove that we support the men and women in harm's way and to prove to our veterans that we appreciate their sacrifices. We must restore appropriate levels of funding to the health care system and other VA services. Like the young men and women fighting today in Iraq, our veterans were there when we called upon them. Now we must be there when they call upon us.

Ms. WATERS. Madam Speaker, I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Madam Speaker, I extend certainly my heartfelt appreciation to the honorable gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. STRICKLAND) for bringing this very crucial situation to the ears and eyes of America.

Madam Speaker, we come into this Chamber on a regular basis and we are faced with this wonderful display of the first President of the United States, George Washington. In 1789, General, President George Washington said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive veterans of earlier wars and how they were treated and appreciated by this country."

How scary to think that that is still true today. It is hard to believe that those words, 200 years ago plus, have so much meaning today. We all know what President Washington was saying. We recognize and acknowledge the service of our veterans if we are to expect our young people to serve and to fight. The government must do its part with their benefits.

□ 2015

All of us as citizens must do our part; and the great corporations of this country need to do their part, too. After all, corporations are the direct beneficiaries of veterans services because, collectively, veterans have preserved the free enterprise system under which corporations operate.

Due to the limitation of time remaining, let me eliminate some of my comments and point up a few facts for edification.

Estimates are that homeless veterans run from 200,000 to 294,000, based on a VA fact sheet and the community homelessness assessment for veterans. Twenty-five percent of homeless persons are veterans. Thirty-three percent of male homeless persons are veterans. Seven hundred and seventy-five Reserve and National Guard personnel working in the VA were called up for active duty in Operation Iraq Freedom. This created a shortage in critical care nurses which may negatively affect veterans' care or add to the preponderance of the problems that veterans already face.

The Department of Defense announced today the identity of an Army soldier unfortunately killed in action March 24 in Iraq. Army Specialist Gregory P. Sanders, 19 years of age, Indianapolis, Indiana, was assigned to the 3rd Battalion, 69th Armor, Fort Stewart, Georgia.

A quote from a female soldier at Fort Bragg, North Carolina, who was waiting to get shipped out to the Persian Gulf, a future veteran, knows what the cost is and yet is willing to serve: "People are dying over there. Let me go and do my job. I want to help my comrades."

Ladies and gentlemen of America, there are some of us who came under fierce criticism for not supporting the resolution that passed last week because in part it commended the war in which America is now engaged; and, yes, indeed it did provide our support and our prayers to those noble women and men who are serving in Iraq for the safety of our country, but let me say very sincerely there is not a Member in the House of Representatives that does not support all of those women and men who serve in harm's way 24 and 7. We love you, we uphold you, we respect you, and we appreciate you for stepping out in that situation that most Members of Congress who are here today would not dare do.

But I am pained to know that, even in our prison system, those who are incarcerated today constitute a large proportion of veterans who were in the Persian Gulf, who were in Vietnam. We just had an execution in my State last week of a Persian Gulf War veteran who was convicted for murdering someone at the military camp. A terrible situation, an abominable situation, but what is America doing for our veterans? We support the troops by resolution, but what do we do in fact in terms of those noble men and women who return to this country?

Again, I thank the gentleman from Ohio (Mr. STRICKLAND) and the gentlewoman from California (Ms. WATERS) so very much because I know they, too, love and admire the troops that are serving so fearlessly for the United States of America; and I am so grateful that they have called this very urgent and critical matter to the attention of all of the people in this country who love the troops but who need to recognize what happens to the troops when they return back to American soil and thus become veterans of America. I thank them so very much.

Ms. WATERS. Madam Speaker, I thank the gentlewoman from Indiana (Ms. CARSON).

I call on the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentlewoman for yielding, and I thank them all for being here tonight to stand up for our Nation's veterans.

Our troops in Iraq are being funded at the rate of about $1 billion every 2½ or 3 days, $1 billion every 2½ or 3 days. We want our troops to have the best. We want our troops to have everything they need for success in Iraq. But if we have the money to send our troops to war, we must have the money for them when they come back from war, and that is all we are saying here tonight.

What we are saying is for 2½ or 3 days of that war in Iraq, we can fund everything that our veterans need this coming year. That is the amount of money that has been subtracted by the Republicans in their budget, $25 billion over the next decade.

We have the money. It is a question of the will. We have the resources. It is a question of our priorities. And, ladies and gentlemen, it is time to call the names and take the prisoners of those who are hurting our veterans.

You hear on Memorial Day and on Veterans Day the words of support, but watch what they do when they come and vote. Watch what they do when they vote on the budget. Watch what they do when they vote on the appropriations. Watch what they do when they take your future away from you. Watch the procedural votes. Watch us, ladies and gentlemen. Because if you just take the words, everybody here supports you, but the money ain't there to make it happen.

Let me say a couple of things that the Republican budget takes away if it goes through. As we heard earlier, a copayment for a month's worth of prescription drugs, the drugs that you need to survive, is going to double, more than double, from $7 to $15. We are going to charge enrollment fees to veterans who are in "a higher priority" but who are veterans and who deserve the treatment, and we can give it to them. We are going to cut 5,000 nursing home beds so only those veterans with the worst kind of disability will be able to be cared for.

We will abandon our goal of eliminating homelessness amongst our veterans. Every evening, Madam Speaker, 250,000 of our Nation's veterans are on the streets. Can the Members imagine that as a way to pay back what they have given to our country? They are homeless, and we do not seem to have the resources to change it. We give the program $20 million a year, $20 million a year. That is nothing in the context of our budget.

Disabled veterans, disabled veterans will be cut from care if this budget goes through. The Montgomery GI bill, which helps our education of our veterans, will not be funded. VA home loans will not be funded. Markers and flags for deceased veterans will not be funded.

This is hypocrisy, ladies and gentlemen, hypocrisy that comes from saying we are for the veterans and not providing the money.

Madam Speaker and the gentlewoman from California, right now there are 200,000 veterans who have waited more than 6 months for their first appointment. Veterans will die while they are waiting for that first appointment, and yet we say we cannot do anything. Let us resolve to change this.

I ask all the veterans, when we consider the appropriations, come to Washington, surround the Capitol, camp out, bivouac, and do not leave this place until we pass a budget that is worthy of you.

Ms. WATERS. Madam Speaker, I thank the gentleman from California (Mr. FILNER), and I yield to the gentleman from California (Mr. HONDA).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BLACKBURN). The Chair will remind all Members to direct their remarks to the Chair and not to the viewing veterans.

Mr. HONDA. Madam Speaker, to the gentlewoman from California (Ms. WATERS), I really appreciate this opportunity for us to be able to speak to the members of our country and to share the information that somehow and sometimes never get to their ears.

Madam Speaker, I rise this evening to talk about what it really means to support our troops and our Nation's veterans.

Madam Speaker, I believe it is easy for any Member of Congress to stand here in the well on the floor and say they support veterans and support our troops in Iraq. It is always easy to talk the talk, but the real question we should be asking is, will they walk the walk?

Just last week, the Senate passed a unanimous resolution in support of our troops. The following day, the House Republican leadership had the same opportunity to send an equally powerful message to our troops by introducing a clean resolution similar to the Senate version. But, instead, the House Republicans denied the troops this message of unity and decided to politicize the issue by drafting House Concurrent Resolution 104, a resolution that included language in support of President Bush's misguided Iraq policy.

By drafting a resolution that mixes support for our troops and support for President Bush's policies, Republicans sought to coerce Members opposed to the war into voting for the resolution. While I fully support our troops, I vehemently disagree with the President's decision to abandon a diplomatic solution to disarming Saddam Hussein and could not support a resolution that endorses that decision.

However disturbed I was about the politicization of support for our troops, it does not even come close to the feelings of outrage I have over the passage of the House Republican budget resolution. Just 10 minutes before the passage of House Concurrent Resolution 104, the House Republicans pushed through their budget resolution. I can think of no better way of describing the Republican budget resolution than by using a quote by the Disabled American Veterans. The quote is: "Has Congress no shame? Is there no honor left in the hallowed halls of our Government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation, to pay for tax cuts for the wealthy?"

The Republican budget resolution makes room, makes room, for the President's $1.6 trillion tax cut, while cutting discretionary health care spending for veterans below the level needed to maintain purchasing power at the 2003 level.

The Republican budget also directs the House Committee on Veterans' Affairs to cut $14.6 billion from mandatory benefit payments to veterans, including compensation for service-connected disabilities, burial benefits, and veterans' education benefits.

This is why the Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion all issued statements opposing the Republican budget.

The Democrats, in contrast, eliminated the $14.6 billion Republican cut to mandatory veterans' benefits program, including compensation for service-connected disabilities, burial benefits, Montgomery GI education benefits, and housing loan programs. Our budget also protected the veterans' health benefits from the Republican cuts, providing $16.2 billion more than the House Republican budget.

I voted for the Democratic budget. I am proud to support our troops. I am proud to support and reflect our budget and our values.

Madam Speaker, this pattern of patriotic posturing must end. Congress needs to start showing real support for our troops by taking care of our Nation's veterans. During this time of war, we must do no less.

Republican leaders can sure talk the talk, but can they walk the walk?

Ms. WATERS. Madam Speaker, I thank the gentleman from California (Mr. FILNER). I call on the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I thank the gentlewoman for yielding, and I especially thank her for organizing this important hour to discuss the deeply troubling cuts in the funding of veterans' services in this country.

This is a serious night. We are at war. We have young men and women of our country with their lives on the line in Iraq, fighting for all of us, and yet here in the Congress, while we honor their service and to a man and woman serving in this Chamber, I believe we honor their service, we are fighting this partisan fight on whether or not we ought to fully fund the veterans' services.

I find it nothing less than stunning that our Republican friends would bring a budget that takes $28 billion out of the funding of veterans' services over the next 10 years, $14 billion from that portion of veterans' funding that goes to the health benefits for veterans, and $14 billion from that portion of the budget that funds the disability benefits for those who have laid their lives on the line and wear the scars of battle the rest of their lives.

□ 2030

It is unbelievable that this, at all times, would be the time that we would see a budget cutting veterans services to fund those tax cuts, tax cuts that flow so disproportionately to the wealthiest few in this country, contained in the Republican budget. It is wrong.

You do not have to take our word for it, because the veterans of this country have spoken on this matter, and spoken with one voice and great clarity.

The Paralyzed Veterans of America: "We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans and GI Bill benefits for soldiers returning from Afghanistan to be waste, fraud and abuse" worthy of the kind of cuts in the majority budget.

The Disabled Veterans of America state: "Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs to pay for tax cuts for the wealthy?"

The American Legion writes: "This budget defies common sense. There must be a better way to provide tax relief to the American people than to balance the budget on the backs of disabled veterans."

Mr. Speaker, there are other colleagues here also eager to speak, so I will cut my remarks short, other than to say in my entire time in Congress, I have never seen a worse policy judgment than to cut the funding of veterans services while our Nation is at war and the lives of young men and women are literally laid on the line in battle for our country tonight. We have got to overturn the Republican budget.

Ms. WATERS. Mr. Speaker, I thank the gentleman from North Dakota.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. I want to take this opportunity to thank the gentlewoman for taking this time. I have the pleasure of sitting on the Committee on Veterans Affairs, and let me just indicate that we really must honor our veterans' service. We honor them by ensuring that we honor the promise that we make to them to provide them with the access to quality benefits and services once they come home.

Let me also add at this point in time, our veterans are reaching that point in time where they need our help. They are reaching the age where they need this assistance. They were there for us; we need to be there for them now. With our troops in the field and, sadly, with many Americans already experiencing war's devastating effects, it is shameful that the House would pass a budget resolution on the same day that our soldiers began Operation Iraqi Freedom cutting $15 billion, yes, cutting $15 billion, from the veterans disability compensation programs and $9.7 billion from veterans health care.

The budget resolution also, as it calls for that cut, indicates that it is under the disguise of trying to do away with "fraud, waste and abuse." Let me tell you that 90 percent of the budget on spending for the VA entitlement is paid out in monthly payments to disabled veterans and their survivors. I do not consider payments to our war-disabled veterans pensions, pensions for the poorest disabled veterans and the GI benefits for soldiers returning from Afghanistan to be fraud, waste and abuse.

I recently joined, and I want to thank my colleague on the House Committee on Veterans Affairs, the gentleman from New Jersey (Chairman SMITH), in a very bipartisan recommendation to the Committee on the Budget, which would have added $3 billion next year alone for veterans discretionary programs, including medical care and research, construction and programs that fund the administration costs of other important benefits such as compensation, pension and education programs. I want to thank the gentleman for the efforts he has made in working with us in that area.

But I urge all my colleagues to do the right thing and to honor our commitment to our veterans. These cuts are irresponsible; they are shameful and unacceptable.

Mr. Speaker, I want to take this opportunity once again to thank the gentlewoman for taking this time tonight. It is important that we continue to talk about this issue. We cannot allow this issue to go away, because, as we stand here tonight and as we go back and talk to our veterans, I never hear one Member talk and say they are not going to be responsive. Yet Members say it is important what we do, not necessarily what we say, because what we do, and the budget says it all, that is going to be very important.

Mr. Speaker, I thank the gentlewoman for allowing me to be here tonight with her.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding. I want to congratulate her for presenting to the American people the truth.

I was so impressed as I heard my colleagues come to the floor and describe the realities of what is occurring. The gentleman from Texas just alluded to the chairman of the Committee on Veterans Affairs and praised him for his efforts. It is fascinating to read in today's Roll Call that he was castigated and admonished by the House Republican leadership for his efforts in this regard. That, I suggest, says something loud and clear to the American people.

We know what is happening. The veterans know what is happening. But it is time for the American people to be informed, and I congratulate the gentlewoman for her efforts.

What I find particularly fascinating is sometime supposedly next week we will be considering a supplemental budget in the amount of $75 billion, some $63 billion of which I think we all support. It is for our troops and for the men and women that find themselves in harm's way. The rest of the money, much of it, is allocated to other nations: $1 billion for Turkey, monies for Egypt, for Jordan. And for what reason I cannot understand. But if we can afford to take care of the rest of the world, we should be able to take care of the men and women that served us, not just in this war, not just in the Vietnam conflict, not just in Korea and World War II, but all of our veterans.

It is absolutely unconscionable. It is un-American. Those men and women that will be coming home from the Middle East and leave the military, many of them will assume the title "veteran." While we honor them while they are there, we are disrespectful to them when they come home, and that has to stop.

We, and I know the gentlewoman has been a leader in this regard, have to design a strategy when it comes to that supplemental budget to take care of those men and women and not to continue the disrespect that has been shown to them.

Mr. CONYERS. Mr. Speaker, I tonight rise in ardent support of our troops fighting in Iraq. As a veteran of the Korean War, I fully understand the sober task which our soldiers have undertaken. We must remember that these troops are on the front line doing their duty, saluting and following orders. They are great Americans. I want them to know, along with their families, that they have my unwavering support. It is well known that I strongly disagree with the policies that have led us to war in Iraq. It is my opinion on many, many levels that the U.S. should not be at war in Iraq. However, my support of U.S. troops is resolute.

I think it is important that support be more than just lip service. Last week I voted against the Bush Administration's budget which would have drastically reduced veteran's health care and benefit programs. Even though the President is waging this preventive doctrine war, he presented a budget to Congress that would have cut Mandatory Veterans Programs benefits by billions of dollars. Mandatory veteran's programs include disability compensation, pensions, vocational rehabilitation, and survivors' benefits. The Bush administration's budget slashes compensation for service connected disabilities and education benefits by $15 billion and cuts veteran's health care funding by another $15 billion over the next ten years. The Disabled American Veterans, the Paralyzed Veterans and the American Legion have all issued statements opposing the Bush Administration's budget. In fact, the Michigan Chapter of Paralyzed Veterans wrote to me, stating, "the proposal, if implemented, would have a shocking effect on VA health care services and be an affront to millions of veterans. The proposal, approximately 1.3 billion above the FY 2003 appropriation, would not even cover inflationary impact and anticipated salary increases for VA health care workers." Furthermore, "budget resolutions set spending priorities. We find it hard to fathom that veterans would not be priority to the Budget Committee, or the leadership of the House of Representatives." I submit to you that budget cuts such as these do not bode well for strengthening the solidarity of our troops to our country.

I'd like to close with a quote from George Washington, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be justified, shall be directly propositional as to how they perceive the veterans of wars were treated and appreciated by the Nation."

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The time of the gentlewoman from California (Ms. WATERS) has expired.

SUPPORTING OPERATION IRAQI FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, before we begin, let me yield to the gentleman from Massachusetts (Mr. DELAHUNT), the distinguished former district attorney from Boston, to finish his statement.

Mr. DELAHUNT. Mr. Speaker, I thank my dear friend for yielding. I thank the gentleman for his spirit of collegiality.

Mr. Speaker, what I wanted to conclude with was this observation, and I direct it to my colleagues on both sides of the aisle: if we are unable to work out in the course of our consideration of the supplemental budget full funding for all veterans services, then it is time for the veterans in this country to take action. Many of us have read in our history books that there was a march on Washington in the early 1930s. It is time for the veterans organizations and for the American people to march again.

Mr. KINGSTON. Mr. Speaker, we want to talk a little bit about the situation in Iraq tonight and a number of other subjects.

Mr. Speaker, I am joined by the distinguished gentleman from Colorado (Mr. BEAUPREZ), a businessman and new freshman. The gentleman is on his way to take his daughter to dinner, and, as a father of two daughters, that takes high priority. So let me yield to the gentleman from Colorado (Mr. BEAUPREZ.)

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding. It is a pleasure to be with the gentleman tonight on the floor.

Mr. Speaker, I rise tonight with my colleagues to commend the tremendous progress being made by our troops in Iraq. However, I am disgusted with recent media reports proclaiming setbacks and delays of our troops in battle.

Mr. Speaker, such editorializing of the news represents a severe disconnect with reality. At this very moment we are within minutes of Operation Iraqi Freedom being just 1 week old. One week, Mr. Speaker. In one week, we have flown over 7,000 combat sorties, we have delivered 600 Tomahawk missiles with surgical precision such as never before seen in battle, we have moved numerous ground troops to within 50 miles of Baghdad, and we have killed or captured thousands of Iraqi soldiers. We have adapted, we have overcome, and, Mr. Speaker, we will prevail.

But in the din of news reports and live briefings, the fog of battle for Americans can be information overload. We learn a lot about what is happening today. But for the next couple of minutes, Mr. Speaker, I would like to make sure that we remember what has happened before to lead us to this point.

In 1979, Saddam Hussein took control of the Iraqi Government. The next year he launched a costly 8-year war with Iran that was both inconclusive and violent.

In 1988, after his unsuccessful foray into Iran, he took on a less formidable enemy, the Kurdish people of Northern Iraq, his own people. Using chemical weapons and poison gas, he destroyed 1,000 to 2,000 of their villages. The death toll from that holocaust may have been as high as 182,000 people.

In 1990, he once again crossed international boundaries and invaded tiny Kuwait. During that exercise his soldiers carried out orders to kill any civilian who did so little as violate curfew.

In 1991, his continued aggression against Kuwait brought about the attention of the United States and the United Nations and his swift defeat during Operation Desert Storm.

In the 12 years since Desert Storm, Mr. Speaker, the United Nations has passed 17 different resolutions outlining conditions under which Saddam can stay in power. He has violated them all.

We now have further evidence that Saddam and his band of loyalist thugs have no respect for human life, common decency, nor even the international rules of engagement. The heinous treatment of our soldiers and the abuse of even his own citizens once again is absolutely despicable.

Furthermore, Mr. Speaker, I hope the world takes note of another truth of this conflict. As Hitler was supported by the Nazi loyalists, so, too, is Saddam supported by his Baath Party fanatics.

□ 2045

My colleague from Pennsylvania (Mr. WELDON), stood on this floor on February 25 and outlined the atrocities of the regime in terrible, gruesome detail. He described mutilated babies, crippled children, adults without limbs, dipped in acid, torture beyond the imagination of civilized people, all at the hands of Saddam Hussein and his Ba'ath party.

Referring to these and the regime's other crimes against humanity, our President, our Commander in Chief said, "If this is not evil, then evil has no meaning." Mr. Speaker, I could not agree more. That is why Operation Iraqi Freedom is about regime change, not just about Saddam. All those that promote terror, manufacture it, and export it must be squelched before liberation can come to the Iraqi people and peace to the rest of the world.

Mr. Speaker, the bullets are flying; and our troops are in harm's way. As we continue to be briefed on their daily progress, as we see the sacrifices being made in the field by our soldiers and back home by their families, let us keep this in proper perspective. Let us remember why we are there: to end a regime of terror and liberate a people who have never known freedom.

Godspeed to our troops and God bless America.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Colorado; and I want to commend him on words well said. I appreciate everything that he is doing to help free the people of Iraq as a new Member of Congress.

Mr. Speaker, I want to talk about a number of things. I want to read a letter from an Iraqi woman. I want to read a letter from Charlie Daniels. I wanted to talk about a French company that has nearly a $1 billion catering contract to the U.S. Marine Corps, and I want to talk about Iraqi violations of the Geneva Convention.

First, let me read a rather spirited letter from Charlie Daniels. We know

Charlie Daniels is the songwriter who wrote The Devil Went Down to Georgia, among other things. He is great playing the fiddle, and he is a great American. So this is Charlie Daniels' letter, open letter to the Hollywood bunch. I am going to read directly from the letter.

> Okay, let's say just for a moment you bunch of pampered, overpaid, unrealistic children had your way and the USA did not go into Iraq.
>
> Let's say that you really get your way and we destroy all of our nuclear weapons, stick daisies in our gun barrels and sit around with some white wine and cheese and pat ourselves on the back, so proud of what we have done for world peace.
>
> Let's say that we cut the military budget to just enough to keep the National Guard on hand to help out with floods and fires.
>
> Let's say that we close down our military bases all over the world and bring our troops home, increase foreign aid, and drop all trade sanctions against everybody.
>
> I suppose that in your fantasy world, this would create a utopian world where everybody would live in peace. After all, the great monster, the United States of America, the cause of all of the world's trouble, would have disbanded its horrible military and certainly all of the other countries of the world would follow suit.
>
> After all, they only arm themselves to defend their country from the mean USA.
>
> Why, you bunch of pitiful, hypocritical, idiotic spoiled mugwumps. Get your head out of the sand and smell the Trade Towers burning.
>
> Do you think that a trip to Iraq by Sean Penn did anything but encourage a wanton murderer to think that the people of the USA didn't have the nerve or guts to fight him?
>
> Barbara Streisand's fanatical and hateful rantings about George Bush makes about as much sense as Michael Jackson hanging a baby over a railing.
>
> You people need to get out of Hollywood once in a while and get into the real world. You'd be surprised at the hostility you would find out here.
>
> Stop in at a truck stop and tell an overworked long-distance trucker that you don't think Saddam Hussein is doing anything wrong.
>
> Tell a farmer with a couple of sons in the United States military that you think the United States has no right to defend itself.
>
> Go down to Baxley, Georgia, and hold an antiwar rally and see what the folks down there think about you.
>
> You people are some of the most disgusting examples of a waste of protoplasm I've ever had the displeasure to hear about.
>
> Sean Penn, you are a traitor to the United States of America. You gave aid and comfort to the enemy. How many American lives will your little fact-finding trip to Iraq cost? You encourage Saddam Hussein to think that we didn't have the stomach for war.
>
> You people protect one of the most evil men on the face of this earth and you won't lift a finger to save the life of an unborn baby. Freedom of choice, you say?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The gentleman should address his remarks to the Chair.

Mr. KINGSTON. Mr. Speaker, I am reading a letter from Charlie Daniels which I think I am certainly allowed under the rules to do. Not that I would ever argue with the distinguished parliamentarian, particularly the one on your right, but I believe I can read a letter.

The SPEAKER pro tempore. The gentleman can read his letter provided it is otherwise in order.

Mr. KINGSTON. I thank the Speaker. I am still in quotes, Mr. Speaker, and probably it is very appropriate for the Speaker to point out that I am reading a letter, open letter to Hollywood written by Mr. Charlie Daniels, one of America's most popular entertainers. I am going to continue with that, back to the quoted letter.

> Well, I'm going to exercise some freedom of choice of my own.
>
> If I see any of your names on a marquee, I'm going to boycott the movie. I will completely stop going to the movies if I have to. In most cases, it certainly wouldn't be much of a loss.
>
> You scoff at our military whose boots you are not even worthy to shine.
>
> They go to battle and risk their lives so ingrates like you can live in luxury.
>
> The day of reckoning is coming when you will be faced with the undeniable truth that the war against Saddam Hussein is the war on terrorism.
>
> America is in imminent danger.
>
> You're either for her or against her. There is no middle ground.
>
> I think we all know where you stand.
>
> What do you think?

God bless America.

Unquote, Charlie Daniels.

Mr. Speaker, my colleagues can get this off the website. However, due to technological ethics, I am unable to give out that website number, but if somebody would call my office, I would be glad to give it to them.

Mr. Speaker, here is a guy who is one of the American-dream-type success stories, came up the hard way. I believe Charlie Daniels went to the University of Chicago, so he is not exactly just this country boy from back home on the farm that Hollywood would scoff at. But this is a guy who has really made it pretty big in the entertainment world, knows the Hollywood bunch because he calls them up front and he writes a letter like that to give us an idea of what he thinks.

Now, Mr. Speaker, I am going to read another letter by a woman named Katrin Michael. She is member of Women for a Free Iraq, a Washington-based advocacy group. She wrote this for Newsday, but I read it in the Savannah Morning News. I am going to again quote from this.

> As an Iraqi woman who wages peace and has fought in war, I am compelled to support a U.S.-led action to remove Saddam Hussein. After 26 years of resistance against Saddam, I have come to the conclusion that only forces from outside Iraq can bring an end to the nightmare of his rule.
>
> The stories of Saddam Hussein's brutality are all true. Ethnic cleansing, summary imprisonment and execution, torture and rape are all part of the nightmare. I know this from personal experience.
>
> My father founded an Iraqi peace movement, a crime for which he was murdered. At the time I was 14 years old. I was arrested by the regime merely because I joined the Iraqi Women's League. I was not the only young girl arrested for such a trivial offense.
>
> Later, I joined the Kurdish resistance, even though I was, in their eyes, a mere woman and a Christian. I traveled in disguise to Baghdad and around the country to organize opposition to Saddam. When I was injured in one of his chemical bombardments against hundreds of Kurdish villages in 1987 and 1988, I was forced to flee to a refugee camp in southern Turkey where I stayed until I finally reached freedom in the United States in 1997. I continue to suffer to this day from lung, nerve and eye damage caused by these weapons.
>
> No one in Iraq is immune from Saddam's brutality, not even the closest members of his own family. He even executed two of his own sons-in-law in 1996.
>
> A commonly used form of torture is to bring a detainee's female relative, preferably his wife, daughter or mother, and gang rape her in front of him.
>
> Members of the Iraqi opposition in exile receive videotape of tapes of their female relatives in Iraq being raped. Women who criticize or merely offend Saddam are accused of being prostitutes and regularly beheaded in public.
>
> His son, Uday, often leads these beheadings. They occur in Baghdad as well as in smaller villages throughout Iraq. The heads of the executed women are hung on the doors of their houses for all to see.
>
> I am saddened when I see people who sincerely care for the fate of the Iraqi people resist the American-led effort to remove Saddam and restore hope for the Iraqis. We cannot do it alone.
>
> Iraqis had their closest brush with freedom in 1992 during Operation Desert Storm. I regret, as do most Iraqis, that the United States and its allies allowed Saddam to squash this resistance and remain in power. Those who care about peace and justice for the Iraqis should not make the same mistake again.
>
> Saddam will never leave power willingly. He will never give up his weapons and allow the Iraqi people to live in freedom.

That is the end of the letter, Mr. Speaker, but I want to restate one more time that this was written by an Iraqi woman who was raised in Iraq, who was part of the peace movement, who has come to the conclusion that only a U.S.-led action will remove Saddam Hussein, and that is the only way that the world will be rid of him.

I think that is so important, Mr. Speaker, because there are a lot of well-meaning people who are against the United States action. There are a lot who are not so well-meaning. A lot of people just have a gripe with George Bush, and they find the war a convenient vehicle to air their opinion. There are a lot of people who do not like the United States of America and, again, they find the war a convenient excuse to air their opinion on that. But then there are a lot of people who are absolutely sincere: peace first, peace only, negotiations.

Yet what this Iraqi woman is saying, who has been there and has been injured by Saddam Hussein, is we cannot do it alone, we have to have a U.S.-led coalition.

Today, Mr. Speaker, in Basra, we did find out that there was an uprising and at this point it has not continued, but I think that it will, and I think in the days and weeks ahead we are going to see more and more Iraqi citizens coming out of their hiding places and facing Saddam Hussein and joining the resistance against him.

Now, I have been joined by our friend from Miami, Florida (Mr. MARIO DIAZ-BALART). I want to yield some time to him.

I have a couple of other topics I want to talk about surrounding Iraq. One of them has to do with a French company that has a lucrative contract with the Department of Defense feeding 55 garrisons throughout America. I also want to talk about the House Resolution that we passed today urging Iraq to comply with the Geneva Convention. But the gentleman has been a very active freshman Member of Congress and has a lot of issues he has been working on, too. So I yield to him to jump in on this or switch topics or whatever pleases him.

□ 2100

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding to me. I was listening to the gentleman's words today, and I was moved by the gentleman's statements and by the strength and veracity of that letter from that young woman who suffered the intense oppression of that brutal, crazy dictator, that dictator that is oppressing the people of Iraq.

What she says is so true: the Iraqi people have been suffering for a long, long time. They have suffered through what we really cannot even imagine, the most horrendous humiliations, tortures, murders, assassinations. That man who has killed about 1.5 million people, has gassed his own people, and other nations; who has no concern for life or for any basic principles or freedoms, and who the world was negotiating with for about 12 years.

Think about that. We all believe in negotiations. We all believe in diplomacy. I believe that we should try to negotiate; and when we have a dictator, a crazy, insane man who has committed mass genocide and murder, that we should try to negotiate, for 1 year, 2 years, 3 years, 4 years, 10 years, 12 years? When is enough failed negotiations enough? When is enough failure enough?

I believe that the United Nations has a role to play. Yes, I believe we should get the United Nations resolutions to express the sentiment of the world once, twice, three times, ten times. But 17 times? How many resolutions must he ignore and continue his oppression, his assassination, and more dangerous to us, his trying to obtain nuclear and other weapons of mass destruction?

How many times should we say, or is there a time when we should say, enough? What does it take? What does it take for the world to react?

Thank God, fortunately, we have a President who stated after the attacks, those horrendous attacks that occurred on 9-11 against our people, our innocent people, he stated very clearly that those that harbor terrorism were terrorists, and that there was going to be a price to pay.

Then he tried to warn, and he did warn, Saddam Hussein. He went to the United Nations and got one last chance for Saddam Hussein from the United Nations. But there is a time, unfortunately, when one must act. That time has come. Now our brave men and women are doing what the President said he was going to do, what he was going to ask them to do if Saddam Hussein did not disarm. He was going to disarm them with our brave men and women.

They are doing an incredible job, an incredible job. This is the time to support our troops. This is the time to not vacillate in that support for our troops.

I know there are those who say, well, we support our troops, but we wish they were not there. They are there. They are performing a vital job. We have to support them wholeheartedly, not with caveats, not with reservations. We have to support them. We have to support them, and they have to do what it takes to get the job done.

It is up to us, who are living and enjoying the freedoms that those thousands of men and women in uniform for generations have fought to give us. We should utilize those freedoms to show appreciation, to show respect, to show admiration, and to say, job well done. We are with you. We are going to be with you to the end.

They are going to succeed because the vast majority of the American people supports them; because the vast majority of the American people supports our President, our Commander in Chief, in his efforts. We are so grateful.

I actually was walking through, and I heard what the gentleman was saying on the floor. I had to come by and thank the gentleman, thank the gentleman for those words, and thank him for reminding us what is at stake. When the gentleman read that letter from that young woman, I think it brought it home. It brought it home to roost. What is at stake here is so precious. It is liberty, it is life, it is everything that we care for, everything that we believe in.

Yes, unfortunately, it is expensive. It is expensive. It has been expensive for generations. But those who have to protect those lives, those freedoms are the American people. Once again, our troops are doing it with the honor, with the valor, with the talent that they have always done it. I want to thank them for what they are doing.

I want to thank you, sir, for once again bringing that to light. That is why I had to come by here. I saw the gentleman on TV, and I had to come by to thank him for these words of solidarity to our troops, to the Commander in Chief; and to remind everybody why it is that we are in this battle; and that we are going to win this battle because it is so important, because so much is at stake. Yes, we are on the right side.

Mr. KINGSTON. I want to thank the gentleman for those words, Mr. Speaker.

It is interesting, today we had a great moment where all Members, Democrat and Republican, came together on the issue of Iraq complying with the Geneva Convention, which of course they are not doing. Each day there is a new revelation.

There was a very tender moment today as we in Congress saw the pictures of the prisoners, the American POWs, that Iraq had filmed. As the gentleman knows, it was very gruesome. First, the cameras panned on some dead soldiers, soldiers who at least three of them had a shot right in their forehead; young men, strong men, men in uniform, men with their dog tags around their necks and the blood that was on their chests, in some cases. It was a very sobering, very gut-wrenching scene to see.

Then, apparently in the same room, but it was not clear, were the live prisoners. Iraqi TV or whoever the reporters were were interviewing them and asking them a lot of questions. There seemed to be some pushing and shoving in the room. It seemed that there were a lot of people. We could tell by the look in these American prisoners' eyes that they did not know if they were going to be alive the next minute, or make it through the night, or what was going to happen to them. It seemed like utter confusion.

What struck me, among other things, is that even in Somalia, and we all have read or seen "Blackhawk Down," which I think was a great depiction of that battle. When they had the captive helicopter operator, he was still allowed to get the International Red Cross to come in. Yet in Iraq they do not even let the Red Cross in to see our prisoners.

Today, on a bipartisan basis, we debated, and we will vote on it tomorrow, House Concurrent Resolution 118, which I had, I guess I am not going to say the honor, which would be the usual word, but I offered it, along with the gentleman from Texas (Mr. REYES).

I represent the Third Infantry in Hinesville, Georgia, and he represents Fort Bliss in Texas, where the members of 507th Maintenance Division were from, supporting the Third Infantry.

Just to see the House come together and say, you know, this is absolutely not right, and we are going to put the folks from Iraq on notice that they will be tried as war criminals as soon as possible. If that means waiting until the war is over, fine; but if we can get them out of there before then, they will be tried as war criminals. We made that statement to them, number one.

Number two, we assured our troops that we are watching and we are with them in thought and in spirit, and we are going to do everything that we can to get them out of there alive.

Number three, we sent a signal to the international community, the French, the Germans, the Chinese, the Russians, those who were so quick to denounce the United States of America and this action. Well, there are 164 countries that have signed the Geneva Conventions going back to 1949. Let these countries now step forward and denounce Iraq, who incidentally is a signer of the Geneva Conventions; and let the world community find something that they can agree on in the form of these seven soldiers who are captured as we speak tonight.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, it is interesting, the gentleman mentioned some of these countries that were so quick to criticize the United States, criticize the United States for enforcing the resolutions that they unanimously supported, by the way.

Yet, we now see some of them, and I do not know why they have acted the way they have, but I can just throw some facts on the table. We now see that the Government of Russia has sold to the Iraqi Government some very high-tech military equipment.

Mr. KINGSTON. That Russian equipment sold to Iraq, Mr. Speaker, that is radar-jamming or missile-jamming technology. Is that not the case?

Mr. MARIO DIAZ-BALART of Florida. It is highly sophisticated night vision equipment, equipment to avoid radar, missiles, and also to confuse GPS devices that are obviously a big part of a military arsenal.

Yet a lot of these things are things that were not permissible under the sanctions that those same governments supported. So on one side, they are saying, well, Iraq is a violator of all sorts of rights. They are trying to obtain weapons of mass destruction. They have supported all these resolutions in the past. On the other side of their mouths, they are selling them high-tech equipment, military equipment.

That regime that they have condemned for the human rights abuses, for the rape of the women, for the assassinations, they are selling that regime high-tech military equipment, much of it banned by the United Nations. Those countries voted to ban that equipment to the Iraqi regime.

We saw that the wonderful, talented men and women of the U.S. Air Force shot down missiles. Some were destined to land in populated areas of Kuwait. Those are missiles that supposedly they do not have, that Iraq does not have. What more proof do we need?

I ask a question, I ask a rhetorical question, How many violations does it take for these countries to realize that there is a problem? Of course, what we realize now is that it is not that they do not realize that they are violations. It is that they have been assisting this regime and selling them high-tech equipment that has been banned, that is unlawful, according to the United Nations resolutions. They have been assisting this regime in their oppression, in their assassinations.

I think we are going to find a lot of that. I am not telling the gentleman that is the reason why some of these countries oppose the United States' effort to free the people of Iraq, just like the United States military freed the people of France twice.

By the way, the people of France, thank God, they had the right to be free. A lot of brave young American GIs died to free the people of France. I am glad that France is free. The people of Iraq are no less human beings than the people of France. They have the right to be free, as well.

Mr. KINGSTON. It is interesting that the gentleman mentions that, because there is a degree of racism, I think, on the part of the peace activists of the world. The reason why I say racism is because would these people support a Saddam Hussein if he were in Paris? Would they do it if he were in Germany? No. They would denounce him quickly. But as long as he is in the Middle East, well, they have been fighting for years. Or if he is in, say, South Asia or something, well, they have been fighting for years; or if he is in Africa.

How many times have we heard, they have been fighting for years, we cannot bring peace in the Middle East, like the people in the Middle East do not deserve peace; but the folks in Europe, that is the high standard to live by. To me it is just a double standard. I can only summarize it with racism.

The gentleman mentioned Russia selling sophisticated, high-tech equipment to Iraq. We already are seeing in Congress that we have the supplemental budget coming, and it is going to be to fund the military operation as well as the humanitarian operation.

As a result of the humanitarian operation, I am already seeing a gold rush. I am seeing companies actually start lobbying for contracts. That bothers me a lot when we have one missing in action today, seven captured, and eight casualties American and 18 British. Yet what really bothers me is some of these countries are not American countries and they are not English countries and they are not Australian; they are not coalition countries.

I have one example, though, of a company. USAID, which is a foreign aid branch, it does a lot of good things, but it is going to let some humanitarian contracts go, and French and German companies will be eligible to compete for it. That bothers me a lot, that they will be able to profit from this war.

Mr. MARIO DIAZ-BALART of Florida. I could not agree with the gentleman more, if the gentleman will yield, Mr. Speaker. This is a two-fold problem. There is, first, the opposition to this effort to free the Iraqi people and to free the world from this very dangerous dictator, free the world from a dictator who is trying to get or obtain nuclear weapons, and who already has other weapons of mass destruction.

☐ 2115

We are trying to free the Iraqi people while at the same time free the world from this incredible threat.

So we have to remember these countries that we are objecting to that, that even though unanimously, just a few months before, they said, hey, look, we are going to give this dictator one last chance, he has to disarm, but it is worse than that because not only are they objecting to the freeing of the Iraqi people, are they objecting to ridding of the world of this dictator who is trying to get nuclear weapons, who has ties with terrorist organizations and, by the way, including terrorist organizations that have assassinated Americans, but what is even more offensive is that at the same time they are selling this dictator high-tech equipment that he can use to further exploit, hurt, oppress, kill, murder his people and others because of his ties with terrorism.

One would hope that humanity has gone above and beyond that, and yet there are those that would like to profit even while selling high-tech equipment that they know they should not be selling because they have said it repeatedly in U.N. resolutions. So they know it, it is not by mistake, and yet they are doing so to earn a buck, to earn a buck?

Mr. KINGSTON. There is another example. Another company called Sedxho, S-E-D-X-H-O, it is a French company. It is a publicly-owned French company, but they have $1 billion worth of food service contracts with the United States Department of Defense. Recently, they signed an $881 million contract to feed the U.S. Marines in 55 different garrisons. We are working on a letter to the Secretary of Defense, Mr. Rumsfeld, to say he needs to renegotiate this, he needs to cancel it, he needs to look into it. But can my colleague imagine, here is a French company, and France, I do not remember one division in the country of France in terms of their stance against America in the last 3 to 6 months. I do not remember anybody moderating.

In America we had division. We had a pro-war and an anti-war group, and the world knew that. But, in France, it seems like they were all united against the United States and against this war.

Apparently, that is not a problem to Sedxho, because they are a French company. And yet here are the Marines, the brave and the honorable Marines who are the ones who discovered this hospital today, allegedly a hospital, and yet 55 different garrisons in the United States of America, when an 18-year-old Marine sits down for lunch, a French company is making a profit from that. That is unbelievable, and I call on the Department of Defense to cancel that contract.

Listen, there are reasons sometimes we have to buy from an enemy. There are reasons that somebody has something unique, but we are talking catering. I am sure there are good companies in Florida and Georgia and all over America that can do the catering service for the U.S. Marine corps, but a French company, it is unbelievable.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield, I think we are going to find a lot of that. I think we are going to find a lot of companies that are profiting from selling goods to the United States, including to the United States Armed Forces and armed services, as the gentleman just pointed out, who, by the way, are probably also making a hefty profit selling products to Iraq, even though there are sanctions there and probably even some high-tech equipment to the tyranny in Iraq.

I think it kind of explains some of the ferocity of the argument, some of the aggressiveness of some of those that were objecting to the United States' noble stance to help free an oppressed people and also help rid the world of these weapons of mass destruction and the possible obtaining of nuclear weapons to this dictator. I think we are going to see a lot of that.

The thing that surprised me, and it does not surprise me anymore because we are starting to see why, and my colleague just mentioned it, we are starting to see why but, surprisingly, the ferocity of the argument and how France, for example, not only do they object to any resolution that was not of their liking in the U.N. recently and they said so, but, also, they went lobbying. They actually were talking to every nation possible to try to stop this movement to free the people of Iraq and to free the world from this dictator who has caused so much grief.

I think we are starting to see why, but it is sad, it is sad that it looks like one of the main reasons or at least one of the reasons may be because they are making a buck off of this dictator.

Mr. KINGSTON. Mr. Speaker, also, are they not making a buck or profit, things like that, but they have had a lucrative oil contract in Iraq they did not want to disturb. That it is clear France is not after some noble or high ground about peace, but it simply boils down to profit.

If the gentleman would like to make any closing comments, I need to actually make an engagement.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just want to thank the gentleman from Georgia. Again, I had to come to the floor today once I was hearing what he was talking about. I had to come here and thank the gentleman, thank him for standing up for our troops, thank him for supporting our troops, thank him for supporting the President of the United States, Commander in Chief in such a difficult time. Our troops are going to prevail because of their honor, their integrity, their decency and because they are the best people, best troops and the best human beings that this world has ever seen, and they are well led, and their cause is just.

I wanted to thank the gentleman again for his words. They were humbling, and they were touching, and I wanted to come here and thank him tonight for his words.

Mr. KINGSTON. Mr. Speaker, I appreciate everything the gentleman is doing.

SALUTING OUR TROOPS

The SPEAKER pro tempore (Mr. BRADLEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, this evening, members of the Congressional Black Caucus wanted to take a moment to salute our troops. These are men and women who have voluntarily put on the uniform of the United States of America to make sure that we maintain our way of life, maintain our constitutional rights, maintain our privileges; and they have put their lives on the line to keep us safe.

Mr. Speaker, it gives me great sadness today to start off my remarks by having to pay tribute to a great American hero who died in the line of duty while serving his country in pursuing the American dream. Originally from my hometown of Baltimore, Marine Staff Sergeant Kendall Damon Waters-Bey, age 29, was one of the four U.S. Marines who died when their CH–46 Sea Knight helicopter crashed near the Iraqi-Kuwait border.

I would like to start off by first expressing my deepest condolences to the Waters-Bey family during this very, very difficult time. I mourn their loss, along with the other members of the Maryland Federal delegation.

Our prayers are with Sergeant Waters-Bey's 10-year old son, Kenneth; his wife, Belinda Waters-Bey of San Diego, California; his parents, Michael and Angela Waters-Bey; and four sisters, Shernell Waters-Bey, Sharita Waters-Bey, Michelle Waters and Nakia Waters.

This tragedy makes the war in Iraq more personal for all of us. I did not have the privilege of knowing Staff Sergeant Waters-Bey, but his story is one that is familiar to many of us in Baltimore.

Fellow Marine and Captain Ray Coleman said that Sergeant Waters-Bey viewed the military as a path out of the struggles and challenges of urban life. I understand these challenges, Mr. Speaker, as I live in an urban area in Baltimore City.

Not too far from the Capitol in which we stand tonight, many young people are confronted with violence, oppression, lack of quality health care and lack of equal access to the all-American dream every day. Their terror is as real as the terror that the Iraqi people are facing right now. For these Americans, it often takes a miracle to climb over the barriers.

Achieving the American dream is often out of reach, but the barriers did not stop Sergeant Waters-Bey from reaching his dream. In spite of a hard life, friends say that Sergeant Waters-Bey had a jovial spirit. He was known for making people laugh with his funny jokes and funny faces. While a student at Baltimore's Northern High School, he refused to fall into the wrong crowd and chose instead to be an athlete whose afternoons were filled with running track and swimming.

Upon graduation, Sergeant Waters-Bey was determined to make something of himself. Since he could not afford to go to college, he enlisted in the Marines and worked very hard to succeed as a Marine; and he did. He entered the service as a mechanic, but as a result of his determination he quickly moved up to crew chief.

The Marines took Sergeant Waters-Bey around the Nation from Maryland to Florida and then to Camp Pendleton in California. But distance did not keep him from his family. Sergeant Waters-Bey always made time for his 10-year old son Kenneth. Whenever father and son spent time together, they would go on fishing trips, watch cartoons or just play ball, according to family members. Unfortunately, that shall be no more, for he has given his life so that ours might be uplifted.

The evening before his father's death, young Kenneth was about to get a new computer so he could e-mail his dad in the Iraqi desert. Now, young Kenneth will never have a chance to send an e-mail to his father.

Last Thursday, tragically, the helicopter where Sergeant Waters-Bey served as a crew chief crashed and killed all who were aboard.

The other U.S. Marines killed in Thursday's crash were Major Jay Thomas Aubin, 36, of Waterville, Maine; Captain Ryan Anthony Beaupre, 30, of Bloomington, Illinois; and Corporal Brian Matthew Kennedy, 25, of Houston, Texas. Our prayers go out to all of them and to their families.

Before I close, Mr. Speaker, I have to bring up the fact that Mr. Waters-Bey's family is asking why their son, father and brother died in a war that lacks an international mandate. I agree with the Waters-Bey family and also believe that our Nation should have continued to pursue diplomatic measures to disarm Saddam Hussein's regime before sending Sergeant Waters-Bey and other members of our Armed Forces to the Middle East.

I still stand behind our troops. They are our sons, our daughters, our fathers, our mothers, our friends; and I salute all of our men and women in Iraq and pray for their safe return.

□ 2130

Finally, I would like to say Sergeant Kendall Waters-Bey was not only a hero because he served this country in the Armed Forces, but also because he climbed over barriers that were placed before him, so many barriers that many of his neighbors were not able to climb. I applaud Sergeant Waters-Bey for not only what he did in Iraq, but because of what he did right here in the United States. By his example, he was not only on a mission to set the Iraqi people free from oppression, but also set on a mission to set himself free from the obstacles that keep so many Americans from achieving the American dream. God bless Sergeant Waters-Bey.

CONGRESSIONAL BLACK CAUCUS SALUTES TROOPS

Mr. CUMMINGS. Mr. Speaker, I will now address the issues that the Congressional Black Caucus would like to bring before the Congress.

Mr. Speaker, at this very hour, this very moment, our servicemen and women are literally fighting for their lives. They are doing so with unbelievable courage and determination. We stand shoulder to shoulder with our military and pledge again tonight that while they are on the battlefield, they will have every resource they need to get the job done. We pray that they will return home soon to their families and loved ones.

But, Mr. Speaker, I worry about what kind of country our servicemen and women will be returning to after the war. What signal and what message is the Congress of the United States sending to our men and women in the military when we pass a budget like the one that the Republican majority passed last week? A budget that cuts veterans' benefits, a budget that cuts funding to address the health care needs in America, a budget that cuts loan opportunities for college students, a budget that cuts school lunch and child nutrition programs, a budget that cuts job training programs; and on top of that, the budget does nothing to create any new jobs or businesses.

Mr. Speaker, I ask what kind of America will our men and women serving in Iraq come back to and what kind of America will their families be living in while they are away? Mr. Speaker, we have to do better. We must do better. They deserve better. We must work to create an America that every American can be proud of, but most importantly, an America that invests in its people.

We still have an opportunity to do better. Over the next few days and weeks, the Congress will have a conference committee on the budget resolutions passed by the House and the Senate. This conference committee has the opportunity to right some of the wrongs passed by the House. In addition, the President announced yesterday that his fiscal year 2003 supplemental legislation would be in the amount of about $75 billion. While we do not know all of the details, much of the money, and rightfully so, will go to ensuring that we win the war as quickly as possible. Some of the money will also go to helping rebuild Iraq and that is understandable, too.

However, I have a question: When are we going to rebuild America? Many of our cities and rural areas need rebuilding today. I am certain that Governors, mayors, city and county officials all around the country can give us a laundry list of infrastructure needs that the American people need right now.

That is why the Congressional Black Caucus will advocate for the inclusion in any supplemental bill monies to help rebuild America. Our citizens deserve the best we can give them, and we should do our very best.

Mr. Speaker, in closing, when our men and women return home from Iraq and any Member of Congress greets them in their State, city or neighborhood, I want us all to be able to say we have done our very best to invest in their future and in their families' futures.

Unfortunately, the budget that we passed last week does not invest in their future, but we can fix that and I hope that we will.

Now, Mr. Speaker, it gives me great honor and privilege to yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, our Armed Forces are now at war. They are performing the duties which they have been preparing for their whole careers. They are the best-trained and the best-equipped military in the world. We have no doubt that they will prevail, but we also have no doubt that their task is perilous and difficult. All of America supports them and we pray for their swift and safe return.

Last week, Members of Congress had the chance to cast a vote in support of our troops in the field. I do not refer to the resolution congratulating the President. Instead, I refer to the vote on the President's budget for this fiscal year. In fact, a vote against the President's budget was a vote for our troops. I find it shameful that at a time when our dedicated men and women of the Armed Forces are in the field fighting, perhaps subjected to attacks from chemical and biological weapons, that the President of the United States and the Republican leadership have not felt it necessary to include in their budget one dime to support their efforts. I cannot think of a more stunning vote of no confidence, a bigger slap in the face of our troops than to send them into battle and then refuse to pay for it.

It is not that there have not been estimates of what this war might cost. Those estimates have been reported in the media for several months now, and we now belatedly have a request for this funding from the President; but the President pointedly refused to provide us with numbers last week so that Congress could include them in the budget and make sure the war is paid for.

Now, I personally find it hard to believe that last week we had no idea what the war would cost and that this week we suddenly have a full and accurate accounting. Does the price of ammunition fluctuate that much? Did the White House really have no sense of the cost of providing 300,000 troops with resources in the desert?

Or perhaps there is another more practical reason. Perhaps the President is afraid that if the budget reflected the cost of war, Americans might ask the President to hold off on a huge tax cut for his wealthiest supporters, tax cuts that by themselves cost more than 10 times what the President thinks it will cost to remove Saddam Hussein from power. I think it is scandalous that this administration will send our troops into the field and risk their lives and refuse to budget for it simply so they can justify huge tax cuts for the wealthy.

Mr. Speaker, the right thing for us to do now is to reconsider this budget resolution to factor in the $75 billion that the President estimates it will cost to remove Saddam Hussein from power. We owe nothing less to our troops who as we speak are being asked to put their lives on the line. If Americans do the numbers, they see that we cannot give a tax cut and pay for the war up to this point. I understand there will be subsequent proposals given to us to continue our efforts, and I understand just today, we are not looking for weapons of mass destruction, we are looking for a regime change. So what will be the cost of setting a new regime in place? Do we have a Marshall Plan? What is our policy? I think Americans should know what their hard-earned tax dollars must do in the future.

Mr. President, please give us the full story, please give us the amount that it is going to cost us because the cost in terms of the lives of our coalition members and Americans is just too high.

Mr. President, do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The Chair reminds Members to please direct their remarks to the Chair.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her remarks.

I want all people to know that the Congressional Black Caucus wholeheartedly supports our troops. When I move throughout my district and I have an opportunity to talk to the many men and women in the grocery store, the hardware store and simply stopping at a gas station and hear Americans talk about their sons and daughters and friends that are overseas now fighting for us, my heart definitely goes out.

Over the last few days we have seen a few of our men and women taken as prisoners of war; and every time I see those pictures, I cringe because I cannot imagine what they might be going through and what they might be feeling. So while we stand concerned about the budget situation in our country, while we stand concerned about our cities, many of which need that $1.6 trillion like Iraq will need to be reconstructed; as we stand concerned about young children who are still reading from textbooks printed when Jimmy Carter was President; as we stand still concerned about children who can actually go through high school without ever looking through a microscope; as we stand concerned about so many elderly people who cannot afford prescription drugs; as we stand concerned about people who cannot get medical care because they simply do not have the insurance; as we stand concerned about the National Institute of Medicine's report on "Disparity in Health Care," that shows if one is African American you get one type of treatment and if you are white you get another type, and Hispanics gets another type, and that an African American if they have the same insurance, they have the same level of ailment, they are the same age, and if they have diabetes, for example, they have a four-times greater chance of having an amputation below the waist; as we stand concerned about the many homeless people in our Nation; as we stand concerned about the many people who unfortunately have tried their very best after being put off of welfare and because of our economy are unable to find a job; as we stand watching children who should have an opportunity to go into Head Start but because of budget cuts will not have that opportunity; as we stand looking at so many people who have over and over and over again begged us, begged us for the Hope VI program which would allow them to have decent housing; as we stand where there are schools not very far from here where children sit with rain falling on their heads; as we stand here tonight concerned about all those things and many, many others, I say we stand for our troops.

□ 2145

It gives me great pleasure, Mr. Speaker, to say this, that so often I think what happens is that we lose a sense of balance. I have often said that it is extremely important that we protect ourselves from outside forces and that we protect ourselves from terrorists. I think that is extremely important, and I know that 9/11 and those planes flying into the Twin Towers is embedded in the DNA of every cell of America's brains. But the fact still remains, Mr. Speaker, that we must not only worry about outside forces and, by the way, some homegrown ones, but we must also worry about the implosion of our country from the inside.

So the Congressional Black Caucus comes tonight simply saying that we stand for our troops, but we also stand for America, and we stand for balance. Because we realize that on 9/11, that horrible day when some demented people flew planes into the Twin Towers and brutally and maliciously killed so many of our fellow Americans, we understand that we have to make sure that that never happens again. But, at the same time, we also have to make sure that all the people that I just talked about, that we take care of them, too.

Mr. Speaker, it gives me great pleasure to yield to the distinguished gentleman from Florida (Mr. MEEK), a young man who has come from Florida and has already made a name for himself and who is working very, very hard to uplift his district and to uplift the American people.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman for his leadership and the members of the Congressional Black Caucus for bringing voice to the real level of patriotism that our country is at at this particular time.

I think it is so very, very important, Mr. Speaker, that we make sure that all Americans understand the level of integrity when we look at our military. When we look at our military, not only the sacrifice they are undertaking right now in the theaters of war in other parts of the world but it is also the sacrifice that their families are paying. Their families are truly paying the ultimate price of giving a loved one the opportunity to serve their country and many of those individuals like two young men from Florida.

I just called home, Mr. Speaker, and spoke to my wife; and she shared with me that just today in the Miami Herald they had a story of a letter of one of our outstanding young patriots who gave his life on behalf of this country willingly. He was happy and thought it was a great opportunity for him, right out of college, to fight on behalf of his country.

I know in this Congress that many of us do not agree with the rules of engagement that we used, especially in Iraq, and we had a resolution here on this very floor and many Members were draped up in the flag, rightfully so, paying praise to all of our troops that are getting sand in their teeth right now. We all understand here in the Congress that the sacrifice, the sacrifice of family, of friendship, the sacrifice of just being an American, few of us have the opportunity to put our lives on the line on behalf of this country, but we have thousands of Americans that are doing that. Some 43 percent of the individuals that are in the theater right now are what we may call our volunteer army, reservists, individuals that have given up their weekends from their families for years and now they have been called upon.

I think it is important since we have set the stage of saying truly that we are here to pay not only respect to those who are fighting the war now but it is important that this Congress and members of the Congressional Black Caucus feel very strongly about this, that we continue to respect those that put it on the line in the past. We know that we have a number of these individuals that are serving our country right now in a time of war that are going to return back to the United States and they are going to need adequate health care, veterans' benefits. They will be our new veterans. Some of them will be as young as 19 and 20 and 21. Some will be 55 and over 65.

It was very disheartening when the budget, this Federal budget that passed by a very narrow, narrow margin, that we would have a shortfall of some $1.9 billion in the 2003 fiscal year. It is good for us to pay respect and cry and pray on behalf of those that will return and those that will not return. But I think words are inadequate to even describe the kind of, how would I put this, I am trying to be a distinguished gentleman here, but the kind of understatement, for us to undercut our veterans.

Veterans of wars past right now, in my district, the Miami VA hospital, those that have laid it down in different theaters of war, some of them in two different theaters of war, have to wait a year and a half to see an eye doctor. What do you think after this $1.9 billion shortfall that is going to be given to the richest Americans here, how is it going to affect that veteran if we allow this huge tax cut that the President is trying to pass?

I commend the Senate for taking half of the responsibility and saying that in a time of war, just like in the past, we have never given a tax cut. Yes, times are hard, and it is important that we sacrifice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The gentleman will refrain from casting reflections on the Senate.

Mr. MEEK of Florida. The Senate did an outstanding job in their light. But I think it is important that we pay very, very close attention to what our priorities are right now. Our priorities right now should be making sure that our men and women return back to the States safely, making sure that the Iraqi people receive the kind of freedom that they yearn, and also making sure that we treat our veterans, even when they return back, back here to the United States, treat them with dignity, the dignity that I know this Congress wants to treat them with. I urge my colleagues here in the Congress, and I am sure the Congressional Black Caucus would like to urge them, let us treat our veterans and let us give the dollars toward the veterans that we should give toward their health care and making sure that they do not have waiting lists as we have right now existing here in the United States.

I came tonight, in closing, to be able to pay respect to those that not only are in the theater of war right now but on behalf of those patriots of the past. I think it is very, very important that we remember, Mr. Speaker, those individuals in such a time as this. On behalf of this Member of Congress from the 17th Congressional District of Florida, I think it is very, very important, all Americans, that we pray for the safe return and we respect and pray for those that have provided us with the very freedom that we enjoy this evening.

Mr. CUMMINGS. Mr. Speaker, I listened to the gentleman from Florida very carefully as he talked about a person from Florida who gave his life. Before he came on the floor tonight, I had talked about a young man, not from my district but he lives very close to me, within actually about 10 minutes, Sergeant Kendall Waters-Bey, who was one of the young men who was killed in the helicopter accident, I guess almost in the first 24 hours of this war.

I am so glad that you said all the things you said. You are absolutely right. Our soldiers and their families, they do give a lot. Every time I see the news footage of our soldiers going off to sea and see the small children tugging on daddy's leg or mother is crying as she gets on the bus and has to leave her loved ones behind and not even knowing whether they are going to return, and if they do return, whether they will be disabled. Every time I see that, it just reminds me that we have a lot of truly, truly great Americans.

I just want to thank the gentleman for what he said, because I think so often as we watch what is going on on television in Iraq, that sometimes we have a tendency to forget about those families, but the gentleman is absolutely right. Those families still have to struggle here at home. They still have to do without a parent here at home. There have been some situations, I am sure the gentleman is well aware, where it may have been a single head of household who then had to have loved ones take care of the children.

To all of them, to the families and certainly to our troops and to all of those, as the gentleman said, who were there, we have so many veterans who have given so much. We see them all the time in our districts, at our town hall meetings, at our veterans meetings, and I always try to remind them that we shall never forget them because they stood up for this country, they stood up for us when we could not even stand up for ourselves so many times. I really appreciate what the gentleman said.

Mr. MEEK of Florida. I will tell the chairman, just watching some of the news accounts of many of these destroyers, our destroyers leaving to go to the Persian Gulf, as an individual that knows the sacrifice as it relates to many of my friends who I attended college with that were involved in ROTC, that are officers in our military right now, that have been shipped off, that e-mail me every now and then about their experiences overseas, and they are very proud to be there. I think it is very important that as we start to look at those families, someone is going to have to pick up the kid after school. Someone is going to have to read a story. Someone has to go and minister to a wife or husband that is having not only to take the burden on of the family but to also take the burden on of having their loved one overseas serving our country.

When we look at this, those families really understand that this is not a made-for-TV movie, that this is real, that the possibility exists that they may never see their loved ones again. We all pray for that not to happen. We had a good day yesterday in Iraq with no U.S. casualties.

But my heart goes out also to those other individuals in our world, the Iraqi children, the Iraqi people, that we are trying to provide freedom for. I am glad that this country has gone through great lengths in trying to preserve life. And so I commend those family members, sons and daughters, that are paying a mental and physical, emotional tax because a loved one from their family and not even to mention the single parents, that the aunt or grandmother or grandfather has to take care of the children now.

□ 2200

So tonight it was more than an honor for me to be a member of the Committee on Armed Services to come tonight to pay tribute to those families and to those troops and to those veterans that have provided the kind of freedom that we celebrate here today. I look forward to working with Members of the Congress and also members of the Black Caucus as we continue to be the conscience of the U.S. Congress and hopefully the world in the future as we start dealing with this new level of terrorism that we are having to work and fight against every day.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, it was the theologian Swindoll who said it is what you do when you are unnoticed, unknown, unappreciated, and unapplauded that means so much. And as I listened to the gentleman from Florida (Mr. MEEK), I could not help but think about all of those people that he talked about, people getting sand in their teeth, like he said, and sand blowing in their eyes and going through very difficult circumstances right now, and our prayers are with them.

There is another thing that the gentleman talked about, Mr. Speaker, and that is balance. And one of the things that we are always concerned about in our Nation is housing. Housing is extremely important for all of us, and when we look at again that balance that we are talking about, supporting our troops, but we also want that balance when it comes to making sure that Americans and those soldiers, when they do come back, that they have housing. And one of the sad things that has happened is that when we look at the President's budget, we have zeroed out under HUD the Hope VI program, zeroed it out; and what that means to Baltimore, we have been able in the city of Baltimore to tear down at least five high-rise public housing projects and replace them with beautiful low-rise neighborhoods, and as I said to a friend of mine the other day, when I ride through there, Mr. Speaker, I feel like I am on "Andy of Mayberry." They are so beautiful, right smack dab in the middle of the seventh congressional district.

So when we have a situation where we have a budget that zeroes out programs that allow that to happen, it certainly concerns the Congressional Black Caucus, and I think it should concern all Americans.

Mr. Speaker, it gives me great pleasure and privilege to yield to the distinguished gentlewoman from the great State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman of the Congressional Black Caucus very much for yielding, and I appreciate very much the opportunity to share with my colleagues what I think is a very crucial debate. I appreciate very much the leadership of the gentleman from Florida who serves us very ably not only on the Committee on Armed Services but on the Select Committee on Homeland Security, and he has brought a great insight because I know the State of Florida, similar to the State of Texas, has a large number of individuals who in years past either are drafted but volunteered. That does not leave out my good friend from Baltimore, Maryland, one of the founding colonies, and certainly no stranger to fighting the wars of this Nation.

I think it is important for some of us to clarify where we have been on this question of war and why it is important to have this discussion with our colleagues because for some reason there has been an effort or an impression that the Congress has become marginalized on these very crucial issues. I can assure the Members that members of the Democratic Caucus who reached out to our friends on the other side of the aisle, members of the Congressional Black Caucus, have been persistent in our viewpoints that we should raise our voices even in the specter of war as the war winds are raging because that is democracy.

And I heard one of the generals comment just 24 hours ago, and they said that the military does not oppose dissent. The military in fact respects dissent. They just want to have it acknowledged, that dissent should be thrust toward the policymakers because our brave men and women are following orders and risking their lives on behalf of all of us. So I would simply say let the word go out, let a clarion call reach the ears of all who might hear that there is not one single divide amongst us on the love, affection, and respect for United States troops who have offered their lives on our behalf so that our values in this Nation might be promoted. There is not one single difference in our support for those families in terms of our commitment, but there has to be a question on our practices.

I think democracy is all about practice as opposed to words. So I think it is important that personally I acknowledge that I have spoken quite continuously on my view that war should be the last option, that we should have chosen or could have chosen other options other than war. But I come to the floor tonight to join the gentleman in my concern that we not be silent on issues dealing with the budget, issues that will have a devastating impact on the young men and women who are now facing harm's way, who we have lifted up in our prayers and where we have stood steadfast to interject our respect and our resolve that they come home safely.

Mr. Speaker, I join my colleagues today on the floor as a co-sponsor of H. Res. 118, the POW resolution that demanded that the Iraqi Government comply with the Geneva Conventions and as well demand that the Red Cross be able to see these individuals and as well to hold the Iraqi Government responsible for any inhumane treatment of our POWs. I stand resolved that the Iraqi Government hear us, that we will not tolerate this inhumane treatment that we have perceived is occurring.

As the chairman well knows, there are a number of POWs, a number of them from Texas, a number of them from around the country. One in particular happens to be a woman, happens to be a single parent. I know the families of these individuals, the families of the missing in action, the family of the lost Marine corporal in my congressional district; and when I say lost, who lost his life in valor, in bravery. We owe them something.

We owe them our undivided commitment, but we also owe them the respect to come to the floor and be able to question our colleagues as to why they would cast a budget that would in fact cut 28 percent from veterans services. Having a veterans hospital that I hope to name after Dr. Michael DeBakey, one of the warriors who fought in World War II, and when I say fought, was an outstanding physician in World War II. In my own congressional district, as we speak today, there are veterans who are being de-enrolled or not enrolled. My fear is that some of these very brave young soldiers, sailors, and others of all the branches will come home and look to the services that are necessary not only for them but for their family members, some of them will be veterans as they leave this action, and out of being veterans, there may be a matter of any number of ailments that they may encounter. We are not far away from the Gulf War disease where there are thousands of veterans still suffering from an undiagnosed, to some, and diagnosed, to some, disease. How many of us remember Agent Orange, and yet we took so long to be able to remedy those veterans who had suffered in the Vietnam War and now the Persian Gulf.

Let me say why I am concerned about a budget that barely passed and it barely passed, Mr. Speaker, because it should not have passed. The budget fails to have a meaningful prescription drug plan. My seniors have been waiting and waiting, and this budget only provides $400 billion. The tax cuts, even what my good friends in the other body did, and I applaud an outstanding, very brave Senator, but I would say that we do not need any tax cuts, $726 billion with a raging war, with the needs of those who are left behind in education and Medicare and Medicaid. Mr. Speaker, it is interesting that when we are in times of war, I remember it well in the history books, of course, that Presidents before us indicated that we must rise to a mutual sacrifice. I think the gentleman from New York (Mr. RANGEL), my good friend and colleague, coined that phrase, "mutual sacrifice." Mutual sacrifice does not pretend to have $726 billion in tax cuts when we have a $283 billion deficit expected to implode into $1 trillion. The tax cut is expected to go to $1.3 trillion, and we are expected that the war really is costing $100 billion right off the bat and may even cost us $1 trillion.

Mr. Speaker, where are we getting these funds? That was not even included in the budget. We know for sure that the Congress is being accused of being marginalized, but we are disrespecting the concept of the three branches of government. Let me say that what was reported in The New York Times, the administration's request, this recent request, places most of the war funds in a discretionary fund that would allow money to be moved around at will by the Department of Defense. I have made a commitment, as I review the emergency supplemental, that I am not going to leave the troops that I love and respect without the resources that they need; but what we are doing with this discretionary fund is turning 200 years of constitutional and congressional oversight mandated by the Constitution, and remember now I have argued vigorously that only the Congress as pursuant to the Constitution can declare war under article I, section 8.

The Constitution also dictates that the Congress raises up armies and the Congress, the House in particular, has a hold on the purse strings. How can that be done with all of this money being put into discretionary funds, marginalizing a third branch of government duly qualified under the Constitution to be able to assess how these funds are used so that we know that if our troops encounter nuclear activity, radioactive activity that we should be assured that they have the highest quality equipment shipped in immediately, preceding that they have enough battalions while we are in this midst even though I am one who is advocating peace and would welcome a cease-fire right now and will be pressing forward with my position on peace but recognizing where our troops are.

Does this make any sense that we put all these moneys in discretionary funds in violation of our duty? It includes $150 million for the DOD to fund indigenous forces, Mr. Speaker, throughout the globe without any input from Congress; and while the administration may argue that it will require such latitude, the fact is that during World War II, Mr. Speaker, with D-Day about us, with Pearl Harbor behind us, with troops raging all over the European theater, Congress passed 11 supplemental requests in just 2 years, thus preserving the oversight vote. How can we do this in this time when our troops need us to eliminate the authority and responsibility of Congress?

Mr. Speaker, I think this budget also fails because it calls for at least $265 billion over 10 years in cuts to mandatory public benefits. Right now in my State with a $12 to $15 billion deficit, we are looking for ways to cut people off Medicaid, the most vulnerable people. Mr. Speaker, right as I speak, we have closed doors with the mental health services, hundreds of employees laid off, but more importantly 1,500 clients or patients not being able to be served or marriaged into another clinic that now serves 3,000 clients.

□ 2215

Nine thousand people calling in for help on the help line, and 2,000 people on the waiting list in my community trying to get mental health services.

This budget fails to address the mutual sacrifice that is needed, Mr. Speaker. While I believe that this Congress and Members should still be engaging in ways of resolving the conflict, working with the administration, talking prospectively about how we keep the peace; we must support our troops, and that includes ensuring that they have the resources.

To do that, Mr. Speaker, it includes their families. We do not know the magnitude of need. We do not know how many will come back not able to work. We already know that we have lost young lives. We already know they are resolved to fight on our behalf.

But as we do that, Mr. Speaker, we have another challenge; and that challenge, of course, is to ensure the safety of the home front. I believe it is extremely important that the supplemental is not addressing the amount of money that we would need for grants.

Already my first responders are looking for the money that they were promised in 9/11. New Yorkers are looking for the money promised after 9/11. And the way to get money to the local cities and governments is to ensure that we have dollars for grants to our local responders, to our HAZMAT teams, those hazardous material teams.

Likewise, let me say that we have a lot of money missing out of the Coast Guard, the Customs Service, the border community, meaning the border security that is needed. We were meeting today with members of the Canadian Government, and they are concerned that we are treating our neighbors differently. We can do better than this. We can have a joint partnership on security and must not be discriminatory with our northern neighbors and our southern neighbors.

We can be secure without violating civil liberties or requiring Canadian citizens, one white, one Muslim, the Muslim fingerprinted, the white not fingerprinted. The Canadians are raising their voices. They are saying we are all Canadians. The same thing with civil liberties in this town.

Mr. CUMMINGS. Mr. Speaker, as I listen to the gentlewoman, I cannot help but think about the fact that we do have to make sure that during this time of war and this time of terrorism, since 9/11, that we make sure that we preserve the rights that are granted to our citizens under the Constitution of the United States of America.

I have often said that although we are facing very difficult circumstances, we do not want to be in a situation where, when all the dust settles and the war is over, that we have given up so many rights that we, the country, do not even look like a pre-9/11 country.

So I agree with the things the gentlewoman has been talking about and bringing to bear. The gentlewoman has been a staunch supporter of the Constitution and making sure that we stick to it and that we do not allow it to be set aside in these difficult circumstances to collect dust, and then later on, for generations yet unborn, they look back and say, what did you all do under your watch.

I just want to applaud the gentlewoman for that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to compliment the gentleman for his leadership, because most people would be frightened to raise such a matter during this time of raging war. When I say these matters, issues that the Nation and the Congress should be addressing, civil liberties, civil rights, the question as to whether or not homeland security has been fully funded.

The gentleman was brave enough to bring us to the floor to announce our dedication to the troops, to announce our patriotism, to announce the fact that we have lost constituents, neighbors, that there are family members we know that are mourning now; and we do not want to make light of the very seriousness of this and the sensitivity of it. I hesitate. I have not called the name of the constituent that I lost. I will not do so until I share with the family. I have not called the name of the young woman who is a POW on the floor of the House, out of respect for those family members.

But it is important, because they are risking their lives, that we come and argue for them now, so that they do not come back broken and beaten, if that is the case. Some will come back valiant and standing, God bless them, but others will need us.

I want to applaud the gentleman for coming down to Houston this weekend to talk about an issue that has to do with this country's values, civil rights, affirmative action. Some would fault us for raising these issues now; but I believe, as a general said, that our military does not want us to be silenced. They are not afraid of dissent. And I have said this once before today, Hubert Humphrey said we need critical lovers of America, the kind of patriots who will work to improve America.

Mr. CUMMINGS. Mr. Speaker, the interesting thing is that that is what I hope, and I know that they are fighting for. They are fighting for that Constitution. They are fighting for the things that this country is all about. They are trying to make sure that those rights that we have are protected, not just for us, not just for our children, but for generations yet unborn.

I think it is quite appropriate that we stand here and make sure that they are not fighting in vain.

Ms. JACKSON-LEE of Texas. The gentleman is absolutely right. I have been among veterans and the military personnel. Many of us had the honor, and I call it the honor, of visiting our troops on their respective bases in Germany, in Italy, Kosovo, Bosnia, Afghanistan; and I have saluted, as I have been instructed, and I have indicated to them that we have the greatest respect for what they do.

I think there should be other words we could capture out of the dictionary to express the affection we have for these young men and women. These are young people who have volunteered.

I happen to be supporting the reinstatement of the draft, and I have a young man in my family, my son, 17 years old. That is a challenge for me to even say it. Probably I would want to step away from those words. But I do think we should let these volunteers know that we know what a sacrifice they are making, and that we believe in mutual sacrifice.

That is why, Mr. Speaker, I say to the chairman, I am hoping that we can fight together against this tax cut and that we can work to bring dollars home to the homeland security frontline individuals. We need to be able to have a system where we can all communicate together. Just imagine in the course of our work of securing the home front that we have difficulties because we have systems that are different. Work needs to be done in this area, and we cannot do it with a budget that clearly does not give credence to the two important responsibilities we have now: the home front juxtaposed or right next door to the raging winds of war, and then the domestic agenda of people who are now suffering with, I understand, some 200,000 service jobs being cut, unemployment still at a peak, and people in need.

This is an important discussion. I am hoping that this budget process that shows such enormous cuts, and allow me to say two others, the veterans benefits, billions have been cut from pensions and safety net programs, such as SSI, where $62 billion over 10 years has been cut from the Earned Income Tax Credit, which is one that we have been very supportive of. Then the environment has been cut, and health care.

So I would simply say, Mr. Speaker, that our voices need to be heard, because we need to get to work and uphold the constitutional duty of this Congress to have oversight over war spending and the constitutional duty as well to be engaged in the budgeting process as we lift up monies for armies; but we need to deal with this budget to help the people we represent all over America.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman. I just wanted to say this to the gentlewoman: I just wanted to say, Mr. Speaker, the Congressional Black Caucus stands behind our troops, but we also stand for a very strong America. We stand for our Constitution, and we want it to be well. We also stand for that flag that is up there behind you. We stand for the little children that tomorrow morning will put their little hands up to their little hearts and say, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God."

That is why we have come here today, to just remind America, and beg America, to pray for our troops, to lift their families up in their prayers, but also to be vigilant, to be vigilant for the rights and the privileges that we have as Americans.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just to close, I would simply say we were praying in our churches this past week. I was at the Greater St. Paul Missionary Baptist Church with Pastor Willie Davis; and we prayed, and we prayed across Houston and the Nation. I believe we have the freedom to pray. No one is forced to pray. We wanted to pray, our different faiths. And I agree with the gentleman, we pledge ourselves to a united Nation, and we pledge our resolve for our troops to come home. But we also pledge, as the youngsters at Forest Brook High School said, will there be an opportunity for me to be educated? That is why we are here on the floor today, to insist that we stand united for the troops, but also united for the people of America, for the opportunities for them in the future.

I thank the gentleman for allowing me to be here this evening.

Ms. LEE. Mr. Speaker, I rise tonight in strong support of our troops.

Today, American men and women are putting their lives on the line in the service of their country. I deeply mourn the deaths of our troops and hope and pray for the safe return of all of their comrades in arms. I mourn as well the deaths of innocent civilians, especially children, who have been or may be caught in the crossfire of this conflict.

Some Americans are now held as prisoners of war and they hold a special place in our thoughts and prayers.

As the daughter of a career army officer, my heart goes out especially to the families of our service men and women as they anxiously await word from their loved ones. That waiting is its own kind of torment.

Thousands of National Guards and Reserves are serving in the Middle East today, honoring their commitment and abandoning their civilian lives to answer this call.

We honor their service and sacrifice as well as that of all the personnel in our armed forces.

It is my deepest hope that our troops will soon be home with their friends and families. I wish them Godspeed and hope that peace is both rapid and lasting.

In closing, let me once again reiterate my support and admiration for our troops who are in harm's way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Ms. PELOSI) for today after 1:00 p.m. and the balance of the week on account of official business in the district.

Mr. PUTNAM (at the request of Mr. DELAY) for today until 4:00 p.m. on account of accompanying the President of the United States to visit the troops at MacDill Air Force Base in Florida.

Mr. BILIRAKIS (at the request of Mr. DELAY) for today until 4:30 p.m. on account of accompanying President Bush on a visit with U.S. troops at MacDill Air Force Base.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ISRAEL) to revise and extend their remarks and include extraneous material:)

Mr. ISRAEL, for 5 minutes, today.

Mr. McGOVERN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. McCOTTER, for 5 minutes, today.

Mr. HEFLEY, for 5 minutes, today.

Mr. CRANE, for 5 minutes, March 27.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 27, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1433. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Folpet; Pesticide Tolerance [OPP-2003-0075; FRL-7296-2] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1434. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP-2003-0036; FRL-7292-8] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1435. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Customer Protection—Reserves and Custody of Securities Delegation of Authority to the Director of the Division of Market Regulations [Release No. 34-47480; File No. S7-20-02] (RIN: 3235-AI51) received March 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1436. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1601-AA04) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1437. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities (RIN: 1601-AA05) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1438. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [IA 167-1167a; FRL-745 8-8] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1439. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Negatives Declaration [NH-055a; FRL-7458-3] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1440. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Rhode Island; Negative Declaration [RI-1047a; FRL-7458-5] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1441. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Conditional Approval of Implementation Plan; Indiana [IN 140-3; FRL-7457-3] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1442. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmission of Broadcast Signals [CS Docket No. 00-2] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1443. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-258] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1444. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vici, Oklahoma) [MB Docket No. 02-205; RM-10470]; (Big Lake, Texas) [MB Docket No. 02-206; RM-10469]; (Leakey, Texas) [MB Docket No. 02-207; RM-10468] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1445. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albany, Vermont) [MB Docket No. 02-192; RM-10507] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1446. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Groom, Texas) [MB Docket No. 02-226; RM-10459]; [MB Docket No. 02-227; RM-10467]; [MB Docket No. 02-228; RM-10460] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1447. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations: Family and Educational Travel-Related Transactions, Remittances of Inherited Funds, Activities of Cuban Nationals in the United States, Support for the Cuban People, Humanitarian Projects, and Technical Amendments—received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1448. A letter from the Deputy Chief Counsel, (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Authorization of Certain Humanitarian Activities by Nongovernmental Organizations in Iraq and Iran—received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1449. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Surveys: BE-12, Benchmark Survey of Foreign Direct Investment in the United States-2002 [Docket No. 020813189-2330-02] (RIN: 0691-AA44) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1450. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Restrictions Upon Lobbying (RIN: 1601-AA12) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1451. A letter from the Chair, Office of General Counsel, Federal Election Commission, transmitting the Commission's final rule—Administrative Fines [Notice 2003-6]—received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1452. A letter from the Director, U.S. Fish & Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AI61) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1453. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase [Docket No. 001005281-0369-02; I.D. 012703A] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1454. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 69 to Revise American Fisheries Act Inshore Cooperative Requirements [Docket No. 020724175-3022-02; I.D. 062602E] (RIN: 0648-AP71) received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1455. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 012903G] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1456. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 2003 Harvest Specifications for Groundfish [Docket No. 021212306-2306-01; I.D. 110602B] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1457. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 10 [Docket No. 021016235-3005-02; I.D. 092402E] (RIN: 0648-AP87) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1458. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 020303C] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1459. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Administrative Wage Garnishment—received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1460. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Authority of the Secretary of Homeland Security; Immigration Laws (RIN: 1601-AA06) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1461. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security (RIN: 1601-AA03) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1462. A letter from the Director, Regulations and Forms Development, Department of Justice, transmitting the Department's final rule—Readjustment of Immigration Benefit Application Fees [INS No. 2260-03] (RIN: 1115-AH00) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1463. A letter from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Automatic Identification System [Docket No. SLSDC 2002-13698] (RIN: 2135-AA15) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 airspace and modification of existing Class E5 airspace; Ainsworth, BE; Correction [Airspace Docket No. 02-ACE-8] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Brookfield, MO [Docket No. FAA-2003-14243; Airspace Docket No. 03-ACE-3] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Change of Controlling Agency for Restricted Areas R-6601 Fort A.P. Hill, VA: and R-6608A, R-6608B, and R-6608C, Quantico, VA [Docket No. FAA-2002-14110; Airspace Docket No. 02-AEA-23] (RIN: 2120-AA66) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Using Agency for Restricted Area 2301E, Ajo East, AZ; Restricted Area 2304, Gila Bend, AZ; and Restricted Area 2305, Gila Bend, AZ [Docket No. FAA-2002-14163; Airspace Docket No. 02-AWP-11] (RIN: 2120-AA66) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. FAA-1999-5401; Amdt. Nos. 119-6, 121-284, 129-34, 135-81, 183-11] (RIN: 2120-AE42) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30351; Amdt No. 3042] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1470. A letter from the Program Analyst, FAA; Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30350; Amdt. No. 3041] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1471. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. 2001-NM-277-AD; Amendment 39-13032; AD 2003-03-08] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1472. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2001-NM-274-AD; Amendment 39-13029; AD 2003-03-05] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1473. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Ssytems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-48-AD; Amendment 39-13034; AD 2003-03-10] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1474. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); A310, A319; A320; A321; A330; and A340 Series Airplanes [Docket No. 96-NM-179-AD; Amendment 39-13028; AD 2003-03-04] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Coast Guard Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes [USCG-2003-14505] received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS [Docket No. FAA-2003-14347; Airspace Docket No. 03-ACE-4] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Prohibited Area P-49 Crawford; TX [Docket No. FAA-2003-14369; Airspace Docket No. 03-AWA-1] (RIN: 2120-AA66) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ames, IA [Docket No. FAA-2003-14427; Airspace Docket No. 03-ACE-7] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lebanon, MO [Docket No. FAA-2003-14426; Airspace Docket No. 03-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ankeny, IA [Docket No. FAA-2003-14428; Airspace Docket No. 03-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wasilla, AK [Docket No. FAA-2002-14075; Airspace Docket No. 02-AAL-7] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarinda, IA [Docket No. FAA-2003-14459; Airspace Docket No. .03-ACE-12] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. Ackerman, Mr. Garrett of New Jersey, Mr. McNulty, Mr. Frost, Ms. Ros-Lehtinen, Mr. McGovern, Mr. Berman, and Mr. Bartlett of Maryland):

H.R. 1440. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 1441. A bill to require the Administrator of the United States Agency for International Development and the Secretary of Defense to give a preference for American companies in the award of contracts to provide assistance for Iraq, and to require the use of CDMA technology in any such contract for the provision of commercial mobile wireless communication service; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. Rahall, Mr. Gibbons, and Mr. Murtha):

H.R. 1442. A bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial; to the Committee on Resources.

By Mr. CALVERT (for himself, Mr. Israel, Mr. Feeney, and Mr. Davis of Alabama):

H.R. 1443. A bill to amend section 251 of the National Housing Act to enable homebuyers to make use of the authority of the Secretary of Housing and Urban Development to insure hybrid adjustable rate mortgages; to the Committee on Financial Services.

By Ms. DeGETTE:

H.R. 1444. A bill to amend title 10, United States Code, to provide for garnishment of military retired pay to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child; to the Committee on Armed Services.

By Ms. DeLAURO:

H.R. 1445. A bill to designate the western breakwater for the project for navigation, New Haven Harbor, Connecticut, as the "Charles Hervey Townshend Breakwater"; to the Committee on Transportation and Infrastructure.

By Mr. FARR (for himself, Mr. Baca, Mr. Becerra, Mr. Berman, Mrs. Capps, Mr. Cardoza, Mrs. Davis of California, Mr. Dooley of California, Ms. Eshoo, Mr. Filner, Ms. Harman, Mr. Honda, Mr. Lantos, Ms. Lee, Ms. Lofgren, Mr. Matsui, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Napolitano, Ms. Roybal-Allard, Ms. Pelosi, Ms. Loretta Sanchez of California, Ms. Linda T. Sánchez of California, Mr. Schiff, Mr. Sherman, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mr. Dreier, Mr. Lewis of California, Mr. Doolittle, Mr. Radanovich, Mr. McKeon, Mr. Thomas, Mr. Ose, Mr. Issa, Mr. Calvert, Mr. Cox, Mr. Cunningham, Mr. Nunes, Mr. Hunter, Mrs. Bono, Mr. Gallegly, Ms. Waters, and Mr. Gary G. Miller of California):

H.R. 1446. A bill to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; to the Committee on Resources.

By Mr. LEWIS of Kentucky:

H.R. 1447. A bill to amend the Internal Revenue Code of 1986 to provide incentives to increase the sale and use of certain ethanol and biodiesel fuels; to the Committee on Ways and Means.

By Mr. LoBIONDO (for himself, Mrs. Myrick, Mr. Smith of New Jersey, Mr. Payne, Mr. Conyers, Mr. Frost, Mrs. McCarthy of New York, Ms. Hooley of Oregon, Mr. Wynn, Mrs. Jo Ann Davis of Virginia, Mr. McIntyre, Mr. Baca, Mrs. Capps, Mr. McHugh, Mr. Oberstar, and Mrs. Maloney):

H.R. 1448. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 1449. A bill to amend the Homeland Security Act of 2002 to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and to improve security of infrastructure, and for other purposes including emergency preparedness; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1450. A bill to amend the District of Columbia Home Rule Act to permit the Council of the District of Columbia to impose a tax on the income of professional baseball players which is earned within the District of Columbia; to the Committee on Government Reform.

By Mr. OSBORNE (for himself, Mr. King of New York, Mr. Kind, Mr. Wamp, Mr. Shays, Mr. Wolf, Mr. Goode, Mr. Smith of Texas, Mr. Bartlett of Maryland, Mr. Wicker, Mr. DeMint, Mr. Gordon, Mr. Linder, Mr. Walsh, Mr. Latham, Mr. Hoekstra, Mr. Spratt, Mr. Isakson, Mr. Blumenauer, Mr. Etheridge, Mr. Duncan, Mr. Ehlers, and Mr. Wilson of South Carolina):

H.R. 1451. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Kingston, Mr. Brady of Texas, and Mr. Sullivan):

H.R. 1452. A bill to provide that the language of the text of United States passports is written in English and Spanish; to the Committee on International Relations.

By Mr. VITTER:

H.R. 1453. A bill to declare the policy of the United States with respect to design and deployment of a missile defense system capable of defending the national territory of the United States against ballistic missile attack; to the Committee on Armed Services.

By Mr. VITTER:

H.R. 1454. A bill to establish the policy of the United States with respect to deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Berman, Mr. Schiff, and Mr. Sherman):

H.R. 1455. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself, Mr. Reyes, Mr. Sam Johnson of Texas, Mr. Hunter, Mr. Skelton, Mr. Hyde, Mr. McHugh, Mr. Tiahrt, Mr. Edwards, Mr. Cunningham, Mr. Pearce, Mr. Rodriguez, Mr. Blunt, Ms. Pryce of Ohio, Mr. Cox, Mr. Hobson, Mr. Tancredo, Mr. Ballenger, Mrs. Kelly, Mr. Tiberi, Mr. McInnis, Mr. Akin, Mr. Hayworth, Mr. Kline, Mr. Bartlett of Maryland, Mr. Sessions, Mr. Toomey, Mr. Brady of Texas, Mr. Snyder, Mr. Portman, Mr. Lantos, Mr. Jones of North Carolina, Mr. DeLay, Mr. Gingrey, Mr. Bereuter, Ms. Jackson-Lee of Texas, Ms. Ginny Brown-Waite of Florida, Mr. Cole, and Mr. Dreier):

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Lantos, Mr. Cantor, Mr. Ackerman, Mr. Pence, Mr. Hoeffel, Mr. Ose, and Mr. Crowley):

H. Con. Res. 119. Concurrent resolution condemning attacks on United States citizens by Palestinian terrorists, and for other purposes; to the Committee on International Relations.

By Mrs. EMERSON:

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress regarding the need to protect post offices; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress concerning United States and allied Armed Forces personnel killed or wounded or taken captive while engaged in the war on terrorism and the war with Iraq and offering deepest sympathy to the families of those killed in action; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H. Con. Res. 122. Concurrent resolution urging the United Nations to put in place broad United Nations Security Council authority to help the people of Iraq; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 123. Concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented; to the Committee on Government Reform.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Res. 163. A resolution providing amounts from the applicable accounts of the House of Representatives for continuing expenses of standing and select committees of the House from April 1, 2003, through April 11, 2003; considered and agreed to.

By Mr. FLAKE:

H. Res. 164. A resolution expressing the sense of the House of Representatives regarding the human rights situation in Cuba, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRELINGHUYSEN:

H.R. 1456. A bill to provide for the liquidation or reliquidation of certain entries of pasta; to the Committee on Ways and Means.

By Ms. PELOSI:

H.R. 1457. A bill for the relief of Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Brown of South Carolina.

H.R. 25: Mr. Baker, Mr. Gutknecht, and Mr. DeLay.

H.R. 36: Mr. Brown of South Carolina.

H.R. 40: Mr. Clay.

H.R. 58: Mr. Van Hollen, Mr. Price of North Carolina, Mr. Bishop of New York, Mr. Turner of Ohio, Mr. Lampson, Mr. Waxman, Mr. Keller, Ms. Berkley, and Mr. Manzullo.

H.R. 92: Mr. Johnson of Illinois and Mr. Brown of Ohio.

H.R. 111: Mr. Meeks of New York, Mr. Jackson of Illinois, and Mr. Green of Wisconsin.

H.R. 133: Mr. Filner and Mr. Platts.

H.R. 151: Mr. Michaud.

H.R. 176: Mr. Cox and Mrs. Northup.

H.R. 185: Mr. Rangel.

H.R. 195: Mr. Lucas of Oklahoma.

H.R. 202: Mr. Isakson.

H.R. 208: Mr. Rothman.

H.R. 235: Mr. Renzi, Mr. Tancredo, Mr. Barrett of South Carolina, and Mr. Toomey.

H.R. 300: Mr. Brown of South Carolina.

H.R. 303: Mr. Lynch and Ms. DeGette.

H.R. 347: Mr. Davis of Florida.

H.R. 371: Mr. Rangel and Mr. Meehan.

H.R. 412: Mr. Gonzalez, Mr. Berry, Ms. Loretta Sanchez of California, Mr. Cardin, Mr. Lewis of Georgia, Mr. Etheridge, Mr. Blumenauer, Ms. Velázquez, Mr. Crowley, Mr. George Miller of California, Ms. Roybal-Allard, Mr. Peterson of Minnesota, and Ms. Solis.

H.R. 446: Mr. Evans.

H.R. 447: Mr. Evans.

H.R. 448: Mr. Evans and Ms. Slaughter.

H.R. 463: Mr. Burns, Mr. English, Mr. Simmons, Mrs. McCarthy of New York, Mr. Cramer, Mr. Dooley of California, Mr. Green of Texas, Mr. Lantos, and Mr. Hayworth.

H.R. 466: Mr. Gibbons.

H.R. 496: Mrs. Musgrave.

H.R. 570: Ms. McCollum, Mr. Moore, and Mr. Allen.

H.R. 571: Mr. Camp, Mr. Tiahrt, Mr. Crane, Mr. Sam Johnson of Texas, Mr. Moran of Kansas, Mr. Lucas of Kentucky, Mr. Wamp, Mr. Ney, and Mr. Collins.

H.R. 584: Mr. Brown of South Carolina, Mr. Meehan, Mr. Ney, and Mr. Barrett of South Carolina.

H.R. 589: Mr. Bradley of New Hampshire, Mr. Bartlett of Maryland, Mr. Blunt, Ms. Pryce of Ohio, and Mr. McCrery.

H.R. 593: Mr. Strickland and Mr. Thompson of Mississippi.

H.R. 594: Mr. Hayes, Mr. Hefley, Mr. Gonzalez, Mr. Gutierrez, Mr. Cole, Mr. Bishop of Georgia, Ms. Berkley, and Mr. Greenwood.

H.R. 611: Mr. Mario Diaz-Balart of Florida.

H.R. 627: Mr. Neal of Massachusetts and Mr. Lucas of Kentucky.

H.R. 630: Mr. Latham.

H.R. 655: Mr. Brown of South Carolina.

H.R. 660: Mr. Latham.

H.R. 676: Ms. Velázquez.

H.R. 684: Mr. Hoekstra, Mr. Weldon of Florida, Mr. Shadegg, Mr. Chabot, Mr. Akin, Mr. Bartlett of Maryland, Mr. Herger, Mrs. Myrick, Mr. Ryan of Wisconsin, Mr. Beauprez, and Mr. Feeney.

H.R. 693: Mr. Gingrey and Mr. Capuano.

H.R. 707: Mr. Pallone and Mr. Cooper.

H.R. 709. Mr. Rangel and Mr. Bishop of Georgia.

H.R. 713: Mr. Garrett of New Jersey.

H.R. 728: Mr. Tancredo and Mr. Bonilla.

H.R. 735: Mr. Renzi, Mr. English, Mr. Fletcher, Mr. Bonilla, Mr. Kennedy of Minnesota, Mr. Wamp, Mr. Thompson of California, Mr. Skelton, Mr. Allen, Mr. Davis of Tennessee, Mr. Larsen of Washington, Mr. Isakson, and Mr. Terry.

H.R. 741: Ms. Berkley.

H.R. 745: Mrs. Jo Ann Davis of Virginia.

H.R. 768: Mr. Hinchey.

H.R. 770: Mr. Acevedo-Vilá.

H.R. 786: Mr. Peterson of Minnesota.

H.R. 803: Mr. Matheson and Mr. McNulty.

H.R. 804: Mr. Hayworth.

H.R. 812: Ms. Hart.

H.R. 816: Mrs. Davis of California.

H.R. 817: Ms. Carson of Indiana and Mr. Brady of Pennsylvania.

H.R. 872: Mr. Jones of North Carolina and Mr. Wilson of South Carolina.

H.R. 873: Mrs. Napolitano, Mr. Holt, Mrs. Maloney, Mrs. Capps, Ms. Slaughter, Mr. Walsh, and Mr. Langevin.

H.R. 879: Mr. Miller of Florida.

H.R. 886: Mr. Gingrey.

H.R. 931: Mrs. Emerson.

H.R. 941: Mr. Ford, Mr. Weller, and Mr. Hoeffel.

H.R. 944: Ms. Schakowsky and Mr. Weiner.

H.R. 947: Mr. Case.

H.R. 979: Mr. Meeks of New York and Mr. Miller of North Carolina.

H.R. 983: Mr. Camp, Mr. Walden of Oregon, and Mr. Filner.

H.R. 1002: Mr. Gordon, Mr. Pallone, Mr. Cooper, Ms. Schakowsky, Ms. Eshoo.

H.R. 1006: Mr. Kolbe, Mr. McGovern, Mr. Alexander, Mr. Waxman, Ms. Eshoo, Mr. Ramstad, and Mr. Gilchrest.

H.R. 1022: Mr. Rahall.

H.R. 1038: Mr. Renzi.

H.R. 1068: Mr. Fossella, Mr. Holt, Mr. Turner of Texas, Mrs. Jo Ann Davis of Virginia, Mr. Terry, Mr. Chocola, Mr. Reyes, Mr. Abercrombie, Mr. Sabo, Mr. Ackerman, and Mr. Doggett.

H.R. 1097: Mr. Price of North Carolina, Mr. Sherman, and Ms. Lofgren.

H.R. 1136: Mr. Hulshof.

H.R. 1157: Mr. Costello, Mr. Clay, and Mr. Tierney.

H.R. 1161: Ms. Eddie Bernice Johnson of Texas, Mr. Sam Johnson of Texas, Mr. Chocola, and Mr. Barrett of South Carolina.

H.R. 1163: Mr. Smith of Michigan.

H.R. 1191: Mr. Whitfield and Mr. Spratt.

H.R. 1199: Mr. Brady of Pennsylvania.

H.R. 1202: Mr. Souder.

H.R. 1205: Ms. Linda T. Sánchez of California, and Mrs. Jones of Ohio.

H.R. 1231: Mr. Johnson of Illinois, Mr. McInnis, Mr. Cannon, Ms. DeLauro, Mr. Tanner, Mr. Nethercutt, Mr. Lucas of Oklahoma, Mr. Michaud, Mr. Davis of Tennessee, Mr. Cooper, Mr. Menendez, Ms. Millender-McDonald, Mr. Blumenauer, Mr. Pascrell, Mr. Moore, Mr. Udall of New Mexico, Mr. Fletcher, and Mr. Weldon of Pennsylvania.

H.R. 1238: Mr. Quinn.

H.R. 1242: Mr. Faleomavaega, Ms. Bordallo, Mr. Meehan, and Mrs. Davis of California.

H.R. 1244: Mr. Green of Texas, Mr. Filner, and Mr. Frank of Massachusetts.

H.R. 1245: Mr. Filner, Mr. Weiner, Mr. Schiff, and Mr. McNulty.

H.R. 1251: Ms. Jackson-Lee of Texas, Mr. Serrano, Mr. Stenholm, Ms. Norton, Mr. Honda, Mr. Hinojosa, Mr. LaTourette, Mr. Kennedy of Rhode Island, Mr. Faleomavaega, and Mr. Rangel.

H.R. 1258: Ms. DeLauro, Mr. Brown of Ohio, and Mr. Peterson of Minnesota.

H.R. 1260: Mr. Pickering.

H.R. 1263: Mrs. Napolitano.

H.R. 1264: Mr. Green of Texas, Mr. Honda, and Mrs. Davis of California.

H.R. 1282: Mr. Payne.

H.R. 1305: Mr. Baker, Mr. Peterson of Minnesota, and Mr. Hostettler.

H.R. 1309: Ms. Lee.

H.R. 1331: Mr. Calvert, MR. Bachus, Mr. Shimkus, Mr. Frost, Mr. Otter, Mr. Davis of Illinois, and Mr. Murphy.

H.R. 1340: Mr. Neal of Massachusetts, Mr. Kildee, Mr. Sanders, Mr. Brady of Pennsylvania, Mr. Farr, Mr. Ortiz, Mr. Schiff, Mr. Levin, Mr. Matsui, and Ms. Loretta Sanchez of California.

H.R. 1349: Mr. Kildee.

H.R. 1355: Mr. Rahall, Ms. Roybal-Allard, Mr. Davis of Florida, Mr. Ryan of Ohio, Mr. Gutierrez, and Mr. Frost.

H.R. 1366: Ms. Eddie Bernice Johnson of Texas, Mr. Boswell, Mr. Costello, Ms. Norton, Mr. Frost, Mr. Lampson, Ms. Berkley, Mr. Abercrombie, and Ms. Millender-McDonald.

H.R. 1389: Mr. Quinn.

H.R. 1415: Mr. Ramstad, Mr. Berman, Mr. Royce, Mrs. Northup, Mr. Pomeroy, Ms. Eddie Bernice Johnson of Texas, Mr. Olver, Mr. McGovern, Mrs. Capps, Mr. Delahunt, Mr. Lewis of Georgia, Mr. Ehlers, Mr. LaTourette, and Mr. Lantos.

H.R. 1429: Ms. Velázquez, Mr. Cummings, Mr. Clyburn, Mr. Capuano, Mr. Wynn, Mr. Clay, Mr. Davis of Illinois, Mr. Rush, Ms. DeGette, Ms. Watson, Mrs. Christensen, Mr. Hastings of Florida, Mr. Bishop of Georgia, Mr. Meeks of New York, Mr. Honda, Mr. Jackson of Illinois, Mr. Ford, Mr. Gonzalez, Mr. Towns, Mr. Jefferson, and Mr. Conyers.

H.J. Res. 37: Mr. Kleczka and Mr. Gephardt.

H. Con. Res. 6: Mr. Upton.

H. Con. Res. 47: Ms. Waters, Mr. Clyburn, Ms. Schakowsky, and Mr. Baca.

H. Con. Res. 50: Mr. Bartlett of Maryland and Mr. Bishop of Utah.

H. Con. Res. 56: Mr. Baker, Mr. Matheson, and Mr. Crowley.

H. Con. Res. 78: Mr. Sanders.

H. Con. Res. 99: Ms. Schakowsky and Ms. Watson.

H. Con. Res. 103: Ms. Solis.

H. Con. Res. 109: Mr. Aderholt, Mr. Hayes, Ms. Bordallo, Mr. Goode, Mr. Goodlatte, Mr. Fossella, Mr. Bradley of New Hampshire, Mr. Tiahrt, Mr. Weldon of Florida, Mr. Ryan of Wisconsin, and Mr. Herger.

H. Con. Res. 116: Mr. Kingston and Mr. Sullivan.

H. Res. 118: Mr. Tancredo.

H. Res. 127: Mr. Baker.

H. Res. 153: Mr. DeMint and Mr. Burton of Indiana.

EXTENSIONS OF REMARKS

IN RECOGNITION OF SABINO CICI WHO RETIRES AFTER 25 YEARS OF DEDICATED AND DISTINGUISHED SERVICE AS CITY COUNCIL MEMBER FOR THE CITY OF SAN GABRIEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Sabino Cici who will retire from the San Gabriel City Council after 25 years of service to the city and community. Sabino was elected to the San Gabriel City Council in 1978, and appointed Mayor four times.

Sabino Cici has been a business owner in the San Gabriel community for 32 years. Throughout his professional and public service career, Councilman Sabino Cici has been an enthusiastic, committed leader and participant on numerous community and regional boards. He currently serves as Director of the Los Angeles County Sanitation District, Director of the San Gabriel Valley Animal Control Authority, and Delegate to the League District Attorney's Community Advisory Council. Sabino has also been actively involved with the San Gabriel Chamber of Commerce, Community Hospital Founders Trek, United States Air Force Association, San Gabriel Kiwanis, Italian Catholic Federation, and the Peace Officers Association.

Sabino's distinguished list of accomplishments while on the city council include building municipal economic reserves, creation of an Economic Redevelopment Agency, revitalization of the historic San Gabriel Mission District, implementation of the $5 million Millennium Miles Program to rehabilitate San Gabriel's streets, seismic and ADA retrofitting of City Hall, and restoration of the legendary San Gabriel Civic Auditorium.

An active member of the San Gabriel community, he has supported and participated in the creation of exciting, fun-filled programs and events to educate and communicate the unique story that is San Gabriel and celebrate San Gabriel's diversity such as the Alhambra-San Gabriel Lunar New Year Parade and Festival, Christmas in April, Three-day San Gabriel Birthday & Festival, California History Day, Mission District Mercado, National Night Out, and Kids Day.

Councilman Cici celebrates 12 years of marriage to Kathleen "Cookie" Cici. Together the Cici's have six children and four grandchildren.

I ask all Members of Congress to join me today in congratulating Sabino Cici on an impressive and long spanning career as city councilman and for his invaluable commitment and involvement in the City of San Gabriel.

THE RIGHT TO SELF-DETERMINATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. BURTON of Indiana. Mr. Speaker, the right to self-determination is the essence of democracy. The lack of it is one reason that many of us here in Congress believe India falls short of a full-fledged democracy.

In January 1949, India promised the United Nations that it would allow self-determination in Kashmir through a free and fair vote. It is now 2003 and this plebiscite has still not been held. India refuses to allow the Sikhs of Punjab, Khalistan, predominantly Christian Nagaland, Muslim Kashmir, and the other nations seeking their freedom from India to exercise their right to self determination through a free and fair vote, the democratic way, despite their claim that there is no support for independence. If not, why not just hold a vote and get the issue behind you?

Instead of following the democratic principle of self-determination, India has tried to continue the subjugation of the Sikhs, Christians, Muslims, and other minorities through force. They have murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of other minorities, including Assamese, Bodos, Dalits, Manipuris, and Tamils. A report from the Movement Against State Repression showed that India admitted to holding 52,268 Sikhs as political prisoners under the expired TADA law, one of the most repressive laws I know of. TADA expired in 1995. Some of these political prisoners have been held in illegal detention since 1984. According to Amnesty International, tens of thousands of other minorities, such as Christians, Muslims, and others, are also being held as political prisoners. How can a democratic country hold political prisoners? The State Department reported in 1994 that over 41,000 cash bounties were paid to police officers for killing Sikhs. They picked up human-rights activist Jaswant Singh Khalra after he exposed their practice of secret cremations and Mr. Khalra was killed in police custody. Independent investigations showed that the Indian government's forces carried out the massacre of 35 Sikhs in March 2000.

Recently, the All India Christian Council reported that the government is sending out agents to seek intrusive information about Christians, such as whether they are first-generation Christians and how long they have been in India. This is happening in a country where American missionary Joseph Cooper was severely beaten and had to spend a week in the hospital, then was thrown out of the country for the crime of preaching. Australian missionary Graham Staines and his two sons were burned to death while they slept in their jeep by militant Hindu nationalists chanting "Victory to Hannuman," a Hindu god. Priests have been murdered, nuns have been raped, churches have been burned, and schools and prayer halls have been violently attacked. A Christian festival was ended by police gunfire. Now two states, Gujarat and Tamil Nadu, have enacted laws prohibiting conversions to any religion except Hinduism. The survey of Christians is also occurring in Gujarat.

Gujarat is the state where at least 2,000 and up to 5,000 Muslims were murdered last year, according to Indian newspapers. The press also reported that the government planned the attacks in advance.

Mr. Speaker, the Council of Khalistan recently issued an open letter detailing these and other Indian government atrocities, repression, and violations of human rights. I urge everyone to read it. India has 18 official languages and it is not one nation. India must stop violating the human rights of minorities and instead follow democratic principles by allowing self-determination for all the minority nations that seek it. That is the only way to bring real freedom, peace, and stability to the region. Until then, the United States should stop its aid with India and Congress should put this country on record in support of self-determination.

I would like to place the Council of Khalistan's open letter into the RECORD at this time, Mr. Speaker. It will be very informative to my colleagues and the people of this country.

MARCH 19, 2003.

OPEN LETTER TO THE SIKH NATION: KHALSA PANCHAYAT REPRESENTS SIKH NATION AND DESERVES OUR SUPPORT

AKALI LEADERSHIP AND JATHEDARS ARE UNDER INDIAN GOVERNMENT CONTROL

We must liberate Khalistan now. This is the only way for the Sikh Nation to prosper, progress, and project the Sikh religion and the interest of the Sikh Nation. Nations and religions without political power disappear.

Our experience since 1947 has been very disappointing and repressive. Colonial rule was better for everyone in India except the Brahmins than Indian rule is. We have been victimized by repression, tyranny, discrimination, and other abuses of our basic, god-given rights. India has used genocide, murder, torture, rape, and everything in its arsenal to destroy the Sikh Nation. It has even blown up its own airliner to blame it on the Sikhs, as the book *Soft Target*, written by two Canadian journalists, proves beyond a doubt. They paid former Punjab governor Surendra Nath $1.5 billion to foment and support terrorism in Punjab and Kashmir.

The present Sikh leadership is dishonest, corrupt, and completely under Indian control. They are complicit in the crimes of the Indian regime. The book *Chakravyuh: Web of Indian Secularism* by Professor Gurtej Singh shows their complicity. What a shame that they connived with the Indian government

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

before the Golden Temple invasion to murder Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and thousands of other good Sikhs who were working for Sikh freedom. Over 20,000 Sikhs were murdered in the attack on the Golden Temple and 38 other Sikh Gurdwaras throughout Punjab, Khalistan in June 1984. Another 20,000 were killed in the November 1984 massacres in Delhi and other cities. Overall, the Indian government, which boasts about being "the world's largest democracy," has murdered over 250,000 Sikhs since 1984. The death sentence given to Professor Devinder Pal Singh Bhullar based on a false confession is the latest example of India's effort to eliminate the Sikh religion and intimidate the Sikh Nation.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been picked up, tortured, and killed, then their bodies are declared unidentified and secretly cremated. Then Mr. Khalra was murdered in police custody. His body was not given to his family. Rajiv Singh Randhawa, the only witness to the Khalra kidnapping tried to give a petition to Jack Straw, then the British Home Minister and now its Foreign Minister, outside the Golden Temple in Amritsar. For this, he was arrested and tortured.

Similarly, the police murdered former Jathedar of the Akal Takht Gurdev Singh Kaunke. His body was not handed over to his family. No one has been brought to justice for the Khalra kidnapping and murder. The murderer of Akal Takht Jathedar Gurdev Singh Kaunke, SSP Swaran Ghotna, has never been brought to trial. Nor have those who carried out the massacre of 35 Sikhs in Chithisinghpora three years ago this month.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Yet Chief Minister Amarinder Singh denies that there are any political prisoners at all. Have they murdered them all? Most of these political prisoners were taken into illegal custody under the Beant Singh regime, a Congress government. Can't Amarinder Singh find these records? Amarinder Singh should be commended for prosecuting corrupt government officials. Now he should keep his promise to prosecute Parkash Singh Badal and his family for their corruption during his tenure as Chief Minister. He sold government jobs for money. Services were only delivered after they received bribes. His wife Surinder Kaur is so experienced at this corrupt practice that she could tell the amount of money in a paper bag just by lifting it. What a shame for the Akali government! The Badal family has tarnished the pious Akali name of the first half of the last century. That Sikh leadership gave sacrifices for the glory of the Khalsa Panth.

The Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs, according to a 1994 report from the U.S. State Department. One of these bounties was paid to a policeman who killed a three-year-old boy! In another case, a man brought suit because he had been listed as having been killed in one of these incidents but was actually alive. Who was murdered in his place?

The legs of the driver for Baba Charan Singh were tied to two jeeps which drove off in opposite directions and he was torn in half. An attorney in Ropar who defended Sikh youth was picked up along with his wife and his two-year-old son. They were made to "disappear" just like 50,000 other Sikhs. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution.

The Sikh nation has awakened. I call on all Sikhs to support the Khalsa Panchayat. These good Sikhs forced Jathedar Manjit Singh of Kesgarh to resign. Now Jathedar Vedanti must resign along with him. Please help the Khalsa Panchayat in these efforts. And work to build a party that will lead a Shantmai Morcha to liberate our homeland, Khalistan, from Indian occupation. Just as the Akalis took control from the Mahants of the last century, we must take control of our future from the new Mahants, the present Akali leadership and Indian-controlled Jathedars.

India is on the verge of disintegration. Khalistan will soon be free. Home Minister L.K. Advani said that if Kashmir goes, India goes. The Kashmir problem has been internationalized. The only way to solve the Kashmir problem is to have a referendum where the Kashmiri people can decide their own future. With self-determination, the Kashmiri people will either be independent or go with Pakistan. Either way, Kashmir is going to go. As soon as Kashmir goes, Khalistan will be independent within a year. We can achieve freedom much earlier if our leadership is not under Indian control and they are sincere and honest.

Only in a free Khalistan will the Sikh Nation prosper. Only then will the Sikh Nation get justice. India must start acting like a democracy and allow self-determination in the form of a free and fair plebiscite on independence for Punjab, Khalistan and the other nations seeking their freedom from India. Let us join hands to secure our freedom, for ourselves and future generations.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2003

SPEECH OF

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Mr. STRICKLAND. Mr. Speaker, I speak on the floor today in opposition to H.R. 5 and in opposition to the closed rule under which we are debating the bill.

I have heard from doctors and hospitals throughout my district that they are struggling with high malpractice rates. I think we all recognize that this is a big problem in many regions of the country, and I believe we must take action to ensure patients can continue to access quality and timely health care. In my rural Ohio district, access to care is a constant problem for many of my constituents. I hear the voices of the family practice physicians who tell me they no longer may be able to afford to deliver babies. In some cases in Ohio, pregnant women must travel long distances for prenatal care and delivery services because there is only one doctor providing these services throughout a county. Something must be done, but I do not think HR 5 gets it done.

These are the reasons I have cosponsored H.R. 1124, which has been introduced by Rep. Dingell. H.R. 1124 would address high malpractice rates through moderate tort reforms, requiring attorneys to submit a certificate of merit declaring a case to be meritorious, and requiring medical malpractice insurance companies to dedicate at least 50% of the savings from these tort reforms to reducing the insurance premiums paid by physicians and other health professionals. In addition, H.R. 1124 attempts to look at the broad issues that may have contributed to the high malpractice rates doctors across the country are facing by establishing an independent advisory commission on medical malpractice insurance. I wish Congress had acted quickly and in a bipartisan fashion last year—had we done so, we may already have more answers about why rates are now as high as they are. And finally, H.R. 1124 would create a grants program through the Department of Health and Human Services to ensure that areas affected by high malpractice rates do not suffer a shortage of providers. However, we will not even hear debate about these provisions or others because the Leadership passed a closed rule that limits debate to the base bill. This does a disservice to the American people, to the House, and to the health care providers we want to help.

I believe H.R. 5 will not address the high malpractice rates our doctors are confronting. H.R. 5 fails to address or even acknowledge the complicated nature of this problem: my colleagues who have introduced H.R. 5 haven't considered how the insurance industry may have contributed to the high rates or considered how individual states' systems have affected malpractice rates.

Throughout the Energy and Commerce Committee's consideration of H.R. 5, 1 spoke about two provisions in, H.R. 5 that I strongly oppose.

First, H.R. 5 would limit the liability of HMO'S, drug companies, and nursing homes. These companies have never come to me to explain why their liability should be limited; in fact, I strongly believe consumers should have the right to use every tool possible to collect damages if they are injured by a drug or device company whose product is defective. My constituents have access to prescription drugs—the drugs are there in the pharmacy, ready to be purchased, and the drug companies aren't going out of business. Unfortunately, many of my constituents, especially seniors, can't afford to pay the prices these companies are charging. Since the drug companies are doing quite well, I think it's safe to say that they don't need the further protections H.R. 5 would afford them.

Second, I cannot support H.R. 5 because of its $250,000 limit on noneconomic damages. Noneconomic damages are awarded by a jury to compensate a victim for intangible pain and suffering. These damages are often very important to low income adults, women, and children who often would not recover a large economic damage award when they are injured. In addition, someone whose injury is purely cosmetic may not have economic damages because the injury doesn't directly affect his or her ability to work. For example, the facial disfiguration 17–year-old Heather Lewinski has had to live with for the past 9 years because when she was 8 years old a plastic surgeon committed clear malpractice and scarred her for life. The years of pain and suffering Heather has lived with and testified to before the Energy and Commerce Committee two weeks ago are real. Heather's lawsuit against the plastic surgeon who injured her resulted in zero economic damages, but she did receive compensation in the form of noneconomic damages. H.R. 5 would have limited her award to $250,000. 1 cannot vote for legislation that would arbitrarily limit the damages that might be so important to the average American who finds themselves injured through medical malpractice. Although proponents of H.R. 5 contend that the bill will limit frivolous lawsuits, I believe it will not do so; instead, this provision would arbitrarily cap meritorious claims of malpractice.

I ask my colleagues: if we trust our jury system to make decisions about life and death, I believe we must be able to trust that jury system to make decisions about money.

The increase in malpractice rates is a huge problem for doctors and hospitals, and that is why I wish this bill had been crafted with input from the leaders of both parties. At the least, I wish we had the benefit of an open rule that would allow real debate here on the floor. I will not support this bill because I think it fails to prevent frivolous lawsuits, fails to address the problems with the insurance industry, and fails to provide direct relief to communities that are struggling with access problems resulting from high malpractice rates.

PROCLAMATION—POLICE-FIRE MERGER PLATINUM ANNIVERSARY, KALAMAZOO DEPARTMENT OF PUBLIC SAFETY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. UPTON. Mr. Speaker, I rise today to recognize the Kalamazoo Department of Public Safety. In 1983, it was determined that the combination of Kalamazoo police and fire services could serve as an effective method of providing more efficient and productive use of resources and employees. By cross-training personnel in both disciplines, the fire department's 164 firefighters and the police department's 219 law enforcement positions were consolidated into 383 multifunctional employees. This streamlining provided an excellent public safety service to the community while minimizing expenses. The Department of Public Safety has continued to evolve and improve since its inception—forming specialty units and services and using state of the art technology. Today, the department is the largest public safety organization in the country, with 315 highly trained and educated employees, and 2003 marks the 20th year of these combined police and fire services. I wish them many more years of continued success.

RECOGNIZING MR. RONALD J. RUFFENNACH

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. EDWARDS. Mr. Speaker, I would like to recognize Mr. Ronald J. Ruffennach for his many years of hard work, initiative and dedication to the U.S. Army Corps of Engineers and our Nation.

Ron has served the Corps for 30 years. His career encompasses working in the Pittsburgh District, Europe, and the Savannah District before transferring to the Southwestern Division's Fort Worth District Office in 1984. During his career, he has been called upon to accomplish many significant projects for the Corps of Engineers.

Ron is recognized as a leader and expert in the Corps' Public Affairs community. He has often been sought out to provide valuable public relations expertise during disaster recover efforts. His expertise was invaluable in 1989 following Hurricane Hugo in South Carolina and the earthquake in northern California; in 1991, when he was assigned to the Defense Reconstruction Assistance Office during the Kuwait Recovery; and in 1993 when he was called to the Corps' Civil Works Forward Office following the Midwest flood event.

While in the Fort Worth District, Ron's unique and selfless dedication, as the Chief of Public Affairs and Legislative Affairs, is instrumental in building partnerships and achieving consensus on many important projects in the State of Texas, Louisiana, New Mexico, and beyond. My staff and I have personally called upon Ron to assist us in obtaining valuable assistance on projects in my district and throughout the State of Texas.

In the community, Ron has been a trusted and well-known leader and public servant. He is a 1993 graduate of Leadership Fort Worth, and an active member of the St. Vincent De Paul Catholic Church, where he is a Eucharistic Minister and an active member of the Men's Club. He served as a past president of the Boy's Select Soccer Club, past president of the Martin High School Soccer Booster Club and was active in local school board issues. He also was a regular volunteer at the Arlington night shelter.

Over the past few years, Ron has experienced serious health issues. However, not once during that period did Ron's commitment to the nation, the Corps of Engineers, and his family waiver.

I know that you, Mr. Chairman, and the other members of the subcommittee would like to join me in thanking Mr. Ronald J. Ruffennach for his long, dedicated, and faithful service to the nation, the Army, and to this committee. Thanks, Ron.

IN HONOR OF SAINT WENDELIN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the parish community of Saint Wendelin Church, as they celebrate one hundred years of healing and hope in Cleveland's Ohio City neighborhood. Throughout the past century, Saint Wendelin's has served as a spiritual refuge, opening its doors to any soul in search of guidance and peace.

The ministry of Saint Wendelin's began in 1903, originally serving the Slovak community of Cleveland's near west side. On May 3rd of that same year, the community received permission to found Saint Wendelin Parish. A small church was soon constructed and on December 6, 1903, Father Koudelka celebrated Saint Wendelin's first mass. Not long after, the Sisters of Notre Dame established Saint Wendelin's School. The order would continue to provide quality Catholic education for the next seventy years.

In 1925, the current church and school complex was dedicated. Always reaching outward, Saint Wendelin's welcomes all believers to join in worship. It is a testament to the Saint Wendelin ministry that Catholics from all corners of the city heed the call to celebrate at the little church on Columbus Avenue.

Cleveland's vital tradition of Catholic education is reflected at Saint Wendelin's with their active participation in the Urban Community School. Saint Wendelin's facilities serve as a second home to over 300 students of Urban Community School.

My fellow colleagues, please join me in honor and recognition of every member of Saint Wendelin Church, and its leaders—Pastor Jerome Lajack and Deacon James J Armstrong, as they celebrate mass with Bishop Anthony Pilla in commemoration of one hundred years of service to God and community. Saint Wendelin parish continues its dedication to social justice and spiritual healing—within the neighborhoods of Ohio City, and the world community beyond.

IN RECOGNITION OF DOMINIC POLIMENI WHO RETIRES AFTER 13 YEARS OF DEDICATED AND DISTINGUISHED SERVICE AS CITY COUNCIL MEMBER FOR THE CITY OF SAN GABRIEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Dominic Polimeni who will retire from the San Gabriel City Council after 13 years of service to the city and community.

Born May 23, 1940, in Dunmore, PA, Dominic Polimeni was raised and educated in Buffalo, NY. He attended the University of Buffalo and graduated from Bryant and Stratton Business Institute. A 31-year resident of San

Gabriel, Mayor Polimeni was elected to the San Gabriel City Council in April, 1990.

Reflecting a team spirit approach and courteous respect for others, Mayor Polimeni's example encouraged a cohesive city council whose collective objective is to put San Gabriel first in order to accomplish community and regional goals.

Dominic Polimeni's city council highlights include building municipal economic reserves, creation of an Economic Redevelopment Agency, revitalization of the historic San Gabriel Mission District, implementation of the $5 million Millennium Miles Program to rehabilitate San Gabriel's streets, seismic and ADA retrofitting of City Hall, restoration of the legendary San Gabriel Civic Auditorium, the three-acre Smith Park Expansion Project, created ordinances and supported public safety and other department programs to improve the quality of life for San Gabriel residents.

An active member of the San Gabriel community, he has supported and participated in the creation of exciting, fun-filled programs and events to educate and communicate the unique story that is San Gabriel and celebrate San Gabriel's diversity such as the Alhambra-San Gabriel Lunar New Year Parade and Festival, Christmas in April, Three-day San Gabriel Birthday & Festival, California History Day, Mission District Mercado, National Night Out, and Kids Day.

Dominic Polimeni retired from the County of Los Angeles as Administrator of Alhambra Municipal Court in 1996 after a distinguished career spanning 36 years. Mayor Polimeni and his wife Barbara, will celebrate 39 years of marriage this year, and have three children and five grandchildren.

I ask all Members of Congress to join me today in congratulating Dominic Polimeni on a truly exemplary professional and public service career, and for his dedication and unwavering commitment to the city of San Gabriel.

ERITREA: A FRIEND THAT DESERVES RECOGNITION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. BURTON of Indiana. Mr. Speaker, the small nation of Eritrea occupies a very strategic location on the coast of the Red Sea. This is an area that is and will continue to be very important to our country's security interests. Fortunately, Eritrea is a stable, reliable friend of the United States. Practically alone in its region and in its continent of Africa, Eritrea is developing a democratic, accountable, and responsible government.

I have been privileged to know many of Eritrea's leaders, since the time that they were freedom fighters struggling against the communist Mengistu regime in Ethiopia. Over all these years, they have been consistent in advocating, and implementing decent values. I am especially gratified that Eritrea is one of the countries standing shoulder to shoulder with us now in the "Coalition of the Willing". I might add that they are one of only two countries in all of Africa to do so.

I would like to insert into the CONGRESSIONAL RECORD an excerpt of an article written by Robert Kaplan, which appeared in the April issue of the Atlantic monthly and focuses on Eritrea. I commend this article to all my colleagues in Congress who want to know which countries of the world are deserving of the label "U.S. ally" and worthy of American support.

ERITREA

On the Horn of Africa, just a forty-five-minute flight from Yemen, across the Red Sea choke point of the Bab el Mandeb ("The Gate of Lament"), is the newly independent, sleepily calm, and remarkably stable state of Eritrea. While the West promotes democracy, market liberalization, military demobilization, and the muting of ethnic hatreds as necessary to domestic tranquillity, Eritrea, at least for the moment, provides a rejoinder to all that. The country has achieved a degree of non-coercive social discipline and efficiency enviable in the developing world and particularly in Africa—and it has done so by ignoring the West's advice on democracy and development, by cultivating a sometimes obsessive and narcissistic dislike of its neighbors, and by not demobilizing its vast army, built up during a thirty-year conflict with Ethiopia, unless there are jobs waiting for the troops.

Whereas Yemen's streets and shops are plastered with photos of President Saleh (whose cult of personality is mild compared with those of other Arab and African leaders), one never sees such photos of the Eritrean President, Isaias Afewerki, the veritable founder of this country. For decades Afewerki led a low-intensity guerrilla movement that finally wrested independence from Ethiopia in 1991. "Photos of me would create an air of mystery and distance from the people," he told me in December. "It's the lack of photos that liberates you. I hate high walls and armed guards." While other leaders in the region live inside forbidding military compounds, Afewerki lives in a modest suburban-style house and greets people in his secretary's office, which sits at the end of an undistinguished corridor. He moves around the capital in the passenger seat of a four-wheel-drive vehicle, with only one escort car, stopping at red lights. Western diplomats here say they have seen him disappear into large crowds of Eritreans without any security detail at all. "It's easy to put a bullet in him, and he knows it," one foreign diplomat said to me.

Security, which consumes the Western diplomatic and aid communities in Sana'a (and everywhere else in the Middle East), is barely an issue in Asmara, Eritrea's capital. Despite its tattered storefronts, Asmara not only is one of the cleanest capital cities in Africa but also may be the only capital south of the Sahara where one can leave the car doors unlocked or prowl the back streets at all hours without fear of being robbed, even though the police are barely in evidence. American, Israeli, and other resident diplomats and aid administrators in Eritrea move freely around the country without guards or other escorts, as if they were at home.

Desperately poor and drought-stricken, with almost three quarters of its 3.5 million inhabitants illiterate, Eritrea nonetheless has a surprisingly functional social order. Women run shops, restaurants, and hotels; handicapped people have shiny new crutches and wheelchairs; people drive slowly and even attend driving school; scrap-metal junkyards are restricted to the urban outskirts; receipts are given for every transaction; there are few electricity blackouts from sloppy maintenance or badly managed energy resources. Foreign diplomats in Asmara praise the country's lack of corruption and its effective implementation of aid projects. Whereas rural health clinics in much of Africa have empty shelves and unexplained shortages of supplies, clinic managers in Eritrea keep ledgers documenting where all the medicine is going.

An immense fish farm near the port of Massawa testifies to Eritrea's ability to utilize foreign aid and know-how. The 1,500-acre complex channels salt water from the Red Sea, purifies it, and then uses it to raise shrimp in scores of circular cement tanks. The nutrient-rich excess of that process is used for breeding tilapia, a freshwater fish. The remaining waste water is pumped into asparagus and mangrove fields and artificially created wetlands. Though the operation was initially overseen by a firm from Phoenix, Arizona, and for a time employed an Israeli consultant, the consultant is now only rarely used. The Eritreans themselves run the operation in every respect.

Such initiative and communal discipline are the result of an almost Maoist degree of mobilization and an almost Albanian degree of xenophobia—but without the epic scale of repression and ideological indoctrination that once characterized China and Albania. The Eritrean xenophobia and aptitude for organization are, as Eritreans never cease to explain, products of culture and historical experience more than they are of policy choices. Eritrea never had feudal structures, sheikhs, or warlords. Villages were commonly owned and were governed by councils, or *baitos*, of elders. "It was not a society deferential to individual authority," I was told by Yemane Ghebre Meskel, the director of President Afewerki's office, "so we didn't need Marxist ideology to achieve a high stage of communalism." Wolde-Ab Yisak, the president of the University of Asmara, observed, "Communal self-reliance is our dogma, which in turn comes from the knowledge that we Eritreans are different from our neighbors." (On my flight out of Eritrea, I overheard a teenage Eritrean girl from the diaspora lecturing her younger siblings in American English about how "the Ethiopians murdered our people.")

A monument in downtown Asmara definitively symbolizes such self-reliance, collectivity, and rudimentary survival. The monument celebrates not an individual, or even a generic guerrilla fighter, but a giant pair of sandals—shedas, in the native Tigrinya language. Such sandals, worn by every Eritrean fighter during the long struggle with Ethiopia, were homemade from recycled tire rubber, and gave fighters the ability to move quickly in the stony desert war zone. The monument shows what mythic proportions the conflict with Ethiopia has achieved in the minds of Eritreans; it has come to supersede the power of religion itself, in a society split evenly between Islam and Orthodox Christianity. This is an impressive achievement on a continent where Muslims and Christians are forming increasingly antagonistic group identities.

Eritrea's clarified sense of nationhood, rare in a world of nation-states rent by tribalism and globalization, is in part a legacy of Italian colonialism. "We acknowledge that the legacy of colonialism was not all negative," says Yemane Ghebreab, the political-affairs officer of the People's Front for Democracy and Justice—successor to the country's guerrilla force, the Eritrean People's

Liberation Front. Having conquered Eritrea in the late nineteenth century, the Italians had by the late 1930s turned their new colony into one of the most highly industrialized places in Africa, with road and railway networks that united a people previously divided by mountains and deserts. To drive from Asmara to Massawa—a descent of more than 7,500 feet in only seventy miles, down tangled vertebrae of coppery-green peaks, on a road of never-ending switchbacks, bridges, and embankments, built by Mussolini in the mid-1930s and kept in excellent condition by Eritrean highway crews working seven days a week—is to experience the historical energy of the industrialized West transplanted successfully to an African nation.

Another benefit of Italian colonialism, according to Ghebre Meskel, was town planning. Rather than concentrate everything in Asmara, the Italians developed Massawa and similar towns so as to prevent the overcentralization that now plagues other developing countries. To stem migration into Asmara and preserve this legacy, the Eritrean government has tried to improve life in rural areas; thus Asmara is not surrounded by shantytowns that might breed political extremism.

Following the defeat of Fascist Italy in World War II, and the dissolution of its East African empire, the new United Nations voted to incorporate Eritrea into Ethiopia. The Eritreans, unhappy with this decision, finally revolted in 1961. For thirteen years Eritrean guerrillas fought an Ethiopia backed by the United States. In 1974, when Ethiopia's Emperor Haile Selassie was overthrown, leading to a Marxist regime headed by Mengistu Haile Mariam, Eritrean guerrilla activity did not cease, and from then on the Eritreans fought an Ethiopia backed by the Soviet Union. Despite their ability to grind away at a Soviet-supplied war machine, which featured MiG fighter jets in the air and Soviet generals on the battlefield, the secretive and independent-minded Eritreans received no aid under the Reagan Doctrine (a U.S. program for arming Third World anti-communist insurgencies). Nevertheless, in 1991 Eritrean and Tigrean guerrillas, fighting on separate fronts, defeated Mengistu, and Eritrean tanks rolled triumphantly into the Ethiopian capital of Addis Ababa. In the minds of the Eritreans, they had fought and won a three-decade struggle against a state ten times as populous, with no help from either of the superpowers or anyone else in the outside world. They now feel that they owe nothing to anybody, and they are filled with disdain for international opinion. (A taxi driver berated me for the West's focus on the crimes of the former Yugoslav dictator Slobodan Milosevic; Mengistu, he said, was responsible for at least twice as many deaths through his collectivization programs, but now lives in lavish exile in Zimbabwe.)

In 1996, following a long series of town meetings, the Eritreans drafted what one foreign diplomat has called "an impeccable constitution." But a second war with Ethiopia erupted in 1998, and the constitution has never been implemented. That war lasted until 2000; by some estimates it left 19,000 Eritreans and 60,000 Ethiopians dead, after tanks and fighter jets engaged in desert combat reminiscent of the Arab-Israeli wars of 1967 and 1973. A U.S.-brokered ceasefire has resulted in the current demarcation of the disputed border under UN auspices.

Since this latest war the very stubbornness and social discipline that continue to make Eritrea the most civil of societies, in ways rarely considered by Western journalists and policy elites, have also made it a pariah in Europe and the United States—and for good reason. In 2001 national elections were postponed indefinitely (though free and fair elections at the village level were under way at the time of my visit). Far more disturbing, though, is that Eritrea now has the worst press repression in Africa. And in a widespread government crackdown on political dissent, eleven high-ranking officials, nine journalists, several businessmen, and two Eritreans working for the political and economic sections of the U.S. embassy were arrested; they are still being held without charges. Moreover, a campaign of national mobilization requires young men and women to spend eighteen months in the military or the civil service: a good idea in principle, but they are often kept much longer, with no guaranteed release date. That, together with the political repression and the exceedingly slow pace of economic reform, has induced young people to quietly leave the country. An increasingly disaffected diaspora has refused to invest substantial amounts in Eritrea until conditions have been liberalized.

"We're not asking all that much," one foreign diplomat told me. "They don't even have to hold national elections. If they would just implement a version of China's economic reforms, this place could bloom overnight, like Singapore, given its social control and small population." But several diplomats admitted that the sense of patriotism is so strong here, except among some of the urban elite in Asmara, that they detect no widespread unhappiness with the regime. "The change would have to come at the top," one foreign resident told me. "It's not altogether impossible that we will wake up tomorrow morning and learn that Isaias is no longer around." Another outside expert told me that he has not given up on the President, but if 2003 goes by without some political and economic reforms, he will consign Afewerki to the ranks of boorish African strongmen.

My first interview with Afewerki was in 1986, in a cave in northern Eritrea, during the war with Ethiopia. That meeting had been scheduled for ten in the morning—and at ten exactly he walked in and said, "You have questions for me?" He hasn't changed. He was just as punctual when we met this time, and he spoke in the same blunt and remote tone, with the same shy asceticism. He spoke in intense, spare bursts of cold analysis—in contrast to the gasbag homilies one hears from many Arab and African politicians—for more than two hours. Afewerki may be the most intellectually interesting politician in the history of postcolonial Africa.

"All that we have achieved we did on our own," he said. "But we have not yet institutionalized social discipline, so the possibility of chaos is still here. Remember, we have nine language groups and two religions. No one in Africa has succeeded in copying a Western political system, which took the West hundreds of years to develop. Throughout Africa you have either political or criminal violence. Therefore we will have to manage the creation of political parties, so that they don't become means of religious and ethnic division, like in Ivory Coast or Nigeria." He went on to say that China was on the right path—unlike Nigeria, with its 10,000 dead in communal riots since the return of democracy, in 1999. "Don't morally equate the rights of Falun Gong with those of hundreds of millions of Chinese who have seen their lives dramatically improve," he told me.

Yemen, Afewerki thinks, is "a medievalist society and tribal jungle going through the long transition to modernity." He accused it of advancing an "Arab national-security strategy against Israel," a country he openly supports. However, he accepted the international arbitration that awarded the disputed Hanish Islands, in the Red Sea, to Yemen. As for Ethiopia, he said it could fragment, because it is controlled by minority Tigreans who have created a Balkanized arrangement of ethnic groups (Amharas, Oromos, and so on) rather than trying to forge an imperial melting pot, in the way of Halle Selassie.

Despite Afewerki's refreshing, undiplomatic brilliance, a few hours with him can be troubling. His very austerity, personal efficiency, and incorruptibility are mildly reminiscent of Mengistu himself (who also suffered from a seeming excess of pride), even though the latter was a mass murderer and Afewerki could yet turn out to be among Africa's most competent rulers. Civilization in the Home of Africa has often bred sharp political minds that, with cold efficiency, dealt with their intellectual enemies not through written attacks but by imprisoning or killing them. And it is said repeatedly in Asmara that the President has closed himself off since arresting the very people who challenged him intellectually.

General Franks, on several visits here, and Secretary of Defense Donald Rumsfeld, during a visit last December, have held long talks with Afewerki. "The meetings were superb," Afewerki told me. "I mean that they were frank, without pretensions or flattery on either side. I share the strategic view of the Americans in the region. French forces in Djibouti have been a stabilizing factor, and U.S. troops will add to that. You need outside powers to keep order here. It sounds colonialist, but I am only being realistic."

When I pressed Afewerki about human-rights abuses, which Rumsfeld had pointedly raised in their meeting two weeks earlier, he said, "If you just leave us alone, we will handle these matters in a way that won't damage our bilateral relationship and won't embarrass us or you." He indicated that he would be more likely to satisfy U.S. demands on human rights in the context of a growing military partnership, but would not do so if merely hectored by the State Department.

I worried that Afewerki, like many other realists, is obsessed with everything that could go wrong in his country rather than with what could go right. True realism requires a dose of idealism and optimism, or else policy becomes immobilized. And that might be Afewerki's problem. He seemed more comfortable when I first met him, in a state of wartime emergency, than he does now, in a state of peacetime possibility. He analyzes brilliantly what he knows, but he gives in to paranoia about what he doesn't know. He did not seem to understand that U.S. foreign policy is often a synthesis of what the State and Defense Departments are comfortable with, and that therefore Foggy Bottom alone cannot be blamed for Eritrea's image problems in the United States.

Nevertheless, Afewerki has essentially offered the United States exactly what it wants: bases enabling its military to strike at anyone in the region at any time, without restrictions. Although the World Bank has questioned the economic viability of a new airport at Massawa with a long jet runway, Afewerki reportedly told Rumsfeld, "The runway can handle anything the U.S. Air Force wants to land on it." Eritrea also boasts deepwater port facilities at Massawa

> and Assab, both strategically placed near the mouth of the Red Sea.
>
> Afewerki told me, "The increasing social and economic marginalization of Africa will be a fact of life for a very long time to come." Ethiopia in particular, he said, will weaken internally as the Oromos and others demand more power. Its Tigrean Prime Minister, Meles Zenawi, already lives inside a vast security apparatus designed for his protection. Meanwhile, across the Red Sea in Yemen, not only water but oil, too, is running out even as the armed young population swells, potentially threatening the political order of significant parts of Arabia. And with fighting terrorism now a permanent strategic priority of the United States, the stability and discipline of Eritrea make it the perfect base for projecting American power and helping Israel in an increasingly unstable region. That, in turn, might foster the Singaporean kind of development for which, according to some, Eritrea appears suited.

So there you have it: Yemen and Eritrea, two case studies in the war on terrorism. In Yemen the United States has to work with unsavory people in a tribalized society in order to prevent more-unsavory people from destabilizing it to the benefit of Osama bin Laden. In Eritrea the United States may have to use a bilateral military relationship to nudge the country's President toward prudent political and economic reform, so that Eritrea, too, won't be destabilized. Thus our military involvement with both nations will mean political involvement in their domestic affairs-and throughout the ages that has been the essence of imperialism.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Ms. SOLIS. Mr. Speaker, I rise in strong support of the courageous men and women serving in our Armed Forces.

As we speak tonight, over 200,000 American soldiers are facing the reality of war straight in the eye. Thousands more here at home and around the world are also protecting us from harm and defending our freedoms. We honor all of them today for their dedicated service to our country.

Two weeks ago, I was proud to join my colleagues in voting for a resolution to commend our troops. The resolution was passed unanimously.

With the outbreak of war upon us, we should send another clear message to the troops that we stand united behind them. I am very disappointed, however, that my colleagues on the other side of the aisle have chosen to use this resolution not simply as an opportunity to express our gratitude to the troops, but also as a political tactic to bolster the President's war agenda. This resolution contains political praise for policies that have brought us to war. This language was unnecessary in a resolution designed to commend our troops.

Last fall, I joined over 120 of my colleagues in voting against authorizing the President to use military force against Iraq. The concerns that led me to oppose that authorization remain.

I continue to be troubled by the policies that have led to this war, particularly the doctrine of preemption and the lack of broad international support. We need to repair our diplomatic relations with our allies and countries with which we have had good relations.

We will need a strong coalition of allies to rebuild Iraq. These partnerships are also valuable to our global war on terrorism.

In my home state of California, over 8,000 National Guard members and 10,000 reservists have been called to duty. These individuals have left their jobs, postponed their education, and said goodbyes to their loved ones to serve their country in a time of war. They've put their lives on hold to go to serve their country during a time of war.

Recently, I visited some of these reservists who were being deployed from my district. They were men and women from diverse backgrounds and cultures. Men and women who never imagined that they would find themselves being deployed to fight war. I could see the fear of war in their eyes. I also saw determination, the strength of a soldier ready for battle.

Tonight, I think of these men and women and the thousands of others that have left their homes and families to serve their country. They're our husbands and wives, mothers and fathers, sisters and brothers, nieces and nephews, and granddaughters and grandsons.

We must let our loved ones know that we support them, especially at this critical stage in this military conflict. That is why I will support this resolution despite my strong disagreement with some aspects of it. I want the troops to know that I stand behind them and commend them for their commitment to defending freedoms here and abroad.

I hope and pray that this military conflict will be brief and with the least possible loss of human lives. I extend my special prayers to men and women in uniform and their families during this difficult time, and I look forward to welcoming them home soon.

ELECTION OF MEMBERS TO CERTAIN JOINT COMMITTEES OF THE HOUSE AND SENATE

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I am pleased to support H. Res. 134, which elects Members of the House to serve on the Joint Committee of Congress on the Library and the Joint Committee on Printing, as provided for in the applicable statutes relating to these two entities.

All of these members also serve on the Committee on House Administration, except in the case of the Joint Library Committee, where we will again be joined, pursuant to a new statute enacted in 2000, by the chairman of the House Appropriations Subcommittee on the Legislative Branch.

The House and Senate will each have three Majority and two Minority members on both panels. The Senate passed a resolution, S. Res. 84, electing its members to the two joint committees on March 13.

The subject matter under the jurisdiction of the joint committees requires bicameral oversight which neither chamber can exercise alone.

The Joint Committee on the Library, created originally in 1802, currently oversees the Library of Congress, the Congressional Research Service and the Botanic Gardens. It operates much like a "board of trustees" in relation to the Librarian of Congress, who is a presidential appointee, and other key Library personnel.

It supervises the Architect of the Capitol in his administration of the Botanic Gardens.

It supervises works of fine arts, including the National Statuary Hall Collection in the Capitol, and directs the Architect in his role in administering fine arts issues within the joint committee's jurisdiction.

The Joint Committee on Printing, created in 1846, establishes rules for congressional printing and generally oversees operations of the Government Printing Office (GPO).

In the 107th Congress, the JCP held hearings on the Administration's misguided proposal to allow executive agencies to bypass GPO and procure printing elsewhere, in violation of Federal law. Congress subsequently moved to block implementation of this proposal, and I anticipate further oversight on this subject during the current Congress.

The two joint committees do not have authority to receive or report legislation. However, both can hold hearings, issue reports and directives, and take other actions which have a substantial impact on the entities within their control, including matters relating to the expenditure of funds.

Mr. Speaker, since the three Minority members of the House Administration Committee are all new to that panel, none of us has ever served on a joint committee of Congress. I look forward to serving as ranking minority member of the Joint Committee on the Library once the joint committee has organized itself and, as expected, chooses Senator STEVENS of Alaska to once again serve as the chairman under the traditional rotation between the two chambers.

Rep. JUANITA MILLENDER-MCDONALD will also serve on the panel. As a former city councilwoman, mayor, and state assemblywoman with a professional background in education, she brings a significant breadth of experience to the committee's work. I have also served with her on the Digital Divide Caucus in the House, and look forward to working with her to support initiatives the Library of Congress has taken to make information more broadly available to the public.

On the Joint Committee on Printing, where Rep. NEY will again be chairman in the 108th Congress under the rotation, I will be joined by Rep. BOB BRADY of Philadelphia, Pennsylvania, who succeeds another Member from that city serving on the panel, Rep. FATTAH.

It is fitting that we will have BOB on the JCP since he represents Philadelphia, where Benjamin Franklin established an innovative printing business at age 22, publishing newspapers, pamphlets and cartoons. BOB BRADY is a cross between Ben Franklin and Rocky Balboa.

WOMEN'S CANCER RECOVERY ACT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. LoBIONDO. Mr. Speaker, I rise today to speak on behalf of the Women's Cancer Recovery Act, a bill I introduced today with my colleague, Representative SUE MYRICK. This important piece of legislation would provide a significant measure of relief for women across our Nation who are confronted by breast cancer. We introduce this bill on behalf of women who are now fighting the battle against breast cancer, and for any friends and relatives who may have lost a loved one to this terrible disease.

According to the National Breast Cancer Foundation, this year 182,000 new breast cancer diagnoses are expected in the United States. Fortunately, with increased early detection through mammography and improved surgery options, the past two decades have seen large improvements in the treatment of breast cancer. However, although some of the trauma associated with breast cancer treatment has been reduced, in recent years there has been a sharp rise in the number of outpatient, or "drive-through," mastectomies. Of particular concern to me is that insurance plans, rather than the patient and her physician, have been determining the appropriate length of postoperative hospital stay.

Specifically, our legislation would address these concerns by requiring insurance plans that provide breast cancer medical and surgical benefits to guarantee medically appropriate and adequate inpatient care following a mastectomy, lumpectomy or lymph node dissection. This legislation will help to end the practice of "drive-through" mastectomies and will also protect doctors from any penalties or reductions in reimbursement from insurance plans when they follow their judgment on what is medically appropriate and necessary for the patient.

Most importantly, group health insurers will not be able to provide "bonuses" or any other financial incentives to a physician in order to keep in-patient stays below certain limits, or limit referrals to second opinions.

Our legislation also requires health care providers to pay for secondary consultations when test results come back either negative or positive. This provision will give all patients the benefit of a second opinion in relation to diagnosing all types of cancer, not just breast cancer.

I am proud to say that the Women's Cancer Recovery Act will empower women to determine the best course of care. Recovery time from a mastectomy will not be decided by an insurance company actuary. Rather, it will be decided by someone with medical expertise, which, in most cases, is the familiar face of the woman's doctor.

I hope that this legislation will at least ease some of the fear associated with mastectomies. Breast cancer is devastating enough for a woman and her family to cope with, without the added burden of overcoming obstacles to treatment.

I urge my colleagues to support and adopt the Women's Cancer Recovery Act of 2003.

HONORING ASSISTANT CHIEF DOUGLAS P. MACDONALD ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues who have gathered to celebrate the retirement of one of our community's most outstanding citizens and my dear friend—Assistant Chief Douglas P. MacDonald. Doug has devoted over thirty years of dedicated service to the City of New Haven and its residents, for which we extend our deepest thanks and appreciation.

As a thirty-one year veteran of the New Haven Department of Police Service, Doug is a tremendous example of what it is to be a law enforcement official. Throughout his career, Doug has worked hard to ensure the safety and security of our families. Since he first joined the Department in 1972, he has held the ranks of Detective, Sergeant, and Lieutenant. Appointed Assistant Chief six years ago, Doug has served in various positions including District Manager, Supervisor of the Hostage Negotiation Unit, the Narcotics Enforcement Unit, and the Manager of the Family Services Unit. Doug has demonstrated a unique commitment to public service—leaving a legacy that many will strive to match.

Perhaps even more telling of his commitment has been his work with the Yale Child Study Center in the development of the Child Development—Community Policing Program. This collaboration between the Yale Child Study Center and the New Haven Police Department gave birth to what has become a national model for addressing the needs of children exposed to violence. Doug has been locally and nationally recognized as an advocate for youth and the need for government, municipal agencies, and community organizations to work together to address the issues of youth violence. His work has made a real difference in the lives of thousands of children across the country.

I consider myself fortunate to have been able to work so closely with Doug—especially on issues concerning children and youth violence. Doug has been a source of inspiration to me and many others throughout the community. It is rare that you find an individual who demonstrates such dedication to our most vulnerable citizens. His experience, knowledge, and generosity has been an invaluable asset to both myself and my staff and for that I am truly grateful.

His retirement marks the end of a proud and respected career—a standard to which many will be held in the future. Community leader, advocate, and public servant, I am honored to call him my friend and, though Doug may be retiring from the New Haven Police Department, I will continue to look to him for his advice and counsel. His work in this community is far from completed. For all of his good work, I am proud to rise today to pay tribute to Assistant Chief Douglas MacDonald and to extend my very best wishes to him and his family for many more years of health and happiness.

THE ARTS & EDUCATION CENTER OF GREATER MIDDLESEX COUNTY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. PALLONE. Mr. Speaker, I rise today in honor of Arts Advocacy Week to recognize an organization in my district that works to encourage arts appreciation and education among children in Central New Jersey.

The Arts and Education Center of Greater Middlesex County is committed to enriching the artistic and cultural lives of youths, especially adolescents, through its wide range of innovative arts education programs. To successfully fulfill this mission the Center encourages close cooperation with local community groups and area businesses to advance established programs and foster new and creative arts programming.

The Arts and Education Center was established in 1969 and was tasked with meeting the distinctive artistic and cultural needs of the diverse residents of Central New Jersey. The Center has served as a cultural pioneer and has successfully administered a series of programs that have provided a much-needed outlet for a blossoming local artistic community.

In 1979, the Center established a county-level program that, to this date, allows talented adolescents to attend accredited arts study classes during regular school hours, The Middlesex County Arts High and Middle School provides talented students with an accelerated program of quality arts education. It provides students with the opportunity to work in a stimulating environment under direction of master artists, alongside talented students from around the country. The program works in unison with the local school district and provides a unique opportunity for students to expand their artistic study beyond the classroom.

Mr. Speaker, our nation's educators agree that arts education has a tremendous impact on the developmental growth of our children. Artistic study has been proven to help level the "learning field" across socio-economic borders and many believe that artistic study can deter delinquent behavior and increase overall academic performance. The study of the arts is an important aspect of general education that should not be overlooked and it is critical that we continue to support arts education in our schools and in our local communities.

I urge my colleagues to join with me to commemorate Arts Advocacy Week and continue to recognize The Arts and Education Center and other organizations that are committed to broadening the artistic and cultural horizons of our Nation's youth.

TRIBUTE TO CELIA "CELI" STEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to the life of Celia "Celi" Stein born January 27, 1912, in Cleveland, Ohio. She was the daughter of immigrants who fled their native Minsk in what was then Czarist Russia to escape persecution of Jews. The family settled in Cleveland, Ohio because one of the city's three Yiddish-language newspapers knew her father Bernard Leikind's reputation as a typesetter and offered him a job.

Despite tradition and her father's insistence that women should not attend college, Celia eventually pursued her degree and attended Western Reserve, where she received a BA in French.

As a teenager, Celi met her future husband, David, while playing tennis at a local park. She refused to speak to him because they had not been formally introduced. Later he visited her father and received permission to court her. They were married in 1935.

The couple arrived in Riverdale in 1944 and faced a wartime housing shortage. They were finally able to move into her cousin's apartment building, where they lived ever since.

Celi helped her husband David found the Riverdale Press and continued working in its newsroom for over five decades. As a mentor, she helped talented reporters achieve their dreams. Her civic engagement runs the gamut, from her infamous culinary skills to her leadership in building PS, JHS 141 and several other educational facilities in the Bronx.

Celi was a prominent community leader outside the newspaper office as well, crusading for schools and on behalf of neighborhood social service organizations. She was also first president of PS 24 Parents Association and a leader of the parents associations of each of her son's schools—from the Spuyten Duyvil Infantry to PS 81, JHS 141, Bronx Science and Horace Mann. Also, she served on the board of directors of the Riverdale Mental Health Association for 41 years.

Her long-running recipe column made her the most famous cook in Riverdale. In hundreds of local kitchens, especially during holidays, Riverdalians still pull yellowing copies of "Celi selects" from file boxes and scrapbooks.

Celi's work has been recognized by a wide variety of prestigious organizations such as: Riverdale Neighborhood House, Riverdale Senior Center, Riverdale Community Council, the Anti-Defamation League, among many others. She was also a pioneer of women's rights, and when becoming the first female admitted to Riverdale's Kiwanis Club.

The people of New York lost Celi just 16 days shy of her 91st birthday. Celi's tireless service and commitment to our community won her a place in all of our hearts. She will be sorely missed.

TRIBUTE TO PROFESSOR EDWARD ZIGLER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to honor a dear friend and colleague, Dr. Edward Zigler, who has recently retired after over 40 years as a distinguished professor of psychology at Yale University. Dr. Zigler has been a tireless and effective advocate for children for four decades. I, and many others in this Congress, have counted on his impeccable knowledge of children's development, his wisdom about its application to the Nation's most significant issues facing children and families, and his unassailable honesty and integrity.

Edward Zigler is a Sterling Professor of Psychology, Emeritus, Head of the psychology section of Yale's Child Study Center at the School of Medicine, and Director of Yale's Center in Child Development and Social Policy. He is the author, co-author, and editor of hundreds of scholarly publications and has conducted extensive investigations on topics related to normal child development, child psychopathology and mental retardation. He is the founder of the School of the 21st Century, which has been adopted by more than 1300 schools nationwide.

Because of Dr. Zigler's expertise and his commitment to our Nation's children, he has been asked to assist every Administration, both Republican and Democratic, since the term of President Lyndon B. Johnson. He was one of the planners of Project Head Start during the Johnson Administration. From 1970 to 1972, Dr. Zigler was the first director of the U.S. Office of Child Development (now the Administration on Children, Youth, and Families) and Chief of the U.S. Children's Bureau. President Ford then asked him to consult on the resettling of Vietnamese children following the "Baby Lift". President Carter asked him to write the 15-year report on Head Start.

In his ongoing role as an advisor on the Head Start program, he has worked with several Secretaries of Education, Health and Human Services, Health, Education, and Welfare (HEW); and Labor, including Secretary Bennett in the Reagan Administration and Secretary Riley in the Clinton Administration. Currently, he is on Secretary Tommy Thompson's Head Start Research Committee.

His work extends well beyond the Federal level to his own State of Connecticut, where he has played an instrumental role in establishing high quality school readiness programs for low-income children, and the city of New Haven, where he enlisted the police department in child abuse prevention efforts. The fact that his counsel has been sought consistently by both parties, and by decision-makers at all levels of government through the years is a testament to his nonpartisan focus on what research indicates is best for children.

Even a brief review of Zigler's research and writing makes it abundantly clear why his advice has been sought by so many for so long. Starting with an interest in mental retardation, Zigler's theory that children who experience an inordinate amount of failure would do better in school if they believed they had a chance to succeed, captured the imagination of the Planning Committee for Head Start in 1965. It was not long before Zigler was asked to head the agency responsible for Head Start. Thus began his sojourn into public policy. Since then, in addition to his sustained commitment to ensuring that Head Start offers young children living in poverty the comprehensive services they require to enter school ready to learn, Zigler has worked on issues ranging from child abuse to child care to children exposed to the trauma of war. He and his students have surveyed child care standards in the States as well as their preschool programs to raise awareness of the importance of quality and to guide policy makers in mandating better programs. He has been a pioneer in the development of effective family support programs. His work on child abuse and neglect has guided significant Federal and State legislation aimed at preventing this tragic social problem. During the Vietnam era, he worked relentlessly to assist with the resettlement of Vietnamese children. He was a member of the Advisory Committee on Head Start Quality and Expansion and of the planning committee for the Early Head Start program for families and children ages zero to three. Recently, Zigler completed work on a revision of the Head Start Program Performance Standards, and is currently serving as the Honorary Chair of the National Advisory Panel for the Head Start 2010 Project. Children always come first for Edward Zigler.

If children come first to this distinguished academician, Zigler's students follow as a close second. He has played a more central role than any other developmental psychologist in creating the field of child development and social policy. He was the major figure behind the creation of the Bush Centers in Child Development and Social Policy, which stimulated the development of several cross-disciplinary doctoral and post-doctoral training programs. He was also a key player in the establishment of the Congressional Science Fellows programs of the Society for Research in Child Development, from which many in the House and Senate have benefited through placement in our offices of outstanding post-doctoral experts in child policy. All told, he has mentored over 70 graduate and postdoctoral students and countless hundreds of undergraduates who are now following in his large footsteps to ensure that our public policies for children and families are guided by the best available science.

Dr. Zigler's many honors include awards from the American Psychological Association, the American Academy of Pediatrics, the Society for Research in Child Development, the American Academy of Child and Adolescent Psychiatry, the American Academy on Mental Retardation, the American Orthopsychiatric Association, the National Head Start Association, the Heinz Foundation, and Teachers College, Columbia University. He has also received honorary degrees from Park University in Missouri and McGill University in Canada.

Throughout his career, Dr. Zigler has exemplified the socially responsible scientist. He is honest even when it angers the advocates; he is outraged when outrage is called for; and he never gives up on even the most stubborn problems. He is rare in his dual commitment to scholarly research and to public service. The Nation's children have benefited vastly.

I am pleased to honor him and to express my gratitude for all he has done and continues to do to ensure both happy childhoods and promising futures for our Nation's most vulnerable citizens.

FUND PORT SECURITY NOW

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. OBERSTAR. Mr. Speaker, yesterday the President requested $74.7 billion for supplemental appropriations for fiscal year 2003. Although $1.5 billion is requested for the Department of Homeland Security's Counterterrorism Fund, the Administration's proposal fails to address one of the major weaknesses in our national security strategy—port and maritime security. The Administration continues its abysmal track record of shortchanging our Nation's port security needs. The Supplemental Appropriations request includes no specific funding for assessing the security vulnerabilities of vessels and facilities along the navigable waterways of the United States. At current funding levels, the Coast Guard will not complete vulnerability assessments at the Nation's 55 largest ports until 2009. The Administration's request also includes no specific funding for port security grants.

On November 25, 2002, President Bush signed into law the Maritime Transportation Security Act of 2002 (MTSA). This landmark legislation is designed to improve security in our seaports, on vessels operating on our navigable waters, and in the entire maritime transportation system to protect our Nation from a security incident resulting in significant loss of life or economic disruption. Under MTSA, the Federal government is required to conduct a vulnerability assessment of each vessel, port, and facility to assess any security weaknesses. Moreover, by July 1, 2004, the Coast Guard must review and approve a security plan for each port, facility, and vessel. If a port or vessel does not have an approved security plan by this date, it cannot operate.

I am extremely concerned that this Administration is not taking the potential threat to port security or this responsibility seriously. Pursuant to MTSA, on December 30, 2002, the Coast Guard published a Federal Register notice that detailed its cost estimates for ports and vessel owners to comply with security standards that the Coast Guard will prescribe under the Maritime Transportation Security Act. The Coast Guard estimates that it will cost approximately $1.4 billion to comply with the Act in the first year and $6 billion over the next 10 years, including:

Facility security: $4.4 billion;

Vessel security: $1.1 billion; and

Port security plans: $477 million.

The Administration has proposed nothing to address these enormous security needs. The Administration has neither requested nor provided adequate resources to conduct the Coast Guard vulnerability assessments quickly and secure our ports, facilities, and vessels. To date, the Administration has requested only $11 million for vulnerability assessments and not one dime for port security grants. Despite the Administration's unwillingness to provide any substantial resources for port security, Congress has appropriated almost $350 million for port security grants. Nevertheless, Congress has provided only six percent of the necessary funding and the Administration has awarded only $92 million, less than one-third, of the available funds.

Mr. Speaker, we have a long way to go to secure out maritime system. To date, the Coast Guard has completed vulnerability assessments at only eight of our Nation's 350 ports. Moreover, the Coast Guard has conducted vulnerability assessments at only three of the top 25 ports. It has not conducted vulnerability assessments at any out largest ports, including Los Angeles/Long Beach, New Orleans, Houston, New York, San Francisco, Philadelphia, or Seattle/Tacoma. At current funding levels, the Coast Guard will not complete assessments at the 55 largest ports until 2009. In addition, the Administration proposes to transfer the responsibility for conducting vulnerability assessments from the Coast Guard to the new Information Analysis and Infrastructure Protection (IAIP) Directorate of the Department of Homeland Security (DHS). I am concerned about transferring these responsibilities for vital security plans to a DHS agency that has been in operation for just three weeks and has few staff members. The Administration must dedicate the personnel and financial resources to get these vulnerability assessments done quickly and efficiently.

Moreover, the Administration must support funding to secure our ports and facilities. The Coast Guard has estimated that facility security will cost $4.4 billion over the next 10 years. To date, the Administration has only awarded $92.3 million of the available port security grant funds. When the Maritime Administration solicited requests for these grants, it received requests totaling seven times the available amount. Although Congress has provided an additional $254 million for port security, no further grants have been awarded.

Last week, the U.S. House of Representatives considered H. Con. Res. 95, the FY2004 Budget Resolution. Cong. Spratt, Ranking Democratic Member of the Committee on Budget, offered a substitute amendment to H. Con. Res. 95 that included $1.5 billion specifically for port security grants. Regrettably, the Republicans defeated this amendment. However, in the Senate, Senator HOLLINGS offered an amendment to its FY2004 Budget Resolution that would provide $2 billion ($1 billion in FY2004 and $1 billion in FY2005) to fund the security requirements of the Maritime Transportation Security Act. It passed by voice vote. As the Budget Resolution goes to Page 4 conference, I urge this Administration and this Congress to strongly support Senator HOLLINGS' amendment and ensure that we begin to provide the necessary resources to secure our national maritime system.

I continue to believe that securing our Nation's ports and the cargo that moves through them is a Federal responsibility. All Americans, whether you live in a port city or whether you live in Boise, Idaho will benefit from that security. The impact on our economy and on all Americans if our Nation's ports are closed down for a few weeks because of a terrorist attack is simply too great. Factory lines will close down. Refineries will run out of oil. Stores will run out of goods.

I urge this Administration and this Congress to act now to ensure that we provide the necessary resources to secure our ports, facilities, and vessels.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Ms. BALDWIN. Mr. Speaker, men and women in our armed forces are engaged in battle in Iraq. These volunteers pledged their lives to protect and defend the United States of America.

No words can express the gratitude that I have for their willingness to sacrifice and to risk their lives in a foreign land, far from home. No words can express the compassion and empathy I have for their families and friends, who must carry on with their lives while worrying about their loved ones. Our country must always recognize and honor the loyalty, courage, and commitment of our soldiers, sailors, airmen and marines. I do so today and every day that they are in harm's way.

It is not only our regular military forces who are engaged in this war. National Guard and Reserve units from every state in the union have been called to active duty to serve our country. They have left their jobs and their homes, their husbands and wives, their daughters and sons. They join a long American tradition of citizen soldiers. From the Revolutionary War's Minute Men to the Doughboy's of World War I, from Teddy Roosevelt's Rough Riders to Vietnam's Green Berets, Americans have answered the call to serve. I am thankful for their courage and sacrifice.

Honoring our men and women in uniform is absolutely the right thing to do. This Congress must recognize and praise our fellow citizens who are placing their lives on the line. It is for this reason that I voted in favor of H. Con. Res. 104. I completely agree with the main message of the resolution: "unequivocal support and appreciation of the Nation . . . to the members of the United States Armed Forces serving in Operation Iraqi Freedom, who are carrying out their missions with excellence, patriotism, and bravery; and to the families of the United States military personnel serving in Operation Iraqi Freedom, who are providing support and prayers for their loved ones currently engaged in military operations in Iraq."

I do have significant reservations about other language contained in the resolution, particularly language in the preamble. I strongly disagree with the section of the resolution that notes the President's notice to Congress that "reliance by the United States on further diplomatic and other peaceful means alone will neither adequately protect the national security of the United States against the continuing threat posed by Iraq nor likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq." In the absence of an imminent threat to the United States, working with our allies and other nations to address this threat is the appropriate way to proceed. While the Administration made efforts to engage the world in support of weapons inspections, they did not exhaust means short of war, prior to commencing military action.

I do not support the concept of preemptive military action, without an imminent threat to our national security and American lives. The Administration's preemption doctrine sets a dangerous precedent, and dramatically lowers the threshold for the use of military force. Is a first strike how we will approach the nearly 30 other countries that possess or are developing weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to take things into their own hands against other states?

I also disagree with the President's linkage of war in Iraq to the September 11 terrorist attacks. The Administration has failed to establish this linkage with any convincing evidence. It is wrong to continue to cloud this critical distinction in the minds of the American people. It also undermines our nation's credibility in the world. I reject the assertion in the resolution's preamble that the "use of military force against Iraq is consistent with necessary ongoing efforts by the United States and other countries against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001."

Mr. Speaker, I am very disappointed that the Majority chose to politicize this resolution in support of the troops. This should have been a clean resolution that focused solely on our deep appreciation for our men and women in uniform and their families. Such a resolution would have commanded a unanimous vote of this House, showing our national unity, and conveyed to our troops our unequivocal support for them.

I voted in favor of the resolution, despite my fundamental disagreement with these extraneous provisions, because I felt it was more important to stand in solidarity with our soldiers, sailors, airmen and marines. My vote is not an endorsement of any other sentiments contained within the resolution, nor should it be construed that way.

I continue to believe that war is not the answer to the threat of Saddam Hussein. I have taken an oath to protect and defend the Constitution of the United States. I cannot, and will not, simply delegate the responsibility to the President of the United States. As a Member of Congress, I have a responsibility to review the conduct of the war, engage in the policy debate, and cast my vote in the best interests of my constituents.

Mr. Speaker, some will say that questioning the Administration in a time of war is unpatriotic and dangerous to the war effort. My oath compels me to disagree. A democratic country must always have a debate, must always have questions raised, and Congress must never become a rubber stamp.

I am not the first patriotic American to believe this, and I will not be the last. I would like to quote a man known as "Mr. Republican" when he served honorably in the U.S. Senate for many, many years. Senator Robert Taft of Ohio understood that maintaining democracy in time of war requires debate. Two weeks after the attack on Pearl Harbor, on December 19, 1941, he said:

> Of course that criticism should not give any information to the enemy. But too many people desire to suppress criticism simply because they think that it will give some comfort to the enemy to know that there is such criticism. If that comfort makes the enemy feel better for a few moments, they are welcome to it as far as I'm concerned, because the maintenance of the right of criticism in the long run will do the country maintaining it a great deal more good than it will do the enemy, and will prevent mistakes which might otherwise occur.

I fervently hope for a short military engagement, minimal civilian casualties, and the safe return of American men and women in uniform. Over the past several months, I have heard from thousands of people from throughout my district concerning the situation in Iraq. Nearly everyone expressed their concerns about the uncertainties of a pre-emptive war with Iraq. It is my belief that, before young American men and women are sent to fight in any war, we should work with the international community to exhaust every alternative short of war. Now that war has begun, all Americans—those who favored military action and those who favored alternative approaches—think of our troops and wish for their quick victory and safe return.

Our work as citizens and policy makers does not stop with this expression of our support for the troops. The start of war does not end the debate and it does not end the dissent. It is imperative that the President and our nation not only honor our commitment to rebuild Iraq following the war, but also rebuild our relations with the nations of this world so that we might once again work closely together to avoid war and maintain peace in solving global challenges.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 25, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to celebrate the 182nd anniversary of Greek independence. Greece is a nation with a great democratic tradition. Athens and the United States share the same values of freedom and democracy. We are both part of what the distinguished scholar Karl Deutsch aptly labeled a "pluralistic security community," a community based on shared values and common interests. Indeed, despite all the current differences, the Euro-Atlantic Alliance, in which our nations are firmly embedded, remains the cornerstone of the zone of the democratic peace.

Maintaining and extending the zone of peace is the most important task for democracies. Greece and the United States have been united in this endeavor for decades. We were allies in the fight against Naziism during World War II, we were allies in the victorious fight against Soviet Communism. After the end of the Cold War, we have also been allies in confronting new threats to world peace. When the powder keg on the Balkans exploded, for example, the Greek and the U.S. governments worked together by promoting peace and supporting humanitarian aid. Particularly with respect to Kosovo, the Greek government's help was essential.

We are also allies in the war against terror, the greatest threat to global peace. Following the September 11 attacks, Greece immediately assured us of its support, and Greek aircrews secured our skies with NATO AWACS. Greece also joined the International Assistance Force in Afghanistan by dispatching a frigate with a crew of over 200. Athens further successfully fought terrorism on its own soil by arresting members of the November 17 group. The arrest and trial of these terrorists has created a sense of security not only among Greek society but—when we look to the Olympic Games in Athens in 2004—among the wider international community that threats of this kind can be mastered.

We are also allies in the goal of helping achieve a just a permanent solution to the Cypriot conflict. I applaud the work of the Greek government in working with their colleagues in the Republic of Cyprus along with the leaders of Turkey to promote a peaceful settlement of the situation in Cyprus and reunification of the island. I regret that the negotiations failed but I hope that a solution can be achieved in the near future.

Finally, let me conclude by stressing that good U.S.-Greek relations are not merely achieved at governmental and official levels. Instead, the Greek Americans in our country enrich our lives and provide for a better cultural understanding. The area of Queens in New York City, parts of which I represent, is home to the largest Greek population outside of Greece. These people are well integrated in our society. As their interactions form the basis for a healthy relationship at all levels, I am optimistic that the U.S.-Greek relationship will remain marked by friendship and trust.

IN MEMORY OF MAJOR GREGORY STONE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. OTTER. Mr. Speaker, I rise today to express the deep sorrow I share with every Idahoan at the loss of Maj. Gregory Stone. Maj. Stone died early Tuesday at an Army field hospital in Kuwait, the second man to die from wounds suffered in a grenade attack last Saturday on soldiers at Camp Pennsylvania. Maj. Stone was the Air Liaison Officer there with the Army's 101st Airborne Division.

He was a highly trained military officer with 20 years of distinguished Air Force and Idaho Air National Guard service. Maj. Stone died in a theater of war on the other side of the world, fighting to free a foreign people from tyranny and his own countrymen from fear. In that, he was true to America's most cherished values and traditions. The example of his citizenship and dedication to duty, and how we all seek to emulate it, will be his enduring legacy.

Yet it was as a son and father of two young boys living in Boise that Gregory Stone will be best and most dearly remembered. The sadness felt by the people of a proud and grateful state pales by comparison with his family's grief at his passing. I can only offer them my humble condolences, and the hope that a sure knowledge of Gregory's self-sacrifice and heroism will provide some succor in the difficult days to come.

Maj. Stone embodied the best of America. I am proud to represent the family of such a man. They have my personal thanks, and a promise to preserve those virtues for which their loved one gave the last full measure of devotion.

SHOCK AND AWE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. FARR. Mr. Speaker, I rise today in "shock and awe." I am in shock and awe of the courage and bravery that our military women and men have shown overseas in the fight to liberate Iraq. They fight our fight, and they do it without question because their Commander-in-Chief asked them to.

I rise today also in "shock and awe" of the actions this past Thursday on the House floor. Late in the night, the budget resolution passed by the skin of its teeth, but those teeth still cut deep. They cut deep to the tune of $14.6 billion in unspecified cuts to mandatory veterans' benefits programs with $463 million of that coming in the next year. Ninety percent of those cuts come from cash payments to service-disabled veterans, low income wartime veterans and their survivors. Montgomery G.I. Bill education benefits, vocational rehabilitation and independent living programs for service-disabled veterans, and subsidies for VA home loans also face cuts at the very time when troops fight through sandstorms and fierce enemy resistance. While at war, their benefits are stripped down to avoid "waste, fraud and abuse." Do government programs helping low-income veterans or service-disabled veterans fall under "waste, fraud and abuse?" According to the Republican Leadership in the House, they do.

Along with mandatory spending, VA discretionary spending takes a tremendous cut as well: $14.2 billion over the next ten years, and 96 percent of discretionary spending is veterans' health care. Priority 8 veterans have already been declared ineligible, and co-payments will increase for pharmaceutical drugs and primary care. In reducing discretionary spending, the Republican budget prevents more veterans from receiving health care and makes room for its tax cuts benefiting the wealthiest Americans, Americans who probably don't have children in fatigues. During wartime, this is shameful and disrespectful to the military women and men who make secure the very freedom that we enjoy.

The "shock and awe" campaign apparently is not limited to military conflict in Iraq. It has engaged the budgetary process and threatens the ability of the U.S. government to care for its own. If we all support our troops and wish the swift return home of American daughters and sons, how can we find it in ourselves to cut funding to programs that extend a hand to the soldiers that said, "No, you stay here. I'll go?" There is no justice in it, and no pair of night-vision goggles will see justice in the budget passed last Thursday night.

TRIBUTE TO RITA BOWLING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. FARR. Mr. Speaker, I rise today to honor an invaluable public servant, Mrs. Rita Bowling. Mrs. Bowling recently retired from her post as a member of the Board of Supervisors for San Benito County, which is located in my Central California District. Mrs. Bowling has been a beacon of public service who sought to make San Benito County a better place by tirelessly advocating for the principles of the county residents whom she served.

Mrs. Bowling was born in Rouyn, Quebec, Canada. She moved to Hollister, California, with her family in 1946. She has lived in San Benito County continuously since then and attended local schools. In 1964, she married Mr. Linden Bowling.

For 30 years, Mrs. Bowling began working in the insurance business, and eventually owned her own agency, reminding this community that the American dream is possible through hard work and integrity.

Mrs. Bowling not only set an example for the residents of this county, but opened doors for future generations of women when she was the first woman to serve as the Foreperson of the San Benito County Grand Jury. She sprung those doors open again when she became the first woman elected to the San Benito County Board of Supervisors in 1987. Mrs. Bowling represented San Benito County's 3rd District on the Board from 1987 to January 2003, a 16–year record of public service. Mrs. Bowling served as Chairperson to the Board of Supervisors in 1991, 1995, 1998, and again in 2002. She presided over that body with great skill and with an immense sense of responsibility to the people of San Benito County. Her decision not to seek election to a 5th term means a gain for her family, but a loss to the community. She leaves a legacy of achievement that we all can admire.

In addition to her service on the board, Mrs. Bowling participated with the San Benito County of Governments (COG) where she diligently worked to improve San Benito County's transportation infrastructure. Mrs. Bowling also served on the Veterans Memorial park Commission for nearly 14 years during which time she was instrumental in obtaining funding and community support for improvements to the park, including, ball fields and restrooms benefiting the community.

Widely respected for her uncommon common sense, for speaking with candor and clarity and for her principled stands on the issues, Mrs. Bowling never withdrew from an opportunity to speak directly to the Issues at hand. San Benito County will miss her "Ritaisms". All those who worked with Mrs. Bowling, share my admiration for the unmatched dignity and professionalism that she brought to her four terms on the board.

Through her enormous sense of decency, fairness, generosity, and commitment to the residents of San Benito County, Mrs. Rita Bowling has made it a better place for all residents. Mr. Speaker, it is truly an honor to recognize Rita Bowling.

TRIBUTE TO PROFESSOR EDWARD ZIGLER ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. DELAURO. Mr. Speaker, I am honored to rise today to join in paying tribute to one of New Haven's most respected and treasured citizens and my dear friend, Dr. Edward Zigler, as he celebrates his retirement from a most distinguished and impressive career. For over 4 decades, Ed, a professor of psychology at Yale University, has devoted his talent and energies to the smallest of our Nation's citizens—our children. Nationally recognized for his contributions, Ed's vision and tenacity has made the safety and security of our children and families a national priority.

As policy makers, we often look to those with field expertise for advise and counsel. There are few that have served in these halls in the last thirty years who will not recognize the name Dr. Edward Zigler. A member of the National Planning and Steering Committee for Project Head Start, Ed was instrumental in the development and implementation of this tremendous program and has been asked to serve as an advisor to each succeeding Administration since President Johnson. His efforts on a national committee of professionals charged with examining the possibility of making infant care leaves a reality in America directly inspired the Family and Medical Leave Act of 1993. Founder of the School of the 21st Century, which has been adopted by over thirteen hundred schools nationwide, Ed saw his vision of adding child care to the mission of public schools become a national model. It is not often that you find an individual whose efforts have so effectively changed public policy.

Through each of his accomplishments, Ed's work has dramatically changed the face of public policy concerning our children. He has made a real difference in how we, not only as legislators but as a society, view the importance of early childhood education programs, child care standards, addressing the needs of abused children and those exposed to traumatic violence, as well as the critical need for effective family support programs. A pioneer in his field, Ed has touched the lives of millions of children across the country—giving them a strong voice and ensuring that their interests are heard at every level of government.

As a professor, Ed has taught many who have gone on to hold significant positions as policy makers and teachers themselves. Those he has trained will go on to teach others, for his is a legacy not just of books and articles but of ideas and inspiration. Through his position with the Yale Child Study Center and as Director of the Bush Center in Child Development and Social Policy, these institutions have become recognized leaders in addressing the most significant issues facing today's children and families. This weekend, leading researchers and policy-makers in the fields of child development and social policy will gather for a Festschrift entitled Child Development and Social Policy: Knowledge for Action in celebration of Ed's lifetime of work—a reflection of the impact his career has made. Ed has left an indelible mark on our community and our nation and we have certainly been fortunate to have him call New Haven home.

It is my great privilege to join all of those gathered in extending my sincere thanks and appreciation to Dr. Edward Zigler for his invaluable contributions. I have been honored to have the opportunity to work closely with Ed on issues both here in Washington as well as in Connecticut. He has been an invaluable resource and I look forward to continuing to look to him as we continue to work to improve the quality of life for all of America's children.

SYMPATHY EXPRESSED FOR TEAL FAMILY IN DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, just 7 days ago, many Members in this House, including myself, supported the continuation of diplomacy in the Iraqi crisis as an alternative to immediate war. This House and the Senate, however, voted to authorize the use of force last October, and we have now used that force.

We will never know what result might have come from having stayed the diplomatic course. We do know now, however, that our Nation is at war. We do know that the sons and daughters of all our many communities are engaged in the dangerous and unpredictable duties that are carried by the Armed Forces in a time of war.

Our purpose here today is not to revisit the debate over the policies that lead us to war. My position on a peaceful solution to the Iraqi crises has not diminished. My conviction that untold and unwanted consequences await us in the future has not receded. My heartache over the potential loss of innocent lives, on all sides of this conflict, has not lessened.

But, our purpose now is to unite solidly behind our troops and all those who are commanding our Armed Forces.

Let no one, least of all Saddam Hussein, doubt that whatever the nature of our democratic debate may have looked like last October, today, or even next week, we are all united in prayer for a swift conclusion to hostilities. We are also united in our support for our soldiers and their families. Congress will not deny our men and women in the field whatever they need to accomplish their mission, including moral support from Capitol Hill.

Mr. Speaker, I cannot let this moment pass without honoring one of our constituents from Dallas Metroplex. On Monday, I was informed that our community has suffered a great and tragic loss in the person of John Teal of Dallas, Texas. Staff Sergeant Teal was one of the 6 U.S. Air Force Members whose lives were lost on Sunday evening in the Ghazni area of Afghanistan.

The HH–60G Pave Hawk helicopter, from the 41st Rescue Squadron at Moody Air Force Base, crashed Sunday in the Afghan. The two medics and four-person crew were on their way to rescue two Afghan children with serious head injuries. Though this is not the war that is so heavily covered in the media right now, Staff Sergeant Teal and the rest of that helicopter crew were at war protecting innocence and our well-being right here at home.

Mr. Teal will always be remembered by his friends, family and loved ones and will surely be honored by the entire constituency of the Dallas/Forth Worth Metroplex community for his bravery and heroism.

Our hearts go out to all of the families who have lost a loved one. I also hope and pray for the safe and quick return of our Prisoners of War and all members of U.S. Armed Forces engaged in overseas conflicts.

Mr. Speaker, I join with this House and with the people of Dallas/Forth Worth Metroplex and Americans all across the country in declaring our unequivocal support for the brave young men and women in the Persian Gulf.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. SANDLIN. Mr. Chairman, I rise today to express my strong opposition to the Fiscal Year 2004 budget resolution.

The Republican budget is completely divorced from reality, and operates under the fantasy that our country can afford a tax cut of $1.35 trillion as the United States embarks upon a necessary mission to liberate Iraq. The attempt to proceed with new tax cuts during a time of war is without precedent in American history, and for good reason; past administrations and Congresses have understood that our country cannot have its cake and eat it too. The Republican budget resolution does not take into account our country's current economic and military situations, and is stubbornly stuck in the past. The majority's efforts to pile new tax cut upon new tax cut are not without costs or consequences, and many groups in our society and in my district in East Texas will pay for these efforts.

In their attempts to provide new tax cuts while simultaneously balancing the budget, the majority will succeed only in balancing the budget on the backs of our Nation's senior citizens, veterans, students, farmers, and economically disadvantaged. How the majority can propose spending cuts in veterans' health care during a time of war is beyond me, and the Veterans of Foreign Wars and Paralyzed Veterans of America share my amazement at that effort.

Further, Chairman NUSSLE's original FY04 budget required nearly every authorizing committee to cut 1 percent in spending from last year's levels. The reconciliation instructions to the House Ways and Means and Energy and Commerce committees would have resulted in cuts of $260 billion and $110 billion, respectively, over the next decade. These draconian cuts would have drained funds from both Medicare and Medicaid, and would have balanced the budget at the expense of seniors and the poor.

The original Republican budget was so harmful and irresponsible that it had to be changed before it came to floor for consideration. Yet even after the Republicans "improved" their budget, the majority required spending cuts of $169 billion, with much of that total being slashed from the federal government's share of Medicaid funding. These required cuts are outrageous, and undermine the majority's persistent claims of pursuing an agenda of compassionate conservatism.

Mr. Chairman, I believe that tax relief is important, and I have supported the president's efforts to cut taxes in the past. I was one of only 28 House Democrats who voted for the president's $1.35 trillion tax cut package in May 2001, and one of only 9 House Democrats to support an effort to make these cuts permanent. Since the time of those votes, however, our economy and fiscal situations have deteriorated significantly, and the United States is now engaged in a potentially lengthy and costly war. Our country simply cannot afford to press ahead with the effort to pass new tax cuts, totaling $726 billion, on top of the continuing effort to make the president's 2001 tax cuts permanent.

I am pleased that the Rules Committee made in order the Blue Dog budget alternative, and I urge my colleagues on the other side of the aisle to take this opportunity to support a responsible budget. By allowing the Blue Dogs to offer our budget substitute, the Republican leadership has finally acknowledged that the House needs to have an honest debate on a sensible alternative to the majority's unrealistic and irresponsible budget resolution.

The Blue Dog substitute will balance the federal budget in ten years without relying on the Social Security surplus and without sacrificing our nation's veterans and seniors for new tax cuts. At the same time, the Blue Dogs provide both immediate and long-term tax relief to American taxpayers. This tax relief consists largely of an acceleration of cuts already scheduled under current law, with the exception of rate cuts in the top two marginal brackets. It is both reasonable and necessary to defer reductions in the top two upper brackets until the costs of our current war effort are paid for and the federal budget is back in balance.

Further, the Blue Dogs are committed to sticking with the president's overall funding levels for defense and non-defense discretionary spending. I urge my colleagues on the other side of the aisle to join the Blue Dogs in our support of the president's total funding levels, and I urge every member of the House to support the reasonable, responsible Blue Dog budget alternative.

TRIBUTE TO CHUCK NORRIS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. WALDEN of Oregon. Mr. Speaker, it is with great pride that I rise today to pay special tribute to a true American patriot and civic leader from Oregon's Second Congressional District. Mr. Chuck Norris has served his country honorably in the United States Army, his State in the Oregon State Legislature, and his community as a volunteer in many capacities. His dedicated spirit and devotion to his fellow citizens has been his most enduring trait over the years, and I'm proud to call Chuck and his wonderful wife, Betty Lou, my friends.

Chuck Norris was born in Pasadena, California, in 1925. Shortly after his birth Chuck's family moved to a 160-acre farm in east-central Kansas, where he was raised. In July of 1943, following his graduation from high school, Chuck left Kansas and the family farm to serve our country as an officer in the U.S. Army. After his commissioning as a 2nd Lieutenant, Chuck was stationed around the globe, from Japan and Turkey to Germany and Vietnam. He commanded a platoon, company, and battalion before being stationed in Umatilla, Oregon, where he served as the commander of the Umatilla Army Depot. During Chuck's service he attended the Army Command and General Staff College, the Armed Forces Industrial College and the Executive Program of the University of Chicago.

In times of crisis the soldier is revered by one and all, but quickly forgotten about when danger passes. Today as we find ourselves at war and we shower our troops with well-deserved praise, we would do well to also remember the men like Chuck Norris who quietly and stoically served our country in uniform and protected our freedom with little thanks in return.

In 1971, Chuck Norris retired from the Army, but not from public service. In 1986 Chuck was elected to the Oregon State Legislature, were he represented the people of eastern Oregon for five terms. Among his many accomplishments was his effectiveness in shaping natural resource policies, especially water management. As Chairman of the House Committee on Water Policy, Chuck crafted legislation creating voluntary local watershed councils across the State, providing local citizens an opportunity to work with one another in managing and preserving Oregon's many watersheds. As everyone who hails from a Western State understands, where I come from water is among the most precious commodities. Those who help us conserve water and put it to wise uses are particularly deserving of our praise and gratitude.

Following retirement from the State Legislature, Chuck Norris continued his distinguished career of public service and his devotion to improving the way we use our natural resources in eastern Oregon. As a volunteer and member of the Umatilla Watershed Council and as an advisor to the Oregon Water Coalition, he selflessly devoted his time and energy to helping his fellow Oregonians. Since I have served in the U.S. House, Chuck has also taken the time to keep me informed about issues of concern on the ground in eastern Oregon and I value the input he offers. I would like to extend my personal thanks to Chuck for all that he has done for the people of Umatilla County, the Second District, the State of Oregon and the United States.

Holding true to his proud role as a father and grandfather, Chuck and Betty Lou, his wife of 57 years, are about to embark permanently to Florida to be with their children and grandchildren. Countless eastern Oregonians will miss them, but will always count them as lifelong friends.

Mr. Speaker, I ask that my colleagues join me in saluting Chuck Norris, an extraordinary man and great American. I wish Chuck and Betty Lou the very best in the years ahead.

TRIBUTE TO GARRON LAMOREAU

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to convey my deepest appreciation to a member of my Washington, D.C. staff for his tireless efforts on behalf of the good people of Oregon's 2nd Congressional District. Garron Lamoreau will soon conclude his internship and head back to Eastern Oregon University to pursue his degree in History.

Mr. Speaker, Garron has been an excellent addition to my office. He arrived in Washington, D.C. just after the New Year, and has done a great job transitioning from recess to the current congressional "March Madness." He has not only handled his intern responsibilities efficiently, but has also received outstanding reviews on the Capitol tours he has provided for constituents and drafted correspondence to help me address the needs of district residents. My staff came to rely on Garron, and they knew that he would successfully tackle any task he was given. I'm sure his strong work ethic and intellectual curiosity will serve him well in any path he chooses to pursue.

Garron hails from La Grande, Oregon, a small town in my district along the Grand Ronde River. As the son of Union County Commissioner John Lamoreau and Nena Jones, politics is in his blood. He was valedictorian of his La Grande High School class despite graduating a year early. During his prep years he was a truly well-rounded student, excelling not only in his studies, but also as an athlete, playing basketball, soccer and running track, and as a member of the state championship choir. After graduation, Garron made the wise choice to attend my alma mater, the University of Oregon, where he has maintained a 3.9 GPA. Garron is transferring to Eastern Oregon University for the coming term, and plans to tour this summer with his band, Again United, singing lead vocals and playing the guitar.

Mr. Speaker, my office has been lucky to have an intern like Garron. His calm demeanor and dry sense of humor will truly be missed around the office, but I have no doubt that he has a bright future ahead of him. Best of luck, Garron, and keep up the good work.

TRIBUTE TO MR. ANDREW SHEPARD

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. OXLEY. Mr. Speaker, I am honored to pay tribute today to Mr. Andrew Shepard, a lifelong California resident and dedicated community banker.

Last fall, Andrew Shepard retired after more than 53 years with Exchange Bank and Doyle Trust in Santa Rosa, California. In 1949, he joined Exchange Bank as a teller, receiving continual promotions through years of dedication and hard work. He served as Chief Executive Officer from 1969 until 1991, presiding over tremendous growth at the Bank and increasing its asset size more than 800 percent. In 1991, Mr. Shepard was named Chairman of the Board.

In addition to his duties at Exchange Bank and Doyle Trust, Mr. Shepard has been an active leader in the banking industry. He served as President of the California Bankers Association and has held many positions with the American Bankers Association, including service on the Board of Directors and as Treasurer. Mr. Shepard is also a Past Chairman of the Conference of State Bank Supervisors Advisory Board.

He has received many honors in recognition of his leadership. In 1999, he was inducted into the Pacific Coast Banking School Hall of Fame, an elite group of 18 graduates of the School. In 1999, he received the California Human Development Corporation Aztec Award. For 3 years in a row (1986, 1987, and 1988), he was recognized by his peers and awarded the CEO—A Best Managed Independent Bank in Northern California honor.

One of Mr. Shepard's proudest achievements has been the support of Santa Rosa Junior College students. Since 1969, Exchange Bank and Doyle Trust have sponsored the education of countless students with donations of approximately $47 million in scholarship funds. In 1993, Santa Rosa Junior College recognized Mr. Shepard's dedication to the school and presented him with the President's Medallion. Mr. Shepard has also served as the Chairman of the Santa Rosa United

Way, a member of the Santa Rosa Chamber of Commerce Economic Advisory Committee, and a founding member of the Sonoma County Community Foundation. An enthusiastic outdoorsman, he has served as the CEO of Elktrout, Inc., for more than 2 decades and is the Past Chairman of the Ladies Professional Golf Association.

Any tribute to Mr. Shepard would be incomplete without mentioning his service to our country. During World War II, Mr. Shepard enlisted in the U.S. Army and served with the 100th Infantry Division from 1943 to 1946. As a First Mortar Gunner, he saw combat in Europe and was awarded the Combat Infantryman's Badge. Upon his discharge, Mr. Shepard began his education at Stanford University, receiving a B.A. with Distinction in Economics in 1949. Later he graduated from the Pacific Coast Banking School and the Advanced Management College at Stanford University.

Throughout his career, Andrew Shepard has been a dedicated advocate for his company, the banking industry at large, and his community. I thank him for his service, and send my best wishes on a wonderful retirement to him and his lovely wife, Mardi.

STANDING UP FOR OUR VETERANS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to shed light on an attack committed under cover of darkness and to praise our heroes who turned back that assault.

I am speaking of the dishonorable conduct of the members of this House, which at 3 o'clock in the morning on March 21 voted for devastating cuts to the Department of Veterans Affairs—totaling $14 billion over 10 years—including cutting health care and compensation for disabled veterans. Under ordinary circumstances, this would simply be the wrong thing to do. But to cut this funding while hundreds of thousands of our soldiers—soon to be war veterans—are thousands of miles away fighting for our freedom, is hypocritical in the extreme and displays a shocking lack of gratitude for the sacrifice and selflessness of our troops.

I am proud to support our veterans. And I believe that in war and peace, we must show veterans the utmost respect. Many people come to this floor and say they respect our veterans and say that our veterans are their priority. However, I believe that a priority is only a priority when it is adequately funded. In other words, we need to put our money where our mouth is and give veterans the resources they need. It is particularly offensive that we are not giving veterans what they need and deserve in order to fund hundreds of billions of dollars of tax cuts which will disproportionately benefit the already very wealthy.

This assault on our veterans did not escape the notice of the vigilant veterans' watchdog groups. The Veterans of Foreign Wars, American Legion and Disabled American Veterans were outspoken in their opposition. I was particularly struck by the words of Edward R. Heath, Sr., National Commander of the Disabled American Veterans, who said:

> Cutting already under funded veterans' programs to offset the costs of tax cuts is indefensible and callous. It is unconscionable to cut benefits and services for disabled veterans at a time when we have thousands of our service members in harm's way fighting terrorism around the world and when we are sending thousands more of our sons and daughters to fight a war against Iraq.

Fortunately, thanks to the forceful opposition of veterans' groups and pressure from congressional advocates in Congress, I am optimistic we may not only prevent cuts to veterans programs, but possibly even increase funding. The Chairman of the House Budget Committee has reversed course and stated that he will follow the lead of the Senate, which has approved increases for veterans.

While I am encouraged by this change of heart, until the Chairman's words are enacted into law, it is vital that advocates for veterans remain vigilant and ensure he keeps his promise.

Mr. Speaker, our veterans are watching, and the American people are watching. Now more than ever, let's show our troops that this Nation will always support them. Let's put actions ahead of words and make funding our veterans a real priority of this Congress.

TRIBUTE TO MS. DEBORAH A. YOW

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. HOYER. Mr. Speaker, on March 26, 2003, Ms. Deborah A. Yow, who is currently serving in her ninth year as director of athletics at the University of Maryland, will be inducted into the Maryland Women's Hall of Fame.

The Maryland Women's Hall of Fame was established to honor Maryland women who have made unique and lasting contributions to the economic, political, cultural and social life of the State and to provide visible models of achievement for tomorrow's female leaders. Ms. Yow's contribution to Maryland and her role as a prominent female leader in an area traditionally dominated by males more than qualifies her for this honor.

Throughout her distinguished career in collegiate athletics, Ms. Yow has been known for her unrivalled energy and dedication. She has demonstrated a long-standing commitment not only to athletic success but also to the academic excellence of the students. A focused manager, fund-raiser, and promoter, she is known as a "coach's AD" with an impressive sense of management and knowledge of fiscal operations. Over the course of her career she has emerged as a leader in all facets of collegiate athletics.

After playing basketball herself at Elon College in North Carolina, Ms. Yow excelled for nearly a decade in coaching women's basketball. She began coaching at the University of Kentucky in 1976, and in 1980, Ms. Yow moved to Oral Roberts University in Oklahoma, posting an impressive 26–1 record in 1983. She then served as the women's basketball coach at the University of Florida from 1983 to 1987. Ms. Yow retired from coaching after her tenure at the University of Florida with a winning percentage of .700 and a career average of 20 victories per season.

Ms. Yow moved her career into the administrative field by serving as an associate athletic director at the University of North Carolina-Greensboro from 1987 to 1990, where she increased alumni support by more than 128 percent. In 1990, Ms. Yow assumed the position of athletic director at St. Louis University, becoming the fourth female athletic director of an NCAA Division I program and the only one active at the time. She was credited with revitalizing the men's basketball program and achieved an impressive 92 percent graduate rate for its athletes, ranking 10th among the 300 Division I schools.

In 1994, Ms. Yow began her new role as athletic director at the University of Maryland, the first woman to hold such a position in Atlantic Coast Conference history. She was faced with the challenge of a program ranked last competitively and last in fund-raising in the ACC, and a staggering operating deficit of $6.7 million. She took this position with a pledge to pay off the debt and improve both the athletic and academic standards in the Maryland athletic program. Under her leadership, every budget in the department has been balanced, and the debts she inherited from past administrations have been paid off. The Maryland Terrapins have streaked up the all-sports ranking to be in the top 15 percent of all NCAA Division I institutions. The graduation rate of athletes has risen to an impressive 85 percent, and improvements have been made in a variety of areas such as management, facilities and customer care.

Last year, 2002, demonstrated unprecedented successes for Ms. Yow's efforts in Maryland athletics. U.S. News and World Report selected the University of Maryland as one of the top 20 athletic programs in the Nation for overall quality and competitive excellence. The football team won the ACC championship and played in the Orange Bowl. The men's basketball team won the ACC regular season and topped that off with the NCAA national championship. These successes made Maryland one of a handful of schools to have achieved such high-level successes in both football and men's basketball in the same year. And success was not limited to just these two sports; the women's lacrosse team won their 7th consecutive national championship, the field hockey team played for the national championship, and a total of 10 teams competed in post-season play.

Ms. Yow's success has been honored by a variety of awards and leadership positions in college athletics. In 1998, she was elected the second vice president of the National Association of Collegiate Directors of Athletics, the second woman to serve as an officer of the NACDA. By 2000, she was the president of that organization. Also in 2000, Street and Smith's Sports Business Journal, a leading industry publication, named her female sport executive of the year. More recently, she has been an important voice on the Commission on Opportunity in Athletics, a group assembled by U.S. Education Secretary Rod Paige to review Title IX.

Mr. Speaker, I rise to extend congratulations to Ms. Yow for her well-deserved inauguration into the Maryland Women's Hall of Fame. Mr. Speaker, I know the Members of the House join me in thanking Ms. Yow for her contribution to the University of Maryland, its fans and the citizens of the great State of Maryland, as well as for her wider contribution to collegiate athletics.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent to include in the RECORD the attached statement of Colombian President Alvaro Uribe supporting U.S. action in Iraq.

EXCERPTS OF A TELEVISED ADDRESS TO THE COLOMBIAN NATION BY HIS EXCELLENCY ALVARO URIBE, PRESIDENT OF THE REPUBLIC OF COLOMBIA ON IRAQ

The Government has openly supported the use of force in Iraq in order to disarm its regime and prevent its weapons of mass destruction from continuing to threaten mankind and the Iraqi people, who have been a victim of horrid crimes perpetrated by Iraqi authorities. The world still remembers images of the mothers of Halabja, dying while embracing their children in a last effort to protect them from the deadly effects of Saddam Hussein's poisonous gas.

This international action should protect civilians and respect the legitimate rights of the population of Iraq.

We belong to a coalition formed of countries like the United States, Spain, England, Italy, Denmark, Holland, Nicaragua, El Salvador and Bolivia. As in the case of Colombia, the people in many of these countries have suffered from terrorism and have learned, as we have, that this scourge has to be defeated by force in order for citizens to be able to live in peace.

Colombia has been requesting the world's support in its fight against terrorism and we cannot refuse to support actions aimed at defeating terror wherever it takes place. We have demanded global solidarity to avoid the suffering brought about by terrorism and we must fight together to stop terrorism from causing havoc here and there—in the Twin Towers of New York, in the streets of Great Britain, in Spanish cities, in Bogota's Club El Nogal, in Cuouta and Neiva, in the humble town of Ricaurte just last night, or in Arauca, nearly on a daily basis.

Neither state terrorism nor terrorism by armed groups of any kind can be tolerated. Our Government is committed to the fight against terrorism until terrorist networks are dismantled. Only then will we see full compliance with human rights. The dignity of our open democracy requires this and only when it is realized will we be able to maintain international credibility, which is our defense against unilateral intervention of any kind.

We will overcome the terrorist's deceit: Terrorists in Colombia advance their agenda through illegal drugs, kidnappings, arms and technology while misleading well-intentioned analysts and seeking sinister alliances. We cannot remain in doubt, lacking determination and mistaking weakness for legality, which has prevented us from gaining effective allies against terrorism.

By participating in this alliance against terrorism, Colombia strengthens its ability to gain international allies who can help us defeat terrorism internally. We have also learned that international cooperation cannot remain solely in the realm of words, but must translate into concrete support, good offices and effective military action.

We feel for the victims of terrorism in Colombia and other countries. To demand solidarity, we must show solidarity.

LET'S COMPLETE NEW YORK'S RECOVERY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mrs. MALONEY. Mr. Speaker, with the Nation at war, our first thoughts today are with American servicemen and women . . . that they get home quickly and safely, and that Iraq is liberated with as little tragedy as possible.

This week the President asked Congress to authorize $75 billion mostly to cover war operations, with reports that he will request an additional $70 billion more to help Iraq rebuild. I am supporting these funds and understand the President's commitment to rebuild Iraq.

We are here today with a similar message about New York. Mr. President, New York's recovery is not yet complete. Billion dollar losses from the attacks remain unaddressed. Like our commitment to rebuild Iraq, we should also commit to New York's full recovery. To be sure, New York is grateful for the initial aid received.

Those funds—part of the $16 to $20 billion in initial federal aid—helped tremendously with the material recovery efforts, costs for overtime to rescue workers, and additional costs of the emergency response.

But the wider economic impacts of 9/11 were not small ripples, they were crushing aftershocks.

Total costs from the disaster are estimated as high as $95 billion, with only about $40 billion in estimated insurance payments, and under $20 billion in federal aid. That leaves a big gap of remaining needs.

The largest losses still unaddressed are direct tax revenue losses to New York City and State estimated at $8.8 billion for just 2 years.

And we are not alone in making this point . . . The non-partisan investigative branch of Congress—the General Accounting Office—has confirmed that this estimate from New York budget offices is reasonably approximate.

New York shared the pain of the national recession, but in all reality, the Nation never experienced the full magnitude of 9/11's economic impacts.

If some people think we're asking too much, just think what New York has already suffered: Fully HALF of almost 200,000 jobs lost in the last two years can be traced to 9/11's impacts, according to the Fiscal Policy Institute.

Largely because of the massive budget shortfalls from 9/11, the city has already cut more than $71 million in child care aid programs, and over $25 million for HIV prevention programs, infant mortality reduction programs, libraries, and other community needs.

$2.7 billion in service cuts are planned for 2003, with multiple firehouse closures and thousand person headcount reductions projected for police and fire departments in 2004.

Now, because New York is almost universally recognized as target #1 for future terrorist attempts, the Mayor and Police Commissioner have implemented Operation Atlas at a cost of $5 million per WEEK.

While Mayor Bloomberg asks the President for $900 million to help, he's slated to get only about $30 million.

New York's fighting the front lines of terrorism, but its hands are tied by limited federal support and billions lost from 9/11's economic impacts.

That's why we are announcing the introduction today of the "Whatever It Takes To Rebuild Act of 2003" named after the President's decisive pledge after 9/11 to do "whatever it takes" to help New York recover.

The bill would authorize the President to provide $8.8 billion to New York City and State for lost tax revenues or an amount that he determines is needed to fill the gap created by the 9/11 terrorist attacks.

It would also remove the $5 million cap on federal aid for lost tax revenues following major disasters. This arbitrary cap was added by the Disaster Mitigation Act of 2000.

Additionally, the bill makes State Governments eligible for this assistance.

And finally it authorizes grants for lost tax revenues following a future terrorist attack.

There may be no precedent for the scale of aid we're requesting, but there was no precedent for 9/11, or its vast economic impacts.

There is, however, plenty of precedent for federal assistance with lost tax revenues after other national disasters.

For instance, the U.S. Virgin Islands received $90 million dollars after Hurricane Hugo for losses to its revenue base. This may be smaller in scale than aid for 9/11, but so too were the economic impacts from that hurricane.

This is an issue vital to New York's future. We need the Governor to speak up in support of this bill, and to call on the President for the administration's support as well.

The Governor finally recognized that the Bush plan for homeland security funds would hurt New York, now we need him to stand up for New York on the issue of full recovery from 9/11.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 27, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

2 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine proposed legislation authorizing funds for the Department of Defense for fiscal year 2004 focusing on the science and technology program and the role of the Department of Defense laboratories.

SR–222

APRIL 1

9 a.m.

Judiciary

To hold hearings to examine the nominations of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, and Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana.

SD–226

Armed Services

Readiness and Management Support Subcommittee

To resume hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on impacts of environmental laws on readiness and the related Administration Legislative Proposal.

SD–106

9:30 a.m.

Environment and Public Works

To hold hearings to examine the nominations of Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, both to be a Member of the Mississippi River Commission, and Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority.

SD–406

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine Alzheimer's Disease.

SH–216

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice.

SD–192

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Finance

To hold hearings to examine tax payer issues, focusing on public accountants and charitable car donations.

SD–215

2:30 p.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps development and procurement priorities.

SR–232A

APRIL 2

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine issues relating to military encroachment.

SD–406

Foreign Relations

To resume hearings to examine foreign assistance oversight.

SD–419

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine an overview of the fiscal year 2004 Navy Budget.

SD–192

Appropriations

District of Columbia Subcommittee

To hold hearings to examine the status of foster care in the District of Columbia.

SD–138

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Governmental Affairs

To hold hearings to examine the nominations of Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service.

SD–342

Health, Education, Labor, and Pensions

Business meeting to consider S. 231, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, proposed legislation entitled "Genetics Information Nondiscrimination Act of 2003", "Smallpox Emergency Personnel Protection Act of 2003", "The Improved Vaccine Affordability and Availability Act", "Caring for Children Act of 2003", and pending nominations.

SD–430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

APRIL 3

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine proposed legislation authorizing funds for child nutrition programs.

SR–328A

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Federal Reserve Board proposal on check truncation.

SD–538

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine Navy, Marine Corps, and Air Force aviation and air-launched weapons programs in review of the Defense Authorization request for fiscal year 2004 and the Future Years Defense Program.

SR–232A

APRIL 8

9:30 a.m.

Rules and Administration

To hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service.

SR–301

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine the Mammography Quality Standards Act.

SD–430

2:30 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine global energy security issues.

SD–419

APRIL 9

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans.

SR–222

APRIL 10

9:30 a.m.

Governmental Affairs

To hold hearings to examine the nomination of Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority.

SD–342

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center.
SD–116

MAY 1

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.
SD–124

MAY 8

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimate for the Secretary of the Senate and the Architect of the Capitol.
SD–124

POSTPONEMENTS

MARCH 31

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the science and technology program and the role of Department of Defense laboratories.
SR–222

HOUSE OF REPRESENTATIVES—*Thursday, March 27, 2003*

The House met at 10 a.m.

Sister Benedict Kesock, O.S.B., Principal, St. Charles School, Arlington, Virginia, offered the following prayer:

Lord God, what a great idea to make us all different.

May we come to know one another and the ministry to which we have been called, especially those who meet within these great walls. You have asked us to be leaders, caretakers, role models. Be with us as our counselor and our support as we continue the journey of ministering to others and to one another in a world of turbulence. All that lies ahead of us is yet unseen.

We pray for our President and his advisors, for all those who make decisions which affect our lives on a daily basis. We pray, especially, for our military families, those who are separated at this time, for those who have lost their lives, and for their families; for the people of Iraq, for their suffering homeland.

We are a family of nations. Experience and history has taught that community formed out of diversity is dynamic and beautiful. Lord, keep us motivated and challenged that we may gain an ability to listen to one another and to grow. There can be unity and strength in our diversity. May our differences be stepping-stones to a lasting peace and to a new tomorrow.

We ask You, Lord, to renew our humanity in Your image and likeness and to introduce us into a world where all hostile forces are overcome. We pray for those who need to have a change of heart, for a world where we communicate in love, joy and peace, for and with the people of our universe.

Father, fill our hearts, our homes, our Nation, our world with peace, and let it begin with each one of us.

We especially remember this morning our dear friend and colleague Senator Daniel Patrick Moynihan and his family.

Feel the Spirit. Live the Spirit. Spread the Spirit. Lord, we are the Spirit. May it be said that the world is a better place because we are here. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BURNS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING SISTER BENEDICT KESOCK, O.S.B., PRINCIPAL, ST. CHARLES SCHOOL, ARLINGTON, VIRGINIA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the invocation, the prayer for today, was delivered by Sister Benedict Kesock. Sister Benedict is a Benedictine Sister. She entered the Order in 1954, and for the last 29 years she has been at St. Charles School in Arlington, Virginia, 27 of those years as principal. She has served under nine pastors and three bishops. She has trained all of them and probably outlived most of them all.

Sister Benedict is an institution at St. Charles and in Arlington County, Virginia. She has dedicated her life to God and served God by teaching and inspiring and mentoring her students. It has been a labor of love the entire time, and it has been reciprocated.

In 1999, we thought we were going to lose Sister. She went to Arlington Hospital. They would not operate; they did not think it was worth it. So she went to Washington Hospital Center and got a six-way heart bypass in 1999, a six-way bypass. And she is still ticking, as you can see. She believes there must have been some reason that God saw to keep her with us.

This institution is terribly proud to have had Sister Benedict give us the invocation today. Her life is a testament to her faith.

She gave us one little story that I think some of you who may have been educated in Catholic schools might relate to. A former male student of hers was driving by the school where there is a lot of new construction going on. They were building a new center. There was an enormous construction hole in the ground. So one of the thousands of boys she straightened out, after seeing it, called her on his car phone to tell her, "Sister, I didn't do it." Those of you who are listening may be able to relate to that feeling.

The fact is, Sister Benedict did do it. She has helped build a school, the new St. Charles Center and a community of faith in Northern Virginia. She has taught and inspired hundreds of students every year for nearly 30 years. She is what makes this country run so well.

Sister Benedict, thank you for everything you have contributed throughout your life; and thank you for giving us the prayer this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be five 1-minutes per side.

VOICES OF CRITICISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week has reminded us that war is serious business. Each day we see our brave soldiers on TV making great progress against Saddam Hussein and his brutal regime. Now, more than ever, the troops need our support and encouragement.

Mr. Speaker, we should stay united behind our troops. Our troops do not need to hear criticism of their mission from this body or this Capitol. When their Nation's leaders question their mission, I can tell you, as a combat veteran, it is discouraging. It is tough to stay focused when the leaders you look to for strength are not in your corner.

Most people disregard professional protestors, especially when they see their placards saying "capitalism is the problem." But when they hear their leaders criticizing their mission to liberate the people of Iraq from a brutal tyrant and his thugs who rule by terror, that is disheartening.

Mr. Speaker, I urge my colleagues to stop making our Capitol building a platform to criticize the war and our troops. That only hurts our troops in the field.

"PORKER OF THE WEEK" AWARD GOES TO DEPARTMENT OF ENERGY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the Department of Energy recently hosted a flea market. They sold 23 trucks worth $448,000 for 17 cents each, a $9,000 copier for a nickel, and a drilling rig for $50,000. The sales also included motor homes, laboratory equipment, and cranes.

The sales were made under a Federal program intended to promote economic development in communities around Energy Department sites by selling surplus property to nonprofit organizations. But they sold all of this property to one single organization, the NTS Development Corporation of Las Vegas, which bought the drilling rig, paid a subcontractor $71,000 to inspect and clean it, and then sold the rig for $248,000 to an equipment broker in Texas. The equipment broker now has the rig listed for sale for $3.9 million.

While it is certainly a worthwhile endeavor for the Energy Department to promote its host communities, it is an appalling lack of judgment to sell pieces of equipment for millions of dollars below market value. The Department of Energy gets my "Porker of the Week" Award.

HONORING CRAIG DURFEY FOR HIS FIGHT AGAINST AUTISM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Craig Durfey for his tireless work in the fight against autism.

Craig is the founder of Parents for the Rights of Developmentally Disabled Children. As a father of children with autism, he knows firsthand the difficulties that come with dealing with this dreaded disease.

Today autism is a national crisis that affects nearly 1.5 million children. According to recent studies, as many as one in every 250 children born today will be diagnosed with autism. Autism costs the Nation between $20 billion and $60 billion annually, and the projection for the next 10 years will be that it will cost $400 billion.

Autistic children go to doctors three times more often than normal children, and many times families must travel hundreds of miles to see a knowledgeable doctor that understands autism.

Craig has been working tirelessly to provide funding for programs in my community and in the Nation that would train social service and law enforcement personnel on how to identify children with this type of disability.

I applaud Craig for his efforts, and I will continue to work on his behalf with my colleagues in the Congressional Coalition for Autism Research and Education to increase funding for ideas like Craig's and to find a cure for autism.

REMEMBERING OUR AMERICAN PRISONERS OF WAR

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, as our collective attention and focus is on the war in Iraq, it is critically important that we remember our troops who are prisoners of war. Allow me to read the names of these brave men and women who are now enduring life as a POW:

Patrick Miller, age 23, from Park City, Kansas;

Ronald D. Young, Jr., age 26, from Lithia Springs, Georgia;

David S. Williams, age 30, from Orlando, Florida;

Joseph Hudson, age 23, from Alamogordo, New Mexico;

Shoshana Johnson, age 30, from Fort Bliss, Texas;

Edgar Hernandez, age 21, from Mission, Texas; and

James Joseph Riley, age 31, from Pennauken, New Jersey.

Mr. Speaker, these soldiers are again proving that freedom is not free. May we all as Americans remember these brave men and women and pray for their families, their safety and their rapid return.

□ 1015

SUPREME COURT TO RULE ON AFFIRMATIVE ACTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a morning or a day, in light of the raging winds of war that our young men and women are facing in faraway places, that one sometimes may wonder about the importance of the work of this body. So I rise this morning to again ask our Nation to be reminded of those brave young men and women, those who are fighting, as well as those who tragically have now lost their lives and their mourning families and, as well, the POWs who are waiting to return home to their loved ones.

It seems almost that we should step aside from issues dealing with ordinary life. But I might ask, Mr. Speaker, that as our brave troops are fighting for freedom, and we respect and honor them, that on April 1, 2003, the Supreme Court will hear what I believe will be the most challenging civil rights argument in the last 50 years. Many of those troops are impacted by this argument, and that is the decision of whether or not to make affirmative action unconstitutional.

Affirmative action, as we know, is not a handout or a quota, but simply an opportunity to outreach to the many wonderfully diverse communities in this Nation so that our young people can sit in classrooms where they might learn from each other.

Mr. Speaker, I am disappointed in the administration for its position on affirmative action, and I believe as well that we must stand and be counted for the civil rights for all Americans. I hope the Supreme Court will respond accordingly.

HONORING OUR TROOPS

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to our men and women in uniform. Thousands of miles from home in an unfamiliar land, these men and women fight for a cause much larger than themselves.

The men and women of the United States Armed Forces fighting in Iraq do so for freedom. They fight to protect the freedoms of their fellow Americans and to gain freedom and liberty for the tired and the poor and the downtrodden masses that have lived under the shadow of Saddam Hussein's tyrannical reign for decades.

As the President said about Hussein's reign this past Tuesday, "We are fighting an enemy that knows no rules of law that will wear civilian uniforms, that is willing to kill in order to continue the reign of fear of Saddam Hussein. But we are fighting with bravery and courage."

Mr. Speaker, I believe today that there are no Democrats, there are no Republicans in support of our troops; there are only Americans, praying for their quick victory and their speedy return home to their loved ones.

Mr. Speaker, I thank them for their sacrifices in America's time of need.

REVIEWS IN ON FCC DECISION REGARDING RULES GOVERNING TELECOMMUNICATIONS INDUSTRY

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, the reviews are in on the February 20 FCC decision on the rules governing the Nation's telecommunications companies, and they are not good. Specifically, the reviews state that the requirements to make the RBOCs networks and systems available on an unbundled and subsidized basis are unsound.

For many Members of this Chamber, economists, and industry observers, the FCC's proceeding was an opportunity to provide clear rules and regulatory rationality to an industry sector that has tumbled in recent years with job losses and reduced capital investments, which has affected a manufacturer in my district.

Unfortunately, from these reviews on this decision, the FCC has failed miserably in their attempt to revitalize this necessary industry.

Has this industry not suffered enough? Two trillion dollars of market cap, half a million telecommunications jobs lost, and $800 billion in debt have gone away. Hardware equipment and software manufacturers are stumbling.

The FCC has taken a mess and made it harder to clean up. Somebody has to fix this: Congress, the courts, maybe even a miracle itself from the FCC.

PRESIDENT SHOULD DEFER TAX CUTS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I want to make one appeal to the President and my Republican colleagues, and Democrats as well. We are a few days away, if not a few weeks away, from debating a tax cut bill that all of us wish and desire, for all of those here and those watching, could receive at home. We have one problem, though.

We have committed some 300,000 and, if the papers are to be believed this morning, an additional 30,000 troops will be deployed overseas. The President has his hands full, as does the national security team, in defining our goals clearly in Iraq. Yet their domestic team continues to try to advance an enormous tax cut, which all of us again want.

The problem we face is we have States that are struggling, we have a budget that is out of balance, we have a war that needs to be paid for, and we have all of our domestic needs.

Mr. Speaker, I ask the President in the most humble of ways: defer your tax cut, defer new spending. Let us do two things first: one, help the States; and, two, pay for this war. After that, all of the tax cuts and stimulus and spending programs that all of us may want, let us consider those things in that context.

I say to the President: defer your tax cuts, sir, and help our States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members are reminded to address the Chair and not the President.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1104.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CHILD ABDUCTION PREVENTION ACT

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 160 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1104.

□ 1021

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes, with Mr. UPTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 22½ minutes; and the gentleman from Georgia (Mr. GINGREY) and the gentleman from California (Mr. GEORGE MILLER) each will control 7½ minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, sexual predators target America's children every day in large cities, small towns, and even in cyberspace. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape, and murder of children, the United States must have a zero tolerance policy.

H.R. 1104, the Child Abduction Prevention Act, is comprehensive legislation that directly and forcefully addresses these heinous crimes. The bill is virtually identical to H.R. 5422, which overwhelmingly passed the House last October by a vote of 390 to 24. Like so many other meritorious bills sent to the other body in the last Congress, this legislation was allowed to die by the Democrat leadership.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try to recover a missing child quickly and safely. H.R. 1104 not only gets the word out after a kidnapping, but it also takes strong steps to prevent them from occurring in the first place. The bill strengthens penalties against kidnapping and aids law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children.

Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. Recognizing this, the bill codifies the AMBER Alert program currently in place in the Departments of Justice and Transportation and authorizes increased funding to help States deploy child abduction communications warning networks.

For those individuals that would harm a child, we must ensure that punishment is severe, and that sexual predators are not allowed to slip through the cracks of a system and harm other children.

To this end, this legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. Furthermore, H.R. 1104 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial offenders who have already been convicted of similar offenses. Sex offenders and child molesters are four times more likely than other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester, on average, destroys the lives of over 100 children. In response, H.R. 1104 provides judges with the discretion to impose lifetime supervision upon such offenders.

The bill also fights against an industry supporting one of the fastest growing areas of international criminal activity. The sex tourism industry obtains its victims through kidnapping and trafficking of women and children. These women and children are then forced into prostitution. H.R. 1104 works to end this.

This legislation also authorizes increased support through the National Center for Missing and Exploited Children, the Nation's resource center for child protection. The center assists in the recovery of missing children and raises public awareness about ways to protect children from abduction, molestation, and sexual exploitation.

Some have called for a stand-alone AMBER bill instead of the comprehensive approach we have taken to address the problem of child abductions in this country. I note with interest that the DCCC, the political wing of the House Democrats, have labeled provisions of the bill I have just outlined as controversial.

I do not think these provisions are controversial. Neither do the Department of Justice, the National Center for Missing and Exploited Children, or the 390 Members of Congress that voted for this bill last year. Mark Klaas, father of kidnap and murder victim Polly Klaas, supports us. Mr. Klaas said, "I'm behind what Mr. SENSENBRENNER's doing. I like the idea of a 2-strike law for people who are committing sexual offenses against children. And what it says is that if somebody does that, they are going to spend the rest of their miserable life in prison if they are convicted a second time. I see no problem with putting it out on the floor and seeing where people fall on it."

Those who say we need a stand-alone AMBER bill on the President's desk today do not understand the actual impact of such a bill. The fact is that much of the stand-alone AMBER bill has already been implemented and is in place right now.

The stand-alone AMBER bill calls for a national coordinator. On October 2, 2002, President Bush directed the Attorney General to designate a Justice Department officer to serve as AMBER Alert coordinator to help expand the AMBER Alert system nationwide. Assistant Attorney General Deborah J. Daniels was designated as that coordinator and for almost 6 months has been working to assist State and local officials with developing and enhancing AMBER plans and promoting statewide and regional AMBER coordination programs ever since.

The Departments of Justice and Transportation already have $12.5 million in the bank today, ready to respond and spend on AMBER programs.

Furthermore, in a March 18, 2003, letter to me, the Department of Justice stated that it has not been hampered in its efforts to implement an AMBER Alert program because of any legislation that has yet to be signed into law. Stand-alone AMBER legislation, in the words of the Department of Justice and their statement of administration policy, merely codifies current practice.

□ 1030

This Congress must do better than codifying current practice, and this bill does that. Let us be clear, if a stand-alone AMBER Alert were enacted into law today, nothing that is already being done would change. This bill merely supplants the Department of Justice general authorization with a specific authorization. It may make some feel good, but it will not help protect America's children from kidnapping and sexual abuse in the first place.

Federal money is in the pipeline for AMBER programs and is ready to be spent. A national coordinator has already been appointed. What we need now is a comprehensive legislative package that will crack down on child abductors, build and expand on the work of the National Center for Missing and Exploited Children, and give Federal authorities additional tools to prevent and to solve these horrific crimes.

I urge my colleagues to ignore the political rhetoric and to protect America's children by supporting this bipartisan and noncontroversial child protection legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1104. I would like to be able to support the AMBER Alert part of the bill, but that bipartisan, noncontroversial part of the bill has been buried behind literally a host of controversial sound-bite-based provisions which have passed the House several times, only to die in the Senate.

The AMBER Alert portion of the bill would codify a program of grants and assistance to States and localities to establish a nationwide system of communications and alerts to assist in locating and returning missing and abducted children. The system has proven itself on the State level and would help save lives and additional heartache on a national basis.

The AMBER Alert bill has already passed the Senate unanimously and could pass unanimously in the House, I believe, absent the controversial sound bites that have been tacked on.

Last Congress, many of us warned the majority that coupling the AMBER Alert bill with controversial sound bites would mean that neither the AMBER Alert nor the sound bites would be passed, but the House passed the same kind of omnibus bill anyway; and, as expected, the whole thing died in the Senate. Yet, here we are again facing the same misguided strategy and this time again with even more reasons for the Senate to reject the bill which the AMBER Alert bill is buried in. Again, we have to protest the strategy that will again defeat the AMBER Alert system and again defeat the sound bites as well.

Mr. Chairman, I think the Senate has chosen not to consider many of the controversial items hitchhiking on the AMBER Alert bill for good reasons: more death penalties, at a time when we know the death penalty has problems; more mandatory minimums, two strikes and you are out. We are authorizing FBI wiretaps for behavior that is not even a crime; pretrial detention, lifetime supervision, and removing the statute of limitations on crimes such as adults crossing State lines to engage in consensual sex that would be a crime in the home State. I would just remind Members that any kind of sex outside of marriage is a crime in Virginia.

Virtually all of the crimes described in the bill are already crimes with significant penalties. Others have already passed the House in separate bills and are still pending in the Senate, as they have been for the last 6 years.

It is wrong to hijack the AMBER Alert bill to try to pass these things again. It will not help AMBER Alert, and it will not help pass the extraneous provisions.

It is true that the President has not waited for Congress to pass an AMBER Alert bill and has, by executive order, implemented many of the provisions of the bill. But the passage of AMBER Alert is still necessary to make the program permanent and to increase the funding of the program.

Mr. Chairman, we have letters from the National Association of Police Organizations, and I will just read two paragraphs from it:

"On behalf of the National Association of Police Organizations, representing 230,000 rank and file police officers from across the United States, I would applaud your valiant efforts in calling for an immediate passage of stand-alone AMBER Alert legislation. The recent successful recovery of Elizabeth Smart exemplifies the power of an informed public.

"In this light, legislation that will greatly enhance recovery abilities should not be tied down with additional controversial provisions and political wrangling. The Senate quickly passed S. 221 92 to nothing. Like other child abduction bills, H.R. 412 and S. 121 enjoy broad bipartisan support."

We have other letters asking for passage of a stand-alone AMBER Alert bill from the Edward, Lois and Elizabeth Smart family and from the Polly Klaas Foundation. I would ask that we defeat the bill and take up H.R. 412, the stand-alone AMBER Alert bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the author of the stand-alone AMBER Alert bill on the House side.

Ms. DUNN. Mr. Chairman, on behalf of the Smart family, the Polly Klaas Foundation, the National Center for Missing and Exploited Children, and the thousands of families still searching for their missing children, I rise today to join our chairman in offering hope that we will establish a voluntary, nationwide AMBER Alert system to find children.

I want to compliment the chairman for moving this bill so speedily through the House of Representatives.

The AMBER Alert was named after a little girl named Amber Hagerman who was kidnapped and killed by her abductor. The community rallied around her family to begin a search that resulted in the AMBER Alert program.

In 1997, a Washington State child homicide study, which examined over 600 child abduction murder cases from all over the country, found that the first 3 hours of a child's abduction are critical to bringing this child home safely. This is the reason that we are seeking an AMBER Alert program.

To date, AMBER has been credited with the safe recovery of 52 children, including, very recently, a 12-year-old California girl reunited with her family after a witness saw the car described in AMBER Alert messages transmitted across the State.

We know the AMBER Alert system works by allowing communities to tap into the resources of an educated public, prepare law enforcement and engage the media in reuniting children with their family. The media and an educated public were absolutely critical in the safe return of Elizabeth Smart.

President Bush and his administration showed strong and early support for our legislation last year and took the first steps by providing grants to States and localities to help establish AMBER Alert programs. It is now time for Congress to codify AMBER Alert and provide additional funding to power all communities with the tools and resources to react quickly to child abductions and bring these children home safely to the arms of their parents.

We witnessed a very joyful reunion of Elizabeth Smart and her family 2 weeks ago. I know that President Bush is committed to signing AMBER Alert into law very soon. I also know that our leadership will keep its commitment not to allow it to languish in a conference committee.

Mr. Chairman, would it not be wonderful never again to have to name another piece of legislation after a little child who died? I urge our opponents and supporters everywhere to get together with us on AMBER Alert. It is a wonderful opportunity to establish a great system. Let us support this legislation today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Wisconsin has pretty thoroughly examined this bill. I just want to reiterate that this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us.

H.R. 1104 is divided into three titles to improve the law related to child abductions by addressing sanctions and offenses, investigation and prosecution, and public outreach. The legislation sends a clear message that child abductors will not escape justice.

Title I, "Sanctions and offenses," strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for nonfamily abductions of a child under the age of 18. This title also requires lifetime supervision for sex offenders, which is similar to a bill that passed the House last year 409 to 3.

Also included is a provision that requires mandatory life imprisonment for second-time sex offenders that also passed this body 382 to 34 last Congress. In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping and adds child abuse that results in death as a predicate for first degree murder.

Title II, "Effective investigation and prosecution," gives law enforcement agencies the tools they need to enforce the laws against child abduction. This title adds four new wiretap predicates that relate to sexual exploitation crimes against children which previously passed the House 396 to 11 last Congress. The title also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttal presumption that child rapists and kidnappers should not get pretrial release.

Title III, "Public outreach," establishes a national Amber Alert program based on the bill of the gentlewoman from Washington (Ms. DUNN) and the gentleman from Texas (Mr. FROST) to codify the AMBER Alert program currently in place. This is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. The goal of the AMBER Alert, as has been explained, is to have the assistance of millions of people in the search for an abducted child.

This title also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, by doubling its authorization to $20 million.

Furthermore, Mr. Chairman, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their States.

Mr. Chairman, the recent wave of high-profile child abductions illustrates the tremendous need for this legislation in this area. The criminals breach the security of our homes to steal, molest, rape and kill our children. Immediate action is necessary.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Virginia for yielding time to me, and I particularly thank him for his very thoughtful remarks on a very important legislative initiative.

I would like to thank my colleague and friend, the gentleman from Texas (Mr. FROST), and the gentlewoman from Washington (Ms. DUNN) for their insight and leadership on an AMBER Alert national bill and my colleague and friend in the other body from the State of Texas, likewise, for the leadership on this issue.

Mr. Chairman, I am going to eventually vote for final passage. I think it is important to get that on the record. But I also believe it is important to acknowledge the fine analysis the gentleman from Virginia (Mr. SCOTT) has given to this legislation and to be able to share with my colleagues why it is extremely important that we use a different approach in this House.

Many times we are viewed as both partisan and singular in perspective as it is directed to the two bodies that are called Congress. Many times our legislative tactics are perceived as one-upsmanship, or "got you." I believe it is important in the instance of this legislation as it initially started out, the AMBER Alert bill, to really be both bipartisan, bicameral, and to respect the underpinnings and the importance, if you will, of passing a clean AMBER Alert bill.

I was disappointed in the Committee on Rules, in the typical response that one receives, in not having an amendment that had to do with added funding for our Juvenile Division in the Department of Justice.

As the war is raging in Iraq, we find there are troubling times in many of our cities as it relates to gang warfare. Many of us thought that we had overcome that over the past years, but in Los Angeles in particular I have had a number of colleagues indicate the tragedies that are going on with the intense gang wars. I believe the more monies that we can invest in rehabilitating our youth, in providing mentoring programs for our youth, that is a good investment. That amendment was not accepted.

But since the process was opened, the amendment was offered. I would have been willing, Mr. Chairman, to have eliminated all efforts at amendment so that a freestanding AMBER Alert bill could be passed. What does that mean? It does not mean that the viable provisions that have been added to this legislation do not have merit. I believe they sufficiently have enough merit that we could proceed with them independently in a separate bill.

My understanding is that the other body is not going to take this bill as it is. There may be the thought that we will go into conference, and what that will do is to cause a delay. I believe that, in formulating legislation, we should be listening to those that we represent.

I would like to share the words of the Polly Klaas Foundation that urges Congress to pass immediately H.R. 412, a freestanding bill.

"H.R. 412 is a popular bipartisan bill from MARTIN FROST and JENNIFER DUNN that would establish a national AMBER Alert network."

□ 1045

The bill needs to stand as it is, as a Senate-passed stand-alone AMBER bill months ago, and the House should do the same. Every day that the AMBER

Alert bill languishes, so does the safety of our children.

As one who can see the AMBER Alert system working in Texas, Mr. Chairman, I can tell my colleagues that it has amazing results when the flashing lights on freeways show that those who are traveling those freeways can immediately respond to local law enforcement. That is what the AMBER Alert does.

Clearly I would say that in the Elizabeth Smart case, her father indicated his desire to see a freestanding AMBER Alert bill passed, and he indicated that the community was largely, in part, the result or the basis upon which Elizabeth Smart was found.

This bill has an expansion of the death penalty. They may be valuable, but we should have separate hearings on that.

This bill increases mandatory sentences. They could be valuable, but we should have separate hearings on that.

This bill expands wiretap authority; and even though I believe child predators are the worst, we should have separate proceedings on that and separate freestanding bills.

The fact that this bill eliminates the statute of limitations is a problem. Eliminating pretrial release should be addressed, although I wholly agree with the idea that we should separate predators from our community. But all of these matters, Mr. Chairman, I believe require an independent assessment and would do well in this body and the Senate if they were freestanding.

The only thing we do today is to get probably an enormous vote in favor, and that will probably occur; but what we do is we stall the process of a legislative initiative that could move quickly through both bodies, and I believe that is not the task of legislators who are sincere about their work on behalf of constituents. I think it is important, Mr. Chairman, that we bifurcate our work, move a freestanding AMBER Alert bill along and begin to assess these very reasonable additions in a freestanding bill so that we can have finally signed by the President of the United States the AMBER National Alert System that so many cities and counties and States need and the funding that goes with it and, might I add, the additional funding that might come as it relates to other entities that we are interested in.

I would ask my colleagues to speak to the issue of a freestanding AMBER Alert bill and bring this bill back. I wish we could have a motion to recommit to bring it back.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds just to point out that neither the Senate-passed stand-alone AMBER Alert bill nor its companions in the House establish a mandatory national AMBER system. All of the bills are voluntary. The States can apply for grants. It is my hope that they will do so.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I have been tracking the progress of this bill for some time now, and I applaud the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. My district had a young girl missing for most of this month, a 14-year-old girl by the name of Lindsay Ryan. It was alleged that she was, in fact, abducted by a convicted murderer, and Michigan's AMBER Alert was initiated.

I called the county sheriff, Joe Underwood, a fine professional, as I tried to lend him my moral support. As I talked with him, I asked him the question of what could I do to help. He shared his frustration that other States did not have a system like we have in Michigan. He felt that, in fact, if other States, and there are 12 that have no AMBER Alert system at all, but if other States had a system like Michigan, the word would have gotten out right away. My district is right along the Indiana border, very close to Illinois.

After our conversation, I called the Committee on the Judiciary; and in fact, they told me about this piece of legislation which I cosponsor. I am delighted to say that it is on the House floor today, and there is good news.

Just like there was good news with Elizabeth Smart last week, there was good news this week with Lindsay Ryan. She was found alive, alive because California had a system. It was probably the good work of a Frito-Lay truck driver that, in fact, spotted the vehicle, and the police were able to get to the scene and rescue Lindsay Ryan, who is now with her family alive and hopefully well.

We want to prevent this tragedy for other families, whether they be in Michigan or North Carolina, Wisconsin or any other State. An AMBER Alert system nationwide is needed, for this family, for every family; and I would urge my colleagues to pass this legislation so that, in fact, we can use the eyes and ears of millions of Americans looking to prevent a nightmare that no family ever wants to have happen in their community or certainly in their family.

Mr. SCOTT of Virginia. Mr. Chairman, could the Chair advise us as to the amount of time remaining on both sides?

The CHAIRMAN pro tempore (Mr. HOEKSTRA). The gentleman from Virginia (Mr. SCOTT) has 12½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I thank the gentleman from Virginia for yielding time; and I hate to disappoint my good friend, the gentleman from Michigan (Mr. UPTON), to advise him that our fear is that by burdening this bill down with various provisions, other than the AMBER Alert provisions, it will follow the same route that it has followed in the past.

It will be passed here in the House, it will go to the Senate, and it will not receive action because the AMBER Alert part of this bill is burdened with other bills which we have passed many times on this side, but have never been taken up, and the Senate has refused to take them up on the other side. So while I applaud his efforts to support the AMBER Alert part of this bill, doing it in the way that we are doing it is probably the kiss of death for the bill.

Before I go on that, I want to take a moment to praise the efforts of my good friend and colleague from Virginia who for the last 11 years has been the voice of sanity in the criminal law area. He has sat in hearing after hearing after hearing and taken politically difficult positions on bills, trying to reinforce to us that everything that sounds good, that may be politically popular, is not an effective crime tool; and he has done it at a time, on a sustained basis, when many of my colleagues have used as their spring, summer, fall and winter exercises the politically popular exercise of beating on their chest and saying I am hard on crime, without considering the consequences of what they are voting for.

Again, parts of this bill today do exactly the same. I am struck by the argument that the chairman of our committee has put forward to us. On the one hand, he says the AMBER Alert part of this bill really does nothing that is not already able to be done, and then I scratch my head and I said, well, if that is the case, why are we even here doing the AMBER Alert part of this? Is the AMBER Alert part of this bill, which all of us feel so strongly about, which all of us would vote for in a heartbeat if it were a stand-alone bill, is it being used as a bus to load on all of these other controversial provisions that otherwise would not be considered?

If these other provisions have merit, let them be considered as separate stand-alone bills, let us evaluate them, let us evaluate their impact on reducing crime and addressing the problems that exist in our Nation, and let the Senate and the House vote on those things separately.

What we appeal to the leadership to do and have been for the last 3, 4, 5 weeks is to give us an AMBER Alert bill that is a stand-alone bill, that could pass this House by unanimous consent. There would not be one dissenting vote. And not only would it pass this House by unanimous consent; it would go to the Senate, and the Senate would pass it immediately, probably this week; and it would go to the President's desk and be signed into law probably early next week.

Instead, what we have done is used the AMBER Alert part of the bill as a vehicle to bring other more controversial provisions into a debate; many of those provisions have already been passed by this House and sent to the Senate and have languished there in the past. We have done this before.

The question is why are we doing it again? Is there some real motivation that is different than the one we understand or is there a real desire to pass the AMBER Alert part of the bill? If there is, I would appeal to my colleagues to let that bill, release it, do not hold it as a hostage. Release that bill, and let it stand on its own. Let us vote on it. Let us send it to the Senate; let them vote on it. Let it be sent to the President for signature, and then we would have a national AMBER Alert bill that does and gives us the benefit of that system for the States that wish to use it.

I appreciate the gentleman yielding time; but more importantly, I appreciate him standing and fighting for things that make sense in the criminal justice context, rather than just things that are politically popular, that allow us to beat on our chest and say we are hard on crime regardless of the impact on reducing crime.

Mr. GINGREY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which provides for the national coordination of the AMBER Alert communications network and strengthens criminal penalties for kidnappers, child molesters, and the sexual exploitation of children.

This legislation also provides double, double the current authorization funding for the National Center for Missing and Exploited Children, which serves as the Nation's resource center to aid in finding and rescuing missing and exploited children and helping their families in their time of need.

In section 305 of H.R. 1104, the Committee on Education and the Workforce, of which I am a member, authorizes $20 million for the National Center for Missing and Exploited Children for fiscal years 2004 and 2005. Again, this is double the current level of funding.

As the Nation's resource center for missing and exploited children, the center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children. The center is active both nationally and internationally.

Mr. Chairman, it is important to note the center does not investigate abducted, runaway or cases involving sexually exploited youth, but receives leads and relays them to various investigative law enforcement units.

In an effort to assist law enforcement, the center offers both technical assistance, information dissemination, and advice. It also offers a free consulting service to agencies by expert retired law enforcement officers who are skilled in investigating cases involving sexual abuse of children and child abduction.

□ 1100

Mr. Chairman, I could continue on about the need for the Center for Missing and Exploited Children, but in the interest of progressing this debate, I would like to urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. DAVIS) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to be associated with the comments that were just made by the gentleman from Georgia (Mr. GINGREY). I rise in strong support of the AMBER Alert provisions of this bill to prevent child abduction and to then do all we can in finding the child. A nationwide AMBER Alert would allow all of America to have the information to assist the family, the community, and the local police in finding a missing child. If already in place, the two Bradley sisters from Chicago would have been located.

Like most stories of missing children, 10-year-old Tionda and 3-year-old Diamond disappeared without a trace, without anyone seeing where they went or who they went with. On Friday, July 6, 2001, Tionda had left a note telling their mother that she and her sister were going to go to the store and then go to the school playground. Several neighborhood children have told police that they did see the sisters playing outside their complex around noon that day. Sadly, no one has seen them since.

The neighborhood surrounding their home and even Lake Michigan has been searched with only disappointing news. No clues, no evidence has been found to place either child. It has been 659 days since this mother has seen her two daughters. I urge America to go to the Bradley's Web site and see if you have seen either one of them.

Mr. Chairman, all of America would be benefited by the AMBER Alert system put in place now.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of criminals who dare to harm our children. An important provision of H.R. 1104 doubles the authorization level for the National Center for Missing and Exploited Children, which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The Center is a private, nonprofit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. It is a critical resource for aiding the over 18,000 law enforcement agencies throughout the Nation in their search for missing children.

According to statistical data from the National Center for Missing and Exploited Children, from its inception in 1984 through the end of 2002, the Center handled 1,718,784 telephone calls through its national Hotline 1-800-THE-LOST. It trained 179,685 police and other professionals and distributed over 27 million issue-based publications. The Center has also worked with law enforcement on 87,513 missing child cases, resulting in the recovery of over 71,000 children, an incredible success rate of more than 80 percent.

The National Center for Missing and Exploited Children is uniquely positioned to access vital information to aid in the search and recovery of missing kids. It is the only child protection nonprofit organization with access to the FBI's National Crime Information Center Missing Person, Wanted Person and Unidentified Person Files, the National Law Enforcement Telecommunications System, and the Federal Parent Locator Services. Additionally, it is the only organization operating a 24-hour, toll-free Hotline for the recovery of missing children in cooperation with the U.S. Justice Department. It is also the sole organization operating a 24-hour, toll-free child pornography tip line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Please join me in voting for and supporting H.R. 1104.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1104. While I am happy to have this time to speak on the floor, I am very disappointed that the Committee on Education and the Workforce did not debate this issue before it came to the floor. Members on the Committee on Education and the Workforce wanted to review the provisions in the bill that are under our committee's jurisdiction.

It is clear that the AMBER Alert system is highly effective and should be made available nationwide. However, I believe we need a clean AMBER Alert bill; and, once again, my colleagues on the other side of the aisle have failed to bring forth a clean bill. Instead, they have opted to load it up with extra provisions that they know will not be accepted by the other body.

This important legislation could have been passed 6 months ago, but instead today we are considering legislation that is broad and controversial. The controversial provisions include the expansion of the death penalty, mandatory minimum sentencing, criminalization of traveling with a criminal intent, the two-strikes-and-you-are-out provision, the expansion of wiretap authority, the eliminations of the statute of limitations on sexual abuse cases, and eliminating pretrial release.

Mr. Chairman, are all these provisions really necessary to help find and protect missing children?

That is why I have supported and will continue to support the bipartisan Frost-Dunn AMBER Alert Act which will strengthen the AMBER Alert program immediately. The Frost-Dunn bill provides $25 million in grants and works to build a seamless network of local AMBER plans. What our local communities really need is more resources to increase highway signs, to educate and train law enforcement, and to gain additional equipment. This bill is the clean legislation that we should be considering today.

Mr. Chairman, I urge Members to vote "no" on H.R. 1104, and I demand that we look at a clean AMBER Alert bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining, the gentleman from Illinois (Mr. DAVIS) has 6 minutes remaining, the gentleman from Georgia (Mr. GINGREY) has 3½ minutes remaining, and the gentlewoman from California (Ms. WOOLSEY) has 5½ minutes remaining.

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), who is a cosponsor of this very important piece of legislation.

Mr. ROYCE. Mr. Chairman, I rise in strong support of this legislation, which, of course, includes the AMBER Alert bill.

Last September, President George Bush took immediate action to help expand and improve the AMBER Alert system; and he provided a total of $10 million from existing funds in order to expand and develop the AMBER training and education programs and in order to upgrade the emergency alert system. I support President Bush's efforts, and I urge Congress to pass this important bill so that we can continue our efforts to ensure that an AMBER Alert system will be there for all of our Nation's children.

As we witnessed, AMBER plans have worked to bring home children safely; and I wanted to share one particular story about a 10-year-old girl from Riverside, California, named Nicole Timmons. We have the system in California, but, luckily, neighboring Nevada also picked up this alert; and on the Nevada radio stations they reported that Nicole had just been kidnapped by an individual and gave a certain amount of information. Luckily, a very alert citizen in Nevada was listening to this broadcast as he was driving next to the vehicle that Nicole was being transported in, being abducted in. He noticed that the driver was behaving rather suspiciously, and he noticed this 10-year-old girl. As a consequence, he immediately notified law enforcement. They moved in, and they rescued Nicole.

What is important here is in 75 percent of the cases where a young child is killed by an abductor, that murder occurs within the first 3 hours. That is why it is necessary that these alerts go up immediately to give other citizens a chance to help apprehend, to help report suspicious behavior, to help look for that abductor.

Of course, we have to ask ourselves, what if Nevada had not picked up the California alert? That is why we want to expand it across the Nation.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is unfortunate that we will delay the opportunity to find Tionda and to find Diamond. We will delay the opportunity because, instead of having a simple, clean AMBER Alert bill that could be passed immediately in both Houses, we have a complex, complicated, bogged-down bill with all kinds of impediments and extraneous items in it that makes it very difficult for individuals to support if they also want to support a judicial system that deals in a rational, logical, sane, sensible, less-than-punitive way.

I do not know if it is going to be possible to change that, but I would certainly hope there would be some way to extricate, to take out those onerous portions of the bill so that we can move ahead and find missing children, find children who are away from their parents, find children that we do not know where they are. So I would hope when the end comes, we will come to an alert system that puts us on the track to find missing children.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS) a member of the Committee on Education and the Workforce.

Mr. BURNS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my support for H.R. 1104, the Child Abuse Prevention Act. This legislation is critical for the protection of the greatest resource in America, our children. The bill increases the authorization funding for the National Center for Missing and Exploited Children. It serves as a resource Center and a national clearinghouse to aid missing and exploited children and their families.

The National Center for Missing and Exploited Children operates a 24-hour Hotline to report information on missing children; and, through that Center, the information is sent out to law enforcement agencies both here and abroad. The Center verifies information on missing children entered in the FBI's National Crime Information System and instructs law enforcement in the proper handling of these cases.

The act also provides national coordination of the AMBER Alert system, which has already proven successful in multiple States by allowing law enforcement to put out an immediate bulletin when a child has been reported missing.

Finally, and most importantly, this bill dramatically increases the penalties for people who would harm children or use them in pornography. These penalties should be the most severe that society can deliver for such disgusting crimes against our children.

Ms. WOOLSEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, as the chairman and founder of the Congressional Caucus on Missing and Exploited Children, I am proud to be part of this overall issue of child abduction. Missing and exploited children is an issue that I became critically aware of within a few months after coming to Congress when, in 1997, Laura Kate Smither was abducted from her neighborhood, and 2½ weeks later her body was found in a drainage ditch.

Following that, I came back here and met with my staff, and one of my staff had been a volunteer with an organization called the National Center for Missing and Exploited Children during high school.

□ 1115

I quickly went over to the center and met Ernie Allen and have become a good friend of Mr. Allen, who is the president and CEO of that wonderful organization. I think I have found more in that organization than what I ever dreamed of being able to find. It does some amazing work. They have helped raise the overall level of awareness, which is the goal of the congressional caucus since we have formed it in 1997, now with about 150 members.

I am proud of the fact that there are bills, many different bills, plural, that are up on the floor and that are being discussed. Obviously, I too wish that we could take some of them separately. I think the AMBER Alert would instantly become law. We have had that debate; and now we are debating H.R. 1104, of which I am a cosponsor. And I do ask and urge the passage of H.R. 1104.

The national center does so much varied work in providing their hotline, in providing assistance to communities, to families, to law enforcement, the magnificent work that it has done through its image enhancement activities that have helped find children years later after they were taken. There are a significant number of extremely dedicated, powerful people that they have put together and formed efforts to get information into our schools with curricula that will change the lives of children, with the law enforcement training through the Jimmy Ryce Law Enforcement Center, which offers free training activity to any chief executive of any law enforcement agency in the United States, a powerful organization. The $20 million that we are asking for in fiscal years 2004 and 2005 will be some of the best money that this Congress can possibly spend. I urge the passage of H.R. 1104.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the Child Abduction Protection Act and thank my California colleague for yielding me this time. I am a proud supporter of the AMBER program, which was created in Arlington, Texas. Everyone knows the history of the AMBER program, named for Amber Hagerman; but I am particularly proud that about 3 years ago our office in Houston started working on getting our radio network and the law enforcement in Houston, Texas, together.

I have a former staff member who now works for our leader, NANCY PELOSI, Cindy Jimenez, who was instrumental in this. And now in Houston not only this week was the AMBER Alert activated in Houston and a 14-year-old girl returned safely yesterday, but we have used it well over a half a dozen times in my community. My community, I say. We share eight Members of Congress, so it is a large community.

The sooner the word gets out that children are abducted, the better the chances of them being brought home. Particularly in my area we made sure we did it in both Spanish and English. We have had some tragedies in my area that are predominantly Hispanic, so it has to be in both languages, or any language that is available in the community.

H.R. 1104 makes grants to States. Again, we need it for the State of Texas as a whole. I express my disappointment that it has been bogged down, but I intend to support the full bill.

Mr. Chairman, I rise today to voice my support for the Child Abduction Protection Act, which includes language to improve the Amber program.

I am proud supporter of the AMBER program, which was created in Arlington, Texas. The AMBER Plan is named in memory of nine-year-old Amber Hagerman. In 1996, Amber was abducted while playing near her Arlington, Texas home. She was later found murdered.

In response to community concern, the Association of Radio Managers, with the assistance of area law enforcement, created the AMBER Plan to give listeners timely information about area child abductions. The plan calls for law enforcement agencies to provide radio stations with an alert upon the immediate confirmation of a child's abduction. All participating radio stations will break programming to broadcast the alert and any subsequent information provided by police. This program has blossomed into a nationwide effort where 39 states have adopted a statewide AMBER plan. To day the AMBER Plan has been credited with recovering 51 children!

Just this week, the police in my hometown of Houston, Texas, activated the AMBER system when a 14-year-old girl went missing from her middle school. Fortunately, the young lady was returned safely to her home.

The AMBER alert has been successful in Houston, Texas many times and I am proud our office played a part in organizing the Houston effort almost 3 years ago. Ms. Cindy Jimenez, my former staff member now with Democratic leader NANCY PELOSI, worked successfully to coordinate the cooperation between news media and law enforcement.

This kind of success story highlights the needs to ensure that states have the resources they need to set up AMBER plans. Seventy-four percent of abducted children who are murdered are dead within three hours of the abduction. The sooner word gets out that these children have been abducted, the better the chances that they will be brought home safely.

H.R. 1104 makes grants available to the states for them to set up AMBER alert plans, and also creates an Amber alert coordinator within the Department of Justice. I strongly support this provision.

I would like to express my disappointment, however, that this legislation has been weighted down with controversial issues. Issues such as mandatory minimum sentencing and making certain crimes punishable by the death penalty are matters for another day.

These issues are sure to slow down this important legislation. I urge the sponsors of this legislation to remove the controversial provisions so that the AMBER plan legislation can be enacted quickly.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 4½ minutes.

Mr. DAVIS of Illinois. Mr. Chairman, as I listened to the debate and as I listened to the virtues of the proposed legislation and as I listened to those who expressed opposition, it would seem to me that there ought to be a middle ground, that there ought to be a point where the children come first, where finding them, making sure that their parents can wake up and see their children that they have not seen. That often requires a bit of give and take.

I think that there could be other opportunities to debate and discuss criminal justice punishment, to discuss what it is that you do as individuals have committed a crime. It would serve us well if we could arrive at the point where today we are simply talking about finding missing children, not punishing perpetrators, not putting people in jail, but finding missing children.

Mr. Chairman, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) is recognized for 2 minutes.

Ms. WOOLSEY. Mr. Chairman, citizens in my district have a special desire to see clean AMBER Alert legislation passed because of a beautiful teenaged girl named Polly Klaas. Polly resided in my hometown of Petaluma, California. She was kidnapped from her home and murdered in 1993. It was because of failed communication in the early part of the search that ruined our chances, or any chances, of an early and potentially successful resolution to her kidnapping.

Since then, organizations in my district, namely, the Polly Klaas Foundation and BeyondMissing, have worked to ensure that more is done for missing children. These organizations both advocate a national AMBER Alert system that will define how seriously Americans support child safety and saving lives. But they want a clean AMBER Alert system. That is why it is crucial that we pass a clean bill today, not one that will be filled with extra add-ons, unrelated provisions, provisions not acceptable to the other body, hindering the ultimate goal of creating a system where we can find the children who are lost in this country.

So I ask, please vote for a clean AMBER Alert system, one that will be able to do the job, do it immediately, and not get bogged down in the Senate.

Mr. Chairman, I yield back the balance of my time.

Mr. GINGREY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the Nation's resource center for child protection, the National Center for Missing and Exploited Children spends 94 percent of its revenue directly on programs and services. Due to their commitment to spend their resources on helping children, the center received an A+ rating in the Winter 2003 American Institute of Philanthropy Charity Rating Guide. This rating is used to recommend charities based on percentage of money spent on charitable purposes versus administrative expenses.

There were an estimated total of 58,200 children abducted by nonfamily members in 1999. Mr. Chairman, that is 160 abductions a day. To reduce this number, we must pass H.R. 1104. I would again urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I have to admit some disappointment in the debate that we are having today. There are those who want to focus on process and the structure of legislation, and there are those who want to get at the serious problem of child molesters and abductors and removing them from the streets. Mr. Chairman, we have been fighting this battle against child abduction and molesting for a long time. We have been fighting it a long time because it is a battle that we dare not lose.

I do not have much time to speak, but let me give Members three quick facts that I think point out the scope of this problem. Mr. Chairman, the average child molester in America will commit crimes for 16 years before he is caught. So when we see on television or when we read in the newspaper about someone who is caught, a child molester who is caught, an abductor who is caught, remember that the chances are that they have been doing this for years before they were caught.

Fact number two. According to former Attorney General Janet Reno, the recidivism rate for child molesters is 75 percent. That is on the low side of the estimates that I have seen. When we find someone, when we catch someone who has molested our young children, the chances are that they have done it before and the chances are that they will do it again unless we stop them.

My final fact is one that I find devastating. According to a number of surveys, the average child molester will commit 511 crimes in his lifetime. The number of repeat child molesters fortunately is relatively small, but the damage and the destruction that they do in America today is incredible. It is outrageous. Every child molester that we put away is a life saved, is a family rescued.

Mr. Chairman, today is a good day. I want to thank the chairman for leading us to this point. Today we fight back against child molestation. Today we fight back against those monsters who would prey upon our kids.

I would like to speak quickly to one provision in here because it is one of these provisions that is, quote-unquote, "bogging down this bill." It is called two strikes. It says that if you have been arrested and convicted of a serious sex crime against our kids and after you are released you do it yet again, you are going to go to prison for the rest of your life, no questions, no parole. We will stop this terrible, terrible scourge. This is not a controversial provision. It had 382 votes last session.

The speaker before me referred to BeyondMissing, an organization I helped launch. I have a letter here that I will place into the RECORD from BeyondMissing asking us to pass this bill with two strikes in it. They want the bill as has been presented. AMBER Alert after we pass this bill will become the law of the land very quickly, but we must not back down. For the sake of the crimes that we can prevent, for the sake of the innocents we can protect, let us pass this bill as it is constituted, let us get it over to the President's desk, and let us make this the law of the land.

BEYOND MISSING, INC.,
Sausalito, CA, March 26, 2003.

Re HR 1104 Child Abduction Prevention Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES,
107th Congress (2001–2002), Washington, DC.

DEAR MEMBER OF CONGRESS: As the father of a child kidnapped and murdered by a recidivist violent offender I understand the need to do what ever is necessary to protect America's children from abuse, abduction and neglect. That is why I implore you to vote aye on HR 1104 the "Child Abduction Prevention Act".

Although there is a groundswell of support for a National Amber Alert, this important tool to assist in the recovery of kidnapped children is but one piece in a very complex puzzle that must be assembled if we are to truly protect America's children from victimization.

Strict, mandated prison sentences for those who would kidnap children: denial of pretrial release for child rapists or kidnappers; a "Two Strike" law for sexual predators and COPS funding for a sex offender apprehension program are equally important pieces of the same child protection puzzle.

HR 1104 can deliver the message that America will no longer tolerate those who would terrorize innocent citizens through the exploitation and victimization of our children. Although America's focus is currently on foreign terrorists, it is the domestic variety that truly threatens our safety. We should never forget that homeland security begins at home.

I join Chairman Sensenbrenner and Representative Mark Green in asking you to vote aye on HR 1104 the "Child Abduction Prevention Act". With the unprecedented attention that has been afforded child abduction in the past year you are in a position to memorialize America's recent child victims in accomplishment. If you fail to do so, they will be remembered only as statistics and surely they deserve better than that. Please take advantage of this opportunity to send a loud and clear message that we will no longer tolerate the abduction and abuse of America's children.

Sincerely,

MARC KLAAS,
President, Beyond Missing, Inc.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act. I would like to commend Chairman SENSENBRENNER for crafting such thoughtful and meaningful legislation to help protect our children from the sick people who would do them harm. It is essential that we enact legislation to help prevent kidnapping and recover abducted children. Over 70 percent of abducted children who are murdered are killed within the first 3 hours after they are taken, and almost two-thirds of the killers have had prior records of violent crimes. This legislation goes a long way toward providing protections by establishing the means to help prevent abductions and to aid in the quick return of children who have been kidnapped.

With this bill, we enhance the operation of the AMBER Alert communications network to facilitate the recovery of abducted children. As it now stands, AMBER Alert is in place in 38 States. I hope that every State will implement this program. We are all aware of the important role that the National Center for Missing and Exploited Children has played in the search for abducted children for nearly 20 years. This bill helps ensure it will continue to play a crucial role by reauthorizing and doubling its annual grant to $20 million each year.

Another important provision of this legislation will help prevent repeat offenses by child abductors. In addition to mandating a minimum 20-year sentence for kidnapping or abducting a person under the age of 18 years, it contains a "two strikes and you're out" provision that requires a mandatory sentence of life imprisonment for twice-convicted child offenders.

I would like to say once again how blessed we are for the return of Elizabeth Smart in my home State of Utah. Many prayers were answered, including those of my 5-year-old daughter. It is a miracle. We are all thrilled and grateful with this wonderful news. Yesterday, I had the pleasure of speaking with Elizabeth's father, Ed Smart, about the importance of this legislation. He is supportive and appreciative of the work Chairman SENSENBRENNER and the House have done to protect our children. Ed hopes, as I do, that today's child protection legislation will be sent to the President's desk and signed into law as soon as possible.

Mr. Chairman, I support all of the provisions of this bill. I urge my colleagues to join with us in voting for it.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 3¼ minutes.

Mr. SENSENBRENNER. Mr. Chairman, on the other side of the aisle some Members have come up and stated that we ought to bust this bill apart and strip out all of the non-AMBER Alert-related issues. That would be a big mistake. It would be a huge mistake because most of these provisions are designed to prevent kidnappings and molestations from happening in the first place.

I support AMBER Alert. It is important once a kidnapping takes place that the police and the public and the news media know about that kidnapping so that an alert public can hopefully spot the abducted child and return the child to his or her parents.

□ 1130

But even more important in my opinion is to prevent the kidnappings and the molestations in the first place because if that ever happens, those people's lives are scorched for life.

In H.R. 1104 there are a number of provisions. I do not think they are controversial, but let me enumerate them. It provides the judge with the discretion to extend the supervision of a released child sex offender up to a maximum of life, eliminates the statute of limitations for child abductions and sex crimes, denies pretrial release for child rapists and child abductors, requires a mandatory sentence of life imprisonment for twice-convicted child sex offenders, reauthorizes and doubles the annual grant to the National Center for Missing and Exploited Children to $20 million a year through fiscal 2005, mandates a minimum 20-year prison sentence for the kidnapping of a person under the age of 18 by a nonfamily member, authorizes COPS funding for a sex offender apprehension program, adds four new wiretap predicates that relate to sexual exploitation crimes against children.

We give these predicates so that the police will have the same authority to seek court wiretap authority when someone is using the Internet to try to entice children that the police presently have in cases of organized crime, international terrorism, or drug trafficking.

The bill facilitates the prevention of international parental kidnapping by adding an attempt to liability to the statute defining that offense, and it punishes persons who travel to foreign countries to engage in illegal sexual relations with minors and criminalizes the actions of sex tourism operators.

These are provisions that the opponents of this bill want to strip out. They are important provisions. They ought to be the law of the land, and we ought to pass H.R. 1104 intact today to make them the law of the land.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in reluctant support of H.R. 1104, the Child Abduction Prevention Act. While there are some provisions in this bill which I oppose, I feel it is crucial that the House pass legislation as soon as possible that would help foster the establishment of a coordinated, national AMBER Alert system.

I believe that the government must do all it can to facilitate the expansion of the AMBER Alert program which has been credited with recovering at least 27 children. I am proud to say that Illinois has a statewide AMBER Alert program. However, I am disappointed that the House leadership did not give us the opportunity to vote on a stand-alone AMBER Alert bill, H.R. 412, of which I am a cosponsor, and instead forced us to vote on a bill that includes controversial provisions.

Specifically, this bill expands cases in which the death penalty can be imposed. I strongly oppose capital punishment, and therefore oppose this provision. In addition, this bill includes an amendment which I voted against which turns the Sentencing guidelines into little more than mandatory minimum sentencing laws by revising the standards and procedures under which a judge can depart from sentencing guidelines in order to account for specific circumstances. I oppose this provision because I strongly oppose mandatory minimum sentencing laws. This provision not only overturns an important Supreme Court decision which left some room for judicial discretion in sentencing, but, like other mandatory minimum sentencing laws, it takes away a judge's ability to be fair and exacts a one-size-fits-all standard on our judicial system.

It is my hope that this bill will move to Conference with the Senate and that the majority of these controversial provisions will be stripped out in order to pass a clean AMBER Alert bill. We should not be tainting a bill that is intended to help recover missing children with provisions that threaten the fairness and justice of our judicial system. I urge my colleagues to put aside their own agendas to ensure that all states have the ability to start their own AMBER Alert programs and work together so that families of abducted children will have some hope of the real possibility that their child could soon be returned to them.

Mr. HOLT. Mr. Chairman, I rise today to express my serious reservations with the Child Abduction Prevention Act. Although these reservations were not sufficient enough to compel me to vote against it, I want to make it clear that I am not pleased with the tactics employed by the House leadership that brought this bill to the Floor.

By introducing the Child Abduction Prevention Act today and passing a rule to prevent the clean Frost-Dunn AMBER Alert Network Act from coming to a vote, this House Leadership has imperiled chances for the AMBER Alert to become law in the near-term. In fact, AMBER Alert could have become law this week if the leadership so willed it. The House Leadership, however, has chosen repeatedly to undermine all heartfelt attempts by me and many of my colleagues to make the AMBER Alert national law right now. Today's vote is only another indication of the Leadership's willful intransigence. This bill was supposed to be about protecting our nation's children. It was supposed to be about supporting a National AMBER Alert Network. Sadly, this bill was really about politics.

I ran for Congress more than four years ago because I wanted to restore the trust of the American people in our system of self-government. I wanted to break through the cynicism that had poisoned the people's faith in our democracy and in our elected representatives. The cynical tactics employed by the House Leadership today on the AMBER Alert are exactly what I came here to Congress to fight.

Last October, this same House Leadership had the opportunity to make the AMBER Alert national law. The Senate had passed an AMBER Alert bill. The House had an opportunity to pass it quickly into law, but the Leadership decided to play politics with the bill and added a list of other provisions. At the time I took a stand against the Leadership and opposed their political games, and I took on the nay-sayers back home who said I should have backed down. The facts are the same today as they were then: these tactics are designed to prevent AMBER Alert from becoming law. As a result, six months have passed and we still don't have AMBER Alert.

I wanted to bring a clean AMBER Alert bill to the House floor identical to the one passed twice now by the Senate. I am an original cosponsor of the Frost-Dunn National AMBER Alert bill and I have tried to convince the Leadership to bring it to the Floor for a vote.

I voted for this version of the Child Abduction Act today because I support AMBER Alert, but it was not an easy vote. I voted for this bill despite the fact that I know there is a better way to turn AMBER Alert into national Law. I voted for this bill, despite the fact that I have serious reservations about provisions that would impose the death penalty for certain crimes where it does not now apply, increase mandatory sentences for certain offenses, and expand the wiretapping authority of the federal government.

In the end, however, I voted for this bill because I am now convinced after months of struggle that neither the principle of my protest nor the strength of my argument will change the collectively obstinate mind of the House Leadership. If even the personal pleas of Elizabeth Smart and her family cannot influence the House Leadership to bring a clean AMBER Alert bill to a vote, then I must conclude that neither can mine. I am now convinced that the only way AMBER will become law is by the overwhelming force of conscience—from the public, from Congress, and from me personally—to communicate in no uncertain terms that AMBER Alert will not be stopped by cynical political games. The only true loser today are America's children who will now have to wait even longer for Congress and the President to strengthen our national AMBER Alert system.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act. Last Congress the House of Representatives passed parts of this bill, unfortunately these reforms were never taken up by the other body.

Mr. Chairman, the longer I work with this issue of the vulnerability of children to sexual molestation and exploitation, the starker the picture becomes. According to the United States Department of Justice, the number of missing persons reported to law enforcement increased 468 percent in the past 20 years. And every year 3,000 to 5,000 children are kidnapped by sexual predators.

Mr. Chairman, right now while we debate this bill sexual predators are trolling the internet looking for potential victims. They manipulate children, convince them they are a friend, and force the child to not trust anyone else. These predators are serial offenders who often travel to conduct multiple sexual offenses against multiple children.

We need to stop these sexual predators before they can lay a hand on a child, because once a child comes into contact with a predator it is often too late. 3 out of 4 children who are kidnapped and murdered are killed within three hours of their abduction.

Mr. Chairman, the average victim is an 11-year-old-girl with a stable family relationship who has initial contact with the abductor within a quarter mile of her home. Our law enforcement officers are fighting a difficult battle, and this legislation acknowledges that technological advances have fundamentally changed the method through which a sex predator lures a child into an exploitive relationship.

When Detective James Wardwell, from my hometown of New Britain, Connecticut, testified before the Crime Subcommittee on this very issue he told us that as a matter of course, sex predators want to know who they are communicating with. Invariable, sex predators move their conversations off-line and onto the telephone, especially when they are preparing to meet the child. The authorities need the ability to track these conversations, if we are to effectively protect our children.

In addition to fighting the sexual exploitation of children in the United States, this bill also helps the FBI and the Customs service fight the growing sex tourism industry. More and more Americans are traveling overseas to nations that have limited child prostitution laws or enforcement. Travel agencies have sprung up that cater to these pedophiles, and so called "situation abusers." Just because their intended victims are not American citizens does not absolve us of the need to capture dangerous criminals. These people do not only act on their predatory impulses overseas. They return to the United States emboldened by their experiences. They are often people who commit multiple offenses, with multiple victims. Capturing these dangerous criminals at the earliest opportunity can prevent the needless destruction of the life of any number of children. This bill focuses on the reprehensible agencies which facilitate this travel and makes it easier for law enforcement to track them and their rogue clientele.

We must modernize our laws because sex predators no longer lurk at the school yard. Today they lurk in Internet chatrooms. Today our children are under attack on the Internet, and under siege in chat rooms. Sex predators seek out children on-line, manipulate, meet, molest and murder them. We must act to give our law enforcement agencies all the tools necessary to stop sexual predators before they can strike.

Wiretapping is an effective tool that will prove especially useful in dealing with sex predators and persons involved in the sex tourism industry. Law enforcement officers will still have to present their case to a judge to authorize the use of the wiretap. Wiretapping provides the best physical evidence to secure a conviction and get pedophiles off the street, especially when the child victims are unable to cooperate with authorities. Also, it is worth noting that wiretap transcripts can be used in lieu of a child's testimony when prosecuting these sexual predators.

I urge my colleagues to support the Child Abduction Prevention Act.

Mr. REYES. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This bill is important to ensure that there are enough resources dedicated to the recovery of missing and abducted children.

I am proud to have associated myself as an original cosponsor of H.R. 412, the AMBER Alert Network Act, a bill introduced by my colleague from Texas, Mr. FROST, and my colleague from Washington, Ms. DUNN.

This AMBER bill strengthens missing child alerts by providing state and local plans with grants to fund communications improvements like highway signs so an abductor can't escape simply by traveling outside the reach of radio and TV broadcasts. It also formally establishes a national AMBER coordinator office at the Justice Department to establish voluntary standards, provide training and help states coordinate their AMBER plans.

I am deeply disappointed that the Republican Leadership has failed to see the importance of the expeditious review of this bill. By bringing to the floor the Senate-passed bill identical to the Frost/Dunn AMBER Bill, resources could have been made available to our state and local governments more quickly. Instead the decision of the Republican Leadership will only serve to further delay these valuable resources for months.

Mr. Chairman, our children deserve better. It was my hope, that given the recent high-profile abductions, the Leadership of this House would put partisanship aside and focus on the lives of our children before anything else.

Regardless of this, I support this bill brought before us today. Although I am disappointed with the way this issue has come to surface, my support for the legislation remains the same.

Mr. Chairman, I wish to take a moment to commend Mr. FROST and Ms. DUNN for their continued pursuit to help our children and families.

I respectfully urge my colleagues to vote in favor of this bill, and to continue to work on behalf of our nation's children.

Mr. STARK. Mr. Chairman, I rise today to opposition to H.R. 1104, the Child Abduction Prevention Act. I am greatly troubled by this vote.

I support the AMBER Alert program as a vital means to prevent child abduction and track down those who prey upon our children. I am a cosponsor of the bipartisan Frost-Dunn AMBER Alert Network Act that would help all states implement this vital program. It would ensure that a strong nation-wide network exists to protect our children from these horrific crimes.

Yet, Republicans have never allowed a clean vote on this legislation. They have decided once again to include this legislation within a larger criminal justice bill that includes new, draconian sentencing guidelines and abuses to our basic Constitutional rights. I cannot in good conscience support these provisions. They will ultimately doom this bill when it comes before the Senate, just like last year.

Just as with the child abduction bill brought to the House floor last October, I object to allowing the government to abuse fundamental privacy rights as this bill does. The Republicans continue to push provisions giving the FBI unprecedented wiretap authority to engage in secret surveillance of our homes. This is unconstitutional and I will support it.

Chairman SENSENBRENNER and the Republican Leadership again insisted on including a "2 strikes and you're out" sentencing provision. This type of mandatory minimum sentence is not only draconian, it is ineffective in deterring these types of crimes.

This bill again will expand the number of crimes punishable under the death penalty. This is done despite evidence that many Americans have been wrongly sentenced to death. This is wrong and I will not support it.

I urge my colleagues to join me in voting again against this legislation. Lets send a message to the House Republicans to stop putting their blind allegiance to right wing politics ahead of the safety of our kids. Let's get the national AMBER Alert network off the ground once and for all—for the sake of all America's families and their children.

Mr. DELAY. Mr. Chairman, today the House will consider the "Child Abduction Prevention Act" sponsored by Chairman SENSENBRENNER.

This bill, H.R. 1104, is drafted to do two important things: increase the communication systems to locate a missing child and put in place stronger penalties to prevent child abductions and sexual exploitation. Both things are needed to make our children safer.

Support of the AMBER Alert communications plans is a key component of this legislation. AMBER Alert is used by state and local enforcement agencies to search for abducted children. Currently there are 87 AMBER plans across the country with 38 of them statewide. Forty seven children have been recovered as a direct result of AMBER.

AMBER Alert systems must be coordinated and funded to increase communication when a child is a abducted or reported missing. This bill increases AMBER funding and puts in law the national coordinator already in place at the Department of Justice.

But increasing communication alone will not deter child abductors or child predators from abusing children. It will take the strong penalties contained in this legislation to prevent child abductions and child exploitation.

This legislation puts in place the necessary enforcement tools to assure that child abductors and child predators will not escape justice.

This bill offers a comprehensive package of child abduction prevention tools that make severe child abuse and torture a capital crime; provide stronger penalties against kidnapping and sexual trafficking; keep child kidnappers behind bars until trial; and put a "two strikes you're out" law in place.

After all, how many children's lives do you have to ruin before you should be locked up for life?

Additionally, this legislation keeps all the safeguards in place for wiretapping, but creates 4 new circumstances to allow better monitoring of criminals' abuse of children's chat rooms.

We used to be able to keep an eye on our children at the playground in order to keep them safe. Chat rooms pose a dangerous new challenge that we must confront.

I believe that H.R. 1104 shows the American people that communication and prevention are necessary to protect our children and keep them safe.

Mr. BOEHNER. Mr. Chairman, I speak in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of those criminals who would dare to harm our children, as well as provides for the national coordination of the AMBER Alert communications network. This legislation also increases the authorization for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

H.R. 1104 includes Section 305, which increases the authorization level of the National Center for Missing and Exploited Children to $20,000,000 for fiscal years 2004 and 2005. As the nation's resource center and clearinghouse for missing and exploited children, the Center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

In order to do this, the Center operates a national 24-hour toll-free telephone line for individuals to report information regarding the location of any missing child. A call to NCMEC's Hotline sets into motion the Missing Children's Division where Case Management staff:

Disseminate lead information to the investigating agency in charge of a missing or sexually exploited child's case;

Assist citizens and law enforcement in filing missing person reports;

Verify information on missing children entered into the FBI's National Crime Information Center (NCIC) computer system and instruct law enforcement in the proper handling of these cases;

Offer resources and information to assist in local, regional, national, or international searches;

Coordinate with and send publications to enhance the investigative skills of law enforcement officers handling these cases; and

Work in conjunction with INTERPOL, the U.S. Department of State, FBI, and the U.S. Customs Service.

And on behalf of the U.S. Department of State, NCMEC handles cases coming into the United States arising from the Hague Convention on International Child Abduction.

This worthwhile organization deserves our support. I urge my colleagues to support H.R. 1104.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to express my strong disappointment in the House Leadership's politics-as-usual tactics that effectively continue to hold the AMBER bill hostage, a word I do not use lightly considering the gravity of this important legislation.

Yesterday, the House had yet another opportunity to expedite the enactment of a national AMBER Alert System. The AMBER bill has had strong bipartisan support for several months now. The national alert system would be law today but for Leadership's permitting Judiciary Committee Chairman SENSENBRENNER to hinder passage of a widely supported stands alone AMBER bill. Instead of a simple House bill narrowly tailored to address the abduction of missing children in the United States, the Chairman instead presented for a vote a broader and more complicated bill riddled with controversial provisions. Yet as a result of yesterday's vote on the rule for the Sensenbrenner bill, the national AMBER Alert System faces further delay and an uncertain outcome due to the impending conference with the Senate.

The Senate first passed a clean AMBER bill six months ago, and did so again this past January, both times by unanimous consent. H.R. 412, the popular bipartisan bill that I proudly and fervently cosponsored in the House that same month, contains the same language as the uncontroversial Senate bill. However, Chairman SENSENBRENNER has refused to allow his committee to consider H.R. 412 as a freestanding bill and instead insists on pushing his version containing unrelated provisions that the Senate has previously contested. As such, the debate of what should be a simple, common sense proposal must continue.

Prolonging the debate on this important legislation is outrageous and unnecessary. The AMBER Alert System is a proven and invaluable tool for aiding the recovery of abducted children. Sadly though, children continue to go missing in this country every day. How many of these will be affected by the failure to enact a national AMBER Alert bill in a timely manner?

The Congress needed to enact this critically important legislation sooner rather than later. Accordingly, I reiterate my disappointment in the political wrangling that continues to prolong this bill's eventual presentation to the President.

Mrs. BLACKBURN. Mr. Chairman, as we debate H.R. 1104, the Child Abduction Prevention Act of 2003, it is important to talk about not only the AMBER Alert provision in the bill, but to also praise additional measures of the legislation that serve and protect our Nation's children. Certainly the AMBER Alert system has helped to find missing children throughout the nation and in my home state of Tennessee, but this bill has a wider scope by working to stop abductions before they occur.

H.R. 1104 gives us the ability to provide stronger penalties against kidnappers, sex offenders and child abductors. It aids law enforcement by giving them the ability to prosecute the criminals responsible for these crimes. For example, it requires a minimum 20-year sentence for criminals that kidnap or abduct a child under the age of 18.

Of great importance, it denies pretrial release for child kidnappers or child rapists and eliminates the statute of limitations for child kidnapping or sex crimes.

Further, it gives a judge the discretion to rule that a released sex offender's supervision be extended up to a maximum of life. It also requires a mandatory life in prison sentence to twice convicted child sex offenders. These two provisions may give parents a small sense of relief that a sex offender will not move into their neighborhood and prey on their children.

Each of these measures will work to enhance the good work being done at the local level by our child advocacy centers and organizations.

In addition, the Child Abduction and Prevention Act of 2003 provides extra money for the Missing and Exploited Youth Program—an essential element to both finding missing children and preventing child abductions. It reauthorizes the annual grant to the National Center for Missing and Exploited Youth and doubles the funding level to $20 million each year through 2005.

Unquestionably, the AMBER Alert provision in this bill is an essential one. But it is also imperative that we act to stop abductions before they happen. The Child Prevention Act of 2003 does just that.

Mr. GOODLATTE. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This important legislation cracks down on child predators and provides the resources to help ensure that abducted children are safely returned home.

Specifically, H.R. 1104 increases the minimum and maximum penalties for the sexual exploitation and sex trafficking of children. It also directs the Sentencing Commission to increase the base offense level for kidnapping.

Furthermore, it removes the statute of limitations for child abductions and for many felony sex offenses. This provision will be particularly helpful in situations where DNA evidence conclusively proves the identity of a perpetrator years after the crime was committed.

In addition to increasing criminal penalties for child predators, H.R. 1104 also establishes and funds an AMBER alert coordination program. To accomplish this, the bill first establishes an AMBER alert coordinator within the Department of Justice to assist States with developing, enhancing, and coordinating their AMBER alert plans. Second, the bill authorizes $5 million to be distributed to the Department of Justice to award grants to encourage the development of AMBER alert activities. The establishment of this AMBER alert coordination program is a crucial step toward bringing missing and abducted children home safely.

As a member of the Congressional Missing and Exploited Children's Caucus, I have long been concerned about the safety of children, the most vulnerable members of our society. The caucus has worked to build awareness about missing children, and to create a cohesive voice in Congress so that we might introduce and pass legislation that will strengthen law enforcement and community mobilization efforts to combat child abduction. H.R. 1104 achieves both of these goals and I encourage each of my colleagues to support this important legislation.

Mr. HEFLEY. Mr. Chairman, I rise today in strong support of H.R. 1104, the Child Abduction Prevention Act. This important legislation has several provisions that go a long way toward securing the safety of our Nation's children.

H.R. 1104 allows judges to extend supervision of released sex offenders for the rest of their life. This bill will eliminate the statute of limitations for child abductions and sex crimes so that we can prosecute these criminals whenever and wherever we find them. The clock will never run out and these criminals will not get away with their despicable crimes. H.R. 1104 will deny pre-trial release for child rapists or child abductors so they cannot flee this country and escape prosecution. This bill establishes a mandatory two-strikes-you're-out sentence for twice-convicted child sex offenders. H.R. 1104 will also mandate a minimum 20-year prison sentence for kidnaping of a minor non-family member.

Another important part of this legislation is the re-authorization and doubling of the annual grant to the National Center for Missing and Exploited Children. H.R. 1104 also allows the COPS program to use federal funds for a sex offender apprehension program to track sex offenders that violate the terms of their release. Finally, Mr. Chairman this bill establishes a national AMBER Alert program to facilitate the recovery of abducted children.

On this final point Mr. Chairman I would like to take a minute to discuss the importance of this program. Many people in both chambers of Congress have worked long and hard to create the AMBER Alert program on a national level. I was the first member of this Congress to introduce legislation in the House that would establish a national AMBER Alert program because I feel very strongly that our Nation's youth need to be protected. As many of you are aware, the AMBER Alert program would require the Attorney General to assign a national coordinator for the AMBER Alert communications network. This coordinator would be responsible for (1) eliminating the gaps in this network; (2) working with the States to develop additional networks and ensure regional coordination; (3) act as the nationwide point of contact for network development for regional coordination. The AMBER Alert coordinator would notify the FBI concerning each child abduction for which the AMBER Alert network is activated and establish minimum standards for issuing and disseminating alerts.

The AMBER Alert legislation would require the Secretary of Transportation to provide grants to the States for the development and enhancement of the communications system along highways for the AMBER Alert network. These grants will improve the development or enhancement of electronic message boards and placement of additional signs along highways.

Finally this legislation will direct the Attorney General to provide grants to States for the development of programs and activities for the support of the AMBER Alert communications plans.

Mr. Chairman, I would like to thank all the members who have worked so hard on this legislation. This is a vital piece of legislation that, when enacted, will go a long way toward securing this country's youth.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act.

Our nation rejoiced with the family of Elizabeth Smart when she was recovered safely after spending nine months at the mercy of her kidnapper. We will always remember her courage in the face of terror, the steadfastness of her family, the determination of law enforcement officers, and the life-saving help of the two couples who alerted police to her abductor. The remarkable conclusion to this kidnapping has inspired our nation and drawn further attention to the plight of missing children and their families.

According to the U.S. Department of Justice, there were 58,200 children abducted by non-family members in 1999. Nearly half of these children were sexually assaulted, and about 100 were murdered. The National Center for Missing and Exploited Children reports that "74 percent of abducted children who are murdered are dead within three hours of the abduction."

H.R. 1104 will help recover children in these first crucial hours by aiding more states with setting up AMBER alert systems to utilize the eyes and ears of the public. This legislation will also help to keep career child rapists and killers off our streets by establishing a mandatory lifetime prison sentence for twice-convicted child molesters, and a 20-year sentence for non-family child abductors. These critical steps will help more families with missing children experience the joy of having their child come back home.

Mr. Chairman, I urge my colleagues to join me in supporting this legislation to help save the lives of kidnapped children and prevent future abductions. I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abduction Prevention Act".

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting "on any such revocation" after "required to serve";

(2) in subsection (h), by striking "that is less than the maximum term of imprisonment authorized under subsection (e)(3)"; and

(3) by adding at the end the following:

"(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.".

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "child abuse," after "sexual abuse,"; and

(B) by inserting "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery;"; and

(2) by inserting at the end the following:

"(c) For purposes of this section—

"(1) the term 'assault' has the same meaning as given that term in section 113;

"(2) the term 'child' means a person who has not attained the age of 18 years and is—

"(A) under the perpetrator's care or control; or

"(B) at least six years younger than the perpetrator;

"(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

"(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

"(5) the term 'recklessly' with respect to causing death or serious bodily injury—

"(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

"(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

"(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

"(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).".

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "20" and inserting "30"; and

(ii) by striking "30" the first place it appears and inserting "50";

(B) in section 2252(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40";

(C) in section 2252(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20";

(D) in section 2252A(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40"; and

(E) in section 2252A(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking "10" and inserting "20";

(B) in section 2422(b), by striking "15" and inserting "30"; and

(C) in section 2423(a), by striking "15" and inserting "30".

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking "20" and inserting "40".

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "or imprisoned not less than 10" and inserting "and imprisoned not less than 15";

(ii) by striking "and both,";

(iii) by striking "15" and inserting "25"; and

(iv) by striking "30" the second place it appears and inserting "35";

(B) in section 2251A(a) and (b), by striking "20" and inserting "30";

(C) in section 2252(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15";

(D) in section 2252(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10";

(E) in section 2252A(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15"; and

(F) in section 2252A(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 2 years and"; and

(ii) by striking ", or both";

(B) in section 2422(b)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both"; and

(C) in section 2423(a)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both".

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) Sentencing Guidelines.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) Minimum Mandatory Sentence.—Section 1201(g) of title 18, United States Code, is amended by striking "shall be subject to paragraph (2)" in paragraph (1) and all that follows through paragraph (2) and inserting "shall include imprisonment for not less than 20 years.".

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) In General.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Travel With Intent To Engage in Illicit Sexual Conduct.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(c) Engaging in Illicit Sexual Conduct in Foreign Places.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(d) Ancillary Offenses.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

"(e) Attempt and Conspiracy.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

"(f) Definition.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

"(g) Defense.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.".

(b) Conforming Amendment.—Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) In General.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Mandatory Life Imprisonment for Repeated Sex Offenses Against Children.—

"(1) In general.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) Definitions.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means—

"(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); or

"(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

"(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

"(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

"(D) the term 'minor' means an individual who has not attained the age of 17 years; and

"(E) the term 'State' has the meaning given that term in subsection (c)(2).".

(b) Conforming Amendment.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting ", unless section 3559(e) applies" before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ", or attempts to do so," before "or retains"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Uniform Child Custody Jurisdiction and Enforcement Act" before "and was"; and

(B) in paragraph (2), by inserting "or" after the semicolon.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

(a) In General.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after "chapter 37 (relating to espionage)," the following: "chapter 55 (relating to kidnapping),"; and

(2) in paragraph (c)—

(A) by inserting "1591 (sex trafficking)," before "section 1751";

(B) by striking "2251 and 2252 (sexual exploitation of children)" and inserting "2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)"; and

(C) by inserting "sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes)," before "section 1029".

(b) Transportation for Illegal Sexual Activity.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

"(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or"; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) In General.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§3297. Child abduction and sex offenses

"Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3297. Child abduction and sex offenses.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended by striking "or 2332b" and inserting "1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425".

Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking "age of 18" and inserting "age of 21".

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by inserting "and $20,000,000 for each of fiscal years 2004 and 2005" after "and 2003".

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;".

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–48. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–48.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

At the end of title I (page ___, after line ___), insert the following:

SEC. 108. MISLEADING DOMAIN NAMES ON THE INTERNET.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§ 2252B. Misleading domain names on the Internet

"(a) Whoever knowingly uses a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet shall be fined under this title or imprisoned not more than 2 years, or both.

"(b) Whoever knowingly uses a misleading domain name with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

"(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as 'sex' or 'porn', is not misleading.

"(d) For the purposes of this section, the term 'material that is harmful to minors' means any communication that—

"(1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the time relating to section 2252A the following new item:

"2252B. False or misleading domain names on the Internet.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today as the author of the Pence amendment, the Truth in Domain Names Act, as a legislator, as a member of the Committee on the Judiciary, its Subcommittee on Courts, the Internet, and Intellectual Property; but also, most importantly, Mr. Chairman, I rise today as a dad who loves to sit my 9-year-old daughter or my 11-year-old son on my knee and help them with their homework on the Internet. It was the experience of doing that that inspired me in the last Congress to author the Truth in Domain Names Act, and it has inspired me to bring this amendment to the underlying bill, the Child Abduction Prevention Act, today.

Thanks to the extraordinary leadership of the gentleman from Wisconsin (Chairman SENSENBRENNER), we are considering a bill today that will make measurable progress in protecting our children from child predators. I would offer humbly today, Mr. Chairman, that the Pence amendment is just such a bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman's amendment is a very constructive amendment. I urge the committee to adopt it.

Mr. PENCE. Mr. Chairman, I thank the gentleman. The Pence amendment will make it a criminal act to knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet; and, most especially, it would make it a criminal act to knowingly use a misleading domain name with the intent to deceive a minor into viewing material on the Internet that is harmful.

Like many of the Members, I believe the Internet should remain free of regulation, Mr. Chairman. The Pence amendment is not regulation of the Internet. It is an anti-fraud bill. It does not prevent any material from being displayed on the Internet. In fact, a domain name that includes word or words to indicate sexual content on the site like the word "sex" or "porn" is by definition in this law not considered misleading. The amendment simply requires Web site owners to be honest about the content of their site, preventing families just like mine from surfing the Internet as their children do homework and all of a sudden finding themselves in a place of prurient and pornographic material.

I am not the only one with this problem. A recent survey conducted in the year 2000 by the Crimes Against Children Research Center found that 71 percent of teens had accidentally come across inappropriate sexual material on the Internet. Another study conducted by the Berkeman Center at Harvard Law School reviewed 5,000 domain names that were just slight misspellings of existing Web sites and found, and I am quoting, "A majority of these domain names are variations on sites frequently used by children; and although their domain names do not suggest the presence of sexually explicit content, more than 89 percent of the Web sites examined contained sexually explicit material."

The Pence amendment is endorsed by leading organizations of a child advocate nature, and I urge its passage.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

Mr. SCOTT of Virginia. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This is one of the reasons why it is difficult to consider legislation on the floor that had not been considered by committee. Reading the legislation, it appears that they have defined things that are obscene and, if that is the case, the whole site can be busted for obscenity. If it is not obscene, I am not sure that the amendment even applies. Adding "misleading" will just add complications to the prosecution because if we can prosecute for the obscenity, we do not have to get into the question of whether the title was misleading or not. We have constitutional implications with this because "misleading" may apply to adults as well as children.

There have been no hearings on this to my knowledge and certainly no committee consideration of this. I would point out that if the exemption on the bill, if we have a sexual implication in the name of the Web site, that might cause as many problems as it does solutions because it would make it easier to find the pornographic and obscene sites.

The AMBER alert bill ought to be passed by itself. We ought not be complicated with amendments such as this that have not been considered on the floor. So I would hope we would defeat the amendment, take the AMBER alert portion of the bill by itself so that that could be passed and considered, and deal with this kind of a measure in committee where we can deliberate and get all the fact and implications.

Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT), a distinguished member of the Committee on Appropriations, one of the leading advocates of pro-family issues in Congress.

Mr. ADERHOLT. Mr. Chairman, first of all, let me thank the full committee

Chair for his support for this amendment. We think this is certainly important, and it speaks well of him and his committee for accepting this amendment, support of it.

I am proud to stand here today in strong support of this amendment offered by the gentleman from Indiana (Mr. PENCE), my good friend and colleague. Passage of this legislation represents a positive step towards protecting our children from pornographic Web sites.

As the dad of a 3-year-old, I know personally that there is no substitute for parental supervision when it comes to the safety of our children. This bill does not assume to be the solution to parents who make the Internet a babysitter for their kids. Instead, this is meant to be a tool in the arsenal of responsible parenting. I believe this is why the National Center for Missing and Exploited Children is supporting this amendment.

The purpose of this bill is to punish those who use misleading domain names to attract children to pornographic Web sites. These sites use legitimate-sounding names to lure children to view pornographic material. This amendment, as has been cited, would authorize punishment of up to a quarter million dollars and imprisonment to 4 years. I would urge my colleagues to support this amendment and support final passage.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I have one remaining speaker on this amendment and would reserve the right to close.

The CHAIRMAN pro tempore. The gentleman in opposition has the right to close.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), probably one of the leading congressional advocates for youth issues, the gentleman from the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman from Indiana (Mr. PENCE) for yielding me this time. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support of this amendment.

A year ago, my staff brought to my attention the fact that my name uses a search word that brought up a porn site so that meant that anyone in my District who was doing research on their Congressman was subject to a porn site and anyone doing research on athletics or football quite often would be subjected to the same pornographic material. I have grandchildren who are ages 6, 7, and 10, who all use the computer much better than I do, and it really concerns me that innocent words like "Barbie" or "Disneyland" can bring up graphic pornographic material or invite them into chat rooms that are frequented by pedophiles. So this is an issue that is very personal with me.

Of course, we are concerned about first amendment rights, but what about the rights of children who grow up in a wholesome environment to maintain some innocence, to not be exploited? The Pence amendment makes the use of domain names to deliberately mislead children viewing pornography to be a criminal activity. I urge support of the Pence amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

In closing, I would like to say that this bill has significant constitutional implications. I include for the RECORD a letter from Artist Empowerment Coalition in opposition to the amendment.

ARTIST EMPOWERMENT COALITION,
New York, NY, March 26, 2003.

Honorable Member,
House Committee on Judiciary,
Washington, DC.

Dear MEMBER: The Artist Empowerment Coalition (AEC) strongly opposes the language in Section 108 of the Amber Bill, which refers to MISLEADING DOMAIN NAMES ON THE INTERNET. The AEC represents a nationwide coalition of artists, songwriters, producers and industry executives. On behalf of the coalition, we ask that you oppose this amendment and prevent its inclusion in the legislation. The impact of its passage would be much broader and more harmful than the intent in our view, for the following reasons:

1. It is the artists' 1st Amendment right to express themselves creatively on the web or otherwise.

2. Recording artists of all genres have website domain names, which vary in origin and may reflect simply their names, titles, who they are and/or what they represent musically.

3. In some instances, an artists website content can include language and lyrics which are part of their overall body of work.

4. The content of the website and their creative expression is not and cannot always be reflected within the domain name.

5. Under Section 108 of this proposed amendment, content of an artists' website, judged subjectively, may be deemed "obscene" and therefore, based upon absence of labeling to that effect, exposes an artist to punishment under the law which can include, but is not limited to imprisonment.

6. The domain name selection, and its use on the part of an artist, is not, in this case, "knowingly misleading," rather it is selected based upon an artists rights under the 1st Amendment of the Constitution.

Further, the AEC believes artists should have the right to use domain names, which are not subject to "labeling" and third party interpretations. We believe it is wrong to imply that an artist intends to "knowingly deceive" a person or persons simply by using his or her name, for instance, as the domain name rather than a description of the website contents.

While the AEC supports efforts to protect children from kidnapping and efforts to apprehend criminals, we oppose this and any measure, which wrongly makes criminals of the creative community, hinders the creative process and violates creative rights under the law. Please vote "NO" on this bill as amended.

Sincerely,

TRACEY WALKER,
Director of Public Affairs.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108–48.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

Mr. FEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FEENEY:

At the end of title I (page , after line), insert the following:

SEC. . SENTENCING REFORM.

(a) REQUIREMENT TO SPECIFY IN THE GUIDELINES THE GROUNDS UPON WHICH DOWNWARD DEPARTURES MAY BE GRANTED.—Section 3553(b) of title 18, United States Code, is amended to read as follows:

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that—

"(1) there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described; or

"(2) there exists a mitigating circumstance of a kind, or to a degree, that—

"(A) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

"(B) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

"(C) should result in a sentence different from that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.".

(b) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(1) Section 5K2.0 is amended as follows:

(A) Strike the first and second paragraphs of the Commentary to section 5K2.0 in their entireties.

(B) Strike "departure" every place it appears and insert "upward departure".

(C) Strike "depart" every place it appears and insert "depart upward".

(D) In the first sentence of section 5K2.0—

(i) strike "outside" and insert "above";

(ii) strike "or mitigating"; and

(iii) strike "Under" and insert:

"(a) UPWARD DEPARTURES.—Under".

(E) In the last sentence of the first paragraph of section 5K2.0, strike "or excessive".

(F) Immediately before the Commentary to section 5K2.0, insert the following:

"(b) DOWNWARD DEPARTURES.—

"Under 18 U.S.C. §3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

"(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

"(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

"(C) should result in a sentence different from that described.

"The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.".

(2) At the end of part K of chapter 5, add the following new sections:

"§5K2.22 Specific Offender Characteristics as Grounds for Downward Departure (Policy Statement)

"Age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.1.

"An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

"§5K2.23 Early Disposition Programs as a Ground for Downward Departure (Policy Statement)

"Upon motion of the government stating that:

"(1) due to extraordinary resource constraints, not typical of most districts, associated with the disproportionately high incidence of illegal reentry or other specific offenses within a particular district, the Attorney General has formally certified that the district is authorized to implement an early disposition program with respect to those specific categories of offenses;

"(2) pursuant to such specific authorization, the United States Attorney for the district has implemented such an early disposition program with respect to the category of offense for which the defendant has been convicted;

"(3) pursuant to such an early disposition program, the defendant, within 30 days of his or her first appearance before a judicial officer in connection with such a charge, entered into a plea agreement whereby he or she agrees, inter alia—

"(A) not to file any of the motions described in Federal Rule of Criminal Procedure 12(b)(3);

"(B) to waive appeal;

"(C) to waive the opportunity to pursue collateral relief under 28 U.S.C. §§2254 and 2555, including ineffective assistance of counsel claims; and

"(D) if an alien, to submit to uncontested removal from the United States upon completion of any sentence of imprisonment;

"(4) the plea agreement contemplates that the government will move for a downward departure based on the defendant's prompt agreement to enter into such an early disposition plea agreement; and

"(5) the defendant has fully satisfied the conditions of such plea agreement,

then, if the court finds that these conditions have been met and also finds that the defendant has received the maximum adjustment for which he is eligible (given his offense level) under §3E1.1, the court may depart downward from the guidelines under this section only to the extent agreed to by the parties in the plea agreement, which in no event shall exceed 4 levels.

"Commentary

"Several districts, particularly on the southwest border, have early disposition programs that allow them to process very large numbers of cases with relatively limited resources. Such programs are based on the premise that a defendant who promptly agrees to participate in such a program has saved the government significant and scarce resources that can be used in prosecuting other defendants and has demonstrated an acceptance of responsibility above and beyond what is already taken into account by the adjustments contained in §3E1.1. This section preserves the authority to grant limited departures pursuant to such programs. In order to avoid unwarranted sentencing disparities within a given district, any departure under this section must be pursuant to a formal program that is approved by the United States Attorney and that applies generally to a specified class of offenders. Authorization for the district to establish an early disposition program must also have been specifically conferred by the Attorney General, and may be granted only with respect to those particular classes of offenses (such as illegal reentry) whose high incidence within the district has imposed an extraordinary strain on the resources of that district as compared to other districts. To be eligible for the departure, the plea agreement under the program must reflect that the defendant has agreed to an expeditious plea, as described. A defendant who has not received any adjustment for acceptance of responsibility under §3E1.1 cannot receive a departure under this provision. A defendant whose offense level makes him eligible for the additional adjustment under §3E1.1(b), but who fails to satisfy the requirements for such an adjustment, is likewise ineligible for a departure under this provision. This section does not confer authority to depart downward on an ad hoc basis in individual cases. Moreover, because the Government's affirmative acquiescence is essential to the fair and efficient operation of an early disposition program, a departure under this section may only be granted upon a formal motion by the Government at the time of sentencing. Nothing in this section authorizes a sentence below a statutory mandatory minimum.".

(3) Section 5K2.20 is deleted.

(4) Section 5H1.6 and section 5H1.11 are each amended by striking "ordinarily" every place it appears.

(5) Section 5K2.13 is amended by—

(A) striking "or" before "(3)"; and

(B) replacing "public" with "public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 1110, or 117 of title 18, United States Code.".

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking "described." and inserting "described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.";

(2) by inserting ", together with the order of judgment and commitment," after "the court's statement of reasons"; and

(3) by inserting "and to the Sentencing Commission," after "to the Probation System".

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

"(3) is outside the applicable guideline range, and

"(A) the district court failed to provide the written statement of reasons required by section 3553(c);

"(B) the sentence departs from the applicable guideline range based on a factor that—

"(i) does not advance the objectives set forth in section 3553(a)(2); or

"(ii) is not authorized under section 3553(b); or

"(iii) is not justified by the facts of the case; or

"(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or".

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking "shall give due deference to the district court's application of the guidelines to the facts" and inserting ", except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts".

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking "the sentence";

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting “the sentence” before “was imposed”;

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

“(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

“(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

“(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);”; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting “the sentence” before “is not described”.

(e) Imposition of Sentence Upon Remand.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

“(g) Sentencing Upon Remand.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

“(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

“(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

“(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to the appeal; and

“(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.”.

(f) Definitions.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

“(j) Definitions.—For purposes of this section—

“(1) a factor is a ‘permissible’ ground of departure if it—

“(A) advances the objectives set forth in section 3553(a)(2); and

“(B) is authorized under section 3553(b); and

“(C) is justified by the facts of the case; and

“(2) a factor is an ‘impermissible’ ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).”.

(g) Reform of Guidelines Governing Acceptance of Responsibility.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting “upon motion of the government stating that” immediately before “the defendant has assisted authorities”; and

(B) by striking “taking one or more” and all that follows through and including “additional level” and insert “timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level”;

(1) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking “one or both of”: and

(B) by adding the following new sentence at the end: “Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b)(2) may only be granted upon a formal motion by the Government at the time of sentencing.”; and

(3) in the Background to section 3E1.1, by striking “one or more of”.

(h) Improved Data Collection.—Section 994(w) of title 28, United States Code, is amended to read as follows:

“(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

“(A) the judgment and commitment order;

“(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

“(C) any plea agreement;

“(D) the indictment or other charging document;

“(E) the presentence report; and

“(F) any other information as the Commission finds appropriate.

“(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

“(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.”.

(i) Sentencing Guidelines Amendments.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

“(i) In general.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.”.

(B) Section 2G2.4(b) is amended by adding at the end the following:

“(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

“(5) If the offense involved—

“(A) at least 10 images, but fewer than 150, increase by 2 levels;

“(B) at least 150 images, but fewer than 300, increase by 3 levels;

“(C) at least 300 images, but fewer than 600, increase by 4 levels; and

“(D) 600 or more images, increase by 5 levels.”.

(C) Section 2G2.2(b) is amended by adding at the end the following:

“(6) If the offense involved—

“(A) at least 10 images, but fewer than 150, increase by 2 levels;

“(B) at least 150 images, but fewer than 300, increase by 3 levels;

“(C) at least 300 images, but fewer than 600, increase by 4 levels; and

“(D) 600 or more images, increase by 5 levels”.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) Conforming Amendments.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5. At no time may the Commission promulgate any amendment that would alter or repeal section 5K2.23 of the Federal Sentencing Guidelines Manual, as added by subsection (b).

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsections.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

“(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

“(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the

Sentencing Commission into amendments issued under section 994(p) of title 28); and

"(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or";

(B) in paragraph (4)(B), by inserting ", taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)" after "Code";

(C) by amending paragraph (5) to read as follows:

"(5) any pertinent policy statement—

"(A) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

"(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.".

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking "consistent with all provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any Federal statute".

(l) REPORT BY THE ATTORNEY GENERAL.—

(1) Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the Sentencing Guidelines, the Attorney General shall report to the House and Senate Committees on the Judiciary, setting forth the case, the facts involved, the identity of the district court judge, the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration; whether or not the defendant has filed a notice of appeal concerning any aspect of the case, and whether or not the United States has filed, or intends to file, a notice of appeal of the departure pursuant to section 3742 of the title 18, United States Code.

(2) In any such case, the Attorney General shall thereafter report to the House and Senate Committees on the Judiciary not later than 5 days after a decision by the Solicitor General whether or not to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this amendment addresses long-standing and increasing problems of downward departures from the Federal sentencing guidelines. According to the testimony of the Department of Justice, this is especially a problem in child pornography cases.

Although the guidelines continue to state that departures should be very rare occurrences, they have in fact proved to be anything but. The Department of Justice testified before the Subcommittee on Crime, Terrorism, and Homeland Security that the rate of downward departures on grounds other than substantial assistance to the government has climbed steadily every year for many years. In fact, the rate of such departures for nonimmigration cases has climbed to 50 percent in the last 4 years from 9.6 percent in fiscal year 1996 to 14.7 percent in fiscal year 2001.

□ 1145

Increasingly, the exceptions are overriding the rule.

By contrast, Mr. Chairman, upward departures are virtually nonexistent. During the same period of time, from fiscal year 1996 to fiscal year 2001, the upward departure rate has held steady at 0.6 percent. That means that judges, by a 33 to 1 ratio, are deviating from the guidelines in order to basically help convicted defendants.

The Department of Justice believes that much of this damage is traceable to the Supreme Court's 1996 decision in Koon versus the United States. In the Koon case, the court held that any factor not explicitly disapproved by the sentencing commission or by statute could serve as grounds for departure. So judges can make up exceptions as they go along. This has led to an accelerated rate of downward departures.

Judges who dislike the Sentencing Reform Act and the sentencing guidelines now have significant discretion to avoid applying a sentence within the range established by the commission, and it is difficult for government to effectively appeal such cases.

The amendment I offer today contains a number of provisions designed to ensure more faithful adherence to the guidelines so defendants in cases involving child pornography and sexual abuse receive the sentences that Congress intended.

Specifically, this amendment would put strict limitations on departures by allowing sentences outside the guidelines range only upon grounds specifically enumerated in the guidelines as proper for departure. This would eliminate ad hoc departures based on vague grounds, such as "general mitigating circumstances." This amendment would also reform the existing grounds of departure set forth in the current guidelines by eliminating those that have been most frequently abused, such as "aberrant behavior," which is already taken into account in a person's past criminal history.

In addition, Mr. Chairman, this amendment would require courts to give specific responses for any departure from the guidelines. It would change the standard of review for appellate courts to a de novo review, which would be more effective to review illegal and inappropriate downward departures. It would prevent sentencing courts upon remand from imposing the same illegal departure on some different theory and only allow courts to reduce a person's sentence for acceptance of responsibility when the government agrees with that finding.

Additionally, the definition of "pattern of activity involving prohibited sexual conduct" in the sentencing guidelines is hereby broadened. Currently, the guideline provides that such a pattern exists only where the defendant engaged in prohibited sexual contact on at least two separate occasions with at least two different minor victims. This definition does not adequately take account of the frequent occurrence where repeated sexual abuse against a single child occurs and the severity of the harm to such victims from such repeated abuse. The amendment would broaden the definition to include repeated abuse of the same victim on separate occasions.

Mr. Chairman, finally, the guidelines are remanded with regard to penalties for the possession of child pornography in two ways. First, penalties are increased if the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence; and, second, penalties are increased based on the amount of child pornography involved in the offense.

The famous philosopher and statesman Cicero said that justice is the set and constant purpose which gives every man his due. Unfortunately, judges in our country all too often are arbitrarily deviating from the sentencing guidelines enacted by the United States Congress based on their personal biases and prejudices, resulting in wide disparity in sentencing.

Mr. Chairman, I would ask my colleagues to support this amendment. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his great work on the bill, H.R. 1104, in protecting children and for his support for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition?

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would have the effect of turning the sentencing guidelines into mandatory sentences in the cases it affects. We have not had hearings or markups on this matter; and this is not the way we should amend the sentencing guidelines, without thought or consideration.

The purpose of the sentencing guidelines is to provide intelligent consistency in sentencing, considering each sentence within the overall framework of other sentences, and ensuring that more serious crimes get more serious punishment. That is impossible when you just take one crime at a time outside of that context with a floor amendment such as this.

The fact is, it makes no sense to have people with different degrees of criminality getting equal sentences or people with equal degrees of criminality getting vastly different sentences.

The evidence is that the guidelines are operating the way they are supposed to. About 85 percent of the sentences are either within the guideline range or outside of the guidelines at the request of the prosecution.

The sentencing commission should retain the appropriate discretion, since that discretion has been essentially taken away from judges. If we want the commission to look at this specific problem of downward departures in these cases, we should direct the sentencing commission to do just that and not take it upon ourselves to do it all by ourselves in a vacuum.

Mr. Chairman, I reserve the balance of my time.

Mr. FEENEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I compliment the gentleman from Florida for proposing an excellent amendment. Let me say I am really puzzled that my friend the gentleman from Virginia (Mr. SCOTT) is opposing this amendment.

Back in 1992, there was a citizen of Los Angeles County named Rodney King that was beaten up by a bunch of police officers. Those police officers were tried and convicted of a civil rights violation in a Federal Court.

The judge there had a downward departure from the sentence that Police Officer Koon would have received, which would have been 70 to 87 months under the sentencing guidelines. The District Court said, as a result of the widespread publicity and emotional outrage which would have surrounded this case, the officers were particularly likely to be targets of abuse in prison, had they been burdened by having been subjected to successive State and Federal prosecutions. So Mr. Koon only got 30 months in prison, when the guidelines required 70 to 87 months in prison.

Now, the Congressional Black Caucus sent a letter to Attorney General Janet Reno; and that was reported in the August 13, 1993, edition of the Los Angeles Times. The Black Caucus, the gentlewoman from California (Ms. WATERS), and 24 other members of the CBC wrote the Attorney General asking that this be appealed.

The government did appeal that sentence and won its case in the Appeals Court, and the Appeals Court held that there should be a de novo review of the sentence. Then there was an appeal to the United States Supreme Court which reversed the Appeals Court and said that the only time a district judge's departure from sentencing guidelines could be reviewed and reversed was if there was an abuse of discretion.

There is a provision in the amendment offered by the gentleman from Florida (Mr. FEENEY) that does precisely what the Congressional Black Caucus asked for almost 10 years ago, and that is to give appeals courts de novo review over sentencing guidelines.

So I am puzzled at the gentleman from Virginia's opposition. We are doing what he asked for, but maybe 10 years too late.

Now, I think it is outrageous that one out of every five cases of those convicted of sexually abusing a child or sexually exploiting a child through child pornography have received a downward departure from the sentencing guidelines. The law says this is supposed to be rare, but, instead, a 20 percent downward departure rate is not rare.

Mr. Chairman, I think that the amendment that has been offered by the gentleman from Florida plugs this loophole. It ought to be passed.

Mr. Chairman, I include for the RECORD the August 6, 1993, letter from the Congressional Black Caucus to the Attorney General of the United States.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.

We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigation factors may be appropriate in other circumstances. However, we feel that the dependents' special status as police officers, with special duties owned to the public, should have mitigated against such a significant reduction.

As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.

Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendant's special responsibilities as police officers.

In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenonemal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is the police officers have an enhanced responsibility to upheld the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

Sincerely,

Maxine Waters, Eva M. Clayton, Sanford Bishop, Major R. Owens, Eddie Bernice Johnson, Walter Tucker, Floyd H. Flake, William Clay, Albert R. Wynn, Charles B. Rangel, Carrie P. Meek, William J. Jefferson, James E. Clyburn, Donald M. Payne, Earl Hilliard, Alcee Hastings, Bennie M. Thompson, Kweisi Mfume, Cleo Fields, Louis Stokes, Cynthia McKinney, Melvin L. Watt, John Lewis, Ronald V. Dellums, Corrine Brown.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time, and reserve the right to close.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. FEENEY) has 2½ minutes remaining.

Mr. FEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it does not surprise me that the Congressional Black Caucus long before I got here took the position that we should not have the whims and biases and prejudices of individual judges responsible for deviating widely in the sentencing in the same exact types of cases. So I think the chairman of the Committee on the Judiciary has done a wonderful job pointing out the problem when you allow widespread deviation.

There really had been no standards. Why have guidelines at all, if judges can make up ad hoc reasons to implement those guidelines?

This is an especially important problem in cases of child abuse and in cases of sexual offenses because of the enormously high recidivism rate. We have heard Attorney General Reno says something like 75 percent of sexual offenders are going to repeat their offenses. We know that exhibitionists, for example, have some of the highest sex offense recidivism rates, something like between 41 and 71 percent. The next highest recidivism rate is found among child molesters who offend against boys, somewhere upwards of 40 or 45 percent.

Now, it does the People's Congress no good to pass laws prohibiting child pornography or kidnapping or sexual abuse, for example, if we are going to have liberal judges deviate on a regular basis.

Mr. Chairman, I am delighted to have the endorsement of the Congressional Black Caucus for my idea, if not my amendment necessarily.

Mr. Chairman, in closing, I would just say that equality in sentencing is important for a number of reasons. Number one, we want to send a message to criminals and would-be criminals; and, number two, we wanted to make sure that all criminals are treated equally.

I think that is what this amendment does. I think it provides certainty. I think it provides a very important deterrent effect. We will have a lot less child abuse, a lot less child pornography, and perhaps less kidnapping if we adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when you ask for the courts to review it, that is so it can be considered in the courts with all the evidence, not in the political branch. It is better to leave it to the sentencing commission and the courts than to floor amendments in the House of Representatives.

If this is such a good idea, then let us do it through the regular order. Let us have some hearings, subcommittee markup, committee markup, and then we can slowly and deliberately consider such an amendment.

The purpose of the sentencing commission is to get away from the floor amendments and the sound bites so you can have intelligent sentencing. We have had situations where you have had sentences that are way out of proportion to crimes that are just as serious, or less serious, totally out of context. That is why we try to get away from it, so that serious crimes get serious punishment, lesser crimes get lesser punishment.

That is the purpose of the sentencing commission. You cannot do that with floor amendments in the House of Representatives. That is why we would hope this amendment could be defeated. We could get a clean Amber Alert bill passed so we can get that enacted and not have to get bogged down in consideration of amendments such as this.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FEENEY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. FEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. FEENEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108-48.

AMENDMENT NO. 3 OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POMEROY:

At the end of subtitle B of title II (page , after line), insert the following new section:

SEC. . INFORMATION AND DOCUMENTATION REQUIRED BY ATTORNEY GENERAL UNDER VICTIMS OF CHILD ABUSE ACT OF 1990.

(a) REGIONAL CHILDREN'S ADVOCACY CENTERS.—

(1) IN GENERAL.—Section 213 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001b) is amended—

(A) in subsection (b)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse."; and

(B) in subsection (d)(3)(A), by inserting after "activities" the following: "or substantially fails to provide information or documentation required by the Attorney General".

(2) CLERICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (c)(4)—

(i) by striking "and" at the end of subparagraph (B)(ii);

(ii) in subparagraph (B)(iii), by striking "Board" and inserting "board"; and

(iii) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B);

(B) in subsection (e), by striking "Board" in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting "board".

(b) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of that Act (42 U.S.C. 13002) is amended in subsection (b)(2)(J) by inserting before the period at the end the following: ", including such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.".

(c) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of such Act (42 U.S.C. 13003) is amended in subsection (c) by adding at the end the following new paragraph:

"(3) Any recipient of a grant under this section shall provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.".

(d) AUTHORIZATION OF APPROPRIATIONS.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 and 2005.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 and 2005.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we consider this bill, which will strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law, initially passed in 1992, supports grants for programs to assist the victims of child abuse.

Our colleague, the gentleman from Alabama (Mr. CRAMER), was involved in the original enactment of this legislation and continues to be very active in the programs administered through this program and deserves a great deal of credit for the activity underlying the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very good amendment. This program is a very important one. It is too important to let go by the wayside. I believe we should take this opportunity to reauthorize it in the context of this bill and would urge the committee to support the gentleman's amendment.

Mr. POMEROY. Mr. Chairman, I appreciate very much the chairman's comments in that regard. They are similar to comments made by the district attorneys in a letter from the National District Attorneys Association citing the extraordinary value of these programs.

In the interest of time and in the interest of debate and with the endorsement of the Committee on the Judiciary chairman, I would put into the record the statement that I make on behalf of this amendment, along with the letter from the National District Attorneys Association, and urge its adoption.

Mr. Chairman, as we consider this bill which would strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law supports grants for programs to assist victims of child abuse.

Congress passed the Victims of Child Abuse Act in 1992. This Act provided for the establishment of four Regional Children's Advocacy Centers to provide information, technical assistance, and training to assist communities in establishing programs, particularly children's advocacy centers, that respond to child abuse. Since that time, these local and regional centers have served and assisted victims of child abuse heal and recover.

The need for these centers and programs in increasing. In my home state of North Dakota, we have one Children's Advocacy Center (CAC), located in Bismarck. It opened in 1996 and is completely funded by grants. Since its opening, it has assessed and closed over 4,000 cases of abuse and/or neglect. Unfortunately, over 7,000 children have been suspected to be victims during this time. Referrals have increased by 49 percent since 2000 and 72 percent of all victims were 8 and under. As you can see, this center serves a fragile population and addresses a vital need. The Center serves 49 out of 53 counties and all four Native American reservations.

Children's Advocacy Centers are important because they make the process of reporting child abuse and receiving treatment easier on children. They provide consistent and timely response to abuse reports; effective medical and mental health treatment or referrals; and reduce the number of child interviews by prosecutors and investigators, lessening the mental impact of continued exposure to the abuser.

Nationally, there are 464 Children Advocacy Centers in the United States that are members of the National Children's Alliance (NCA). There are an additional 221 programs that are recognized by NCA as being engaged in the process of creating a CAC. The National Children's Advocacy Center (NCAC) in Hunstville, Alabama has had a significant impact on CAC development, and I want to acknowledge Representative BUD CRAMER of his outstanding work in developing the first CAC program.

I support Representative CRAMER in his work and seek to extend the legislation that helps fund its programs. The authorization for this funding expired in fiscal year 2000. While funding has continued through the annual appropriations process, Congress should reauthorize the program and demonstrate our support for its mission. The amendment would authorize $15 million for Regional and Local Children's Advocacy Centers through 2005, and would provide $5 million for grants for specialized technical assistance and training programs.

This amendment also adds tools for the Department of Justice to evaluate these grant programs to ensure that these funds are being used to achieve the very important goals they were designed for—helping children and families deal with the tragedy of child abuse. These tools are to be used only to improve the current delivery of child abuse prosecution and recovery.

Let's make sure every victim of child abuse has access to the resources he or she may need to assist in the prosecution of their abuser and recovery. I urge my colleagues to support this vital amendment.

Alexandria, VA, March 27, 2003.

Hon. JIM SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the National District Attorneys Association I want to urge the passage of the Pomeroy amendment to H.R. 1104, the Child Abduction Prevention Act. This amendment reauthorizes funding for the National Center for the Prosecution of Child Abuse, a vitally important resource for the local prosecutors of this country.

The National Center for the Prosecution of Child Abuse is dedicated to training prosecutors, police investigators, medical personnel and social workers on the intricacies of investigating and prosecuting cases of child abuse and neglect. Additionally they provide on going technical assistance to prosecutors in the field—even in the midst of a case.

Child abuse cases are some of the most complex to investigate and prosecute. The training and assistance that the Center provides is crucial to fight this scourge. I urge speedy acceptance of Mr. Pomeroy's effort to ensure that our children are protected to the utmost extent of the law.

Sincerely,
DAN M. ALSOBROOKS,
President.

Mr. POMEROY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

There being none, all time for debate has expired.

The question is on the amendment offered by the gentleman from North Dakota (Mr. POMEROY).

The amendment was agreed to.

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The CHAIRMAN pro tempore (Mr. SHIMKUS). It is now in order to consider amendment No. 4 printed in House Report 108–48.

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOLEY:

At the end of section 301 of the bill, insert the following:

(e) REPORT.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

In section 304(b) of the bill, strike "and" at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

In section 304(f)(1) of the bill, strike the period at the end insert the following:

and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment to H.R. 1104, which will help strengthen the AMBER Alert provision being considered today.

First let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, for his efforts to move this important package through the House today. Provisions like the "two strikes and you're out" for repeat child sex offenders, penalties for international sex tourism, the doubling of funding for the National Center for Missing and Exploited Children, and, of course, the AMBER Alert Act all make this legislation another nail in the coffin for those who prey on the most innocent of our society, and that is our children.

Last summer we were all shocked and horrified by the high-profile abduction cases of children from all over our country. Every time there was a new report of a missing child, one could almost feel the collective shudder of parents from the east coast to the west. The only comfort we had was the successful recovery of several children as a result of the AMBER Alert system.

AMBER, which stands for America's Missing Broadcast Emergency Response plan, is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Just like with severe weather alerts, broadcasters use the Emergency Alert System to air a description of the missing child and suspected abductor.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. I commend the gentleman from Florida for drafting and offering it, and I would urge the Committee to adopt it.

Mr. FOLEY. Mr. Chairman, I appreciate the support of the chairman of the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), the cochair of the Congressional Caucus for Missing and Exploited Children.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Florida for yielding to me to speak in favor of the amendment that the gentleman is offering.

The gentleman's amendment is designed to enhance the AMBER Alert provisions contained in H.R. 1104. Specifically, the amendment provides an additional $5 million in grant funding to help States implement new technologies designed to improve the dissemination of AMBER alerts.

Though the use of highway signs and media outlets is a start, we must begin to look at new technologies like the Internet and e-mail to get these important alerts out.

The amendment will also require the new AMBER Alert coordinator to submit a report by March 1, 2005, to Congress on the effectiveness and status of the AMBER Alert plans in each State. This report will provide the information Congress needs to determine the progress that the national coordinator and the States are making toward statewide integrated AMBER Alert systems.

AMBER Alert is one of the most effective tools that we have to bring kids home. I thank the gentleman for the work that he has done on this issue and for joining me as the cochair on the Congressional Caucus for Missing and Exploited Children, and I hope the Congress passes the AMBER Alert legislation immediately, and this amendment.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone seek time in opposition?

The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108-48.

AMENDMENT NO. 5 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARTER:

Add at the end the following:

SEC. . FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR VOLUNTEERS.

(a) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 120 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(1) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(2) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(3) The number of volunteers, employees, and other individuals that would require a fingerprint based criminal background check.

(4) The impact on the FBI's Integrated Automated Fingerprint Identification System (IAFIS) in terms of capacity and impact on other users of the system, including the effect on FBI work practices and staffing levels.

(5) The current fees charged by the FBI, States and local agencies, and private companies to process fingerprints.

(6) The existence of "model" or best practice programs which could easily be expanded and duplicated in other States.

(7) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(8) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint based and other criminal background check system.

(9) Any other information deemed relevant by the Department of Justice.

(b) REPORT.—Based on the findings of the feasibility study, the Attorney General shall, not later than 120 days after the date of the enactment of this Act, submit to Congress a report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

The National Child Protection Act was enacted in 1993. It was followed by legislation to include this through the Volunteers for Children Act. These acts provided a process for background checks for volunteers to ensure that individuals who are allowed the privilege of working with our children have nothing but good intentions. But according to groups that depend on volunteers to work with children, this process is not working.

No one has been able to provide an explanation as to why the process has failed. There are a number of different factors which could be hampering the process, including the existing capacity or infrastructure of the FBI and the States to collect and process and share fingerprint background information and the cost to run such a program.

My amendment requests the Department of Justice to conduct a feasibility study to determine the extent of the problem and requests the Department of Justice to propose a solution based on its findings.

The study will examine the current state of the fingerprint capture and processing at the State and local level, including the current available infrastructure, the State capacities, and time for each State to process a civil-volunteer print from the time of capture to submission to the FBI.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very necessary amendment, if I could just take a minute to explain why.

In 1993, the National Child Protection Act was passed to provide a process for background checks for volunteers. It did not get up and running.

Additional legislation to improve the process was enacted through the Volunteers for Children Act of 1998. It still is not up and running.

What the gentleman from Texas is proposing is to tell the Justice Department that they have 120 days to tell us why these programs are not up and running, what is needed to fix them, and to get on with the background check system so that those who do volunteer to work not only with children, but also the disabled and the elderly, can be checked out to see if altruism is not their sole motivation for working with these groups of people.

I think that this is a very good amendment, and I hope that it would be adopted.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I would point out that this is going in the right direction. We need to work on this as quickly as possible, in this bill or outside of this bill. I think it is a good idea, and I am in support of the amendment.

Mr. CARTER. In light of the support of the chairman of the committee, I would like to conclude by saying that over the last 20 years I have tried over 100 of these cases, and last year I had a lady come up to me in a grocery store and told me about her child who was going to Colorado to testify in a case against a child sex molester who had molested him in a case that I tried back in 1985; and he was going to testify in the case that was now pending in Colorado. If this system had been up and in effect at that time, we would have been able to find that predator and prevent him from doing this again.

Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I will submit my comments for the RECORD.

I rise to strongly support the Carter amendment. The gentleman from Texas (Mr. LAMPSON) and I both were authors in 1998 for the Volunteers for Children Act. It is working very successfully in Florida. The FDLA has told us it is one of the most aggressive tools that they have to protect our children. I strongly support the gentleman's inquiry to Justice. I hope they will yield the important results that this is an enormously helpful program. So I support the gentleman's efforts.

Mr. Chairman, I rise today in support of my friend from Texas's amendment.

In 1993, Congress passed a critical safeguard for children—the National Child Protection Act, commonly known as the Oprah Winfrey Act. The law gave groups such as schools, day care facilities and youth volunteer organizations access to FBI fingerprinting checks to help ensure that they weren't inadvertently hiring convicted child molesters to tend their young charges.

But there was a hitch. Under the law, these national fingerprint-based checks are only available if states put into place laws approved by the U.S. Attorney General specifically allowing access to them. As a result, while nearly all states had laws providing background checks for various people, such as school personnel or day care workers, only about six had laws specifically giving nonprofit youth-serving organizations like the Boys and Girls Clubs access to do national fingerprint checks on would-be volunteers.

In 1998, I along with Congressman LAMPSON and Senator BIDEN introduced the Volunteers for Children Act which would allow youth-serving nonprofit organizations to request national fingerprint background checks in the absence of state laws providing such access. This bill, which has since been enacted into law, has only been followed by a few states.

The amendment my friend from Texas offers today will require the Department of Justice to conduct a study on the implementation of the Volunteers for Children Act by the states and to provide recommendations to Congress on how to improve state compliance.

In encourage all of my colleagues to vote for the amendment and I look forward to working with Chairman SENSENBRENNER and Chairman COBLE to once and for all fix this very important law.

Mr. CARTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there anyone seeking time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–48.

AMENDMENT NO. 6 OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LAMPSON: Add at the end the following:

SEC. . FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I yield myself such time as I may consume.

For 2½ years I have stood on this floor almost every day talking about the issue of missing and exploited children, encouraging our colleagues to join us in developing legislation to help raise the level of awareness of this horrendous issue across the United States of America to higher and higher heights, and I am proud of the fact that we are here today discussing the legislation that we are.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

This is also a very good amendment. It broadens the tools that law enforcement can use to track down missing children through better forensic investigation. I commend the gentleman from Texas for offering this amendment, and I hope that the committee adopts it.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support.

It was about a decade ago, I guess, that Congress authorized the United States Secret Service to participate in a multi-agency task force for the purpose of providing resources, expertise, and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children in cases involving missing and exploited children. This began a very strong partnership between the Secret Service and the National Center for Missing and Exploited Children and resulted in the Secret Service providing critical forensic support, including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions and regressions, and audio and video enhancements to NCMEC and law enforcement in numerous missing children's cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement and from the National Center for Missing and Exploited Children, and this amendment will do just that.

Ernie Allen, who is the President of the National Center, has strongly endorsed this legislation and has said the following: "When the National Center was created, President Reagan envisioned a national clearinghouse that worked hand in hand with Federal and local law enforcement, the private sector, and the public, each playing a strong, diverse role in the effort to reunite families and better protect children. The United States Secret Service has played a key role in this effort, and we could not be more enthusiastic about their partnership with us."

Mr. Chairman, I think this is a good amendment. I appreciate very much the gentleman's speaking in favor of the amendment, the chairman of the committee; and I urge its adoption.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I want to enter my comments into the RECORD and commend the gentleman for this amendment. It is very, very important work.

Mr. Chairman, I rise today in support of my friend from Texas's amendment. For the past several years, as co-chairs of the Congressional Missing and Exploited Children's Caucus, we have worked diligently to provide the resources to law enforcement necessary to protect our children and this amendment is further proof of Mr. LAMPSON's commitment and service to that goal.

Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) in cases involving missing and exploited children.

This began a strong partnership between the Secret Service and NCMEC, and resulted in the Secret Service providing critical forensic support—including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions/regressions and audio and video enhancements—to NCMEC and local law enforcement in numerous missing children cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement or NCMEC.

This amendment will do just that and I encourage all of my colleagues today to join with me in voting for this important measure.

Mr. LAMPSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108–48.

AMENDMENT NO. 7 OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ACEVEDO-VILÁ:

At the end of the bill, add the following:

TITLE IV—MISSING CHILDREN PROCEDURES IN PUBLIC BUILDINGS

SEC. 401. SHORT TITLE.

This title may be cited as the "Code Adam Act".

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) CHILD.—The term "child" means an individual who is 17 years of age or younger.

(2) CODE ADAM ALERT.—The term "Code Adam alert" means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) DESIGNATED AUTHORITY.—The term "designated authority" means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to a public building owned or leased for use by an establishment in the judicial branch of government, the Administrative Office of the United States Courts; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) PUBLIC BUILDING.—The term "public building" means any building (or portion thereof) owned or leased for use by a Federal agency.

SEC. 403. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) NOTIFICATION AND SEARCH PROCEDURES.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ.)

Mr. ACEVEDO-VILÁ. Mr. Chairman, I yield myself 3 minutes.

The amendment that I am offering today requires certain procedures be established and followed when a child is reported lost or missing in a Federal building. The purpose of this set of procedures, called Code Adam, is to prevent child abductions in Federal buildings. Code Adam has proven extremely successful in thwarting many attempted abductions through the issuance of a Code Adam Alert in commercial establishments.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I also believe that this is a very constructive amendment, and I commend the gentleman from Puerto Rico for offering it; and I hope that it is adopted.

Let me say that one of the first things I did when I came to Congress was I helped pass the Missing Children's Act which was in response to the abduction and gruesome murder of Adam Walsh, whose father, John Walsh, has obtained quite a bit of fame in being an advocate for missing and exploited children.

The Code Adam proposal has been very successful when privately implemented in Wal-Mart stores around the country, and I think that having a Code Adam alert system in place nationwide for all public buildings will significantly improve the chance of recovering children who might be abducted in a shopping mall or some other public building. I think the gentleman from Puerto Rico has done the children of this country a great service by offering this amendment, and I hope that it is adopted.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. I appreciate his support for this amendment.

As the chairman said, this was created by Wal-Mart in 1994 as a private initiative, and it has become one of the country's largest child safety programs.

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With the help of the National Center for Missing and Exploited Children that also is supporting my amendment, over 36,000 stores across the United States have already used it successfully. Code Adam, as the chairman just mentioned, is named in memory of 6-year-old Adam Walsh, whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

I ask for Members' support for this bipartisan amendment. Its enactment will complement existing security procedures and others being considered in this bill, including the AMBER Alert, in order to guarantee immediate preventive action against successful child abductions.

Effective procedures required by this amendment include notification of security personnel that a child is missing, issuance of a Code Adam alert, and distribution of the child's description to all employees using fast and effective means of communication.

It also provides that all points of egress must be monitored while the Code Adam alert is in effect and the local law enforcement be notified if the child remains missing after all established procedures are followed.

I am very proud to say that Puerto Rico has already enacted a law adopting Code Adam in its government buildings. With the adoption of this amendment, all Federal buildings will also establish Code Adam to ensure that we are prepared to respond quickly if a child is reported missing.

Mr. Chairman, I urge my colleagues to vote yes on the Code Adam amendment. Let us draw from the success achieved in stores across the country and adopt it in Federal buildings, those that belong to the people of the United States, and where all of us, but especially our children, should be safest.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, last year I joined my colleague, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), and Senator HILLARY RODHAM CLINTON to introduce the Code Adam Act. Code Adam is a proven, successful program that has saved lives in the retail environment, and it is time that we bring that same measure of safety to children in Federal buildings, just as we have done with the effort to put bulletin boards throughout all Federal buildings and display the pictures of missing children.

Code Adam was created, as we have already heard, by Wal-Mart as a special alert through a store's customer address system when a customer reports a missing child. Since Code Adam began in 1994, it has been a powerful tool against child abductions and lost children in more than 25,000 stores across the Nation.

This amendment would require the implementation of this protocol in all Federal buildings. Wal-Mart started this fantastic program in the name of Adam Walsh, John Walsh's son, who was abducted and murdered in Florida over 20 years ago.

Every day I see children walking through the halls of Congress and in Federal buildings back at home in Texas. God forbid, if a child would go missing in one of these buildings, this amendment would make sure a plan was in place to secure that building and find the child before something tragic occurs.

Mr. FOLEY. Mr. Chairman, I rise today in support of my friend from Puerto Rico's amendment.

Code Adam, one of the country's largest child-safety programs, was created and promoted by the Wal-Mart retail stores and named in memory of 6-year-old Adam Walsh whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

When a customer reports a missing child to a store employee, a "Code Adam" alert is announced over the public-address system. A brief description of the child is obtained and provided to all designated employees who immediately stop their normal work to search for the child, and monitor all exits to help prevent the child from leaving the store.

If the child is not found within 10 minutes of initiating a store-wide search, or if the child is seen accompanied by someone other than a parent or guardian, store personnel contact the local police department and request assistance.

Since the Code Adam program began in 1994, it has been a powerful preventive tool against child abductions and lost children in more than 36,000 stores across the nation.

Despite its success, however, the only jurisdiction that has adopted Code Adam for government buildings is Puerto Rico.

This amendment will direct each federal building (including here on Capitol Hill) to establish a Code Adam program and procedures for locating a child who is missing in a federal building.

As co-chair of the Congressional Missing and Exploited Children's Caucus, I urge all of my colleagues to vote for this very important amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, as the Chairman of the Government Reform Committee, which has jurisdiction over federal buildings, including buildings owned or leased by the U.S. Postal Service, I rise in support of the Acevedo-Vilá amendment.

My Committee did not have the opportunity to examine this proposal before its consideration here on the floor as an amendment to the Child Abduction Prevention Act. Nevertheless, since the underlying intent of this legislation is to not only return abducted children to their parents, which we do through the national AMBER Alert network, but to keep them from being abducted in the first place, I believe establishing procedures to locate missing children in public buildings is a positive step.

This time of year, we all see the large numbers of children that come to our nation's capital to visit the Smithsonian Museums, the monuments, or to see the cherry blossoms. It makes sense for our public facilities to have an established system to help keep these children from either wandering away on their own or being taken away by a kidnapper.

Every parent knows the heart-stopping panic that ensues when a child suddenly is nowhere to be found. Having a "Code Adam alert" system in place gives parents the peace of mind of knowing their children can be returned to them quickly and safely. I urge my colleagues to give it their support.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does any Member seek time in opposition?

The question is on the amendment offered by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in House Report 108–48.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of amendment No. 8 is as follows:

Amendment No. 8 offered by Mr. SMITH of Texas:

Add at the end the following:

TITLE —

SEC. 01. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a

result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government provide beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Feber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 02. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

“(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or in indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or”.

(b) Section 2256(2) of title 19, United States Code, is amended to read as follows:

“(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

“(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:

“(ii) bestiality;

“(iii) masturbation;

“(iv) sadistic or masochistic abuses; or

“(v) lascivious exhibition of the genitals or pubic area of any person;

“(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

“(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

“(ii) graphic or lascivious simulated;

“(I) bestiality;

“(II) masturbation; or EXT :068 ...HOUSE... A27MR7 PC-ᴶ019060-A27MR7-068-*****-*****-- Name: BARKSDALE, SHARON A -Payroll No: 04593-Folios: 152/9-152/11-Date: 03-27-03 23:20-Subformat:

“(III) sadistic or masochistic abuse; or

“(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;”.

(c) Section 2256 is amended—

(1) in paragraph 8(D), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by inserting at the end the following new paragraph:

“(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.”.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

“(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the production of the alleged child pornography did not involve the use of a minor or an attempt or conspiracy to commit an offense under this section involving such use.

“(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).”.

SEC. 03. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking “or” at the end and inserting “and”; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

“§ 2252B. Pandering and solicitation

“(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

“(d) The circumstance referred to in subsection (a) and (b) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

“(3) any person who travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

“(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

“(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.”; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2252A the following:

“2252B. Pandering and solicitation.”.

SEC. 04. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

“§ 1466A. Obscene visual depictions of young children

“(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

“(c) For purposes of this section—

“(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

“(2) the term 'pre-pubescent child' means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visual growth of the sexual organs;

"(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2); and

"(4) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

"(d) The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means of instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, on in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means; include by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) In a case under subsection (b), it is an affirmative defense that the defendant—

"(1) possessed less than three such images; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

"§ 1466B. Obscene visual representations of sexual abuse of minors

"(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1) depicts a minor engaging in sexually explicit conduct; and

"(2) is obscene;

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1) depicts a minor child engaging in sexually explicit conduct, and

"(2) is obscene,

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) It is not a required element of any offense under this section that the minor child depicted actually exist.

"(d) For purposes of this section, the terms 'visual depiction' has the meaning given that term in section 1466A, and the terms 'sexually explicit conduct' and 'minor' have the meanings given those terms in section 2256(2)(B).

"(e) The circumstance referred to in subsection (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(f) In a case under subsection (b), it is an affirmative defense that the defendant—

"(1) possessed less than three such images; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image."; and

(2) in table of sections at the beginning of the chapter, by inserting after the item relating to section 1466 the following new items:

"1466A. Obscene visual depictions of young children.
"1466B. Obscene visual representations of pre-pubescent sexual abuse".

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under sections 1466A and 1466B of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 05. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

"§ 1471. Use of obscene material or child pornography to facilitate offenses against minors

"(a) Whoever, in any circumstance described in subsection (c), knowingly—

"(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

"(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or provides any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) For purposes of this section—

"(1) the term 'child pornography' has the meaning set forth in section 2256(8);

"(2) the terms 'visual depiction,' 'pre-pubescent child', and 'indistinguishable' have the meanings respectively set forth for those terms in section 1466A(c); and

"(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2).

"(c) The circumstance referred to in subsection (a) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States."; and

"(2) in the table of sections at the beginning of the chapter, by inserting at the end the following:

"1471. Use of obscene material or child pornography to facilitate offenses against minors.".

SEC. 06. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 is amended—

(1) by striking "subsection (d)" each place it appears in subsections (a), (b), and (c) and inserting "subsection (e)";

"(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

"(3) by inserting after subsection (b) a new subsection (c) as follows:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstances referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its possessions, or terrorities, by any means including by computer or mail, or

"(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail.".

SEC. 07. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 06(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting "chapter 71," immediately before each occurrence of "chapter 109A,"; and

(2) by inserting "or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice)," immediately before each occurence of "or under the laws".

SEC. 08. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting "2252B," after "2252A,"; and

(B) by inserting "or a violation of section 1466A or 1466B of that title," after "of that title),";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting "or" at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking "or" at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 09. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 10. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(A)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized" and inserting "the information specified in section 2703(c)(2)".

SEC. 11. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "1466A, 1466B," before "2251".

SEC. 12. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support this amendment as an important step to stop the exploitation of our children. This amendment is directly connected to the abduction of children, since children are abducted and sold into the sex industry for both pornography and for prostitution.

The amendment addresses growing challenges to the government's ability to prosecute child pornographers. It also includes a provision to address child pornography that is produced overseas to be distributed in the United States. The exploitation of any child is unacceptable, and the United States must take affirmative steps to prevent this exploitation wherever it occurs.

The amendment is essentially the same as the Child Obscenity and Pornography Prevention Act, which passed the House in the last Congress by a vote of 413 to 8. This legislation had strong bipartisan support. Congress understood then what has become even more clear now, that this legislation ensures the enforceability of existing child pornography laws.

During the 1990s, advances in computer technology threatened the government's ability to protect real children. Congress attempted to address this concern in 1996 with the Child Pornography Prevention Act, parts of which were subsequently struck down by the Supreme Court in the Free Speech Coalition decision.

Regardless of whether we agree or disagree with the court's decision, we must now deal with its consequences. Since that decision, defendants in child pornography cases have routinely claimed that the depictions of child pornography could be virtual, thus requiring the government to prove first that the depicted image is a real person.

The mere existence of computer technology that creates virtual depictions which are indistinguishable from depictions of actual children allows defendants who possess images of real children to escape prosecution. This Congress has an obligation to correct this absurd permutation in the law.

Given the prevalence of the Internet, we absolutely cannot protect our children if prosecutors must first complete the almost impossible task of identifying the children depicted in child pornography. Unless this amendment is adopted, the Supreme Court's decision will effectively legalize all child pornography by throwing an insurmountable burden in the face of the prosecution.

I urge my colleagues to support this critical amendment.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I seek time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes in opposition.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is designed as a fix for last year's decision in Ashcroft versus Free Speech Coalition. The problem with the amendment is that it has the same problems as the law that was struck down. The Ashcroft case held that sale or possession of non-obscene computer-generated material depicting child-like characters engaged in explicit sexual activities does not constitute a crime. This bill says it is a crime, just like the law that was struck down.

Child pornography and object are despicable and illegal and can and are banned and prosecuted. These crimes and their severe punishments are left intact by the Ashcroft decision. What the court struck down was the criminalization of computer-generated and other depictions of children, which is not obscene, in undesirable, including sexual, situations where no child was actually involved in making the material.

We all see pornography as despicable, period. But under our laws, pornography that is not obscene and does not involve real children is just that, pornography. Whether we like it or not, the Supreme Court has told us that pornography is not illegal. It is a category of speech that is despicable but not illegal.

While pornography is legal, child pornography is illegal. But to constitute child pornography, the Supreme Court has told us that a child has to be involved in the production. Virtual computer-generated images, therefore, unless they are obscene, are not illegal.

The law called into question in Ashcroft was a law enacted in 1996. The problem the court found with the law was that, while it prohibited images that constituted child pornography, it also prohibited images that did not constitute child pornography, because actual children were not involved in the production.

The court made it clear that protected speech may not be banned as a means to ban unprotected speech. This would turn the first amendment upside down.

Proponents of the bill believe that the court left intact or left open the question of whether government can establish a sufficiently compelling State interest to justify criminalization of computer-generated images that are not obscene and do not involve real children. However, the court cited in its decision New York versus Ferber from 1992 when it said, virtual images record no crime and creates no victims by its production and therefore are legal.

Proponents also argue that the court did not consider the harm to real children which would occur when, through technological advances, it will become difficult to tell real children from virtual children, thereby allowing real children to be harmed because the government cannot tell the difference for the purpose of bringing prosecution.

But the court did clearly consider that, and stated, and I quote from the decision, "The government next argues that its objective of eliminating the market for pornography produced using real children necessitates a prohibition on virtual images as well. Virtual images, the government contends, are indistinguishable from the real ones. They are part of the same market and often exchanged. In this way, it is said virtual images promote the trafficking in works produced through the exploitation of real children."

But then the court says, and I continue quoting, "The hypothesis is somewhat implausible. If virtual images are identical to illegal child pornography, the illegal images will be driven from the market by indistinguishable substitutes. Few pornographers would risk prosecution by abusing real children if fictional computer-generated images would suffice."

Nor was the court persuaded by the argument that virtual images will make it difficult for the government to prosecute cases. As to that concern, the court said, "Finally, the government says that the possibility of producing images by using computer imaging makes it difficult for it to prosecute those who produce pornography using real children. Experts, we are told, may have difficulty in saying whether the pictures were made using real children or by using computer imaging. The necessary solution, the argument runs, is to prohibit both kinds of images.

"The argument," the court said, "in essence is that protected speech may be banned as a means to ban unprotected speech. This analysis turns the first amendment upside down. The government may not suppress lawful speech as a means to suppress unlawful speech."

Finally, Mr. Chairman, the government suggests that because the court determined that it did not decide whether an affirmative defense could save an otherwise unconstitutional law, it left open that possibility. That may be technically true, but listen to what the court said: "In order to force this objection, the government would have us read the CPPA as not a measure suppressing speech but as a law shifting the burden to the accused to prove the speech is lawful. In this connection, the government relies on an affirmative defense under the statute which allows a defendant to avoid conviction for nonpossession offenses by showing that the materials were produced using only adults and were not otherwise distributed in a manner conveying the impression that they depicted real children.

"The government raises serious constitutional difficulties by seeking to impose on the defendant the burden of proving his speech was not unlawful. The affirmative defense applies only after the prosecution has begun, and the speaker must himself prove, on the pain of felony conviction, that his conduct falls within the affirmative defense.

"In cases under the CPPA, the evidentiary burden is not trivial. Where the defendant is not the producer of the work, he may have no way of establishing the identity or even the existence of the actors. If the evidentiary issue is a serious problem for the government, as it asserts, it will be at least as difficult for the innocent possessor."

This statute, however, Mr. Chairman, by its very words, makes illegal what the court said was legal. Five Justices joined in the majority opinion. One concurred, one concurred in part and dissented in part, two dissented.

With five Justices, all of whom are still on the court, agreeing with the whole decision and only three dissenting in any part at all, this is not a close decision with wavering members.

So, Mr. Chairman, I think we should avoid the necessity of the court's telling us again that we cannot prosecute child pornography unless real children were, in fact, involved in the production of the material or unless they are otherwise legally obscene.

Finally, Mr. Chairman, we should note the subsequent action in the Ashcroft case. The trial court on February 7, just a few weeks ago, ordered attorney's fees to the plaintiff on the grounds that the government's defense of the statute was not substantially justified. This is essentially the same statute. It says that virtual child images can be made illegal. The court has said that virtual images cannot be made illegal. Those of us who are familiar with our system of government recognize that the same ruling by the same Supreme Court will find this bill unconstitutional and unenforceable; and, therefore, the amendment should be opposed.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment addresses the April 16, 2002, Supreme Court decision in Ashcroft versus Free Speech Coalition. That decision struck down in 1996 a law written to combat computer-generated pornography because it was too broad.

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The overturning of this law to combat child pornography has emboldened those who would have used children. Regrettably, the prediction of the president of the National Center for Missing and Exploited Children has come true. He said, "The court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years."

A Government Accounting Office report just 2 weeks ago found that in the weight of the Supreme Court decision, child pornographers now are increasing their presence on the Internet and are engaging in their depraved actions with relative ease. The Internet has proved a useful tool for pedophiles and sex predators as they distribute child pornography, engage in sexually explicit conversations with children, and hunt for victims in chat rooms.

Every parent should know what their children see and do online. Unfortunately, the new playground for child pornographers is the Internet.

Our children are the most vulnerable among us, and we need to protect them. If this amendment becomes law, child pornographers will be a mere click away from a lengthy prison sentence. This amendment increases penalties and provides prosecutors with the tools they need to win convictions against child pornographers, and it responds to the Supreme Court's constitutional concerns by narrowing the definition of child pornography and includes an affirmative defense when real children are not depicted.

This amendment passed the House as separate legislation last year by a vote of 413 to 8, but the Senate failed to act. I hope my colleagues again will support the provisions in this amendment which will reduce child pornography on the Internet.

Mr. Chairman, I insert for the RECORD the analysis of the constitutionality of this legislation.

CONSTITUTIONAL ANALYSIS OF THE SMITH AMENDMENT TO H.R. 1104—THE "CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT"

On April 16, 2002, the Supreme Court in Ashcroft v. Free Speech Coalition, held that two of Federal definitions of child pornography unconstitutional. §18 U.S.C. §2256(8)(B), defined child pornography to include wholly computer generated pictures that appear to be of a minor engaging in sexually explicit conduct. §18 U.S.C. §2256(8)(D), defined child pornography to include a visual depiction where it is advertised, promoted, or presented, to convey the impression that the material contains a visual depiction of a minor engaging in sexually explicit conduct.

The Court's decision does not bar Congress from outlawing virtual child pornography when the prohibition is narrowly-drawn to promote a compelling government interest. In fact, the Court in its opinion, expressly left that option open for Congress. The Court stated: "We need not decide, however, whether the Government could impose this burden on a speaker. Even if an affirmative defense can save a statute from First Amendment challenge, here the defense is incomplete and insufficient, even on its own terms." Justice Thomas, concurring, stated that the "Court does leave open the possibility that a more complete affirmative defense could save a statute's constitutionality, see ante, at 1405, implicitly accepting that some regulation of virtual child pornography might be constitutional." No member of the Court took exception with his conclusion.

Congress clearly has a compelling interest to protect children from sexual exploitation. That interest extends to the prosecution of those who exploit children. These prosecutions are seriously threatened by the mere possibility that technology exists to create a depiction of a virtual child. This possibility allows those who harm real children to claim that the child pornography they possess does not contain real children.

Computer technology already exists today to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. Furthermore, evidence was presented to the Congress that the technology may already exist to depict virtual children to look real and completely indistinguishable.

Compounding the problem, is the fact that the vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media and that a computer image seized from a child pornographer is rarely a first-generation product. These pictures are e-mailed over and over again or scanned in from photographs of real children being abused and exploited. The transmission of images over an e-mail system can alter the image and make it impossible even for an expert to know whether or not a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

To prove a child is real will require identifying the actual child. This is usually an impossible task. The quandary is that while there is no substantial evidence that any of the child pornography images being trafficked today were made in any other way than by the abuse of real children, technological advances are leading many criminal defendants to suggest otherwise. These defendants are claiming that the images they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. This is not a new defense, but without a narrowly drafted statute intended to prohibit the use of virtual child pornography that an ordinary person viewing the depiction could not distinguish from a depiction of a real child, it will be impossible for the government to prosecute child pornography cases involving computer images. Some in the Court are cognizant that technology may threaten the Government's compelling state interest of effective prosecution of those who sexually exploit children and thus threaten the Government's ability to protect children.

A representative from the Department of Justice testified:

As Justice Thomas noted in his concurring opinion, "if technological advances thwart prosecution of 'unlawful speech,' the Government may well have a compelling interest in barring or otherwise regulating some narrow category of 'lawful speech' in order to enforce effectively laws against pornography made through the abuse of real children." 122 S. Ct. at 1406–07 (Thomas, J., concurring in the judgment). Similarly, Justice O'Connor noted in her opinion concurring in part and dissenting in part that, "given the rapid pace of advances in computer-graphics technology, the Government's concern is reasonable." Id. at 1409. Moreover, to avert serious harms, Congress may rely on reasonable predictive judgments, even when legislating in an area implicating freedom of speech. *See Turner Broad. Sys. Inc.* v. *FCC* 520 U.S. 180, 210–11 (1997). We believe that Congress has a strong basis for concluding that the very existence of sexually explicit computer images that are virtually indistinguishable from images of real minors engaged in sexually explicit conduct poses a serious danger to future prosecutions involving child pornography. Indeed, we already have some sense of the impact of the Court's decision. The Ninth Circuit had invalidated the same provisions of law in 1999, and all accounts indicate that the number and scope of child pornography prosecutions brought by our prosecutors in the Ninth Circuit has been adversely impacted.

Since the Supreme Court's decision in *Free Speech Coalition*, evidence of this growing threat is clear as defendants in almost every child pornography case contend that the depictions could be virtual, requiring the prosecutors to prove that the children depicted are real. Some of the defense efforts are succeeding. For example, after *Free Speech Coalition*, a court granted the defendant's motion to withdraw a guilty plea and held that the government must prove beyond a reasonable doubt that the defendant knew that the images depicted real children.

Moreover, the existence of computer generated images of child pornography that is indistinguishable from depictions of real children will bolster the child pornography market and those who abuse children to produce such pictures. The majority opinion in Free speech Coalition stated, in dicta, that "if virtual images were identical to illegal child pornography, the illegal images would be driven from the market by the indistinguishable substitutes." Contrary to that belief, the President and CEO of NCMEC "believe[s] that the Court's decision will result in the proliferation of child pornography in America, unlike anything we have seen in more than twenty years." He concluded that "as a result of the Court's decision, thousands of children will be sexually victimized, most of whom will not report the offense."

The Court stated that "[f]ew pornographers would risk prosecution by abusing real children if fictional, computerized images would suffice." This conclusion is simply wrong. The individuals who produce, trade, and exchange child pornography are rarely profit motivated. Pictures of abuse of real children are sold, but they are also traded and displayed—they are trophies and signs of validation for deviant behavior.

While the Supreme Court has certainly opened the door for the adult entertainment industry to enter the child pornography market, legalizing virtual child pornography will not reduce the market for real children. Rather, the result will be a market that contains both real and virtual children (as it does now). The only difference is that now child molesters will be able to hide their abuse with altered or merely e-mailed photographs of their victims and the market will no longer be underground but will return to the public "adult book stores."

Child pornography—virtual or otherwise—is detrimental to the nation's most precious and vulnerable asset, our children. Regardless of the method of its production, child pornography is used to promote and incite deviant and dangerous behavior in our society. As the President and CEO of the NCMEC testified "there is compelling evidence that visual depictions of sexually explicit conduct involving children cause real physical, emotional and psychological damage not only to depicted children but also to non-depicted children. It is just as insidious, whether it is a photographic record of a child's actual victimization, or a photographic depiction used as a tool or device to subsequently victimize other children."

Sex predators produce, trade, and use child pornography for several insidious purposes. Pedophiles not only like to create a permanent record for arousal and gratification, but also like to trade these pictures with other pedophiles to validate their actions. Additionally, sex offenders use child pornography to lower children's inhibitions to make them believe that such behavior is acceptable and normal. There are also those who sell it for profit.

Prior to 1982, child pornography lined the shelves of many "adult" entertainment stores. This changed after the 1982 Supreme Court's New York v. Ferber decision that found child pornography was not entitled to First Amendment protection. In Ferber, the Court found that: "[i]t is evident beyond the need for elaboration that a State's interest in 'safeguarding the physical and psychological well-being of a minor' is 'compelling.'" Further the Court found that: "[t]he distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children in at least two ways. First, the material produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation. Second, the distribution network for child pornography must be closed if the production of material which requires the sexual exploitation of children is to be effectively controlled."

While child pornography disappeared from bookstores following Ferber, it did not disappear from existence." The child pornography market merely went underground, but this underground market was spurred by the advent of the Internet. Nevertheless, law enforcement had begun to make enormous strides in the enforcement and prosecution of child pornography crimes.

Again, the Government has a compelling state interest in protecting children from those who sexually exploit them including both child molesters and child pornographers. The Supreme Court in *New York v. Ferber*, concluded that "[t]he prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." In *Osborne v. Ohio*, the Court recognized that this compelling state interest extends to stamping out the vice of child pornography "at all levels in the distribution chain."

It follows that the Government has a compelling interest to ensure that the criminal prohibitions against child pornography remain enforceable and effective. As the Court stated in *Ferber*, "[t]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product."

It became apparent in the 1990's that advances in technology threatened the Government's compelling state interest in protecting real children through the effective prosecution of the child pornography laws that cover the visual depictions of real children. In 1996, the Congress attempted to address this concern with the Child Pornography Prevention Act. The 1996 language included a prohibition of any virtual depictions as well as pictures of youthful-looking adults. The Supreme Court found the 1996 statutory language overbroad, and therefore, unconstitutional.

This legislation is constitutional as it narrows the definition in significant ways and strengthens the affirmative defense. Furthermore, there is a compelling state interest for the narrowly drawn prohibition. The Government's compelling state interest is to protect children from exploitation. And the protection includes the prosecution of those who would or do exploit children. The Court gave the Congress an opportunity to address its concerns, and the Congress has an obligation to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me the time.

I have the greatest respect for the legal skill of my friend and colleague from Virginia. I disagree with his take on this particular amendment, however. I am a cosponsor of the legislation represented by the amendment and am pleased today to speak for its passage.

I want to commend, in particular, the gentleman from Texas (Mr. SMITH), who in an exemplary bipartisan manner worked to build this legislation, crafted around a very careful reading of the Supreme Court ruling, a reference by the gentleman from Virginia (Mr. SCOTT), and then forged the legislative response that will withstand Supreme Court review.

This is not an exercise of making a statement only to be followed by the inevitable Supreme Court ruling throwing out the legislation. This one is written to withstand review to answer the constitutional objections raised about the earlier legislation, and it comes at a critical point in time for our country.

The Internet, as this wonderful new technology is changing so many things, has had the unfortunate effect of enabling child pornographers beyond ever before, at the very time when we have computer technology being used in the creation and dissemination of graphic, completely unacceptable child pornography. The legislation responds to that, includes several different components that go beyond any component of what might be in a free-speech argument, banning the use by an adult to a minor, the exchange of this material over the Internet, commonly used as part of an enticement procedure by perpetrators of those who would exploit children and lure them into contact.

It creates a per se definition that explicit sexual acts depicted between very young children is per se obscene. I believe this will make a very useful contribution to our judges as they evaluate the unseemly cases brought before them.

This is an important amendment. I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from North Dakota (Mr. POMEROY) for his remarks.

Mr. Chairman, may I ask how much time remains on our side.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. SMITH) has 5 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 30 seconds remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN) the vice-chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Texas for yielding me the time, and I want to commend the gentleman for this legislation.

This is a terribly important tool for prosecutors; and it is yet another reason why this bill, this larger legislation, is such a historic advance in the battle against those who would prey on our kids. I know we all recognize that technology, quite frankly, is outpacing our ability to deal with it, ethically and legally.

The computer information revolution has created a wonderful window on the world for our young people, but its darker shadows and darker moments can allow monsters into our home and, quite frankly, allow monsters closer to our children.

We cannot and must not allow the porn industry to hide behind emerging technologies and hyperlegal nuances. I refuse to say what the opponents imply today, that is, that somehow child pornography becomes a victimless crime with a couple of key strokes.

It is time to chase those dark shadows away. It is time to give prosecutors the tools to fight back. It is time to give them what they are asking for, the ability to shine a light on child pornography, the ability to fight back and to end this terrible scourge. This is a critical part, in my view, to a comprehensive response of child abduction and those who would prey on our kids.

Again, I want to compliment the gentleman. I think this is a great addition to this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART), a very active member of the Committee on the Judiciary.

Ms. HART. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. SMITH) as sponsor of the amendment.

A little over a year ago, a 13-year-old girl was abducted from her home near Pittsburgh. She was found tied to a bed in a Herndon, Virginia, townhome. The adult male abductor had met this girl on the Internet and had bragged to other would-be child molesters that he had finally found a young girl to make his sex slave.

The man had a history of viewing and exchanging child pornography over the

Internet. Currently, law enforcement has little power to stop this. The bill today, which includes the AMBER Alert, which helps to locate abducted children, it also includes, most importantly, laws to strengthen the ability to ensure children are not abducted in the first place.

The amendment further strengthens the bill by making it illegal to possess, distribute or create computer or computer-related images depicting child pornography. Child pornography feeds the sick desires of pedophiles. It entices its viewers to take advantage of real young children.

This amendment provides another tool to get perpetrators of child abuse and child pornography off the streets and out of Internet chat rooms before more children are targeted.

With the Smith amendment, this bill will close the door left open by the Supreme Court decision last April that overturned similar provisions of a 1996 law. I encourage my colleagues to think first of the children and the families who have been so unnecessarily harmed by child abductors and child molesters in our Nation.

This law, with this amendment attached, will go a long way to preventing those horrible stories that we so hate to hear on the news.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

The Supreme Court told us that virtual images produced without real children cannot be prohibited unless they are obscene. The bright line is a person has got to use real children for it to be illegal. This bill says that virtual images without using children are illegal. The same Supreme Court will make the same decision.

This amendment is unconstitutional and ought to be rejected.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY), amendment No. 8 offered by the gentleman from Texas (Mr. SMITH).

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 357, noes 58, answered "present" 1, not voting 18, as follows:

[Roll No. 87]

AYES—357

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—58

Abercrombie
Allen
Baird
Becerra
Berman
Cardin
Carson (IN)
Davis (AL)
Davis (IL)
DeGette
Delahunt
Farr
Fattah
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kucinich
LaTourette
Lee
Lewis (GA)
Majette
McCollum
McDermott
Meek (FL)
Millender-McDonald
Mollohan
Nadler
Oberstar
Olver
Paul
Payne
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Snyder
Stark
Udall (NM)
Velázquez
Waters
Watt
Waxman
Woolsey

ANSWERED "PRESENT"—1

Owens

NOT VOTING—18

Ballance
Brown (OH)
Brown, Corrine
Buyer
Clay
Combest
Conyers
Cummings
Dingell
Fletcher
Gephardt
Hyde
Jefferson
McCarthy (MO)
McCotter
Miller, George
Oxley
Solis

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair advises Members there are 2 minutes remaining in this vote.

☐ 1302

Ms. WOOLSEY, Ms. DEGETTE, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Messrs. RUSH, MEEK of Florida, KUCINICH, BECERRA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia and Mr. RAHALL changed their vote from "aye" to "no."

Mrs. TAUSCHER, Ms. BERKLEY, Messrs. HINOJOSA, LARSON of Connecticut, WEXLER, PETERSON of Pennsylvania and Ms. HARMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. BALLANCE. Mr. Chairman, on rollcall No. 87, I was in attendance at a meeting of the CBC Foundation at the National Press Club and did not return in time to vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The remaining question in this series will be a 5-minute vote.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 15, not voting 13, as follows:

[Roll No. 88]

AYES—406

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore,
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—15

Abercrombie
Conyers
Davis (IL)
Jackson (IL)
Jones (OH)
Lee
McDermott
Nadler
Paul
Rush
Sanders
Scott (VA)
Stark
Watt
Woolsey

NOT VOTING—13

Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
McCarthy (MO)
McCarthy (NY)
McCotter
Miller, George
Rodriguez
Skelton

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1311

Mr. DAVIS of Illinois and Mr. RUSH changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SKELTON. Mr. Chairman, on rollcall No. 88, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1104) to prevent child abduction, and for other purposes, pursuant to House Resolution 160, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote on the passage of H.R. 1104 will be followed by two 5-minute votes on postponed suspensions.

The vote was taken by electronic device, and there were—ayes 410, noes 14, not voting 10, as follows:

[Roll No. 89]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—14

Conyers
Jackson (IL)
Jones (OH)
Lee
McDermott
Mollohan
Oberstar
Paul
Sabo
Sanders
Scott (VA)
Stark
Waters
Watt

NOT VOTING—10

Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
McCarthy (MO)
McCotter
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1330

Mr. JACKSON of Illinois, Ms. LEE and Mr. SANDERS changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 99

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Daniel Patrick Moynihan, former Member of the United States Senate.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress—

the Senator from Utah (Mr. HATCH);

the Senator from Maine (Ms. COLLINS); and

the Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission—

C. Richard D'Amato of Maryland, for a term expiring December 31, 2005;

Patrick A. Mulloy of Virginia, for a term expiring December 31, 2004; and

William A. Reinsch of Maryland, for a term expiring December 31, 2003.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 153.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 153, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 49, answered "present" 23, not voting 16, as follows:

[Roll No. 90]

YEAS—346

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—49

Ackerman
Allen
Baird
Ballance
Berkley
Blumenauer
Capuano
Conyers
DeGette
Delahunt
Dooley (CA)
Edwards
Farr
Fattah
Frank (MA)
Hastings (FL)
Hinchey
Inslee
Jackson (IL)
Jones (OH)
Kennedy (RI)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Majette
McDermott
McGovern
Oberstar
Olver
Payne
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Smith (WA)
Solis
Stark
Tauscher
Velázquez
Waters
Waxman
Weiner
Woolsey

ANSWERED "PRESENT"—23

Cardin
Davis (CA)
DeFazio
Dicks
Emanuel
Filner
Gutierrez
Harman
Hill
Israel
Kind
Lantos
Owens
Rothman
Schiff
Sherman
Snyder
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Watt
Wexler

NOT VOTING—16

Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Houghton
Hyde
Johnson (CT)
Larsen (WA)
McCarthy (MO)
McCotter
Miller, George
Obey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1339

Mr. WAXMAN changed his vote from "yea" to "nay."

Ms. LORETTA SANCHEZ of California changed her vote from "nay" to "yea."

Mr. VAN HOLLEN changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RUSH of Illinois. Mr. Speaker, on rollcall No. 90 I was misrecorded, and I duly intended to vote "no" on this particular rollcall.

CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 118, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 118, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 91]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)

Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bachus
Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
John
McCarthy (MO)
McCotter
Miller, George
Nussle

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1346

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1104, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003 OR "PROTECT ACT"

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I call up the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 151 is as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003" or "PROTECT Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: (A) computer generate depictions of children that are indistinguishable from depictions of real children; (B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality

of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful.

(11) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(12) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(13) The Supreme Court's 1982 Ferber decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) knowingly—

"(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

"(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

"(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

"(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;";

(B) in paragraph (4), by striking "or" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

"(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

"(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

"(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.";

(2) in subsection (b)(1), by striking "paragraphs (1), (2), (3), or (4)" and inserting "paragraph (1), (2), (3), (4), or (6)"; and

(3) by striking subsection (c) and inserting the following:

"(c) Affirmative Defense.—It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

"(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

"(B) each such person was an adult at the time the material was produced; or

"(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.".

SEC. 4. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.".

SEC. 5. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "and shall not be construed to require proof of the actual identity of the person";

(2) in paragraph (2)—

(A) by striking "means actual" and inserting the following: "means—

"(A) actual";

(B) in subparagraphs (A), (B), (C), (D), and (E), by indenting the left margin 2 ems to the right and redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(C) in subparagraph (A)(v), as redesignated, by inserting "or" after the semicolon; and

(D) by adding at the end the following:

"(B)(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

"(ii) actual or lascivious simulated—

"(I) bestiality;

"(II) masturbation; or

"(III) sadistic or masochistic abuse; or

"(iii) actual lascivious or simulated lascivious exhibition of the genitals or pubic area of any person;";

(3) in paragraph (8)—

(A) by striking subparagraph (B) and inserting the following:

"(B) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; or";

(B) in subparagraph (C)—

(i) by inserting after "is engaging in sexually explicit conduct" the following: ", except that the term 'identifiable minor' as used in this subparagraph shall not be construed to include the portion of the definition contained in paragraph (9)(B)"; and

(ii) by striking "or" at the end; and

(C) by striking subparagraph (D); and

(4) by striking paragraph (9), and inserting the following:

"(9) 'identifiable minor'—

"(A)(i) means a person—

"(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

"(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

"(II) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

"(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

"(B) means a computer image, computer generated image, or digital image—

"(i) that is of, or is virtually indistinguishable from that of, an actual minor; and

"(ii) that depicts sexually explicit conduct as defined in paragraph (2)(B); and

"(10) 'virtually indistinguishable'—

"(A) means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor; and

"(B) does not apply to depictions that are drawings, cartoons, sculptures, diagrams, anatomical models, or paintings depicting minors or adults or reproductions of such depictions.".

SEC. 6. OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§ 2252B. Obscene visual representations of the sexual abuse of children

"(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

"(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

"(1) possessed less than 3 such visual depictions; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

"(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2); and

"(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

"2252B. Obscene visual representations of the sexual abuse of children.".

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 2252B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 2252B of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 7. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking "of this section" and inserting "of this chapter or chapter 71,";

(2) in subsection (h)(3), by inserting ", computer generated image, digital image, or picture," after "video tape"; and

(3) in subsection (i)—

(A) by striking "not more than 2 years" and inserting "not more than 5 years"; and

(B) by striking "5 years" and inserting "10 years".

SEC. 8. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1), by inserting "or a violation of section 2252B of that title" after "of that title)";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

SEC. 9. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "or" at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting "or" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 10. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking "subsection (d)" each place that term appears and inserting "subsection (e)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United

States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

"(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.".

SEC. 11. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(f) Civil Remedies.—

"(1) In general.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

"(2) Relief.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

"(A) temporary, preliminary, or permanent injunctive relief;

"(B) compensatory and punitive damages; and

"(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.".

SEC. 12. ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting "chapter 71," before "chapter 109A," each place it appears.

SEC. 13. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 14. MISCELLANEOUS PROVISIONS.

(a) Appointment of Trial Attorneys.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) Report to Congressional Committees.—

(1) In general.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) Contents.—The report required under paragraph (i) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 15. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 1591 (sex trafficking of children by force, fraud, or coercion)," after "section 1511 (obstruction of State or local law enforcement),"; and

(2) by inserting "section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2252B (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes)," after "sections 2251 and 2252 (sexual exploitation of children),".

SEC. 16. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized," and inserting "the information specified in section 2703(c)(2)".

SEC. 17. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I offer a motion.

The Clerk read as follows:

Mr. Sensenbrenner moves to strike all after the enacting clause of S. 151, and insert in lieu thereof the provisions of H.R. 1104 as passed by the House.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. Sensenbrenner) is recognized for 1 hour.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I will not take a long time on this motion.

The House has worked its will on H.R. 1104, and Members should be congratulated for their hard work. However, this is no time to pat ourselves on the back. There is still work to do with the other body, and I am prepared to get that job done.

The following procedural maneuvers are necessary to get us to conference with the Senate. Many have complained that H.R. 1104 would get bogged down with the other body. This procedure ensures that we are able to expeditiously convene a conference to resolve differences between the House and the Senate versions of this legislation. The Committee on Rules, in its wisdom, has crafted a rule that permits us to expeditiously get to conference so that the House and Senate Committees on the Judiciary can get to work. I am ready to roll up my sleeves to make sure this child protection legislation is on the President's desk soon.

Mr. Speaker, this motion permits the House to get to a stage of disagreement with the Senate so the House can consider the next motion I will offer requesting a conference with the other body. I encourage all Members to support this motion so we can resolve our differences with the other body and send to the President strong child protection legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. Sensenbrenner).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title of the Senate bill is amended so as to read: "To prevent child abduction and the sexual exploitation of children, and for other purposes."

There was no objection.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1104) was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. Sensenbrenner moves that the House insist on its amendments to S. 151 and request a conference with the Senate thereon.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. SCOTT of Virginia. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Scott of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 151, be instructed to insist that—

(1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and

(2) all meetings of the committee of conference—

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance of the public and the media.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I believe the motion is self-explanatory, and I would hope that it would be adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to the motion, but I hope it will not be used to slow down the proceedings of the conference so that we can expeditiously reach a conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. SCOTT).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GREEN of Wisconsin, Ms. HART, Mr. CONYERS and Mr. SCOTT of Virginia.

For consideration of the Senate bill and House amendments and modifications committed to conference: Mr. FROST.

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 522, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 522, the Federal Deposit Insurance Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Tuesday, April 1. Members should draft their amendments to the bill as ordered and reported by the Committee on Financial Services on March 13, which is expected to file its report later today. Members are advised that the text should be available for their review on both the Committee on Financial Services and the Committee on Rules Web sites by Friday, March 28.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 735, THE POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 735, the Postal Civil Service Retirement System Funding Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in H–312 of the Capitol by 4 p.m. on Monday, March 31. Members should draft their amendments to the bill as ordered by the Committee on Government Reform on March 6. Members are advised that the text should be available for their review on the Web site of the Committee on Rules later today.

Members should use the Office of the Legislative Counsel to make sure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

LAYING ON THE TABLE H. RES. 152

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 152 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that additional conferees on S. 151 may be announced later.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the schedule of the distinguished majority leader, the gentleman from Texas (Mr. DELAY), and I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these bills will be rolled until 6:30 p.m. on Monday.

On Tuesday, we expect to consider several additional bills under suspension of the rules, including legislation that will provide relief from student loan payments to our men and women currently serving in the Middle East. We would also hope to go to conference on the 2004 budget resolution.

For Wednesday and the balance of the week, we have several measures that we will consider under a rule. Those include H.R. 522, a bill to reauthorize the Federal Deposit Insurance Program; H.R. 735, which would alter the method used to calculate Postal Service contributions to the Federal Employee Pension System; and H.R. 743, the Social Security Protection Act.

Finally, next week, we hope to be considering the Fiscal Year 2003 War Supplemental that was requested by the President earlier this week. I believe that the Committee on Appropriations has tentatively scheduled a markup of this legislation for Tuesday.

Now, Members should be aware, while I remain hopeful that we could consider this legislation on the floor on Thursday, I know that this schedule would disrupt the traditional 3-day layover practice by the Committee on Appropriations, but if the supplemental is not available for floor consideration on Thursday, Members should be advised we would be in session next Friday to consider this very important bill.

I thank the gentleman for yielding. I would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

Following up on what he said at the end of his statement, am I to understand that if the supplemental is passed on Thursday, it is the gentleman's expectation we will not be in next Friday?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, the gentleman is correct. If we can get the supplemental passed by the House by Thursday, we would not be in on Friday. But Members need to be advised that the President has asked the bipartisan leadership to try to get the supplemental to his desk before the Easter break, and we have to get it done next week in order to accomplish that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

I would say to the distinguished majority leader, having talked to the ranking member and former chairman of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), I think if we can reach a bipartisan agreement, we too want to make sure that we provide the appropriate resources for our men and women in harm's way to assure them that there is going to be no reluctance on our part to accomplish that effort. But I emphasize that my belief is that if we can reach a bipartisan agreement, and I am hopeful, I know the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) can accomplish that; and if the leadership would help in accomplishing that objective, I think that would be a worthy objective for our country and for this House.

The budget conference and conferees, does the gentleman know when they will be appointed? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

We are hoping to go to conference and name conferees on Monday, if we can get the papers from the Senate. Right now we could have done it today, but we are waiting for the papers to come over from the other body, and they tell us it will be very difficult to get those papers to us by Monday. But if we can get everything straight, then we will go to conference on Monday. If not, we will have to wait until Tuesday.

Mr. HOYER. Mr. Leader, the reason I was looking to staff, obviously, as the gentleman well knows, if we are not going to go in until 6:30 and we will probably do suspension bills that night, clearly, if we go to conference, a motion to instruct would be in order; and I think it would be our intention to offer such a motion.

Therefore, having notice at this juncture, or I understand the gentleman's not having specific knowledge of when the papers are going to come over, but I might say to the gentleman that if we can have some specificity, and apparently Tuesday we will have the papers, the gentleman is reasonably confident, perhaps we could agree that it would be then Tuesday so that on our side we could plan to have the motion to which we would be entitled ready and available at that time.

□ 1400

Mr. DELAY. I thank the gentleman for his comment, Mr. Speaker. We want to make sure that the minority protects their rights and reserves their rights to proceed to a motion to instruct.

My assumption is that we will have what we need to go to conference on the floor of this House no later than Tuesday, and we have every anticipation that we will be going to conference on Tuesday, but we would like to go a day earlier. As the gentleman knows, there is a lot of legislation we would like to do in the next 2 weeks, and floor time is at a premium.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's view. I share that view. We want to try to get this done. I am going to ask him about the week following.

I understand floor time is at a premium, but we are not going to meet, apparently, on Friday if we get the supplemental done in a timely fashion, so we are not going to be using that time.

My only point is that if we do not know until Monday at noontime or Monday at 10 o'clock, it makes it more difficult for us. Frankly, I think it would be appropriate if the gentleman could perhaps agree that this will be on Tuesday, because he is not sure it is going to get over on Monday. I think that puts us in a little better shape.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, we will inform the leadership of the minority as soon as we know. We are urging the other body to move quickly, and we will keep the leadership of the minority informed at every step of this process so their side will have plenty of notice. Hopefully, we will have this decision done by tomorrow, and the gentleman will have plenty of time to do his planning.

Mr. HOYER. I thank the gentleman, Mr. Speaker.

Reclaiming my time again, Mr. Speaker, and I do not want to beat this dead horse too badly, but on Monday my presumption is that the only votes at 6:30 are suspension votes; is that correct?

Mr. DELAY. If the gentleman will continue to yield, that is correct, unless we try to go to conference on the budget. We would have a motion to instruct.

Mr. HOYER. Would we do that subsequent to the vote on the suspensions, or in the afternoon? Obviously, the problem with the afternoon is most Members, as the gentleman knows, come back in time for the vote, Members flying from the West Coast. So there are those complications.

Would the gentleman inform me as to what the intent would be, either before the 6:30 suspension votes or after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, I would suspect that certainly, with the gentleman's agreement, that we could start the process around 5 or 5:30 and wait on the votes until we have finished voting on the suspensions; or we could start the debate on the motion to instruct after the vote on the suspensions. We will be glad to work with the gentleman on how we do that, whatever is most convenient to the Members.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. We will discuss this with the gentleman from South Carolina (Mr. SPRATT), the ranking member. I am sure the gentleman will want to discuss it with the gentleman from Iowa (Mr. NUSSLE) as well. Hopefully, we can reach an agreement so all Members can be accommodated to participate in that important debate.

Mr. Leader, the partial birth abortion bill, I understand that was marked up yesterday. Does the gentleman know when that will be coming to the floor? Is it going to be next week or the week after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, the gentleman is correct, the Committee on the Judiciary reported this legislation out early this week. We would like to consider this bill in the very near future, but, as I mentioned earlier, over the next 2 weeks floor time is going to be at very much a premium. We would like to do it, but it looks like in trying to assess what the needs of the House are for the next 2 weeks we are not going to be able to get to this bill before the Easter break. It is more likely that we will consider the bill in May.

Mr. HOYER. I thank the gentleman for that response.

The smallpox vaccination compensation bill, I know there are ongoing discussions. It is my understanding, from what I have heard the gentleman say, that the expectation is that is not going to be on the calendar next week.

Mr. DELAY. If the gentleman will yield, Mr. Speaker, he may remember that last week during our discussion I mentioned that we are trying to move forward on a product under a very tight time frame that all Members could support. We really would like to see this bill come to the floor in a bipartisan way.

I understand the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), have had daily, if not hourly, discussions on this legislation and at times have become very close to a compromise that all Members could likely support. The bill was pulled from consideration this week primarily because the interested parties believe that the differences on the issues are minimal now and that more time could in fact yield a reasonable compromise.

I would just note for the gentleman that this is a relatively small authorization for a fund that would serve a very targeted community, and usually the House considers legislation of this nature under suspensions of the rules. I would hope that we could bring this bill under suspension as soon as possible.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I would ask the leader, and we have had this discussion before, we are all hopeful, I think, that the discussions between the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from California (Mrs. CAPPS), who is on the floor, who has been such a leader in this legislation, and others on the gentleman's side of the aisle could come and reach agreement.

However, if an agreement could not be reached, the problem is with the Suspension Calendar that it allows no amendments and therefore allows of no alternative possibilities to be considered by the whole House.

We would hope that if this matter cannot be resolved, and we are hopeful that it can, and I know I speak for the gentlewoman from California (Mrs. CAPPS), she is hopeful that it can, and I think I speak for the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as well, that they would like to reach agreement; but if agreement cannot be reached, I would urge the majority leader to bring this bill to the floor with the procedure that allows for alternative proposals to be considered by the whole House.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, I do understand his concerns. We are working very, very hard on this bill. I think we can bring this bill to the floor. It is needed.

Frankly, we have been working on it for way too long. It should have been passed weeks ago. I have every confidence that we can bring a bill to the floor that will get an overwhelming vote by this House.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his comments. We all agree that this bill is needed. We also all know that the President's expectation of the number of people who would have gotten the smallpox vaccination at this point in time, particularly as it relates to first responders, nurses, police, emergency medical technicians, would have been far higher than it has been to date, so we are trying to facilitate that.

Clearly, the passage of this bill would be facilitated by having a bipartisan agreement that will not be contentious. But of course, as the gentleman knows, at the nub of this issue is how substantively we can accomplish the objective of getting as many of our nurses and police and emergency response personnel to voluntarily participate in this vaccination process.

So, again, I would urge the gentleman, if we cannot reach agreement, let the floor consider alternatives and let them decide, the floor, the Members of this House, as to what procedures and process and compensation will best facilitate that end. I thank the gentleman for his comments.

Lastly, Mr. Speaker, I would ask the leader, regarding the tax bill, I know the gentleman mentioned it, but when does he anticipate that coming to the floor?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, the gentleman knows we are sort of at the mercy of the other body. The quicker we can complete a conference report on the budget, the quicker we can move the economic growth package. We are working as hard as we can to convince the Committee on the Budget, the budget committees of both houses, to work through the weekend, work all through next week, so we can bring the conference report to the floor.

If that happens, then we know what we have to deal with; and I would hope that this House could bring the economic growth and jobs creation package to the floor before the Easter break.

Mr. HOYER. I thank the gentleman for his comments, Mr. Speaker.

ADJOURNMENT TO MONDAY, MARCH 31, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 31, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PAYING HOMAGE TO CORPORAL JOSE ANGEL GARIBAY, AN AMERICAN HERO

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I rise today to pay homage and respect to Corporal Jose Angel Garibay, a 21-year-old Marine killed in action in Iraq a few days ago.

Jose Garibay was a proud American of Mexican American descent. He is now an American hero. He was born in Jalisco, Mexico. His family moved to California while he was still a baby. Like almost all Americans, his family came here seeking opportunity and freedom.

Corporal Garibay grew up in Costa Mesa, California. He exemplified what anyone would call an all-American kid. He was a source of joy and pride to his family. He was a star football player on the Newport Harbor High School football team; and he joined the Marines 3 years ago, shortly after graduating from high school.

He was a loving son to his mother, Simona; and he had hoped to use his military pay to help his mother buy a house. He put his own family first and foremost in his life, and through his sacrifice for our Nation in this war against tyranny and terrorism he proved that love of country and love of family are inseparably linked.

Corporal Garibay, his supreme sacrifice will not be forgotten. He will be remembered alongside the many brave American heroes who have gone before him in defending family, freedom, and country.

Today we send our greatest sympathy to the Garibay family. May God's love and the gratitude of our Nation comfort them and comfort the families of all of our fallen heroes.

JIM RICHARDSON POST OFFICE DESIGNATION IN CHARLOTTE, NORTH CAROLINA

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, later today, with the bipartisan unanimous support of the members of the North Carolina delegation, I will be dropping a bill to rename the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina, in honor of Jim Richardson, one of my constituents.

James Franklin Richardson, Sr., known by most people simply as Jim, was born in 1926 in Charlotte. In 1949, Jim began a 33-year career with the United States Postal Service. During his 33-year career, Jim had numerous positions, including Postal Service Clerk in the Charlotte Post Office and Railway Postal Service Worker. He subsequently held a number of supervisory positions and retired as the U.S. Postmaster in Mt. Holly, North Carolina, receiving a certificate of appreciation from the U.S. Postal Service.

I honor him today and will drop this bill. I ask for support from my colleagues.

Mr. Speaker, I rise today to honor Jim Richardson, a man who has dedicated a lifetime to making the world around him a better place. As a lasting tribute to Jim's dedication to his country, his community and to the State of North Carolina I will shortly introduce legislation to designate the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office."

Mr. James Franklin Richardson, Sr., known by most people simply as "Jim," was born on May 20, 1926 in Charlotte, North Carolina. He grew up in Charlotte where he attended Isabella Wyche Elementary and graduated from

Second Ward High. Jim served in the United States Navy during World War II and, following an honorable discharge, attended Johnson C. Smith University, where he graduated in 1949 with a Bachelor of Science degree in Physical Education and General Science.

In 1949 Jim began a 33-year career with the United States Postal Service. During his 33-year career. Jim held numerous positions within the Postal Service, including serving as Postal Service Clerk in the Charlotte Post Office and later as a clerk with the Railway Postal Service, where he served on many train routes. When mail routes on trains were eliminated, Jim returned to the Charlotte Post Office and held a number of supervisory positions. He served the last eight years of his tenure as U.S. Postmaster in Mt. Holly, North Carolina and received a Certificate of Appreciation from the United States Postal Service in Recognition of Exceptional Performance in the Interest of Improved Postal Service.

In 1985 Jim was elected to the North Carolina House of Representatives, where he served one two-year term before being elected to the North Carolina Senate in the Senate District I previously represented. He served four terms in the state Senate before his retirement in 1994. With strong, bi-partisan encouragement, Jim ran for and was elected to the Mecklenburg County Commission where he served six years. There are few people I know in North Carolina who enjoy the kind of bi-partisan admiration Jim has that I believe results from his affable demeanor, willingness to work on issues across party lines and willingness to vote his convictions without regard to partisan expectations.

I hope this House will join me by honoring Jim Richardson for his civility and for his role as a true American patriot, a great communicator and a tireless voice for the voice-less.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent to proceed with my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE LACK OF FEDERAL RESOURCES ALLOCATED TO LOCAL LAW ENFORCEMENT, AMERICA'S FRONT LINE IN THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today to address the lack of Federal resources being allocated to local law enforcement officials, our front line in our war on terrorism.

Several weeks ago, I sent out an e-mail asking first responders from my district to attend a brown bag lunch to discuss the challenges they face. With less than 24 hours' notice, nearly 60 law enforcement officials and fire professionals changed their schedules and attended this meeting.

While in nearly every case they support the administration's efforts on terrorism, as do I, to an individual they were disappointed in the lack of resources provided by their Federal Government. These men and women are made of the same mettle as the first responders who were on the scene September 11 in New York City and in Washington, D.C., but they need the tools to do their jobs. They have communication systems that are woefully inadequate for the jobs they need to do.

□ 1415

Fire and police are unable to communicate on the same radios. Regrettably, the supplemental the administration just sent over does not address these needs. While it provides overall increases for homeland security, it contains no funds to provide interoperable communication equipment so that police, firefighters and emergency workers can talk to one another during an emergency.

I am hopeful that these concerns are addressed as the debate on the supplemental bill progresses. Our first responders must have enhanced communications equipment to respond adequately to emergencies. If police, firefighters and other first responders are unable to communicate with each other, lives will be lost due to lack of coordination; and that simply should not happen.

Let me also say that I am sympathetic to the needs of our big cities, especially those that have suffered from terrorist attacks in the past. We should work together to make certain that law enforcement and other first responders in those cities have the resources they need to respond to future threats and attacks.

At the same time, we should not neglect the needs of first responders in smaller communities. Let us not forget, the second largest act of terrorism committed in the United States soil occurred in Oklahoma City, which did not rank high on any list of targets that we have seen recently.

Quite simply, acts of terrorism, by either domestic or international sources can occur anywhere at any time, and our local first responders must have the tools necessary to respond.

In my district, preparing for potential attack also means recognizing the threat posed by agriterrorism or the use of disease or outbreak to cripple the agricultural industry. As we have seen with the outbreak of bovine TB, exotic Newcastle disease, the introduction of an organism that can be devastating to the industry and a threat to the Nation's food supply.

To further highlight the challenge facing our first responders, I want to focus on one of the local law enforcement agencies in my district, the sheriff's department in Stanislaus County.

I recently spoke with our sheriff, Les Weidman, who has got his hands full, not only dealing with the threat posed by future terrorist attacks but also trying to deal with the methamphetamine crisis in California's central valley. Like sheriffs across the country, Sheriff Weidman has seen a dramatic increase in meth labs in our area.

Sheriff Weidman recently held a news conference where he uncovered a link between drug production and terrorist groups. Mr. Speaker, this is a disturbing turn of events. He announced that millions of dollars of profits from drug deals had been diverted to Middle Eastern terrorist organizations. While his efforts are laudable, his small force of 450 officers is barely enough to do the job.

No matter how dedicated they are, without adequate tools they will not be able to get the job done alone. In fact, Sheriff Weidman recently told me that his department cannot afford the most basic protective gear for his deputies because of the cost. Only 35 out of the 450 officers that he has on duty have been issued protective kits against the use of chemical or biological weapons.

Addressing the threats posed by terrorism is a Federal issue with national implications, but dealing with the immediate effects of a terrorist attack will most likely be performed by local law enforcement officers and other first responders. What sort of message is the Federal Government sending to the local men and women on the front lines in our home districts if we cannot even provide them with the basic tools and resources necessary to carry out the most pressing national concern?

I would submit today that we are not doing nearly enough, Mr. Speaker. As we move forward this year and in this session of Congress, I hope we can work together to provide our law enforcement officials with the resources they need to protect our communities. This is not, nor should it be, a partisan issue.

I have been pleased to meet with a number of administration officials since taking office, and I am impressed with the level of commitment and dedication they place in protecting our homeland; but when local law enforcement officials tell me that communications capability is locally inadequate, it is clear to me that we must do more.

Working together, I am confident that we can, in fact, do this. If we mean what we say about providing homeland security for our Nation, we must start by providing support to our local first responders.

COMMENDATION FOR MEREDITH BROADBENT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I would like to commend a valuable member of my staff, a treasure who has served the Committee on Ways and Means for over 20 years. Meredith Broadbent, who serves as senior professional staff member to our Subcommittee on Trade, is a noted expert in all areas of trade policy but especially agriculture and textiles, two of the most complex areas. She has committed her career to developing good trade policy, and she has been involved in every major trade initiative over the last 20 years.

Most recently, she was a key player in granting the President Trade Promotion Authority, according preferential trade benefits to the Caribbean, African and Andean countries, and extending permanent normal trade relations to China. Trade initiatives such as these are good for spurring U.S. economic growth but also to help foster a world that trades in freedom and lives in liberty and prosperity.

Ms. Broadbent's wise counsel, sound judgment, and thorough expertise will be truly missed. I am glad that she will continue to serve her country in the international trade arena as Assistant United States Trade Representative for Industry, Market Access and Telecommunications. She will be a tremendous asset to the Bush administration, and I wish her well.

Moreover, I know as chairman of the Subcommittee on Trade that I will still have the privilege of working with Meredith as our Assistant United States Trade Representative. God bless her.

REMOVE COLOMBIA FROM THE SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, we are facing the first supplemental spending request to fund the war in Iraq and its aftermath and to partially support critical needs for our own homeland security. I expect we will be taking up that debate as early as next week.

I believe it is important that this Congress is finally beginning to debate the costs and the consequences of this war and how it will affect our homeland security, something we have failed to do for the last 5 months.

However, as I read the fine print of the administration's request, I see additional military assistance for Colombia. What is Colombia doing in a supplemental for the war in Iraq? There is a request for $34 million in military aid for Colombia in the section for the Department of Defense/operations and maintenance to "increase the operational tempo for the unified campaign against narcotics trafficking and terrorist activities."

There is another $34 million in military aid for Colombia in the State Department section, and there is an unspecified amount for Colombia under the international assistance programs/international security assistance for foreign military financing, and it is my understanding that the State Department officials have informed some committee staff that Colombia's share of those funds will be around 36 to $37 million.

All told, that is another $100 million in additional military aid for Colombia. Mr. Speaker, that is more money than the State of Massachusetts will receive under the supplemental for critical homeland security priorities. It is more than most States will receive.

In Massachusetts, communities are laying off police, firefighters, and other emergency first responders. Dozens of our cities and towns have critical vacancies because many of our local police, our State police, our sheriffs, firefighters, and medical staff have been called to active duty and are right now serving in Iraq.

I have been told that there is just not enough money to help places like Seekonk or Worcester or Southborough fill these critical vacancies to keep our families safe; but apparently there is plenty of cash for Colombia.

Mr. Speaker, there is nothing that Colombia needs that cannot be handled through the regular authorization and appropriations process. Indeed, just last month on February 12, this Congress approved over $500 million for Colombia for fiscal year 2003, $400 million for the Andean Counterdrug Initiative, and another $99 million in foreign military financing.

For fiscal year 2004, the President has asked for more than $700 million for Colombia in the foreign operations and defense appropriations bills. Those bills will begin moving through subcommittee shortly after Congress returns from our April recess.

U.S. military and other aid for Colombia has been approved and is in the spending pipeline ready to go. On Monday, when he sent up the supplemental request, President Bush asked the Congress "to refrain from attaching items not directly related to the emergency at hand."

Mr. Speaker, Colombia falls into that category. These requests for Colombia are unrelated to the needs of our troops and our missions in Iraq and South Asia and unrelated to meeting the needs of our own homeland security; and I call upon the administration to withdraw the request for Colombia from this supplemental, and if that fails to happen, I ask the Committee on Appropriations to eliminate those requests and shift those resources to help our States and our communities meet critical hometown security priorities.

Mr. Speaker, I was in Colombia in February. I traveled to several sites throughout the country. I met with local military commanders, religious leaders, governors, mayors, labor leaders, school teachers, displaced families, indigenous peoples, Afro-Colombians, lawyers, the magistrates of the constitutional court, members of the Colombia Government and U.S. embassy staff. I was also in Colombia 2 years ago, and the difference is striking.

Sadly, Mr. Speaker, today the human rights situation is worse. The violence has increased. There is less political space for people to organize, speak out or voice alternatives to official policy. The country is increasingly militarized; and there is little support for basic economic development, unless it comes from other countries or the U.N.

The 40-year-old civil war in Colombia is dirtier and uglier than ever and shows no signs of ending anytime soon. The nature of the U.S. role in that war has changed. We are now more deeply involved in a counterinsurgency than ever before. Americans have died and are being held hostage by guerrilla forces. The Colombian military continues to work with awful right-wing paramilitary forces.

Mr. Speaker, I do not want to see American men and women dying in a war in Colombia where the Colombian military is still reluctant to engage directly insurgent and paramilitary forces. I think it is a mistake for the United States to escalate its military involvement in Colombia.

Some of my colleagues may disagree, but at the very least, this escalation deserves a full debate. We must not allow such a dramatic increase in our military involvement to pass without comment and votes. Congress must assert its proper role.

Withdraw the requests for Colombia in this supplemental. Put that money to better use by supporting our police and firefighters here at home.

ORDER OF BUSINESS

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

USE OF CHEMICAL WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

McDermott) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I come to the floor with an issue that I feel the Members of this House should think about.

The BBC carried a story on March 27 saying that there was proof of biological weapons found. They found protection suits, gas masks; and officials argued that these precautions were not to counter the threat of coalition attacks, as the Iraqis would know that the United Kingdom and U.S. forces in the gulf do not possess chemical and biological weapons.

Mr. Hoon, who is the Secretary in the British Government, conceded that the discovery of the suits was obviously not conclusive proof that Iraqi forces were set to use chemical or biological weapons, but he added, "It's clearly indicative of an intention, otherwise why equip his own forces to deal with a threat which he knows we do not have?"

I just received an e-mail message from one of my friends in the British House of Lords who said to me there was a news story on the BBC this morning about the U.S. administration saying they may be prepared to use nonlethal chemical weapons in Iraq in an urban situation where it would be preferable to stun people rather than kill them. Now I do not know how we put those two stories together. We think the Iraqis are getting ready to do something; but the BBC, the very same, carries the story which we will never find in an American newspaper or on American television that we are talking about using chemical weapons.

My correspondent went on to say this would be illegal; they are very nasty substances and can kill children. They would be effective against military forces equipped with even rudimentary gas masks. I am sure my colleagues will be speaking out against such a thing. However, it might help them to know that I am hoping to ask our government what action they would take in such a situation.

□ 1430

"My party will certainly call for the U.K. troops to cease work with American forces if they use illegal chemical weapons, even nonlethal ones. If it happens during the Easter recess, we would call for a recall of Parliament to debate it."

Mr. Speaker, I bring this to the floor because the media in this country has done a terrible job reporting the war. They give us one side, they are all embedded inside our military, and they get whatever they are supposed to put out about what is going on. They are not looking broadly across the horizon at what is happening.

The Washington Post carried a story today that the American people are so dissatisfied with the American press that the number one hit on the Internet is Al Jazeera, a Qatar television station that provides another point of view. Americans are trying to find out what the truth is.

Mr. Speaker, I do not know, I cannot make head nor tail out of this. I looked quickly to see if I could find the story, but it is not written in the BBC. I have no reason to believe that my correspondent would not tell me the truth. I believe this Congress should look into this issue.

If we are going to start a war in which we are going after a country and we say they have weapons of mass destruction, we know it, but we have not found any, and now the story comes out that we are getting ready to use them. Remember what happened in Moscow when the Chechnyan rebels took over that theater with all those people in there, and the Russian Army used a nonlethal chemical weapon to stun the people, and they had several hundred die? The question is, are we prepared to use those on civilians in Iraq or how do we keep it only on the military and not on the civilians? When gas is spread, it goes around, and people breathe it.

The United States Congress should be made aware of this. I do not go to the secret briefings because I want to be able to talk out here about what I hear in the general public. I do not think that they will tell Members in a secret briefing whether they will use it, but Congress should demand from the people in the war department and the White House as to whether or not they intend to use any kind of nonlethal chemical weapons. Are they talking about tear gas? What are they talking about? We do not want to be a part of doing the very thing that we accuse the Iraqis of.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. McInnis) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I listened to the previous speaker, and I am curious if the gentleman's preference is tear gas or bullets. I think it is a fair request that it be disclosed, what kind of gas or what kind of chemical might be used, but I think it is somewhat of an exaggeration to say the United States is going to use chemicals like those which Iraq possesses, and those are chemicals like nerve gas, ricin, and anthrax. I can assure the gentleman that the United States has no intention of using ricin, nerve gas, anthrax or those types of weapons.

I think it is entirely appropriate, if we enter into urban combat, which we have to expect is going to happen, if we have an opportunity, primarily because the civilian population is in a particular facility, if we can use tear gas instead of putting a mortar into the building, maybe we ought to use tear gas.

But for people from foreign countries to stand up and say the United States is using gas, they will be disappointed to find out the type of gas, and I do not know whether it would be used or not, but I think it would make sense to use tear gas if we can disarm and minimize our casualties towards civilians. Keep in mind the United States has done an incredible job on minimizing casualties on civilians.

It is interesting to note that the Iraqis care less about their people because they are willing to use their people as human shields than we care about their people. The United States cares enough about their people that on many occasions we will not return fire because of the Iraqi citizen that is being used as a human shield, but not on all occasions. They should not depend on that working every time. They think less of their citizens because they will use them as a shield. We think more of their citizens because we do not want citizen casualties.

I listened today to some comments from some of my colleagues, and there are two things that I want to correct. One, this is the United States against Iraq; and two, Europe is opposed to this.

In fact, if we look at Europe, Members will find that Jacques Chirac likes to pronounce that France is Europe. France is not Europe. France is a part of Europe. It is not Europe.

Jacques Chirac likes to play like he is the king of the kingdom of Europe. Europe has many different countries, and most of those countries in Europe support the United States of America. The United States of America is not acting alone in this action. The United States of America, in fact, has more allies in this action than we had during the entire first Persian Gulf War, not less, more. And on the European continent, look at the countries that are supporting the United States.

First, perhaps it is more appropriate to look at the countries that are opposing the United States. There are six, three of them being in Europe: France, Germany, and Belgium.

Now look at the countries that are supporting the United States. The British, the strongest ally we have had in a long time, the Italians, the Spanish, the Polish, the Hungarians, the Dutch. I can give Members generally the countries, Afghanistan, Albania, Australia, Colombia, the Czech Republic, El Salvador, Estonia, Ethiopia, Georgia, Iceland, Japan, South Korea, Lithuania, Macedonia, Nicaragua, the Philippines, Romania. It is not just the United States. It is the United States and the British who are leading the cause, but they have lots of support throughout this world. And when Jacques Chirac speaks about Europe, he ought to be more careful.

It is such a sad case in our history that a long-time alliance and friendship with our old friends in France and Germany has been so denigrated by political leaders in Germany and France who are seizing upon popular opinion to use the United States as a vehicle to bash to continue to increase their ratings in the popularity policy. This alliance and this relationship we have had over there has gone way too many years for it to be trashed by Chancellor Schmidt in Germany and Chirac over in France, but they have done a pretty successful job of doing it.

I can tell Members in my opinion we would not be engaged in military combat today had the French and the Germans, or had the French and the Germans initially in 1992, in 1993, in 1994, in 1995, in 1996, in fact, after the Iraqis gassed 60,000 of their own people, and not with the type of gas like the gentleman from Washington (Mr. MCDERMOTT) was talking about, tear gas and so on, gassed them with ricin. They killed 60,000. But what did the French and the Germans do? Negotiate, negotiate, negotiate. Let us have meeting, after meeting, after meeting; resolution, after resolution, after resolution. Had the French and the Germans and the country of Belgium, had they decided to get tough back in 1992 or any of those other years, we would not be where we are today.

I note that my colleague says the United States started this war. This war was started back in 1991 when Iraq continually defied the world's demand that he disarm those weapons of mass destruction.

There is not a country in the world, including the French, by the way, including Germany, there is not a nation in the world that denies that Saddam Hussein has these weapons or denies that he is a wicked guy. But there are a lot of them that want to do everything they can to get rid of Saddam Hussein except fight him. That is where the French fall in place.

I think it is important for our population to understand, I think it is very important that there are lots of other reasons that Jacques Chirac and Chancellor Schmidt over in Germany are taking on this anti-U.S. attitude and feeding the frenzy to hate America.

Once this gets resolved, take a look at how many contracts the French have with the Iraqis, business contracts. Mr. Speaker, do you know who approved the building of a nuclear plant in Iraq years ago, and the building of a nuclear plant that was justified because they needed it for energy in the country that has the second largest oil reserves in the world? Jacques Chirac approved it when he was prime minister.

Take a look at the history that we have connected with this, and we will find out how inherent these conflicts are. How interesting that Jacques Chirac and Chancellor Schmidt are now saying we ought to be the ones that let our contractors go in and rebuild Iraq after this conflict is over. Their decision has a lot less to do with true disagreements of substance with the United States and a whole lot more to do with business agreements and business contracts and oil.

Let me say something about the oil situation. Many people talk about this is all about oil. It is about oil, but it is not about oil for the United States of America. If it was about oil for the United States or the British, the easiest thing for us to do, and we could do it in 24 hours, is to lift the sanctions, take off the economic sanctions.

I will tell what oil it is about. It is about oil for the French. The French have below-market, large contracts for oil resources from Iraq. That is what it is. If we want to talk about oil, we had better look at the French.

I happen to think that once we are successful in taking out this regime and we are rebuilding Iraq, and the oil that is for the people of Iraq and owned by the people of Iraq, I think the first thing we ought to do is make sure that oil is being sold at the market price, and I think we ought to call up Jacques Chirac and say you have been getting a sweetheart deal for a long time. Guess what? You care about the Iraqi people, we care about the Iraqi people, no more sweetheart deals. The French are going to pay the true value for their oil so we are assured that the people of Iraq get the true value for their oil, and it is given to the people of Iraq. That is how we ought to approach this.

The same thing with Germany, by the way.

Mr. NORWOOD. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Georgia.

RECOGNITION OF THE 173RD AIRBORNE BRIGADE

Mr. NORWOOD. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Colorado.

Mr. Speaker, yesterday over the northern Iraq city of Bashur, in the deepest, darkest time of the night, the unmistakable and ominous rumblings of C–17 transport planes could be heard overhead. They came in low, delivering roughly 1,000 paratroopers from the U.S. Army's 173rd Airborne Brigade, known affectionately as Sky Soldiers.

□ 1445

They were there to support the U.S.-led coalition of nations to liberate the Iraqi people and end Saddam Hussein's reign of terror.

Their immediate mission was to secure a snow-covered airfield near Bashur that could be used to bring in additional support and supplies. Within hours of their successful landing in the still of the night, by the way, one of the largest of its kind since World War II, the 173rd Airborne Brigade, the Sky Soldiers, under the command of Colonel William Mayfield, had accomplished their mission.

Mr. Speaker, I am proud of all of our men and women fighting for freedom around the clock today in Iraq, but there is no question I do feel a special kinship and bond with the Sky Soldiers and a keen sense of pride in their contributions during this ongoing military campaign. I feel this way, Mr. Speaker, because I too served with the 173rd Brigade during the Vietnam War.

Since it was originally constituted in 1917 as an infantry brigade and an element of the 87th Division, the 173rd Airborne Brigade has compiled a proud history of wartime accomplishment and distinction. During World War II, the Headquarters Company of the 173rd Infantry Brigade fought in three European campaigns as the 87th Reconnaissance Troop. The troop reverted to Reserve status after war, but in 1963 it was allotted to the Army and activated on Okinawa as the 173rd Airborne Brigade under the command of Brigadier General Ellis Williamson. While training extensively to make mass parachute jumps, the brigade earned the nickname of Sky Soldiers. The brigade was deployed to Vietnam in 1965 and became the first major ground combat unit of the U.S. Army to serve there. At its height in Vietnam, the 173rd had roughly 3,000 soldiers assigned.

Mr. Speaker, as I mentioned, the 173rd has a proud and distinguished wartime record. During its more than 6 years of continuous combat in Vietnam, the brigade earned 14 campaign streamers and four unit citations. At the same time, individual Sky Soldiers received 13 Medals of Honor, 32 Distinguished Service Crosses, 1,736 Silver Stars and over 6,000 Purple Hearts. Here in Washington on the Vietnam Memorial Wall, there are over 1,790 Sky Soldier names listed, a lasting reminder of the contribution made to our Nation by the 173rd during the Vietnam War. Today, the 173rd Airborne Brigade is based in Italy where it serves as the European Command's only conventional airborne strategic response force for the European theater.

Mr. Speaker, the 173rd was heard from last night and, make no mistake about it, they will be heard from again. With the U.S. Army's Sky Soldiers on the ground and on the job in northern Iraq, our military campaign to end Saddam Hussein's torturous regime is one step closer to victory. Finally, Mr. Speaker, until that victory is securely in hand and this campaign has ended, let us keep the Sky Soldiers and all of our brave military men and women defending freedom in our thoughts and prayers. All the way to the Herd and God bless.

I thank the gentleman for yielding.

Mr. McINNIS. Mr. Speaker, I appreciate the gentleman's comments.

I had said in my earlier comments that preceded those comments about the French and the Germans, I wanted to move from that and talk a little about some of the people out of Hollywood, for example, some of the protesters who in my opinion are spending more time supporting Saddam Hussein than they are the President of our own country. I want to talk about casualties, and I want to just read some letters that I have gotten in the last few days from parents of some of our brave men and women that are over there.

Keep in mind that when we talk about the military forces, we should remember that the military forces that are making this happen, that are protecting this country, that are providing the United States of America with the security and frankly with our liberty and as the former Senator Thompson said today, it is the brave soldier who has allowed us, it is the brave who have allowed us to be a country of the free. What I want to point out is throughout this country, today, in the United States there are lots of military people involved in planning, lots of people involved in logistics. In fact, last night just visiting with one of my colleagues, I said, look, somewhere out there in the logistical divisions of our armed services, somebody has got to figure out how to transport 350,000 tubes of toothpaste every 2 weeks, acquire them, package them, ship them and distribute them so all of our service people have toothpaste to use when they want to brush their teeth. There is lots that has to go into the supply line.

That leads me into my next comment. Remember, we have only been engaged in this conflict for 7 days. One week. I know there were some people that thought that Iraq was just going to willy-nilly lay down and that Saddam Hussein was going to walk off the scene and that our tanks were going to drive in as fast as they could to the city hall in downtown Baghdad and have coffee. Those people were so optimistic they were unrealistic. We are 7 days into this now, and all of a sudden I note that some of the national media is looking at the most wild, optimistic reports and since obviously we are not driving into downtown Baghdad to the city hall down there, they are saying, what is happening to the United States? Are we faltering? Is the war plan not working?

You talk about a misconception. You talk about a diversion to what is really occurring over there. The other thing that we have got to be very careful about are the casualties. Good God, we all know how horrible a casualty is; and we have a lot of people, primarily young men and women serving for our country, and they are on the front line and they are engaged in combat. This war and every war is nasty. As Tony Blair said this morning in his press conference, it is a nasty and bloody business. And that is exactly what it is.

But we have become conditioned almost in our society that we can engage in a conflict with minimal or zero casualties. I believe in Kosovo, it was all taken from the air at many, many tens of thousands of feet; and I think the only casualties we had were accidents. Somehow some parts of the American population are believing that you can engage like this, for the right reasons, by the way, but engage in something like this without casualties. I pulled this article out of The New York Times Today by Todd Purdum. Todd put out some of the statistics. He talks about the calculus of casualties. The Battle of the Bulge in World War II, 19,000 Americans, 19,000 casualties in the Battle of the Bulge. On one single day, September 17, 1862, at least 3,650 Confederate and Union soldiers died on the field. 3,650 in one day. At the height of the Vietnam War, roughly 200 Americans a week were killed.

He says:

"Modest as the latest losses are by historical standards of combat," speaking of the first Persian Gulf war, the battle with Kosovo and where we are engaged right now, "modest as the latest losses are by historical standards of combat, they have already prompted sharp shifts in public perceptions about how well the campaign against Saddam Hussein is going, though they have not, according to polls so far, reduced overall support for the war.

"But as coalition forces face unexpected complexities on their march to Baghdad, the administration faces the political challenge of preparing a public lulled by the relatively low losses in Afghanistan and the first Persian Gulf war for a conflict that could be costlier than some optimists predicted."

That is the point. We cannot assume a self-defeatist attitude because we take some casualties. Imagine if we did not take those casualties today, what kind of casualties we would be passing on to the next generation, because this generation shirked its responsibility, walked away from its responsibility and did not stand up with our allies, which as I mentioned earlier are larger in number than the allies we had in the first Persian Gulf war.

Imagine what the casualties would be 10 years from now if we just pass this problem on to the next generation. Iraq would have been, and we are not going to let it happen obviously, but it would have been if we had not taken this action, in 3 years, in my opinion, and I know quite a bit on both countries, in 3 years in my opinion, Iraq would have been another North Korea. How are you going to deal with North Korea? If you think we have a problem dealing with one North Korea, you ought to try dealing with two North Koreas. Thank goodness we have got the gumption, thank goodness we have the persistence, thank goodness we have the resources and the military might and, frankly, the moral belief that this is just and we know it is just, thank goodness we have the ability to go in there and do this and stop this evil thing.

It truly is a difference between good and evil. Some people say, you sound like you are preaching from a pulpit. If they knew me very well, they know they would never let me on the pulpit. But first of all let me say to you that it is truly evil we are trying to overcome and there will be casualties. I do not speak lightly of these casualties. I just read about a family whose daughter is missing. She was ambushed. She was a cook, a clerical, the convoy took the wrong turn and drove right into enemy hands. She is missing and that family is going through hell. Every family that suffers a casualty until they find out, one, that their son or daughter is going to make it; or, two, the death of a child, the horror of being in your house and looking out your picture window and seeing a military officer with a chaplain standing there waiting for you to answer your door. This is heavy, heavy stuff. Our President knows it is heavy stuff. The administration knows it.

Look at what we have got. We have got Colin Powell. He has been on that battlefield. He knows what we are talking about when we talk about heavy weight and casualties. DICK CHENEY, a former Secretary of Defense during the first Persian Gulf war. Condoleezza Rice. Take a look at these people. We know the heavy weight, but we must be prepared as a Nation not to let ourselves when we have 27 casualties, we may have 27 or 29 casualties to this point, that all of a sudden we say, My gosh, things aren't going well. We are not going to be able to accomplish this without casualties. But I can tell you the casualties we take as a result of getting rid of this regime will be a fraction of the casualties we as a Nation, we as the United States and our allies would take if we allowed Saddam Hussein down the route he was traveling for the development of his weapons of mass destruction and his propensity to pass those weapons on to terrorists and so on.

I want to just take a couple of moments and read some letters. First I want to read one of my favorite letters. I have noted that many of our international experts whose primary way of making a living are Hollywood actors have all of a sudden rediscovered their expertise in foreign affairs. It is very interesting to put a comparison. For example, Martin Sheen, whom I think got out of high school, to the best of my knowledge has never taken 1 hour of credit in foreign affairs, to the best of my knowledge outside of a good place to make a film has no knowledge of international politics or geopolitical politics is making all the comments that he is commenting. Take his resume and compare it next to Colin Powell. Tell me who knows more about foreign affairs. Yet Martin Sheen and some of his cohorts out there in Hollywood, in Tinseltown out there, are making these opinions. I saw a letter, very interesting, from Charlie Daniels. I thought I would read the letter. It is serious. It is an open letter to the Hollywood bunch. I am quoting Charlie Daniels:

"Okay, let's say just for a moment you bunch of pampered, overpaid, unrealistic children had your way and the USA did not go into Iraq.

"Let's say that you really get your way and we destroy all of our nuclear weapons, stick daisies in our gun barrels and sit around with some white wine and cheese and pat ourselves on the back, so proud of what we have done for world peace.

"Let's say that we cut the military budget to just enough to keep the National Guard on hand to help out with floods and fires.

"Let's say that we close down our military bases all over the world and bring our troops home, increase foreign aid, and drop all trade sanctions against everybody.

"I suppose that in your fantasy world, this would create a utopian world where everybody would live in peace. After all, the great monster, the United States of America, the cause of all of the world's trouble, would have disbanded its horrible military and certainly all of the other countries of the world would follow suit.

"After all, they only arm themselves to defend their country from the mean USA.

"Why, you bunch of pitiful, hypocritical, idiotic spoiled mugwumps. Get your head out of the sand and smell the Trade Towers burning.

"Do you think that a trip to Iraq by Sean Penn did anything but encourage a wanton murderer to think that the people of the USA didn't have the nerve or guts to fight him?

"Barbara Streisand's fanatical and hateful rantings about George Bush makes about as much sense as Michael Jackson hanging a baby over a railing.

"You people need to get out of Hollywood once in a while and get into the real world. You'd be surprised at the hostility you would find out here.

"Stop in at a truck stop and tell an overworked long-distance trucker that you don't think Saddam Hussein is doing anything wrong.

"Tell a farmer with a couple of sons in the United States military that you think the United States has no right to defend itself.

"Go down to Baxley, Georgia, and hold an antiwar rally and see what the folks down there think about you.

"You people are some of the most disgusting examples of a waste of protoplasm I've ever had the displeasure to hear about.

"Sean Penn, you are a traitor to the United States of America. You gave aid and comfort to the enemy. How many American lives will your little fact-finding trip to Iraq cost? You encourage Saddam Hussein to think that we didn't have the stomach for war.

□ 1500

"You people protect one of the most evil men on the face of this Earth, and won't lift a finger to save the life of an unborn baby. Freedom of choice, you say?

"Well, I'm going to exercise some freedom of choice of my own. If I see any of your names on a marquee, I'm going to boycott the movie. I will completely stop going to the movies if I have to. In most cases it certainly wouldn't be much of a loss.

"You scoff at our military whose boots you're not even worthy to shine. They go to battle and risk their lives so ingrates like you can live in luxury. The day of reckoning is coming when you will be faced with the undeniable truth," the undeniable truth, "that the war against Saddam Hussein is the war on terrorism.

"America is in imminent danger. You're either for her or against her. There is no middle ground. I think we all know where you stand. What do you think? God bless America, Charlie Daniels."

I know that is a strongly-worded letter, but there are a lot of people in America who believe in the price that Americans generation after generation have paid so that many of our friends throughout the world can exercise freedom and can enjoy security away from the type of people like Adolph Hitler who were, by the way, as a result of the last century where our Nation went on to European soils, at least twice on to European soils and have thousands and thousands of American men, primarily men by then, although we may have had some women in the nurse corps, but today it would be thousands and thousands of young men and women.

Thousands of men back there in that time period, their bodies are buried on European soils, not because United States had a dog in the fight, but because the United States had a friend in the fight. The United States had a principle in the fight. The United States believes that countries have a right, have a right, to be liberated with freedom, have a right for liberty, have a right to justice. It is the United States of America that has led this world, generation after generation after generation, in striving for equal rights, for rights of people, for the common person, for the American dream, for the ability to travel as we wish, for the ability to go to schools as we wish. It is the United States of America which exports the largest product, the most desired product in the world; and it is the United States of America which is the leading exporter of that product. And what is that product? That product is freedom. It is freedom. And that is what this country is about.

The force we have today, we are not in a draft. Some young man asked me the other day in the office, he said, Sir, are we going to get a draft? I said, A draft would be a huge mistake for this country. The reason why we have a force where everybody in our military now is there because they wanted to be there. Our morale is sky high in the military. It does not help to hear Sean Penn or Martin Sheen out there yapping away. It does not help to see the banner in San Francisco that I saw on TV, the banner in San Francisco last week that said "Be loyal to our troops, have them shoot their officers." That does not help the morale of our forces, but fortunately our young men and women who are amazingly mature at their age see beyond that. They want to be there. They want to fight for this country.

In that light I just want to read a couple of letters. I am going to read them verbatim. I usually do not like to read, but I do not have this letter in memory. But listen to it: "Dear Mom, it's really your decision to march if you want to or not. You are the one who has to decide if what we are doing here is right or not. My opinion is not yours.

"I do, however, have things I would like for you and Grandma and everybody else at home to know. I am a United States soldier. I was sworn to defend my country against all enemies, foreign and domestic. People may not agree with the things we are ordered to do. I would like to address those people by telling them that terrorism is not only a threat to us as Americans but to many other innocent people in the world.

"What type of country would we be if we didn't defend the rights and the freedoms of others, not because they're Americans but how about just because they're human?

"We live in a country where people feel secure with their daily lives. They do business like usual and don't worry about the thought of terrorism actually happening to them. The people of 9–11 thought the same thing. We now know that it can happen to anyone at any time. Yet as Americans we're afraid of losing our soldiers to defend our security. I can only speak for myself when I say that my life is an easy expense to ensure that my family and friends can live in peace.

"I strongly believe in what we are doing and wish you were here to see for yourselves the honor and privilege that American soldiers aboard this ship are feeling, knowing that we are going to be a part of something so strong and so meaningful to the safety of our loved ones. Then you would know what this potential war is about.

"We will stand tall in front of terrorism and we will defeat it. We as soldiers are not afraid of what may happen. We are only afraid of Americans not being able to understand why we are here." And let me repeat that. This is from a soldier, and, by the way, this soldier, I would guess, is somewhere between 18 and 22 years old. Let me repeat this: "We are only afraid of Americans not being able to understand why we are here. I ask for your courage as Americans to be strong for us." This is a message from the battlefield coming back to us. "I ask for your courage as Americans to be strong for us. I ask for your understanding in what we believe is right. I ask for your support in all that we are sworn to do: defend our country and the life of all."

"We will succeed in our task and will end the threat of terrorism in our backyard. We will also end the threat of terrorism in our neighbor's backyard. We have to remind ourselves of what this country stands for: life, liberty, and justice for all. In order to maintain those rights, we have to stop the threat of terrorism."

"I am proud to be here. I will be coming home but not until I know that it's going to be safe for all Americans and for everyone I love. My family is first. My country is where they live. I will defend it." Signed by a soldier, 18 to 22. And, by the way, when he says "potential war," he is now engaged in combat on the front line in Iraq.

I want to read another letter. Some people would say this is a war against the Muslims or the religion of Islam, this is a war against the Arabs. Keep in mind that there are several Arab countries who hate Saddam Hussein. There are several Arab countries who are assisting our efforts. Take a look at Saudi Arabia. Take a look at Turkey. Turkey, by the way, the only democracy. They are not giving us the help we had hoped, but the fact is they are still in there helping us. It is the only democracy in the Arab world. This is not a conflict about religion. This is not a conflict about America's like or dislike or approval or disapproval of Islam, not at all.

And I want to read a letter from some American Muslims: "Dear Scott, Malik and I want you to know we support the President in our war on Iraq. As American Muslims, we feel strongly that we cannot allow dictators around the world to risk our freedom. If there is anything we can do, please let us know. We hope and pray for the safety and return home of all our soldiers. May they all return home soon. Sincerely, Simi."

I have another letter, and I do not want to bog us down with these letters, but the message I am trying to relay here is the United States of America is on a mission which is just. The United States of America is on a mission that is not going to be finished in 2 or 3 days. It is not going to be finished in day 7. We are 1 week into this. This is going to be a tough battle. Saddam Hussein has got people in his regime. We did not say we are going to come in and take territory and let his regime continue to rule that country. We have said to that regime, We will replace you. You are out of town. You are out of Dodge. You are done. No more of your regime. They have got nothing to lose but to fight for all the corruption, all the weapons that they have, to fight to the very last person that receives the fruits of that regime.

But the people receiving the fruits of that regime are small when we compare it to the people of Iraq that have received the wrath of that regime. The women that have been raped at such young ages, the starvation, the lack of health care, the gassing of their own citizens. Keep in mind years ago in the United States of America at Kent State University, remember that, the protest of the Vietnam War, our National Guard shot four American citizens. I think we killed four American citizens in a riot. This country went crazy, and I will bet if we look back at Martin Sheen, who was probably a little younger there, but I will bet Martin Sheen was leading the protest. How could a country kill its own citizens? How could this possibly happen? And yet today many of these very people, Sean Penn, Martin Sheen, those kinds of people, turn a blind eye towards Saddam Hussein, who in one incident alone gassed 60,000 people; and if any of the Members want to question that, I would be happy to supply them with the picture of the mother and the daughter and I want them to take a look at their faces. They are not the face of a deceased person. They are the face of a person that died a horrible death, and this man is responsible for it. This man has killed more Muslims than any other man in the history of the world.

And we have our friends, the French and the Germans, who continually through denial after denial after denial through resolution after resolution after resolution just turn a blind eye. It is like ignoring cancer. If I ignore it long enough, it will go away. It will not get worse. I want to pretend it is not there. I do not want to hear the news they have to tell me. I do not want to go through what it is going to take to fight it. I just want it to go away. Cancer is not going to let us; neither will Saddam Hussein.

Thank goodness there are people like the United States and the United Kingdom and the Spanish and the Italians and the Polish and the Hungarians and the Netherlands and the Australians and the Turks and that list goes on to about 45. Thank goodness there are 45 nations in this country willing to stand up to tyranny. Thank goodness those young soldiers right now being shot at, right now while we are talking, right now worrying about whether or not they will be alive in 5 minutes, thank goodness they have the confidence to know that this administration and the majority of the people in this country, 75 percent of the people in this country, are saying to those brave young men and women we are doing what is just, keep up the good fight, we are praying for them and we want them to come home as soon as they can come home and as soon as that mission is completed.

And I will tell the Members something. Our resilience will be tested every day of this war. There is a reason that the Arab television network broadcast those American and yesterday those two British soldiers, their dead bodies. There is a reason they broadcast that, because they think they can psych out the American population and the British population by showing a few body bags. They think they can weaken our stomach, and I will say nobody can look at those pictures without a weakening of the stomach. It does weaken our stomach. It is horrifying. But if they think for one moment that that is going to weaken our resolve, do not let it happen. In fact, I can tell the Members for the young military men and women over there, it did not weaken their resolve, it strengthened their resolve. It has strengthened that resolve, and that is why having a volunteer force, by the way, I mean those people want to be there, and watch what happens when these people come home. They are not going to be ashamed of the United States of America and the country that they have fought for and been wounded for and the families who lose their loved ones over there. They are not going to be ashamed of this country. They are going to be proud, and they are going to be proud of our President.

Think of the pressure that this President is under. What other President in recent history has gone through what this President has: 9–11, the war on Afghanistan. On some Saturday morning when he is getting up like the rest of us, they call him on the phone and say guess what, the shuttle is missing. We do not know where the shuttle is. They lose the shuttle. Or by the way, Mr. President, we had better take a look at what is happening in Jerusalem. We just had another suicide bomber. By the way, Mr. President, take a look at the economy. For two quarters before you took office, this thing was going bad. It is really in tough shape right now.

□ 1515

Oh, by the way, Mr. President, our good friends, the French, of whom we have time after time after time gone to their assistance, you know, the French have a way of starting a fight and then they back out of it and we are the ones that have to go in there.

And the Germans, Mr. President, they not only are not going to help us, they actively hired lobbyists. They hired lobbyists and got the equivalent of our State Department to travel around the world to lobby other countries to oppose the United States of America.

I will tell you, this President has stood up well. He is a strong leader, and he has got the confidence of the United States Congress, he has the competence of the American people, and he will succeed in his leadership of this mission.

I want to read another letter. This is from parents. They sent it out. They write: "Please feel free to read this." This is a Mr. and Mrs. Corey.

> Land of the free because of the brave. Land of the free, because of the brave. Please support our troops.
>
> We are the proud parents of two United States Marines. We will not bother discussing our political views, one party versus another. What we will say is that we do not want our sons nor any of our sons and daughters and husbands and wives or grandchildren in our extended military family to die in vain.
>
> Like most, we pray for peace, but we are sick, literally sick. Why? Because we lived through the Vietnam era and we saw firsthand how our veterans were treated. We are so afraid that it is beginning to happen again. We are not alone. Nor are we the only ones who believe with all of our heart that the key to winning any war on terrorism will depend on how we are here at home and how emotionally we support our troops, regardless of our politics.
>
> Vietnam proved how we defeated ourselves by the way we divided our own Nation and treated our troops. We never lost a battle in Vietnam; we lost the battle on the political front. We are beginning to lose again, and the bullets have yet to fly.
>
> Our sons did not choose to become a United States Marine to kill people. They had dreams of a career, of travel and of protecting us from the terror of 9/11 from happening again. Both sons are the best sons a parent could ever hope for. The thought of someone throwing animal feces at our military when they finally return home, hearing nothing but negative media about how Americans hate them and the war, the thought of what it would do to our servicemen and women's spirit, scare the military families to the point of sleepless nights.
>
> The media, stronger than the White House itself, can change that fear, help keep it from being a reality. Everyone is quick to show the war protestors out marching. What has been done to show those who support our forces? We are not marching on the streets, we are not chanting and screaming clever chants. We are not holding up signs. We are not throwing blame or calling names.
>
> No, we are at home, boxing care packages to our service people. We put yellow ribbons on our doors, trees, car antennas, blue star flags on our windows. We pray 100 times a day, and we light a candle every day. We are sending birthday cards, thank you letters, notes of cheer, to the members in the service whom we have never met, nor may ever, because they are our extended family in the service. They need to know, amidst all the bad publicity, there are those of us who are grateful for their choice and sacrifice for us to live in the land of the free, because of the brave.
>
> You have never read about us in the headlines. So what can be done? What can a community do? The answer is simple. Our community, including our schools, could begin by starting patriotic projects such as write a letter, send a card of encouragement, a mere thank you. In our son's shop alone there are five lonely marines who have no family back home to encourage and send support.
>
> Regardless of how one feels politically, our service people need our support emotionally; not ticker tape parades, but support for the job they do.

A San Diego columnist quoted a marine as saying, "comes with a job description of taking a bullet for a mere $14,000 a year."

> Our service people do not make the policy, they follow orders. They chose to join for their own reasons. They all share one common belief, and I want to repeat this, they all share one common belief, and that is that you and I are worth dying for.

Think of that. "They all share one common belief, and that is that you and I are worth dying for."

> The American people need to be reminded of that. It is not a matter of free speech or our President or who is right or who is wrong. It is a matter of starting a better pattern for the future return of our loved ones when they come home, throwing flower petals versus stones, of saying "thank you" instead of "go to hell."
>
> We hope we can count on you to take up the cause. If you would like to show your support to our troops by sending letters, cards and care packages, it would be most appreciated. May you know you have no need to worry, for our service members have your back covered. Sleep well.

I want to repeat that. "May you know," may you know, "that you," you, "have no need to worry, because our service members," our men in the military forces, "have your back covered."

These are the kind of letters that, in my opinion, express what is so, so fundamentally important about this country. This Nation truly is the lead country in the world, closely followed by many of our allies like the British, as a country that believes in freedom but understands that freedom requires sacrifice, freedom requires a price.

Look at what that says for a Nation like ours, when we have young people, voluntarily, voluntarily join our armed forces to make sure that the people that are not on the front line but that are home will get to enjoy security, liberty, justice for all, freedom.

Think about it. It is so important that the time has come for people to put down their signs of protest and raise their signs with simply two words: "Thank you." Thank you. It would not be too much to ask of Martin Sheen to take the tape off his mouth that he had on there yesterday. It wouldn't take too much to ask those people in San Francisco carrying a big banner that says "support our troops, shoot their officers," it would not be asking too much of those people to put down their sign and replace it with a sign that simply says "thank you." It would go a long, long ways.

Mr. Speaker, I ask that all of you, all of you, say a prayer to whatever supreme being you believe in, say a prayer for these men and women that are standing on the front line so the rest of us can be back here and feel secure. They are there for the right reason. They are there on a mission. They will accomplish their mission. It is not going to be done in 7 days. There will be casualties. In war, you have good days and you have bad days. You have good days and you have bad days.

A weakening of our resilience, a weakening of our resilience, those of us not on the front line, those of us back in this country, that weakening will be sensed by these people. We cannot allow our resolve to weaken. We must stay strong, as we have, and we must send our prayers and our hopes to these young men and women over on that front line.

So, Mr. Speaker, in conclusion, once again, I would be awful proud of Martin Sheen and Sean Penn and many of those other people, Julia Roberts, the Dixie Chicks, people like that, I would be awfully proud of them if, just for a change, they would carry that sign that said "thank you."

KEEP TITLE IX INTACT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, in 1972, about 30,000 women played college sports. Today, that number has increased by more than 500 percent.

In 1972, about 200,000 girls played high school sports. Today, that number has increased by more than 80 percent.

Mr. Speaker, it is no coincidence that women and girls have more opportunity today than they did 30 years ago. That is not because they have more interest than they used to, and it is not because they have more ability than they used to. The increased opportunities are attributable to one law, Title IX.

Title IX of the Education Amendments of 1972 is the Federal law that prohibits sex discrimination in education. It states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In essence, Title IX requires schools and colleges receiving Federal funds to give women and girls equal athletic opportunities, including athletic scholarships, equipment, coaching and facilities, among other benefits.

Unfortunately, Title IX has come under assault. Those who favor changing Title IX argue, mistakenly, that it has led to the disappearance of athletic opportunities for male athletes. While both sides of the debate over Title IX athletics policies agree that they should allow for gender parity and overall fairness in sports, the real question that begs to be answered is, what constitutes fairness?

For those who wanted to alter Title IX and how it has been implemented, fairness means that male athletes should have a monopoly over opportunities and resources for their programs, regardless of how underfunded or nonexistent similar programs for female athletes may be.

For these challengers to Title IX, it is fair that, while more women than men attend college, only 42 percent of all college athletes are women. For them, it is fair that females currently receive 1.1 million fewer, 41 percent, opportunities at the high school level and 58,000 fewer, 38 percent, opportunities at the college level than do their male counterparts.

This ill-conceived notion of fairness that opponents of Title IX put forth justifies the fact that men currently receive $133 million more than women in athletic scholarships. Division I-A colleges and universities allocate on average 71 percent of their scholarship money for men's athletics, and their recruiting dollars for male athletes double those spent on female athletes.

Opponents of Title IX charge that the law takes money and opportunities away from men's athletics. What these people fail to realize is that Title IX does not deprive men of athletic resources. The real problem is that the resources that male athletes receive are distributed inequitably among men's sports.

Take these statistics, for example. Football and men's basketball consume 72 percent of the total men's athletic operating budget at Division I institutions, leaving other men's sports to compete for the remaining funds.

Sixty-eight percent of the increased expenditures for men's Division I-A sports programs from 1998 to the Year 2000 went to football alone. The increase for football exceeded the entire operating budget for women's Division I sports in 2000 by over $1.69 million.

What is more, large football and basketball programs are not as revenue producing as Title IX proponents claim. The vast majority of NCAA football and men's basketball programs spend more money than they bring in. In fact, 64 percent of Division I and II football programs do not generate enough money to pay for themselves, much less any other sports. In 1999, these programs reported annual deficits averaging $1 million for Division I-A athletics.

Now, do not get me wrong, I love football, and I graduated from the University of Kentucky, so I love basketball. I just do not believe that our little girls should be denied the opportunity to play sports so that football teams can dip from a bottomless fount of funds.

Opponents of Title IX not only feel that this gross imbalance is fair, but they oppose any efforts to salvage the progress that has been made. It bothers me deeply that opponents of Title IX say that male athletes are treated unfairly. Although 30 years of progress since Title IX have seen sports participation for males and females grow, female athletes are still not treated equitably.

I urge all of my colleagues to cosponsor House Resolution 137, expressing the sense of Congress that changes to Title IX athletic policies contradict the spirit of athletic equality and gender parity and should not be implemented and that Title IX should be kept intact.

My resolution has been signed by both Republicans and Democrats, by men and women.

☐ 1530

It is receiving this wide support for one simple reason: it is the right thing to do. Most Americans know that it is the right thing to do. A Gallup poll in early January reported that seven out of 10 adults who understood the law supported keeping title IX intact and rejecting any changes. In fact, a Wall Street Journal poll from January found that 66 percent of Americans go so far as to favor cutting men's teams in order to ensure equal athletics opportunities for women.

Any changes to title IX must be rejected on their face because tinkering with the law in any way implies that title IX does not work and that it needs improvement.

I come from the "If it ain't broke, don't fix it" school; and, Mr. Speaker, title IX is not broken. Title IX has been the dam that holds back gender discrimination in educational programs for 30 years, allowing millions of young women the opportunity to pursue goals of which their predecessors, including me, could only dream.

I am standing here to defend the integrity of this landmark civil rights law because it is the right thing to do, but I also rise in honor of my dear friend and beloved colleague, Patsy Mink. In 1972 Patsy helped to enact title IX and in honor of her valiant work, Congress renamed title IX the "Patsy Mink Equal Opportunity in Education Act." She would be standing right here beside me if she were alive today. She struggled for 30 years to protect educational equity for men and women, and it is the memory of the beautiful legacy that she left behind that we must not give up on the fight to preserve equality for women.

Opponents of title IX are trying to redefine what America sees as fair. As a consistent defender of gender equality and protection of equal rights for all of our citizens, male and female, I am outraged by this particular brand of fairness. Patsy would have been outraged as well, and she would not have tolerated it.

I hope all of my colleagues will join me with our Republican and Democratic friends who support this legislation as we all fight to preserve the integrity of this landmark law. Please cosponsor this title IX resolution for Patsy Mink, for our Nation's girls, and for the sake of equality.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise to express my support for title IX. As my colleagues may know, title IX is facing sharp criticism from the Bush administration for being discriminatory. Despite the overwhelming successes and support that title IX enjoys, Secretary Rod Paige created the Commission on Opportunity and Athletics to determine whether this measure needs to be updated for the 21st century. The commission's recommendations could result in the loss of thousands of slots on teams for female athletes and millions of scholarship dollars.

Donna de Varona and Julie Foudy, Olympic Gold medalists and members of the commission, refused to sign the proposed changes to title IX. In their minority report, Foudy and de Varona cited various problems in the commission's process, including the omission of representatives of high school athletics, failure to examine potential remedies for discrimination against women and girls, and profound imbalance of viewpoints in panelist testimonies. Even though Secretary Paige said he would not consider certain controversial proposals to alter the landmark legislation, there is growing concern over his sincerity, since he did not withdraw the recommendation to use interest surveys to estimate how many girls are available to participate in sports. Both de Varona and Foudy withdrew their support of this proposal.

There is concern from the Bush administration that title IX has adversely affected men's sports programs, such as gymnastics and wrestling. However, these sports faced the greatest decline since 1982 and 1992, when there was little enforcement of title IX. There are reports that programs such as football and men's basketball take more than their fair share of the athletic budget, leaving insufficient funds for other sports, regardless of gender.

When rethinking title IX, we must go back to its original purpose, and that is to ensure that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."[1] I support, Mr. Speaker, equal opportunity for both sexes and believe resources can be allocated under title IX to both male and female athletic programs in an equitable manner.

Title IX does not apply solely to athletics. It includes access to educational programs too. Title IX and the Women's Educational Equity Act of 1974 have opened doors for women seeking a college or postgraduate degree. In 1972, the year title IX was signed, women earned just 7 percent of all law degrees. By 1997 they received 44 percent. Five years after title IX was signed, women earned only 9 percent of all medical degrees. But because of title IX, 41 percent received medical degrees.

So we see title IX indeed can work.

Education is the key to a better life, and title IX has greatly aided a woman's ability to achieve the American dream. I will continue to support title IX and to encourage my colleagues to do the same. It is a question of equity, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a tireless fighter for gender equity.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues today in support of title IX, and I would like to thank the gentlewoman from New York (Ms. SLAUGHTER) for organizing this afternoon's effort.

As we stand here today, title IX is being threatened by recommendations from the commission on title IX, a commission appointed by President Bush and his administration to study title IX, hoping to alter the law.

Before title IX, fewer than 30,000 girls participated in intercollegiate athletics. Today, more than 100,000 women compete. In high school, fewer than 7 percent of girls played various sports prior to title IX, and today, the number of participants has increased to 40 percent, over 40 percent, as a matter of fact.

Do these gains mean that the work of title IX is finished, and that it is time for the supporters of title IX to take their balance and go home? Absolutely not.

Contrary to the scare tactics being used by opponents of title IX to say that women's sports are using up athletic funds needed for men's sports, the facts show that women, even with title IX, continue to receive far less funding for their sports than men. It is a fact: title IX does not deprive men of athletic resources.

In fact, the real problem is that the resources that the male athletics receive are distributed inequitably among men's sports. In addition, schools choose to eliminate teams for many reasons, and all of those reasons are not related to title IX.

In fact, I had a very interesting experience as a member of the Committee on Education and the Workforce when we had a hearing on title IX quite a few years ago, I think it was about 5 years ago, as a matter of fact. I sat there and I listened to the witnesses at this hearing tell us that men's wrestling, men's football, and every sport that the guys are interested in were being threatened because of women's sports and because of an investment in title IX.

Somehow or another, they made a big mistake. They brought forward an individual representing San Francisco State University who sat before us and told us that the men's football program at San Francisco State was eliminated because of title IX. Well, I had my ability at that point to contradict, because, Mr. Speaker, one of my sons, I have three sons and a daughter, all athletes, including my daughter. One of my sons was an all-American football player from San Francisco State University. He was a tackle. He was the captain of the defensive team, and I went to every single game. Mr. Speaker, I loved cheering for that kid and that team. Well, there were no programs at the games, there was no band, there were no food vendors, and the reason was, nobody at that school was particularly interested in football. And I knew that, we knew that, and a few years after my son graduated from college, the program was discontinued. But it had nothing to do with title IX; it had to do with the fact that at that time in San Francisco at that particular university, it was a State University, there was just no interest in the program.

Title IX, therefore, must continue to be defended. We cannot have it used as the reason for men's sports not getting their due when they get more than their due. In my own State of California where women make up over 56 percent of the full-time students at our 108 State and community colleges, women's sports receive 35 percent of the athletic budget. And let me remind my colleagues, they make up 56 percent of full-time student bodies.

In Georgia, more than 86 percent of the legislative branch for stadiums, for lighting and equipment at public schools went to boys' sports projects; 86 percent. So while title IX is transforming the playing field for men's and women's sports in general, it is not level yet.

Mr. Speaker, we need to keep title IX strong. We need to fight any attempts by this administration or Congress that will weaken its effectiveness. It is not just because we want girls to get to play; it is because when one plays on a team or when one is in an individual sport and that sport is valued at all, one learns. One learns competitiveness; one learns how to compete with one's self and do better the next time; one learns how to win and one learns how to lose, and one learns how to play on a team. All of that plays out later when one is involved in the business world, when one is involved in raising children, when one is involved in knowing how important one's own self-esteem is and how important it will be to raising one's children. So we must strengthen title IX. We must never weaken its effectiveness.

MORE SUPPORT FOR TITLE IX

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. HOLT) is recognized for the remaining time of the gentlewoman from New York (Ms. SLAUGHTER).

Mr. HOLT. Mr. Speaker, I rise in support of title IX. Title IX of the educational amendments of 1972 have really been instrumental in prohibiting discrimination on the basis of sex by mandating gender equality and educational programs and activities receiving Federal financial assistance.

Before the passage of title IX, when I and most of our colleagues were in college, many schools saw no problem in maintaining strict limits on admission of women or in simply refusing to admit them, or in denying them access to much of the opportunities within colleges and universities.

□ 1545

This has changed dramatically since the passage of Title IX. The effects of the legislation are evident in the success of women in the classroom, on the campus, and in our society at large.

In 1972, women received only 9 percent of medical degrees, 7 percent of law degrees, a quarter of doctoral degrees. By 2000, women received 45 percent of medical degrees, 44 percent of law degrees, and 44 percent of doctoral degrees. There is a connection.

Thanks to Patsy Mink and others who fought to get Title IX into the legislation, women now have opportunities on the athletic field, throughout the campus, and throughout their lives. By participating in sports, young women realize significant benefits that often correlate to achievement in the classroom and, ultimately, success in college and in the work force.

Women who participate in athletics have higher graduation rates and develop important skills like teamwork, leadership, discipline, that stay with them throughout their lives.

Attacks on Title IX have taken on really ludicrous dimensions. I have heard some teams, male teams, blame their losing seasons on Title IX. I am sorry, it just does not wash. Title IX is a success. It is a great boon to our society, to our economy, to the education of our people.

Unfortunately, the administration is considering proposals that would dramatically weaken the important provisions of Title IX. Female athletes stand to lose scholarships, they stand to lose chances for athletic participation, they stand to lose much of what we have gained since Patsy Mink fought to get Title IX into law.

We may not allow, we cannot allow this to happen. We cannot allow the administration to diminish the opportunities afforded to American women or to undo the progress we have made over the past 30 years. Title IX has enabled millions of young women to pursue goals which their grandmothers and mothers could have only dreamed of.

Mr. Speaker, I hope all my colleagues will join me as we work to preserve the integrity of this landmark law.

QUESTIONING WISDOM OF HUGE ECONOMIC AID PACKAGE TO TURKEY

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to speak about what I consider to be a dangerous precedent that is included in the supplemental appropriations bill. In the bill that was sent to Congress only a few days ago, the President requested an astounding $1 billion in aid to Turkey that can be leveraged into $8.5 billion in loan guarantees.

Mr. Speaker, I have a number of concerns about this deal which I do not believe have been addressed. Over the last few months, I have repeatedly questioned the wisdom of providing Turkey with a huge economic aid package. In a letter I wrote to Secretary of State Colin Powell on February 24, I expressed my displeasure at the size of the economic package to be provided to Turkey.

Estimates on that initial deal ranged from $6 billion to $30 billion. Despite the sum of money that was offered, Turkey did not provide the bases we were already using to enforce the no-fly zones over the last 12 years in northern Iraq. It appears that, because of this decision, our forces were forced to show their flexibility and ship south to Kuwait to engage in combat in Iraq.

Only last week, after the bombing of Bagdad began, did Turkey even grant the U.S. military the ability to have overflight rights, and Turkey was the last government in NATO to provide these rights. It appears that even though they did this reluctantly, they will still benefit from a huge aid package in the supplemental bill.

Mr. Speaker, I firmly believe this package is inappropriate, given the minimum amount of assistance that Turkey is providing to the United States.

I am also not convinced that Turkey will not enter the Kurdish region of northern Iraq. Although the President and members of his administration have assured the American public that Turkey will remain on the sidelines, Turkey continues to amass large numbers of Turkish forces along their border with Iraq. These troops' mobilizations have led the Kurdish militias to set up defense positions along the border as well, creating an unnecessarily tense situation.

Mr. Speaker, the Turkish government also has not promised to stay out of Iraq. They have stated for months that they intend to enter northern Iraq to set up a buffer zone to not have a repeat of the refugee crisis from the 1991 Gulf War. But after it became clear that the administration would be working closely with the Iraqi Kurds to deal with the impending humanitarian crisis, the Turkish government switched their stories. This past Saturday, Turkish foreign minister Abdullah Gul said his government would send forces into northern Iraq to "suppress "terrorist activity."

Mr. Speaker, the Turkish government has repeatedly called their own Kurdish citizens terrorists in the last few years. The Turkish authorities have recently banned one Kurdish political party and are currently working on banning the other. They have also not fully implemented reforms to give their minority populations property and language rights, one of the many conditions that the European Union set during Turkish entrance talks.

The tragedy that would occur should the Turkish government enter northern Iraq would be immense. Turkey has repeatedly shown its inability to govern the Kurds even with marginal respect for human rights in its own territory. By calling Kurds in Iraq terrorists as they threaten to enter Iraqi sovereign territory, the Turkish government is not only risking the outcome of the current conflict between the United States and Iraq but the future of the entire region.

Mr. Speaker, I do not believe that any money should be given to Turkey without a number of assurances. Humanitarian concerns aside, I also do not agree that the aid package to Turkey will make a significant economic impact for the Turkish people. The Turkish government's inability to implement economic reforms mandated by the International Monetary Fund continues to plague their banking and economic systems.

Mr. Speaker, the supplemental appropriations request will undoubtedly pass. No one in this Congress will obstruct the important funds that need to get to our brave men and women putting their lives on the line in hostile territory.

However, in order for Turkey to receive their huge economic aid package, I believe the Turkish government must fulfill the following commitment: that Turkey agrees to allow unfettered U.S. and international humanitarian aid transited through and/or being staged in Turkish territory in support of the northern Kurds; second, that Turkey explicitly agrees not to cross into northern Iraq, as demanded by President Bush; third, that Turkey agrees they can provide only logistical support to the humanitarian effort in the north; fourth, that Turkey agrees to economic and banking reforms, as specified by international lending institutions; and, fifth, that Turkey provide full minority rights to its citizens, as provided for in international and European conventions.

Mr. Speaker, we should not be willing to provide huge sums of money to countries that twist our arms in times of need. I hope we can address these needs while debating the President's supplemental appropriations request next week.

THE PLIGHT OF THE NATION AND THE WORLD RELATING TO CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate this opportunity to bring to the attention of this Nation and my colleagues the combined plight of the Nation and the combined plight of the world, particularly as it relates to children.

It is certainly important, Mr. Speaker, to note that we have been engaged in a budget process. That budget process will be impacting the children of the Nation, so I wanted to speak today about how we need to turn this Nation around.

I am reminded, Mr. Speaker, that just a few years ago we had great focus and concern on the high schools of our Nation as gun violence broke out across the Nation in urban areas, rural areas. It was baffling to most of us. The most striking was Columbine. Enormous carnage occurred at the hands of young people.

During that time, we had many meetings in this House and great concern with funding for juvenile programs; great interest in gun reform, if you will; a lot of intensity and focus on how we could best stop the gun violence. It always seems that we attempt to close the barn door when the horse and the cow have escaped.

Now, some few years later, Members do not hear us talking about what do we do about violence in our high schools, gun violence in our high schools. We do not talk further about the question, if you will, of providing resources for school counselors, guidance counselors.

I have legislation, Mr. Speaker, that would increase the number of community mental health clinics, increase the number of guidance counselors who can separate themselves away from paperwork. Yet this body has not seen fit to focus on legislation that, in essence, Mr. Speaker, would promote our children first.

After 9/11, there was a great notation that in New York many children were left abandoned or orphaned because they were being raised by single parents in many instances, or their parents were in foreign countries, the other parent. Interestingly enough, Mr. Speaker, interestingly enough, we found out that that was the case.

This body over a period of weeks passed legislation that I was very gratified that I had authored that the children of 9/11 in governmental benefits would be promoted first, would be first over others to receive benefits, responding to a crisis. Why do we not respond to the needs of our children now, Mr. Speaker, before the crisis?

Right now in our schools we are finding out that young people are failing in their standardized tests; that there is an unequal, if you will, educational system, separate and unequal, in many of our rural and urban areas. The physical plants are crumbling.

Just last week, I had the opportunity to talk with some of my school districts.

□ 1600

In speaking to them, and asking the hard questions about homeland security, they are proceeding to put in place that their skills will be safe houses, safe places, a safe plan so that parents would know if there was a crisis, that they did not need to run quickly to the school to take their child away. They might be in danger, but is it not interesting that this body has not seen fit to pass a program to rebuild our schools.

A plan that we have offered, the Democrats have offered over and over, the school construction plan, to rebuild America's crumbling schools. We could have done this two sessions ago, but our good friends on the other side of the aisle thought that this was an unnecessary expenditure and look where we are today. Looking at school buildings as potential safe houses, promoting safe plans that would keep children inside schools. Do we not need the same kind of important and well-structured physical structure that, of course, our good friends would have in more prosperous areas and school districts?

Here we go again, not being preventive, not striking while the iron is hot but waiting for disaster to befall us.

I think it is extremely important that we recognize that our children should be first. So I just want to share with my colleagues, Mr. Speaker, both the plight of our children domestically, because this is a week that we have responded to the needs of children, and to say what more we can do to provide a safe Nation for our children.

First of all, Mr. Speaker, it sounds like we are going astray, but we can eliminate the President's $726 billion tax cut, and we can do that and focus our investment in the resources that would help not only the children but their parents and their community.

A few of us just spoke a few minutes ago about the waging and raging war. We have said it over and over again. We voted today to encourage a period of fasting and praying, whatever faith a person may have, if they desire to engage in such, a voluntary fasting and praying. We did that today, and one of the Members who spoke at this press conference on the question of peace so eloquently stated, and I recite his words, that we pray for President Bush; that he may be wise in his decisions; and that he may reflect upon options for peace; and that we will have the opportunity to bring these brave young men and women home; that we have the opportunity to press forward on a cease fire; that, in fact, we find our way not to enter Baghdad, to increase the numbers of lost lives of both our troops and others.

The $726 billion tax cut does not seem to recognize that there must be mutual sacrifice. Today, as we speak, young men and women are sacrificing for us, and they are willing to sacrifice their lives for us. How in the heck, Mr. Speaker, can a $726 billion tax cut, failing to take into consideration the enormous growing unemployment, the $280-plus billion deficit right as we speak and the $1 trillion deficit expected to grow over a decade, how in the world can we afford to pay for a growing, costly war which may cost upwards of $1 trillion which would include potential occupation and governance of Iraq and maybe even alone, not with our allies? How can we afford a $726 billion tax cut?

Might I draw from the words of the gentleman from New York (Mr. RANGEL) in the idea of mutual sacrifice. I would not expect that there would be one "no" vote in corporate America and the richest of us in America, one "no" vote to say I will bypass the $726 billion tax cut for the troops, for rebuilding Iraq and for our children.

We have not been shown by the Nation's media, American media, the devastation that is being promoted or being wrecked in Iraq. I am talking about the civilians. We already know the sanction has caused a huge number of deaths of Iraqi children. We already know that has been occurring, preceding us entering the country because of their inability to get medical care and food; but we do not know what kind of damage we are facing.

Mr. Speaker, I have been very fortunate as a Member of Congress. My constituents honor me. This body honors me. I am honored to be here, and out of that respect for my constituents, I have chosen to accept invitations to visit our troops, invitations to be in Bosnia, Mr. Speaker, before the peace treaty was signed, the very war that I heard many of my colleagues get up and oppose, and that happened to have been a NATO alliance effort and short lived as it was.

By doing that, Mr. Speaker, I went to cities like Sarajevo and saw the realistic and real devastation of war, buildings, of which we would pride ourselves as being historic, leveled, people walking the streets in tattered clothes. War is ugly.

Kosovo, I saw the devastation of the million refugees marching and fleeing the killing that might have occurred if they had not left their homeland, and I see now still the work we have to do to restore those people. They were living in huge refugee camps; and in visiting those camps, I saw the ugliness of it, the uncleanliness of it, and the pain. The Kosovo war again was NATO allies, but I went because it is best to see firsthand both the presence of war and the vestiges of war.

So it is key that we recognize that we may have to sacrifice to rebuild a nation that we are now at war with. I know Americans are caring people. I know that because we move so swiftly to provide humanitarian aid to our own and to others, and so I know Americans would want to be on the front lines of helping those children and those families in Iraq.

I know that we would want to teach them other than terrorism and other than issues that would divide our world. But, Mr. Speaker, we cannot do it with a $726 billion tax cut and an increasing amount of dollars for the war. We cannot do it with the budget that has been presented by the President or the budget that has been passed by this House by one vote. We cannot do it to our veterans who clearly do not deserve a 28 percent cut in their budget and as well the door being closed at veterans hospitals on a daily basis. These are veterans that are parents of young children.

Mr. Speaker, I would simply say that we have a lot of work to do if we care about our children. It is a disappointment that we would offer this budget and this approach to America and the world. I am disappointed that the President's budget raises spending on international affairs by substantially more than inflation. The cut to domestic appropriations must be $129 billion; and might I balance my remarks, Mr. Speaker, because I support our work internationally. I believe it is important to gain friends.

I know that a good friend of mine, former Congressman Cleo Fields, who I am delighted to see has joined us on the floor, was a champion for ensuring that we not only balance friendship overseas, but he was a champion on school issues and the issues of providing for our children, representing his constituents out of Louisiana. Clearly, I can say to my colleagues that I would hope that our work would be befitting of his legacy and that we would not see domestic spending going down.

It is certainly a crisis when we see that over 10 years, $244 billion in domestic discretionary spending is going out the window. We know what that means, Mr. Speaker. It means the CHIP program, the Childrens Health Insurance Program, that is what is going out. It means that Medicaid for children who need mental health services is going out.

Mr. Speaker, I have some information coming that I think is extremely important, but it means that those kinds of resources are coming quickly, hard hitting, and it is coming on top of States who, as we speak, Texas with a $12 billion deficit, California with a $38 billion deficit, other States with enormous deficits. It seems it is coming right when our States are hurting. Governors are hurting. Cities are hurting. It is extremely important.

So I would ask that my colleagues listen as we move toward designing the emergency supplemental, that is, the appropriations that would include funding for the war. I would ask my colleagues to consider the importance of remembering our children, and I would ask them to remember what we are doing when we are cutting funds, and I am going to be citing a few for my colleagues.

We mentioned $244 billion that we will see cut in domestic discretionary spending below the current service level over 10 years. In addition, the Republican budget requires $265 billion in cuts to public benefits, as I said, veterans benefits, Medicaid, Medicare. The cuts are likely to hit veterans programs, loans for college students, school lunch programs, Medicaid, pensions for Federal employees and railroad employees and agricultural programs.

Recently, I visited with Forest Brook High School, the Jaguars, almost 500 students in an auditorium. They were so bright. They were a recognized school. They are moving to be an exemplary school. That means they are crossing the T's and dotting the I's as it relates to their academic prowess; but they asked the hard questions about this war. But one young lady, a student, got up and said, Will I be able to have an education? I do not know, Mr. Speaker, with this kind of budget because Pell grants are being cut. Colleges are being cut.

I understand in some legislatures and States that college presidents were asked, send their testimony in writing because they were too embarrassed to have college presidents come and tell them how many services will be cut and how much they would be raising their tuition. What an embarrassment.

Already, we know that school lunch programs are in jeopardy, and, yes, loans for our college students. What is our concern for the children?

Mr. Speaker, I would offer to say to my colleagues we can do better, and even though we have come to an end in this week's legislative effort, I believe that we have to be responsible in investing in our children and investing in America's domestic tranquillity and its economy.

We must be concerned about creating jobs. That helps improve the quality of life of our children because it improves the quality of life of their parent or guardian or that grandmother. We tend to forget things, and that is one of my underlying themes. We are always ready to put out the fire. I would like to make sure we do not have a fire, and we all ran to put out the Enron fire. Lo and behold the collapse of corporate integrity, one of the largest bankruptcies that we have ever seen and the laying off of thousands of my constituents who were impacted, and they impacted the children that they were responsible for.

The Democratic stimulus plan looks to creating jobs. Right now we have got a huge number of jobs being cut. I think upwards of 200,000 and less jobs are being created. The Democratic plan will create about twice as many jobs as the President's budget, and the Republican budget, according to mainstream economic forecasting models, by costing less than one-sixth as much over the long term.

□ 1615

Democrats provide an immediate $136 billion in tax cuts as opposed to $726 billion. That is what you call mutual sacrifice. It is a stimulus which we will immediately see. What does that do? It puts the children's parents and guardians back to work. Remember, I have said the children should be our priority. I believe that we have harmed the domestic tranquility.

We have failed our senior citizens by not yet moving on a guaranteed robust prescription drug plan, one that guarantees prescription drugs to our senior citizens. Mr. Speaker, some of them are in fact the grandparents who are taking care of the children in many of our communities through the tragedy of drug addiction or incarceration or for some failure to that child's parent. The grandparent steps in, they have the responsibility of caring for that child, the responsibility of being on Medicare with no other funds and they cannot pay for their prescription drugs. Again, the children are harmed.

And so, Mr. Speaker, I think that we need to begin to look constructively at how we can help the children. I want to go for a moment to education and health care and specifically to the Leave No Child Behind Act. The Republicans cut 2004 appropriations for Department of Education by $1.4 billion, 2.7 percent below the 2003 enacted level. However, because Republicans matched the President's funding for several Leave No Child Behind Act programs, their across-the-board cut reduces all the education programs by 10.2 percent below the President's levels and by 8.3 percent below the 2003 enacted programs.

Let me give you an example, Mr. Speaker. Tremendous cuts to safe and drug-free schools, after-school programs, education for homeless children, vocational education and aid to Historically Black Colleges and Universities and other programs.

How does that hit home? It hits home, Mr. Speaker, in the course and manner of real people. Our school districts are not celebrating that you are cutting their safe and drug-free schools because, Mr. Speaker, some of them have been able to access those dollars to help them in their homeland security needs. And so to cut the safe and drug-free schools just puts the responsibility or the burden on the local districts and their dwindling tax base and gives the United States Government another free ride. We are saying to them, do you have a safe plan, are you protecting the children where most children spend a great part of their life, in school; and we are telling them we are going to cut safe and drug-free schools, the after-school programs.

Some years ago, Mr. Speaker, I served as a member of the Houston City Council and in serving as a member of the Houston City Council, I worked very hard to put in place for the city of Houston after-school programs in the parks. Let me compliment Mayor Lee P. Brown and the city of Houston and city council members for continuing that program and having an expanded program that embraces the churches. I was able to add $1 million to my district a year or two ago to have that after-school program continue. Who knows what will happen now? Here we go dumping our burdens on our local communities. After-school programs are vital because we realize statistically that children get in most of the trouble that they get into from 3 to 7 when parents are working and the latchkey children are bound.

But we apparently in this body are not concerned because the President's budget, and I would imagine the budget we voted on by one vote just a few days ago did the same thing. Homeless children should be calculated as part of homeless families which increase all the time. Transitional home units are not being built but families who are transient, who are moving from home to home, are part of our homeless families and they have children. I know my school district has a large number of them; and we are cutting housing for homeless children, our vocational education which allows individuals to get skills and go from the high school to the work room with a skill that can provide for them.

Then I am concerned for the historically black and Hispanic-serving institutions. Tragically, of course, we will be hearing the Supreme Court argument on April 1 about affirmative action, the challenge of affirmative action before the United States Supreme Court, and I raise that as a tool, a vehicle for many children in our Nation, young Hispanics, African Americans and other minorities, women included, who have utilized the tool of affirmative action not to exclude anyone but simply to give them a hand up. What a tragedy that this administration in a time when young men and women are in harm's way in the military to be able to note that this government would stand in opposition to affirmative action. We certainly hope that the United States Supreme Court will listen carefully to the arguments, and I believe that they will carefully assess that the University of Michigan affirmative action programs are in fact constitutional. Many of us will be gathering in Houston, Texas, for a summit on the question of affirmative action and the abysmal record of civil rights in this administration because we believe that we do in fact leave children behind if we do not promote the civil rights of a Rosa Parks and Martin Luther King. We do not in fact provide opportunities to continue for higher education.

I think as an aside, it is important to note, Mr. Speaker, that civil rights is a very core part of America's history. There are moments that I was not proud of America, as many of you know, it would be certainly our slave history; but there are certainly moments that we can all be proud of America because she sought corrective measures. Though there was a violent period through the civil rights era of the 1960s and certainly voices being raised of protest, there were moments when America stood tall. The Voter Rights Act of 1965, the Civil Rights Act of 1964, the executive order on affirmative action that Richard Nixon signed, those were positive moments. Why would we stoop to the level that we are stooping to, to have the United States Government challenge affirmative action as a viable tool?

The reason why I connect this to being preventative and dealing with our children, Mr. Speaker, is because in Texas when the Hopwood decision was rendered, we lost large numbers of our Hispanic and African American young people because they were denied admission to our institutions of higher learning. We were willing to lose them and deny them because of, I think, misdirected decisions and others who would represent that they are excluded because of affirmative action. Obviously, I find great pause and question as to why the United States Government could not be on the side of arguing for the constitutionality of the Michigan plan as opposed to being against it, because I know the ripple effect that will occur if the Supreme Court pronounces it unconstitutional. We will see affirmative action plans being dismantled around the Nation. But to the credit of the private sector, let me congratulate corporate America where large numbers of them have submitted, if you will, and there is a great deal of joy that they have submitted amicus briefs in support of this plan.

And so, Mr. Speaker, I hope that we can all see the importance of being proactive and to be preventative. Certainly we have situations that that is not occurring. As I have indicated, it is extremely important that our children be in the highest priority. I went off a little bit to the side on affirmative action and civil rights because I noted that the cuts would impact historically black colleges and Hispanic-serving institutions. America is only at its best when all of us have access to equal education.

Mr. Speaker, I want to speak to rural America, and I want to speak to urban America. We want to make sure that our educational systems are equal. I want to cite a Governor that I have great respect for, Governor Mark White, who came in and did something in Texas that was innovative and shocking: no pass, no play. The reason why he implemented that and that had to do with playing sports, and we are in Texas a football State. Every Friday night you will find us right where we need to belong with our families watching the football, the basketball, the baseball. To be able to be a Governor and say no pass, no play was outrageous. But he did that because he did not care to say that if you were in a prominent school district, you had the right to a good education. He wanted you to have a good education no matter where you were.

And so the very fact that No Child Left Behind is being cut is a tragedy. The very fact that there are children being tested today and are failing standardized tests is a tragedy because part of the laws that we put in place, Mr. Speaker, for No Child Left Behind was to give those schools who had less moneys and their children were failing, to give them moneys to improve their teaching quality. We wanted to remedy the problem of failing students. We did not want to condemn the school, close the school, condemn the children, condemn the parents. We wanted to help them. But here we go in 2003, failing to provide the kind of support that we need.

Job training has been cut by this budget, and I believe it again undermines trying to get people reemployed. I mentioned to you about Enron. There are many of those individuals still unemployed. Some of them are overqualified. Some of them need to be retrained. They represent a different set of circumstances than those who need more training. But I would argue that we should invest in human capital. Again, domestic tranquility. I want to give you the figure that the President's funding for Pell grants would reduce the maximum Pell grants by $50; but over a period of time, that has an impact. This is back to the level of the maximum award in 2002. As I said to you, Mr. Speaker, there are presidents who are saying in State schools that we are raising your tuition. That sort of puts a slice, if you will, to a number of individuals seeking higher education and goes to the question of that student at Forest Brook High School earlier this week who asked, will I be able to get an education? Mr. Speaker, I do not know.

We will also be saying to those children who need Head Start, that 28,000 of you because of this budget will not be able to attend Head Start. I am very proud of my children, as we all are. My son is an 11th grader. My daughter is a new teacher. She is in a program that should be promoted and complimented, Teach for America. She is teaching in one of our schools in Houston. They are wonderful children, first graders. But many of them, Mr. Speaker, were not able to participate in early childhood education where they were exposed to learning and reading, and it is evident in the difficulty of learning to read. This is what will happen if we cut enough funds that it would result in 28,000 low-income children not being able to utilize Head Start. Do we really know what that means, Mr. Speaker? I am not sure we do.

I want to just cite H.G. Wells who said, "Human history becomes more and more a race between education and catastrophe."

Clearly if we allow generations to be uneducated, if we create an equal divide, if we go back to pre-Thurgood Marshall's argument to the Supreme Court in 1954 where we were arguing against allegedly separate but equal, it was separate and unequal, or the Kerner Report in 1967 which said we live in a Nation black and white and unequal. We are back there again in the unequalness of housing, education and health care.

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Mr. Speaker, if we are to do that, then we are raising throngs of individual young people who maybe speak a different language, who are now disadvantaged because they are not able to get early childhood education, they are not able to get Head Start. Why would we, Mr. Speaker, want to undermine, if you will, our responsibilities to those young people? And, Mr. Speaker, I think it is important that we fight against not promoting our children first, and clearly the lack of funding for Head Start is one of them.

Might I cite, Mr. Speaker, a rising issue before I address the question of our children living across the world, and that is this question dealing again with our little ones and the amount of money that we are going to see leaving them and going somewhere else. As I do that, let me just cite one other fact that I think is extremely important, and that is that 50 percent of our children heading towards college are not prepared for college courses. That is a little tidbit that I wanted to add, because it goes to the question of affirmative action. It goes to the question of Leave No Child Behind, that once we cut off K through 12, then of course we are simply cutting off opportunity.

I want to applaud two amendments, or at least one amendment, one by legislative initiative by the gentleman from Pennsylvania (Mr. FATTAH), a constitutional amendment to provide equality for children, a bill of rights for children as it relates to education.

But as I close on that topic, I want to speak to another tragedy amongst our midst, if you will, and that is the question of child abuse. Again, Mr. Speaker, I have said that this discussion this afternoon is about promoting our children, the interests of our children. The work of the Congressional Children's Caucus that I chair has been always to promote children as a national agenda item, which is why legislation such as the 9/11 Save Our Children, the mental health legislation that was promoted, the issues that we discussed on mentoring, the work being done with Afghan children, it is all about recognizing the importance of protecting our children.

So I want to raise the question of where are our missing children and why can they not be found and the fact that we have a crisis in the Nation on efforts to find our children. And I cite Rilya Wilson, the tragedy in Florida. 5-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was found later in a gruesome pose in a forested area less than an hour's drive away. Unfortunately, a horrible discovery found that she had been molested and asphyxiated. The trail of evidence led police to a man who was acquitted of molesting two girls 2 years ago.

In my own district, we are still looking for Laura Ayala, crying, with her family painfully wondering what happened.

Danielle van Dam's body was recovered.

Jahi Turner, a 2-year-old African American boy, disappeared after we found Danielle van Dam on April 25.

Clearly, we believe that our children are precious, but do we realize that murder is the only major cause of childhood death that has increased over the past 3 decades? About 200 to 300 children are taken in kidnappings by strangers each year, with about 100 of those kids found murdered. Typically black, Hispanic, and poor children are disproportionately represented among that number.

We are gratified and excited that Elizabeth Smart came home to her loving family.

Mr. Speaker, we have a crisis of child abuse and child molestation, and we need to get in front of the problem. So we need a budget that reinforces our support of child abuse prevention. We need to audit the Children's Protective Services in many of our States, and I am going to take a point of personal privilege and suggest that the Harris County Children's Protective Service has been working diligently to find abandoned children or to prevent abandoned children but, more importantly, to be a stickler on ensuring that we are attentive to children we have placed in foster care.

We have had some ups and downs and tragedies. We even just recently had a tragedy with a suicide in one of our mental health facilities dealing with children, and I know that we will be focusing on that investigation in my own community.

It happens to say that we need more mental health facilities for our children. That is a crisis as well. But there is no doubt, Mr. Speaker, that we are abandoning our children to the extent that they need resources, they need education, they need affirmative action, they need civil rights. They need the Children's Health Insurance Program. They need a peaceful world. They need a world without war. They need to bring some of the young parents home, similar to the young Marine who has to make a choice with honorable service to her Nation and a 4-month-old baby because her husband is already deployed on the front lines. They need someone caring about their plight.

So I ask my colleagues as we begin this journey toward the passage of the emergency supplemental, as we pass the budget with one vote, as we talk about a $726 billion tax cut, where are our hearts for our children? Do we really realize that children themselves need mental health services and they grapple with depression and we do not have enough beds in America for our children, mental health beds?

My dear, dear friend, the late Senator Paul Wellstone, a man that we grew to love, championed for mental health services for all Americans, championed for parity in health care for mental health services, a champion for going to any part of the world to look and to investigate the plight of children, a man who joined me in Houston, Texas where we listened to 90 witnesses about the plight of children without mental health services. Mr. Speaker, it was clearly a tragic loss, but in his name as we move toward this process, might I simply ask my colleagues to look at some of the issues that I have discussed and as well look at some of the needs of children around the world.

So I will close with simply, Mr. Speaker, sharing some of the sights and the plights of our children. This may not be an American child, but I have described the pain that we are experiencing in this country and that our budget clearly does not speak to that pain. So I would ask that as we look to our budgeting process that we remember USAID and the funds needed to help the children of the world, and I cite specifically the faces of Afghan children and who knows what other children will be facing a devastating condition.

When I visited Afghanistan, these are the children that I saw, a thousand of them in an orphanage, covered with sores, no school books, no pencils, no paper, very limited resources. Would this not be a better posture for America to take, one of peace, reconciliation, and humanitarian aid as we spend $1 billion a month in Afghanistan?

These are the children and the faces that need to be helped, mother and child. And there are children that are going to be left in terrible conditions as well, children that we would want to help, our own children, America's children, that do not have Head Start. They do not have health coverage. They do not have housing because we are cutting homeless programs for children. They do not have school counselors who can do something other than paperwork.

The children of America. They are under siege because child abuse is still rampant, sexual predators are about and abound. So as we have done some good things, Mr. Speaker, that I acknowledge, passing legislation that speaks to runaway children and children that are abducted, there is much more work to be done.

I would argue that if we are to be a Nation of values, believing in the Declaration of Independence, that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness, we will respect our conscience. We will respect the work that is done in this body. We will not demean and degrade anyone who rises to speak more for peace than for war. Because we have to make choices, and those choices should be for our children, the longing of these faces who long for us to be credible and to be preventative and to stop the gunfire, the violence, to stop the lack of foster parents and care and the lack of jobs for their parents.

See these faces, Mr. Speaker. Can we not be responsive? Will there not be a signal and a clarion call for the emergency supplemental to not bust the budget and will there be the call for mutual sacrifice, tax cuts that stimulate the economy, not bust the economy?

And, if the Members will, Mr. Speaker, with these smiling faces I end on the note an opportunity to bring the young men and women home to a Nation that will parade them and honor them, but not only that, take care of them and their families. Might this be the kind of bipartisan spirit that this Congress could engage in to show to the world that America has sought her higher angels and the premises upon which she was founded, to create a more perfect union? Is that not the America we all know and love?

God bless this Nation, and God bless our troops.

"Human history becomes more and more a race between education and catastrophe." H.G. Wells spoke those words in 1920 and they are just as valid today. As our interaction with technology increases in the workforce and in our day-to-day lives it is ever more vital that our young people be educated to manipulate that technology or they will be left behind.

We as a country will indeed be in danger of falling behind. If our youth are not properly educated from very early in life we are at risk of losing them—at risk of losing our future. It is for that reason that I believe that the investment in human capital should be our highest priority. We are shortchanging our Founding Fathers who sought to make this a nation for all.

The Founders knew something that James Garfield would later say, "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained."

As protecting our freedoms and our way of life is dear to us so must be the provision for and maintenance of our public schools. I understand that issues of student to teacher ratio, teacher's salaries, funding on the federal, state and local levels are all issues that those of us who care about education must address.

Recently, I have co-sponsored a bill that calls on the Secretary of Education to determine whether each State's public school system is providing its students with the educational resources necessary to meet challenging academic achievement standards and to compete and succeed in a global economy. The bill is H.R. 236, to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes. It contains a student bill of rights that requires providing specified fundamental educational opportunity to students at each and every public elementary and secondary school. The bill also requires providing educational services in school districts that receive funds for disadvantaged students that are, taken as a whole, at least comparable to educational services provided in school districts that do not receive such funds.

NO CHILD LEFT BEHIND—REPUBLICAN BUDGET CUTS

A gap in funding education is harmful to our children's futures as well as to the future of our nation's economy. In fact, poor educational policy is injurious to our society as a whole.

In my district, the Houston Independent School District has more students in special education than in gifted and talented programs: 58.5 percent of Houston Independent School District students are considered at risk and 7.9 percent of Houston Independent School District students study English as a Second Language.

Across the country more than 50 percent of urban college freshmen are not prepared for college courses. That has an obvious detrimental impact on their ability to succeed at the college level. Ill-prepared freshmen also have a deleterious affect on our nation's institutions of higher education as those institutions strive to provide young minds with an academic environment that allows graduates to become productive members of the workforce. Whole semesters are lost when students have to be instructed at a remedial level even before they can begin basic college courses. To avert adverse outcome support has to be given at the earliest levels of education to our youngest students.

Not long ago Bush signed into law the No Child Left Behind Act, touting the Administration's commitment to education. The Bush Administration has proposed a budget that suggests devastating cuts to primary and secondary education in this country. You should be aware of what that budget proposes and of the profound impact the budget cuts would make.

His current budget cuts funding for Elementary and Secondary Education programs by $90 million! The Administration's budget would shatter Head Start and threaten the quality services that the program provides.

Head Start programs have helped prepare 20 million disadvantaged preschool children for school. Yet because the House Republican budget would slash funding to Head Start, 28,000 preschool children could to be dropped from the program. The Administration's budget would freeze child care for the next five years forcing states to drop 200,000 children over five years. That is 200,000 children who will be dropped from the care they need to enter school prepared to learn. That is 200,000 children who need care while their parents are at work.

The House Republican budget proposal would force deep cutbacks in the Child Care and Development Block over the next ten years. Those cuts will sacrifice child care for thousands more children and families.

These budget cuts are proposed, in order to pay for a tax cut for the most affluent of citizens. The most affluent will benefit while the children will suffer. That is not justice. That is not the American way. That is not how we demonstrate respect for our most important values.

If the Republicans' budget proposal is passed it will demonstrate that America believes children and the poor should subsidize tax breaks for the rich.

If the Republican budget is passed it will demonstrate that health care, Head Start, child care, education, and after school programs are not as important as adding to the bottom line of the wealthiest taxpayers.

In truth, the Republican plan would force severe cutbacks in virtually every essential support for America's most vulnerable children and families over the next ten years in order to hand a $90,000 tax cut to each millionaire this year.

If, in fact, no child is to be left behind then no dollar should be lost to education at a time when states and localities can least afford to lose them. That's why the proposed budget cuts from the Administration and House Republicans are the wrong choice for America.

The Children's Defense Fund has said, "It is time for new choices that invest more in children than in millionaires, more in the poor than in the powerful. It is time to make our country live up to its promise of fair opportunity for every child and to demand that we truly Leave No Child Behind."

Supporting education, Head Start, and child care is the way to truly began to create equal opportunity for every child. That equal opportunity should continue beyond pre-school, elementary and secondary school. It should continue into the higher education institutions of this country.

AFFIRMATIVE ACTION

This spring, the Court will decide whether achieving a racially and ethnically diverse student body in institutions of higher learning is a "compelling state interest" such that the consideration of race and ethnicity in public college admissions is constitutionally permissible.

The University of Michigan's admissions policy is at issue. The policy considers race as one of several factors in a constitutionally permissible manner that is narrowly tailored and geared to address the compelling state interest of achieving diversity.

While the University of Michigan does not set-aside seats for minority applicants and has no two-track system of considering applications, President Bush falsely described its policy as one dependent on a quota system that rewards applicants solely on the basis of race.

President Bush argues that "some states are using innovative ways to diversify their student bodies. Recent history has proven that diversity can be achieved without using quotas. Systems in California and Florida and Texas have proven that by guaranteeing admissions to the top students from high schools throughout the state, including low income neighborhoods, colleges can attain broad racial diversity."

Bush also says, "In these states, race-neutral admissions policies have resulted in levels of minority attendance for incoming students that are close to, and in some instances slightly surpass, those under the old race-based approach."

In reality, The Harvard University Civil Rights Project has issued two reports that conclude that percent plans are not effective replacements for traditional affirmative action. These percent plans dictate that a certain percentage of every graduating class of every high school in the state is admitted to a state school. Presumably, this removes other barriers to minority enrollment and will provide a diverse pool of students. The percent plans cannot be applied at national universities, private universities, or graduate and professional school programs, and they simply do not yield the levels of diversity that race-conscious admissions policies produce."

In Texas, Florida and California, which the Administration holds out as successful examples of percent plans, there was low minority enrollment in the universities before affirmative action was ended, despite the fact that all three have rising population rates of African-Americans and Hispanics. The Harvard study noted that students in these states face great educational disparities long before the college level, disparities that are reinforced through the percent plans.

Affirmative action is critically needed to achieve diversity in our universities. When students complete their K–12 education they need to know that the doors of higher education will be open to them. The diversity that is sought benefits the entire student body and enhances the educational experience for all students. The plurality of backgrounds and life experiences contribute to the robust learning environment that serves as the hallmark of quality institutions of higher learning.

CHILD ABUSE

Five-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was later found in a gruesome pose in a forested area less than an hour's drive away. An autopsy revealed she'd been molested and asphyxiated. A trail of evidence led police to a man who was acquitted of molesting two girls two years ago.

In my own district these tragic acts of violence hit home. Laura Ayala, a 13-year-old Latino girl from Houston was reported missing after leaving her apartment to buy a newspaper at a nearby gas station. Only her shoes were found.

On April 25th, two months after Danielle van Dam's body was recovered, Jahi Turner, a 2-year-old African American boy disappeared, while playing in a San Diego Park.

In a study by the National Center for Missing and Exploited Children, law enforcement officials identified pictures as the single most important tool in the search for a missing child. One out of six children featured in photo campaigns is found as a direct result of the photo.

About 200 to 300 children are taken in kidnappings by strangers each year with about 100 of those kids found murdered. Typically, black, Hispanic and poor children are disproportionately represented among that number.

Murder is the only major cause of childhood death that has increased over the past three decades. Over one-third of all sexual assaults involve a child who was under the age of 12. One in four children is sexually abused before the age of 18. One of every seven victims of sexual assault is under the age of six.

Over a four-to-five year period, 13.4 percent of sex offenders recidivated with another sexual offense.

Only 22 State sex offender registries collect and maintain DNA samples as part of registration. We know that DNA helped police find the suspect in the case of Samantha Runnion, and it is critical if we are going to capture other offenders. Despite the atrocities against our children, only 22 State sex offender registries collect and maintain DNA samples as part of registration.

HEALTH CARE—CENSUS 2000 STATISTICS ON CHILDREN'S HEALTH CARE

Uninsured rates for different age groups of children are not statistically different: 13.3 percent of children under six are uninsured, 13.5 percent of children six to 11 are uninsured, and 14.5 percent of those 12 to 17 are uninsured.

Hispanic children are far less likely to have health insurance than White or African American children, and African American children were somewhat less likely to have health insurance than White children: 26.8 percent of Hispanic children were without health insurance in 1995, 15.3 percent of African American children, and 13.4 percent of White children.

In 1995, 66.1 percent of all children under age 18 were covered by a privately purchased or employment-based health plan, and 23.2 percent were covered by Medicaid.

Older children are less likely to have Medicaid coverage. Percentages of all children covered by Medicaid in 1995, by age group, were: 29.6 percent of children under six, 22.6 percent of children between six and 11, and 17.2 percent of children 12 to 17. Significantly more African American and Hispanic children than White children were covered by Medicaid in 1995: 45.4 percent of all African American children, 37.4 percent of all Hispanic children, and 18.3 percent of all White children.

In 1995, 3.1 million (or 21.4 percent) poor children were without health insurance. Poor children comprised one-third (32 percent) of all uninsured children in 1995. Over a 28-month period between 1992 and 1994, 30.0 percent of all children under the age of 18 lacked health insurance for at least one month (20.4 million). About 4 percent, or 2.8 million children, were uninsured for the entire 28-month period.

MENTAL HEALTH CARE

As founder and Co-Chair of the Children's Congressional Caucus, I am a staunch advocate for the health and well being of children.

Health care issues have been getting a lot of press as far as Medicare and Medicaid are concerned and also in terms of a prescription medication benefit for our seniors. We also hear a lot about HMOs and insurance coverage. And that is as it should be. Health care is among the most basic of needs concerning the American family. Whether one is unemployed and uninsured or employed and underinsured health care is an issue a family might face daily.

The Administration's budget would block grant Medicaid and jeopardize the health care services that are now available for millions of low income children. Moreover, the Republican House budget proposal would create more harm by forcing cutbacks in mandatory spending programs. Those cuts could mean a $93 billion reduction in Medicaid funding over the next ten years. Those cuts are likely to greatly increase the number of uninsured children.

Insurance and health care are certainly issues that concern children and we, as a body must do our utmost to address those issues. It is important to remember that health care involves not only physical health but also mental health and mental health care is just as important for children as it is for adults.

In fiscal year 2001, I urged funding for children's mental health services through the appropriation of a Mental Health Block Grant program in the amount of $420 million. In addition, I helped bring over $300 million to the health care industry in the 18th Congressional District of Texas and know these funds are an essential investment in the future of children.

It is important for their well-being and for their development. So we must support mental health programs for America's youth. That is the reason that at the beginning of this Congress I cosponsored H.R. 81, the Give a Kid a Chance Omnibus Mental Health Services Act of 2003.

Give a Kid a Chance is a bipartisan bill, cosponsored by Representative ILEANA ROS-LEHTINEN, my fellow co-chair of the Congressional Children's Caucus.

American youth are struggling to come to grips with a confluence of disturbing issues. On a daily basis, they face the dangers of drugs, smoking, violence and the fear of terrorism. Added to the more traditional problems that plague adolescents—pressure from school, family, and peers—it seems this barrage may be taking its toll on the mental health of our children. Those children living in the wake of the attacks of 9/11, or those living in broken homes, may be particularly vulnerable. However, no child is immune.

A recent survey revealed that 13.7 million children nationwide suffer from mental health problems. At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem. That is 20 percent. However, 75 to 80 percent of these children do not receive any services in the form of specialized treatment or other mental health intervention.

Unchecked mental illness in the young can lead to academic failure, substance abuse, violence, or suicide. In fact, adolescent depression is increasing at an alarming rate. Recent surveys indicate that as many as one in five teens suffers from clinical depression. Each year, almost 5,000 young people between the ages of 15 and 24 take their own lives. The rate of suicide for this age group has nearly tripled since 1960. Obviously, the youth mental health programs we have in place are either ineffective or insufficient.

Responsibility for mental healthcare is shared across multiple settings: schools, primary care, the juvenile justice system, and child welfare. The bill I co-sponsored would establish school and community-based grant programs that would help prevent, identify, and treat mental health problems in children and adolescents. Local educational agencies that receive the grants would be required to maintain a certain ratio of students per counselor, nurse, psychologist, and social worker.

Grants will be funded with a matching requirement of $2 from private or local public entities, for each $3 of federal funds.

For too long we have ignored the mental health needs of young Americans. There is a clear cry for attention to the mental health of our children. We must answer that cry. I hope others will support this bill, in a bipartisan way, and help our children through their formative adolescent years and help make them into healthy, well-adjusted adults.

ANTI-DRUG ACTIVITIES

On June 24, 2002 I joined the U.S. Department of Justice in announcing a $100,000 grant to the Houston Council on Alcohol and Drugs, the fiscal agent to the Coalition of Behavioral Health Services. The Coalition will play a critical role in the prevention of substance abuse in youth in the 18th Congressional District of Texas by strengthening community anti-drug activities and reducing abuse among youth.

The 2002 project was a continuation and refinement of The Houston Council on Alcohol and Drugs' past goals: to reduce substance abuse among youth by 10 percent over the next 12 months, and encourage participation and collaboration of all sectors of the community including federal, state, and local government in an effort to increase resources for substance abuse prevention and reduction among youth.

The Houston Council on Alcohol and Drugs has distinguished itself as a leader in the fight to save our young people from the perils of drug abuse. I applaud and will continue to support these model programs that effectively motivate our youth to avoid drugs and equip them with the skills necessary to have a healthy and productive life.

We continue to wrestle with the devastation that drug abuse creates in our communities. It is particularly important that we support programs that will aid our youth in finding alternatives to drug use. Grants will help our children stand up against drugs. It clearly benefits the whole of our society when we help those most vulnerable before they enter into a life of substance abuse and crime.

THE COSTS OF IMMIGRATION, ILLEGAL AND LEGAL

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to talk tonight about another aspect of the immigration issue that I so often come to the floor to discuss, and what I have decided to do is over the course of the next several weeks is to break this issue down into several of its component parts. Because it really is a fascinating issue, immigration and immigration control, the impact of massive immigration into this country, uncontrolled immigration, the impact of having porous borders.

It really does matter. It is not just something that we can observe and think about as being really not involved with and not important to our Nation's future. It will affect every single aspect of our lives. It will affect us socially and economically and politically. It really does have enormous implications, the whole idea of massive immigration into the United States, both legal and illegal.

So as I say, tonight I want to go into one specific aspect of this and focus on it for a while, and that is the costs of illegal immigration and even to a large extent massive legal immigration to our social service systems in this country, to our States and to the Federal Government. Especially we are going to focus again a little more narrowly in that area on health care.

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Mr. Speaker, there is probably no issue that is brought to our attention here more often and with more concern on the part of our constituents than the issue of health care, its unaffordability, its inaccessibility, and the fact is that it is a very, very serious problem. The costs are rising so dramatically, such as in order to pay for new technologies.

There are a lot of reasons for the costs to increase. One reason is because, of course, our health care system is being accessed by a lot of people who are here illegally, they are not citizens of the United States, but also because in fact legal immigrants to the United States access social services to a higher extent than native citizens. So the impact of massive immigration, both legal and illegal, on the system is enormous.

This map is a condensed picture of our problem with regard to the health care costs that are being incurred by States, by taxpayers in the various States, and by, of course, all taxpayers in the Nation as Federal taxpayers. I say "condensed," because this particular map only takes a look at the uncompensated medical costs along our border, in California, Arizona, New Mexico and Texas.

This is an annual expenditure. It says these costs represent only hospital costs. By the way, it is condensed again into just hospital costs in those four States. This is the emergency medical services costs. This, again, is condensed. It is not for all immigrants; it is just for illegal immigration.

These costs that we are going to talk about here are not the Nation's costs, just for four States. They are not all medical costs, just hospitals. They are not the costs of all immigration, just the cost of illegal immigration.

One in four dollars of uncompensated emergency medical costs for Southwest and border hospitals can be attributed to "undocumented immigrants." That is a way of saying illegal immigration. In California, $295 million; in Arizona, $97 million; in New Mexico, $45 million; in Texas, $393 million in the Year 2000. Somebody does pay for this. Of course, it is primarily the taxpayers of those States that have to pick up the tab.

But think about the real costs. Let us go ahead and just extrapolate out what the real costs to the Nation are in all States, because, I guarantee you, my State of Colorado has an enormous cost for both legal and illegal immigrants accessing the welfare system and specifically, again, the health care system. These costs are absorbed by hospitals, by the doctors and, eventually, of course, are paid for by the taxpayer.

One extensive study of the cost of illegal immigration is the one we are pointing to here. It determined that care provided to illegal aliens costs border hospitals $189.6 million in uncompensated medical emergency costs in the year 2000. Total reported uncompensated costs at these same hospitals was $831 million.

In other words, uncompensated costs to illegal aliens, this is all costs, emergency care to illegal aliens comprised 23 percent of the total uncompensated costs incurred by those hospitals in the year 2000.

This, as I say, is just the tip of the iceberg. It does not, as I mentioned, include non-emergency services provided by doctors or hospitals. Furthermore, the study only covers the counties that are along the border, the counties directly along that border. Total costs throughout the United States for all counties are unknown. However, if the numbers for these southern border counties are a sample for the whole Nation, the true costs of medical care is in really the hundreds of billions of dollars.

Part of the problem is, of course, self-induced. That is to say, the Federal Government has passed legislation that has exacerbated this problem. The Emergency Medical Treatment Act and Active Labor Act enacted in the Congress in 1996 made it illegal to ask immigrant status prior to rendering services in emergency rooms. As a result of this, hospitals have no way of tracking information that would be helpful in identifying the actual costs of care to illegal immigrants. A lot of this, of course, is estimated.

Being able to track this information in a consistent manner would not only help in developing a policy to deal with this problem but also assist in measuring how much medical services illegal aliens were really obtaining.

This brings me to another point here that I think is worthy of mention. Let us go to the legal immigrant in the United States, somebody who has arrived here, let us say, in the last 5 years.

In 1996, this Congress passed another law; and it said that anyone coming into the United States under what was called the Family Reunification Act would have to identify a sponsor here in the United States and that sponsor had to agree to become financially liable for the person they were bringing into the country. If that person were to go onto some sort of social service, onto welfare or access hospitals and be unable to pay themselves for doctor bills, food banks, anything that was provided to this person coming in here under the Family Reunification Act, you had to have a sponsor.

By the way, we have had that law generally on our books for 100 years. For 100 years an immigrant coming into the United States had to have a sponsor, and that sponsor took on some responsibility. The language is very plain on the documentation they have to fill out, that, in fact, you are accepting financial responsibility for that person that you are bringing in.

Now, that was the way it was for everybody. But in 1976 we reduced the scope, the field, I suppose, to say, no, we will just do it for people who are coming in under the Family Reunification Act. People who are coming in under H-1B visas or any of the other work visas and all that sort of thing, not to worry, that is not going to matter.

Well, as it turns out, about 75 to 80 percent of all immigration into the United States is under the Family Reunification Act, so almost everybody here today, the recent immigrant in the last 5 years, let us say, 10 years, came under that particular provision of our immigration law. It says, if that is the case, you need this sponsor.

Now, here is another one of those little interesting aspects of law and the way we treat law around here, especially immigration law. It is ignored. It is ignored by States and the Federal Government, because, you see, it says if a person accesses any of this and they are not a citizen of the United States, somebody else is liable. But that means somebody has to go after them.

So about a year and a half ago, I think it was, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), wrote a letter to the Department of Justice and asked the Attorney General what they were going to do to enforce this particular part of the law that says, if you come here and access a social service, somebody else is supposed to pay for that. It is supposed to be your sponsor.

Not one person to this date, to my knowledge, not one person in the past 30 years has ever been held to account by either the Federal Government or any State agency.

But that is something that we should focus on and let people understand, Mr. Speaker, and that is it is not just the Federal Government that could in fact go after the sponsor and get them to live up to the obligation they signed on to if their person goes on to the welfare rolls or has to access medical services. But any aspect, any level of government that delivers the service can in fact seek that payment or repayment from the sponsor, any county that has its social services accessed by a person who is here as a recent immigrant.

Of course, illegal immigrants are not supposed to be eligible for anything; and yet, of course, we know that they do access all of these services; and they have become quite adept at it.

The costs are enormous. But, at least for the legal immigrants who are here, we could recoup a lot of these costs, because, as I say, statistically, it is shown that legal immigrants into the United States do access social services to a greater extent than non-immigrants. It is just a fact of life.

Many people, of course, come to the United States for the purpose of obtaining health care to begin with. On our borders you can see it any day that you go down there. We have had reports at hospitals near the border, some of these States, where a bus load of individuals, a bus load of young women about ready to give birth, will pull up and disembark and go into the hospital for the purpose of giving birth in the United States, because we have something we call the Anchor Baby Program. If you have your baby here, right now the law says that child is a citizen, regardless of whether or not its parents are legally here. That is something also we need to address as a body. We are one of the only countries, and maybe the only country in the world, that has such a liberal policy about allowing someone to become a citizen.

But because of that and because of the various benefits that a person can obtain as a result of having your child here, the social services, the WIC program, a whole bunch of other things, people will come here for just the purpose of having a child, so much so that many of these hospitals along the border are saying they are closing down their neonatal wards and delivery rooms because they cannot afford it any more. They have been inundated with people that come across the border to have children, and they cannot pay for it, and, of course, that service is provided to them.

There are multiple reports that women come to the border just to wait until they go into labor and then be rushed not to Mexican hospitals but American hospitals. One hospital in California reported that near-term pregnant women will sit in cars in the parking lot and enter the emergency room when they go into labor.

In the instances where these women arrive at the border crossings, the Border Patrol, instead of returning them to Mexico to be taken to Mexican medical facilities, they allow them into the United States. When I asked the Customs officials about this, they say, "You know, we are not medical people. We don't have that kind of expertise. We don't know. Somebody says they are sick, we wave them on in."

We have been down there on our border. You will see ambulances coming up to the border, coming up to the Customs agent at the port of entry, and saying, "You know, I have got this really sick person here, and I need to get through." And they wave them on through. Ambulances are delivering sick people to our hospitals, sick people from Mexico, because the treatment is better, and it is free.

Now, I am sympathetic to the needs of the people who are in dire straits. I will tell you, this country can never be the health care provider to the Third World. It is impossible. There is not that much money in America, let alone in the health care system. And yet that is what is happening.

The issue here is one that does affect everyone, and that is what I really want to try to point out when we talk about these separate issues in migration. They do have an effect far beyond what one might think of to be an immigration-related issue.

So when we talk about costs at our hospitals, when we talk about health care in general, it is important to understand the impact of immigration, both legal and illegal immigration, on the system and on every single taxpaying American.

I have to ask you if that is fair? I just would like to know, Mr. Speaker, is that fair? Is it fair that American taxpayers are being asked to pay for the health care benefits of people who are not legal residents of this Nation?

□ 1700

There is just no way that we can do that and hope to maintain some quality in that system.

I visited, as I said, not too long ago, near Douglas, Arizona; and I was talking to a nurse at a hospital in Douglas, and she was telling me of the situation that exists in that hospital. It is on the verge of bankruptcy. I believe it has already. If I remember correctly, it has already claimed Chapter VII, I think it is, and may go out altogether, and there is one reason, and it is because of this: they cannot afford to provide the services to people who come across that border from Mexico and access them. They cannot afford to do it anymore. The county is not that wealthy that they can keep it open. And when this hospital closes, the nurse told me, there will not be another hospital. There will be no hospitals available within a 100-mile radius of Douglas, Arizona.

So it does matter. It only matters, I guess, if one is in Douglas. You can say, that is their problem, really. Too bad. Those poor people in Douglas, Arizona, should probably move someplace else and get better health care. I assure my colleagues that the problem is not unique to Arizona, as more and more people enter the United States. And by the way, we have to understand that Mexico contributes about 40 percent of all of the illegal immigration into the country. About 40 percent come from Mexico, and we have another 40 percent of the people coming into this country illegally from places other than Mexico, and they are simply overstays. They come into our ports, to our airports, with visas; they come into the country legally, and they simply overstay the visa. And 20 percent, another 20 percent from along our northern border enter the country illegally. At least that is the estimate we have been given.

My State, Colorado, is having a very difficult time, as most States are, trying to meet their responsibilities, given the sad state of the economy in many areas, the many problems we have had with both drought and fire and now a massive storm that actually has caused the Governor to request emergency aid. The problems that the State faces are not unique; most States in the Nation, to some extent or another, are in the same sort of fiscal dilemma.

One of the things that they chose to do was to look at one category; it was called Medicaid services for noncitizens. Now, this is something many States do. They provide Medicaid services. Now, Medicaid, of course, is a program that is designed to provide services for people who are financially unable to provide services for themselves. And the States, many of them, decided to embark upon this very altruistic path and establish Medicaid for noncitizens. And guess what? The use of that particular program grew dramatically. I will be darned. They can get a 50 percent match from the Federal Government. So they thought, let us do it, it is, again, an altruistic thing to do. Even though, as I said earlier, anyone who is here legally has a sponsor, and that sponsor can be made to pay for the person that they sponsored if they do access these services, if someone wants to do it. So Colorado axed that particular program. And there is a human cry about it. Almost every day, there is something in the paper about the fact that Colorado has eliminated Medicaid for noncitizens, and how heartless and how cruel.

I suggest that one of the things the State of Colorado could do, Mr. Speaker, and every other State and every county, as a matter of fact, is begin to total up the costs for the provision of services to noncitizens and then, all they have to do is communicate with the Department of Justice, because by law, the Federal Department of Justice has to look at the names that it has provided and match them up against the documents that were prepared and filled out for that person to come into the United States.

So all that the hospitals have to do, all that any State has to do, all that any county has to do, if they want to recoup some of the costs that they have been forced to lay out for the provision of services to noncitizens legally here, is to actually take that step. Send the Department of Justice the names, obtain them from your hospitals, from your clinics, from your Department of Social Services, obtain the names of the people who are here as immigrants, send that to the Department of Justice, they will identify those people and who the sponsors are for each individual, and then each of those entities can go to the sponsors and ask them to live up to their responsibility that they said they would live up to when they signed the document.

As I say, it does not happen. I know that people are thinking, well, of course, that is there, but nobody really does it. So what. They access it. We will pay for it. Nobody should do it. Well then, we should eliminate the law. We should repeal that law. If we are not going to enforce it, like every other immigration law on the books almost, we should repeal all immigration laws if we are not going to enforce them. If we do not mean it when we pass the law, what is the purpose of all of the debate we have here taking up the time of the stenographer? It just does not matter, if we are not going to enforce the law. So let us repeal that portion that says, if you come into this country, you have to get a sponsor. Let us pull it back and say, you know what, we were just joking. It really does not matter. You will get all of the services you want and the taxpayers of the country will pay for it. Let us be honest.

But we go through this charade: well, if you are going to come into the country, you have to get a sponsor and fill this out right here and show us that you are a fiscally responsible person. You have to actually show that you can take on that responsibility financially, so that you can do it. So people sign it, and then they know it is forgotten about; nobody is going to actually force them to do it.

As I mentioned to my colleagues, the chairman of the Committee on the Judiciary wrote the letter to the Justice Department; and we got a letter back saying, essentially, yes, we do collect the names, but that is about it. And, yes, we will give them out if somebody wants them; but, no, we are not going to go enforce this stuff. We have a lot of other things to do. We are chasing terrorists and whatever. And we certainly do not want them to stop chasing terrorists, but they can simply give the names to any county or any hospital or any Department of Social Services in this Nation that has had a cost that they have incurred in providing the services, and I suggest that somebody in fact do that. It is the law.

And if one does not like the law, do as Colorado does: repeal Medicaid for noncitizens.

The other part of this picture, of course, is just welfare in general, and not just health care. As I said earlier on, it is a fact that immigrants into the country will access social services to a greater extent than nonimmigrants. This may have always been the case; but, Mr. Speaker, we never really had the ability to determine that when my grandparents came or, for the most part, most of the Members here that serve in this body, I should say, would say when their grandparents came, we could not really have this kind of statistic. We would not know, because there was nothing to access. When my grandparents came here, they had two choices: work or starve. That was it. There was nothing like a social service agency to provide any sort of relief. So we do not know what would have happened in 1900, but we do know what is happening today.

In 1996, 22 percent of immigrant-headed households used at least one major welfare program, compared to 15 percent of native households. After a decline in the 1990s, welfare use rebounded with 23 percent of immigrant households using welfare compared to 15 percent of native households. The presently high rate of welfare used by immigrant households stems from their heavy reliance on Medicaid, I mentioned that earlier, which has actually risen modestly. In contrast, immigrant use of TANF funds has fallen significantly from a little under 6 percent to slightly over 2 percent, and food stamp use has also declined significantly. Now, these rates are only slightly above those for native Americans. The average value of benefits and payments received by immigrant households has changed little and remains at about 50 percent above that which is the average for native Americans.

So what we see is that again, there is a cost attributed to massive immigration into this country, and our social service systems are overburdened, our health care system is, of course, overburdened, and our Social Security system is challenged. And I will add Social Security here for a moment, because to a large extent, it does fall, I think, into the category of a social service.

Social Security, there is always a debate on this floor as to how long it is going to last. And the trustees of the Social Security fund will give us dates maybe 20 years out, sometimes 30 or 40 years out; but everybody said it is coming to a screeching halt, at least midcentury. And the reason is simple: there are relatively few people working to support the number of people who are retired, and because, of course, demographic profiles in this country now are such that we see this increase, significant increase in the number of people who are living passed that magical age of 62. So the costs are rising dramatically.

The United States of America is engaged in negotiations with the Government of Mexico to do something that is referred to as "totalizing," and what that means is this: that along with about 20 other countries, we have agreements that say, if you work for a company, if you are an American working in Sweden for a Swedish company, that the time that you spend there will be counted in your Social Security eligibility and, likewise, a person from Sweden working in the United States for a Swedish company could count it for their Social Security. That is just a reciprocal arrangement that we have with about 20 countries. It is called totalization. It is not really a very big deal.

But now with Mexico, we are now talking with them about providing that same benefit, providing American Social Security benefits to illegal immigrants in the United States who are working here illegally.

Now, people will say, well, you know what, it is really right. Even if they are illegally here, that is okay, because they are working and maybe paying into the system. Well, think again. A large number of people who come to this country illegally and seek low-pay, low-skilled jobs are people who are not getting paid quote, "on the books." That is one reason why they are sought after by employers. Employers keep telling us, I just do not know where to go. I have no place else to go. I have jobs that no American citizen will take. Well, what they are saying is, yes, no jobs that an American citizen will take for what I want to pay, and I want to pay under the table and avoid all the other kinds of taxes. I can get somebody who will work here and who is illegal.

□ 1715

What are they going to do about it? Who are they going to squeal to?

So there is a large amount or there are a great number of people who are working here under those conditions who are simply not paying taxes. There are many others working here, and if they are paying taxes, they are working at low-skill, low-wage jobs. The amount of taxes being collected from them would be certainly nothing in income tax, very little in Social Security, and never enough to pay for what they are going to, in fact, claim, because they will work some time in Mexico.

If this agreement goes through that will allow them to claim the time they work in the United States for United States Social Security benefits, then, of course, I assure the Members that the amount of money they will be collecting is far, far greater than the amount of money they put into that system.

Mr. Speaker, there is a certain degree of concern we should all have about the Social Security system and the impact of illegal immigration on the Social Security system.

By the way, just a little tidbit, kind of a strange story emanating out of San Luis, a town in Arizona on the border with Mexico. San Luis is a town of 2,000 residents. It has 6,000 mailboxes. Everything has been turned into one of those little mailbox centers, where it is a rented mailbox. Everything in the town, all the old 7–11 stores and everything, are simply turned into a mailbox place because of the number of people who rent mailboxes. But these people who live in Mexico, they are Mexican citizens who once a month come across in the United States to San Luis, collect their Social Security checks, SSI money, various other kinds of social services. This was on a program called "20/20" not too long ago.

It is not unique. The town is not unique. That happens all across the border. The Social Security system is being jeopardized by the actions of people who are trying to commit fraud and by the reluctance of our government to protect the Social Security system and to defend those borders.

There are sites that are located throughout the Southwest. They are called pick-up sites. They are just places where massive numbers of people have come through the border, walked into the United States, and gathered at certain places near a road, sometimes a highway but more often than not just a dirt road, because at a point in time a truck will come and pick them up and take them into the interior.

Sometimes these places are mammoth. They are 50 or 100 acres of accumulated trash, where literally thousands of people have accumulated on ranchlands, pristine desert environments. They have become essentially trash dumps. They have ruined the land. They have destroyed the property. They are places of enormous amounts of trash, paper, plastic, human waste; because everybody has to discard everything, their coats, backpacks and everything when they get onto these trucks in order to make more room to get more people packed into them.

They are told by the "coyote," people bringing them across, they have to discard everything, and they do. They throw everything down, and there are all kinds of pharmaceutical drugs, health care products, just tons of trash.

By the way, where is the Sierra Club? This is an environmental disaster. It is all over. I am not talking about one little thing here. This is all over the country. The Organ Pipe Cactus National Monument, I call it the Organ Pipe Cactus National Dump because of what has happened there.

The fact is, we were walking through one of these places 2 or 3 weeks ago. I was with several other Members of Congress and with a group of people from the area who live in that area, some of the ranchers down around Douglas. They took us to one of these pick-up sites on one rancher's land. His cattle cannot drink the water anymore. The water has been polluted by human waste that has drained into their system. Cattle eat the plastic bags and die.

All their fences are torn down constantly. So many people have gone across the land, they have created paths that will never, ever, or for a hundred years, if they are left in pristine condition, from now on it would take 100 years to get the land back to where it was. There are car tracks all over the place.

Again, the Sierra Club does not say a word about it. Imagine if this would happen anywhere else. Imagine if that would not be done by illegal immigrants into the United States, imagine what the environmental community would do about these kinds of things. They would go ballistic. We do not hear a word about it from them down there.

At any rate, we were walking through one of these pick-up sites. I looked down, and there is a tax form. It struck me because, of course, along with all this trash it was a strange place to have a U.S. revenue, Department of Revenue tax form, IRS form.

I picked it up. It was for a gentleman, a Mr. Delgado. At any rate, he had filled this out using, if I remember correctly, an ID number that the IRS will give you simply by asking for one. You can have a taxpayer ID number. You fill it out with that. He claimed that he made $9,000 some last year and paid about $1,800 in taxes and claimed about a $2,700 Earned Income Tax Credit. So when they do come and they do in fact pay taxes, believe me, we are not getting the benefit of those tax dollars. They actually become a responsibility, a social service responsibility through the Tax Code.

We have had estimates of literally hundreds of millions of dollars in fraud going to people in this particular one program, the Earned Income Tax Credit program. But this I could not even say would be fraudulent, because I think the fellow did what he was supposed to do: He got a tax ID number.

The fact that he was in the country illegally, the IRS does not care about that. They do not check it. They do not know. They do not care. They will send a check. The Social Security system will send a check. All one has to do is have a mailing address inside the United States. Go to San Luis, get a box. Go to any town along that border. They do. They come across.

They were interviewing them on television, all these people the first of the month coming across from Mexico. They were interviewing them and saying, do you not know this is illegal, that you should not be doing it? And they say, yes, but as long as you are going to hand out the dough, are we not going to take it?

We cannot argue the logic. But do not tell me that immigration and porous borders, that these things do not have an impact on a wide variety of activities in the United States. Do not tell me it does not have an impact far beyond such those borders. These people are receiving the brunt of it now, but I assure the Members, it moves northward. All of us pay the price. Our social security system is jeopardized, our health care system is jeopardized, our welfare system is overtaxed.

Immigration is something this Nation has thrived on since its existence, of course. Everybody here is an immigrant or a son or a grandson or a great grandson, as far as we want to go, a granddaughter of an immigrant. I do not care if people call themselves Native Americans, but if we go back far enough, their people came across a land bridge from Asia.

There was no one here. There is no indigenous population, at least that we can identify, so everyone, everyone in this country is an immigrant by background. That is great. However, that is totally irrelevant as to what we should be doing now about immigration.

As I said earlier, when my grandparents came, they did not have TANF programs, they did not have Earned Income Tax Credit, they had no social service benefits. You worked or you starved. That was it.

Now, we can debate whether we are attracting people just for the benefits. Certainly, it is an attraction when we consider the fact that our benefits are certainly relatively rich, considering the benefits that would be available to them in their country of origin, especially Mexico. It does impact America, and this is an issue with which we must deal.

I talked about the issue of border security and national security last time. I talked about the fact that, because we have porous borders, our Nation is more at risk than it would otherwise be, especially in this time, a time of war. That is only one part of the picture. It is a very significant part, it is a scary part, but it is only one part.

We talked about social services tonight. We talked about the environment, the impact on the environment. We talked about drugs, about a variety of other things that are attributable to massive immigration, legal and illegal, and do in fact matter. Mr. Speaker, I believe they matter to a majority of the people in this country.

I do not think that there is a bigger divide between what the people of this country want and what this government is willing to give them other than the area of immigration, immigration reform. Poll after poll after poll says that the people of this country want reform of this program. They want to reduce immigration to a manageable level.

I have a bill to reduce immigration to 300,000 people a year down from the present a little over 1 million people a year. I think that is a goal that we could achieve. I think we can still benefit by the diversity and the value, the added value that immigration can bring to the country, but we can begin to operate our social services system and we can begin to recover if we reduce the number of illegal immigrants coming into the country by securing our borders and reducing legal immigration, at least for 5 years while we try to catch our breath.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARDOZA) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SIMPSON) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, April 1.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, March 31, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1484. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1485. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1486. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2002 of the Department's Bureau of Industry and Security; to the Committee on International Relations.

1487. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2002 Performance Plan; to the Committee on Government Reform.

1488. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's FY 2002 Performance and Accountability Report; to the Committee on Government Reform.

1489. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Annual Program Performance Report; to the Committee on Government Reform.

1490. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

1491. A letter from the Manager, Benefits Communications, U.S. AgBank, FCB, transmitting an annual report for the plan year ended December 31, 2001; to the Committee on Government Reform.

1492. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2002, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

1493. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—56); to the Committee on the Judiciary and ordered to be printed.

1494. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—57); to the Committee on the Judiciary and ordered to be printed.

1495. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108—58); to the Committee on the Judiciary and ordered to be printed.

1496. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—59); to the Committee on the Judiciary and ordered to be printed.

1497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA [Docket No. FAA-2003-14429; Airspace Docket No. 03-ACE-9] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2003-14458; Airspace Docket No. 03-ACE-11] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Correction [Airspace Docket No. 02-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Memphis, TN [Docket No. FAA-2002-13946; Airspace Docket No. 02-ASO-29] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2000-CE-05-AD; Amendment 39-13037; AD 2003-03-13] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850/-851 Integrated Navigation Units [Docket No. 2003-NM-41-AD; Amendment 39-13054; AD 2003-04-06] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Models TB 9, TB 10, TB 20, TB 21, and TB 200 Airplanes [Docket No. 2002-CE-43-AD; Amendment 39-13051; AD 2003-04-03] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. 2002-CE-04-AD; Amendment 39-13050; AD 2003-04-02] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department'sfinal rule — Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2002-CE-14-AD; Amendment 39-13055; AD 2003-04-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-47-AD; Amendment 39-13056; AD 2003-04-08] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 2001-SW-45-AD; Amendment 39-13053; AD 2003-04-05] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 2001-SW-44-AD; Amendment 39-13052; AD 2003-04-04] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propellers Inc., Model HD-E6C-3B/E13890K Propellers [Docket No. 2000-NE-45-AD; Amendment 39-13049; AD 2003-04-01] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-240-AD; Amendment 39-13047; AD 2003-03-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-46-AD; Amendment 39-13038; AD 2003-03-14] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-140-AD; Amendment 39-13042; AD 2003-03-17] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc., Model HC-C2YR-4CF Propellers [Docket No. 2001-NE-48-AD; Amendment 39-13045; AD 2003-03-20] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc. and Textron Lycoming) ALF502L-2, ALF502L-2C, ALF502R-3 and ALF502R-3A Series Turbofan Engines [Docket No. 2002-NE-34-AD; Amendment 39-13017; AD 2003-02-01] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2001-NM-315-AD; Amendment 39-13011; AD 2002-26-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate STO1869AT-D [Docket No. 2002-NM-56-AD; Amendment 39-13002; AD 2002-26-14] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50 and CF6-80C2 Turbofan Engines [Docket No. 2001-NE-19-AD; Amendment 39-13024; AD 2003-02-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1520. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials [Docket No. RSPA-02-12064 (HM-232)] (RIN: 2137-AD67) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1521. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-010] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP TAMPA 02-064] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Chief,Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Amtrak Railroad Bridge — Susquehanna River — Harford County, MD [CGD05-02-073] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 120.5 to 122.5, Above Head of Passes, Luling, Louisiana [COTP New Orleans-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware Bay and River [CGD05-02-066] (RIN: 2115-AA97 and 2115-AA98) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Casino Magic Marina, Bay St. Louis, Mississippi [COTP New Orleans-02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Detroit Ambassador Bridge [CGD09-02-516] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All water within 100 ft of the M/V REGAL PRINCESS while transiting Apra Harbor and while moored at F-1 and F-4 Wharfs, Port Authority of Guam, Territory of Guam [COTP GUAM 02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Wings Over the Lake Air Show, Michigan City, IN [CGD09-02-051] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security zone; Ferry vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Daytona Beach, FL [COTP Jacksonville 02-080] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Ellis and Liberty Islands, New York/New Jersey [CGD01-02-111] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of New York/New Jersey [CGD01-02-109] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zonel; Apra Harbor, Guam (Hotel Wharf) [COTP Guam 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Severn River and Spa Creek, Annapolis, Maryland [CGD05-02-070] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Moving Safety Zone; Lake Erie, Buffalo, NY [CGD09-02-507] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Apra Harbor, Guam (F-1 Wharf) [COTP GUAM 02-019] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, Piankatank River, Hills Bay, Mathews, Virginia [CGD05-02-046] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Detroit Renaissance Waterfront Area [CGD09-02-517] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Yazoo Diversion Canal, Vicksburg, Mississippi [COTP New Orleans-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven, MI [CGD09-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 02-093] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Sail for America and Around Alone Race, Port of New York/New Jersey [CGD01-02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display for Hammond Marina, Hammond, IN [CGD09-02-075] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Presidential Visit, Prouts Neck, Scarborough, ME [CGD01-02-098] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Illinois River, Mile Mark 157.6 to 166.6, Peoria, Illinois [COTP St. Louis-02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Coast Guard Vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Poker Run, Lake Michigan, Hammond, IN [CGD09-02-052] (RIN; 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Portland International Airport [CGD13-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Missouri River, Mile Mark 29.0 to 27.5, St. Charles, Missouri [COTP St. Louis -02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-077] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel JOINT VENTURE, Puget Sound, Washington [CGD13-02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Boundary Channel Lagoon — Potomac River — Washington, D.C. [CGD05-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V FUJI MARU while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V REGAL PRINCESS while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fourth annual report entitled, "Implementing the National Strategy"; jointly to the Committees on Armed Services and Transportation and Infrastructure.

1559. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 7(a) of the Jerusalem Embassy Act of 1995, pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; with an amendment (Rept. 108–49). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 108–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108–51 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself and Mr. Doyle):

H.R. 1458. A bill to authorize the Secretary of Energy to establish an Advanced Technology Incentives Program to fund the development and deployment of new .advanced technologies such as fuel cells, turbines, hybrid, and storage system power technologies; to the Committee on Science.

By Mr. WELLER (for himself, Mr. Cardin, and Mr. Foley):

H.R. 1459. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. Smith of New Jersey, Mr. Evans, Mr. Brown of South Carolina, Mr. Manzullo, Mr. Beauprez, and Mr. Michaud):

H.R. 1460. A bill to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself and Mr. Udall of Colorado):

H.R. 1461. A bill to provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, and for other purposes; to the Committee on Science.

By Mr. LANTOS (for himself, Mr. Wolf, Mr. Brown of Ohio, Mr. Smith of New Jersey, Mr. Evans, Mr. Payne, Mr. Pitts, Mr. Berman, Mr. Quinn, Mr. Wexler, Mr. Case, Mr. Crowley, Mr. McDermott, Ms. Woolsey, Mr. Blumenauer, Mr. Serrano, Mr. Ackerman, Mr. Schiff, Mr. Olver, Mr. Hoeffel, Ms. McCollum, and Mr. Langevin):

H.R. 1462. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on International Relations.

By Mr. BURR (for himself, Mr. Tauzin, Mr. Bilirakis, Mr. Upton, Mr. Norwood, Mr. Whitfield, and Mr. Pickering):

H.R. 1463. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. Grijalva, Mr. Pastor, Mr. Towns, Mr. Serrano, Mr. Reyes, Mr. Acevedo-Vilá, Ms. Norton, Mr. Ryan of Ohio, Mr. Udall of Colorado, Mr. Crowley, and Mrs. Jones of Ohio):

H.R. 1464. A bill to enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. Burr, Mr. Jones of North Carolina, Mr. Hayes, Mrs. Myrick, Mr. McIntyre, Mr. Ballance, Mr. Miller of North Carolina, Mr. Watt, Mr. Etheridge, Mr. Price of North Carolina, Mr. Coble, and Mr. Taylor of North Carolina):

H.R. 1465. A bill to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the "General Charles Gabriel Post Office"; to the Committee on Government Reform.

By Mr. CAPUANO (for himself, Mr. Jones of North Carolina, Mr. Evans, Ms. Lee, Mr. Meehan, Mr. Frank of Massachusetts, Mrs. McCarthy of New York, Mr. Ryan of Ohio, Mrs. Jones of Ohio, Mr. Olver, and Mr. Markey):

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to reduce the health insurance costs for family coverage of military reservists called to active duty; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1467. A bill to amend title 49, United States Code, to impose a 2-year moratorium on the imposition of passenger and air carrier security fees, to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS:

H.R. 1468. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 1469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mr. LEACH, Mr. DOYLE, Mr. KILDEE, Mr. MEEHAN, Mr. CROWLEY, Mr. LANTOS, Mr. GRIJALVA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. ETHERIDGE, Ms. MILLENDER-McDONALD, Ms. LEE, Mr. MENENDEZ, Mrs. LOWEY, Mr. FROST, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. McNULTY, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. NADLER, Ms. WOOLSEY, Mr. STARK, Mr. DAVIS of Tennessee, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BOSWELL, Mr. BERMAN, Mr. EMANUEL, Mr. MORAN of Virginia, Mrs. MALONEY, Mrs. CAPPS, and Ms. McCOLLUM):

H.R. 1470. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1471. A bill to amend the Safe Drinking Water Act to allow public water systems to avoid filtration requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself and Mr. MORAN of Virginia):

H.R. 1472. A bill to require the adoption and enforcement of regulations to prohibit the intentional feeding of bears on Federal public lands in order to end the hunting practice known as "bear baiting" and reduce the number of dangerous interactions between people and bears; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 1473. A bill to amend the Fair Credit Reporting Act to provide disclosures of credit-based insurance scoring information by insurers and credit reporting agencies, and for other purposes; to the Committee on Financial Services.

By Ms. HART (for herself, Mr. FORD, Mr. FERGUSON, Mr. OXLEY, Mr. BACHUS, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. ROYCE, Mrs. KELLY, Mr. TOOMEY, Mr. GILLMOR, Mr. HINOJOSA, Mr. LUCAS of Kentucky, Mr. ROSS, Mrs. McCARTHY of New York, Mr. McINTYRE, Ms. NORTON, and Mr. BOSWELL):

H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 1475. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include private firefighters and rescue squad and ambulance crew members for certain benefits; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1476. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. ROYCE, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WAXMAN, and Mr. WEXLER):

H.R. 1477. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. WALDEN of Oregon, Mr. ROSS, Mr. TIBERI, Mr. BARTLETT of Maryland, Mr. BERRY, Ms. BALDWIN, Mrs. McCARTHY of New York, Mr. MOORE, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. McNULTY, and Mr. HALL):

H.R. 1478. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, Mr. CANTOR, Mr. TAYLOR of Mississippi, and Mr. WICKER):

H.R. 1479. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Ms. LEE, Mr. BLUMENAUER, Mr. ANDREWS, Mr. FATTAH, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. BASS, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. LAMPSON, Mr. MEEKS of New York, Mr. DINGELL, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. KILDEE, Mr. RUSH, and Mr. WYNN):

H.R. 1480. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Ms. LOFGREN:

H.R. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ROHRABACHER):

H.R. 1482. A bill to authorize assistance for women and girls in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. McDERMOTT (for himself, Mr. RANGEL, Mr. MARKEY, Mr. CONYERS, Mrs. JONES of Ohio, Ms. LEE, and Ms. BALDWIN):

H.R. 1483. A bill to require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINNIS:

H.R. 1484. A bill to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 1485. A bill to provide additional appropriations for the fiscal year 2003 for the MTCT-Plus Initiative at Columbia University's Mailman School of Public Health; to the Committee on Appropriations.

By Ms. MILLENDER-McDONALD (for herself, Mr. CASE, Ms. WATSON, Mr. ABERCROMBIE, Mr. FROST, Ms. BORDALLO, Ms. NORTON, and Mr. FALEOMAVAEGA):

H.R. 1486. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-McDONALD (for herself, Mr. CASE, Ms. WATSON, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. KUCINICH):

H.R. 1487. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public and private sector employers to foster or exacerbate pay inequity; to the Committee on Education and the Workforce.

By Ms. MILLENDER-McDONALD (for herself and Mr. ANDREWS):

H.R. 1488. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 1489. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1490. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. HONDA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. NADLER, Mr. HOLDEN, Ms. BERKLEY, Mr. DEFAZIO, Mr. HOEFFEL, Ms. MILLENDER-McDONALD, Mr. MICHAUD, Mr. MATHESON, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. CAPUANO):

H.R. 1491. A bill to authorize programs and activities to improve energy use related to transportation and infrastructure facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Ways and Means, Resources, International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. Gonzalez, Mr. Paul, Mr. Gutierrez, Mr. LaTourette, Mr. Kanjorski, and Mr. Sherman):

H.R. 1492. A bill to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order and check cashing services; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. Waxman, Mr. Burton of Indiana, Mr. Clay, Mr. LaTourette, Mr. Lynch, Mr. Paul, and Ms. Watson):

H.R. 1493. A bill to revoke an Executive Order relating to procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Government Reform.

By Mr. OTTER (for himself and Mr. Simpson):

H.R. 1494. A bill to provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1495. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1496. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 1497. A bill to reauthorize title I of the Sikes Act; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Crane, Mrs. Johnson of Connecticut, Mr. Herger, Mr. Camp, Mr. Sam Johnson of Texas, Mr. English, Mr. Weller, Mr. McInnis, Mr. Foley, Mr. Brady of Texas, and Mr. Cox):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to provide that the tax on recognized built-in gain of an S corporation shall not apply to amounts reinvested in the business; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 1499. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. Evans, and Mr. Michaud):

H.R. 1500. A bill to amend title 38, United States Code, to authorize veterans to select the appraiser for housing loans for which they apply that are to be guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself and Ms. Solis):

H.R. 1501. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. TIERNEY (for himself, Mr. LaTourette, Mr. George Miller of California, Ms. Lee, Mr. Meehan, Ms. Millender-McDonald, Mr. Payne, Ms. Corrine Brown of Florida, Mr. Van Hollen, Mr. Simmons, Mr. Case, Mr. McDermott, Mr. Frost, Mrs. Maloney, Mr. Gillmor, Mr. Kucinich, Mr. Waxman, Mr. Clyburn, Mr. Grijalva, Mr. Regula, Mr. Nadler, Mr. Cummings, Mr. Neal of Massachusetts, and Mr. Jackson of Illinois):

H.R. 1502. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1503. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. Taylor of North Carolina, Mr. Ballance, Mr. Etheridge, Mr. Hayes, Mr. Price of North Carolina, Mrs. Myrick, Mr. Burr, Mr. Coble, Mr. Ballenger, Mr. McIntyre, Mr. Miller of North Carolina, and Mr. Jones of North Carolina):

H.R. 1505. A bill to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office"; to the Committee on Government Reform.

By Mr. DeFAZIO (for himself, Ms. Hooley of Oregon, Mr. Blumenauer, Mr. Wu, and Mr. Walden of Oregon):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding semiconductor trade between the United States and the Republic of Korea and the need to assure that trade actions by the United States do not result in geopolitical tensions or the loss of United States jobs, and calling on the executive branch to recognize Korean economic reforms and the United States-Korea strategic relationship in dealing with semiconductor trade issues; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. Davis of Florida):

H. Con. Res. 125. Concurrent resolution expressing the sense of Congress regarding the arrests of Cuban democracy activists by the Cuban Government; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. McInnis, Mr. Peterson of Pennsylvania, Mr. Cannon, Mr. Simpson, and Mr. Otter):

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress regarding the Earth Liberation Front and ecological terrorism; to the Committee on the Judiciary.

By Mr. FILNER:

H. Con. Res. 127. Concurrent resolution declaring that the provision of humanitarian assistance, including United States agricultural products, for Iraq is in the national security interest of the United States; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaTOURETTE (for himself and Ms. Norton):

H. Con. Res. 128. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H. Con. Res. 129. Concurrent resolution expressing appreciation for the longstanding support and friendship of the people and Government of the United Kingdom; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. Bilirakis, Mrs. Maloney, Mr. Dreier, Mr. Engel, Mr. Ackerman, Mr. Crowley, Ms. Lee, Mr. Blumenauer, Mr. Pallone, Mr. Meehan, Mr. McGovern, Mr. Andrews, Mr. Filner, Ms. Ros-Lehtinen, Mr. Sherman, Mrs. Jo Ann Davis of Virginia, and Mr. Menendez):

H. Res. 165. A resolution expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 166. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILÁ:

H.R. 1506. A bill for the relief of Laura Maldonado Caetani; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey:

H.R. 1507. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniaha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CASE, Ms. SOLIS, Mr. MOORE, Ms. DEGETTE, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 22: Mr. MARIO DIAZ-BALART of Florida.

H.R. 34: Mr. LYNCH, Mr. WILSON of South Carolina, Mr. UPTON, Mr. LATHAM, Mr. BROWN of Ohio, Mr. FROST, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. DELAHUNT, and Mr. SPRATT.

H.R. 36: Ms. BERKLEY.

H.R. 63: Mr. KANJORSKI.

H.R. 97: Mr. ISRAEL, Mrs. BONO, and Mr. KANJORSKI.

H.R. 100: Mr. BROWN of South Carolina.

H.R. 132: Mr. WYNN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. OWENS, Ms. CARSON of Indiana, and Mr. JACKSON of Illinois.

H.R. 135: Mr. MARSHALL.

H.R. 141: Mr. SCOTT of Georgia.

H.R. 168: Mr. NEAL of Massachusetts.

H.R. 173: Ms. BERKLEY, Mr. FILNER, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. CUMMINGS, Mr. BOSWELL, Mr. LEACH, Mr. NEY, Mrs. NORTHUP, and Ms. DUNN.

H.R. 198: Mr. BARTON of Texas.

H.R. 218: Mr. BOUCHER and Mr. OXLEY.

H.R. 284: Mr. SHAW, Mr. CRENSHAW, Mr. SCOTT of Virginia, Mr. SANDLIN, Mr. LEVIN, Mrs. EMERSON, and Mr. GERLACH.

H.R. 286: Mr. KIRK.

H.R. 290: Mr. GOODLATTE and Mr. NETHERCUTT.

H.R. 303: Mr. ACEVEDO-VILÁ, Mr. PETRI, Mr. WICKER, Mrs. NORTHUP, Mr. HAYWORTH, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. KOLBE, Mr. PICKERING, and Mr. COSTELLO.

H.R. 306: Mr. STENHOLM and Mrs. BONO.

H.R. 308: Mr. COSTELLO.

H.R. 328: Mr. DEAL of Georgia, Mr. SCHROCK, Mr. JEFFERSON, and Ms. BORDALLO.

H.R. 348: Mr. TERRY.

H.R. 378: Mr. HOSTETTLER.

H.R. 412: Mr. BECERRA.

H.R. 463: Mr. HERGER.

H.R. 548: Mr. BURNS, Ms. DELAURO, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, Mr. HOEFFEL, Mr. WICKER, Mr. COLE, Mr. MOORE, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. BOSWELL, and Mr. CRANE.

H.R. 578: Mr. BECERRA.

H.R. 583: Mr. DAVIS of Illinois, Mrs. NORTHUP, Mrs. JO ANN DAVIS of Virginia, Mr. RAMSTAD, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. WALDEN of Oregon, Mr. SULLIVAN, and Mr. HOEFFEL.

H.R. 584: Mr. EHLERS, Mr. UPTON, and Mr. LIPINSKI.

H.R. 611: Mr. TERRY.

H.R. 613: Mr. DAVIS of Tennessee.

H.R. 623: Mr. FORD.

H.R. 644: Mrs. CAPPS.

H.R. 660: Mr. BROWN of South Carolina, Mr. CANTOR, and Mr. SHAW.

H.R. 678: Mr. TAYLOR of Mississippi.

H.R. 684: Mr. PICKERING, Mr. CANTOR, and Mr. SMITH of Michigan.

H.R. 687: Mr. GOODE.

H.R. 692: Mr. JACKSON of Illinois.

H.R. 714: Mr. FROST and Mr. GOODE.

H.R. 732: Mr. TANCREDO, Mr. CAMP, and Mr. SPRATT.

H.R. 735: Mr. GOODE, Mr. MICHAUD, and Mr. PENCE.

H.R. 737: Mr. DAVIS of Florida.

H.R. 756: Mr. PUTNAM.

H.R. 766: Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. LATHAM, and Mr. GREEN of Texas.

H.R. 767: Mr. CULBERSON, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.

H.R. 768: Mr. MICHAUD, Mr. RAHALL, Mr. CONYERS, and Mr. LEWIS of California.

H.R. 770: Mr. DOYLE.

H.R. 771: Mrs. KELLY and Mr. BURR.

H.R. 798: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.

H.R. 803: Mr. BERRY.

H.R. 804: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 806: Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 813: Ms. JACKSON-LEE of Texas.

H.R. 814: Mr. SMITH of Washington, Mr. BERRY, Mr. BLUMENAUER, Mr. MARKEY, Mrs. MALONEY, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CASE, Mrs. KELLY, Mr. SHERMAN, Mr. BASS, Ms. DEGETTE, Mr. NADLER, Ms. MCCOLLUM, and Mr. WHITFIELD.

H.R. 816: Ms. LOFGREN.

H.R. 823: Mr. HOLT, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. WEXLER.

H.R. 834: Mr. TIAHRT, Mr. FORD, Mrs. EMERSON, Mr. HULSHOF, and Mr. BARTLETT of Maryland.

H.R. 837: Mr. LEACH, Mr. KING of Iowa, Mr. JANKLOW, Mr. WELLER, and Mr. LATHAM.

H.R. 839: Mr. ROSS, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHAW, and Mr. PRICE of North Carolina.

H.R. 850: Mr. LATOURETTE, Mr. TERRY, Mr. BURR, Mr. GUTKNECHT, Mr. SAXTON, Mr. BONILLA, Mr. SHERWOOD, and Mr. TAUZIN.

H.R. 853: Mr. RYAN of Ohio.

H.R. 857: Mr. TAYLOR of Mississippi.

H.R. 859: Mr. TIAHRT and Mr. UDALL of Colorado.

H.R. 876: Mr. FILNER, Mr. QUINN, Mr. WHITFIELD, and Mr. MILLER of Florida.

H.R. 882: Mr. SOUDER and Mr. SIMMONS.

H.R. 887: Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. SOLIS, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 896: Ms. CARSON of Indiana.

H.R. 898: Mr. YOUNG of Alaska, Mr. SOUDER, Mr. KIND, Mr. CARDOZA, and Mrs. NAPOLITANO.

H.R. 906: Mr. GRAVES and Ms. GINNY BROWN-WAITE of Florida.

H.R. 918: Mr. KILDEE and Mr. RENZI.

H.R. 919: Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LATOURETTE, Mr. PLATTS, and Mr. JACKSON of Illinois.

H.R. 927: Mr. PETERSON of Minnesota, Mr. OTTER, Mr. FOLEY, Mr. WHITFIELD, Mrs. KELLY, Mr. LATOURETTE, and Mr. WALDEN of Oregon.

H.R. 930: Ms. VELÁZQUEZ.

H.R. 932: Mr. SPRATT.

H.R. 935: Mr. SABO, Mr. RANGEL, Ms. ESHOO, Mr. WEXLER, and Mr. MCNULTY.

H.R. 937: Mr. COSTELLO and Mr. COLE.

H.R. 941: Mr. KILDEE.

H.R. 953: Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, and Mr. BOSWELL.

H.R. 955: Mr. PASTOR, Mr. HOLDEN, Mr. OBERSTAR, Mr. MORAN of Kansas, Mr. GILCHREST, Mr. WALSH, Mr. NADLER, Mr. KLECZKA, Mr. DICKS, Mr. ALLEN, Mr. PALLONE, Mr. RANGEL, Mr. INSLEE, Mr. ETHERIDGE, Ms. MCCOLLUM, Mr. MATHESON, Mr. CONYERS, Mr. KLINE, Mr. GORDON, Mr. VAN HOLLEN, Mr. MCNULTY, Mrs. MALONEY, Mr. UPTON, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. ENGEL, Mr. LATHAM, Mr. WALDEN of Oregon, Ms. LOFGREN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. MARKEY, Mr. SMITH of Washington, Mr. BERMAN, Ms. DEGETTE, Mr. CLAY, Mr. SESSIONS, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. CASE.

H.R. 962: Mr. FILNER, Ms. SOLIS, Ms. ESHOO, Mr. SHAYS, and Mr. MCNULTY.

H.R. 977: Mr. BISHOP of Utah, Mr. SOUDER, Mr. UDALL of Colorado, and Mr. ROYCE.

H.R. 980: Mr. COX and Mr. ENGLISH.

H.R. 1005: Mr. RENZI.

H.R. 1007: Mr. BISHOP of New York and Mr. FORD.

H.R. 1008: Mr. TIAHRT, Mr. DUNCAN, and Mr. STENHOLM.

H.R. 1029: Mr. UDALL of Colorado.

H.R. 1046: Mr. EVANS, Mr. THOMPSON of California, Mr. INSLEE, Mr. DINGELL, Mr. LUCAS of Kentucky, Mr. HALL, Mr. DEUTSCH, and Ms. CARSON of Indiana.

H.R. 1070: Mr. MORAN of Virginia and Mr. ISAKSON.

H.R. 1072: Mr. NEY.

H.R. 1085: Mr. ROHRABACHER.

H.R. 1115: Mr. EMANUEL.

H.R. 1118: Mr. SHERMAN, Mrs. KELLY, Mr. SHAW, Mr. MARIO DIAZ-BALART of Florida, and Mr. BERRY.

H.R. 1119: Mr. MCDERMOTT, Mr. GARRETT of New Jersey, Mr. CALVERT, Mr. AKIN, and Mr. TOOMEY.

H.R. 1125: Mr. DAVIS of Florida.

H.R. 1126: Mrs. MUSGRAVE.

H.R. 1143: Mr. BRADY of Pennsylvania.

H.R. 1144: Mr. MCINTYRE.

H.R. 1148: Mr. WEINER, Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Ms. NORTON, Mr. FROST, Mr. FORD, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. NADLER.

H.R. 1157: Mr. HASTINGS of Florida.

H.R. 1162: Mr. DAVIS of Tennessee and Mr. WYNN.

H.R. 1163: Mr. BURTON of Indiana.

H.R. 1185: Mr. BLUMENAUER, Mr. FOLEY, and Mr. CASE.

H.R. 1196: Mrs. JONES of Ohio, Mr. CLAY, and Mr. WEXLER.

H.R. 1213: Mr. AKIN, Mr. ENGLISH, Mrs. CUBIN, and Mr. WELLER.

H.R. 1225: Mr. PAUL, Mr. GONZALEZ, Mr. BOEHLERT, Ms. NORTON, Mr. INSLEE, Mr. SMITH of Washington, Ms. JACKSON-LEE of Texas, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. COOPER, Mr. MEEHAN, Mr. HINCHEY, Mrs. EMERSON, Mr. PLATTS, and Mr. UDALL of Colorado.

H.R. 1229: Mr. SCHROCK and Mr. BARTLETT of Maryland.

H.R. 1235: Mr. CANNON, Mr. SCHROCK, and Mr. WICKER.

H.R. 1236: Mr. BEAUPREZ.

H.R. 1244: Mr. FROST and Mr. HONDA.

H.R. 1245: Mr. GRIJALVA.

H.R. 1258: Mr. PRICE of North Carolina.

H.R. 1263: Mr. GONZALEZ.

H.R. 1272: Mr. MCNULTY and Ms. ESHOO.

H.R. 1275: Mr. BONILLA and Ms. MCCOLLUM.

H.R. 1279: Mr. CARSON of Oklahoma, Mr. MOORE, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SPRATT, and Mr. KIRK.

H.R. 1288: Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. NETHERCUTT, Mrs. CUBIN, Mr. COOPER, Mr. SOUDER, Mr. HINCHEY, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, and Mr. KOLBE.

H.R. 1297: Mr. Costello.

H.R. 1305: Mr. Bradley of New Hampshire, Mr. Clay, and Mr. Gutknecht.

H.R. 1323: Mr. Ryan of Ohio, Mr. Deutsch, and Mr. Schiff.

H.R. 1332: Mr. Wicker, Mr. Camp, and Mr. Moore.

H.R. 1359: Mr. Abercrombie.

H.R. 1366: Mr. Blumenauer and Mr. Ramstad.

H.R. 1377: Mr. Frost, Mr. English, Mr. Payne, Mr. McInnis, Mr. Rangel, Mr. Paul, Mr. Cooper, Mr. Burns, Mr. Hinojosa, and Mr. Frank of Massachusetts.

H.R. 1380: Ms. Granger, Mr. Collins, Mr. Doolittle, Mr. Ryan of Wisconsin, Mr. Towns, and Mr. Davis of Illinois.

H.R. 1381: Mr. Conyers, Mr. Bell, Mr. Rangel, Mr. Pallone, Ms. Millender-McDonald, Mr. Green of Texas, Mr. Brady of Pennsylvania, Mr. Platts, Mr. Ryan of Ohio, Mr. Jackson of Illinois, Mr. Berman, and Mr. George Miller of California.

H.R. 1393: Mr. Lincoln Diaz-Balart of Florida and Mr. Frost.

H.R. 1397: Ms. McCollum, Mr. Frost, and Ms. Bordallo.

H.R. 1401: Mr. Rangel, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Owens, Mr. Lipinski, Mr. Grijalva, Mr. Faleomavaega, Mrs. Jones of Ohio, Ms. Bordallo, Mr. Payne, and Ms. Berkley.

H.R. 1408: Mrs. Myrick.

H.R. 1415: Mr. Deutsch, Mrs. Jones of Ohio, Mr. Frank of Massachusetts, Mr. Wexler, Ms. Baldwin, Ms. Hooley of Oregon, and Mr. Sabo.

H.R. 1422: Mr. Camp, Mr. Deutsch, and Mr. Whitfield.

H.R. 1440: Mr. Wolf.

H.R. 1451: Mr. Stenholm, Mrs. Wilson of New Mexico, Mr. Peterson of Pennsylvania, and Mr. Upton.

H.J. Res. 4: Mr. Pallone, Mr. Oxley, Mr. Hayworth, Mr. Goode, Mr. Rehberg, Mr. Gerlach, Mr. Walsh, and Mr. Putnam.

H.J. Res. 36: Mr. Nadler, Mr. Smith of Washington, and Mr. Barton of Texas.

H. Con. Res. 23: Mr. Souder.

H. Con. Res. 86: Mr. Wu and Mr. Filner.

H. Con. Res. 98: Mr. Schrock, Ms. Eddie Bernice Johnson of Texas, Mr. Stearns, Mr. Foley, Mr. Herger, and Mr. King of New York.

H. Con. Res. 109: Mr. Souder, Mrs. Jones of Ohio, and Ms. Solis.

H. Con. Res. 118: Mr. Moran of Kansas, Mr. Collins, and Mr. Stark.

H. Con. Res. 119: Mr. Flake.

H. Res. 12: Mr. Sandlin, Mr. Paul, and Mr. Ortiz.

H. Res. 60: Ms. Ros-Lehtinen, Mr. Kirk, Mrs. Northup, Mr. McNulty, Mr. Nethercutt, and Mr. Lynch.

H. Res. 65: Mr. Filner, Mr. Cunningham, Mr. Farr, Mr. Cardoza, Mr. Pallone, Mr. Evans, Mr. Gutierrez, Mr. Case, Mr. Scott of Virginia, Mr. Davis of Illinois, Mr. McDermott, Mr. Lipinski, Mr. Ruppersberger, Mr. Honda, Ms. Norton, Mr. Emanuel, Mr. Frank of Massachusetts, Mr. Rush, Mr. Jackson of Illinois, Mr. Franks of Arizona, Ms. Corrine Brown of Florida, Mr. Faleomavaega, Mr. Costello, Ms. Schakowsky, and Ms. Bordallo.

H. Res. 108: Mr. Clay.

H. Res. 117: Mr. Bonilla and Mr. Lincoln Diaz-Barlart of Florida.

H. Res. 141: Ms. Norton.

H. Res. 142: Mr. Sanders, Mr. Thompson of California, Mr. Upton, Mr. Ortiz, Mrs. Christensen, Mr. Cooper, Mr. Hinchey, and Mr. Hastings of Washington.

SENATE—*Thursday, March 27, 2003*

The Senate met at 10 a.m., and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Glen Warner, Second Congregational United Church of Christ in Ashtabula, OH.

PRAYER

The guest Chaplain, offered the following prayer:

Let us pray.

Sovereign Lord, Author of liberty, as we gather in this house of strong resolve and mighty decisions, we believe that it must also be a house of prayer for all nations. We pray that You will be with each of us in these difficult and challenging times.

We stand in Your Presence, in awe of the connection of events that has brought us to this moment in history. Our deepest desire is to "be still and know that You are God," we remember with reverence that Your work is only accomplished by vision and courage. In this moment we know that we belong to You whose glory stretches from age to age. May Your "right hand become glorious in power, justice, and righteousness in all the earth!"

We know that everything here, every light switch, every doorknob, every computer chip, every heart, and every brain cell exists only by Your grace. In gratitude for these good gifts, we reverence the work You have entrusted to us. We seek the priceless treasure of Your Divine guidance to do it well.

Living God! Your eternal word tells us "The Lord is the one who goes before you. He will be with you. He will not leave you . . . do not fear nor be dismayed." (Deuteronomy 31:8) In trust, we wait, yielded and still, as Your Spirit brushes the souls of our Armed Forces, the innocent people of Iraq, and the women and men we have chosen to serve America as our Senators. May they know and accept Your comforting wisdom as they fulfill their ordained purposes for this day. And all God's people said "Amen."

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 27, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Ms. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, for the information of all Senators, this morning there will be a period for morning business until 11 a.m. Again, this will allow time for Members to make remarks regarding the men and women of our Armed Forces. At 11 a.m. today, we will consider the military tax fairness bill under a 3-hour time limitation. Chairman GRASSLEY and Senator BAUCUS will be here to manage time on that legislation over the course of 3 hours. I thank them for their hard work in getting that bill ready for floor consideration today.

In addition, we are attempting to reach an agreement for the consideration of S. Con. Res. 30 which would express our gratitude to the nations participating with the United States in the coalition to disarm Iraq. Also, as I mentioned last night, we may also vote on any judicial nominations that may be ready for the Executive Calendar today. Therefore, there will be votes throughout the day. If we are able to finish the work I just mentioned, it would likely be that there would be no rollcall votes on Friday. We would return for business on Monday with a rollcall vote likely to occur at around 5:30 Monday afternoon. I will have more to say about Monday's schedule later today.

In addition, over the course of today, I am sure people will want to come to the floor to make tributes to Senator Moynihan. A number of people took advantage of being able to do that last night. But over the course of today, people are welcome to come down to make those tributes. I do remind my colleagues, we will later, in a week, 2 weeks from now, bind all those tributes together in an appropriate volume for the family.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, if I can get the attention of the majority leader while he is on the floor, we have a number of people on the floor today, and I would like to speak a few minutes about Senator Moynihan. Senator HUTCHISON is here. How long does she wish to speak?

Mrs. HUTCHISON. Madam President, we were hoping certainly after Senator REID's tribute to Senator Moynihan that we could have the hour evenly divided to talk about our troops in the field, which we are hoping will be the case every morning while our troops are in the field, so that we can honor them in this way.

Mr. REID. It would be more appropriate then that we leave that full time. I will find some time later in the day to speak. We should give the full time for people to speak. Senator NELSON is here early, Senator LINCOLN, and Senator CRAPO. We have a lot of people here to speak. I will give my speech at a later time. I am sure he might approve of that.

Mrs. HUTCHISON. Madam President, I am grateful to Senator REID for making that concession. Senator Moynihan had the greatest respect of all of us. I hope we will all honor him, and the Senator allowing us to go forward with this hour that we intend to set aside every day we are in battle in Iraq is very helpful. I appreciate it very much.

Madam President, I know Senator VOINOVICH has a special message about the invocation this morning, and then we would like to proceed. Senator LINCOLN will be managing the floor for the Democrats. I and Senator CRAPO will be managing the floor for the Republicans.

Madam President, the majority leader, Senator FRIST, and the minority leader, Senator DASCHLE, have agreed that the Senate will open every day now with this hour of tribute to our troops. It will be set aside for that purpose only as our way of letting them know that we will remember everything they are doing, we think of them every day, and we appreciate their service to our country. This is our way to emphasize that this is first and foremost on our minds, and everything we do will be with them in mind.

I thank the Chair.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with the time to be equally divided between the two leaders or their designees.

Mrs. HUTCHISON. I yield to the Senator from Ohio.

Mr. VOINOVICH. I thank the Chair.

THE GUEST CHAPLAIN

Mr. VOINOVICH. Madam President, I thank the majority leader for the hospitality he extended to Rev. Glen W. Warner. I have had the pleasure of knowing Reverend Warner for many years. He is a remarkable person who has a distinguished record of service to his community in northeast Ohio in two vocations—as a spiritual leader of the Second Congregational Church and a leader in his family's business, the Molded Fiber Glass Companies, which is one of the area's leading employers.

I have been very impressed over the years that he has been so successful in both of these very different careers. He has ministered to people's spiritual and temporal needs and he has made a real difference in the community.

Reverend Warner has volunteered for several community organizations including serving on the board of the Ashtabula Foundation.

His church is the one in which Reverend Warner and his wife, Nancy, who joins him today were married. In his business career, Reverend Warner travels throughout North America and Europe to develop new markets and new products for the company which was founded by his father-in-law, Robert S. Morrison.

Reverend Glen Warner is a wonderful role model for anyone, and his unique, dual-career underscores the fact that one can be successful in business and in serving the Lord. That one can exercise his spiritual purpose in the realm of his secular responsibility in the great tradition of the English parliamentarian and leader, William Wilburforce.

I am so happy that his wife, Nancy, and his granddaughter Tyra Miller and her friend Keisha Gilbert joined Reverend Warner in the Chamber today as he led the opening prayer at today's session of the United States Senate.

Reverend Glen Warner is a good friend and I am proud to have him here as the guest Chaplain. I encourage Members of the Senate, as they come to the Chamber, if they get a chance, to meet Reverend Warner. He is truly an inspiration.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Madam President, I will take some time this morning to show some pictures that speak more than 1,000 words. They are pictures from the field. They show how the mightiest force in the world is connecting with people on an individual basis.

I start with a picture showing PFC Joseph DeWitt, age 26, of the 7th Calvary Regiment carrying an Iraqi boy who was injured Tuesday, March 26, in the fight at Al Faysaliyah. The picture speaks for what America is. Here is this private, 26 years old, carrying this little boy to safety. You can see the terror on his face, of the little boy who is saved today because Private DeWitt cared.

An unidentified U.S. soldier gives candy to Iraqi boys as he patrols in the southern border city of Safwan, Friday, March 21. Waving Iraqi civilians greeted members of the 1st Marine Division as they entered the town of Safwan.

An Iraqi child waves as a convoy of 3rd Brigade, 101st Airborne Division drives through a southern Iraqi town Sunday, March 23, 2003.

Children wave at members of the British 2nd Royal Tank Regiment as they arrive in Basra, southern Iraq, Saturday, March 22.

All of the missing in action and POWs in this conflict are from Texas bases. They are either from Fort Hood or Fort Bliss.

In addition to the great mission, I feel a personal connection in this conflict because I know the pain and agony the loved ones are going through at this time and, of course, I think every day, every hour, every minute about those who are actually in captivity or about whom we do not know. I have tried to make contact with as many as I could. It has been difficult because many of them are in such stress they probably do not want to talk to people they do not know or members of the press who might be calling them.

I have not connected with all of them. However, every conversation I have had has been uplifting. I have gotten more out of these conversations than I could ever give back. I have talked this morning to Michelle Williams, the wife of CWO David Williams, from Fort Hood, one of those captured by the Iraqis when the Apache helicopter he was in crashed. Michelle is also in the service. She is at Fort Hood. I talked to her this morning. She has not been talking to the press but one of her major concerns is that somehow she could get a message to her husband: That she is thinking of him, that she loves him very much, that their children are fine, but she just wants some way to make sure that message gets to him—if it is the Red Cross that could take a letter; we will certainly try to be helpful, as the Army will try to be helpful—if it is a message he might hear, that she has given, we want to do everything possible to try to get that message to him. She is strong and brave and waiting for a happy reunion with her husband when he is able to come home.

I talked to Mark Kennedy and his wife, Mrs. Kennedy, this morning. They are the parents of Brian Kennedy who was killed in action when his helicopter crashed in Kuwait. Brian was their only son. Again, they said to me the personal outpouring of support and love and attention they have received because of the loss of their son has made their ordeal better. They feel the Army has done everything it can to make this terrible situation as positive as possible. They asked me to take a message to the President, which I will certainly do. They said, please tell the President that they support him, that their son had called in just 2 days before he was lost. He said: Don't worry about me. We are good to go. We have been trained. We believe in this mission.

Mr. and Mrs. Kennedy want us to know that they supported Brian Kennedy and what he was doing. They know the importance of this action to freedom for everyone in America.

I will take that message to the President because these are people who have taken the greatest loss imaginable. They understand their son will be forever respected and revered by Americans in perpetuity, for the loss that they have and the giving of his life to make sure that our way of life is enduring in perpetuity, that freedom and America as the beacon of freedom to the world will prevail because of people such as Brian Kennedy and CWO David Williams.

Those are just two families with whom I have had contact. They are very special people. Their families are very special people. We owe them a great debt of gratitude. I know all Americans feel that as well.

I am pleased to be able to start this tribute to our troops as we will do every day our troops are in the field protecting us, to let them know how much we care and how brave we know they are as we watch on television the kinds of weather they are enduring, in addition to all of the normal horrors of war, sandstorms that are so thick it looks as if it is night when it is day. They are enduring a lot for us, and we want them to know we appreciate it.

My last word is that I hope anyone who hears our message will not forget the Geneva Convention; that the treatment of our prisoners of war—and any we do not know who are prisoners—will be humane and in line with the Geneva Convention because I know for sure

America is giving medical treatment, food, water, and care to those Iraqi prisoners. We would always comply with the norms of war, including humane treatment of prisoners. I hope if there is any modicum of honesty and integrity in the Iraqi military, they will be treating our prisoners in like manner to the way their prisoners are being treated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I am pleased to be here for the second continuing day of the Senate's tribute to the troops. I compliment my colleague from Texas. I thank her for being here this morning. We talked about how important it is for the entire Senate to come and talk frequently about our troops so they do know we are solidly behind them and making sure they know our thoughts and prayers are with them.

I yield time now to the Senator from Nebraska, Mr. NELSON.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my colleague from Arkansas for yielding time to speak this morning and compliment the Senator from Texas for a very graphic expression of the treatment of the Iraqi people by our military.

I rise today to show my support for our troops, both those serving abroad and those providing vital support here at home and their families.

Our men and women in uniform have proven over and over that they are the best military force in the history of the world. Today I would like to pay tribute to their bravery and their continued commitment to America and to freedom. Americans show their gratitude through words and through deeds. But often it seems like that is not quite enough. Our soldiers on the frontlines are putting their own lives at risk in defense of this Nation and the freedoms we unfortunately sometimes take for granted. We cannot match that sacrifice, but we can do our utmost to let them know that the entire Nation is united behind them.

As we fight battles in Iraq and continue our military presence in Afghanistan, Bosnia, South Korea, and other nations around the world, it is more important now than ever that we pledge ourselves to honoring the commitments we make to our troops, just as they honor our country through their service.

And we must pledge that we will all support and comfort their families while they are deployed. It is very difficult to be separated from loved ones in the best of circumstances—I hope that all our military men and women know that we will help their families through this difficult period until they are able to come back home and rejoin their families.

I would also like to express my gratitude to the service personnel deployed stateside, at bases like Offutt Air Force Base in Bellevue, NE and the National Guard headquarters in Lincoln and all those who serve all over the country serving in similar capacities. Through their work maintaining equipment, keeping our intelligence channels open, and keeping our homeland safe, they continue to ensure that our nation has the best run, best trained, and best staffed military in the history of the world.

We must also recognize the changing face of our military. No longer are our Nation's armed forces primarily composed of full-time troops. Now, a sizable number of our service members are reservists and guardsmen. We do not make the distinction of the troops in the field who are active duty, ready Reserves or Guard members. We should not make a distinction in our policies that affect them. This week, this Chamber spoke with one voice in resolving to make sure our Reserve and Guard members have the equipment and support they need. We will now see that vote through.

I also note that reservists are particularly likely to come from the ranks of the Nation's first responders. For those police officers, firefighters, and EMTs who serve in the Reserves, they honor our Nation twice—providing hometown security and then putting on another uniform to provide national security. We need to make sure that the burdens placed on them and their families do not make it more difficult for them to serve.

It is my pleasure to be here today to address these issues and to make sure that we join together in support of our troops and we do so recognizing not only their sacrifice but also the sacrifice their families make.

I would particularly like to recognize those Nebraskans serving in uniform. Right now, we have approximately 400 Nebraska Army National Guardsmen participating in peacekeeping missions in Bosnia and 675 Guardsmen serving in Afghanistan as part of Operations Enduring Freedom and Noble Eagle.

These men and women hail from Chadron, Gering, Scottsbluff, North Platte, Lincoln, Kearney, Falls City, Wahoo, Fremont and a number of other cities across our State. There is no part of Nebraska that is not represented overseas in our military.

Nebraskans are also represented by 25 members of the 24th Medical Company training for deployment to Kosovo as well as 125 Nebraska Air National Guardsmen deployed in regions around the world. I am very proud of the service of my fellow cornhuskers.

I had the opportunity this past fall to visit with a few of these troops serving at Aviano Air Force Base in Italy. It was a real pleasure to sit down with SSgt Michale Varney of Murray, SrA Aaron Mueller of Weeping Water, MSgt Edward Coufal of Plattsmouth, and Airman Elizabeth Ahrens of my hometown of McCook. I can honestly say that they are truly among the best Nebraskans that our State has ever produced.

Thank you for this opportunity to show my support for our troops.

The ACTING PRESIDING pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I also stand with the Senator from Texas, the Senator from Arkansas, the Senator from Nebraska—really, all the Senators—to take this opportunity to share our feelings about the support we have for our troops while they are engaged in this difficult battle in Iraq.

While our Nation fights the war on terrorism, taking on even more demanding and dangerous tasks, and is now actually headed into heated battle in the Arabian Peninsula, it is important that we remember just how important the United States military is to preserving and protecting our national security.

Each of us in the Senate and those we represent throughout the country owe a sincere debt of gratitude to the brave men and women in uniform. Our soldiers, sailors, and marines serve us with unselfish courage and epitomize the term "hero."

I will point out another brave group of men and women serving in harm's way. These are the thousands of our guardsmen and reservists who have been called to duty here in America and abroad.

On a sad note, I would like to share with my colleagues my heartfelt sadness over the death of Air National Guardsman Major Gregory Stone, from Idaho, who was killed on March 23.

Major Stone, serving as liaison with the Army's 101st Airborne Division in Kuwait, was one of the victims of the grenade attack on the officers' tents at Camp Pennsylvania. Major Stone leaves behind two sons, Evan, age 11, and Joshua, age 7, and an entire community, State, and Nation in grief.

Major Stone's father said:

> My son died to allow the guy who killed him to believe in what he believed.

As we know right now, it appears it is very possible that the cowardly attack that killed Major Stone may have been perpetrated by another fellow soldier. That is being investigated at the moment.

Major Stone, an Oregon native, was one of six Idaho Air National Guard members working as liaisons with the Army's 101st Airborne Division in Kuwait. He worked for 2 years at the Air Expeditionary Force Battlelab in Mountain Home, ID, as the lab's B-1 bomber expert. Since September, he was an independent assessor with the company that does contract work for the lab.

One of his colleagues, MAJ Thomas G. Westall, U.S. Air Force, Retired, said:

He paid the highest sacrifice for being a good soldier.

Major Stone is just one of those brave Americans who will be called upon to pay the highest sacrifice for our freedom. I commend him and all of those in our military who are putting their lives on the line to protect our freedom, and I express the gratitude of a grateful country for their service.

Idahoans, as all Americans have a long-standing tradition of service in our Nation's Armed Forces. As each of my colleagues here can attest, our States have called forward their best and bravest to protect our security and preserve our liberties. Idaho has a contingent of guardsmen, reservists, and mainline forces in the Persian Gulf and engaged in the war on terrorism.

The Gunfighters of Mountain Home Air Force Base are among the best trained forces in our military because they train at the world-class ordnance training facility in Southwest Idaho. Mountain Home offers the Air Force one of the best training bases in the world. With its good weather and unobstructed air space, our pilots can train almost year-round. As Air Force pilots from around the country can attest, the training range in Idaho keeps them on the cutting edge of combat effectiveness.

The Idaho Reserve and National Guard provide another vital military presence in our State. These citizen soldiers provide a critical service to our State and to our Nation. The Idaho Army National Guard, with 28 units throughout the State, has 3,500 members and, during the past year, has provided personnel for active duty service throughout the world. Very recently, elements of the Idaho Army National Guard completed an extended rotation in the Balkans.

The Air Guard, which has its headquarters at Gowen Field, has seen its share of active duty as well, most recently being called to service following the attacks on the World Trade Center and the Pentagon. The Air Guard's equipment includes C–130 transports, as well as the very capable close in support fighter, the A–10.

Units of the Army and Navy Reserve are also very active in Idaho. The Army Reserve has 11 units in the State with 750 personnel assigned while the Navy Reserve has approximately 250 members. Many reservists, from a host of specialities and backgrounds, ranging from civil affairs to logistics, have been called to active duty during the past year.

Each Idahoan in uniform has a demanding responsibility, and I am grateful for all they do. And right now, over 100,000 reservists nationwide have been placed on active service.

For the foreseeable future, our Armed Forces will be dealing with more and more demands. We are facing uncertainty in the Persian Gulf, and threats worldwide continue to loom. It will be difficult and tough duty for these brave people, but I have complete confidence in their ability to meet the tasks ahead. And I also know, that Idaho, with its long tradition of military service, will continue to play an important role in the defense of our Nation.

Many Americans have expressed their heartfelt appreciation of our troops. It is indeed tragic that the lives of many men and women are now being put in harm's way because Iraqi leaders would not conform to international resolution that would have brought a peaceful end to this conflict. Sadly, we are seeing Iraq refuse to voluntarily end its support of terrorism and stop the threat from the weapons of mass destruction Iraq possesses.

My heart and my prayers are with our troops and their families. This is a time for support of all of those brave Americans being put at risk to defend our national security. We will win this conflict and end the multiple threats of weapons, terrorism, and continued instability in the Middle East the Iraqi dictator represents.

Every generation of Americans has faced the need to protect our freedoms, and we live in a new age where innocent Americans have died at the hands of terrorists. Our President has made the difficult decision that our national security is on the line and I fully support his decision.

Our President and the men and women in our Armed Forces will protect our freedom and continue to make out nation secure. We owe them our support, our prayers, and our hopes that this conflict is over as soon as possible.

There is much more I could say, but I conclude my remarks by, once again, coming back to the importance that I place on this Senate giving time each day, as we are now doing, to commend the men and women in uniform, whether they be our active military, or our guardsmen or reservists, for putting their lives on the line for our freedom.

Every generation in America has had the opportunity, in some context or another, to defend our freedom. And these brave men and women are being called upon to risk the greatest sacrifice so we in America and people throughout the globe can continue to have the freedoms which we cherish so greatly.

I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I now yield a portion of our time to the Senator from New Jersey, Mr. LAUTENBERG.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I thank our good friend from Arkansas.

Madam President, the floor is open principally to pay our respects to our citizens, our friends, and our neighbors who are serving now in the Iraqi theater to try to right a terrible wrong that has been perpetrated on the world; and that is, to make sure we get rid of the savage regime of Saddam Hussein and the threat he brings not only to the people in that region but to people across the world.

People recognize that were he to continue unfettered in his capacity to develop his military might, it would be quite incredible to witness. The fact is, we are there with so much force and so much skill and so much technology, and still we are facing constant obstacles to our mission of getting rid of the regime and reducing the threat or eliminating the threat that these weapons might bring to that area and to the world at large.

New Jersey is the home of McGuire Air Force Base. That is a base that has had members leaving for conflicts over the years, and particularly with the first gulf war in 1990 and presently, and other conflicts that we have seen, because of the mobility of an air wing that we have there to refuel aircraft in the air, both cargo and fighter craft, as well as carrying cargo of substantial proportion and need to the theater so our troops have facilities with which to take care of their needs personally as well as, unfortunately, those facilities that might be called upon if they are wounded or injured in any way.

At this moment, New Jersey has about 5,000 people deployed from various Reserve and regular Army and Marine units, as well as other branches of the military.

One person, SGT James Riley, was someone we saw on television not very long ago being questioned by his captors, the Iraqis. We have been trying to contact his family to offer our services in whatever way we can, and to see if we can find out something about how he is being treated, to make sure the rules of the Geneva Convention are observed to the letter in the treatment of prisoners. They cannot, under any kind of a rule of civilization or treaties, manhandle prisoners. It is not permitted. You are not permitted to interview on public media. And you are not permitted to interrogate in public. We want the Iraqis to know there is a price to pay for that kind of action. We demand they observe all the conventions that relate to prisoners and their treatment.

Mr. BAYH. Mr. President, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man from Atwood, IN. Lcpl David Fribley was 26 years old. He died Sunday in Nasiriyah, Iraq as he and his fellow Marines encountered Iraqi soldiers believed to be surrendering. Instead, the Iraqis opened fire, killing David Fribley and eight other Americans. David was there, in a far away land, to fight for the values we all hold close to our hearts.

David Fribley was the second Hoosier killed while dutifully serving his country in Operation Iraqi Freedom. Today, I mourn David's death with his family, friends and the Atwood community. While our pride in David shall certainly live on, so too will our sorrow. Even though David's life on Earth has been cut short, his bravery, and his strength of character shall live on as a powerful and consoling force during these difficult days of conflict.

David Fribley was a quiet and caring man who led by example, not mere words. He was adored by all who knew him for his soft-spoken manner and great sense of humor. He was compelled to leave his job working with the elderly and join the Marine Corps after witnessing the terrorist attacks of September 11. Upon his resignation David stated: "The greatest gift is the gift of service." This kind of selflessness is an inspiration to us all.

David leaves behind father Garry and mother Linda, brother Steven, who serves in the Air Force, and a fiancée. He attended Warsaw Community High School where he was a star athlete in both track and football. After high school he attended Indiana State University and graduated in 2001.

President Abraham Lincoln wrote in a letter to the mother of a fallen Union soldier: "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom." These words ring as true today as they did 140 ago. As we mourn the loss of David Fribley and honor the sacrifice he made for America and for all of humanity.

It is my sad duty to enter the name of David Fribley in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the word of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

Mr. President, I also rise today with great sadness and tremendous gratitude to honor the life of a brave young man from Hobart, IN. Greg Sanders was just 19 year old. On Monday, March 24, 2003, he was with his Army unit, the 3rd Infantry, 3rd Battalion, 69th Armor Division, 1st Brigade, Company B, when he was mortally wounded by an Iraqi sniper bullet. Greg was in Iraq, far away from loved ones and fellow countrymen, to fight for the values of democracy we all hold close to our hearts.

Greg Sanders is the third Hoosier to be killed while dutifully serving our Nation in Operation Iraqi Freedom. Today, I mourn along with Greg's family, friends, and community. While our pride in him shall certainly live on, so too will our sorrow. Although Greg's life was cut short, his courage, and his dedication to the preservation of democracy will live on to serve as a guiding light in these dark days of war.

Greg Sanders was a natural born leader who always loved challenging himself in everything he did, whether it was on the bowling lane or the battlefield. From the time Greg was small, it was his dream to be a soldier. It was with great pride that he left for Iraq, prepared to do his duty and willing to make the ultimate sacrifice, if fate dictated, for a country he loved dearly.

Greg attended Hobart High School where he ran cross-country and began his training to become a soldier before his graduation in 2001. He leaves behind his mother Leslie Sanders, a brother, two sisters, his wife Ruthann, and their 1-year-old daughter, Gwendolyn. He will be greatly missed by his family, fellow soldiers, and the Hobart community as a whole.

President Abraham Lincoln wrote in a letter to the mother of a fallen Union soldier: "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the alter of freedom." These words ring as true today as they did 140 years ago, as we mourn the loss of Greg Sanders and honor the sacrifice he made for America and for all of humanity.

It is my sad duty to enter the name of Greg Sanders in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Greg's can find comfort in the word of the prophet Isaiah, who said: "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to U.S. Marine Corps Reserve Major Anthony D. "Tony" Sinnott. A former Flatwoods, KY native, Major Sinnott was recently awarded the Joint Service Commendation Medal for being chosen as the Reserve Officer of the Year for 2002.

Major Sinnott was chosen from 560 reserve officers from all the armed services serving the U.S. Central Command in support of Operation Enduring Freedom. Sinnott received the award from General Tommy Franks, Combatant Commander of U.S. Central Command in Tampa, Florida.

The citizens of Flatwoods, KY, and the Commonwealth are proud of Major Sinnott's accomplishments. His example of hard work, determination, and patriotism are appreciated by all across the United States. As we continue to keep our soldiers deployed all around the world in our thoughts and prayers, I rise to also thank the thousands of men and women who wear our uniform and serve our Nation so courageously.

Mr. President, I thank the Senate in joining me to congratulate Major Sinnott on his service to the U.S. Marine Corps and our great Nation.

Mr. GRASSLEY. Mr. President, I rise today for the very sad purpose of honoring a fallen American.

I learned this morning that Sgt Bradley Korthaus of Davenport, Iowa, has died while in service to his country as part of Operation Iraqi Freedom. I would like to take this opportunity to salute his patriotism and his sacrifice.

Sgt Korthaus disappeared Monday during an operation in which he and three other Marines were swimming across a canal in southeastern Iraq, and his body has now been recovered.

This is the first Iowan who has died in the current conflict in Iraq and the news has hit home with me and my staff.

We all know that sacrifice is part of war, and the President has tried to prepare us for the inevitable losses; but it is impossible to fully prepare for the loss of a young life.

My prayers go out to Steve and Marilyn Korthaus who grieve for their son and to all of the family, friends, and neighbors who are touched by his passing.

There is nothing I can say that can take away the pain they must feel, but they should know that they are not alone in their grief.

Iowans have a strong sense of community and I know that Bradley's loss will be felt deeply by many who never even knew him.

Bradley Korthaus deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost.

Bradley's father served in Vietnam and Bradley followed that tradition of service to his country.

This is an example of the patriotic contribution made by thousands of American service members and their families.

The love of country and dedication to service shared by so many of its citizens is the great strength of our Nation and we can all be very proud of patriots like Bradley Korthaus.

Mrs. FEINSTEIN. Mr. President, I rise today to honor the 24 young American men who have died in the conflict in Iraq.

I would like to pay particular tribute, however, to the six men from my home State of California, and to talk briefly about each of them.

To date, the young men of California account for one-fourth of all the Americans that have made the ultimate sacrifice. To date, nearly 120,000 men and women now stationed in the Middle East, many of them in harm's way, are either from California or were stationed there before being deployed.

It is often said that California receives too much from the Federal Government—too much of the appropriations pie. But when you consider our population is 35 million and you remember that, on average, Californians pay more in federal taxes than they receive in Federal programs, this is simply not the case. And Californians are playing a very prominent role in liberating the Iraqi people from the tyranny of Saddam Hussein.

Of the six Californians that have died so far, two were not yet citizens, while one was a direct descendant of the second and sixth Presidents of the United States.

Together, they embody the depth and breadth of America's armed forces men and women from all walks of life, willing to give their lives to defend our freedoms.

The first four I would like to honor—Corporals Jorge Gonzalez, Randal Kent Rosaker, and Jorge Garibay, and SGT Michael Bitz—were killed on March 23, in heavy fighting outside the town of An Nasiriya.

Two were fathers with infant children that they never met, a third a son who followed his father into the military.

Twenty year-old Cpl Jorge Gonzalez was part of the 1st Battalion of the 2nd Marine Expeditionary Brigade. He grew up in Rialto, with his parents, Rosa and Mario, and five siblings. He was an avid soccer player, and a graduate of El Monte High School.

His last visit home was at Christmas. There, his younger sister Nancy, who was never affectionate with her brother, hugged and kissed him before he left. "I knew I had to do that," she said.

He also left behind his wife Jazty and their 3-week-old baby boy, Alonso, who he never knew. He had hoped to retire from the Marines in a year and become a policeman.

Before leaving he told his anxious mother,: "Don't worry, mom. If I die a Marine, I'll die honored."

Marine Sgt Michael Bitz, a part of the 2nd Assault Amphibious Battalion, 2nd Marine Division, was just 31 years old. He grew up in Port Hueneme.

He loved being a Marine so much, he reenlisted last fall. He loved his wife Janina so much that they had just renewed their vows. When he left for the gulf, they were expecting twins, Caleb and Taylor, who are now a month old. They also have a 2-year-old son, Joshua, and a 7 year-old son, Christian, from an earlier marriage.

In his last phone call to his mother, Donna, Sargeant Bitz was able to tell her that he loved her—and in his last letter he said that he was her warrior. In classic Marine-style, she always called her "ma'am."

Cpl Randal Kent Rosacker was also a member of the 2nd Marine Expeditionary Brigade. He was a rough-and-tumble athlete who loved the outdoors and ever since he was a boy he knew he wanted to follow his father, Rod, into the military.

Cpl Rosacker grew up in San Diego, the son of a Navy man. He played football, baseball and wrestled for the Serra High School Conquistadors. His wrestling coach, Steve Stone, recalled when Randal broke his hand senior year, just before an important game.

"Well, we heard some thudding on the wall in the lockeroom," he said. "We walk in, and Randy had broken off his cast. He said: 'Coach, tape it up. I'm ready to go.'"

His former baseball coach, Chris Herrin, said that Rosacker's teammates could always count on him. "He was the kind of guy who you would want fighting for your country," Herrin said.

His grandmother, Patricia, said her grandson died doing something he loved—serving America. "He believed in what he was doing," she said. He was just 21 years old.

Born in Jalisco, Mexico, Cpl Jorge Garibay played football at Newport Harbor High School, in Costa Mesa. He, too, was just 21 years old.

One of his teachers, Janis Toman, described him as a hard worker who frequently returned to the high school campus in full uniform, to encourage students to do their best.

Ms. Toman received a letter from Cpl Garibay just a few hours before learning of his death, as she packed him a care package. "He wrote of simple things that we take for granted but make soldiers happy," she said. "Things like moving from a small tent to a bigger one."

"I want to defend the country I plan to become a citizen of," he wrote to her. He also left a tape recording before his deployment for his beloved Uncle Urbano, whom he regarded as a surrogate father.

In the tape he said: "I'm being called to represent and serve my country. I don't know if I'll return, and I want you to know that I love you and how much I appreciate the support and love you have given me over the years."

LCpl Jose Gutierrez was the first American killed in combat. He was struck by enemy fire while fighting alongside fellow Marines near the southern Iraqi port city of Umm al Qasr. He was 22 years old.

LCpl Gutierrez arrived in the United States when he was a 16 year old orphan, having left poverty-stricken circumstances in Guatemala City and a country racked by a brutal civil war.

He traveled over 2,000 miles by foot, north through Mexico, in search of a better life here in the United States.

Like so many immigrants, his past was soon eclipsed by his new life as an American. He was taken in by the Mosquera family, of Lomita, CA. Nora and Max Mosquera had begun helping immigrant foster children when their own children had grown.

"He joined the Marines to pay back a little of what he'd gotten from the U.S.," Max Mosquera said. "For him it was a question of honor."

A tall and quiet young man who enjoyed soccer and chess, Jose learned English quickly and had plans to study architecture.

"He was such a good kid," remembered Robert Nobles, a physical education teacher at North High in Torrance, where Corporal Gutierrez graduated in 2000.

I have been told that news of his death has resonated throughout Guatemala. Every major newspaper, radio and TV station carried his story. He has been portrayed as a brave and selfless young man—which he most certainly was.

Navy LT Thomas Mullen Adams grew up in comfort, in the suburb of La Mesa, as a member of a family that traces its roots directly to John Adams, one of America's most important Founding Fathers.

He graduated from Grossmont High School in 1993 and the United States Naval Academy in 1997.

He received flight training in Pensacola, FL, and inherited his love of flying from his father, John, an architect who helped design the aerospace museum in San Diego.

Promoted to lieutenant in the year 2000, Adams won two National Defense Service Medals, three sea service deployment ribbons, and other awards.

"He's one of these amazingly clean-cut, all-American kids," his aunt, Elizabeth Hansen, told the San Diego Union Tribune Newspaper. "He's the kind of kid that if you had a very special daughter, you would hope that she would snag him. He was just amazingly bright, funny, and kind."

In October 2002, Lieutenant Adams was assigned as an exchange officer with the British Royal Navy's 849th Squadron, now on the aircraft carrier Ark Royal.

An avid soccer fan who had volunteered to go to Japan with the carrier Kitty Hawk in time for the World Cup finals last summer, he joined a local team near his base in Helston, England.

Lieutenant Adams's family said he particularly enjoyed his time with the Royal Navy for two reasons: Every ship had a pub onboard, and he was allowed a weekly 20-minute phone call home. He died with the Royal Navy when the helicopter he was flying collided with another helicopter over the Persian Gulf. He was just 27 years old.

Mr. President, we all wish for a quick resolution of this war to limit casualties, military and civilian, American, allied, and Iraqi. We wish that American and coalition forces will be able to liberate the people of Iraq soon, and that our men and women will be able to return home to their families. Until then, however, they remain in our thoughts and our prayers, along with those who have already fallen.

All Americans owe an enormous, an almost incalculable debt to these young men who were willing to sacrifice their own futures for the future of this country they so dearly loved so that we, as a people, might be safe and free. Their sacrifices must never be forgotten.

I thank the Chair.

TRIBUTE TO DANIEL PATRICK MOYNIHAN

Mr. LAUTENBERG. At the same time, I wish to pay tribute to a dear friend who passed away yesterday, Senator forever, Pat Moynihan.

I came to the Senate 6 years after he arrived here, and we served together for 18 years. We left together at the same time in 2001.

I personally will miss him and think fondly of the moments we shared together, but, at the same time, say thank goodness—thank goodness—that this place and this country had Senator Pat Moynihan.

He was a great man, with a brilliant mind, an incredible wealth of knowledge. He will have left a mark forever on our Government and on our society, even at a time when our culture has exhibited an ephemeral quality.

We can think of the moments we shared with him, all of us who had the good fortune to serve with him. Because New York and New Jersey are neighboring States and have many similar concerns, he and I worked closely on many issues. We served together on the Environment and Public Works Committee.

He will be rightfully remembered as one of the giants who have served in this Senate. He will be able to be compared to the greats at the founding of this country because his half century of contributions to this body and to New York and to the region and to the Nation and to the world are immeasurable.

He, like many who are serving now and have served, was born in modest circumstances and was raised in an area on the west side of New York called Hell's Kitchen, a rough and tumble area. He joined the Navy. He served in World War II. And then he went on to earn degrees at the Fletcher School of Law and Diplomacy at Tufts University.

In the early 1950s, Pat Moynihan worked for the International Rescue Committee, one of the earliest and most effective human rights organizations. Then he joined the administration of New York Governor Averill Harriman, where he met his beloved wife and someone we all love, Liz.

Pat and Liz came to Washington with the Kennedy administration, and Pat went on to serve in the cabinet or subcabinet of the next three Presidents, two of whom were Republicans. He served as U.S. Ambassador to India and as U.S. Representative to the United Nations.

All the while, he had a busy and prolific career in academia, with teaching positions at Syracuse and Harvard and other universities. It is often said that Pat Moynihan has written more books than most people have read. And those books were on subjects as diverse as ethnicity, welfare policy, secrecy as form of regulation, and international law. His books and essays and op-eds were always erudite and displayed a wit and wisdom and grace few people have. His books were so well received, whenever they were produced.

I doubt anyone else ever entered the United States Senate with a greater breadth of experience or knowledge. Pat Moynihan was made for the Senate, and the Senate was made for men like Pat Moynihan.

Pat was not only a great intellectual; he was a man of principles, deeply held and eloquently expressed. And yet he had that remarkable ability of being able to disagree without being disagreeable. There isn't a single Member of the Senate who served with him who didn't also love and revere him.

We are poorer for Pat's passing, but rather than dwell on that, I would like to express my gratitude that someone with such inestimable talents and energies devoted them to public service. We are definitely richer for that.

We send our sympathy to Liz Moynihan, and to the children, Timothy and Maura and John, and to the grandchildren, Michael Patrick and Zora.

We live in tumultuous and dangerous times. No one understood that better than Pat Moynihan, and we would benefit from his counsel. I will include for the RECORD a commencement address that Pat delivered at Harvard University about world events and foreign policy, and I commend it to my colleagues.

On a more personal note, my legislative director, Gray Maxwell, was Pat's legislative director from 1995 to 2000. When Pat retired, Gray wrote a tribute that was printed in Long Island Newsday. I will also ask that the tribute be printed in the RECORD.

In closing, I note that one of Pat's great abiding passions was public works—not just in New York but here in Washington. He authored much of the Intermodal Surface Transportation Efficiency Act, ISTEA, he fought for Amtrak and mass transit, he wrote the guiding principles for federal architecture, he shepherded the Union Station redevelopment and the Thurgood Marshall and Ronald Reagan buildings to completion, and he almost single-handedly transformed Pennsylvania Avenue. I think what was written in St. Paul's Cathedral in London for Sir Christopher Wren would serve as an equally fitting tribute to Pat Moynihan: Si monumentum requiris circumspice [If you would see the man's monument, look about you.].

I ask unanimous consent that his commencement address delivered at Harvard University on June 6, 2002, to which I referred, and an article written by a person on my staff, Gray Maxwell, who was on the Moynihan staff before that, that demonstrates beautifully the character and capability Pat Moynihan brought to his job and to all of us, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS, JUNE 6TH, 2002, BY DANIEL PATRICK MOYNIHAN

A while back it came as something of a start to find in The New Yorker a reference to an article I had written, and I quote, "In the middle of the last century." Yet persons my age have been thinking back to those times and how, in the end, things turned out so well and so badly. Millions of us returned from the assorted services to find the economic growth that had come with the Second World War had not ended with the peace. The Depression had not resumed. It is not perhaps remembered, but it was widely thought it would.

It would be difficult indeed to summon up the optimism that came with this great surprise. My beloved colleague Nathan Glazer and the revered David Riesman wrote that America was "the land of the second chance" and so indeed it seemed. We had surmounted the depression; the war. We could realistically think of a world of stability, peace—above all, a world of law.

Looking back, it is clear we were not nearly so fortunate. Great leaders preserved—and in measure extended—democracy. But totalitarianism had not been defeated. To the contrary, by 1948 totalitarians controlled most of Eurasia. As we now learn, 11 days after Nagasaki the Soviets established a special committee to create an equivalent weapon. The first atomic bomb was acquired through espionage, but their hydrogen bomb was their own doing. Now the Cold War was on. From the summer of 1914, the world had been at war, with interludes no more. It finally seemed to end with the collapse of the Soviet Union and the changes in China. But now . . .

But now we have to ask if it is once again the summer of 1914.

Small acts of terror in the Middle East, in South Asia, could lead to cataclysm, as they did in Sarajevo. And for which great powers, mindful or not, have been preparing.

The eras are overlapping.

As the United States reacts to the mass murder of 9/11 and prepares for more, it would do well to consider how much terror India endured in the second half of the last century. And its response. It happens I was our man in New Delhi in 1974 when India detonated its first nuclear device. I was sent in to see Prime Minister Indira Gandhi with a statement as much as anything of regret. For there was nothing to be done; it was going to happen. The second most populous nation on earth was not going to leave itself disarmed and disregarded, as non-nuclear powers appeared to be. But leaving, I asked to speak as a friend of India and not as an official. In twenty years time, I opined, there would be a Moghul general in command in Islamabad, and he would have nuclear weapons and would demand Kashmir back, perhaps the Punjab.

The Prime Minister said nothing, I dare to think she half agreed. In time, she would be murdered in her own garden; next, her son and successor was murdered by a suicide bomber. This, while nuclear weapons accumulated which are now poised.

Standing at Trinity Site at Los Alamos, J. Robert Oppenheimer pondered an ancient Sanskrit text in which Lord Shiva declares, "I am become Death, the shatterer of worlds." Was he right?

At the very least we can come to terms with the limits or our capacity to foresee events.

It happens I had been a Senate observer to the START negotiations in Geneva, and was on the Foreign Relations Committee when the treaty, having been signed, was sent to us for ratification. In a moment of mischief I remarked to our superb negotiators that we had sent them to Geneva to negotiate a treaty with the Soviet Union, but the document before us was a treaty with four countries, only two of which I could confidently locate on a map. I was told they had exchanged letters in Lisbon [the Lisbon Protocol, May 23, 1992]. I said that sounded like a Humphrey Bogart movie.

The hard fact is that American intelligence had not the least anticipated the implosion of the Soviet Union. I cite Stansfield Turner, former director of the CIA in Foreign Affairs, 1991. "We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis. . . . The corporate view missed by a mile."

Russia now faces a near-permanent crisis. By mid-century its population could well decline to as few as 80 million persons. Immigrants will press in; one dares not think what will have happened to the nuclear materials scattered across 11 time zones.

Admiral Turner's 1991 article was entitled "Intelligence for a New World Order." Two years later Samuel Huntington outlined what that new world order—or disorder—would be in an article in the same journal entitled "The Clash of Civilizations." His subsequent book of that title is a defining text of our time.

Huntington perceives a world of seven or eight major conflicting cultures, the West, Russia, China, India, and Islam. Add Japan, South America, Africa. Most incorporate a major nation-state which typically leads its fellows.

The Cold War on balance suppressed conflict. But the end of the Cold War has brought not universal peace but widespread violence. Some of this has been merely residual proxy conflicts dating back to the earlier era. Some plain ethnic conflict. But the new horrors occur on the fault lines, as Huntington has it, between the different cultures.

For argument's sake one could propose that Marxism was the last nearly successful effort to Westernize the rest of the world. In 1975, I stood in Tiananmen Square, the center of the Middle Kingdom. In an otherwise empty space, there were two towering masts. At the top of one were giant portraits of two hirsute 19th century German gentlemen, Messrs. Marx and Engels. The other displayed a somewhat Mongol-looking Stalin and Mao. That wasn't going to last, and of course, it didn't.

Hence Huntington: "The central problem in the relations between the West and the rest is . . . the discordance between the West's—particularly America's—efforts to promote universal Western culture and its declining ability to do so."

Again there seems to be no end of ethnic conflict within civilizations. But it is to the clash of civilizations we must look with a measure of dread. The Bulletin of the Atomic Scientists recently noted that "The crisis between India and Pakistan, touched off by a December 13th terrorist attack on the Indian Parliament marks the closest two states have come to nuclear war since the Cuban Missile Crisis." By 1991, the minute-hand on their doomsday clock had dropped back to 17 minutes to midnight. It has since been moved forward three times and is again seven minutes to midnight, just where it started in 1947.

The terrorist attacks on the United States of last September 11 were not nuclear, but they will be. Again to cite Huntington, "At some point . . . a few terrorists will be able to produce massive violence and massive destruction. Separately, terrorism and nuclear weapons are the weapons of the non-Western weak. If and when they are combined, the non-Western weak will be strong."

This was written in 1996. The first mass murder by terrorists came last September. Just last month the vice president informed Tim Russert that "the prospects of a future attack . . . are almost certain. Not a matter of if, but when." Secretary Rumsfeld has added that the attack will be nuclear.

We are indeed at war and we must act accordingly, with equal measures of audacity and precaution.

As regards precaution, note how readily the clash of civilizations could spread to our own homeland. The Bureau of the Census lists some 68 separate ancestries in the American population. (Military gravestones provide for emblems of 36 religions.) All the major civilizations. Not since 1910 have we had so high a proportion of immigrants. As of 2000, one in five school-age children have at least one foreign-born parent.

This, as ever, has had bounteous rewards. The problem comes when immigrants and their descendants bring with them—and even intensify—the clashes they left behind. Nothing new, but newly ominous. Last month in Washington an enormous march filled Pennsylvania Avenue on the way to the Capitol grounds. The marchers, in the main, were there to support the Palestinian cause. Fair enough. But every five feet or so there would be a sign proclaiming "Zionism equals Racism" or a placard with a swastika alongside a Star of David. Which is anything but fair, which is poisonous and has no place in our discourse.

This hateful equation first appeared in a two-part series in Pravda in Moscow in 1971. Part of Cold War "agit prop." It has since spread into a murderous attack on the right of the State of Israel to exist—the right of Jews to exist!—a world in which a hateful Soviet lie has mutated into a new and vicious anti-Semitism. Again, that is the world we live in, but it is all the more chilling when it fills Pennsylvania Avenue.

It is a testament to our First Amendment freedoms that we permit such displays, however obnoxious to our fundamental ideals. But in the wake of 9/11, we confront the fear that such heinous speech can be a precursor to violence, not least here at home, that threatens our existence.

To be sure, we must do what is necessary to meet the threat. We need to better understand what the dangers are. We need to explore how better to organize the agencies of government to detect and prevent calamitous action.

But at the same time, we need take care that whatever we do is consistent with our basic constitutional design. What we do must be commensurate with the threat in ways that do not needlessly undermine the very liberties we seek to protect.

The concern is suspicion and fear within. Does the Park Service really need to photograph every visitor to the Lincoln Memorial?

They don't, but they will. It is already done at the Statue of Liberty. In Washington, agencies compete in techniques of intrusion and exclusion. Identity cards and X-ray machines and all the clutter, plus a new life for secrecy. Some necessary; some discouraging. Mary Graham warns of the stultifying effects of secrecy on inquiry. Secrecy, as George Will writes, "renders societies susceptible to epidemics of suspicion."

We are witnessing such an outbreak in Washington just now. Great clamor as to what the different agencies knew in advance of the 9/11 attack; when the President was briefed; what was he told. These are legitimate questions, but there is a prior issue, which is the disposition of closed systems not to share information. By the late 1940s the Army Signal Corps had decoded enough KGB traffic to have a firm grip on the Soviet espionage in the United States and their American agents. No one needed to know about this more than the President of the United States. But Truman was not told. By order, mind, of Omar Bradley, Chairman of the Joint Chiefs of Staff. Now as then there is police work to be done. But so many forms of secrecy are self-defeating. In 1988, the CIA formally estimated the Gross Domestic Product of East Germany to be higher than West Germany. We should calculate such risks.

The "what-ifs" are intriguing. What if the United States had recognized Soviet weakness earlier and, accordingly, kept its own budget in order, so that upon the breakup of the Soviet Union a momentous economic aid program could have been commenced? What if we had better calculated the forces of the future so that we could have avoided going directly from the "end" of the cold War to a new Balkan war—a classic clash of civilizations—leaving little attention and far fewer resources for the shattered Soviet empire?

Because we have that second chance Riesman and Glazer wrote about. A chance to define our principles and stay true to them. The more then, to keep our system open as much as possible, with our purposes plain and accessible, so long as we continue to understand what the 20th century has surely taught, which is that open societies have enemies, too. Indeed, they are the greatest threat to closed societies, and, accordingly, the first object of their enmity.

We are committed, as the Constitution states, to "the Law of Nations," but that law as properly understood. Many have come to think that international law prohibits the use of force. To the contrary, like domestic law, it legitimates the use of force to uphold law in a manner that is itself proportional and lawful.

Democracy may not prove to be a universal norm. But decency would do. Our present conflict, as the President says over and again, is not with Islam, but with a malignant growth within Islam defying the teaching of the Q'uran that the struggle to the path of God forbids the deliberate killing of noncombatants. Just how and when Islam will rid itself of current heresies is something no one can say. But not soon. Christianity has been through such heresy—and more than once. Other clashes will follow.

Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies, disillusioning friends, thinking only of ourselves in the most narrow terms. That is not how we survived the 20th century.

Nor will it serve in the 21st.

Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: "What We're Fighting For: A Letter from America."

It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.

We affirmed "five fundamental truths that pertain to all people without distinction," beginning "all human beings are born free and equal in dignity and rights."

We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And, finally, reason and careful moral reflection teach us that there are times when the first and most important reply to evil is to stop it.

But there is more. Forty-seven years ago, on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Thank you.

SUI GENERIS

As the final summer of Senator Daniel Patrick Moynihan's public career comes to an end, I think back to one languid Friday afternoon three summers ago. Not much was happening; the Senate was in recess. So Senator Moynihan—my boss at the time—and I went to see an exhibit of Tyndale Bibles at the Library of Congress. Tyndale wrote the first English Bible from extant Greek and Hebrew manuscripts. Senator Moynihan was eager to learn more about a man whose impact on the English language, largely unacknowledged, is probably equal to Shakespeare's.

One might wonder what Tyndale has to do with the United States Senate. Not much, I suppose. But like Tennyson's Ulysses, Senator Moynihan is a "gray spirit yearning in desire to follow knowledge like a sinking star." He has unbounded curiosity. I'm not one who thinks his intellectualism is some sort of an indictment. Those who do are jealous of his capabilities, or just vapid. In a diminished era when far too many Senators know far too little, I have been fortunate to work for one who knows so much and yet strives to learn so much more.

There is little I can add to what others have written or will write about his career in these waning moments. But I would make a few observations. On a parochial note, I know of no other Senator who shares his remarkable facility for understanding and manipulating formulas—that arcane bit of legislating that drives the allocation of billions of dollars. He has "delivered" for New York but it's not frequently noted because so few understand it.

More important, every time he speaks or writes, it's worth paying attention. I think back to the summer of 1990, when Senator Phil Gramm offered an amendment to a housing bill. Gramm wanted to rob Community Development Block Grant (CDBG) funds from a few "rustbelt" States and sprinkle them across the rest of the country. The amendment looked like a sure winner: more than 30 States stood to benefit. Senator Moynihan went to the floor in opposition. He delivered an extemporaneous speech on the nature of our Federal system worthy of inclusion in the seminal work of Hamilton, Madison, and Jay as The Federalist No. 86. (The amendment was defeated: New York's share of CDBG funding was preserved.)

While Senator Moynihan has been enormously successful as a legislator, I think of him as the patron Senator of lost causes. By "lost" I mean right but unpopular. Every Senator is an advocate of the middle class; that's where the votes are. What I most admire and cherish about Senator Moynihan is his long, hard, and eloquent fight on behalf of the underclass—the disenfranchised, the demoralized, the destitute, the despised.

T.S. Eliot wrote to a friend, "We fight for lost causes because we know that our defeat and dismay may be the preface to our successors' victory, though that victory itself will be temporary; we fight rather to keep something alive than in the expectation that anything will triumph." this wistful statement, to me, captures the essence of Senator Moynihan and his career. Too many of today's tepid, timid legislators are afraid to offer amendments they think will fail. They have no heart, no courage. Senator Moynihan always stands on principle, never on expediency. He's not afraid to be in the minority, even a minority of one.

His statements over the years on a variety of topics constitute a veritable treasury of "unpopular essays." He characterizes the current bankruptcy "reform" bill as a "boot across the throat" of the poor. A few years ago, he fought against a habeas corpus provision in the "Antiterrorism and Effective Death Penalty act" (a truly Orwellian name for that bill). He argued, in vain, that Congress was enacting a statute "which holds that constitutional protections do not exist unless they have been unreasonably violated, an idea that would have confounded the framers . . . thus introducing a virus that will surely spread throughout our system of laws." These are just a few examples. Others include his passionate opposition to welfare repeal, the balanced budget act, the "line-item" veto, the Constitutional amendment to ban flag desecration. The list goes on.

For the past quarter-century, Senator Moynihan has been the Senate's reigning intellectual. But he has also been its—and the nation's—conscience. His fealty as a public servant, ultimately, has been to the truth. He seeks it out, and he speaks it, regardless of who will be discomfitted. He has done so with rigor, and wit, a little bit of mischief now and then, and uncommon decency.

When Thomas Jefferson followed Benjamin Franklin as envoy to France, he told the Comte de Vergennes, "I succeed him; no one could replace him." Others will succeed Senator Moynihan; no one will replace him. We are fortunate indeed that he has devoted his life to public service.

Mr. LAUTENBERG. I yield the floor.

Mr. REID. Mr. President, when I first came to the Senate, I had the good fortune, as my friend the distinguished Senator from Montana did, to serve on a committee with Pat Moynihan. My friend had it double; he not only got to serve with him on the Environment and Public Works Committee but also the Finance Committee.

Even though this is a time of sadness because we have lost a giant in the history of America, for those of us who spent time with Pat Moynihan, just mentioning his name brings a smile to our faces. There is no one I have ever served with in government or known in government who is anything like Pat Moynihan. He was a unique individual.

I was over in the House gym this morning, meeting with someone I came to the House of Representatives with, ED TOWNS, from New York. We were talking about Pat Moynihan. Congressman TOWNS said the last conversation he had with Pat Moynihan was a very pleasant conversation. Pat Moynihan called him—very typical of Pat Moynihan.

I wish I could mimic his voice. People who worked for Pat Moynihan can talk just like him. I can't. But he said—with his distinctive staccato delivery—he wanted to name this big building in Brooklyn for Governor Carey.

Congressman TOWNS said: No, I have someone else. I don't need to embarrass that person by mentioning that name. He said: I have someone else and I can't agree with you, Senator. I know Governor Carey was a good person, but I think we should name it after someone else.

Senator Moynihan, the gentleman that he was, simply said: Thank you very much.

Five or six weeks later he called back and said: You know, Congressman TOWNS, I am getting old. He said: This means a lot to me to have this building named after one of my close personal friends. I hope you will reconsider.

ED TOWNS said: I have reconsidered. You can do it.

Senator Moynihan said: Did I hear you just say I could name this building after Governor Carey?

And Congressman TOWNS said: Yes.

Pat Moynihan said: I am so happy.

Senator BAUCUS and I can imagine that conversation because he was truly a gentleman.

I had the privilege, as I indicated, of serving with him. I had the good fortune over many years to serve with many outstanding people in the Senate, men and women with extraordinary talent and achievements, people who have accomplished so much in their personal and professional lives, people highly educated, people who have great records of military service, and people who are just good public servants.

Certainly there have been many skilled orators in the Senate—today and in the past—and many other highly intelligent Senators, but I have to say, I trust nobody will disagree or be offended if I point out that Pat Moynihan stood out as an intellectual giant in the Senate, not only for the time he served here but in the history of our country.

Pat Moynihan spoke in a unique style, with a delivery that would not be taught in an oratory class.

He was a professor. He was a college professor, and he never lost that ability to teach.

I always felt, when I was in the presence of Pat Moynihan, that I had the opportunity to learn from him, whether we were on the Senate floor, or in a committee hearing, or in an informal conversation. I hope no one is going to be upset with me, but when I ran the Democratic Policy Committee for a number of years, we would take down names of speakers. I cheated a little bit and always moved Pat high up on the list because I loved to hear him talk, and he did not have a lot of patience and would leave if you did not recognize him pretty quickly.

He would come to our luncheons, and I remember he usually ordered egg salad sandwiches. He would eat, listen for a while, and if it were not something he was really interested in, he would go back to his hideaway and start writing. That is what he did most of the time.

Pat was unlike most of us. We devote a lot of our time to constituent services. Pat Moynihan did not do that. He was an intellectual giant, and he spent his time in the Senate reading and writing. He was a great thinker. Although he certainly did a good job of representing the State of New York, and served the interests of his constituents as his popularity makes clear, he often focused on the bigger picture and contemplated big ideas.

We identify Pat Moynihan with New York. He was actually a native of the American West. He was born in Tulsa, OK. His family moved to New York when he was a child. His father abandoned them, and his mother, thereafter, struggled to provide for Pat and his siblings.

Pat always worked hard. He worked as a shoeshine boy, later as a longshoreman. He did not come from a privileged background, but he had a privileged education because of his great intellect. He was able to achieve much because he was a hard worker and extremely smart.

He graduated first in his class from high school in Harlem, and by serving in the Navy, he was able to attend college. He graduated from Tufts University and remained there to earn his Ph.D. from the Fletcher School of Law and Diplomacy. He also studied at the London School of Economics as a Fulbright Scholar.

Pat had enlisted in the Navy during World War II. Just a short time ago, when he was still serving in the Senate, he had back surgery for an injury sustained years ago while he was in the U.S. Navy. He was proud of his military service and grateful that he was sent to college for training as an officer. But he was, indeed, a scholar. He was a professor at Syracuse University early in his career and then later at Harvard. He published numerous articles and studies covering a wide array of topics that reflected the tremendous breadth of his interests and depth of his knowledge.

I am not sure which Senator said this, although I think it was Dale Bumpers, who also recently has published a book—but if it was not Dale Bumpers, I apologize for not giving credit to the right Senator—who said he had not read as many books as Pat Moynihan had written. That is how he looked at Pat Moynihan. He was a voracious writer. He wrote 18 books, including 9 while he was a Senator. In addition, he wrote parts of many other books and articles too numerous to mention.

After one of his books was published, while we here in the Senate, he asked me if I had read it. I said: Pat, I didn't receive the book. He said: Well, maybe somebody on your staff borrowed it. So he gave me another copy, and I read it.

Much of his writing is famous. For me personally the most far-reaching, the most visionary article he wrote was called "Defining Deviancy Down." In this brief article—probably no more than 30 pages—he discussed how our societal values have changed over the years, how one thing we would not accept 20 years ago, now we accept. It is a wonderful article that reveals his perspective and insights and calls on us to recognize we have to change what is going on in our society.

Senator Moynihan had great compassion for America's poor, especially for children growing up in poverty. He sought to develop public policy that took into account social scientific methods and analysis. He applied academic research to benefit people living in the real world.

Pat was also interested in architecture and historic preservation. He worked to improve the appearance of Washington, D.C. to reflect its status as our Nation's Capital, and of federal buildings across the country. Those of us who leave the Capitol and travel along Pennsylvania Avenue, and see the beautiful buildings will remember his role in improving this area. When I was back here going to law school, that area of the city was a slum. It was a slum. Right off Capitol Hill, it was a slum. And Pat Moynihan recognized, when President Kennedy was inaugurated, that should change. And he changed it. He personally changed it.

Pennsylvania Avenue Development Corporation was something that Pat Moynihan thought up. When you drive down that street today, you see the beautiful building that we are proud of, that is part of the U.S. Capitol. That was the work of Pat Moynihan.

I can remember, there was one Senator who thought it was really bad that the courthouses we were building around the country were basically too nice. Pat Moynihan proceeded to indicate to all of us that is what we should do, that we should construct buildings for the future that people would like to look at that are nice inside. And Pat Moynihan won that battle.

To serve on the Public Works Committee with Pat Moynihan was like going to school and not having to take the tests because there was not a subject that came up that he did not lecture us on—the great architect Moses, not out of the Bible but of New York City. In everything we did Pat Moynihan taught us to be a little better than ourselves.

My thoughts and sympathies are with Senator Moynihan's wife Liz, his daughter Maura, his sons Timothy and John, and his grandchildren.

Mr. President, I wish words could convey to everyone within the sound of my voice what a great man Pat Moynihan was, how much he did to benefit the State of New York and our country. Because of my contact with Pat Moynihan, I honestly believe I am a better person. I better understand government. I do not have his intellect, his ability to write, but I think I understand a little bit about his enthusiasm for government and how important it is to people.

Mr. INHOFE. Mr. President, I have been listening to the tributes to a great man. I probably have a different feeling about Patrick Moynihan than most people do. Many people are not aware Patrick Moynihan came from Tulsa, OK, my hometown. Most people think of him as being a New Yorker, but really he is not. We hit it off many years ago before he was even in the Senate. I considered him one of the really sincere and lovable liberals of our time.

People would ask, why are the two of you such close friends? I would explain to them that we have many things in common, even though ideologically we have nothing in common. In fact, during the years we served together in the

Senate, his office was next to mine. When the bell would ring to come over and vote, I would walk to the door and wait for him so I could have those moments with him.

I don't think there is anyone who has had a more colorful career than Patrick Moynihan. It is one we will remember for a long time. But he had courage also. I used to say this about Paul Wellstone. There are few people who are really sincere in their philosophy, and yet they want to do the right thing. I remember standing right here when Patrick Moynihan, just a few seats over, stood up during one of our debates on partial-birth abortion, and he made this statement in a long and passionate speech, going into all kinds of detail as to what this barbaric procedure is. This is a quote. He said:

> I am pro-choice, but partial-birth abortion is not abortion. It is infanticide.

It took an awful lot of courage for him to say that.

I can tell you from when we knew each other back before our Senate days, following his colorful career has been a wonderful experience. I am hoping we will have others like him. We will be truly blessed if that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I join my colleagues in paying tribute to Senator Moynihan. He was one of the most special, most erudite, forward-thinking persons I have had the privilege to meet. He was an amazing man.

Senator Moynihan died yesterday at the age of 76. With a little bit of history—and then I will give a few personal anecdotes—he was elected to the Senate in 1976. I was elected in 1978, 2 years later. I had the privilege and honor to join both the Environment and Public Works Committee and the Finance Committee at the same time as Senator Moynihan. Senator Moynihan served as both chairman and ranking member of both committees. I had huge shoes to fill, as I immediately followed him as chairman and ranking member of each committee. I sat next to him many days and many hours. He was a wonderful man.

We all know about Senator Moynihan's great contributions in such important areas as foreign policy, trade policy, welfare, transportation, and environmental policy. They are enormous.

On the foreign side, Senator Moynihan was a visionary. In 1979, while the CIA and others were talking about how strong the Soviet Union was, Senator Moynihan predicted its downfall. I heard him say that many times. With keen understanding of history and the laws of economics, Senator Moynihan understood the inherent weakness of the Soviet structure.

Senator Moynihan's foreign policy experience led him to his groundbreaking work on Government secrecy, advocating greater openness as a core strength for any democracy.

On trade policy, Senator Moynihan had a vast depth of experience from being a trade negotiator to being a legislator. As a legislator, he was quick to educate his colleagues on the importance of pursuing a strong, bipartisan, open trade policy. With an unfailing independent voice, he was a firm believer in the principle that partisanship should not extend beyond our borders.

On welfare policy, Senator Moynihan was the center of debate for more than three decades. From his groundbreaking report on family policy for President Johnson, to his work for President Nixon on his welfare proposal, to his own Family Support Act of 1988, the first welfare reform legislation passed in decades, to his passionate dissent to the 1996 welfare legislation, Senator Daniel Patrick Moynihan never forgot what it was like to grow up in a poor family. For him it was clearly always about helping the children.

On transportation policy, Senator Moynihan was the author of the groundbreaking highway bill known as ISTEA. That legislation led to the dramatic improvement in transportation policy by focusing on surface transportation more broadly.

On environmental policy, Senator Moynihan was one of the first to stress that good environmental policy should be based on sound science. I heard that many times—sound science. He was right. He absolutely insisted that we obtain a careful understanding of the scientific problems and understanding of them on a scientific basis before we proceeded with environmental policy.

But his incredible contributions to our Nation did not stop there. One of his most enduring, but least known, contributions was his contribution to public architecture, particularly on the Environment and Public Works Committee.

Thomas Jefferson said:

> Design activity and political thought are indivisible.

In keeping with this, Senator Moynihan sought to improve our public places so they could reflect and uplift our civic culture. He himself said it well in 1961. We all know he held many important positions in Government, but it is not known so well that early in his career, in 1961, he was the staff director of something called the Ad Hoc Committee on Federal Office Space. That is right, in addition to all of his books, he once wrote a document called "The Guiding Principles for Federal Architecture." He wrote it in 1961, and it remains in effect today. It is one page long. It says that public buildings should not only be efficient and economical, but also should "provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government."

For many years, Pat Moynihan worked with energy and vision to put the goals expressed in the guidelines into practice. As an assistant to President Kennedy, he was one of the driving forces behind the effort to renovate Pennsylvania Avenue and finally achieve Pierre L'Enfant's vision.

He followed through. There is the Navy memorial, Pershing Park, the Ronald Reagan Building, and Ariel Rios, and there are other projects. Along with Senator John Chafee, he had the vision to restore Union Station—now a magnificent building—and then to complement it with the beautiful Thurgood Marshall Judiciary Building not far away.

It is a remarkable legacy leaving a lasting mark on our public places that brings us together as American citizens. In fact, it is no exaggeration to say that Daniel Patrick Moynihan has had a greater positive impact on American public architecture than any statesman since Thomas Jefferson.

In St. Paul's Cathedral in London, there is a description memorializing the architect of that cathedral, Sir Christopher Wren, and it reads: If you would see his memorial, look about you.

If years from now you stand outside the Capitol and look west down Pennsylvania Avenue, north at Union Station, and the Marshall Building, you can say the same about Senator Daniel Patrick Moynihan; that is, if you would see his memorial, look about you.

A few years ago when we were naming the Foley Square Courthouse in his honor, I used the same quote. I must confess, I was very pleased to have found this quote in English history and hoped to impress my very learned colleague. However, as is often the case, I fell a little short. No one, it turns out, can match his learning.

After my remarks, Senator Moynihan gave me a big hug. He was so happy. But he also corrected me quietly and politely. I had, he said, given the correct translation. I had said it was in Italian. He said: MAX, I think it's in Latin. Sure enough, it is in Latin.

In his honor, I stand corrected. The inscription memorializing the architect of St. Paul's Cathedral, Sir Christopher Wren, reads: Si monumentum requiris, circumspice; Latin for: If you want to see the memorial, look about you.

As we consider ways of memorializing Senator Moynihan, I have a suggestion. He loved Pennsylvania Avenue. He inspired its renovation. He helped design it. He helped build it. He lived there when he retired. It is his home. Therefore, I suggest that at an appropriate point on the avenue, we add his inscription: Daniel Patrick

Moynihan, Si monumentum requiris, circumspice.

I might also add, Senator Moynihan gave the commencement address this last June at Harvard University. I have read it. I was very impressed with it. I said to him: Patrick, that was a great speech. Do you mind if I put that in the CONGRESSIONAL RECORD? He said: I would love it.

About 2 months later, I received a letter from Senator Moynihan, and it said: Dear Max, you once offered, perhaps irrationally, to include my commencement address in the RECORD.

Mr. President, I think it is appropriate that Senator LAUTENBERG asked that Senator Moynihan's speech be printed in the RECORD. It is the commencement address he gave last June 6 at Harvard University. I commend it to my colleagues.

Senator Moynihan's speech includes many wise words about the future of our country, about terrorism, how to handle the world, which leads me to another memory of him. It was at the end of a session, and we were about to go on a 2-week recess. Senator Moynihan's chair is behind me at the end of the aisle by the door. I said: Patrick, what are you going to do this recess?

He said: I am going to give the Oxford lecture.

I said: What is that? He explained it.

He said: I am going to give the Oxford lecture. I am going over to England.

What are you going to talk about? What are you going to say?

I am going to talk about the rise of ethnicity.

What do you mean?

At the end of the cold war, he talked about the urdu, an Israeli sect, which was very strong, which epitomizes the rise of ethnicity in the world at the conclusion of the cold war. It is so true, if one stops and thinks about it. The world order has collapsed, and we are now almost in a free-for-all when different ethnicities, different countries, different people are pursuing their own dreams, and it is very difficult to find some managed order in this chaotic world today.

That was Senator Moynihan: The rise of ethnicity. It is very true.

Another time, I had a wonderful encounter with him, a wonderful exchange. People often ask us: What is going to happen, Senator? Who is going to win this election? What is going to happen?

I always answered: Well, as Prime Minister Disraeli would always say, in politics a week is a long time. That was before television. That was before radio. Today, it is even a shorter period of time to try to predict what is going to happen in political matters. Sometimes it is just a minute.

I was standing in the well of the Senate and somebody asked me: What is going to happen? And I said: Well, Disraeli said, in politics a week is a long time.

Senator Moynihan happened to overhear me, and very graciously and politely he walked up to me when the other Senators had left. He kind of leaned over to me and he said: MAX, now I think that was Baldwin.

I looked it up. Sure enough, it was Lord Baldwin—it was not Disraeli—who said, in politics a week is a long time.

He was an absolutely amazing man, the Senator's Senator, a professor. I have never known a Senator so gifted as Senator Moynihan. We are all going to certainly mourn his passing, but even more important than that, we are going to have very fond memories of him and I think be guided and inspired by him in so many different ways. We are very thankful he chose to serve our country as his calling.

I yield the floor.

Mr. BIDEN. Mr. President, I am going to make a longer speech about Pat Moynihan, who was a close personal friend. That sounds almost presumptuous to say. He was such a towering intellect and profound political figure, to claim a personal friendship with him seems to be somewhat presumptuous. But he was.

Of all that I recall Pat Moynihan said and did, there is one thing that sticks in my mind that seems particularly appropriate on the day after his passing.

He once said, and I am paraphrasing but it is close to a quote, about John Kennedy's death:

> There is no sense in being Irish unless you understand the world is eventually going to break your heart.

I want Mrs. Moynihan to understand that there are a lot of us—Irish and non-Irish—who have a broken heart today because of the passing of a man who was truly, truly a giant in 20th-century American politics.

HONORING OUR ARMED FORCES

Mr. CHAMBLISS. Madam President, I rise today to pay tribute to the brave service men and women from Georgia who are serving in Operation Iraqi Freedom and Enduring Freedom. Several weeks ago I had the privilege of being in Fort Stewart, GA, which is located in Hinesville, to visit with several hundred of our men and women preparing to leave as soon as we finished our visit to board an airplane headed for Kuwait. They are members of the 3rd Infantry Division, one of the more notable infantry divisions in the history of our great country. I swelled with pride as I had the opportunity to visit with those men and women who were so prepared, so well trained, and so well equipped to ensure that democracy and freedom continue to ring and to do what is necessary on their part to free the people of Iraq from the dreaded rule of Saddam Hussein.

The 3rd Infantry Division is known as the "Rock of the Marne." They fought bravely in World War I and they held their ground during the Battle of Marne when surrounding units retreated. Since then they have been operating under the motto "we'll stay there." Their most famous soldier was one of the most decorated soldiers in the history of the United States, Audie Murphy. They have a proud history of serving in World War II, the Korean war, and Operation Desert Storm.

Georgia and America can be proud of the history that the 3rd is making today in Iraq. Currently, there are over 7,000 tanks, humvees, Bradley armored vehicles, and trucks in theater. This is undoubtedly one of the largest convoys ever in the history of the United States Military. They are facing heavy resistance and fierce sandstorms, but because of their training and their preparation, thankfully they have suffered only light casualties.

This morning, as we speak, the 3rd Infantry Division is less than 50 miles from Baghdad, preparing to encounter the elite Iraqi Republican Guard. Over the last 3 days, soldiers from the 3rd Infantry Division have surrounded the city of Najaf and taken captive over 500 Iraqi soldiers in their effort to liberate the Iraqi people and overthrow the oppressive Iraqi regime.

In addition to the 3rd Infantry Division, there are many other brave men and women deployed from Georgia to the Middle East and Afghanistan, including the 94th Airlift Wing from Dobbins Air Reserve Base in Atlanta; the 165th Airlift Wing from Savannah; the 4th Supply Battalion from the Marine Corps Logistics Base in Albany, GA, which is near my home; the Marine Aviation Logistics Squadron from the Naval Air Station in Atlanta; the 221st Military Intelligence Battalion in Atlanta, from the Army Reserve, and the 116th Air Control Wing from Robins Air Force Base, who are very proud of flying the Joint Stars weapon system.

I have had the privilege of representing Robins Air Force Base for the last 8 years as a Member of the House. I have flown with the Joint Stars about four times. They are so proud of the work they do, and justly so. They are the eyes of the Army when it comes to gathering intelligence on the enemy and its movement.

Sadly, they are also prisoners of war and brave soldiers that have been killed and wounded in the line of duty from Georgia. Just this week, there was an Apache helicopter shot down. On that helicopter were two chief warrant officers, Rob Young from Lithia Springs, GA, and David Williams. Both of these men now are prisoners of war of the Iraqi Army.

I had the opportunity to visit with Officer Young's father on Tuesday this week. He was obviously, like all of his family and all Americans, very concerned about the health and safety of his son. But he was so proud of the work that his son was doing and so proud that his son was doing exactly what he wanted to do. I share in that pride with his family.

Killed in action in Iraq over the last couple of days have been Specialist Jamall R. Addison of the 507th Maintenance Company from Fort Bliss, TX, who is a resident of Roswell, GA; Specialist Gregory P. Sanders from Company B, 3rd Battalion of 69th Armor, stationed at Fort Stewart, GA.

Unfortunately, also killed in the helicopter crash in Afghanistan over the last few days, they were flying a Pave Hawk search and rescue helicopter, 1LT Tamara Archuleta, SSgt Jason Hicks, MSgt Michael Maltz, SrA Jason Plite, LTC John Stein, and SSgt John Teal, all from Moody Air Force Base in Valdosta, GA. We will be praying for them and their families in this time of hardship and sorrow.

The men and women I have described are all part of the All-Volunteer Force that make up the best and brightest our country has to offer. They have chosen to put their lives on the line for the freedom of their families and their country, and we could never adequately express our gratitude for the sacrifice they and their families have made and will continue to make for the United States.

I am proud of all of these young men and women. I salute them. We want to make sure they and their families know they continue to be in our prayers. We wish for immediate success and a safe return of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, in the early stages of the conflict with Iraq, my State of Oregon is already mourning, already forced to count the cost of this war in real and human terms.

This morning I expressed my condolences to the families and friends of all of those who have given their lives in this war, but I particularly recognize the brave soldiers being mourned today by the people of Oregon. Army Reserve Specialist Brandon Tobler, who was only 19, lost his life in a humvee accident during a sandstorm. Brandon was the only son of Leo and Gail Tobler of Portland. He grew up there and joined the military to help pay for college. He was in a convoy headed to Baghdad providing engineering support to the combat troops. Private Tobler's death reminds us that a soldier doesn't have to be on the combat line to face tremendous danger and possible death.

It reminds us how brave each and every person who puts on a uniform for the United States must be regardless of their particular assignment.

Air National Guard MAJ Gregory Stone was a 20-year veteran of military service. He was killed in the grenade attack at the base of the 101st Airborne in Kuwait. He leaves behind two young sons today, Evan and Joshua, as well as his mother in Ontario—who I just spoke with—and others across our State who loved him dearly. Major Stone graduated from Oregon State University, and from Benson High School in my hometown of Portland. He died far from the front lines but, again, called to sacrifice in war.

Army SGT Donald Walters is now missing in action after his convoy was ambushed in Southern Iraq. His wife and kids are in Missouri. His parents, Norman and Arlene, are in Salem, OR, awaiting word on his safety. Sergeant Walters comes from a family with a rich tradition of service across the military, including the Army, Navy, and the Air Force. He is a specialist in decontamination. His convoy was moving to support troops in battle when they took a wrong turn into terrible circumstances. The people of Oregon now are praying for his family and his friends. I join with all of them in hoping for his safe return.

Each of these very brave Oregonians, in my view, is an example of the best of the American spirit. We mourn the deaths of those killed. We pray for the safe return of Sergeant Walters and, above all, we give thanks for all of those living as well, who still serve so bravely in this time of war.

Madam President, the special people who are serving our country cross generations, and they represent every ethnic group. They serve in a wide variety of capacities. Some come from Reserve units or the National Guard. Others are in the permanent services. They are members of very different fighting forces—Army, Navy, Coast Guard, Marines, and Air Force. Amidst all of this diversity, there is so much that they share—especially a deep love for our country, and a common willingness to risk their lives for the lives of others.

Together, they stand between the citizens of our Nation and those who would do America harm. They all know that at any time they could be called upon to make the ultimate sacrifice. Yet, each day, they go in and put their uniform on and charge into harm's way for all of our sakes.

Throughout American history, members of our military have made the sacrifices that allow our great Republic to survive. Today, as the pictures of this war play out on television screens across the Nation, people in this country can see as never before just what a war requires of men and women who fight on behalf of all of us. As we watch, it is important to remember these images are not created in Hollywood. They are the actions of real human beings. The soldiers are real people, loved by countless Americans here at home who worry every single hour for their safety, and mourn them when they are lost.

I will close today by expressing my gratitude to all of the Americans who serve our great Nation, and take special time today to reflect on the contributions of the Oregonians we have lost. Our concern for the missing people of this country today is great. The people I represent at home in Oregon offer their prayers every day for the success of the mission of those who serve and for their safe and speedy return.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I am truly pleased and honored to be here today for the second continuing day of the Senate's tribute to the troops. I want to say to my good colleague from Oregon, Senator WYDEN, that the purpose really of us being here today and the time we are trying as a body to take is to recognize and to speak out to his constituents in Oregon; and it is not just his thoughts and prayers that go out to those families but all of our prayers.

When it comes to our troops and the tribute we pay to these men and women who serve us, serve this great Nation, we act as one body. We come together with collective thoughts and prayers for each and every one of these service men and women.

Regarding the two Oregonians whose lives were lost and the two who are missing, each of us feels what Senator WYDEN does. We want to express that as a body. I think it is so important at this time in our country's history that we as a body are not divided, that we are here as individuals to say our thoughts and prayers are collective for the men and women who have put their lives on hold here, left their families, and gone to a foreign land to defend our freedom and our security against the tyranny of this individual who has the unbelievable capabilities of weapons of mass destruction.

So I am pleased the Senator from Oregon was able to join us, and I hope his constituents understand they have the entire body's thoughts and prayers with them. I want to expand on that a little bit.

I come to this body a little bit differently than many of the other Senators. I don't have a long list of elected positions that I have held, and in terms of the time I have been here, it is probably shorter than a good many. I really come as a farmer's daughter and, I guess more recently, as a mother. I thought this morning, as I put my twin boys who are in the first grade on the school bus, sending them off to school, having sat at the breakfast table and made sure they had a good breakfast—one of my boys is in a school play and we were practicing his lines—when I put them on that bus this morning, I thought about the other mothers in the country whose sons and daughters are in a faraway land, who they cannot communicate with; all they can do is look up in the sky and realize that the same moon, and the same sun, and the same stars are shining above their precious children today in a foreign land where their lives are in danger. I just lifted up my own prayer of thankfulness that I live in this great country, where people want to be a part of other people's lives, where men and women are willing to give of themselves to defend the things we believe in: freedom, fairness, hard work, community, and helping each other.

Yesterday, I paid tribute to the troops from Arkansas, from all across our great State—so many of whom were from small communities, almost every community in our State represented. Those proud men and women, measuring well over 2,000, are now over there in that conflict.

Today, I want to talk about how each of us can honor all of the individuals who are there serving us right now. As I said earlier, not having served in the military myself, and not having a longstanding history of elected positions, I look back to my own background, and I remember the stories my mother told me. She remembered every detail. She had gone to the movies, and when her mother picked her up from the movies, she told her that World War II had begun and that her big brother would be shipping out in the next couple of days. She remembered everything: She remembered the movie, she remembered the clothes she was wearing, she remembered the thoughts in her mind. She thought, what is it that I can do to make a contribution and honor these individuals who are going overseas to defend me, and who I am in this great country that I belong to? She thought about that. She was immediately introduced to rations and victory gardens and making sure that there were plenty of bandages for the Red Cross.

We must all look at and never underestimate the ways we can honor those individuals.

I think one of the most important ways we can honor these men and women who have sacrificed and are giving so much on our behalf is to look at ourselves as a body. As we stood here this morning and said the Pledge of Allegiance to the Flag, which always makes me proud, to be indivisible, to come together as one body when it comes to our troops—we are going to have our differences. We always have and we always will. But I think it is so important in this time of paying tribute to our armed services, the forces that are out there to defend our freedoms, that we act in a nonpartisan and indivisible way.

I was really saddened today when I picked up the paper and, in what has become a very common manner, there was a sense of making fun about some of the priorities that many of us Democrats had in this recent budget debate. Budgets are all about priorities, and in our household, I run our budget. We sometimes have to cut our spending to make sure we have enough money for college education and other priorities in our household budget.

I had an amendment on the budget which I thought was very important. When the men and women who serve in our Reserves and National Guard are activated, they have health care at that point, but prior to that point, they do not have health care. I think it is equally as important to honor them not just when they are serving but when they are at home preparing and willing to serve.

I do not think it is comical in terms of a Democratic "spend-o-meter." It is my priority that these men and women are important enough to me that I am willing to ask some to delay a tax cut so we can provide that kind of health care to their families and to our men and women serving when they are willing and preparing to serve us in the armed services.

In these continuing debates—we certainly come to the floor to talk about the men and women from our States who serve us in the armed services, who have put their lives in harm's way, to talk about their families at home who are heartbroken, who are anxious, who are in thoughtful prayer—I hope we will also remember in this body as we debate these priorities—whether it is a budget, tax cuts, or any other issue—that we also remember what they fight for: Our ability in this country to have the freedom to disagree but to disagree with respect.

My priorities in that budget were for the service men and women who serve, and I will continue to put them as a priority because when I put my son on that bus this morning, I thought about the rest of those mothers across this country. I thought about those men and women serving us who left family members behind who maybe did not have health care, and I think it is critical. Whether or not we disagree, we certainly respect the differences of opinions that we may have in this body and, for the sake of those men and women who have put their lives in harm's way, that we will not be frivolous with our comments or comical in the priorities each of us may have, even though there is a difference.

I thank the Chair.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Arkansas be allowed to speak for as long as she would like. She is making a good statement, and there is no other Member on the floor. I make that request.

Mrs. LINCOLN. I thank the Senator from Montana. I thank him very much for what he is going to begin, a tax package that really does serve the men and women in uniform. I appreciate his hard work and leadership on that issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SUNUNU). Morning business is closed.

ARMED FORCES TAX FAIRNESS ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1307, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H. R. 1307) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 3 hours of debate on the bill.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now awaiting the arrival of the chairman of the committee. Pending his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is a privilege for me to be before the Senate again in a working relationship with Senator BAUCUS, the ranking Democrat of the Senate Finance Committee. It is another example of legislation that comes out of our committee in the bipartisan tradition of our committee, and this one came out, I believe, with unanimous support.

I very much appreciate not only the cooperation of Senator BAUCUS, but other members on the Democratic side of the committee, for helping us move along a very important piece of legislation, one that was very important last fall when we did not get it passed but more important now because it deals with our people in the military and because of what is going on in Iraq at this moment.

We are here today to consider the Armed Forces Tax Fairness Act which the Finance Committee developed during this and the last Congress. This is a particularly somber time in our country as we continue our dangerous operations in the country of Iraq.

The contributions of the men and women of our uniformed services, our reservists and our National Guard, are foremost in our minds, and our thoughts and prayers remain with their loved ones and with families. I particularly wish to extend my condolences to the family of SGT Bradley Korthaus of Davenport, IA, whose death was reported yesterday. SGT Korthaus died while serving his Marine Corps engineering unit in southeast Iraq. So we have before us legislation affecting all of these men and women, legislation to ensure that our service men and women and their families are treated fairly under tax law. It seems to me this legislation is particularly timely.

The military bill we consider today rectifies a number of inequities faced by the uniformed services, our National Guard, and even Foreign Service personnel. For example, this legislation before the Senate now ensures that the families of military personnel called into active duty are not disadvantaged under the home sale exclusion provisions that affect many homeowners in the United States because most Americans are permitted to exclude built-in gain on the sale of their personal residence if they meet certain residency requirements.

The situation for military personnel owning a home is entirely different because we know that military personnel, called to active duty or asked to relocate, do not have the flexibility to meet these residency requirements and are consequently then adversely impacted by these rules. The Tax Code is unfair to them because they have no control over where they are going to live because they are called to meet the command of a military commanding officer to move out to someplace else.

The legislation, then, would suspend the residency test for periods of active duty aggregating no more than 10 years. We should obviously not punish members of our military and their families who are asked to relocate in the name of serving their country and protecting our national security, protecting our freedoms. To that extent, the Tax Code is unfair so that they get punished in ways that people who are nonmilitary and can control more of their lives would not be punished.

Another important issue weighing on the minds of many military personnel called into active duty is the well-being and the care of their children. The Federal Government works to ensure that military families have adequate and affordable access to child care, as we should. This is an important function of the military during peacetime, but it is essential, even more so, during periods of conflict such as the one we are experiencing in Iraq.

The need is that much more pressing obviously for single parents and dual military career families. This legislation clarifies that dependent care benefits provided to families of the uniformed services will not be treated as taxable compensation.

In recent days, the press has focused significantly on the impending service contributions of our Reserve, military people, and National Guard members. To date, we have more than 200,000 reservists and National Guard being called to active duty, most of them called for the sole purpose of assisting Operation Iraqi Freedom. This includes, in my own State of Iowa, 3,500 men and women who have been called to active duty. We have begun to rely increasingly on these service personnel to defend our borders and serve and protect in other areas of the world, meeting their commitment to our total force concept of the military.

Many of Iowa's reservists have contacted me to emphasize that reservists who travel for training exercises that they do on weekends, or any other time, are required to spend their own money for these travel expenses. If our military is not able to reimburse reservists for travel expenses related to training assignments, we should, at a very minimum, allow these men and women to fully deduct those expenses on their Federal tax returns and not be hit by some threshold that precludes most of these deductions from being taken. Reservists should not be in a position of subsidizing their own military training.

Among other things, this legislation also ensures that military personnel serving in Secretary of Defense-designated contingency operations—and this would include Operation Desert Storm and presumably now Operation Iraqi Freedom—receive appropriate relief from the administrative burdens that our tax laws foist upon them during participation in those operations.

In closing, we all thank the men and women of the U.S. military and Reserve components. The onset of the conflict in Iraq, no doubt, renews our deep appreciation for the tremendous sacrifices and risks that they undertake to protect the freedom of American people and others around the world. It is a perfect time then to ensure that our military is more fairly treated under our country's tax laws. That is what this legislation is all about.

So I thank my colleagues for their consideration of this legislation. I urge each of my colleagues to vote for this very important tax fairness measure, particularly considering the importance of it at this time of sacrifice on the battlefield of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act of 2003. On February 5, 2003, the Finance Committee favorably reported the bill by unanimous voice vote.

As the conflict in Iraq continues, our thoughts are with the men and women who are leading America's response and serving our country. Whether it be the Marines deployed in Iraq, the National Guard supporting our troops, or the Foreign Service Officers serving in dangerous diplomatic posts.

I think in particular of the many men and women in Montana. These men and women have been called to service to defend our Nation. In fact, on September 11 of 2002, the members of the 120th Fighter Wing of the Montana Air National Guard were called on to secure the skies of the no-fly zone over Iraq.

For these dedicated public servants, we are considering the Armed Forces Tax Fairness Act. This bill will not only correct inequities in the current Tax Code that our military men and women are subject to but it will also provide incentives for our dedicated forces to continue their service to America.

These are the men and women who put their lives on the line for our freedom on a daily basis. We need to ensure that the tax laws we pass do not negatively impact them.

It is with these principles in mind that I have moved forward with the introduction of this military tax package and that the Finance Committee favorably reported the bill.

I would now like to describe the provisions included in this critical piece of legislation:

Why is the death gratuity payments provision so important? Under current law, death gratuity benefits are excludable from income only to the extent that they were as of September 9, 1986. In 1986, the death gratuity benefit was $3,000.

In 1991, the benefit was increased to $6,000 but the Tax Code was never adjusted to exclude the additional $3,000 from income. Because of this oversight, the U.S. government has been taxing families for the death of a family member who died in combat.

Just 2 weeks ago, one of our soldiers from Montana, PFC Stryder Stoutenburg, was killed during a Blackhawk helicopter crash. A native of Missoula, Private First Class Stoutenburg was only 18.

His mother will receive the death benefit payment, but will be taxed on half of it. She has already lost so much. It is unfair to also take away part of the small compensation she is receiving.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new law provides that up to $250,000 or $500,000 for a married couple is excluded on the sale of a principal residence if the individual has lived in the house for at least two of the previous five years.

However, when enacted, Congress failed to provide a special rule for military and foreign service personnel who are required to move either within the U.S. or abroad.

Our proposal would permit service personnel and members of the foreign service to suspend the 5-year period while away on assignment. That means that those years would not count toward either the two years or the five year periods.

Senators MCCAIN, GRAHAM, and LINCOLN proposed a bill in the last session to correct this.

The Department of Defense provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth $140,000 prior to the base closure and $100,000 after the base closure, DoD may provide the owner with a payment to offset some, but not all, of the $40,000 diminution in value. Under current law, those amounts are taxable as compensation.

We should ensure that those men and women losing value in their homes due to a federal government decision are not adversely affected financially.

The proposal would provide that payments for lost value are not includible into income.

Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal would extend the same benefits to military personnel assigned to contingency operations.

It cannot be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women who are sent to uphold democracy and freedom in other countries are confronted with the same filing complications as combat zone personnel.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom who are just as focused on accomplishing their critical mission as our troops in the Iraqi combat zone.

Some reservists who travel one weekend per month and two weeks in the summer for reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor limits the amount of the benefit of the deductions.

In my home state of Montana, we have approximately 3,500 reservists, 800 of whom travel each month across the state for their training. These 800 reservists pay travel and lodging expenses out of their own pocket.

Montana ranks 48th in the nation for per capita personal income. So, that $200 expense for reserve duty every month means a lot to the Montana reservist. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists who travel out of state for their training, this expense is even higher.

This proposal would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

Currently, qualified veterans' organizations under section 501(c)(19) of the tax code are tax-exempt. In addition contributions to the organization are tax-deductible.

In order to qualify under 501(c)(19), the organization must meet several tests, including 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal would permit lineal descendants and ancestors to qualify for the "substantially all" test.

It is important that our veterans' organizations continue the good work that they do. But, as the organizations age, they are in danger of losing their tax-exempt status. This bill helps ensure the vitality of these organizations.

I want to ensure that parents in the military can continue their dedicated service once they enter parenthood, with the knowledge that their children are being well taken care of.

The military provides extensive childcare benefits to its employees. Employees at DoD-owned facilities provide childcare services while other areas with non-DoD owned facilities contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether childcare provisions are covered under this provision.

The proposal would clarify that any childcare benefit provided to military personnel would be excludible from income.

This bill permits penalty-free withdrawals from Coverdell education savings accounts and qualified tuition programs made on account of the attendance of the account holder or beneficiary at any of the service academies. The amount of the funds that can be withdrawn penalty-free is limited to the costs of advanced education in that calendar year.

Under current law there is no procedure for the IRS to suspend the tax-exempt status of an organization.

This proposal would suspend the tax-exempt status of an organization for any period during which the organization is designated or identified by Executive Order as a terrorist organization.

Current law provides for income tax, estate tax and death benefit relief to soldiers who are killed in a combat zone, victims of the September 11th attacks, the Oklahoma City bombing victims, and the victims of the anthrax attacks.

The crew of the Space Shuttle *Columbia* was heroic in every sense of the word. We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in. This legislation makes all of the above benefits available to the families of the *Columbia* crew.

In addition, this bill includes three revenue offsets. First, we improve the collection of unpaid taxes from people who have renounced their American citizenship in order to avoid U.S. taxes.

Second, we extend certain IRS user fees.

Third, we restore the ability of the IRS to permit partial-pay installment agreements with taxpayers.

The Military bill passed by the Senate Finance Committee fixes some of the inequities in our tax code and, more importantly, acknowledges the men and women who are making sacrifices and risking their lives to defend us all.

I thank all of the Members who have contributed to the development of the bill: Senators LEVIN and WARNER of the Armed Services Committee, Senator LANDRIEU for the childcare provision, Senator JOHNSON for the contingency operation provision, Senator DEWINE for the above-the-line deduction, and Senator HARKIN for the Veterans and Expatriation provisions.

I especially thank the Chairman of the Finance Committee, Senator GRASSLEY, who has once again been a partner in the development of important bipartisan tax legislation.

Mr. President, it is important that we continue to show members of the armed forces our support and solidarity during this time of conflict. The War on Terrorism and the conflict with Iraq have brought to light the essential role the armed services play in upholding freedom throughout the world.

I hope to see this military tax equity bill passed by the Senate today, and signed into law by the President swiftly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at 1 p.m. today, all time be yielded back on H.R. 1307, the amendment be agreed to, the bill be read a third time, and the measure be temporarily set aside; provided further that the Senate then proceed to the consideration of S. Con. Res. 30, expressing gratitude to our allies; that no amendments or motions be in order to the resolution or preamble; further, that there be 1 hour of debate equally divided between the chairman and ranking member of the Foreign Relations Committee; that at the expiration or yielding back of time, the Senate proceed to a vote on adoption of the resolution, without intervening action or debate; further, that immediately following that vote, the preamble be agreed to; provided further that following that action, the Senate then proceed to a vote on passage of H.R. 1307 as under the previous order.

I further ask unanimous consent that there be 2 minutes equally divided in the usual form prior to the stacked votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following any stacked votes today, the Senate proceed to executive session for the consideration of the following nominations: Calendar No. 76, James Selna to be U.S. District Judge of the Central District of California; Calendar No. 79, Philip Simon to be a U.S. District Judge for the Northern District of Indiana.

I further ask consent that the Senate then proceed to consecutive votes on the confirmation of the mentioned nominations; further, that following the votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now ask unanimous consent that it be in order to ask for the yeas and nays at this time and with one show of hands.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that immediately following the last rollcall vote today, there be a period of morning business for tributes to the late Senator Daniel Patrick Moynihan with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that the tributes to Daniel Patrick Moynihan, the late Senator from New York, be printed as a Senate document, and that Members have until 12 noon, Friday, April 11, to submit said tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON CALENDAR—S. 711, S. 712, S. 718 and S. 721

Mr. FRIST. Mr. President, I understand there are four bills at the desk which are due for a second reading. I ask that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 711) to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selective Reserve who are mobilized.

A bill (S. 712) to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

A bill (S. 718) to provide a monthly allotment of free telephone calling time to members of the United States Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

A bill (S. 721) to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the measures, and I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

ARMED FORCES TAX FAIRNESS ACT OF 2003—Continued

Mr. DEWINE. Mr. President, I rise today to share my strong support for this much needed and much deserved military tax package. I commend Chairman GRASSLEY and my many colleagues who have worked so hard on this bill for such a long time. As we all know, this tax package is long overdue.

As my colleagues know, the Armed Forces Tax Fairness Act of 2003 would provide critical tax relief to our service men and women. Specifically, this bill would remedy several tax problems that unfairly penalize the men and women serving in our military and Foreign Service. Certainly now, more than ever, we must correct these inequities. It is the right thing to do.

Mr. President, there are many service men and women from my home state of Ohio serving in our military today. My wife, Fran, and I pray for all of them and their families—we pray that they will be safe, wherever they are and in whatever capacity they are working. Many of these courageous men and women are in Iraq right now. Four of them from Ohio have been injured or are listed as missing. Both Army CPT Gregory Holden from Huron, OH, and Marine Corps Sgt. Jose Torres from Lorain, OH, have been injured in the war. And Army PVT Brandon Sloan from Bedford Heights, OH, and Marine Corps MSgt Robert Dowdy from Cleveland are listed as missing. I would like their families to know that we are praying for them. We pray for their recovery and their safe return home.

Mr. President, as we debate the merits of this bill, I would like to take a moment to discuss a specific provision that I have worked on for more than two years—and that is a provision that would allow our National Guard and Reserve members to take deductions for travel expenses incurred getting to and from duty assignments. This initiative stems from legislation I first introduced two years ago, and then again this past January.

Specifically, the provision would provide a tax deduction for overnight travel costs incurred more than 100 miles from the taxpayer's home. These expenses include meals, transportation, and lodging up to the amount allowable under Department of Defense per diem allowances.

Mr. President, this provision is a positive step in the right direction, as approximately 225,000 Reservists and Guardsmen incur significant out-of-pocket expense—expenses that often match or even exceed their military take-home pay.

The restoration of the tax deductibility of these expenses would help alleviate the personal and financial costs of these individuals' patriotic efforts. And, quite frankly, our servicemen and women should not be put in the position of subsidizing their own training.

I thank Chairman GRASSLEY, Senator BAUCUS, and the Finance Committee for working with my office to include my provision. I also would like to thank Senator McCAIN and my 61 colleagues who co-sponsored this legislation with me last year. The incredible number of bipartisan co-sponsors demonstrates the widespread support our legislation carries, as well as the tremendous support we all share for our troops.

Mr. President, we owe these brave Americans our thanks and our deep and abiding gratitude for their service and dedication to our country and all that it represents. Whether in the streets of Baghdad, the deserts of Kuwait, or the caves of Afghanistan, we must never forget those men and women, who serve to uphold the ideals of our great Nation.

They have sacrificed so much not only to protect our freedom, liberty, and way of life here at home, but also to promote those ideals abroad.

Mr. President, this entire military tax package is an important sign of support for those called to serve, as well as their families. I urge my colleagues to support it.

I thank the Chair and yield the Floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, thousands of men and women from Montana are currently stationed overseas, be it in Iraq, Afghanistan, South Korea, Southeast Asia or in other supporting missions throughout the United States and the rest of the world.

These brave and dedicated soldiers have chosen to join the Armed Forces and protect our country, which is one of the highest forms of service there is. They are putting their lives on the line to protect the freedom and security of the United States. I take my hat off to them.

To date, Montana has sent almost 700 Reserve forces into Active Duty. Malmstrom Air Force Base has 105 airmen deployed overseas, including 50 members of the 819th Red Horse Squadron. Earlier this month 114 members of the Red Horse Squadron came home after being deployed in southwest Asia for five and a half months. The airmen are supporting six different operations around the world in southwest Asia, supporting no-fly zones in Iraq or in Afghanistan.

About 390 Army Reservists from Montana have been deployed. From Great Falls, the 889th Quartermaster Company unit—with 119 members—recently received mobilization orders along with 100 members of the 4225th U.S. Army Hospital.

From Missoula, 58 soldiers from the 279th Engineer Battalion and 16 soldiers from the 823rd Transportation Detachment have been activated. And out of Billings, 161 members of the 592nd Ordnance Company recently received their orders. Most of these army Reservists will take part in Operation Enduring Freedom.

Montana's Air National Guard has also contributed significant human resources. 210 members of the 120th Fighter Wind have been activated flying in the no-fly zone over Iraq.

Montana's Army National Guard has contributed about 125 Army Guard members, many of which are at other bases throughout the United States taking part in Homeland Security measures.

Thirty-five members of the 443rd Petroleum, Oil and Lubricants Supply Company have been mobilized to assist with base security at the 120th Fighter Wing unit on Gore Hill outside of Great Falls, MT. Forty-five soldiers from the 495th Transportation Battalion are taking part in Operation Enduring Freedom. Eight ground-air liaison teams are in Fort Sill, OK, and 2 UH60 Helicopter pilots are in Fort Benning, GA.

Most certainly, I do not want to forget the thousands of Active Duty Army, Navy, Air Force and Marines from Montana stationed elsewhere throughout the Nation and overseas.

These soldiers are sons and daughters, brothers and sisters, fathers and mothers. And like you and I, they have families to take care of and worry about. They have personal lives to attend to, bills to pay and tax forms to fill out. As they are stationed far away, they are worried about how their children are doing in school and how their husbands or wives are coping with the distance. It is not easy.

Every day they are putting their lives back here on hold and instead putting their lives on the line to protect the rights we hold so dear.

With all of the worries they are facing, I am urging for passage of the military tax bill so we can take one, or two, burden off of their minds.

These men and women should not have to worry about whether or not their deployment changes their residency for tax purposes. They should not have to worry about whether or not they can afford their weekend training, nor should they ever have to worry about whether their death could result in an undue tax burden to their family.

One of the best ways we can support our troops is by doing everything we can to ensure that they and their families are taken care of. As a tribute to our Armed Forces, I cannot think of a better way to support them than by passing the military tax bill and allowing them to focus on their mission rather than their finances.

I encourage my colleagues to show their support for our troops today by voting in favor of the Armed Forces Tax Fairness Act.

Ms. LANDRIEU. Mr. President, I know that my friends and colleagues, Senator GRASSLEY from Iowa and Senator BAUCUS from Montana, share my concerns about the safety and welfare of our troops in the field and their families at home. With the deployment of the 389th Engineer Battalion and the 106th Aviation Unit from the Iowa Guard and 495th Transportation Company and 411th Support Detachment from the Montana Guard, no one can doubt that the people of the Hawkeye and Big Sky States are making very important contributions to our national defense.

However, I wonder if my friends saw the article in the Washington Post on March 4, entitled "Called-Up Reservists Take Big Hit in Wallet; Families Struggle on Military Salary." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 2003]

CALLED-UP RESERVISTS TAKE BIG HIT IN WALLET; FAMILIES STRUGGLE ON MILITARY SALARY

Spring should be the busy season for the Brinkers' Columbia home improvement business. But instead of cashing in on the jobs that will come up as the weather improves, Lynn Brinker is calling customers to cancel thousands of dollars' worth of work.

It was less than five months ago that her husband, Sgt. Mark Brinker, an Army reservist with the 400th Military Police Battalion, returned from a year-long, post-Sept. 11 deployment to Fort Sam Houston in Texas. To get through that tour, Lynn Brinker cashed in savings bonds meant for the education of their three children, took out a bank loan and borrowed $15,000 from a relative.

Now, Mark has been called up again, this time for the impending war in Iraq, and she doesn't know what they're going to do.

"There is just no way we can make ends meet with him gone again," she said, "It's just ridiculous. We're in our forties, we've worked hard, and we didn't expect to have to be starting all over again like this."

As the Pentagon continues to activate reserve and National Guard troops, some of the biggest sacrifices are being made on the home front. In addition to risking their lives, many soldiers, sailors, airmen and Marines are risking their livelihoods, leaving civilian jobs that pay much better than the military. Families are selling second cars, canceling vacations and postponing paying bills as they steel themselves for drastic reductions in income.

For the reservist on inactive status, the duty can be a welcome source of extra cash. A private with less than two years' experience can pick up $2,849 a year for one weekend a month of drilling and an annual two-week training exercise. A staff sergeant with six years can get $4,628. With a call to active duty, the pay bumps up—$16,282 for a private first class and $26,448 for the staff sergeant, which is tax-free while the military member is in a combat zone.

There are other benefits. Mortgage and credit card rates are reduced. In some cases, the law prohibits landlords from evicting military families even if they haven't paid rent. And employers are required to take reservists back once they return from duty, with no loss in pension benefits or seniority.

But the package comes nowhere near making up for many civilian salaries.

The reservists are volunteers, of course. They have been reminded repeatedly that active duty could come at any time. But many say they signed up for the several thousand a year in extra pay and other perks, not for war.

"I thought I could get some money for school," said Spec. Robert Moore of Pasadena, who spent a year on active duty with the Army's 443rd Military Police Company after the Sept. 11, 2001, terrorist attacks and was shipped off again last week for training at Fort Lee, Va.—most likely a prelude to deployment overseas. "I think most people just thought: 'We're just the reserves. We're not going anywhere.' "

Sgt. Kevin Green hears similar comments from his Army National Guard troops in the 1229th Transportation Company.

"They don't want a weapon in their hands, riding around in another country, worried that they won't come back," he said.

As of last week, 168,083 reserve and National Guard troops were on active duty, including thousands from Washington, Maryland and Virginia. They have guarded al Qaeda and Taliban detainees from Afghanistan at Guantanamo Bay in Cuba and patrolled Iraq's no-fly zone. Now, area troops are getting ready to set up refugee camps in northern Iraq and to transport equipment to the front lines. In the Maryland National Guard, 3,000 of 8,000 members have been called up since Sept. 11, 2001.

"The military can't conduct a war without the National Guard and reserve components," said Maj. Charles Kohler, a spokesman from the Maryland National Guard.

Green's unit probably will be placed somewhere in the Middle East, he said. He doesn't yet know where, but it will be a world away from his civilian life, where he has two children and is in charge of Sears deliveries in Maryland. While on active duty, he expects to lost about $1,000 a month, the equivalent of his monthly mortgage payment.

Green was called up during the Persian Gulf War, and this time around, he thought he knew how to prepare. But still he was caught somewhat off guard.

"You try to put a few dollars away in case of an emergency," he said. "But this isn't an emergency; this is a crisis."

Now, he's praying for two things: "I hope we win the lottery, or at least that our car doesn't break down."

His fiancee, Wanda Jones, will have to work overtime at her pharmaceutical company job to help make up the difference. And they've already had a conversation about finances when he's gone.

"I'm going to cut out shopping at the mall," she said.

Some firms continue to pay troops on active duty, or at least to make up the difference between military and civilian pay. A survey by the Reserve Officers Association of the United States found that of the 154 Fortune 500 corporations that responded to a query, 105 make up the differences in pay. Last year, just 75 of 132 responding companies did so, and in 2001, the number was 53 of 119.

Army Reserve Sgt. Jeffery Brooks, a fraud detection manager from Woodbridge, said his company, Capital One, has agreed to pay him the difference. Otherwise, he would be losing 42,200 a month. "I'd be in real trouble," he said.

Daniel Ray, editor in chief of bankrate.com, an online financial information service that helps reservists, said many people are not so lucky. "Those are generous bosses to have," Ray said. "But if you're self-employed, or you've built up your practice over the years, it can be very hard. When you go away, your practice dries up. Then it doesn't just affect you but your secretary and the people who rely on you."

Not everyone takes a financial hit. Army Reserve Lt. Orlando Amaro would make the same amount guarding a POW camp in Iraq as he does as a D.C. police officer patrolling the streets of Columbia Heights. If he is shipped overseas, where his income wouldn't be taxes, he may come out ahead.

"It won't affect me at all," he said.

Lynn Brinker isn't thinking about coming out ahead. She may sell the Chrysler she and her husband recently bought. She wants desperately to let her 12-year-old son, Chris, continue private viola lessons, and for Kevin, 10, to keep up with the trumpet. She wonders whether she'll be able to afford the registration fees and equipment for youth hockey in the fall.

"My thinking is we'll tap this line of credit and try to keep my kids' lives as normal as possible while their father is away. It's very traumatic for them," she said.

"People may say, 'Well, he signed up for this. You knew this could happen.' But he was away for an entire year, and then leaves four months later. And now we don't know how long he'll be gone. I don't think he signed up for that."

Ms. LANDRIEU. This Post story captures the reality of reservists who are called to war and are asked to make the double sacrifice of enormous pay cuts to serve their country.

Because of stories like these in my home State, and across the country, I introduced S. 442, the Reservists and Guardsmen Pay Protection Act. This bill would provide a tax credit to employers who take the patriotic step of covering the difference between their employee's pay and as a civilian, and their pay as a soldier. The tax cut would cover 50 percent of the amount, and last for 1 year. Additionally, the Senate just passed a budget resolution that calls for $350 billion in tax cuts over 10 years. Certainly, we should ensure that there is room in this tax cut to both promote economic growth and benefit the men and women in uniform willing to risk their lives in defense of this great Nation.

As the chairman and ranking member know, I have been a strong supporter of Senate Bill 351, the Armed Forces Tax Fairness Act. It contains a provision that I introduced as separate legislation relating to dependent care benefits for military personnel, and I very much appreciate Senator GRASSLEY's and Senator BAUCUS' effort to include these provisions in the bill.

However, I think it would be a terrible mistake to ignore this looming question that affects so many Reservists and Guardsmen, especially after agreeing to $350 billion in tax cuts. S. 442 is both stimulative and necessary for the men and women on the front lines, as well as their families back at home. So, I ask my friends, the distinguished chairman and ranking member of the Senate Finance Committee, can anything be done to address this problem?

Mr. GRASSLEY. I thank the junior Senator from Louisiana for her bringing this important issue to the committee's attention. The Congress has an obligation to see to the well being of the men and women who are defending this Nation even now. For these reasons, the committee has adopted S. 351, and we would like to pass that legislation immediately. I know it contains provisions of deep interest to the Senator from Louisiana, and she would agree that the sooner they are enacted the better. However, I share her concern about the need to take whatever steps we can to support our troops and their families. For a variety of reasons, I do not believe that the S. 351 is the correct vehicle to address this problem. I do recognize that the issue appears to have drawn broad support as similar proposals have been introduced by Senators DEWINE and ALLEN. I say to my friend from Louisiana, I will work with her and Senators DEWINE and ALLEN on including the Reservists and Guardsmen Pay Protection Act in the reconciliation package that we will bring to the floor soon.

Mr. BAUCUS. I share the sentiments of Chairman GRASSLEY. I would support tax treatment for our Guardsmen and Reservists like that proposed by Senators LANDRIEU, DEWINE, and ALLEN. S. 351 is not the appropriate venue, but the reconciliation package should achieve the goals of S. 442. The junior Senator from Louisiana is correct that the $350 billion tax package should contain both tax cuts to promote growth and benefit the quality of life for the men and women in the United States Armed Forces.

Ms. LANDRIEU. Mr. President, I appreciate the chairman's offer and the ranking member's offer, and look forward to working with them to include this important legislation in the reconciliation bill this year.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, earlier I paid tribute to Senator Daniel Patrick Moynihan. There is a provision in the legislation we are considering which was very near and dear to the heart of Senator Moynihan, and that is the expatriation provision contained in this bill. It was actually developed by Senator Moynihan and Senator Roth several years ago. That is the genesis of this provision.

As we know, there are many men and women overseas fighting for our country. For example, there are currently about 300,000 in Iraq. At the same time, there are individuals who attempt to escape their patriotic duty. While we have 300,000 men and women over in Iraq, other individuals are attempting to escape their patriotic duty. They relinquish their U.S. citizenship. Why? One basic reason: In order to avoid supporting the United States through taxes.

Between 1991 and 2002, approximately 6,500 U.S. citizens have expatriated; that is, they gave up their U.S. citizenship. In 1966, as part of the Foreign Investors Tax Act, Congress created an alternative tax regime for U.S. citizens who expatriated in order to avoid paying taxes. The alternative tax regime taxes a former citizen on U.S. property for 10 years after expatriation.

These tax rules were strengthened in 1996 following press reports and congressional hearings indicating that very wealthy individuals expatriated while maintaining significant contacts with the United States.

Unfortunately, these changes to the law have not deterred citizens from expatriating to avoid paying U.S. taxes. The changes simply never worked as Congress intended.

This year, the Joint Committee on Taxation published a study on individual expatriation. According to the Joint Committee, there is virtually no enforcement of the special tax and immigration rules applicable to tax-motivated citizenship relinquishment and residency termination.

The Joint Committee also said that present law has been highly ineffective. Present law continues to provide tax incentives for individuals to expatriate. It also is difficult to collect U.S. taxes on former citizens who are no longer physically present in the United States.

Additionally, a study conducted by the General Accounting Office concluded that the IRS did not have a systematic compliance effort. That means that we are not even enforcing the alternative tax regime that is on the books.

That means a former citizen could avoid the alternative tax regime by holding foreign assets—which are not taxed. Or by waiting until the 10-year period expires before disposing of U.S. property.

The Armed Forces Tax Fairness Act includes a new system to address tax-motivated expatriation. Under this legislation, any U.S. citizen or long-term resident who relinquishes their U.S. citizenship or residency will be subject to an exit tax on the gains attributable to property owned during their U.S. citizenship.

Under this proposal, if the gain exceeds $600,000, then a former citizen will be taxed on the net unrealized gain on property—as if it were sold at fair market value 1 day prior to expatriation. The Treasury Department believes that this new system will greatly improve the administrability of the tax on expatriates. The new system imposes the tax at the time the individual leaves the U.S. jurisdiction.

Additionally, by including foreign assets within the regime, this eliminates a significant incentive for tax-motivated expatriation.

This expatriation provision will raise $700 million. The military bill uses that $700 million to provide tax benefits to military personnel.

In contrast, the House version of the military bill is simply a modification of the current alternative tax regime. It raises $328 million. The House version will not go far enough. It simply adds more provisions for the IRS to enforce. This strikes me as odd considering none of the current provisions is being enforced.

Sometimes the laws just do not work the way Congress intended. So, we must change the laws to ensure they are effective and administered as Congress intended.

The current system to tax expatriates does not work. We have had nearly 40 years to make the system work. We should not wait any longer to collect taxes on those who do not value the freedoms our nation provides.

The new proposal does not seek to tax expatriates on income earned after expatriation. It just says they have to pay tax on the income earned while they were a U.S. citizen. While our military protected them.

I thank former Senator Bill Roth and the late Senator Daniel Patrick Moynihan, who developed this proposal several years ago. And I thank Senator HARKIN and others who have continued to work on this in the 107th Congress and this year.

AMENDMENT NO. 433

(Purpose: In the nature of a substitute)

On behalf of Senator GRASSLEY and myself, I call up amendment numbered 433.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. GRASSLEY, and Mr. BAUCUS, proposes an amendment numbered 433.

Mr. BAUCUS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is in today's RECORD under "Text of the Amendment.")

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong support for this piece of legislation. I compliment my long-time friend, the Senator from Montana, for his work. We have enjoyed many projects together over the quarter of a century, and our distinguished Senator GRASSLEY has taken a strong hand, as always, on matters regarding revenue and also the Armed Forces of the United States.

If I had named this bill, I would have called it the Armed Forces Family Tax Fairness Act of 2003 because as I have studied this legislation and made some contribution to the text of it, I have always had in mind the families of the men and women of the Armed Forces and others who serve in the cause of freedom for our citizenry the world over, who take enormous risks and, frankly, accept the hardships which for those who would lead sort of a normal life are hard to understand.

Traveling about the world, most recently with Senators LEVIN and ROCKEFELLER and my colleague from Kansas, covering that area in Pakistan and Qatar, Kuwait, we saw firsthand the brave men and women not only in uniform but the agency staff and others who hopefully will benefit from this legislation.

I compliment my two colleagues on their timely action in extending these tax benefits to military and Foreign Service personnel and to the families of the Space Shuttle *Columbia* astronauts.

At this historic moment in history, with Operation Iraqi Freedom in progress, it is fitting we take every opportunity to express appreciation we have for our men and women in uniform. Certainly one way to do that is to place a priority on legislation enhancing the compensation of Active-Duty, Reserve, and National Guard personnel, and their families.

In the Armed Services Committee, we also are engaged in such an effort and we do it annually. I assure my colleagues that in connection with the fiscal year 2004 Defense Authorization Act, we do our utmost to make sure every aspect of pay and benefits is closely examined.

With respect to the legislation before the Senate, I am particularly pleased to support the provision of capital gains relief to military homeowners in connection with the sale of their residence. This relief, which recognizes realities of military service, is long overdue.

Senator MCCAIN introduced legislation last year, S. 1678, and I was happy to be a cosponsor and sought to achieve this purpose with him and others. I also view as particularly timely and well justified the provisions that are above-the-line tax deductions to Reserve and National Guard personnel who incur out-of-pocket expenses as a result of training operations and those benefiting the families of the Space Shuttle *Columbia* heroes.

It is fitting as hundreds of thousands of our military personnel—and many are engaged not only in the battle in Iraq but Afghanistan, which our group recently visited, and other trouble spots of the world—that the Senate recognize their contributions to freedom and the sacrifices they and their families make.

There are roughly 290 million citizens in this country. There are on active duty today about 1.5 to 1.6 million individuals. The normal standing force of the active forces of the United States runs about 1.2 to 1.3 million. Now with the augmentation of so many being called in the Reserve and the Guard to active duty, that is somewhat larger. However, that group represents only one half of 1 percent, roughly, of the population of 290 million citizens in this country.

We should always be mindful that so many are on active duty, particularly those engaged in armed combat, those who are on the television screens 24 hours a day now, assuming these courageous roles they are taking in combined forces, trying to free the Iraqi people of the bondage of these many years and to remove the weapons of mass destruction which threaten the very Members who occupy this Chamber from time to time. If those mass weapons spread throughout the world through the net of terrorism, small quantities of biological and other types of weapons of mass destruction could reach our shores and, indeed, inflict enormous harm against our people.

This is a very small group, less than ½ percent, who take these risks to preserve the freedoms and give us a greater sense of security here at home.

I hope this bill receives 100 votes. I thank those who made it possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield whatever time the Senator from Arkansas desires.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes on the pending bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, in these halls we often talk about the need to provide our military personnel with the resources they need to complete their missions. We all acknowledge how unique and important our military personnel and their needs are to us.

It is our responsibility to have a comprehensive picture to know what we need to do to make life better for our men and women in uniform. By that I mean not only salary but that we need to understand their health care needs, their housing needs, pension needs, education needs, disability and employment benefits. It is very important, as we work in Iraq and around the world and as we keep America safe, that we, as Congress, have this important information.

Not long ago, I was in a hearing of the Armed Services Committee, of which I am a member, and we began discussing the home mortgage deduction. One thing I realized was the home mortgage deduction is a very important part of America's financial picture, but also it is an important cornerstone to the American way of life.

As I thought about the home mortgage deduction for military personnel, I realized that the Tax Code is cumbersome and complicated. I could not find one place, one document, that laid out all the provisions in the Tax Code designed to benefit our military personnel.

And on comes the military tax bill, this very important piece of legislation. I commend Senator GRASSLEY and Senator BAUCUS for all their hard work on this bill. But I looked, and I saw a maze of Tax Code provisions, mainly for short-term solutions. Those are important, there is no question about it. But still, I could not find a comprehensive view of tax treatment for our Armed Forces.

So what I am proposing is very simple and very clear; that is, I would like to ask the GAO and the Departments of Defense and Treasury to provide us with a comprehensive study of the tax treatment of U.S. military personnel, along with a complete study of the financial conditions of our troops. And I would request they make recommendations on whether the Tax Code could be used to improve the unique financial conditions of our troops.

This powerful information will help this Congress, help this administration, and also help our men and women in uniform. This one document could be a very powerful tool for us to help our men and women in uniform.

However, at this juncture, I do not want to slow down, in any way, this very important bill on which Senator GRASSLEY and Senator BAUCUS have spent so much time. I support their efforts to move this bill through quickly. We all understand how important that is.

Therefore, I am not asking that my amendment be adopted. But what I am asking, very respectfully, is that Senators GRASSLEY and BAUCUS join me in a letter asking the GAO to do what our amendment otherwise would accomplish. I thank them for their hard work, and I thank them for their leadership on these very important issues, issues the American people are very concerned with, and issues on which they have shown great leadership.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, that is a very important statement and request that the Senator from Arkansas has made. I can speak on behalf of myself, and I am sure Senator GRASSLEY, that we would be more than honored to join with the Senator from Arkansas in making that request. It is a very timely request. It is one that is very important. Frankly, I am a little bit surprised none of us made that same request that he has made because it is so important, and it is going to give us a lot better idea of the financial condition of our armed services. It is a good idea.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I associate myself with the remarks of the Senator from Montana. I share Senator PRYOR's interest in a GAO study and will be glad to work with him on a letter. And, obviously, a person such as I, who relies upon the GAO for so much study on matters in which I am involved, would not discourage my colleague from likewise seeking the General Accounting Office's expertise and look forward to what such a study would show in regard to the treatment of our military personnel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, when the space program began in 1959 there were only seven astronauts in the entire country. They all were or had been in the Armed Forces.

That was only 44 years ago and since then, much has changed. Today, astronauts are comprised of Americans from every race, creed, color and gender.

While many still come from the military, the astronaut corps now includes civilian doctors, scientists, and engineers. They are our best and our brightest. They risk their lives to advance our knowledge and understanding of the world.

On February 1, 2003, seven men and women aboard the space shuttle *Columbia* lost their lives. LTC Michael P. Anderson, U.S. Navy CAPT David Brown, U.S. Navy CDR Laurel Clark, Dr. Kalpana Chawla, U.S. Air Force COL Rick Husband, Naval CDR William McCool, and Israeli Air Force COL Ilan Ramón will be remembered forever.

Five of the six *Columbia* crew members, from the United States, had military backgrounds. They were national heroes who are deeply missed by their family and friends. Through their dedication to space exploration, they lived their lives to the fullest and made long lasting contributions.

In honor of their sacrifice, I along with 13 of my Senate colleagues, introduced S. 298, the Assistance for Families of Space Shuttle Columbia Heroes Act.

I am pleased that the legislation was included by the Senate Finance Committee as part of the Armed Forces Tax Fairness Act of 2003.

Under the legislation, the families of the Columbia heroes would receive the same benefits as families of military personnel who die in the line of duty.

The provisions are similar to legislation passed in 2001 that provided relief to victims of the September 11, anthrax and the Oklahoma City attacks.

Specifically, the bill expands the class of those eligible for these benefits to include astronauts killed in the line of duty.

The legislation provides income tax relief. Current law generally excludes from tax income received in the year of death or in a previous year for soldiers killed in combat zones, and victims of September 11, anthrax and Oklahoma City.

The legislation expands this benefit to apply to astronauts who die in the line of duty.

The legislation provides death benefit relief. Current law excludes from income any death benefit paid by the U.S. Government to a soldier killed in a combat zone or paid by an employer to the families of the victims of September 11, the anthrax attacks, or the Oklahoma City bombing.

The legislation expands this benefit to apply to death benefits paid to the families of astronauts killed in the line of duty.

The legislation provides for estate tax relief. Current law provides estate tax relief that effectively lowers the estate tax rate to 20 percent for the estates of soldiers killed in combat zones, the victims of September 11, the anthrax attacks or the Oklahoma City bombing.

The legislation expands this benefit to apply to the estates of any astronaut killed in the line of duty.

The best way to honor *Columbia's* fallen heroes is to promptly pass this legislation and pledge that the goals and missions of NASA will live on in the years to come.

I urge my colleagues to support the Armed Forces Tax Fairness Act of 2003 which includes tax relief for the families of the Space Shuttle *Columbia* heroes.

Mr. President, since September 11, significant progress has been made to disrupt and dismantle the financial components of terrorist organizations.

Special agents from the IRS and other law enforcement agencies have successfully investigated numerous terrorist related entities—including tax exempt organizations that have engaged in terrorist fundraising.

The Armed Forces Tax Fairness Act of 2003 contains a provision that would suspend the tax-exempt status of any organization designated by U.S. authorities as a terrorist organization or supporter of terrorism.

There is no procedure under present law for the IRS to suspend the tax-exempt status of an organization.

The IRS can revoke an organization's tax-exempt status only after conducting an examination of the organization.

Even then, the IRS must issue a letter proposing revocation and allow the organization to exhaust its administrative appeals rights.

The provision in this legislation is simply common sense. It is an important weapon in our war on terrorist financing.

An organization that has been designated by the Federal Government as a terrorist organization should not be exempt from Federal income tax. Moreover, contributions to such organizations should not be tax deductible.

Once the Federal Government determines that an entity is a terrorist organization pursuant to certain authority—for example, the International Emergency Economic Powers Act—a separate investigation by the IRS is not necessary.

Further, because a terrorist organization may challenge the Federal government's designation under the law authorizing the designation, recourse to the declaratory judgment procedures of the Tax Code is not appropriate.

If a tax-exempt organization's suspension is determined to be erroneous, the provision would allow tax refunds for any overpayments.

Lastly, the IRS will be required to update its listings of tax-exempt organizations to take into account organizations that have had their exemption suspended. This will give notice to taxpayers that contributions to these organizations are no longer deductible.

I urge my colleagues to support the Armed Forces Tax Fairness Act of 2003.

Mr. President, this bill includes many important changes in the tax treatment of income and benefits received by members of our armed forces. One provision is particularly important for members that face the dual challenge of serving their nation while raising a family. The bill explicitly states that child care subsidies that members of the military receive shall not be subject to income tax.

In 1986, we passed a law which stated that military benefits should not be included in income for tax purposes. The statute lists a number of benefits received by members of the military—housing allowances, medical benefits, education assistance, and many others. But child care subsidies do not appear on the list.

When we passed this law, the Department of Defense did have a program to assist members of the military in caring for their children. But the importance of this program has increased as the demographics of the members of the military have changed.

There was a time when our forces were primarily young single men. However, times have changed. Twelve percent of the forces are women. Over half of the active duty members are married. Two-thirds of military spouses work outside the home. Six percent of members are married to another member of the military. And 6 percent are single parents.

Young single soldiers are no longer the norm. Recognizing these changes, the Department of Defense has placed a reinforced importance on assisting military families.

The Department of Defense recognizes the additional challenges faced by military families as they raise children. The average military family moves every two and a half years, making it difficult for them to find quality child care, or friends and neighbors to look to for help with child care responsibilities. And with work schedules that are often long and unpredictable, help is often necessary. In addition, members of the military face the possibility of deployment anywhere in the world at any time.

They now operate over 800 child care centers in the U.S. and abroad. These include child development centers for young children, after-school centers for older children, and other family care programs. They provide night and weekend services as well, to accommodate the often hectic schedules that military families face. All in all, these programs provide care for over 200,000 children every day.

The cost of these programs varies depending on the income of the parents—on average, it is about $7,700 per child. This cost is shared by the military parents and the government, with each paying about half the cost.

The law is unclear about whether these benefits are subject to income tax. A provision in this bill ends that confusion. It states that these child care subsidies, shall not be included in income, for tax purposes.

As the demographics of the members of the military have changed, so has the policy of the Department of Defense. Now it is time that we follow with these changes to the tax code.

I compliment Senator LANDRIEU of Louisiana, who developed this proposal, and insisted on its inclusion in this military tax bill.

It is one more reason the Senate should pass this legislation today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all time is yielded back, amendment No. 433 is agreed to, and the clerk will read the bill, as amended, for the third time.

The amendment (No. 433) was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, I am very pleased that the Finance Committee has moved the important provisions of this bill to the Senate floor and I urge that the bill be passed.

The current Tax Code does not adequately deal with the special circumstances that some in our military face. One of the most important provisions, in my view, is providing for an above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

I have taken a personal interest in a provision included in this measure that provides that descendants of current or former active military personnel may be members of veterans organizations. Without this provision, many local veteran posts which operate food operations will find themselves having to pay unrelated business income taxes as the portion of service to members falls. A large share of the local posts in Iowa are very small operations and this would be a real burden. I introduced legislation in the last Congress and this one which has been included in the bill and I appreciate the inclusion of this provision.

Lastly, I want to discuss the inclusion of a provision that will effectively prevent very rich individuals from reducing their taxes by renouncing their U.S. citizenship. I cannot stress too strongly how disgusting I find this group's behavior. Their number is small, but their cost to the Treasury is significant. The Joint Tax Committee has estimated the savings of this provision at $700 million over 10 years.

Back in 1996, I became very interested in this issue and introduced legislation on the subject. Senator Moynihan took the lead in the Senate and we passed solid legislation at that time. Unfortunately, the House resisted the provision and successfully proposed a mechanism which has proven to be grossly inadequate.

The Joint Tax Committee staff issued an extensive report on this issue earlier this year with considerable cooperation from the GAO and the Treasury. The report found that "there is little or no enforcement of the special tax and immigration rules applicable to tax-motivated citizenship relinquishment and residency termination." It went to say, "The Joint Committee staff believes that a key reason for inadequate enforcement of the alternative tax regime is the inability to obtain necessary information from individuals." With appendices, the report is over 500 pages in length. But it comes down to a simple point: A small number of people continue to evade U.S. income taxes by turning their back on our country because of the weakness of the 1996 provisions. That should stop today.

In both this Congress and the last, I introduced legislation with Senator STABENOW to effectively prevent very rich individuals from reducing their taxes by renouncing their U.S. citizenship. It is a companion to a measure introduced by Congressman CHARLES RANGEL in 2002. The Joint Tax Committee now estimates that it saves $700 million. The savings to the Treasury are important and the reality that people are able to save on their fair share of taxes by turning their back on our country is in some ways even more important. I call them Benedict Arnold.

Under current law, for 10 years after a U.S. citizen renounces his or her citizenship with a principal purpose of avoiding U.S. taxes, the person is taxed at the rates that would have applied had he or she remained a citizen. In reality, the tax is nominally on a broader based of income and on more types of transactions. In addition, if the expatriate dies within 10 years of the expatriation, more types of assets are included in his or her estate. Unfortunately, the reality is that taxes are very often not paid.

Once a person has expatriated and removed U.S. assets from U.S. jurisdictions, as the Joint Tax Committee report notes, it is extremely difficult to enforce the current rules, particularly for an entire decade after the citizenship is renounced. The measure I introduced simply provides that the very act of renouncing one's citizenship triggers the recognition of tax. So, rather than collecting tax every time an asset is sold over the next decade, my bill treats all of the assets of an expatriate as having been sold the day prior to when the person renounces their citizenship. The taxes are due up front rather than over time. In regard to estate taxes, rather than attempting to collect the tax from the estate of an expatriate not in U.S. jurisdiction, my measure taxes the inheritance of an heir who remain in the U.S. in such a way as to remove any tax benefit from the renouncement of citizenship.

Revenue of $700 million from these very few former citizens is a significant amount of money that must be made up by loyal Americans in the form of higher debt or taxes that Americans will face. Last year, the Senate passed this measure as a part of the Armed Forces Tax Fairness Act but, unfortunately, the House opposed this provision.

I am hopeful that the Senate will strongly resist any effort to weaken these provisions in any way. This is a matter where the Senate should insist that the loopholes be completely closed. It is an area where lobbyists for the Benedict Arnolds should have no success in their efforts to escape their tax obligations.

• Mr. KERRY. Mr. President, I offer my strong support for the Armed Forces Tax Fairness Act and am proud to be a cosponsor of the original bill. This legislation, among other measures, will remedy several provisions in the Tax Code that needlessly penalize the members of our Armed Forces.

The act eliminates taxes on military death gratuities. It allows service members to benefit from the sale of a home as civilian taxpayers now do by exempting up to $250,000 of the revenue from the sale of a principal residence even if the owner is away on active duty. It excludes amounts received under the military housing assistance program. It expands combat zone filing rules to include contingency operations. And it takes other sound steps that will benefit Americans who have chosen to serve their country so admirably in our armed services. There is also a provision to assist the families of astronauts lost in the tragic crash of the Space Shuttle *Columbia*.

As a veteran, I hold the dedication and commitment of our military personnel in especially high regard. They are putting their time, talent, energy and, often, their very lives on the line for our Nation. For that, I thank them and am proud to support this legislation.•

Mr. HATCH. Mr. President, I rise today to express my support for the military tax bill that is currently pending before the Senate.

First, I would like to commend Senator GRASSLEY, the chairman of the Finance Committee, and Senator BAUCUS, the committee's ranking Democrat, for their leadership in bringing this legislation to this point. Although this bill has a great deal of support in the Senate and in the House, it has not been an easy process to get it enacted, as the Senate and House each have different versions of the bill. In fact, this legislation was passed in the Senate and in the House last fall in the final days of the 107th Congress. Unfortunately, Congress adjourned before the differences in the bills could be worked out.

As we debate this bill today, hundreds of thousands of our military men and women are in harm's way in Iraq, including 3,000 National Guardsmen and reservists from Utah who have been called into active service. These brave individuals are selflessly risking their lives for their country. Most, if not all, of these people are also making big financial sacrifices to serve in the military. While this bill will not come close to compensating our service people for these financial sacrifices, it will bring some basic fairness to their tax lives.

The tax provisions in this bill are targeted and modest. They are also very much needed. I urge my colleagues to quickly join me in supporting this bill, and I hope the House will join with us in working out the differences in the two versions of this legislation so that these modest relief measures can be quickly sent to the President and signed into law.

Ms. LANDRIEU. Mr. President, our Nation has always risen to the challenges of war. During such times, Congress has spared no expense to make sure that our dedicated armed services personnel have everything they need to fight and win. We will always meet this obligation.

But the men and women on the battlefield have families back home and there is more that we can do for them. I am talking about the families of the troops from Barksdale, Belle Chasse, and Fort Polk in Louisiana, as well as our guardsmen from all across the State. Every one of my colleagues represents military families. We need to make sure that we support them as well.

That is why today I would like to add my voice of strong support for the Armed Forces Tax Fairness Act of 2003. I congratulate Senator GRASSLEY, the Finance Committee chairman, and Senator BAUCUS, the ranking member, for bringing this bill to the floor today. I urge my colleagues to vote in favor of this legislation.

This bill contains several provisions that would reduce taxes for members of our armed services. The bill would clarify that childcare benefits provided to military personnel are to be excluded from income, a provision based on legislation that I introduced earlier in this Congress, S. 235. In addition, the bill excludes all death gratuity payments from the income of surviving family members. Military and Foreign Service personnel would receive capital gains tax relief when they have to sell a home and move because of reassignment or deployment orders. National Guard and Reserve members would receive an above-the-line deduction for overnight expenses when they travel more than 100 miles from home to attend National Guard and Reserve meetings. There are other important provisions in this bill that give needed tax relief to our families.

I had hoped to include language in this bill to give a much-needed tax break to the employers for Reserve personnel. When a reservist gets called up, as many have, to go fight in Iraq, employers have to keep his or her job open, but do not have to pay a salary to the reservist while they are gone. This can cause an extreme hardship on a reservist's family. While the reservist receives military pay, in many cases this is much less than their civilian pay. Some employers, but not all, will pay the difference between the civilian and military pay, but they do not receive any benefit for this act of patriotism. I introduced S. 442, the Reservist and Guardsmen Pay Protection Act, to give a 50 percent tax credit to these patriotic employers.

I regret that we were not able to include my bill in the Armed Forces Tax Fairness Act. But I deeply appreciate the chairman and ranking member for their commitment to address my tax credit proposal in the future reconciliation package. I look forward to working with them.

Again our men and women in the Armed Forces and their families deserve our support. For all these reasons and more, this legislation deserves to pass. I urge my colleagues to join me in supporting this bill.

Mr. McCAIN. Mr. President, I am proud to be an original cosponsor of the Armed Forces Tax Fairness Act of 2003, H.R. 1307. This important legislation provides Congress with the opportunity to demonstrate our firm resolve to support the men and women who sacrifice so much in the service of our country. I applaud Chairman GRASSLEY's and ranking member BAUCUS' efforts, and those of my colleagues who have worked so hard on these initiatives, in some cases, for many years. I want to particularly thank Senator DEWINE for his stalwart leadership on the above-the-line deduction for expenses incurred by our National Guard and Reserve service members who have to travel great distances for their duty and training.

This long overdue tax benefit for our true citizen-soldiers is even more important today considering these facts: During each of the past 5 years, Reserve and National Guard service members have performed between 12 and 13.5 million duty days in support of the Active Force. These numbers are in a direct contrast to 1990, when 1 million duty days were performed at a time when there were 25 percent more reservists.

Reservists and National Guardsmen currently comprise more than half of the airlift crews and 85 percent of the sealift personnel that are needed to move troops and equipment in either wartime or peacetime operations. In addition, Reserve medical and construction battalions and other specialists are critical to a wide range of operations. Efforts by the Reserve components to move beyond a traditional wartime backup role and to provide peacetime support to active units are thus desirable. The Naval Reserve and Air Force Reserve components have made particularly impressive progress in this area.

The Reserve components are performing many vital tasks: From direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; to guarding nuclear power plants in the United States; to providing support to the war on terrorism through guarding, interrogating, and providing medical service to detainees in Guantanamo Bay Cuba; to rebuilding schools in hurricane-stricken Honduras and fighting fires in our Western States; to overseeing civil affairs in Bosnia; to augmenting aircraft carriers short on Active-Duty sailors with critical skilled enlisted ratings during at-sea exercises as well as periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement. At a minimum, Congress must provide equality in benefits for Reserve component service members when they put on the uniform and perform their weekend drills or other critical training evolutions. Quality of life is not just an Active-Duty obligation that Congress must provide. Reservists, on duty, who resemble their Active-Duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I would like to take a moment to discuss a provision in the bill that I have personally worked on for some time. Section 101 would allow members of the uniformed services, as well as State Department personnel who are away on extended duty overseas, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that Secretary of State Colin Powell fully supports this legislation, and this legislation enjoys overwhelming support by the senior uniformed leadership, the Joint Chiefs of Staff, as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition representing 5.5 million veterans, the American Foreign Service Association, and the American Bar Association.

The average American participates in our country's growth through home ownership. Appreciation in the value of a home allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes. Unfortunately, the 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services.

Under the 1997 Act the taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must: (1) own the home for at least 2 of the 5 years preceding the sale, and (2) live in the home as their main home for at least 2 years of the last 5 years. The second part of this eligibility test unintentionally and unfairly prohibits many of the women and men who serve this country overseas from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the uniformed and foreign services. Nonetheless, some members of these services choose to purchase a home in our communities, even though they will not live there much of the time. Under current law, if they do not have a spouse who resides in the house during their absence, they will not qualify for the full benefit of the home sales provision, because no one "lives" in the home for the required period of time.

The law is prejudiced against families that serve our Nation abroad. They would not qualify for the home sales exclusion because neither spouse "lives" in the house for enough time to qualify for the exclusion.

Section 101 simply remedies this inequality in there 1997 law. It amends the Internal Revenue Code so that members of the uniformed and foreign services will be considered to be using their house as their main residence for any period that they are assigned overseas in the execution of their duties. In short, they will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the "no man's land," commonly called the DMZ between North and South Korea, or anywhere else they are assigned.

With Operation Iraqi Freedom, the global war on terrorism, and continuing operations in Afghanistan, Bosnia, and Kosovo, our Armed Forces are deployed to an unprecedented number of locations. They are away from their primary homes, protecting and furthering the freedoms we Americans hold so dear. It is wrong to penalize them for doing their duty. Military service entails sacrifice. We must do all that we can to ensure that Congress is not adding to the burdens service men and women bear with an unfair Tax Code. This narrowly tailored remedy will grant equal tax relief to the members of our uniformed and foreign services, and restore fairness and consistency to our increasingly complex Tax Code.

This military tax package is a clear show of support for our men and women in uniform. It is the right thing to do, and I hope that all my colleagues will support this critical measure.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Armed Forces Tax Fairness Act, S. 351.

Whether we are at war, as is currently the case, or at peace, members of the armed services should not be treated unfairly by the Tax Code as a result of their decision to serve our county.

Inequities in the Tax Code that disadvantage men and women in uniform not only make it harder for them to support their families and themselves, but also threaten our own security by making it harder for the armed services to recruit talented service men and women.

We have a responsibility to eliminate any disincentives to serving in the United States military, and this bill does much to fulfill that goal.

The two most important provisions in this bill are relaxed rules on the treatment of capital gains on the sale of a home by military personnel, and an above-the-line deduction on travel expenses for members of the National Guard and Reserve.

Anyone who has ever served in the military or grown up in a military family knows that frequent travel is a way of life for those in uniform. A U.S. Marine might spend a year or two at Camp Pendleton, in my home State of California, then transfer to Quantico, and finally end up at Camp Lejeune in North Carolina.

Under current law, that Marine might not qualify for the home sale capital gains exclusion available to most homeowners, due to his or her frequent postings to different bases, or to combat duty abroad. This bill corrects that inequity, and makes it easier for all military personnel to sell their home tax free.

National Guard and Reserve members would also benefit under the bill from an above-the-line deduction for travel expenses up to $1,500. This puts those who serve on the National Guard and Reserve on equal footing with those who travel on company business and do not pay for those expenses out of after-tax income.

No one who chooses to serve in the Guard or Reserve should have to pay for a plane ticket or hotel room out of their after-tax income in order to join their unit when called up for duty.

This bill also contains a number of smaller, but no less important, provisions designed to ease the tax burden on military personnel, such as the treatment of service academy appointments as scholarships when personnel apply to tuition programs and Coverdell Education Savings Accounts.

I wish we could do more in the Senate to keep our soldiers, pilots, and sailors out of harm's way during the current conflict in Iraq. I wish we could pass a bill that guarantees that each and every one of them returns home safely to their husbands, wives, children, and parents.

We cannot do that. But by passing this bill we can improve their financial security and make it easier for them to continue to serve and to protect our country.

I urge my colleagues to support the Armed Forces Tax Fairness Act.

Ms. CANTWELL. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act substitute offered by Senator GRASSLEY. This legislation is a critical step towards full tax fairness for our military personnel and Foreign Service officers.

The American people and Congress stand with our men and women in uniform, and this is the right time to advance tax parity.

Last Congress, I was proud to cosponsor the Foreign and Armed Services Tax Fairness Act of 2002, which included many of the provisions that we are passing today. I was pleased to cosponsor the bill again this Congress when it was reintroduced.

This legislation will bring some commonsense changes to the way military and Foreign Service families are treated under the Tax Code. It will allow military and Foreign Service families to exclude up to half a million dollars in capital gains from home sales; make death gratuity benefits tax exempt; exclude compensation from the Homeowners Assistance Program; provide a deduction for the National Guard's unreimbursed travel expenses; clarify that dependent care assistance for military families is exempt from taxation; and support education individual retirement accounts for students at service academies.

The legislation also extends these benefits to the families of the victims of the space shuttle *Columbia* tragedy. The *Columbia* provisions address many of the goals in the Assistance for Families of Space Shuttle *Columbia* Heroes Act, which I cosponsored with Senator BAUCUS.

Finally, I would like to emphasize a crucial provision addressing IRS treatment of terrorist organizations. Currently, when the United States designates an entity a terrorist organization, there is a long delay before the IRS revokes its tax-exempt status. There is no reason to postpone the action, but it takes time to update these lists. This bill will automatically suspend the tax-exempt status of designated terrorist organizations, expediting the consequences of the designation. Last Congress, Senators GRASSLEY and JOHNSON introduced bills with this practical remedy, but we have yet to pass it into law. The House version of the Armed Forces Tax Fairness Act does not contain this language, but I will work with my colleagues in both bodies to ensure that when we send this bill to the President, this important provision is included.

Mr. President, the Armed Forces Tax Fairness Act supports our men and women in uniform during these trying times. I urge my colleagues to give it their full support.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I rise today with great pride to support the Armed Forces Tax Fairness Act. As I speak, America's military is fighting in the dangerous and inhospitable deserts of Iraq. And when I watch the remarkable news coverage of the progress in Iraq, I am awed by the skills, dedication, and courage of our fighting forces. Passing this legislation is the least that we can do to show those brave men and women that we support them, we are proud of them, and their nation is grateful for their sacrifice.

This Congress ought not to pretend that the bill we are considering is some altruistic gift to the men and women serving our country in the military. Rather, today we will pass legislation that restores basic fairness to the tax code. We demand extraordinary sacrifices of our soldiers, sailors, airmen, and marines. They are often stationed far away from their families. They are frequently uprooted and forced to sell their homes on short notice. And in a military increasingly dependent on the National Guard and Reserves, we ask some of our vital troops to travel great distances at their own expense to train with their units.

Often the burden of these sacrifices is increased by the inflexibility of the Tax Code. For example, a serviceman stationed in Saudi Arabia obviously cannot meet the residency requirements associated with the capital gains tax exclusion for his house in the States. It is spectacularly unfair for us to send a soldier away from his home, and then punish him with increased taxes if he decides to sell that home. The bill we will pass today rectifies this problem by suspending the residency requirements for military personnel that are away from home on active duty assignment.

This bill also ensures that the full death gratuity payment made to the survivors of military personnel killed on duty will be exempt from income tax. The death benefits paid to survivors are intended to cover funeral costs and immediate expenses while the family gets back on its feet. The current death benefit is not large; it is $6,000. Inexcusably, half of that benefit is subject to income tax. This legislation excludes the full value of the death benefit from tax. To say that the survivors of those recently killed in Iraq deserve to receive the entire death benefit, tax-free, is an extraordinary understatement.

One of the most important provisions of this bill is the above-the-line-deduction for overnight travel expenses for members of the National Guard and Reserves. Many of these troops travel more than 100 miles to serve with their units. They have to pay the costs of traveling to their base; and many of them also have to pay for their meals and lodging while away from home. Under current law, these expenses can be deducted from income only if the individual itemizes deductions on his or her tax return. This onerous requirement prevents many eligible individuals from taking advantage of the deduction.

The bill we will pass today ensures that the expenses associated with overnight travel to attend National Guard and Reserve meetings can be deducted even if a person does not itemize deductions. This provision is expected to save National Guardsmen and reservists more than $800 million over the next 10 years. We have seen how valiantly these members of our Armed Forces are serving—leaving their homes, families, and regular jobs, to serve in Iraq, Afghanistan, or wherever their Commander in Chief sends them. It is the least we can do to minimize the financial burden this service places on them and their families.

I have highlighted just a few of the important provisions of this bill. Let me speak for a moment about how important this legislation will be for my own State of West Virginia. West Virginians have a proud tradition of serving in the military. Tens of thousands of West Virginians are serving on Active Duty in our Army, Navy, Air Force, and Marine Corps. More than 3,000 West Virginia members of the National Guard and Reserves have been activated. I am pleased to be able to support legislation that recognizes their sacrifices and rewards their service.

The Senate passed legislation very similar to this bill last year. I was extremely disappointed that the House of Representatives did not act on that bill in the 107th Congress. We should waste no more time. Recently, the House passed a bill to provide tax fairness for members of our Armed Forces. However, the Senate has taken the responsible step of offsetting the costs of these changes to the tax code. The Senate bill will close loopholes that currently allow some individuals to renounce their American citizenship simply to avoid paying income taxes. I can think of no better way to finance tax relief to the brave patriots in our military than by forbidding anyone to shirk income taxes by renouncing citizenship in the United States. The tax loophole that rewards such unconscionable behavior ought to be closed and now is the time to do so. I urge the House of Representatives to approve the Senate bill.

Let me close by thanking all of the members of our Armed Forces. Whether they are currently serving overseas or at home, whether they will see combat this week or provide support from far away, all these brave men and women are making America very proud. This legislation recognizes their sacrifices. I urge my colleagues to support the bill and hope that Congress will send it to the President without delay.

EXPRESSING GRATITUDE OF UNITED STATES TO NATIONS PARTICIPATING IN COALITION TO DISARM IRAQ

The PRESIDING OFFICER. Under the previous order, the measure is laid aside, and the Senate will proceed to the consideration of S. Con. Res. 30, which the clerk will report.

The senior assistant bill clerk read as follows:

> A concurrent resolution (S. Con. Res. 30) expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided between the chairman and ranking member of the Foreign Relations Committee.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself such time as I may require on this initial statement.

I ask unanimous consent that Senators WARNER and ALLEN be added as cosponsors of S. Con. Res. 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I rise in support of this resolution thanking those nations participating with the United States in the "Coalition to Disarm Iraq." I am pleased that this resolution enjoys the strong support of the ranking member of the Committee on Foreign Relations, the Senator from Delaware, and the leadership on both sides of the aisle.

Our resolution cites the important diplomatic initiatives originally undertaken by our allies in Europe in support of U.S. resolve to enforce U.N. Security Council Resolution 1441. On January 30, 2003, the Prime Ministers of Denmark, Italy, Hungary, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government issued a declaration stating the "the Iraqi regime and its weapons of mass destruction represent a clear threat to world security." The declaration went on to say that ". . . our governments have a common responsibility to face this threat. . . ."

These European leaders were immediately joined by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia. In a declaration of February 5, 2003, the Foreign Minister stated in part: "the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security."

This is not the first time the Senate has commended the important contributions made by the leaders and Foreign Ministers of these countries, but at a time when some question international support in Iraq, we thought it important to revisit their statements of support and reiterate our gratitude.

In addition to these statements of support, cur resolution identifies additional nations that have expressed their support for coalition action in Iraq. Nations around the world are providing important diplomatic and strategic support in a number of ways, including expressions of political support, overflights and basing authorization, intelligence-sharing, and other important strategies contributions. This list includes long-standing U.S. allies and relatively new partners in the war on terrorism: large nations with strong militaries and small nations who share our view of the inherent threat posed by Iraq's weapons of mass destruction. In addition to the nations mentioned, international support grows each day. In an effort to acknowledge the contributions of each, I will list those nations who have made their contributions public to date: Afghanistan, Angola, Australia, Azerbajian, Colombia, Costa Rica, Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Honduras, Iceland, Japan, Kuwait, Macedonia, Marshall Islands, Micronesia, Mongolia, The Netherlands, Nicaragua, Palau, Panama, The Philippines, Rwanda, Singapore, Solomon Islands, South Korea, Tonga, Turkey, Uganda, Ukraine, and Uzbekistan.

More specifically, our resolution expresses our Nation's sincere gratitude to Australia, Denmark, Poland, and the United Kingdom, whose forces have joined with the United States in sending troops into harm's way. Each of these nation is making important contributions to coalition efforts to disarm Saddam Hussein's regime of its weapons of mass destruction. In addition, we thank the numerous other nations that are providing military and logistical support to operations in the region.

We also pay special tribute to the leaders of the United Kingdom, Australia, and Spain. Prime Minister Tony Blair, Prime Minister John Howard, and President of the Spanish Government, Jose Maria Aznar, have provided courageous leadership to efforts to disarm Iraq, and the Senate of the United States commends them for their efforts and expresses its thanks.

I welcome the opportunity to introduce this resolution of gratitude to our allies around the world who are supporting our efforts in Iraq in so many important ways. I am hopeful this resolution will receive the unanimous support of the Senate, to ensure a strong expression of appreciation and commendation of the important contributions by members of the international community who are making the "Coalition to Disarm Iraq" a success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to join my colleague, the chairman of the committee, in support of S. Con. Res. 30, which commends and expresses the gratitude of the United States to the other nations participating with us in the Coalition to Disarm Iraq. The American people and this Congress stand with our Commander in Chief and behind our men and women in uniform. It is their responsibility, and the Commander in Chief's, to prosecute this war in Iraq, but it is our responsibility to give them the support they need and deserve.

There may be difficult days ahead, but I am confident of the extraordinary skill and ultimate success of our endeavor. As we gather here today, the sons and daughters of four countries—the United Kingdom, Australia, Poland, and Denmark—are fighting alongside our troops. Our purpose today is to thank them from the bottom of our hearts for the courage they are demonstrating. It is to tell their families and loved ones of our gratitude for their sacrifice and to express to their leaders our profound admiration for their determination to join other nations, including ours, in a common and just cause.

Several dozen nations are supporting this coalition in other ways—politically, diplomatically, and strategically. They, too, have our deep appreciation. The Senator from Indiana has read the names of those nations.

Let me say a word to the leaders and the people from friendly countries and allies who do not support our effort to disarm Saddam Hussein's regime. This Senator and many others disagree profoundly with the choices they have made. But this Senator, at least, respects—equally profoundly—that that choice is the right of a sovereign nation to make, to differ with us.

I think it is time that we move beyond the finger-pointing and recriminations that have been flying across the Atlantic and around the world. We need one another. We will need one another in other endeavors. It is time to, again, heal the differences. We could not come together in war, but we are going to have to come together in peace.

This resolution expresses that hope. By its words, it "welcomes and encourages the active involvement of [the countries in this coalition], other nations, and key international organizations in the reconstruction and civil administration of Iraq after the conflict."

When this war ends—hopefully, that will be soon—we will face a tremendous responsibility and an equally important opportunity in terms of Iraq's future. Even as our thoughts and prayers are with our President, our troops, and our allies, we need to think about and act on that future now.

Why is this so important? I believe it is important because it is profoundly against the interests of the United States to be left the sole responsibility for Iraq. As my friend, and the friends of many here, Tom Friedman, has put it: We may have to rent this country for a time; but it is not our desire to own it.

There are three reasons for that:

First, it will cost tens of billions of dollars and take years to rebuild an Iraq that is secure, whole, free, and governed by its own people. We should not bear that burden or responsibility alone.

Second, an indefinite American military occupation of Iraq would fuel resentment throughout the Middle East, bolster al-Qaida's recruitment, and make Americans a target for malcontents everywhere. We need to make the peace in Iraq the world's responsibility, not just our own.

Third, failure to engage the U.N. and as many countries as possible in post-Saddam Iraq would miss an opportunity to repair the damage that has been done to the U.N., to our alliances, and international cooperation—all of which we will need to win the war against terrorism, to contend with North Korea and Iran's nuclear programs, to slow the spread of weapons of mass destruction, to deal with outbreaks of disease, and to contend with so many other threats that have no respect for borders.

I hope the administration will spare no effort in securing the sanction of the United Nations for everything that will have to be done to keep the peace in Iraq after the war, to provide humanitarian aid, to rebuild the country, and to help put Iraq back into the hands of its own people.

By gaining the U.N.'s approval, we would help political leaders around the world whose people oppose the war justify their participation—including financial participation—in building the peace. It has not been lost on any of our colleagues in the last several days of debate, nor upon our fellow Americans; it is dawning on them that in the last gulf war, we paid between 17 and 20 percent of the cost of the war. For this gulf war, we are lucky to pay the totality of the bill—if not 100 percent, very close to it. The meter is just beginning to run. The chairman of the committee and I have held hearings over the last 10 months on this issue. We don't have any firm number, but we have estimates that it is going to cost—after we win—anywhere from $19 billion a year to numbers well in excess of that. It is in our interest—our direct interest—that other nations participate in making Iraq secure.

By gaining U.N. approval, as I said, we would help the political leaders around the world who know that is in their interest as well—whose people oppose the war—to justify their participation, including financial participation. And we would demonstrate a U.S. commitment to rebuild ties to the U.N., which will be important in our long-term security.

I personally think Kosovo provides a powerful precedent for such a course of action. In Kosovo, we chose not to pursue a use of force resolution at the U.N. that we knew Russia would veto. I was in this Chamber urging that we bypass the U.N. and go directly to a coalition of the willing—in this case, the EU and NATO—to gain support for what many of us here strongly believed was in the interest of the United States, the interest of Europe, and in the humanitarian interests of hundreds of thousands of people. We moved.

But even before the first bombs fell, we worked closely with the Security Council on an agreement to put the U.N. and other countries front and center in Kosovo for humanitarian aid and civil authority once the peace was made. As a result, we did not have to build the peace alone. Our motives were not questioned alone, and we did not bear the costs alone. Evidence the fact that we were carrying roughly 15 percent of the freight, 15 percent of the personnel, after Milosevic was defeated.

I know there is tension between those who see the efficiency of an American military occupation and those who seek the legitimacy of a U.N.-led effort.

I have made close to a dozen trips, during and after the war in Bosnia and Kosovo, to the Balkans. I can tell you, there is no U.N. organization, there is no multilateral organization, there is no organization in the world that can deliver with the speed and efficiency whatever is needed that equals that of the U.S. military; it doesn't exist—whether it is building a road, digging a well, or securing a neighborhood. But the fact is, we have to find a place between that efficiency and the need for legitimacy.

In the immediate weeks after the war, our military will have to be in charge of the country, and long term, we will have to be in charge of the security side of the equation in the country. Longer term, our goal—working with our allies and the international community—must be to put Iraq back in the hands of the Iraqi people, and this, again, in order for it to have legitimacy and, in my view, the prospect of succeeding, will have to be viewed by the region and the rest of the world as having been and gotten the imprimatur of the international community. The last thing we need to do is look as though we are putting in a puppet government—which is not our intention—in Baghdad in order to serve our purposes. There will be no legitimacy, and it will commit us much longer and in a more costly way.

During this critical interim period, we must achieve a very difficult balance. On the one hand, we have to avoid prolonging American military occupation, and, of course, for as long as our troops are there, security must be their responsibility—U.S. responsibility, not the responsibility of the U.N. or any other organization. We also had a bite out of that apple in the Balkans, in Bosnia. It did not work. It was a mistake. We corrected that mistake in Kosovo. But it should not be their role long term to administer Iraq or to choose its future leaders.

We don't want the American military having to make political decisions day in and day out and being blamed for every grievance. That would fuel resentment and turn us from liberators into occupiers. We do not want the American military putting in place a new Iraqi government, in my view. It would be seen as a puppet and, I believe, with no legitimacy.

On the other hand, we must not leave too quickly or hand over power to the Iraqis who lack the ability, the authority, and the institutions to govern their country—and risk Iraq coming apart at the seams.

Again, this is a different circumstance in Iraq than it was in Bosnia and in Kosovo, but we had a piece of that in both those countries.

This is a difficult balance. I am not suggesting any absolute formula, but I am suggesting that, to the degree the American military commander is seen to be handpicking and/or putting in place a new Iraqi regime, a new Iraqi government, it will diminish its legitimacy. To the degree to which an American sergeant, lieutenant, or captain has to stand someplace in Kirkuk and tell a returning Kurd, who was expelled through ethnic cleansing 15 years ago, whether he can go into his home and expel the Arab Sunni living there, that is a problem for us. I do not want some American GI having to make that decision, although they are qualified to make it. They should not have to be the ones to make each of those decisions.

Again, the handoff in the transition will be difficult, but as long as we move toward involving the international community without yielding any of our security interests, that is the way to go.

How would they deal, for example, as I said, with the Kurds, the Turkmen, and Arabs literally fighting over the oil-rich city of Kirkuk, trying to claim that city? How will they contend with uncooperative ethnic leaders bent on revenge instead of reconciliation?

We are the ones who will have to provide the military muscle for the coalition to interface between those groups, but we should have the rest of the world in on the deal and the responsibility. Instead, someone must be given the authority to resolve the incredibly complicated problems that will arise, and we should look to those experiences, as I said, in the Balkans, some of it good, some of it not so good, and draw from that experience.

We should empower an international civil servant to be the country's high commissioner or representative at some point as this transition goes forward. He or she should be backed up by an international civilian administration that empowers Iraqis, by a credible international security force with American forces at its core, American forces in the lead.

God willing, this war will continue to go well. Casualties on all sides, God willing, will be few, and, God willing, a victory will be sooner than later. And working with the international community, God willing, we will put Iraq on the path to a democratic society.

Even if we succeed in these difficult endeavors, we should not expect Iraq's promise that will come from this new government to automatically trigger progress throughout the region. Indeed, we will not truly win the peace unless we adopt and pursue a broader strategy for the Middle East. I believe the President has recognized that by underscoring and endorsing the road map between the Israelis and the Palestinians. Now we must follow through and show a consistent commitment to its implementation.

Finding a solution to this problem would exponentially increase our ability to promote and support democracy and democratic reform throughout the region. We must do that for the sake of its people and for the safety of our own. For when there are no democratic outlets, dissent moves underground, it turns into resentment, and it is ventilated by extremism and even terrorism. So we must make it clear to our friends in that region that their future and their future with us requires—requires—a move toward democratization.

If we listen to the voices of Arabs themselves, if we heed the wisdom of the U.N.'s Arab development report that ties progress to empowering women, reforming economies, and expanding political participation, we can and will help infuse a sense of hope in a region that lacks hope.

Mr. President, by refusing to disarm, a defiant Saddam has made the fateful choice between war and peace. This is not an exercise of a doctrine of preemption. This is an exercise of enforcing a peace agreement. This is an enforcement action, enforcing an agreement a defeated president made in the early nineties to the whole world at the United Nations saying: If you let me remain in power, I commit to keep the following conditions to this peace agreement. That is what this was.

If this had been 1919, we would have been in Versailles having to sign an agreement. It was 1991, and it was at a time when the United Nations was available to us.

He made this choice. He made the choice between war and peace. Let us make sure that in winning the war, we also win the peace.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator MCCAIN be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The chairman has 23½ minutes remaining, and the ranking member has 12½ minutes remaining.

Mr. LUGAR. I thank the Chair.

Mr. President, as the distinguished Senator from Delaware has pointed out, the resolution addresses very specifically the future, and I cite language from the resolution we are considering. Clause 5 says:

> (5) welcomes and encourages the active involvement and participation of these countries—

And those are the countries we have listed in the resolution—

> other nations, and key international organizations in the reconstruction and administration of Iraq after the current conflict in Iraq;

That is an important clause. This is a resolution of commendation, of affirmation. This is our expression, as the U.S. Senate, of thanks, and we are very specific about the nature of contributions many nations have made, and their leaders specifically.

It is our intent to be inclusive deliberately and to indicate that we welcome the very broadest participation in the work to disarm Iraq of weapons of mass destruction.

Having said that, we also welcome their thoughts, their contributions, their revenues, their physical support as we think of the postwar situation. That is a very important set of situations, as a matter of fact.

I appreciate the good counsel of my colleague from Delaware when he talks not only about the inclusiveness and the need for participation along with us to share both the opportunities and the burdens but, likewise, the fact this will not happen by chance; this is going to require active American diplomacy.

I commend the President, the Secretary of State, the Secretary of Defense, Dr. Rice, and others who have been visibly active in this role. But this is a role in which we can assist as a body in commending the nations today and through all of the contacts any of us may have with these nations to indicate ways in which they can be helpful and reasons they should be helpful.

The distinguished Senator from Delaware, as chairman of the Foreign Relations Committee last year, commenced hearings which he has cited today on the post-war Iraq situation. We could not have predicted last summer or last fall precisely in the circumstances, but at some point it was apparent to many of us that it would be important for those weapons of mass destruction to be found and to be destroyed. Our prayer then was that the coalition of nations in the United Nations, working through the Security Council or other groups, might, in fact, be persuasive; that declarations of the weapons would be made and that international authorities that could work with us in verifying their destruction. We are still in that quest. The large coalition we have talked about today is determined, in fact, to find the weapons and to destroy them, to rid the world of the problems of proliferation that could endanger any of the nations we are citing today, and others who have not chosen to join with us as yet.

Our resolution is not one of censure or condemnation. We are not about the job of finger-pointing and asking why or why not. We are affirmative. We are saying affirmatively, these nations have taken a stand, and we hope they will take a larger stand because there will be much work to do. We hope there will be more joining with us in an inclusive move.

As the Senator from Delaware has spoken, and I concur with him, we would include in that, as our resolution does, international organizations, our NATO allies, the United Nations, others who are very important for the future of the world in many sectors quite apart from the one we are discussing today.

Having said that, it is important that we all understand that we are going to have to stay the course with regard to operations in Iraq, both with regard to the military situation, the disarmament situation, and the reconstruction situation. That will not be easy. The expense of that, regardless of the estimates—and many learned people throughout this country and throughout various organizations have been addressing this issue, our own government has been addressing the issue because it will be soon upon us, but the necessity of staying the course is absolutely imperative not only with regard to our credibility as a nation and the welfare of the people in this country and the people of Iraq and others who are with us, but with regard to the surrounding neighborhood and everybody who may be impacted by the military action presently.

The great fear of many nations, either expressed or unexpressed, is that without extraordinary leadership and statesmanship, there will be chaos in Iraq in the postwar situation. There are many historical reasons for that which most of us have reviewed in the course of discussing Iraq.

The whole origin of current Iraq, the repression of the Kurds which did keep the peace, albeit in a very cruel and harmful way to the people who were involved in the country, and frequently with enormous loss of life to the neighbors, as Iraq and the Saddam regime invaded other countries, used weapons of mass destruction to kill hundreds of thousands of people outside of Iraq, quite apart from those he repressed within the country. This is the history of a situation that is not on the face of itself correcting, or that of a unified spirit, or with lots of basis for democratic institutions and the ways in which people might find their way automatically.

I commend the Senator from Delaware for pointing out that it is not our purpose—and we point that out in what we are saying today—to be governors of Iraq. The whole idea is Iraq for the Iraqis, for people who come forward to take leadership swiftly and surely, but with the right instincts with regard to human rights, freedom of expression, and a respect for other nations around them, and with all of the pursuits that we think are important to express up front. This is one of the basic reasons nations have joined with us, and we commend them as they commend us. This is a coalition of the willing with regard to disarmament, but it is a coalition of countries that are striving toward some common ideals as to how people should live and how they should treat each other.

We have a very large job, and I make that point now because some have charged that the future has been muted, that there is an impression that somehow or another the war will happen, hopefully will be over swiftly and surely, the disarmament will occur, and some Americans, quite apart from the coalition of the willing we have listed, may have the impression that we are going to leave. In fact, many Americans, unless we have an up front debate, may very well favor that position and say this is a dangerous part of the world.

Granted, the Iraqis have lots of problems. We are all for them working it out and doing the best they can. This is likely to lead to the chaos that is generally feared.

Nations, not altogether cynically, advocated the continuation of the current regime because they said it would create stability. Some nations were prepared to accept tyranny because at least it brings stability. There are not going to be changes of boundaries, changes of government, people coming and going with strange doctrines. Or, from our standpoint, having watched a failed state in Afghanistan prior to the time that al-Qaida was utilizing camps, utilizing organization and finance, using that failed state as an incubator, attacked America, Iraq is a much larger country. A failed state there is conceivably an incubator for even more harm, whether it be al-Qaida or any number of other groups, some national, some unknown to us, who find sustenance, who find the possibility for proliferation of dangerous weapons and perhaps in due course weapons of mass destruction.

To allow chaos to occur would be a monumental foreign policy and security policy failure by the United States. That is why we need to be forward looking, affirmative, inclusive, signing up more partners, commending those who come as they come.

I have heard some say, the contributions of some of the countries that are listed in our resolution are very modest. In some cases, they have barely said: We are for you. We think you are on the right track. We want to identify with the United States.

They say: Where is the beef? Where are troops? Where is money? Where are supplies? Those are legitimate questions. I would simply respond for each of the nations that we list today. They have made a declaration that could be fateful with regard to those who have authority in those countries. The leaders of those countries must answer to their parliaments, to their people, to others in the press and those who play some role in public opinion. This was not a casual association or declaration. Nor will it be after the war is over, and the responsibility for Iraq comes front and center for all of us.

By "all of us," I mean the countries we now have gathered together in the commendation and those, prayerfully, that will join us. That, hopefully, at some point will include all the nations of the United Nations and of NATO. It will include those that may not be with us as of this moment.

I will take at least a minute of this debate to commend our colleague, Daniel Patrick Moynihan, simply because he was a person, in my own experience as a young person, as mayor of Indianapolis going with him to Brussels when he was a counselor to President Nixon and representing this country in a group called the Challenges for a Modern Society, as we talked about the problems of urbanization in our NATO countries, the problems of the environment, the problems of jobs for people. With Daniel Patrick Moynihan at my side, I invited the mayors of all the countries of the world to come to my city of Indianapolis in 1971, and he came.

He gave a great speech about international relations, what NATO could do. He gave it at a time that he was on the threshold, as it turned out, of going into a diplomacy as our Ambassador to India and then to the United Nations.

I remember visiting with him when he was our Ambassador. It was a year in which both of us were considering candidacies for the Senate, which, in fact, occurred in the year of 1976, successfully, for both of us. We came to this body together and served for 24 years.

Throughout that period of time, his counsel, I am sure if he were on the floor today speaking on some issue, would have been to be inclusive, to be hardheaded, to understand the facts, to understand the history, the traditions, the difficulties, sometimes the cynicism and the remorse, but also the triumphs that can come with successful diplomacy and successful international relations. Those were missions he undertook gladly on behalf of our country and finally in service with the Senate.

I mention that spirit today because I think it is appropriate. This is an important resolution. I appreciate the decision of the leadership to take it up now before this weekend, before any more time passes, even this sense of appreciation and mission and what is to follow, it seems to me, is critically important for all Americans, both to understand and then to participate in the debate which we surely will have.

I ask unanimous consent Senator HAGEL be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I yield such time to the Senator from Virginia as he desires.

Mr. WARNER. I thank my distinguished colleague and longtime friend. This is a very important step that the Chamber is about to undertake with this vote. I anticipate it will be a vote of resounding support for this initiative and this resolution. It sends a signal far beyond the shores of our Nation.

I also wish to say a word about the distinguished chairman of the Foreign Relations Committee. We have served in this Chamber together, for me a quarter of a century, for 25 years. I have known committee chairmen on both sides of the aisle and we take great pride, the entire Senate, in this magnificently trained individual. He has trained almost all his life to take on these responsibilities.

He is too modest to talk about it, but we often reminisce about our somewhat modest participation in the U.S. Navy many years ago when he was the foreign policy adviser to one of the more distinguished chiefs of naval operations in contemporary naval history. At a very young age he began to assume the mantle of responsibilities of foreign affairs. We are fortunate to have him at the helm, together with his distinguished colleague, the Senator from Delaware, Mr. BIDEN, who likewise has spent much of his life in the field of foreign affairs. These two fine leaders bring to this Chamber this important piece of legislation which has my strong support.

But, as it relates to this coalition, our thoughts and our hearts and our minds go out to the families who have lost their soldier, sailor, airman, marine in this conflict, and those who have suffered the brunt of battle and now bear the scars of conflict.

We owe a great debt to these men and women who so proudly wear the uniform of our country, and who are willing to take the risks. I mentioned earlier today, if you look at the 290 million citizens privileged to live in this great Nation, the United States of America, less than one-half of 1 percent are currently wearing the uniform and assuming the risks as their forebears did, over the 200-plus years of this great Republic. Indeed, we owe them a tremendous, great, gratitude.

This unified support is one that our President, a distinguished Commander in Chief throughout this conflict, has worked so hard to put together. This resolution recognizes in many ways the efforts of our President and the Secretary of State, to some extent the Secretary of Defense, and others to put it together.

The coalition is currently engaged in very hard and dangerous work, to eliminate the weapons of mass destruction from the hands of a proven despot, and to give a measure of freedom and democracy to the long-suffering people of Iraq. Some 47 nations have publicly declared support. I do not doubt there are others in the silence of their councils that are likewise very sympathetic and are constructively engaged in this effort. Each member of the coalition that we cite here today has demonstrated they will face the threat and take the risk as relates to their individual contributions. Certainly, the forces of Great Britain, again under the courageous leadership of Prime Minister Tony Blair, together with the Australians, Danish commandos, the Czech and Slovak units, and countless others are providing the forces necessary to bring about the goals I have just mentioned.

Every contribution, no matter how large or small, has its value. Not only its value, but it is part of the overall matrix to enable the accomplishment of these goals. Even though small in proportion, that small participation is essential to the overall success.

I hope this coalition will grow in numbers in due course, because the importance is vital to a better understanding, not only here at home but across the world, as to the noble goals this coalition has undertaken.

I thank my colleagues who are managing this bill. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will speak using leader time.

The PRESIDING OFFICER. The leader has that right.

Mr. FRIST. Mr. President, last Thursday the Senate paid tribute to the military personnel and civilians of the United States who are currently engaged in Operation Iraqi Freedom. Today, the Senate likewise pays tribute to the member states of the "Coalition to Disarm Iraq" that are supporting or serving in operations against Saddam Hussein's regime.

S. Con. Res. 30 reflects our understanding that to join with us in this endeavor places a political, military and financial burden on our partners. But shared by many, the burden is lighter.

In particular, as we in the United States comfort our own who have suffered injury or the death of a family member in this conflict, our prayers are with those in other countries who likewise have family members separated from their loved ones and, in some cases, who have borne the burden of the ultimate sacrifice.

Since the campaign to disarm Iraq began several months ago, literally dozens of nations have provided diplomatic, military, logistical, and strategic support, to accomplish our shared objective, the disarmament of Iraq.

We are especially grateful to Australia, Denmark and Poland, whose military forces have joined American and British forces on the battlefield to disarm and liberate Iraq. We have a long friendship with the Australian, Danish and Polish people. Your governments' willingness to stand with us now will long be remembered.

Finally, I salute the political courage and vision of leaders such as Prime Minister John Howard of Australia and President Jose Maria Aznar of Spain. In their conduct they give us the very definition of leadership.

When the people of Iraq are free from the repressive dictatorship that they have lived under for decades, I have no doubt that they will thank the coalition states, and especially those who risked, and sacrificed, their lives to help them attain the freedom to which they are entitled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 5½ minutes remaining.

Mr. BYRD. Mr. President, last week, the Senate passed a resolution, by unanimous vote, that expressed the sense of the Senate in commending our troops who are now fighting the war against Iraq. At that time, I expressed my reservations about extraneous clauses in the resolution that implied that Congress acted properly in authorizing the President to begin this war.

Soon the Senate will vote on a resolution to commend those nations that are in support of U.S.-led efforts to disarm Saddam Hussein and end his regime. Now that war has begun, the United States needs to act with the greatest amount of international support. The countries that are supporting our efforts deserve our gratitude, even though I believe more could have been done to build a more robust coalition which would more equally share the burdens of war in Iraq.

But this resolution, like its predecessor, not only refers to the thanks that we wish to send to our friends and allies. The resolution also contains eight whereas clauses, some of which speak to United Nations Security Council Resolution 1441. After reading these clauses, it seems to me that the resolution, intentionally or not, implies that the President of the United States acted properly in initiating a war against Iraq based upon the authority of Resolution 1441. I disagree with that conclusion.

The resolution contains two whereas clauses that describe joint statements issued by several nations on January 30, 2003, and February 5, 2003. A reading of these joint statements can be interpreted to argue that Resolution 1441 was a sufficient basis from which to launch a war on Iraq. I do not agree that the United Nations authorized the use of force against Iraq. The U.N. Secretary General seems to share my view on this point.

The Senate should give its thanks to those countries that give their support to our troops in the field. I hope that the United States will work with these countries to address the long-term reconstruction needs of Iraq. I hope that the administration will begin to repair our ties with our other allies that did not share our view of the need to use force in Iraq. But I do not believe that it is proper to give a one-sided view of the diplomacy that brought us to this point in the context of thanking our friends.

Mr. BURNS. Mr. President, I rise today to join my colleagues in support of S. Con. Res. 30 and S. 351, The Armed Forces Tax Fairness Act.

I am pleased to see so many Americans and communities coming together, in support of our troops. Here in our nation's capitol, we think about our troops everyday. We know how hard they all are fighting for our freedoms and for the freedoms of the Iraqi people. We thank them for what they are doing and want them to know our thoughts and prayers are with them and their families.

My colleagues in Congress and I have the opportunity to lighten the burden service members often encounter while deployed, or upon their return home, with The Armed Forces Tax Fairness Act of 2003. This act would allow the American men and women serving our country at home and abroad a small, well-deserved thank you in the form of tax benefits and relief.

This reward for those who defend our freedom would help to ensure that the men and women who put themselves in harms way when America calls have peace of mind when it comes to things many take for granted, like filing tax returns or collecting travel reimbursement. The provisions of this act will save military families nearly $500 million in taxes over the next ten years. They deserve nothing less.

Thousands of activated military, National Guard, Reservists, and their families in my home state of Montana will directly benefit from this act, and the benefit to members of our armed services on a national scale is immeasurable. It is important that we continue to support our soldiers in any way we can, recognizing the sacrifice they make for the security of our great Nation.

We have the best fighting force in the world. I remain certain that our troops will succeed in their efforts to disarm Saddam Hussein and free the Iraqi people. I am confident in our military and know that this effort will be accomplished as soon as possible so that all our troops can safely return home to their families.

Mr. DASCHLE. Mr. President, today the Senate is expressing its gratitude to the nations of the world that support the U.S. determination to remove Saddam Hussein from power and eliminate his regime's weapons of mass destruction. I wholeheartedly endorse this resolution and the message it sends to the world about so many nations' view of Saddam Hussein's regime and about the resolve and bravery of the men and women who have stepped in harm's way to remove the threat he poses to international peace and basic human decency.

According to press reports, thousands of additional United States troops have entered Iraq over the last day or so. At the same time, tens of thousands of their comrades continue their relentless and courageous march to Baghdad, making all Americans proud as they battle extreme conditions and irregular—even illegal—tactics by the enemy. Each day, our admiration of these troops and their performance grows.

Unfortunately, as well as our troops have performed, much more fighting apparently lies ahead. Earlier this week, Secretary Rumsfeld declared that we are closer to the beginning than the end of this conflict. And press accounts indicate many in the military believe the conditions in which they will be fighting could get even more difficult.

Administration reports suggest that the closer our troops get to Baghdad, the greater the risk that Iraq will resort to chemical or biological weapons. Apparently, concern is growing within the administration that desperation could cause Saddam's sympathizers to resort to the use of poison gas to defend their despicable leader and his repressive regime.

I recently received a demonstration of what our troops must do to survive and continue to carry out their mission in an environment contaminated with toxic agents. While these briefers expressed confidence our soldiers in Iraq have both the necessary equipment and training to deal with a chemical attack, I pray the 250,000 American troops in the gulf—and the British, Australian, and Polish ground troops fighting alongside them—will not have to make use of that training. But the very fact that our troops are equipped and trained to deal with this possibility demonstrates that the risk of a chemical attack is very real.

All the soldiers in the coalition as well as their governments deserve our heartfelt appreciation for their willingness to join us in this important cause. We owe them each an enormous debt of gratitude.

Senators LUGAR and BIDEN were right to want to thank those countries who through their words or deeds have expressed support for our effort in Iraq. As I have said on a number of occasions, international support of our effort in Iraq is critical to share the costs and risks of both the fighting as well as the postwar reconstruction.

According to information provided by the administration, three other countries—Great Britain, Australia and Poland—have contributed ground forces to fight alongside the U.S. troops in the region. While we are grateful for the willingness of any country to stand with us, we are particularly grateful to these three countries that have deployed their young people to stand and fight with our troops.

While it may be too late for other countries to provide ground forces to assist us in the fighting, it is not too late for many others to back their words up with tangible help for what comes after the fighting ends. Administration officials indicate they are pressing to develop additional support as this conflict unfolds. That is the right thing to do, and I strongly encourage and support those efforts.

We will want the concrete assistance of our friends and allies as the military effort continues and as we prepare for rebuilding a post-Saddam Iraq. To that end, this resolution calls on these and other countries as well as key international organizations to support the reconstruction and administration of a post-Saddam Iraq.

In closing, Mr. President, allow me to express my debt of gratitude to the families of the troops carrying out this effort in the Persian Gulf. Yesterday afternoon, on this floor, Senator TIM JOHNSON, whose son Brooks is currently serving in Iraq with the Third Brigade of the 101st Airborne, talked about the intense emotions the families of our troops and our allies are going through. They never know whether the next bit of breaking news will include something about their sons or daughters, mothers or fathers. We owe profound gratitude to them as well.

I yield the floor.

Mr. BIDEN. Mr. President, I am prepared to yield back the remainder of our time on the resolution.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of the concurrent resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Aye".

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Kerry
Lieberman
Miller

The concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 30

Whereas on September 12, 2002, the President of the United States, appearing at the United Nations, called on that institution and its member states to meet their responsibility to disarm Iraq;

Whereas on November 8, 2002, the United National Security Council approved Security Council Resolution 1441 under chapter VII of the United Nations Charter by a vote of 15–0, giving Iraq a final opportunity to comply with its disarmament obligations;

Whereas on January 30, 2003, the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government, issued a declaration regarding Security Council Resolution 1441, wherein they stated that "[t]he transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.";

Whereas the January 30, 2003, declaration continued to state that "Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him . . . Our governments have a common responsibility to face this threat . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.";

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia issued a declaration regarding Security Council Resolution 1441, stating that "the United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.";

Whereas the February 5, 2003, declaration continued to state that "it has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441 . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.";

Whereas many of the supporters of the January 30, 2003, and February 5, 2003, declarations have provided important support to the United States in addition to their political declarations; and

Whereas in addition to the supporters of the January 30, 2003, and February 5, 2003, declarations, important diplomatic and strategic support to the United States-led Coalition to Disarm Iraq have been provided by such nations as Afghanistan, Angola, Australia, Azerbaijan, Colombia, Costa Rica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Honduras, Iceland, Japan, Kuwait, Macedonia, the Marshall Islands, Micronesia, Mongolia, the Netherlands, Nicaragua, Palau, Panama, the Philippines, Rwanda, Singapore, the Solomon Islands, South Korea, Tonga, Turkey, Uganda, Ukraine and Uzbekistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends and expresses the gratitude of the United States to the nations participating in and contributing to the Coalition to Disarm Iraq, including—

(A) the supporters of the January 30, 2003, declaration issued by the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government;

(B) the supporters of the February 5, 2003, declaration issued by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia; and

(C) other allies of the United States who are participating in or contributing to the Coalition;

(2) expresses sincere gratitude to Australia, Denmark, Poland, and the United Kingdom, whose military forces have joined United States Armed Forces to disarm and liberate Iraq;

(3) expresses sincere gratitude to the Prime Minister of the United Kingdom, Tony Blair, the Prime Minister of Australia, John Howard, and the President of the Spanish Government, Jose Maria Aznar, for their courageous support and strong commitment to the Coalition to Disarm Iraq;

(4) expresses sincere gratitude to other allied nations, including nations in the Persian Gulf region, for their military support, logistical support, and other assistance in the current campaign against the regime of Saddam Hussein in Iraq;

(5) welcomes and encourages the active involvement and participation of these countries, other nations, and key international organizations in the reconstruction and administration of Iraq after the current conflict in Iraq; and

(6) commends and expresses the gratitude of the United States to the military personnel and civilians of the member states of the Coalition to Disarm Iraq who are serving in operations against the regime of Saddam Hussein in Iraq, and to the family members of such personnel and civilians who have borne the burden of sacrifice and separation from their loved ones during the current conflict in Iraq.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the subsequent vote be 10 minutes and, at the end of the vote, Senator SCHUMER be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMED FORCES TAX FAIRNESS ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we all have an opportunity today to show support for our men and women in uniform in faraway places such as Iraq.

The bill before us is the Armed Services Tax Fairness Act. It is a bipartisan product. The bill represents the Senate's position pretty much as it was last year when this bill was brought up in the Senate. The revenue loss of the military tax relief package is offset with a crackdown on tax-motivated expatriates. I ask my colleagues to please show their support for our troops and support the Armed Forces Tax Fairness Act.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a time to honor our men and women fighting for us overseas. I am here honoring PFC Stryder Stoutenburg from Missoula, MT, who died in the current conflict. Each of my colleagues knows personnel who have died in Iraq. We honor them. We grieve for their families. We are working hard to give the best benefits we can for them.

This bill is not going to heal wounds. It is not going to bring people back. It is not going to bring our loved ones back home right away. It is a small token of something we can do in honor of the men and women, mothers and fathers, brothers and sisters who are fighting for America.

I strongly urge us to give a resounding vote in favor of the men and women, this small token, to help them. It shows we care. I urge a very strong vote.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Kerry
Lieberman
Miller

The bill (H.R. 1307), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1307) entitled "An Act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Armed Forces Tax Fairness Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 106. Clarification of treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—OTHER PROVISIONS

Sec. 201. Extension of IRS user fees.

Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) In General.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) Members of uniformed services and foreign service.—

"(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) Qualified official extended duty.—For purposes of this paragraph—

"(i) In general.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) Foreign service of the united states.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) Extended duty.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) Special rules relating to election.—

"(i) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) Revocation of election.—An election under subparagraph (A) may be revoked at any time.".

(b) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) In General.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) In General.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Qualified Military Base Realignment and Closure Fringe.—For purposes of this section—

"(1) In general.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) Limitation.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) In General.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) Conforming Amendments.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

*(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".*

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) Effective Date.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) Clarification of certain benefits.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) Conforming Amendments.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) No Inference.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) In General.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

"(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of deduction.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) Erroneous designation.—

"(A) In general.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) Notice of suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) Effective Date.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) Deduction Allowed Whether or Not Taxpayer Elects To Itemize.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) Income Tax Relief.—

(1) In general.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) Conforming amendments.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) Clerical amendments.—

*(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".*

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) Effective date.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) Death Benefit Relief.—

(1) In general.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) Clerical amendment.—The heading for subsection (i) of section 101 is amended by inserting "or Astronauts" after "Victims".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) Estate Tax Relief.—

(1) In general.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) Clerical amendments.—

*(A) The heading of section 2201 is amended by inserting "**, DEATHS OF ASTRONAUTS,**" after "**FORCES**".*

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) Effective date.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) General Rule.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) Program Criteria.—

"(1) In general.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) Exemptions, etc.—

"(A) In general.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) Exemption for certain requests regarding pension plans.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the

plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average fee
Employee plan ruling and opinion	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination ...	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were

the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) Definitions and special rules.—For purposes of this paragraph—

"(i) Qualified trust.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) Vested interest.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) Nonvested interest.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) Adjustments.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) Coordination with retirement plan rules.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) Determination of beneficiaries' interest in trust.—

"(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) Other determinations.—For purposes of this section—

"(i) Constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Imposition of Tentative Tax.—

"(1) In general.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) Due date.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) Treatment of tax.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) Certain rules apply.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) Termination of United States citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—

(i) Technical amendments.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) Conforming amendments.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) Effective dates.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) Technical amendments.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

JAMES V. SELNA TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to vote on Executive Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided.

Mr. HATCH. Mr. President, I rise in support of the confirmation of James Selna to the U.S. District Court for the Central District of California. I have had the pleasure to review Mr. Selna's distinguished career and I am confident that he will make a fine Federal judge.

Judge Selna graduated Order of the Coif from Stanford Law School in 1970. Upon graduation he joined the prestigious law firm of O'Melveny & Myers, where he maintained a sophisticated commercial practice. Upon becoming a partner in 1978, Judge Selna was involved in many high profile cases, including representing the National Football League in defending antitrust claims. In the period immediately preceding his appointment to the Superior Court, his practice consisted of litigating complex commercial disputes, typically involving high technology issues and companies.

While in private practice, Judge Selna provided many hours of pro bono services to various organizations. For example, he has provided hundreds of hours of legal services on behalf of the Newport Harbor Museum in a successful constitutional challenge to Federal funding restrictions in the 1989/1990 appropriation for the Endowment for the Arts. In addition, he has provided legal advice while serving on the board of Phoenix House of Orange County, a nonprofit drug rehabilitation organization. I would like to commend Judge Selna for the many hours he has given to better his community.

Since 1998, Judge Selna has served with distinction on the Orange County Superior Court. His judicial experience on the State bench will serve him well in the Federal district court. I urge my colleagues to join me in strong support of Judge Selna's nomination.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Kerry
Lieberman
Miller

The nomination was confirmed.

NOMINATION OF PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The legislative clerk read the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mr. LUGAR. Mr. President, we will soon vote on the nomination of Philip Simon to be considered for a position on the United States District Court of Northern Indiana. It is because of that I rise once again to commend this remarkable jurist.

Judge William Lee and Judge James Moody informed me of their decisions to assume senior status after distinguished careers of public service. Both of these individuals are remarkable leaders on the Federal bench, and I applaud their leadership to Indiana and to the legal profession.

Immediately upon hearing of these decisions, I notified the White House and was asked by the President to help find the most qualified candidates to fill these two important positions in Hammond and Fort Wayne. I took this role very seriously and selected the candidates who would best serve the Northern District of Indiana.

After sharing my selections with my friend and colleague Senator EVAN BAYH, I submitted the names and applications of three outstanding candidates to the White House for their consideration. The President recently selected Assistant United States Attorney Philip Simon and United States Magistrate Theresa Springmann.

Philip Simon has a remarkable record as an Assistant United States Attorney. As Chief of the Criminal Division, he is responsible for overseeing all criminal prosecutions in the Northern District of Indiana. He has supervised and participated in prosecutions involving large-scale drug distribution rings, illegal firearms trafficking, white collar fraud cases, environmental crime, and mob related racketeering cases. In addition, he is in charge of a public corruption task force in Lake County, Indiana.

Philip has been the recipient of a number of awards and commendations. In 1995, the Mutual Insurance Companies of Indiana presented the Sherlock Award to Philip for his work to combat insurance fraud. In 1999, Philip was given the Director's award by Janet Reno, the highest award given to an Assistant United States Attorney by the Justice Department.

Aside from his outstanding public service, he is a dedicated community leader with an interest in assisting children and families with autism.

I believe that Philip Simon will demonstrate remarkable leadership to Northern Indiana and will appropriately uphold and defend our laws under the Constitution. I encourage my colleagues to support his nomination.

Mr. HATCH. Mr. President, I am pleased to support Philip P. Simon, who has been nominated to the U.S. District Court for the Northern District of Indiana.

Our nominee has had a distinguished legal career. Upon graduation from Indiana University Law School, Mr. Simon joined the law firm of Kirkland & Ellis as an associate, where he focused on general commercial and construction-related litigation, products liability, and employment discrimination and issues.

He next began a long career with the United States Attorney's Office, serving first in the Northern District of Indiana, then in the District of Arizona, and finally returning to the Northern District of Indiana, where he currently serves as Chief of the Criminal Division. During his 13 years with the U.S. Attorney's Office, Mr. Simon has handled a variety of issues ranging from routine drug cases to large scale drug distribution rings, public corruption cases, firearms violations, kidnapping, and white collar fraud.

Mr. Simon is also a member of the Federal Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

I am confident that Mr. Simon's extensive litigation experience will make him an excellent addition to the Federal bench.

The PRESIDING OFFICER. All time having been yielded back, the question is, will the Senate advise and consent to the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana?

Mr. LUGAR. Mr. President, I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The nomination was confirmed.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, while there are continuing problems caused by the administration's refusal to work with Democratic Senators to select consensus judicial nominees who could be confirmed relatively quickly by the Senate, today we again demonstrate what can happen when the administration works with us.

In spite of the President's lack of cooperation, the Senate in the 17 months I chaired the Judiciary Committee was able to confirm 100 judges and vastly reduce the judicial vacancies that had built up and were prevented by the Republican Senate majority from being filled by President Clinton. Last year alone the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Not once did the Republican-controlled committee consider that many of President Clinton's district and circuit court nominees. In our efforts to turn the other cheek and treat this President's nominees better than his predecessor's had fared, we confirmed 100 judges in 17 months. Yet not a single elected Republican has acknowledged this tremendous bipartisanship and fairness. When Chief Justice Rehnquist thanked the committee for confirming 100 judicial nominees, this was the first time this accomplishment had been acknowledged by anyone from a Republican background. I thanked him last week when I appeared before the Judicial Conference.

Almost all of the judges confirmed are conservatives, many of them quite to the right of the mainstream, and many are pro-life. Many of these nominees have been active in conservative political causes or groups, but we moved fairly and expeditiously on as many as we could.

We cut the number of vacancies on the courts from 110 to 50, despite an additional 60 new vacancies that had arisen. I recall that the chairman said in September of 1997 that 103 vacancies, during the Clinton Administration, did not constitute a "vacancy crisis." He also repeatedly stated that 67 vacancies meant "full employment" on the Federal courts. Even with the vacancies that have arisen since we adjourned last year, we remain below the "full employment" level that Senator HATCH used to draw for the Federal courts with only 50 vacancies remaining on the district courts and courts of appeals, according to the Judiciary Committee website Unfortunately, the President has not made nominations to a number of those seats, and on more than half of the current vacancies he has missed his self-imposed deadline of a nomination within 180 days. Of course, several of the nominations he has made are controversial.

This year the President has taken the truly unprecedented action of renominating candidates voted down in committee in spite of the serious concerns expressed by fair-minded members of this committee. That is a significant problem.

This year we have had a rocky beginning with a hearing that has caused a great many problems we might have avoided. The chairman's insistence on terminating debate on the Cook and Roberts nominations is another serious problem. Of course, the administration's unwillingness to work with the Senate so that we may be provided the documents and information needed to proceed with a final vote on the Estrada nomination has already proved to be a significant problem. The opposition to the Sutton nomination is also extensive.

Nonetheless, the Senate has proceeded to confirm 113 of President Bush's judicial nominees, including 13 this year alone. The Senate confirmed the controversial nomination of Jay Bybee to the Ninth Circuit, another pro-life judicial nominee. Already this year the Senate has confirmed more circuit court judges than Republicans allowed to be confirmed in the entire 1996 session. In addition, I note that it was not until September, 1999, that 13 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. This year we are 6 months ahead of that schedule.

The California nominee comes from the bipartisan selection commissions Senator FEINSTEIN and Senator BOXER have established in California and the Indiana nominee has the bipartisan support of his home State Senators. I congratulate the nominees and their families.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

DANIEL PATRICK MOYNIHAN

Mr. SCHUMER. Mr. President, I know there are a group of us who wish to speak about Senator Moynihan. I think that would be the next order of business, and so I will proceed.

Let me say that yesterday all of us were caused great sorrow when we heard the terrible news that Senator Daniel Patrick Moynihan, a giant among us, had passed from our midst. While the sadness is still there, today I rise to pay tribute to Pat Moynihan and to the extraordinary life that he led.

It can rarely be said about someone that they changed the world and made it a better place just with their ideas. Senator Moynihan was such an individual. He was a font of ideas. He was not afraid to utter them and he uttered them in such a way that people listened, paid attention, and changed the way they lived for the better.

Pat Moynihan was a friend to me, a mentor. I first met him when I attended his course at Harvard while I was a student and he was a professor. Throughout the many years, he extended me so many kindnesses I can't even count them. But beyond the personal—and every one of us has our personal stories about Pat—is what he did for all of us. He was known in the Senate as a unique individual, as a person of ideas in a body that, frankly, has always needed more of them. He was the kind of Senator that the Founding Fathers, as they look down on this body, would look at and smile and say: That's the kind of person we wanted to serve in the Senate.

I think the Washington Post editorial said it very well today. It said:

> He pursued with distinction enough careers for half a dozen men of lesser talents and imagination—politician, Presidential adviser, diplomat, author, professor and public intellectual.

As someone who is barely managing to pursue only one of those many careers, I can't help but observe that, as you look around, there are no more Pat Moynihans in part because of the man—Pat Moynihan's vision, erudition, intellect, dazzling wit, and moral conviction were second to none—and in part because of the times. Pat Moynihan was one of the preeminent public intellectuals in a time when such figures and their ideas could command the Nation's attention in a way that I fear is now all but gone from American life. I hope and pray that is not true.

But we mourn his passing. We mourn the passing of his time from the national stage and from this beloved institution that he loved so well and served so well in for 24 years, the Senate.

In the coming days, many will pay tribute to Pat Moynihan's leadership and vision on so many ideas where his mark on policy and his mark on individuals are well known. There are children born in this country and in foreign countries whose lives are better, who will live better lives because Pat Moynihan lived and worked on this Earth.

His leadership in Social Security, in welfare reform, in poverty, in tax policy, in trade, in education, in immigration, in foreign policy, and most recently in government secrecy—any one of those would have been enough to be a capstone of an ordinary Senator's career. But Pat did them all.

Adam Clymer of the New York Times chronicled Pat's career and life movingly and brilliantly today. I ask unanimous consent his piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 2003]

DANIEL PATRICK MOYNIHAN IS DEAD; SENATOR FROM ACADEMIA WAS 76

(By Adam Clymer)

Daniel Patrick Moynihan, the Harvard professor and four-term United States senator from New York who brought a scholar's eye for data to politics and a politician's sense of the real world to academia, died yesterday at Washington, D.C. He was 76.

The cause, a spokesman for the family said, was complications of a ruptured appendix, which was removed on March 11 at the hospital, where he remained.

Mr. Moynihan was always more a man of ideas than of legislation or partisan combat. Yet he was enough of a politician to win reelection easily—and enough of a maverick with close Republican friends to be an occasional irritant to his Democratic party leaders. Before the Senate, his political home from 1977 to 2001, he served two Democratic presidents and two Republicans, finishing his career in the executive branch as President Richard M. Nixon's ambassador to India and President Gerald R. Ford's ambassador to the United Nations.

For more than 40 years, in and out of government, he became known for being among the first to identify new problems and propose novel, if not easy, solutions, most famously in auto safety and mass transportation; urban decay and the corrosive effects of racism; and the preservation and development of architecturally distinctive federal buildings.

He was a man known for the grand gesture as well as the bon mot, and his style sometimes got more attention than his prescience, displayed notably in 1980 when he labeled the Soviet Union "in decline." Among his last great causes were strengthening Social Security and attacking government secrecy.

In the halls of academe and the corridors of power, he was known for seizing ideas and connections before others noticed. In 1963, for example, he was the co-author of "Beyond the Melting Pot," which shattered the idea that ethnic identities inevitably wear off in the United States. Then, on the day that November when President Kennedy was shot in Dallas, he told every official he could find that the federal government must take custody of Lee Harvey Oswald to keep him alive to learn about the killing. No one listened.

Friends also observed the intense sense of history he connected to immediate events. Bob Packwood, the former Republican senator from Oregon, recalled his Democratic friend's response in 1993 when a reporter on the White House lawn asked what he thought of the signing of the Israeli-Palestinian agreement to share the West Bank. "Well, I think it's the end of World War I," he said, alluding to the mandates that proposed Middle Eastern boundaries in 1920.

Erudite, opinionated and favoring, in season, tweed or seersucker, Mr. Moynihan conveyed an academic personality through a chirpy manner of speech, with occasional pauses between syllables. More than most senators, he could get colleagues to listen to his speeches, though not necessarily to follow his recommendations. He had a knack for the striking phrase, but unease at the controversy it often caused. When other senators used August recesses to travel or raise money for re-election, he spent most of them in an 1854 schoolhouse on his farm in Pindars Corners in Delaware County, about 65 miles west of Albany. He was writing books, 9 as a senator, 18 in all.

Mr. Moynihan was less an original researcher than a bold, often brilliant synthesizer whose works compelled furious debate and further research. In 1965, his foremost work, "The Negro Family: The Case for National Action," identified the breakup of black families as a major impediment to black advancement. Though savaged by many liberal academics at the time, it is now generally regarded as "an important and prophetic document," in the words of Prof. William Julius Wilson of Harvard.

Five years later, his memo to President Nixon on race relations caused another uproar. Citing the raw feelings provoked by the battles of the civil rights era, Mr. Moynihan suggested a period of rhetorical calm—"benign neglect" he called it—a proposal widely misinterpreted as a call to abandon federal programs to improve the lives of black families.

Nonetheless, he could also be an effective legislator. In his first term he teamed with Jacob K. Javits, his Republican colleague, to pass legislation guaranteeing $2 billion worth of New York City obligations at a time when the city faced bankruptcy. In a brief turn leading the Environment and Public Works Committee in 1991 and 1992 he successfully pushed to shift highway financing toward mass transit—and get New York $5 billion in retroactive reimbursement for building the New York State Thruway before the federal government began the Interstate Highway System.

Although Mr. Moynihan's junior colleague for 18 years, Alfonse M. D'Amato, became known as Senator Pothole for his pork-barrel efforts of New York, Mr. Moynihan held his own in that department.

MONUMENT OF BRICKS AND MARBLE

Long before he came to the Senate, and until he left, he was building a monument of bricks and marble by making Washington's Pennsylvania Avenue, a dingy street where he came to work for President John F. Kennedy in 1961, into the grand avenue that George Washington foresaw for the boulevard that connects the Capitol and the White House. Nearly 40 years of his effort filled the avenue with new buildings on its north side, including the apartment houses where he lived, restored buildings on the south, and cafes and a sense of life all along.

Wherever he went, Mr. Moynihan explored interesting buildings and worked to preserve architectural distinction, from converting the main post office in Manhattan into the new Pennsylvania Station, to the Customs House at Battery Park and all around Washington. Last year, over lunch and a martini at Washington's Hotel Monaco, an 1842 Robert Mills building that was once the city's main post office, he recalled how he had helped rescue it from decline into a shooting gallery for drugs.

Daniel Patrick Moynihan was born in Tulsa, Okla., on March 16, 1927, the son of an itinerant, hard-drinking newspaperman who moved the family to New York later that year to take a job writing advertising copy. They lived comfortably in the city and suburbs until 1937 when his father, John Moynihan, left the family and left it in poverty.

Mr. Moynihan's childhood has been pseudo-glamorized by references to an upbringing in Hell's Kitchen, which in fact he encountered after his mother bought a bar there when he was 20. But there was enough hardship and instability in his early life so that when he later wrote of "social pathology," he knew what he was talking about.

Mr. Moynihan's mother, Margaret Moynihan, moved the family, including a brother, Michael, and a sister, Ellen, into a succession of Manhattan apartments, and Pat shined shoes in Times Square. In 1943 he graduated first in his class at Benjamin Franklin High School in East Harlem. He also graduated to work as a stevedore at Piers 48 and 49 on West 11th Street.

He went to City College for a year, enlisted in the Navy, and was trained as an officer at Middlebury College and at Tufts University. Discharged the next spring, he went to work that summer tending bar for his mother, then got his B.A. at Tufts in 1948 and an M.A. at the Fletcher School of Law and Diplomacy at Tufts in 1949.

In 1950 he went to the London School of Economics on a Fulbright Scholarship, and he lived well on it, the G.I. bill and later a job at an Air Force base. He started wearing a bowler hat. He had a tailor and a bootmaker and traveled widely, including a visit to Moynihan cousins in County Kerry, Ireland.

Work on his dissertation did not consume him. In "Pat," his 1979 biography, Doug Schoen described a 1952 visit by two former Middlebury colleagues: "Impressed at first with his elaborate file cabinet full of index cards, they found that most of the cards were recipes for drinks rather than notes on the International Labor Organization."

Mr. Moynihan came home in 1953 and went to work in the mayoral campaign of Robert F. Wagner. He went on to write speeches for W. Averell Harriman's successful campaign for governor in 1954, joined his administration in Albany and rose to become his chief aide. It was there he learned about traffic safety, which he described in a 1959 article in The Reporter as a public health problem requiring federal action to make automobile design safer.

A SEMI-MODEST PROPOSAL

Another former campaign worker who came to Albany was Elizabeth Brennan. Her desk and his were in the same room, and they grew friendly. Rather suddenly in early 1955, when they had never dated, Mr. Moynihan did not formally propose but simply told her he was going to marry her.

They married in May 1955, and she often said she married him because he was the funniest man she ever met.

His wife survives him, as do their three children: Timothy, Maura and John, and two grandchildren.

While he was an enthusiastic supporter of John F. Kennedy, work at Syracuse University on a book about the Harriman administration and his Ph.D. kept his role in the campaign sporadic. But Liz Brennan Moynihan organized the campaign efforts in the Syracuse area.

His Ph.D. in international relations finally complete, he left Syracuse in 1961 for Washington and the Labor Department, rising to assistant secretary. One early research assignment on office space for the scattered department gave him an opportunity to assert guiding architectural principles that have endured and produced striking courthouses: that federal buildings "must provide visual testimony to the dignity, enterprise, vigor and stability of the American government." That same report enabled him to raise the Pennsylvania Avenue issue, and he was at work on development plans on Nov. 22, 1963, when the word came that the president had been shot in Dallas.

Beyond his failed efforts to protect Mr. Oswald, Mr. Moynihan marked that grim assassination weekend with a widely remembered remark about the death of the president he barely knew but idolized and eagerly followed.

On Sunday, Nov. 24, he said in a television interview: "I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually. I guess we thought we had a little more time." He added softly, "So did he."

His first book, written jointly with Nathan Glazer, had come out earlier that year. "Beyond the Melting Pot" looked at the different ethnic groups of New York City and scoffed at "the notion that the intense and unprecedented mixture of ethnic and religious groups in American life was soon to blend into a homogeneous end product." Ethnicity persisted, they argued.

That concept won praise from the era's leading historian of immigration, Harvard's Oscar Handlin, who called it a "point of departure" in studies of immigrants. But in a foretaste of academic criticism in years to come, he said their methodology was sometimes "flimsy."

"The Negro Family: The Case for National Action," a paper he wrote at the Labor Department early in 1965, argued that despite the Johnson administrations's success in passing civil rights, laws, statutes could not ensure equality after three centuries of deprivation. He said the disintegration of black families had reached a point of "social pathology." He wrote: "The principal challenge of the next phase of the Negro revolution is to make certain that equality of results will now follow. If we do not, there will be no social peace in the United States for generations."

He cited black unemployment, welfare and illegitimacy rates. His emphasis on families headed by women led him to be accused of blaming the victims for their predicament, but in fact he wrote clearly, "It was by destroying the Negro family under slavery that white America broke the will of the Negro people." Now, he wrote, the federal government must adopt policies especially in education and employment, "designed to have the effect, directly or indirectly, of enhancing the stability and resources of the Negro American family."

He left the administration in 1965 as liberals denounced his paper, and then ran for president of the New York City Council. He lost badly in the Democratic primary, but went on to Wesleyan University and, in 1966, to Harvard as director of the Joint Center for Urban Studies and a tenured professor in the Graduate School of Education.

He spoke out against disorder, in urban slums and on select campuses. Speaking to Americans for Democratic Action in 1967, he made it clear he though liberal pieties would not solve black problems.

And in a passage that came to the eye of the Republican presidential candidate Richard M. Nixon, he said liberals must "see more clearly that their essential interest is in the stability of the social order" and "make alliances with conservatives who share that concern." When Nixon was elected, Mr. Moynihan made his alliance. He joined the White House staff as assistant to the president for urban affairs.

That startled his friends, and his wife refused to move to Washington. Mr. Moynihan, who never developed, even after Watergate, the searing contempt for Mr. Nixon that animated so many contemporary Democrats, explained that when the president of the United States asks, a good citizen agrees to help. Another biographer, Godfrey Hodgson, says that while Mr. Moynihan never stopped thinking of himself as a liberal Democrat, he shared the president's resentment of orthodox liberalism.

While his advice to the president to end the war in Vietnam stayed private, there were two ideas for which his time in the Nixon White House was known.

In 1970 he wrote to the president on race relations, arguing that the issue had been rubbed raw by "hysterics, paranoids and boodlers" on all sides. Now, he wrote, race relations could profit from a period of "benign neglect" in which rhetoric, at least, was toned down. In a return of the reaction to his paper on the Negro family, when this paper was leaked it was treated as if Mr. Moynihan wanted to neglect blacks.

He may have invited that interpretation by his quaintly glib language, but in fact Mr. Moynihan was pushing an idea that might have been of vast help to poor blacks, and whites. That other idea for which he was known, the Family Assistance Plan, sought to provide guaranteed income to the unemployed and supplements to the working poor, and together to stop fathers from leaving home so their families could qualify for welfare. The president made a speech for the program, sent it to Capitol Hill and let it die.

Afterward, though he remained on good terms with Mr. Nixon, Mr. Moynihan went back to Harvard in 1970. Resentment over his White House service chilled his welcome back in Cambridge. His interests shifted to foreign affairs—perhaps because the charges of racism left him no audience for domestic policy, and made him welcome an appointment as ambassador to India, where he negotiated a deal to end India's huge food aid debt to the United States. He returned to Harvard to protect his tenure in 1975, but moved that year to the United Nations as United States ambassador.

There he answered the United States' third world critics bluntly, often contemptuously.

In his brief tenure he called Idi Amin, the president of Uganda, a "racist murderer," and denounced the General Assembly for passing a resolution equating Zionism with racism: "the abomination of anti-Semitism has been given the appearance of international sanction." After eight months of struggles with Secretary of State Henry A. Kissinger, who wanted a less confrontational approach, he resigned in February 1976.

That made him available for a run for the Democratic nomination for the Senate, and he edged out the very liberal Representative Bella Abzug in the primary before winning the general election easily over the incumbent, James L. Buckley, the Republican-Conservative candidate. With his wife in charge of each campaign, he won three landslide reelections.

He set one high goal—a seat on the Finance Committee as a freshman—and reached it, along with a seat on the Intelligence Committee. Early in office he joined Gov. Hugh L. Carey, Speaker Thomas P. O'Neill Jr. and Senator Edward M. Kennedy of Massachusetts in a St. Patrick's Day appeal to Irish-Americans to stop sending money to arm the Irish Republican Army, whom he privately described as "a bunch of murderous thugs."

Every year he produced an analysis of federal taxes and federal aid, known as "the fisc," which showed that New York was getting regularly shortchanged by Washington. He worked to reduce that imbalance, both through Medicaid funding on the finance Committee and public works on the Environment and Public Works Committee.

And his colleagues always knew he was around. Every day of the 2,454-day captivity of Terry Anderson, the Associated Press reporter captured by 1985 by the Hezbollah in Lebanon, he would go to the Senate floor to remind his colleagues, in a sentence, just how many days it had been.

QUARRELED WITH WHITE HOUSE

After loyally serving four presidents, he quarreled with those in the White House while he was in the Senate. When he arrived in 1977, he found President Carter too soft in dealing with the Soviet Union and indifferent to its evil nature.

But he quickly came to believe that the Soviet Union was crumbling. In Newsweek in 1979 he focused on its ethnic tensions. In January 1980, he told the Senate: "The Soviet Union is a seriously troubled, even sick society. The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so." He added. "The defining event of the decade might well be the breakup of the Soviet empire."

It was against that changed perception that he was sharply critical of vast increases in military spending, which, combined with the Reagan tax cuts, produced deficits that he charged were intended to starve domestic spending. He called a 1983 Reagan proposal for cutting Social Security benefits a "breach of faith" with the elderly, and worked out a rescue package that kept the program solvent for at least a decade into the 21st century.

He also scorned the 1983 invasion of Grenada, the 1984 mining of harbors in Nicaragua and the 1989 invasion of Panama as violations of international law, and voted against authorizing President George H. W. Bush to make war against Iraq. It was not enough, he wrote in his book "On the Law of Nations" in 1990, for the United States to be strong enough to get away with such actions. The American legacy of international legal norms of state behavior, he wrote, is "a legacy not to be frittered away."

But probably his worst relations with a president came when Bill Clinton and Hillary Rodham Clinton sought passage of national health insurance.

Certainly, the failure of health care legislation was not primarily Mr. Moynihan's responsibility, but he had become chairman of the Finance Committee in 1993, and health care fell within its jurisdiction. He said the administration should take on welfare reform legislation first, and carped on television about their health plan, quickly fixing on the role of teaching hospitals as the biggest issue in health care. But otherwise he waited for Mr. Packwood and Senator Bob Dole of Kansas, the Republican leader, to propose a compromise. Mr. Dole had decided all-out opposition was the better course for his party, and they never did.

Mr. Moynihan's career in the Senate was marked not by legislative milestones but by ideas. Even so, Senator Kennedy, the legislative lion, once described him in 1993 as an exemplar "of what the Founding Fathers thought the Senate would be about," because of the New Yorker's breadth of interests, "having read history, and thought about it, and being opinionated."

Mr. SCHUMER. As a fellow New Yorker, I am going to speak of Pat Moynihan as a builder. He was known as a thinker, but we forget he was also a builder, a builder of bricks and mortar, somebody who taught us in New York and the country to think grandly of public works once again. Those who knew Moynihan best say that is where his heart truly lay.

The week after I won election for the Senate, Pat Moynihan called me into his office. He told me he would announce he wasn't going to run again. He said: I am going to bequeath to you a gift. I am going to recommend that my staffer Polly Trottenberg work for you. Well I took his advice and hired her to be my Legislative Director and she has been with me ever since. He did many nice things for me. That was certainly one of them.

Because she worked so long and well for him, I asked Polly today what Pat Moynihan had regarded as his greatest accomplishment and she said something that surprised me. But when you think about it, it should not be surprising. It was how he reclaimed Pennsylvania Avenue in this city and made it big and grand and beautiful again and how he lived out the rest of his days there with his wonderful wife Liz.

Pat Moynihan not only taught us to think grandly about public works on the national scale, he also taught us to cherish our cities, to make them lively and beautiful, and none so more than his two beloved cities, New York and Washington.

His groundbreaking work on Federal transportation policy remains without equal. Pat Moynihan is the father of ISTEA, the Intermodal Surface Transportation Efficiency Act of 1991, the most important piece of transportation legislation since President Eisenhower's Federal Highway Act of 1956.

Pat Moynihan, as a social scientist, urban planner, and old-fashioned New York politician, helped change the course of American transportation, weaning us from our highways-only approach that had destroyed so many urban neighbors.

Instead, ISTEA encouraged so many communities to invest in other modes, such as transit, rail, and even bipeds. I ride a bike every Saturday around New York. It is another small way I thank Pat Moynihan.

He provided citizens with far greater say in what types of projects would be built in their communities. ISTEA was especially important to New York. It enabled the State to restore some of our most important but neglected public works, such as the magnificent Brooklyn Bridge as well as dream new dreams like I–86 across the southern tier, and the Second Avenue subway.

His passion and dedication to public architecture is well known and dates from his days as a young aide to President Kennedy who, right before his death, tasked Moynihan with restoring Pennsylvania Avenue here in Washington. Moynihan succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue, the Ronald Reagan Building and International Trade Center, unveiled a few years ago and instantly hailed as one of the best new buildings to grace the Capital.

Of course, Senator Moynihan was also a leading force for architecture in New York. He was responsible for building a beautiful Federal courthouse at 500 Pearl Street in Lower Manhattan, which we were proud to name after him. Completed in 1994, the Daniel Patrick Moynihan Federal Courthouse embodies the same spirit as his previous architectural endeavors, an extraordinary work of art inside and outside.

He was responsible for the restoration of the spectacular Beaux-Arts Customs House at Bowling Green and for recognizing what a treasure we have in Governors Island.

He is beloved in Buffalo, at the other end of our State, for reawakening the city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best known early skyscrapers by the architect Louis H. Sullivan, a building which Moynihan helped restore and then chose as his Buffalo office.

Moynihan has also spurred a powerful and passionate popular movement, which is gaining strength as he leaves us, in Buffalo to build a new signature Peace Bridge over the Niagara River.

His last project—one that I regret he didn't live to see completed—was his beloved Pennsylvania Station. In 1963, Pat Moynihan was one a group of prescient New Yorkers who protested the tragic razing of our city's spectacular Penn Station—a glorious public building designed by the Nation's premier architectural firm of the time, McKim, Mead & White.

It was Pat Moynihan who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. Pat Moynihan recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our grand city.

He then did the impossible: He persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, congressional appropriators, and President Clinton himself, to commit to making this project succeed. And I can tell you, I don't think President Clinton even knew what hit him.

Herbert Muschamp, the noted New York Times architecture critic, praised the new Penn Station design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse, when he wrote:

> In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations.

We have Pat Moynihan to thank for that and so many other things.

The epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is an equally fitting epitaph for Senator Daniel Patrick Moynihan: "Si Monumentum Requiris Circumspice"—"If you would see this man's monument, look around."

And not only look at the buildings, look at people, look at highways, look at Government projects and programs—all of which Pat Moynihan had a tremendous effect on.

I join with every New Yorker and every American in mourning Pat Moynihan's passing but celebrating his extraordinary life, his extraordinary career, celebrating the extraordinary man himself.

I give my heartfelt condolences to his family—Liz and Timothy and Maura and John and his grandchilden, Michael Patrick and Zora—and count myself among the many others who will miss him dearly.

Mr. President, I will end with a prayer. It is my hope, it is my prayer, that God grant us a few more Pat Moynihans in this Senate, in this country, in this world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I join my colleague in expressing our sense of loss at the passing of a man whom we knew, we admired, we respected, we enjoyed.

Yesterday, we lost more than "The Gentleman from New York." We lost one of the great minds of America's 20th century. He devoted more than 50 years of his life to public service in order to build a better world. For Senator Moynihan, his service to his country and to the State he loved was more than his career. It was his calling.

For 24 years, New Yorkers had the benefit of his intellect and his dedication on the floor of this Senate. Whenever he headed to the Senate floor to speak, he kept the people of New York close to his heart. And he came armed with three signature items: his hornrim glasses, a bow tie, and a great idea.

No one believed more in the power of restoration than Senator Moynihan: Restoration of our cities as economic and cultural centers; restoration of our historic buildings as public places of pride; restoration of the family, when given the proper tools to mend decades of despair; restoration of our Government to better serve its people.

It was Senator Moynihan who helped restore our sense of hope with his ability to look at an abandoned building, a neglected neighborhood, or an empty school, and see not only what it could become but how to make it so.

He could "see around corners," to quote his Irish heritage. I always loved that phrase when applied to Pat Moynihan because it so aptly described his unique ability to foresee how we might address a difficult problem. Time after time, he could see our Nation's next pressing challenge—and its solution—even when it was decades away from our own national conscience.

His soul was anchored in the New Deal, but it was his ability to enhance the social contract to meet the challenges of the 20th and 21st century that transformed the lives of millions of New Yorkers and Americans.

Whether it was Social Security, Medicare, education, health care, the environment, fighting poverty, or historic preservation, every issue illustrated what Senator Moynihan did best: He used the power of an idea as an engine for change. He was an architect of hope.

It was Senator Moynihan who was able to articulate that poverty in an urban setting was just as isolating and devastating as in a rural setting. This helped launch the war on poverty and the idea that we now know as the earned income tax credit.

It was Senator Moynihan who realized that States such as New York and others across the Northeast contributed more in taxes than we received back from the Federal Government. This prompted what he called the FISC Report, and his fight, which I carry on, to get New York its fair share.

It was Senator Moynihan who looked at our historic places—from Pennsylvania Avenue right here in Washington, DC, to Penn Station in New York City—and saw how saving these great monuments to the past held meaning and purpose for our future.

It was Senator Moynihan, as chairman of the Senate Finance Committee, who helped write the 1993 Budget Act, pass the Economic Act, and the Deficit Reduction Act, that set the foundation for the prosperity of the 1990s, lifted 7 million Americans out of poverty, and sent a clear message that the Federal Government did its best work when it did it responsibly, living within a budget. Unlike what we have just seen here on the floor over the last several days, Senator Moynihan understood that a Government which lived within its means made real choices, not false choices, and then putting it on a credit card for our children to have to pay.

It was Senator Moynihan who, in addition to all of these domestic accomplishments, forged a new era of foreign policy for America with his work as Ambassador to India, and with his eloquence on behalf of the United States, speaking up during a contentious time as Ambassador to the United Nations.

On a personal note, it was Senator Moynihan who welcomed me to his farm in Pindars Corners on a picture-perfect July day in 1999 and offered his support and encouragement, sending me on my way with a gesture of profound kindness that I will never forget.

A few months ago, Senator Moynihan came to see me in my office. It is the office he was in for so many years. He sat with me, and we talked about the issues confronting this Senate. I asked his advice. I told him I wanted to have a chance to talk with him further about so many of the challenges that are facing us. Unfortunately, that was not to be. His illness prevented him from coming back to the Senate and from helping other Senators one last time.

Today, we are all thinking of him and his family. We extend our condolences, and our gratitude for the life he lived, the example he set, and the countless contributions he made.

Senator Moynihan once said, in a very Irish way:

> Well, knowledge is sorrow really.

He was right. The knowledge that he no longer walks among us brings sorrow to every New Yorker and American. He grew up in Hell's Kitchen, but he brought a bit of heaven to the Senate. We are grateful for his being amongst us; his looking around those corners, seeing further than any of us could on our own.

Our thoughts and prayers go out to his wonderful wife Liz, his children, his grandchildren. We wish them strength, and we want them to know that Pat Moynihan was a blessing, a blessing to the Senate, a blessing to New York, and a blessing to America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first of all commend both of our colleagues from New York, Senators SCHUMER and CLINTON, for their very eloquent remarks about our former colleague and dear friend, Pat Moynihan. I know not only the Moynihan family but the people of New York and others around this great country who have had the privilege of knowing and spending time with Pat Moynihan deeply appreciate their comments and their words. I join in expressing my deep sense of loss of a towering figure of American life, Senator Daniel Patrick Moynihan, whom we all know passed away yesterday. My heart certainly goes out to Senator Moynihan's family at this most difficult time, his remarkable wife Liz and their three children, Timothy, Maura, and John, as well as the entire Moynihan family.

All of us, every single American, even those who may never have heard his name or are unaware of his contribution, lost a member of the family in a sense with the death of Pat Moynihan. That is because for more than half a century, Pat Moynihan served the American people as a soldier, a teacher, as an author, an assistant to four American Presidents, an Ambassador to India and the United Nations and, of course, a Member of this Chamber for 24 years, from 1976 to the year 2000.

Pat Moynihan, to those of us who knew him so well, was an intellectual giant who never lost sight of what makes America tick, in its most fundamental way our nation's people and our nation's families. He had a deep appreciation and abiding of America's families as the backbone of our nation's social and economic structure that has provided us with stability and growth and success for more than two centuries.

And he was, of course, an unparalleled leader in pointing out weaknesses in America's families and ways in which we might strengthen them.

Generations of Americans, many of whom will never have known or possibly even have heard of Pat Moynihan, will reap the benefits of this most compassionate and thoughtful leader among leaders.

A true American success story by any calculation, Pat Moynihan rose from the rough neighborhood of New York City's Hell's Kitchen to become one of America's leading intellectuals. He earned a bachelor's degree, two masters degrees, a law degree, and a PhD as well as teaching appointments at Harvard, MIT, and Syracuse University.

Pat Moynihan was much more than simply a man of letters. He, above all else, combined his intellectual capacity with a strong sense of action; of getting things done.

Pat Moynihan brought life to the notion that ideas serve as the engine of democracy. Many of the most thoughtful and progressive legislative programs that have improved the lives of his beloved New York and all around our Nation and across the globe for the past 40 years originated in the brilliant mind of Pat Moynihan. From protecting underprivileged children, to passionately defending the Social Security system, to questioning America's role in the world at pivotal moments in our history, Pat Moynihan's intellectual agility was only matched by his desire to make America a better nation, a fairer nation, and a more successful one.

The description "renaissance figure" is too liberally applied to people who don't deserve it, in my view. That is not the case with Pat Moynihan. He truly was a renaissance figure, a person who could breeze easily and expertly from issue to issue. He would expound upon what is needed to improve mass transit systems nationwide one moment, explain what is needed to achieve excellence in our public education system in the next, and finish off with his latest idea to bring majesty to the architecture along Pennsylvania Avenue, all in a very seamless way.

I have heard the remarks of many of our colleagues and others over the last 24 hours in sharing their grief over the loss of our friend. As I have read and heard these remarks, in newspapers and public accounts, it struck me that the words describing Pat Moynihan that are being most repeated over and over again are courageous, compassionate, principled, thoughtful, brilliant, and the like.

Few individuals have been so universally revered by so many here in Washington and across the Nation for their determination to make a difference in helping to steer our Nation in the right direction over a half century. That is because for decades Pat Moynihan embodied the highest ideals and values of our Nation since its founding. This was recognized by Democratic Presidents and Republican ones alike. He served for both of them, and he served well. It was recognized by every one of his Senate colleagues, regardless of party or ideology, who had the great fortune to have worked with him in this Chamber.

Frederick Douglass once said:

> The life of a nation is secure only while the nation is honest, truthful, and virtuous.

For 40 years Pat Moynihan lent those characteristics to the heart of the U.S. Government. Pat Moynihan's death leaves a void in this Chamber, and in this country, that will not soon, if ever, be filled

I would like to think that there will be more Pat Moynihan's coming down the pike, to serve in this Chamber, and in other important capacities nationwide. I would like to think that there will be more individuals with the style, and wit, and substance of Pat Moynihan to help guide our nation through the multitude of complex issues we confront now and into the future.

I would like to think so, but the truth is Pat Moynihan was one of a kind. We will have to make due without him. I only count my blessings that I had a chance to serve with him in the United States Senate, and to have been able to call him a friend.

I conclude my remarks by expressing my deep sense of loss to Liz and the rest of the Moynihan family. This country has lost a remarkable individual, a person who made significant contributions to the health and well-being of this Nation. But to those of us who had the joy of serving with this delightful man from Ireland, we have lost a wonderful friend, someone we will miss with a great sense of loss for the rest of our lives.

I express my gratitude and those of my family to the Moynihan family, the people of New York, and to our colleagues and staffs and others who worked with him during those four decades of public service.

I yield the floor.

Mr. LEVIN. Mr. President, today is a very sad day for America and for those of us who served in the United States Senate with one of its most visionary and accomplished members, a great man, a great American, Senator Daniel Patrick Moynihan of New York, who died yesterday.

It stretches the mind just to think of all of the important positions that Pat Moynihan held, including Cabinet or sub-Cabinet posts under four Presidents: John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford. He served as Ambassador to India in the 1970s and then as U.S. Ambassador to the United Nations. He came to the United States Senate in 1977 already a scholar, author and public official of great distinction and renown. In the 24 years he spent here, he only greatly expanded his enormous reputation and body of work. Pat Moynihan was a Senator's Senator. Over the years, he earned the respect of every Member of the Senate—and we all learned a great deal from him.

Pat Moynihan was a person who showed tremendous vision throughout his life. He showed foresight about the importance of a strong family and about the importance of strong communities in America. He raised the critical importance of these basic values and concerns about the deterioration of these family values, long before others. He showed great foresight about our Constitution. One of the highlights for me in my service in the Senate was joining Senator Moynihan and Senator ROBERT BYRD in fighting successfully against the line item veto as a violation of our Constitution. And, he showed great foresight about the world and the role of the United States in international affairs. His work at the United Nations and in the Senate, as a former chairman of the Senate Select Committee on Intelligence, and as chairman of the Finance Committee was marked by his perceptive, analytical, and worldly view on trade, foreign policy, and intelligence matters. Long before others, Senator Moynihan was speaking of the economic and ultimately military weaknesses of the Soviet Union and predicting its collapse—at a time when most of the American intelligence community was overestimating its strength.

It is virtually impossible to list all of Pat Moynihan's accomplishments in the U.S. Senate. Among the most lasting, however, will be his efforts on behalf of architectural excellence in the Nation's Capital. He was a crucial force behind the return to greatness of the Pennsylvania Avenue corridor between the U.S. Capitol and the White House, the restoration of Washington's beautiful, elegant, and historic Union Station, and the construction of the Thurgood Marshall Judiciary Building here on Capitol Hill.

And Pat could pack a punch, wielding his sharp sense of humor as a devastating weapon as when, in 1981, when the plastic covering used to protect the workers on the then-new Hart Senate Office Building was removed. No fan of the lack of architectural merit of the Senate's newest office building, he suggested that the plastic be immediately put back. He commented, "Even in a democracy, there are things it is as well the people do not know about their Government."

The author or editor of eighteen books, Senator Moynihan was at the forefront of the national debate on issues ranging from welfare reform, to tax policy to international relations. His most recent book, written in 1998, "Secrecy: The American Experience" expands on the report of the Commission on Protecting and Reducing Government Secrecy of which he was the Chairman. This is a fascinating and provocative review of the history of the development of secrecy in the government since World War I and argument for an "era of openness."

At home in New York, in a State which is known for its rough and tumble politics, he demonstrated leadership again and again, exercising the power of intellect and the ability to rise above the fray. That has been a wonderful contribution not just to New York but to all of America.

The "Almanac of American Politics" once noted "Daniel Patrick Moynihan [was] the nation's best thinker among politicians since Lincoln and its best politician among thinkers since Jefferson." Pat made a huge contribution to this body and its reputation. I will never forgot him.

His wife, Liz, his children, grandchildren and the entire Moynihan family are in our hearts and our prayers today. Daniel Patrick Moynihan's memory will continue to serve as an inspiration to us all in the Senate family—as he was in life—to better serve the country that he loved so much.

Mr. HOLLINGS. Mr. President, so many Senators have spoken so eloquently about the loss of Senator Moynihan; but no one has been listened to in their speeches like they listened to our friend in the bow tie with the staccato delivery. Standing in this Chamber, he would overwhelm with his original thoughts, including overwhelming this Senator who had the good fortune to listen to his ideas for all 24 of his years here.

The saddest part about losing our friend is we lose him when we need him most.

He was the authority on Social Security, just when we need someone to stand up and expose the numbers that these voodoo tax cuts are taking out of the Social Security trust funds. He was the United Nations Ambassador who spoke bluntly, just when we need a guy with an opinion to straighten out those people up in New York. He was the architect who turned Pennsylvania Avenue into a grand boulevard, just when we need someone to figure out how to protect against terrorism and not undo the beauty he brought to this city.

Right to the point: he was from the world of intellect, not from the nonsense poll watchers. This Senator will miss the gregarious big man with the biggest of the big ideas, who nevertheless got things done in this Chamber.

My wife Peatsy joins me in extending our deepest sympathy to his wonderful wife Elizabeth and their family.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our dear colleague, Pat Moynihan, was a true giant in the Senate, and his loss is deeply felt by all of us who knew him and admired him. He was a brilliant statesman and legislator, and he was also a wonderful friend to all the Kennedys throughout his extraordinary career in the public life of the nation.

Forty-two years ago, President Kennedy enlisted many of the finest minds of his generation to serve in the New Frontier. Among the outstanding young men and women who answered his call was the brilliant young Irishman who became a special assistant to Jack's Secretary of Labor—and then an Assistant Secretary of Labor himself—Daniel Patrick Moynihan. On that snowy Inauguration Day in January 1961, the torch was passed to that new generation of Americans, and Pat Moynihan helped to hold it high in all the years that followed.

Pat leaves an outstanding legacy of extraordinary public service and brilliant intellectual achievement that all of us are proud of, and that President Kennedy would have been proud of, too.

Throughout his remarkable career, Pat was on the front lines on the great social, political, and cultural challenges of the day. To know him was to love him—the remarkable intellect, the exceptional clarity of his thinking—the abiding Irish wit that impressed and enthralled us all so often. We were not alone. Pat's qualities and achievements captivated, educated, and inspired an entire generation of Americans.

All of us in Congress and around the Nation learned a great deal from Pat, and we will miss him dearly. His wisdom and experience contributed immensely to the progress our country has made on a wide variety of issues. We loved the professor in him.

It was not unusual for Senators on both sides of the aisle to come to the Senate floor to hear Pat speak—Senators sitting like students in a class, trying to understand a complex issue we were struggling with.

The whole Senate loved and respected Pat. As he often said, "If you don't have 30 years to devote to social policy, don't get involved." He dedicated his brilliant mind and his beautiful Irish heart to that challenge, and America is a stronger and better and fairer nation today because of his contributions. With his great insight, and wisdom, he skillfully questioned the way things worked, constantly searching for new and better ways to enable all Americans to achieve their dreams.

In the 24 years Pat served with us in the Senate, he was the architect of many of the Nation's most progressive initiatives to help our fellow citizens, especially those in need. He left his mark on virtually every major piece of domestic policy legislation enacted by Congress.

He had a central role in shaping the debate on welfare reform, and he was a visionary when it came to protecting and strengthening Medicare and Social Security. He spearheaded the major transportation legislation that provides indispensable support for highways throughout the country and for mass transit in our cities.

An important part of Pat's legacy is the restoration of Pennsylvania Avenue, which my friend and colleague, Senator SCHUMER, referenced—the nation's principal thoroughfare. The key to that dream was the preservation of Lafayette Park, right across from the White House. Jackie Kennedy Onassis put forward the vision that she and Pat shared to preserve that famous national square and the townhouses that surround it, which are such a vital part of our history and our architectural heritage.

Throughout his career, Pat worked brilliantly, effectively, tirelessly, and with great political skill, to promote the highest values of public service. And in doing so, he earned well-deserved renown and respect from all of us in Congress on both sides of the aisle, from Republican and Democratic administrations alike, from political thinkers, foreign policy experts, and leaders of other nations as well.

In a world of increasing specialization, there was no limit to his interest or his intellect or his ability. In so many ways, he was the living embodiment of what our Founding Fathers had in mind when they created the United States Senate. And he did it all without ever losing his common touch, because he cared so deeply about the millions of citizens he served so well, the people of New York.

One of my own happiest associations with Pat was our work together to end the violence in Northern Ireland and bring peace to that beautiful land of our ancestors. Pat and I worked closely with Tip O'Neill and Hugh Carey on that issue, and they called us the "Four Horsemen."

Pat believed very deeply in that cause and in all the other great causes he did so much to advance during his long and brilliant career. Whether serving in the Navy or as professor, adviser to Presidents, Ambassador, or Senator, Pat brought out the best in everyone he touched, and his mark on earth will be remembered forever.

At another dark time in our history, after President Kennedy was taken from us, Pat said, "I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually." Pat's loss breaks all our hearts today, and we know we will never forget him. We never forgot the lilt of his Irish laughter that stole our hearts away.

My heart goes out to Liz and the entire Moynihan family. We will miss Pat very much, and we will do our best to carry on his incomparable work to make our country and our world a better place.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I spoke briefly last night of the sorrow we all felt on hearing that our former colleague, Daniel Patrick Moynihan, passed away. This afternoon, I join with Senators SCHUMER, CLINTON, KENNEDY, DODD, and others to return to the floor to say a bit more for the record about this truly remarkable man and about how much the Senate and the Nation will miss him.

Opening this morning's newspapers at a time when news of the war in Iraq seems to eclipse all else, I found it fitting that Daniel Patrick Moynihan was—as he was so often during his long public career—once again front page news. Newspapers across the nation—and indeed, around the world—are filled today with accounts of Senator Moynihan's life and work.

What has been written in just the short time since his death yesterday afternoon reminds us how extraordinary Pat Moynihan really was.

The New York times—the newspaper Senator Moynihan read religiously every day, from cover to cover, we are told—reported that he "brought a scholar's eye for data to politics and a politician's sense of the real world to academia."

The Washington Post noted that he "pursued with distinction enough careers for half a dozen men of lesser talents and imagination: politician, presidential adviser, diplomat, author, professor, public intellectual."

In talking about Senator Moynihan with colleagues and friends last night and today, it strikes me that everyone seems to come back to one idea: People like Pat Moynihan simply do not come along every day.

I said yesterday that he seemed larger than life. He was also, truly, one of a kind. Senator Moynihan's myriad public accomplishments are being—and will no doubt continue to be—well documented.

Today, I want to add to what has been said in the press and on this floor some of the less-frequently mentioned things that made Pat special to those of us who had the privilege to know him and work with him.

Pat Moynihan enlivened the Senate. He did so in many ways, but there are three in particular that come to mind for me today.

First was the way he applied his encyclopedic mind to the deliberations of the Senate. In our Democratic caucus meetings, in committee hearings, and here on the floor, he elevated our discourse. He would make a point, and drive it home, by drawing on his sweeping knowledge of history, literature, poetry, and the arts. He could quote from hundreds of sources—from memory.

Listening to Pat speak extemporaneously, you might be treated to verbatim quotes from Disraeli or Churchill, Yeats or Robert Frost, Dylan Thomas, Evelyn Waugh, Arthur Conan Doyle, or Shakespeare. He always had just the right quote to support his argument, and he always quoted accurately.

I once read that the staff of the Shakespeare Theater here—where Pat was a frequent patron—often noticed him silently mouthing the words of the play—as the actors spoke them.

A second gift of Pat's that we all treasured was his ready sense of humor. It was a puckish, mischievous wit, and it never failed to surprise and amuse us.

I remember when the Hart Senate Office Building was completed. Pat was never an admirer of the architecture of the Hart Senate Office Building. In fact, he thought it was downright ugly. When the building was finished and the construction tarp was taken down, Pat introduced a resolution saying the tarp should be put back up.

Pat also knew how to use his wit to disarm. He was famously blunt and direct with the press. But he also knew how to use humor to avoid questions he preferred not to answer.

Nearly every week, he invited the New York press corps into his office in the Russell Building for coffee and to answer questions. If he chose to, he could crack a hilarious joke and have the press in stitches. By the time they got through laughing, they had forgotten the question altogether.

Finally, Pat Moynihan was a fierce Senate institutionalist—a quality that endeared him to me, to Senator BYRD, and to so many of us.

Pat Moynihan loved and revered this institution—much as he loved and revered public service.

His respect for the Senate showed itself in many ways, from his stout defense of Senate powers and prerogatives to his keen interest in the architectural preservation of the Capitol Building and its environs.

Pat had a sentimental side, as many of us do, when it came to this building.

On special occasions, he loved to present friends with a gift of sandstone bookends made from the old East Front of the Capitol. With each presentation of those treasured stones, Pat loved to tell an elaborate story about the political intrigue surrounding the extension of the East Front in the 1950s.

These are just a few of the special things that come to mind as we reflect on the unique life and legacy of our friend and former colleague.

I said last night that in losing Pat Moynihan, New York and the Nation have lost a giant. And, as Winston Churchill once said of another great patriot, we shall not see his like again.

On behalf of the entire United States Senate, I again extend sincerest condolences to Pat's beloved wife and partner, Liz, to their children, Tim, John, and Maura, and to their grandchildren, Zora and Michael Patrick.

We thank them for sharing so much of their husband, father and grandfather with us. Our thoughts and prayers are with them at this hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to join my colleagues to mourn the passing of and express respect and admiration for the service of our former colleague, Daniel Patrick Moynihan, whom we recently lost.

Before I came to this body, I had heard a great deal about Pat Moynihan. Who had not? If you followed Government, if you were interested in policy, Pat Moynihan probably said something that was very important. He was way ahead of his time on some issues. On other issues, I disagreed with him rather strongly, but you knew if Pat Moynihan spoke, it was going to be worth listening to. If you did not agree with him, you were going to have to work hard to counter it.

I had some disagreements with the distinguished Senator from New York. As a matter of fact, in the 1992 highway bill, I had a spectacular confrontation with him. We disagreed over a courthouse that was included in the highway bill. Thereafter, we became very good friends, and I think as a result of our rather tumultuous getting acquainted, I had the opportunity to spend a good bit of time with him.

We were neighbors in an area of the Capitol where we both had workspaces. I spent a number of evenings enjoying a discussion with him as we watched the debates on the floor of the Senate. His ability to discuss and have insightful observations about so many subjects was truly impressive. If I ever met a Renaissance man, it was Pat Moynihan.

I will give one example. Everybody knows the great role he played in revitalizing Pennsylvania Avenue and the leadership he provided. He was a great student of architecture. One of the projects we worked on in Missouri was saving the Wainwright Building, the first steel-framed skyscraper designed by Louis Sullivan. I mentioned it to him one day. He proceeded to give me a short course in architecture and the role of Louis Sullivan and his draftsman, Frank Lloyd Wright, which went far beyond the knowledge I had of the building in St. Louis. As a student of architecture, as a student who appreciated the benefits architecture brings to the quality of life, he was absolutely without peer.

There were many other issues, and I know my colleagues will have many thoughts to share about him, but I wanted to rise to say to those he leaves behind that he was truly an outstanding servant, one whose friendship and whose insights and experiences I personally will always hold dear. I know this body is far richer for his presence and his service.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I also rise to join with my colleagues on the passing of Pat Moynihan. Where does one start when a friend and colleague leaves us?

When Senator Moynihan retired from the Senate, where he served our country and his State so well, he really did not leave us. Now in this, his last transition, he will not leave us. He left so much of himself with us. His words will remain with us for years to come.

I did not join the Senate until 1989. Being on the opposite side of the aisle—I was one who had not earned his spurs yet—I did not have the opportunity to get to know him until we went on a trip together to the Persian Gulf during Desert Shield in 1990. I can say my life has been richly blessed serving with a lot of men and women who have since retired from this body. He was one of those people.

That was a great trip to the Persian Gulf. We spent a lot of hours in flight and spent a lot of hours in conversation, which was truly enlightening to this Senator from a rural State such as Montana. Our relationship grew from that point, and I realized what a marvelous man he really was.

He was a man true to his faith and principles. His intellect stood him apart from most men I have ever known, but he coupled that intellect with good old-fashioned common sense and deep wisdom.

The subject matter of the conversation did not make any difference. He could relate to anyone on a common ground. The ability to communicate with anybody who is not blessed with the same amount of institutional information or knowledge of any issue that may confront policymakers on a daily basis is a wonderful talent. He was one I held in high esteem, as he was one of the most intelligent men I have ever known.

It is unusual to find a person of that caliber to be blessed with a great sense of humor, and to put it on our level. He was quick, and his humor would sneak up on you. A man of his own style, very comfortable with himself, his presentations on the floor, in committee, or in public were strictly Pat Moynihan. We shall miss his voice on the floor of the Senate for several reasons, and printed words cannot describe that distinct sound.

I notice my friend from West Virginia is in the Chamber. Senator Moynihan sat only two seats behind Senator BYRD.

We can hear him today say: Mr. President, may we have order.

That was distinctly a call we all knew, understood, and respected. I shall miss him. I shall never forget him. Whatever accolades he may receive, he earned every one.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President:

> There is a Catskill eagle in some souls that can alike dive down into the blackest gorges and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop, the mountain eagle is still higher than other birds upon the plain, even though they soar.

I was saddened to learn last night of the death of one of the most educated, most versatile, and most gifted persons ever to bless this Chamber, and one of my favorites, our former colleague, Senator Daniel Patrick Moynihan.

With doctorate and law degrees from the Fletcher School of Law and Diplomacy, he was a Fulbright scholar and the author of a number of sometimes controversial, but important, books. He held academic positions at several of our country's most prestigious universities, including Syracuse, Harvard, and MIT.

Unable to settle into an academic life, Pat Moynihan went on to serve in high positions in the administrations of Presidents John F. Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford—making him the first and only person to serve in the Cabinet or subcabinets of four successive administrations. His Government work included serving as the American Ambassador to India and as the United States Permanent Representative to the United Nations.

Even with this background, and these accomplishments, Daniel Patrick Moynihan still refused to rest. In fact, his greatest work, I might even go so far as to say his destiny, was still ahead. In 1976, he was elected to the first of four terms in the United States Senate.

I was then the Democratic whip. I knew I was going to be the next Senate majority leader, so I welcomed Pat Moynihan to the Senate and assured him I would do my best to see that he got appointed to the Senate Finance Committee. That is where he wanted to go.

So it was in this chamber that the talents, the skills, and the powerful intellect of this philosopher-statesman shined the brightest.

It was more than his outstanding work as a Senator from a large and powerful State.

It was more than his outstanding work as chairman of the Senate Environment and Public Works Committee and as chairman of the Senate Finance Committee.

It was that he was a visionary with the strongest sense of the pragmatic, an idealist with the most profound grasp of what was practical, an internationalist who always put our country first. With his keen and profound historical perspective and his incredible breadth of knowledge ranging from taxes to international law, he had the uncanny ability to make us confront issues that needed to be confronted, and to cut to the core of a problem and then help us to solve it.

A person and a Senator not only of high intellectual quality, but also high intellectual honesty, Senator Moynihan took on the complicated and politically sensitive issues, like Social Security, health care, and welfare reform, with passion and compassion; he took on these mighty subjects with determination and foresight and with unflinching integrity.

I have never forgotten, and will never forget, our valiant fight together to challenge and defeat the line-item veto. I wish he were here now. This was one of his many struggles to preserve and to protect our constitutional system. We need more Pat Moynihans who would take an unflinching stand for the Constitution and this institution. He truly believed in our Constitution just as he truly believed in the mission as well as the traditions, the rules, and the folkways of the United States Senate. He knew that the American Government is not the monster that demagogues fear and like to portray but a positive, creative force in American life that has helped all Americans to enjoy better, safer, and more productive lives.

Senator Moynihan retired from the Senate in the year 2000. But he was one of those Senators who was so much a part of this institution that he has never really left it. I still look over at his seat and sit in my own and turn it in that direction and listen to him. I can hear him; I can still see him. Yes, just like I still see Richard B. Russell who sat at this seat and who departed this life on January 21, 1971; like I can still see Everett Dirksen, that flamboyant Republican orator and leader; as I can see Lister Hill of Alabama, and the other great lawmakers with whom I have had the privilege and the honor of serving.

I look over there and see his unruly hair, his crooked bow tie, his glasses that always seemed about to fall off his face, and that unforgettable Irish twinkle in his eyes.

But I have missed his incredible grasp of the issues. I have missed his intellectual vigor, and his incisive wit and wisdom. In these difficult and trying times, I, and the Senate, have sorely missed his innate sense of fairness, and his unbounded and unqualified determination to do the right thing regardless of political party or political consequences. As I said when he retired from the Senate, "His conscience is his compass. . . . Senator Moynihan states facts, the cold, hard truths that many others in high places refuse to face and that some are unable to see."

Senator Moynihan lived the lifetime of ten mortals. An author, ambassador, a college professor, an outstanding public servant, and a great United States Senator, he accomplished so much. He leaves an indelible mark on this country. His legacy is intact. His was a creative and successful life. And, he was blessed with a wonderful and gracious wife, Elizabeth. My wife, Erma, and I extend our deepest and heartfelt condolences to Pat's entire family.

I close my remarks by reciting the immortal words of Josiah Gilbert Holland:

> God give us men!
> A time like this demands strong minds,
> great hearts, true faith, and ready hands.
> Men whom the lust of office does not kill;
> Men whom the spoils of office cannot buy;
> Men who possess opinions and a will;
> Men who have honor; men who will not lie.
> Men who can stand before a demagogue
> And brave his treacherous flatteries without winking.
> Tall men, sun-crowned;
> Who live above the fog,
> In public duty and in private thinking.
> For while the rabble with its thumbworn creeds,
> Its large professions and its little deeds,
> mingles in selfish strife,
> Lo! Freedom weeps!
> Wrong rules the land and waiting justice sleeps.
> God give us men!
> Men who serve not for selfish booty;
> But real men, courageous, who flinch not at duty.
> Men of dependable character;
> Men of sterling worth;
> Then wrongs will be redressed, and right will rule the earth.
> God Give us Men!

Mr. President, those of us who knew Daniel Patrick Moynihan, especially those of us who served with him here in the Senate, will remember his "strong mind," his "great heart," his "true faith," and his "ready hands." We will remember him as a man of "dependable character" and "sterling worth."

Thank you, God, for giving us Senator Daniel Patrick Moynihan.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues in offering a tribute to the late distinguished Senator Patrick Moynihan, a role model, an inspiration, a friend, and my fellow Senator. I can only hope that with my poor speaking skills, in comparison certainly to his, I can do justice to his many virtues and innumerable contributions he made to this Nation. I know today many of my colleagues are lauding him for his principled stands, even if it meant feeling exiled in Siberia. He many times fought the lonely and oftentimes frustrating fight, but he knew what was right and that sustained him through the years of criticism and controversy and, ultimately, was normally proven right. He was a great role model.

In fact, when I first met the Senator from New York, one of the things that came to my mind was what the German poet, Johann Wolfgang von Goethe, once said:

> Talents are best nurtured in solitude; character is best formed in the stormy billows of the world.

He also said:

> He who is firm and resolute in will, molds the world to himself.

I can't think of anybody to which this statement applies better than to Senator Moynihan. He has always been willing to stand upon his principles, in solitude if necessary, to weather the stormy billows of the world, to truly mold the world to himself.

He has been someone who has been the epitome of being firm and resolute in will, no matter the criticism, the controversy or the circumstances.

In fact, when he first wrote his report to President Johnson, for example, 40 years ago, highlighting the rising out-of-wedlock birthrates that were taking place in the country, he felt that this threatened the stability of the family, particularly minority families, one of the building blocks of our society. He was roundly attacked at that time. Rather than seeing this report rightly as a chilling foreboding of problems to come, people chose to turn a blind eye to the truth upon which he so correctly shed light. Now we have reached a stage where the out-of-wedlock birthrates in all the communities in our country have reached dangerous proportions, and everyone is in agreement about exactly how dangerous this is.

How many times we have heard, "Patrick Moynihan was right." How many times should we have had to hear it said? Senator Moynihan always understood the overriding importance of the truth, of ensuring that there is substance behind one's politics and not just words. He showed this time and time again.

For example, one of the most important chapters of our Nation's story of human freedom and dignity is the history and legacy of the African-American march towards freedom, legal equality, and full participation in American society. Senator Moynihan understood the importance of this history, which is why in the 102d Congress he championed the effort to create a National African American Museum, a vital project upon which Congressman LEWIS and I now have spent several years working and which we hope to get to completion.

With Senator Moynihan's leadership, at that time the museum idea successfully passed the Senate but, unfortunately, did not pass the House and to this day we picked up his mantle and are still working on it.

Senator Moynihan understood why it was so critical to honor this history, truly the history of not just African Americans but of our Nation. His commitment was key to the first efforts.

As I seek to move forward the legislation to create the museum, I am honored that I am now carrying on the work he began in this body. It certainly makes for very big shoes to fill, but I am only hopeful that in his memory I may do just efforts justice.

Billy Graham once said:

> Courage is contagious. When a brave man takes a stand the spine of others are often stiffened.

This was always true when we associated with Senator Moynihan. Somehow, people seemed to stand a little taller, act more resolute. They even argued better. No one could ever outargue Senator Moynihan, but somehow the challenge of having such a talented opponent made one's own skills sharper.

There is so much more to my friend, though, than what is so obviously and publicly known. For example, so many of us here experienced his wonderful and robust sense of humor, something I wish everyone could have had the pleasure of participating in seeing. Senator Moynihan was all of this and much, much more.

He was often described as the great statesman of the Senate, a breed that seems more and more difficult to find in politics. He was always a steadfast defender of American principles. He was also someone who brought dignity, character, and humor to this body. He has been and always will be the role model of the true statesman.

In the Second Epistle to Timothy, Paul writes:

> I have fought the good fight, I finished the course, I have kept the faith.

Senator Moynihan certainly did so. All of us here and across the Nation have benefited.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. FRIST. Mr. President, as we bring to a close what has been a very productive week over the last 4 days here in the Senate, we have had ups and downs and a lot of very productive debate. Many sad events have been talked about on the floor, and many happy events have actually been talked about on the floor, with the range from the death of Daniel Patrick Moynihan, an icon who has spoken so many times from this floor to the American people—indeed, to the world—to the many comments made in morning business over the course of this week paying tribute to our men and women, our soldiers overseas; a resolution today commending the coalition of allies who support the United States and our British friends in the efforts that are underway as I speak today; all the way to a budget that is a culmination, in many ways, of weeks and weeks of work as we have defined the priorities of this body in spending the taxpayers' dollars for the foreseeable future—a first step, the culmination of a lot of debate and discussion as we go through our conference with the House over the next several weeks.

We had a lot of ups and a lot of downs but a lot of progress, and we are doing the Nation's business at the same time we are paying respect to the incidents that are playing out before us in the international and domestic realm. Last night I had the opportunity of introducing the resolution, along with Senator DASCHLE, paying respects to Senator Moynihan and, as I mentioned in my opening comments today, once again, the great legacy that he leaves all of us.

I would like to pay one final tribute to him, and read just a few paragraphs from the commencement speech he gave at Harvard in 2002, which has previously been printed in the RECORD.

The commencement speech at Harvard, 2002, is entitled "Civilization Need Not Die" by Daniel Patrick Moynihan:

> Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: "What We're Fighting For: A Letter from America."
>
> It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.
>
> We affirmed "five fundamental truths that pertain to all people without distinction," beginning "all human beings are born free and equal in dignity and rights."
>
> We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And finally, . . . reason and careful moral reflection . . . teach us that there are times when the first and most important reply to evil is to stop it.
>
> But there is more. Forty-seven years ago, on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Those are the words of Daniel Patrick Moynihan, again, in 2002. They reflect very much the global thinking, the compassion, the integrity, the foresight of this great icon in this body.

SUPPORTING COALITION TROOPS

Mr. FRIST. Mr. President, I want to take just one final moment and comment on our troops overseas. President Bush and Prime Minister Blair met today at Camp David, just a few hours ago. Today we passed in this Senate unanimously a Senate resolution to commend the members of the coalition for their support of this noble cause.

On this day of Prime Minister Blair's visit, I want him to know, and I want the RECORD to reflect, that the Senate and the American people are grateful for his courage, for the courage of the British people and, above all, for the courage of the British troops fighting shoulder to shoulder with the American troops in Iraq.

We have seen more evidence of the brutal tactics of Saddam Hussein's regime: Iraqi soldiers dressed in civilian clothes; Iraqi soldiers surrendering and then firing on coalition forces; military equipment placed in residential areas and near cultural sites; even reports of Iraqi soldiers using women as shields and giving weapons to children.

These and other horrific acts that we have been able to witness firsthand as they played out over the last 7 days lead us only to strengthen our coalition's resolve. Let there be no doubt, we are engaged in a just war against evil.

We continue to see the courage of our troops. I am especially proud as a Tennessean of the 101st Airborne out of Fort Campbell. It is Fort Campbell, KY. But if you look on a map, you see almost all of it—I have to be careful—almost all of the land, the majority of the land, is in Tennessee. The 101st Airborne, as we all know from the media coverage, has been dispatched to the battlefield. I have had the opportunity to look at a number of photographs. Although I know it is difficult for my colleagues in the room to see, I just want to share one of those photographs.

The caption underneath it reads as follows:

> U.S. Pvt. Elizandro Gonzales, of the 502nd Infantry Regiment, 101st Airborne Division, Air Assault, prepares his M249 light machine gun before pressing forward to the north, Thursday, March 26, 2003 in Iraq.

And the caption continues to read:

> Gonzales said that he and the rest of his ground assault convoy were ready to take the fight to the enemy.

That is the caption from the reporter who was with the photographer who took this individual picture.

I show that picture and mention it because I look forward to the opportunity of joining members of the families of many of these soldiers on Sunday at Fort Campbell so that I can personally express my appreciation for the sacrifices they are making, their families are making, and their friends are making overseas for all of us.

Mr. President, our prayers and our people continue to be with our brave men and women in battle in Iraq.

INTERNATIONAL LAW REGARDING OCCUPIED IRAQ

Mr. GRASSLEY. Mr. President, next week we are going to have a supplemental appropriations bill of at least $75 billion before the Congress of the United States for the funding necessary for the military action in Iraq, at least for the early part of that action, which number could not have been decided when we passed the appropriations bills in January because at that point there would not have been any military action. I raise this issue now in conjunction with what there is in international law in regard to a victorious power in a nation, after the war is done, of what can be used of the natural resources of a country for the victorious country to administer the nation as well as to rebuild that nation.

The reason I raise these points about international law is because there is very clear international law about what a victorious nation can do and cannot do in regard to the resources of the defeated nation. I raise this issue at this point because I want to make sure the American taxpayers are not saddled with any of the costs of rebuilding Iraq that can be legitimately paid for, under international law, out of the resources of Iraq.

After the first full week of the conflict, the allied forces have pushed well into the country, liberating Iraqi populations across western and southern Iraq. These developments, then, raise an issue that must be explored and discussed before we obligate taxpayers' money to rebuilding Iraq; that is, with regard to the United States and allied occupation of Iraq, what does international law tell us? What does international law dictate with regard to our rights as the occupying power to administer Iraq's oil resources and our obligations to the citizens of Iraq?

The Hague Convention of 1907 and the Geneva Convention provide the basis for international law with regard to the obligations and rights of an occupying power. They provide specific guidelines for administering the resources of the occupied territory and the obligations of the occupying power to provide for the welfare and the safety of the occupied people.

With regard to the rights of an occupying power to use public property and resources, article 53 of Hague regulations of 1907 provides that an occupying power can only take possession of state-owned property, and any seizure of private property must be restored and compensation provided when peace is made.

Further, article 55 provides:

> The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State.

The rules of usufruct provide a tenant—in this case it would be the United States or the coalition forces—the right to use and enjoy the profits of property owned by Iraq, as long as the property is not damaged or altered in any way. In addition, the allied forces may use the public assets only for the benefit of Iraq and the Iraqi people, and to defray the costs of administration.

Secretary Powell recently reaffirmed this right. When discussing the issue of oil fields, he stated:

> You can be sure that they [meaning the oil fields] would be protected and the revenue generated from any such oil fields would be used in accordance with international law and to the benefit of the Iraqi people.

The occupying power may also take possession of public movable property only if such property can be directly or indirectly used for military operations. Clearly, Iraq's oil reserves are susceptible to military use and thereby subject to seizure by U.S. military forces under the laws of war to restore Iraq.

In addition, the oil produced from Iraqi wells may be considered similar to the produce of public land which, under article 55, may be appropriated by the occupying power.

With regard to the obligations of the occupying power, article 43 of Hague regulations of 1907 state:

> The authority of the legitimate power, having actually passed into the hands of the occupant, the latter shall take steps in his power to restore and ensure, as far as possible, public order and safety.

The Geneva Convention, relevant to the protection of civilian persons in time of war, states that the occupying power is also responsible for establishing a direct system of administration and maintaining the public order.

The key restriction to the use of Iraq's oil is that the proceeds are limited to occupation purposes, which includes measures taken in the furtherance of fulfilling that obligation that I just read under article 43, to reestablish peace and order to Iraq. Clearly, international law provides that the United States is entitled to use the money from oil sales to pay for such obligations as long as food and water, health care, roads and bridges, schools and airports, as examples.

Once a viable Iraqi government is established, the oil fields must be returned to Iraq in a reasonable condition.

One final issue for debate will be the role of the U.N. in the reconstruction and administration of Iraq. For example, what will remain of the United Nations Oil For Food Program in post-Saddam Iraq? Given the U.N.'s inability to fulfill its obligations with regard to enforcing Security Council Resolution 1441, it is unclear whether the U.N. will be relevant at all in the reconstruction efforts of Iraq.

It is my hope that the U.N. will follow the lead of the United States, Britain, and the other 40 or more allies currently in Iraq enforcing the U.N. resolutions. After all, it must be made very clear that the resources of Iraq will finally be available for the use of the Iraqi people, for the betterment of those same people.

For far too long, we know the prisoners of Saddam's regime have been deprived of their country's riches and forced to survive as peasants. While the responsibility for providing for the welfare of the Iraqi people belonged to Saddam Hussein, he was, as we know, more interested in spending it on himself in the form of elaborate palaces and in the pursuit of weapons of mass destruction.

The Iraqi people will finally share in the wealth of their country that has always belonged to them rather than Saddam sharing it with his family and the cronies of his brutal regime.

I hope the Congress will take into consideration the rights the taxpayers of the United States have under this Geneva Convention, to make sure the resources for the rebuilding of Iraq come from Iraqi natural resources and not from the American taxpayers. That should be fully taken into consideration, as some of the money we appropriate next week will probably be used for that purpose of at first establishing administration in Iraq.

I yield the floor.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. STEVENS. Mr. President, the Protection of Lawful Commerce in Arms Act is an important piece of legislation that will address the growing problem of junk lawsuits filed with the intention of driving the firearms industry out of business. I thank Senator CRAIG and Senator BURNS for their efforts to ensure this legislation is addressed and moved through Congress.

This act does not curtail the legal rights of victims who suffer injuries from the actions of firearm or ammunition manufacturers. The purpose of this legislation is to prevent the multiple lawsuits that have materialized which name the firearms and ammunition industries as defendants and attempt to hold these industries liable for the criminal acts of a third party.

These frivolous lawsuits target the legitimate firearm and ammunition industries in attempts to destroy these industries. If firearm and ammunition manufacturers were forced to pay for the criminal acts of third parties, the concept of fairness would be eliminated. The impact of these suits would also affect this country economically and socially. Any limitation of one's constitutional right to bear arms is not acceptable. The destruction of the firearms and ammunition industries would cause many Americans to lose their jobs. In addition, if the firearms and ammunition industries were destroyed, the right to lawfully bear arms may be curtailed. Many Alaskans depend upon the right to bear firearms for subsistence purposes as well as for self-defense.

Courts across the Nation are wasting valuable time on frivolous lawsuits. At this time, 28 States have enacted legislation to prevent frivolous lawsuits against the firearms and ammunition industries based on the criminal behavior of others. I encourage all of my colleagues to join me and take a stand against the lawsuits that attempt to abuse the legal system of this great country, by supporting the Protection of Lawful Commerce in Arms Act.

THEY'RE TOO SMART FOR THAT

Mr. LEVIN. Mr. President, last month the American Academy of Pediatrics published a survey reporting that most parents believe that their children would not touch a gun they found. Unfortunately, these beliefs are inconsistent with other studies of the way kids actually react around guns, including a July 2002 report by the David and Lucille Packard Foundation.

The American Academy of Pediatrics survey reported that an estimated one third of American homes with children contain at least one firearm and nearly half of all firearms in homes with children are not stored safely. According to the article, 87 percent of respondents predicted that their children would not handle guns they found, whereas 13 percent predicted that there was a chance their children would do so. Researchers grouped parents' responses into three categories. First, 46 percent of respondents said "my children would not touch guns because they're too smart for that." Second, 35 percent said "my children would not touch guns because I've told them not to." And third, 11 percent said, "my children would probably pick up or play with guns they found, because that's just what kids do."

However, the earlier David and Lucille Packard Foundation study demonstrated that children often do not behave as their parents might believe. In fact, according to the foundation's report, children and young people are actually likely to handle a gun if they find one.

All parents want to ensure the safety of their children. One thing the Senate can do to help is pass common sense safe storage legislation for firearms. Under Senator DURBIN's Child Access Prevention Act, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if that weapon is taken by a child and used to kill or injure him or herself or another person. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I support this bill, urge my colleagues to support it, and hope the Senate will act on it during the 108th Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 28, 2001 in New York, NY. A Yemeni man was badly beaten in the Bronx while working at his newsstand. Before dragging him outside and hitting him in the head with a bottle, the assailants, three local men, yelled, "You Arabs get out of my neighborhood! We hate Arabs! This is war!"

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ESTATE TAX REPEAL

Mr. BAUCUS. I support estate tax repeal. But I am forced to vote against Senator KYL's amendment for permanent repeal because of two concerns. First, I am concerned about mounting deficits, and second, I believe that this amendment would result in payment reductions to rural providers under Medicare.

The budget resolution we are debating today includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues. Or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

While Senator KYL has stated that he intends to pay for his amendment, I am concerned that his offset would have a negative impact on rural providers in Montana. The cost of his amendment is estimated to be $46 billion. And when asked how he proposed to offset this cost, he stated that it should come from a general fund for Finance Committee action.

According to the Senate Budget Committee, this amendment would result in a negative allocation to the Finance Committee in 2009 through 2013. More specifically, the committee's allocation for these years would be negative $22 billion. That's minus $22 billion. Quite a deficit to overcome, and those savings would be difficult to find.

Those of us who were here when the Balanced Budget Act of 1997 passed recognize full well that these savings would come from Medicare. An estimated 90 percent of the savings passed by the Finance Committee in the 1997 law came from the Medicare Program, through reductions in payments to providers.

I would hesitate to cut the program a year before the baby boom generation starts to retire to finance a tax cut that we pass in 2003. Providers are currently facing severe reductions in Medicaid payments. They are coping with an uninsured rate that continues to climb, which means that they must shoulder an increasing burden of uncompensated care. These problems may worsen by the time these cuts take effect. They may also improve. But we cannot know for sure. And looking at the current state of our health care system, I am simply not prepared to take the chance that providers can sustain these cuts.

Mr. President, let me reiterate that I support estate tax repeal, and I will continue to support thoughtful and responsible changes to tax policy. But I cannot support this amendment at this time.

CITIZEN SOLDIER WEEK

Mr. ALLEN. Mr. President, I take to the floor today to discuss the importance of acknowledging the tremendous risks and sacrifices our men and women in our Armed Forces make to ensure our continued freedom. In these turbulent and difficult times it is more important than ever to express our sincere and deep appreciation for the service of our Guard, Reserve, and active military.

To show our gratitude, I am pleased to announce that the first 7 days of June will be designated as Citizen Soldier Week. Through the passage of my resolution, S. Res. 58, we will recognize the unique sacrifices of members of the Reserves and National Guard.

Reserve and National Guard troops provide a substantial proportion of the combat forces required to carry out military operations. In doing so, many leave higher-paying jobs and place their civilian careers on hold to answer the call when our country needs their service. To begin providing the well-deserved recognition for their service, my colleagues and I have worked to make the first week of June, 2003, Citizen Soldier Week.

As I discuss this resolution and the importance of recognizing our citizen soldiers, I would like to make my colleagues aware of an active duty soldier, David S. Williams. David is a native of Chesapeake, VA who was captured by Iraqi forces after his AH-64 Apache attack helicopter was downed in central Iraq. I would like to offer my heartfelt concern and hope to David's family, and let them know I will do everything within my power to ensure David's safe return to his loved ones and his mother in Chesapeake, VA.

While David isn't a reservist or National Guardsman, his capture, and the effect it is having on his family and loved ones at home could happen to anyone who has the gumption to volunteer, serve, and defend our freedoms around the world.

And for that, all American soldiers—and their families—should be commended and thanked.

As our soldiers move closer and closer to Baghdad and continue to meet treacherous resistance, I believe it appropriate and right for the Senate to consider legislation to provide long overdue benefits to those who protect our cherished freedoms.

The Armed Forces Tax Fairness Act is an opportunity to provide our Armed Forces with logical tax relief to compensate them for their tireless and dangerous service to our country.

The men and women who join our military services are constantly faced with uprooting their families, being shipped off to foreign lands for months at a time, and long and difficult hours on the job. The jobs performed by our troops are often extremely demanding and come with great risk. As we are seeing daily in our liberation of the Iraqi people, these missions come with the real potential of casualties. While no legislation can compensate for the risks taken by our Armed Forces, I believe this legislation provides our troops deserved relief from unfair and burdensome tax.

The exclusion of tax from death gratuity payments should have been implemented generations ago. The freedoms that every American enjoys are protected by the service and sacrifice of those brave Americans who lost their life for this country. For the Federal Government to tax any portion of a death gratuity payment is wrong and insulting. The debt owed to the men and women who have died fighting for the principles of this country is incalculable, but the least this Government can do is offer the family some degree of comfort and compensation without asking for a portion in a tax return. Nothing can replace a soldier, sailor, airman or marine who does not come home; however, at least we can offer compensation without tax.

I fully support the Armed Forces Tax Fairness Act. However, I believe there are some other additional ideas that we, as the Senate, can adopt to improve the lives of those serving in our military. As many of my colleagues are aware, our troops are accorded a tax exclusion when serving in designated combat zones.

Earlier this year, I introduced legislation that would expand those combat zones to provide additional exclusion when our troops are deploying to dangerous areas around the globe.

I believe the combat zones tax exclusion should include the period in transit to that combat zone. By not subjecting military personnel to Federal or State taxes for this transit time, we would be providing a necessary benefit for the dangers associated with entering a combat zone. Deploying to a combat zone is a military operation that has its own set of dangers, from accidents to the constant threat of terrorist attack from the moment they leave their home port. And, our military personnel, including officers, should be covered by the full extent of the combat zone tax provisions during this critical period.

As we focus on the ongoing conflict in Iraq, I would like to remind my colleagues that we also have military personnel executing the war on terrorism. My legislation would also provide the proper tax breaks for service men and women serving on Operation Enduring Freedom in Guantanamo Bay, Cuba, and the Horn of Africa. We know that these two areas remain filled with danger and instability from terrorist threats, so the combat zone exclusion should also be applied to these duty stations.

Many of my constituents know the dangers associated with operating in Guantanamo Bay. The soldiers of the 2nd Battalion, 116th Infantry Regiment of the Virginia National Guard are serving in Cuba. They are playing an integral part in the war on terrorism and should be properly and fairly compensated for that service without taxation by the Federal Government during their service at Guantanamo.

I believe that personnel serving overseas in support of the global war on terror are performing duties at least as hazardous as those performed by personnel in some existing qualified hazardous duty areas.

As our Active, Guard and Reserve Armed Forces engage in a war with Iraq, while continuing our worldwide campaign against terrorism, it is vital that we do all we can to support the men and women who bear the burden of our defense and security. Passage of the Armed Forces Tax Fairness Act and the legislation I have introduced would further indicate to the brave men and women of the Armed Forces and their families that their service is of great value and their sacrifices are understood and appreciated by a grateful Nation.

ADDITIONAL STATEMENTS

BENEDICT COLLEGE GOSPEL CHOIR WINS NATIONAL TITLE

• Mr. HOLLINGS. Mr. President, for the fourth time in as many years, the Gospel Choir of Benedict College in Columbia, SC, has won first place in the National Collegiate Choir Competition. This year the choir performed the "Hallelujah Chorus" and gospel tunes such as "We Are At War" in the competition held in New York City under the sponsorship of the Black Music Caucus of New York.

The singers are not only fine musicians, but they are outstanding members of the community—many of them are preparing for some form of service to the church. Although this Senator cannot always carry a tune, having the best choir in the land is a source of great pride to me and my State, and I wish to congratulate all the singers and the choir's director, Mr. Darryl Izzard.•

PAYING TRIBUTE TO ALMA ZWICK

• Mr. LAUTENBERG. Mr. President, I pay tribute to one of my constituents who is celebrating her retirement from the government of Camden County. Alma Zwick first joined county government in 1978 as a Clerk Typist. On April 1 of this year she will officially retire as a Purchasing Expeditor. For 25 years she has dedicated herself to helping her community be a better place.

Ms. Zwick has also been involved civically in Haddon Township. Throughout the years she has served as Vice-President of the Haddon Township Democrat Club and as a Committeewoman of the township. She has also been a member of the Haddon Township Rent Control Board and treasurer of the Haddonview Tenants' Association.

Just as Alma Zwick has been dedicated to her fellow citizens, she has also been dedicated to her family of three brothers, three sisters and 28 nieces and nephews.

I ask my colleagues to join me in saluting Alma Zwick for her 25 years of service to Camden County.•

TRIBUTE TO FIRE CHIEF ROBERT GIORGIO

• Mr. LAUTENBERG. Mr. President, today I pay tribute to a brave human being. Robert Giorgio is the Fire Chief in the town of Cherry Hill, New Jersey. In April of last year Chief Giorgio put himself in harm's way and performed honorably in the face of danger.

It was April 3, 2002, and Chief Giorgio was in his office when he heard reports of a vehicle that had crashed over a highway overpass on a State highway in Cherry Hill. Although not required to respond to the incident, Chief Giorgio chose to do so.

When Chief Giorgio arrived on the scene he saw that the car was suspended about five feet above the ground, just barely held in place by a small tree. There was also a fire from the engine compartment that was spreading into the interior of the car. The driver, Deborah Trainor, was pinned behind the steering wheel.

Chief Giorgio gave orders to arriving firefighters and directed civilians to use portable fire extinguishers. He quickly realized that the units dispatched by the fire department would not reach the scene by the time the fire reached Ms. Trainor. Understanding the gravity of the situation Chief Giorgio placed himself beneath the vehicle in an attempt to free her. To say that there was a serious chance of the car falling on the Chief is a severe understatement. Though Ms. Trainor was burned by the fire, Chief Giorgio was successful in freeing her from the car.

I ask my colleagues to join me in honoring and saluting this brave American. Chief Robert Giorgio acted with honor and bravery in putting himself in harm's way to save another person's life.•

SSGT. PHILLIP A. JORDAN

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to SSgt. Phillip A. Jordan, United States Marine Corps, of Enfield, CT. Staff Sergeant

Jordan lived as a true patriot and defender of our great Nation's principles of freedom and justice. A veteran of Operation Desert Storm in the Persian Gulf and Operation Just Cause in Kosovo, Staff Sergeant Jordan was a proud family man and an example of the powerful American spirit that permeates this Nation's history.

A member of the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, Staff Sergeant Jordan and his unit were ambushed when Iraqi soldiers feigned surrender before opening fire. By the time the dust settled around this despicable and cowardly act, nine gallant marines, including Staff Sergeant Jordan, were dead.

Staff Sergeant Jordan was more than a marine. He was a husband and a father; he was devoted to his friends and to his family. He was known as "Gump" by those who knew and loved him. He quickly offered a hand wherever and whenever needed. Staff Sergeant Jordan was a true citizen soldier—a model marine, and a credit to his family, his community, his corps, and his country.

Staff Sergeant Jordan served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. I am both proud and grateful that we have the kind of fighting force exemplified by Staff Sergeant Jordan serving in the Persian Gulf—and the strong families back at home sending their love and support.

Our Nation extends its heartfelt condolences to his wife Amanda and his son Tyler. We extend our appreciation for sharing this outstanding marine with us, and we offer our prayers and support. You may be justifiably proud of his contributions which extend above and beyond the normal call of duty.•

TRIBUTE TO VINCENT BOVE

• Mr. LAUTENBERG. Mr. President, today I pay tribute to a truly extraordinary citizen of New Jersey and America. Vincent Bove is the region manager for Summit Security Services, Inc. His region covers the New York metropolitan area and his more than 2,000 officers secure sites including NBC Studios, JFK International Airport, and the Federal Reserve Bank of New York. Prior to September 11, 2001, Summit Security had 300 officers at the World Trade Center, many of whom assisted with the evacuation of the two towers.

Mr. Bove is also a nationally acclaimed expert on school violence in America. Since the Columbine tragedy in 1999, Mr. Bove has given presentations to over 15,000 educators, corporate representatives, and law enforcement officials. He also trained 100 New York Police Department Crime Prevention Specialists in advanced techniques of crime prevention and community policing.

Recently, the American Police Hall of Fame conferred five nationally acclaimed medals to Vincent Bove, including the Medal of Honor for Public Service for outstanding leadership skills in reducing crime and assisting law enforcement throughout the United States; the J. Edgar Hoover Gold Medal for his leadership in police and private security issues as a nationally respected law enforcement instructor; the Knights of Justice Medal for his outstanding service exemplifying the Biblical Act of the Good Samaritan in protecting the community; the Patriotism Medal for promoting faithfulness to the Federal, State, and local laws and for supporting the Constitution and Bill of Rights; and the Civilian Medal of Appreciation for leadership in private security, which assists law enforcement officers.

He was also named the North Jersey Regional Crime Prevention Officers Association Recipient for "Exceptional Service to Crime Prevention for 2002." This award recognizes Mr. Bove for his achievements in the reduction of crime on both a local and national level. The same organization also recognized Mr. Bove with the 2002 "Presidential Award for Dedicated Service" for his service to the organization and the community.

Vincent Bove is an amazing individual. He dedicates his life to making his fellow citizens and communities safer and more secure. I ask all my colleagues to join me in honoring Vincent Bove for his sense of duty, determination, and dedication in making our country a safer and more secure place to live.•

JEAN HOEFER TOAL SALUTED FOR BRINGING INNOVATIVE TECHNOLOGY TO SOUTH CAROLINA COURTS

• Mr. HOLLINGS. Mr. President, Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, has just been recognized by Government Technology Magazine as one of the top 25 leaders from across the Nation who has done the most to bring technology to the public sector. I rise today to congratulate her.

We are a small State, much of it rural, and she has been the guiding force for linking the judicial courts in all 46 counties. She is making the county courts, all with their own cases and business, into a truly unified court system so that cases can be managed all across the jurisdictions. After September 11, the Nation saw the importance of a well-connected criminal justice system, and I am proud that my State is leading the way with automation. I know everyone in this body joins me in thanking Chief Justice Toal for bringing this about.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 825. An act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building."

H.R. 917. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building."

H.R. 981. An act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the "James R. Merry Post Office."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 44. Concurrent resolution to express the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

The message further announced that the House has passed the following bill, with an amendment:

S. 342. an act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act and for other purposes.

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoners of war by Iraqi authorities.

The message also announced that pursuant to the provisions of 44 U.S.C. 2702, the Clerk of the House reappoints as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer of Aurora, Illinois.

The message further announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 8, 2003, the Speaker reapoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Timothy Johnson of Minnetonka, Minnesota.

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. HAYS, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon: From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. SENSENBRENNER, Mr. COBLE, Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Ms. HART, Mr. CONYERS, and Mr. SCOTT of Virginia. For consideration of the Senate bill and House amendments, and modification committed to conference: Mr. FROST.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H,R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building"; to the Committee on Environment and Public Works.

H.R. 825. An act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building"; to the Committee on Governmental Affairs.

H.R. 917. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building"; to the Committee on Governmental Affairs.

H.R. 981. An act to designate the facility of the United States Postal Service located at 141 Erie Street In Linesville, Pennsylvania, as the "James R. Merry Post Office"; to the Committee on Governmental Affairs.

The following concurrent resoltion was read, and referred as indicated:

H. Con. Res. 44. Concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Exclusion of 1854; to the Committee on the Judiciary.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

S. 721. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 107th Congress" (Rept. No. 108–30).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

Army nominations beginning Brig. Gen. Dennis M. Kenneally and ending Col. Oscar B. Hilman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 9, 2003.

Army nomination of Brig. Gen. Edwin H. Roberts, Jr.

Army nomination of Col. Sheila R. Baxter.

Army nominations beginning Brigadier General Jeffery L. Arnold and ending Colonel Ennis C. Whitehead III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 13, 2003.

Navy nominations beginning Capt. David O. Anderson and ending Capt. Frank F. Rennie IV, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2003.

Mr. WARNER. Mr. President for the Committee on Armed Services. I report favorably the following nomination lists where were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning * Colby D. Adams and ending * Robert K. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 13, 2003.

Air Force nominations beginning Raymond B. Abarca and ending Michael A. Zrostlik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 16, 2003.

Air Force nominations beginning Joyce A. Adkins and ending Steven A. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Air Force nominations beginning John J. Abbatiello and ending Michel P. Zumwalt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Air Force nominations beginning Catherine M. Amitrano and ending Cynthia K. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Army nominations beginning Brian K. Balfe and ending James H. Trogdon III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Army nomination of William O. Prettyman II.

Army nomination of Darrell S. Ransom.

Army nomination of Frederick D. White.

Marine Corps nominations beginning Brian T. Alexander and ending Phillip J. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Marine Corps nominations beginning Michael P. Killion and ending Douglas S. Kurth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2003.

Navy nomination of Rosemarie H. O'Carroll.

Navy nomination of John M. Hakanson.

Navy nominations beginning Daniel P. Arthur and ending Walter C. Wrye IV, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

By Mr. HATCH for the Committee on the Judiciary.

Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years.

Michael E. Horowitz, of Maryland, to be a Member of the United States Sentencing Commission.

Ricardo H. Hinojosa, of Texas, to be a Member of the United States Sentencing Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. BENNETT, Mr. INHOFE, Mr. COLEMAN, Mr. CRAPO, Mr. BURNS, Mr. ALLARD, and Mr. SANTORUM):

S. 724. A bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. DAYTON, and Mr. LEAHY):

S. 725. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Ms. STABENOW:

S. 726. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. THOMAS, Mr. BURNS, Mr. DORGAN, Mr. ALLARD, Mr. DURBIN, Mr. VOINOVICH, Mr. BAYH, Mr. ENZI, Mr. CAMPBELL, and Mr. CONRAD):

S. 727. A bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. STEVENS, and Mr. DAYTON):

S. 728. A bill to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself and Mr. CHAMBLISS):

S. 729. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Finance.

By Mr. WARNER:

S. 730. A bill to amend title 38, United States Code, to permit the transfer to spouses and children of a portion of the entitlement of certain members of the Armed Forces to educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 731. A bill to prohibit fraud and related activity in connection with authentication features, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 732. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

By Ms. SNOWE:

S. 733. A bill to authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. LIEBERMAN, and Mr. MCCAIN):

S. 734. A bill to provide adequate funding for the National Commission on Terrorist Attacks Upon the United States; to the Select Committee on Intelligence.

By Mr. BOND (for himself and Mr. JOHNSON):

S. 735. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. ALLARD, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. LEVIN, Mr. LUGAR, Mr. HAGEL, Mr. LIEBERMAN, Mr. WYDEN, Mr. REID, and Mr. LEAHY):

S. 736. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 737. A bill to amend title 37, United States Code, to increase the rate of imminent danger special pay and the amount of the family separation allowance; to the Committee on Armed Services.

By Mrs. BOXER:

S. 738. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. DOMENICI, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. BAYH, Mr. INOUYE, and Mr. BINGAMAN):

S. 739. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BUNNING, Mr. HOLLINGS, Mr. DAYTON, Ms. LANDRIEU, Ms. STABENOW, Mr. LAUTENBERG, and Mr. GRAHAM of South Carolina):

S. 740. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. MILLER, Mr. ALLARD, Mrs. LINCOLN, Mr. ENSIGN, Ms. COLLINS, Mr. CRAPO, Mr. CRAIG, and Mr. HARKIN):

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. CLINTON, Mr. LEAHY, Ms. MIKULSKI, Mr. SMITH, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. BINGAMAN):

S. 742. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for Mr. LIEBERMAN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER)):

S. Con. Res. 31. A concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 271

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 287

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 289

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil

Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. NELSON), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 481

At the request of Mr. ALLEN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 481, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

S. 498

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Texas (Mr. CORNYN), the Senator from New Jersey (Mr. CORZINE), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. HAGEL), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 498, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 518

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 527

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 527, a bill to establish the Southern Regional Commission for the purpose of breading the cycle of persistent poverty among the southeastern States.

S. 560

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 591

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 591, a bill to provide for a period of quiet reflection at the opening of certain schools on every school day.

S. 606

At the request of Mr. GREGG, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 704

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 704, a bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 709

At the request of Mrs. DOLE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr.

FITZGERALD), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 711

At the request of Mr. WARNER, his name was added as a cosponsor of S. 711, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712

At the request of Mr. WARNER, his name was added as a cosponsor of S. 712, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 721

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 30

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 30, a concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

S. CON. RES. 30

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. CON. RES. 30

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. DAYTON, and Mr. LEAHY):

S. 725. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2003. The bill is cosponsored by Senators FEINSTEIN, DAYTON, and LEAHY.

The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives.

Roads that serve Indian Country are part of one single national transportation network and Congress has long recognized the importance of improving transportation in Indian Country. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. This year, Congress must reauthorize the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as the first step in the reauthorization process.

The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs has been provided from the federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Of the 25,600 miles of State, county, or local government IRR roads, about 40 percent are paved. In total, over two-thirds of all IRR roads remain unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. Some are little more than wheel tracks. Even though the IRR system has perhaps the most rudimentary infrastructure of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion.

The current authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Exhibit 1.—Approximate distribution of FY02 Indian Reservation Road Funding

State	*FY2002 IRR Funding to Tribes*
Arizona	56,100,000
Oklahoma	34,000,000
New Mexico	31,900,000
Alaska	18,500,000
Montana	13,600,000
South Dakota	11,700,000
Washington	10,100,000
Wisconsin	6,600,000
North Dakota	6,500,000
Minnesota	5,780,000
California	5,100,000
Oregon	3,900,000
Utah	2,970,000
Idaho	2,850,000
Wyoming	2,070,000
Michigan	1,560,000
Nevada	1,290,000
North Carolina	1,190,000
Colorado	1,100,000
New York	949,000
Maine	890,000
Kansas	851,000
Mississippi	706,000
Nebraska	626,000
Florida	550,000
Texas	220,000
Louisiana	197,000
Rhode Island	162,000
Iowa	126,000
Alabama	100,000
South Carolina	89,000
Connecticut	83,000
Massachusetts	47,000

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every Senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most Senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000 people. By itself, Navajo lands hold about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance. Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the Nation's 957,000 miles of Federal-aid highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The reduction for 2003 is about $36 million. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for administrative capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, the bill establishes a pilot program, in accordance with the Indian Self-Determination and Education Act, P.L. 93–638, authorizing 12 tribes to contract directly with FHWA for IRR funding to improve efficiency and streamline the administration of the program. The 12 tribes will be selected to ensure representation from each region of the country.

Seventh, the bill establishes a new six-year, $120 million tribal transportation safety program. Tribes may apply directly to the Department of Transportation for grants to improve transportation safety. The program parallels existing safety programs for the states.

Eighth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for non-urbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the States, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Ninth, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads system. Maintenance of IRR roads is a Federal responsibility and adequate funding is needed to protect the Federal investment in transportation infrastructure. Federal funding for road maintenance is provided through the BIA's annual appropriations bill. Unfortunately, year after year, the Appropriations Committees have failed to provide adequate funding for maintenance. Funding for BIA's road maintenance program has typically been around $25 million per year about one-fifth of the level needed to protect the federal investment in IRR roads.

The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations of the National Congress of American Indians' TEA-21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of TEA-21.

It is essential that we begin this process as soon as possible because I believe the tribes are being short-changed in annual federal funding. I was disappointed this year when the appropriations committee cut the funding for the IRR program in fiscal year 2003 to $238 million, about $40 million below the 2002 level. At the same time, FY2003 highway funding for the states was increased slightly above the 2002 level. I believe this year's reduction in IRR funding may reflect a lack of understanding on the part of many senators of the current poor state of transportation in Indian Country.

To try to raise awareness, last year I circulated a "dear colleague" letter to the Chair and Ranking Members of the Transportation Appropriations Subcommittee to urge them to fund the IRR program at the full $275 million authorized level. The bipartisan letter, signed by eleven of my colleagues, laid out the case for full funding of the tribal transportation program in 2003.

My goal in introducing the bill today is to start the process of improving IRR as soon as possible. The tribes cannot bear another cut in funding like occurred in 2003.

I hope that Chairman CAMPBELL and Vice Chairman INOUYE of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them and the other members of the committee on developing a consensus proposal that is fair to all tribes.

I ask unanimous consent that the text of the bill and the bipartisan letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Transportation Program Improvement Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(A) FINDINGS.—Congress finds that—

(1) because many Indian tribes are located in remote areas, transportation is particularly important to the basic quality of life and economic development of Indian tribes;

(2) safe roads are essential for—

(A) Indian children to travel to and from school;

(B) sick and elderly individuals to receive basic health care and medical treatment; and

(C) food and other necessities to be delivered to shops and consumers;

(3) transportation is critical to the efforts of Indian tribes to—

(A) sustain robust economies; and

(B) attract new jobs and businesses;

(4) most Indian tribes lack the basic transportation systems that other people in the United States take for granted;

(5) Indian communities continue to lag behind the rest of the United States in quality of life and economic vitality;

(6) unemployment rates in Indian country frequently exceed 50 percent, and poverty rates often exceed 40 percent;

(7) the limited availability of housing and jobs on Indian reservations forces people to commute long distances each day to travel to work or school, obtain health care, take advantage of basic government services, go shopping, or even obtain drinking water;

(8) the Indian reservation roads system established under title 23, United States Code, comprises more than 50,000 miles of roads under the jurisdiction of the Bureau of Indian Affairs and tribal, State, county, and local governments;

(9) more than ⅔ of those roads are not paved, and many resemble roads in third-world countries;

(10) as of the date of enactment of this Act, approximately 140 of the 753 bridges under the jurisdiction of the Bureau of Indian Affairs are rated as being deficient;

(11) The Indian reservation roads system serves both Indians and the general public and is part of a unified national road network;

(12) even though the Indian reservation roads system is perhaps the most rudimentary of any transportation network in the United States, more than 2,000,000,000 vehicle miles are traveled annually on the system;

(13) the poor quality of so many Indian reservation roads has a serious impact on high safety;

(14) according to the Federal Highway Administration, the highway fatality rate on Indian reservation roads is 4 times the national average highway fatality rate on all roads;

(15) automobile accidents are the primary cause of death for young Indian individuals; and

(16) the Federal Highway Administration estimates the backlog of improvement needs for Indian reservation roads at approximately $6,800,000,000.

(b) PURPOSE.—The purpose of this Act is to reauthorize, expand, and streamline the Indian reservation roads program to improve transportation safety and better meet the needs of Indian individuals and other members of the traveling public.

SEC. 3. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking "of such title" and all that follows and inserting "of that title—

"(i) $225,000,000 for fiscal year 1998;

"(ii) $275,000,000 for each of fiscal years 1999 through 2003;

"(iii) $350,000,000 for fiscal year 2004;

"(iv) $425,000,000 for fiscal year 2005; and

"(v) $500,000,000 for each of fiscal years 2006 through 2009.".

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking "distribute obligation" and inserting the following: "distribute—

"(A) obligation";

(2) by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;".

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking "(B) Reservation.—Of the amounts" and all that follows through "to replace," and inserting the following:

"(B) Funding.—

"(i) Reservation of Funds.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,"; and

(B) by adding at the end the following:

"(ii) Availability.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1."; and

(2) in subparagraph (D)—

(A) by striking "(D) Approval requirement.—" and inserting the following:

"(D) Approval and need requirements.—"; and

(B) by striking "only on approval of the plans, specifications, and estimates by the Secretary." and inserting "only—

"(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

"(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.".

(d) Fair and Equitable Distribution.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

"(5) Fair and equitable distribution.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

"(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

"(B) distribute funds based only on those roads.".

(e) Indian Reservation Road Planning.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking "2 percent" and inserting "4 percent".

SEC. 4. FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.

Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) Federal lands highway program demonstration project.—

"(i) In general.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

"(ii) Exclusion of agency participation.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

"(iii) Selection of participating tribes.—

"(I) Participants.—

"(aa) In general.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

"(bb) Consortia.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for the purpose of becoming part of the applicant pool under subclause (II).

"(cc) Funding.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

"(II) Applicant pool.—The applicant pool described in this sub-clause shall consist of each Indian tribe (or consortium) that—

"(aa) has successfully completed the planning phase described in subclause (III);

"(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

"(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

"(III) Criteria for determining financial stability and financial management capacity.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(IV) Planning phase.—

"(aa) In general.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall include legal and budgetary research and internal tribal government and organization preparation.

"(bb) Eligibility.—A tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.".

SEC. 5. TRIBAL TRANSPORTATION SAFETY PROGRAM.

(a) In General.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"§ 412. Tribal Transportation Safety Program

"(a) Definition of Indian Tribe.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(b) Program.—

"(1) In general.—The Secretary shall carry out a program to provide to eligible Indian tribes (as determined by the Secretary) competitive grants for use in establishing tribal transportation safety programs on—

"(A) Indian reservations; and

"(B) other land under the jurisdiction of an Indian tribe.

"(2) Use of funds.—Funds from a grant provided under paragraph (1) may be used to carry out a project or activity—

"(A) to prevent the operation of motor vehicles by intoxicated individuals;

"(B) to promote increased seat belt use rates;

"(C) to eliminate hazardous locations on, or hazardous sections or elements of—

"(i) a public road;

"(ii) a public surface transportation facility;

"(iii) a publicly-owned bicycle or pedestrian pathway or trail; or

"(iv) a traffic calming measure;

"(D) to eliminate hazards relating to railway-highway crossings; or

"(E) to increase transportation safety by any other means, as determined by the Secretary.

"(c) Federal Share.—The federal share of the cost of carrying out the program under this section shall be 100 percent.

"(d) Funding.—Notwithstanding any other provision of law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

"(1) $10,000,000 for each of fiscal years 2004 and 2005;

"(2) $20,000,000 for each of fiscal years 2006 and 2007; and

"(3) $30,000,000 for each of fiscal years 2008 and 2009.".

(b) Conforming Amendment.—The analysis for chapter 4 of title 23, United States Code, is amended by inserting after the item relating to section 411 the following:

"412. Tribal Transportation Safety Program.".

SEC. 6. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

"(k) Indian Reservation Rural Transit Program.—

"(1) Definition of indian tribe.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) Program.—

"(A) In general.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

"(B) Amount of grants.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

"(3) Funding.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.".

SEC. 7. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) Findings.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent

of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

U.S. SENATE,
Washington, DC, April 26, 2002.

Hon. PATTY MURRAY,
Chairman, Senate Appropriations Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Senate Appropriations Subcommittee on Transportation, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN MURRAY AND SENATOR SHELBY: We are writing to ask you to provide at least $275 million in funding in the Fiscal Year 2003 Transportation Appropriations bill for the Indian Reservation Roads Program. This program plays a critical role in economic development, self-determination, and employment of Native Americans in 33 states, including Alaska Native Villages.

The IRR system comprises 52,738 miles of road. Half are BIA and tribally owned roads and half are state, county and local government roads. The system includes 4,152 bridges and also one ferryboat. More than 2 billion vehicle miles are traveled on the IRR system each year. Unfortunately, many of the roads are among the worst in the nation. Over two-thirds of the system is unimproved earth and gravel roads and about one-quarter of the bridges are rated deficient.

The Federal Highway Administration described the state of roads on reservations in its 1999 study of the nation's highways and bridges: "Some of the isolation (of Native American communities) is perpetuated by a lack of transportation facilities . . . Except for a few tribes with oil and mineral resources, or recreational operations, nearly all reservations are among the most economically depressed areas of the country . . . Some tribal governments have been successful in initiating economic development activities, including small industries . . . These require a viable Indian Reservation Roads (IRR) system."

In 1998, Congress reauthorized the Indian Reservation Road Program as part of Transportation Efficiency Act for the 21st Century (TEA–21). Recognizing the huge backlog in basic highway and transportation needs in Indian Country, the authorized funding level was increased from $191 million per year to $275 million. Last year the Transportation Appropriations Act provided $279 million. We very much appreciate your subcommittee's efforts in FY2002 to fund this program at the higher level.

——— ———.

By Ms. STABENOW:

S. 726. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that would make Election Day a national holiday.

After the problems of the 2000 elections, a bipartisan Commission headed by former Presidents Jimmy Carter and Gerald Ford was created to recommend election reforms.

Among the reforms the commission recommended was making Election Day a national holiday.

If you read the report, the advantage of making Election Day a national holiday becomes obvious.

In a survey done by the U.S. Census shortly after the 2000 elections, the number-one reason cited for not voting was because it conflicted with work or classroom schedules. Declaring Election Day a national holiday would make it easier for millions of busy Americans to get to the polls.

But declaring Election Day a national holiday has other advantages as well, according to the Commission's report. More public buildings, especially schools, would be available as polling places. And more and better trained poll workers would be available to staff polling places.

Businesses complain that a new Federal holiday will cost them money. But this problem can be easily solved. Presently we celebrate Veterans Day on Nov. 11. On even numbered years, we could simply celebrate Veterans Day on the second Tuesday after the first Monday of November, which Congress has designated as Election Day for Federal elections.

The Commission's report noted that both Presidents Ford and Carter are veterans themselves and would not recommend any change that would dilute the significance of Veterans Day.

Rather, our two former Presidents found it fitting to hold the "supreme national exercise of our freedom on the day we honor those who preserved it."

This idea is also supported by civil rights, labor and other groups trying to increase participation in our electoral process.

I think it is an idea whose time has come.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democracy Day Act of 2003".

SEC. 2. TREATMENT OF ELECTION DAY IN SAME MANNER AS OTHER FEDERAL HOLIDAYS.

The Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter shall be treated as a legal public holiday for purposes of statutes relating to pay and leave of Federal employees.

SEC. 3. STUDY BY COMPTROLLER GENERAL OF IMPACT ON VOTER PARTICIPATION.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the impact of section 2 on voter participation.

(b) REPORT.—Not later than May 1, 2009, the Comptroller General shall submit a report to Congress and the President on the results of the study conducted under subsection (a).

SEC. 4. SENSE OF CONGRESS REGARDING TREATMENT OF DAY BY PRIVATE EMPLOYERS.

It is the sense of Congress that private employers in the United States should provide their employees with flexibility on the Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter to enable the employees to cast votes in the elections held on that day.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. THOMAS, Mr. BURNS, Mr. DORGAN, Mr. ALLARD, Mr. DURBIN, Mr. VOINOVICH, Mr. BAYH, Mr. ENZI, Mr. CAMPBELL, and Mr. CONRAD):

S. 727. A bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes; to the Committee on Finance.

Mr. BYRD. Mr. President, time after time, coal has been there for this country. Coal has been and will continue to be an important part of America—its history, its economy, and its people.

During World War I, when coal supplied the Nation's heat and powered our battleships and industries, President Woodrow Wilson proclaimed that the Nation's war effort "rested on the shoulders of [the American coal] miner."

During World War II, when enemy conquests in Asia and Africa threatened to stop the worldwide flow of oil, the American government responded by initiating a federally sponsored synthetic fuels program based on coal. Secretary of the Interior Harold Ickes acknowledged, "We should not have waited until war was upon us to begin the development of synthetic fuels."

After the war, that program was dismantled. Far-sighted men warned of the dangers of this decision. John L. Lewis, President of the United Mine Workers, predicted a growing reliance upon foreign oil in the post-war era would one day result in outrageous prices at the gas pump and cars lined up for blocks to purchase gasoline.

Those of us old enough to remember the oil embargoes and energy crises of the 1970s know how accurate that prediction was. Those oil embargoes and energy crises prompted the Carter Administration to establish a national synthetic fuels program largely based on coal as the United States was labeled "the Saudi Arabia of coal."

However, the Reagan Administration all but eliminated the Department of Energy's fossil fuels and renewable energy programs, and withdrew support for the development of alternative energy technologies.

How short-sighted that was. I correct myself. It wasn't just short-sighted, it was blind, and I said so at the time. In a speech on this Senate floor, I warned that the Reagan administration's cutbacks in our energy programs were "leaving us dangerously vulnerable to foreign transgressions." Historians like to point out that those who do not remember the past are condemned to relive it. Why must we continue to relive yesterday's mistakes? Can we not learn from the past?

Once again, concerns about our Nation's current and future energy needs are on the minds of citizens across the country. Worrisome gas prices, erratic fuel costs, electricity supply needs, energy efficiency improvements, and U.S. dependence on foreign oil are major challenges that we must tackle. To develop a bipartisan, national energy plan, Congress must establish balanced energy policies that recognize the need for both economic growth, energy security, and environmental protection. Coal will play a key role in that strategy.

It is paramount that we develop a comprehensive plan built on a balanced portfolio of resources, technologies, and ideas. Such a plan must look broadly across all sectors of the economy and set objectives to meet these needs both today and down the road. And, as we look at the needs of our economy and our future, we need to better understand where to put critical and precious research and development resources and how to best stimulate these technologies in the marketplace.

Undoubtedly, fossil fuels will continue to be a primary source for meeting our energy needs into the coming decades. Coal, used in cleaner and more efficient ways, will be a key component of that energy strategy. Coal is this country's most abundant natural resource, providing over half of the Nation's electricity and accounting for one third of our Nation's total energy production.

Today, a bipartisan group of Members join me in introducing the National Coal Research, Development, and Demonstration Act of 2003. I very much appreciate the support of Senators ROCKEFELLER, THOMAS, BURNS, DORGAN, ALLARD, DURBIN, VOINOVICH, BAYH, ENZI, CAMPBELL, and CONRAD. We believe that this legislation will help to maintain our Nation's fuel diversity by ensuring a key role for coal in our Nation's energy future.

This initiative provides a roadmap to the future by authorizing $2 billion over that next ten years for a clean coal technology demonstration program to help speed these technologies from the laboratory to the marketplace. Our legislation aims to improve air quality as well as the efficiency of the current fleet of coal-fired power plants by providing targeted tax incentives for the installation of these technologies at existing coal-fired facilities.

Additionally, this legislation will help meet the need for new infrastructure by providing incentives to deploy a targeted number of advanced clean coal technologies to prove their viability in the marketplace now and in the future. Finally, it ensures that all generators of coal can compete for these targeted tax incentives on an equal basis. This initiative is an important component of a strategy to achieve energy diversity and independence.

I have been around Congress for a very long time—more than 50 years. Recently, I became the third longest serving Member of Congress. My association with coal started early in my life and has continued throughout my many years of service in Congress. Coal has always been with me, it has been there fore us. Coal is abundant. Coal is affordable. Coal is ours!

Clean coal research and development funding and tax incentive legislation gained significant bipartisan and bicameral support during the energy bill debates in the 107th Congress. This success was built on the framework outlined, developed, and refined with my support in past Congress.

There is a little verse that goes:

God and soldier all men adore,
in time of trouble and no more,
for when war is over, and all things righted,
God is neglected and the old soldier slighted.

In times of national struggle and adversity, in times of war, coal has been there. But in times of calm, when the urgency subsides, so does our national determination to establish and implement a comprehensive energy strategy. To fail to incorporate a comprehensive energy plan into our vision for the Nation's future would ultimately be to America's detriment.

The development of clean coal technologies is essential to the betterment of our Nation's economic, energy, environmental, and security future. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleague from West Virginia, Senator BYRD, and Senators THOMAS, BURNS, DURBIN, ALLARD, DORGAN, BAYH, VOINOVICH, ENZI, CAMPBELL, and CONRAD, to introduce the National Coal Research, Development and Demonstration Act of 2003. This is a bill I will work very hard to see enacted, because I believe both that the Nation's economy will grind to a halt without coal, and because sustaining the indispensable role of the Nation's most abundant energy source can only be accomplished by finding environmentally sensitive ways of using it.

This legislation is the byproduct of more than 5 years of effort to foster new scientific research and commercial application of clean coal technologies. This has been a collaborative effort between members of Congress from both sides of the aisle and both sides of the Hill working together with the coal and utility industries, the Department of Energy, the United Mine Workers, and academic and industrial scientists. The legislation we introduce today is substantially similar to legislation introduced in the 107th Congress, which formed the basis of the coal tax and coal R&D provisions of the comprehensive energy bill the Senate passed last year.

I have a particular interest in the clean coal tax provisions. I aggressively argued for them in the Finance Committee, and I was gratified by the willingness of then-Chairman BAUCUS and Ranking Member GRASSLEY to work with me to include meaningful coal tax incentives in the bill this body passed by an overwhelming majority and sent to conference with the House. As a tax conferee, I again pushed hard for inclusion of the Senate-passed provisions, over the more expensive and less-inclusive House provisions. Unfortunately, the energy conference and the comprehensive energy legislation it was so close to producing were allowed to die by some who thought this Congress would be a better setting for consideration of a national energy policy.

The R&D provisions, and in fact the entire package we introduce here today, have had no more fervent champion than my colleague, the senior Senator from West Virginia, Senator BYRD. Indeed, Senator BYRD has been a stalwart friend of coal far longer than the more than 5-year duration of this effort on clean coal technologies. I would be remiss if I did not commend Senator BYRD for his dedication and diligence in advocating for clean coal. I cannot overstate the importance of coal to our state of West Virginia. I am proud to join Senator BYRD in this effort to improve the environmental performance of coal, and to affirm its critical role in the economy of our State, and of the entire Nation.

When enacted, this legislation will foster crucial, collaborative, and cutting edge scientific research by the Department of Energy and its industry partners into technologies allowing increasingly cleaner and more efficient use of our Nation's most abundant fossil fuel, coal, as a fuel to produce electricity. At the same time, this bill will create tax incentives to help coal-fired utilities defray the high cost of installation of clean coal technologies on coal-fired power plants. We have included incentives for clean coal technologies on both existing power plants and those yet to be built. Clean coal technologies used to repower existing plants will allow them to meet our most stringent Clean Air Act standards for stationary source emissions. Installations of these technologies on existing facilities is important not only to protect the environment. Perhaps as significant for our economy, sustaining energy production from these reliable sources of electricity helps insulate consumers from the kind of extraordinary price shocks we have seen recently in the natural gas and petroleum markets.

New facilities designed and built with next generation, advanced clean coal technologies will be cleaner and more reliable still. Energy experts estimate that to meet our Nation's burgeoning demand for electricity, we may see more than a thousand new electricity generating plants built in the next 20 years. Modest incentives for installation of advanced clean coal technologies will give utilities the ability to choose cheap and abundant coal as a fuel source, and still produce air emissions as clean or cleaner than those produced by natural gas plants.

The two sections of this bill concentrate on different aspects of the coal picture, and will be considered by different committees in the Senate. Yet the programs and commercial development this bill will engender will work hand in hand. The advanced clean coal research and development funded by this bill, augmented by the data industry, academic, and government scientists hope to gain from the performance of the reconfigured existing plants, will hasten the deployment of a fleet of near-zero emission coal-fired plans in the coming decade or two.

I represent a State that produces a lot of coal, and uses a lot of coal. Between 98 and 99 percent of the electricity in West Virginia is generated with coal. This is higher than any other State in the Nation, but West Virginia electricity consumers are by no means alone in their dependence on coal. The United States is dependent on coal to a degree that I am sure comes as a surprise to most people. Coal produces more than half of the electricity used in this country. It is the primary source of electricity in 32 States, accounting for at least 55 percent of the electricity in 25 of these. Of the remaining 18 States, coal is the second most prevalent source of electricity in six of them, and a close third in two more. So, I thank my fellow cosponsors for their work on this bill, but I say to my colleagues, this is not just important to those of us whose States produce coal. Coal will continue to be a vital economic resource for the entire country. Because of this, and because the future health of our environment depends on good decisions made today, I recommend this legislation to all of my colleagues, and ask for their support in passing it.

By Mr. COLEMAN (for himself, Mr. STEVENS, and Mr. DAYTON):

S. 728. A bill to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVIATION INSURANCE.

(a) AUTHORITY.—Section 44302(a)(1) of title 49, United States Code, is amended by striking "may" and inserting "shall".

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) of title 49, United States Code, is amended by striking "August 31, 2003, and may extend through December 31, 2003," and inserting "December 31, 2007,".

(c) COVERAGE.—Section 44303 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "IN GENERAL.—" and inserting "IN GENERAL.—"; and

(2) in subsection (b)—

(A) by striking "during the period beginning on" and inserting "on or after"; and

(B) by striking "and ending on December 31, 2003,".

(d) TERMINATION DATE.—Section 44310 of title 49, United States Code, and the item relating to such section in the analysis for chapter 443 are repealed.

SEC. 2. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Homeland Security shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports perform or are responsible for performing, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions and other space used by the Transportation Security Administration.

SEC. 3. REIMBURSEMENT OF AIR CARRIERS FOR FORTIFYING COCKPIT DOOR.

The Secretary of Homeland Security shall reimburse air carriers for the cost of fortifying cockpit doors in accordance with section 48301(b) of title 49, United States Code.

SEC. 4. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT.

The Secretary of Homeland Security shall reimburse State and local law enforcement and airport police for complying with any directives to provide security for air carriers or at airports.

SEC. 5. REIMBURSEMENT FOR AIR MARSHAL TRANSPORTATION.

Section 44917(a) of title 49, United States Code, is amended by striking paragraphs (4) and (5), and inserting the following:

"(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight at the lowest possible airfare available for such flight at the time of booking;

"(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at the lowest possible airfare available for such flight if the marshal is traveling to that airport after completing his or her security duties;".

SEC. 6. MORATORIUM ON SECURITY SERVICE FEE.

Notwithstanding any other provision of law, the security fees imposed under section 44940 of title 49, United States Code, shall not apply for the 1-year period beginning on the date of enactment of this Act and the costs of providing civil aviation security services shall be reimbursed by the Secretary of Homeland Security.

By Mr. COLEMAN (for himself and Mr. CHAMBLISS):

S. 729. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minnesota MSA Empowerment Act of 2003".

SEC. 2. DEDUCTION FOR MINNESOTA PUBLIC EMPLOYEE MSA PILOT PROGRAM.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. MINNESOTA PUBLIC EMPLOYEE MSAS.

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a deduction an amount equal to the amount contributed during the taxable year by such individual to the Minnesota public employee MSA of such individual.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

"(1) is in receipt of retirement benefits for the taxable year from a retirement plan associated with the State of Minnesota or a political subdivision thereof, or

"(2) is an employee of the State of Minnesota or a political subdivision thereof.

"(c) MINNESOTA PUBLIC EMPLOYEE MSA.—

"(1) IN GENERAL.—The term 'Minnesota public employee MSA' means an Archer MSA which is created or organized exclusively for the purpose of playing the qualified medical expenses of the eligible individual and—

"(A) which is designated as a Minnesota public employee MSA, and

"(B) with respect to which no contribution may be made other than a contribution made by the eligible individual or the employer of the eligible individual.

"(2) ARCHER MSA; QUALIFIED MEDICAL EXPENSES.—For purposes of this section, the terms 'Archer MSA' and 'qualified medical expenses' shall have the respective meanings given to such terms by section 220(d).

"(d) SPECIAL RULES.—In applying section 220 to a Minnesota public employee MSA—

"(1) subsection (d)(1)(A)(ii) shall not apply, and

"(2) subsection (f)(3) shall be treated as including a reference to this section.

"(e) REPORTS.—In the case of a Minnesota public employee MSA, the report under section 220(h)—

"(1) shall include the fair market value of the assets in such Minnesota public employee MSA as of the close of each calendar year, and

"(2) shall be furnished to the account holder—

"(A) not later than January 31 of the calendar year following the calendar year to which such reports relate, and

"(B) in such manner as the Secretary prescribes.

"(f) COORDINATION WITH LIMITATION ON NUMBER OF TAXPAYERS HAVING ARCHER MSAS.—Subsection (i) of section 220 shall not apply to an individual with respect to a Minnesota public employee MSA, and Minnesota public employee MSAs shall not be taken into account in determining whether the numerical limitations under section 220(j) are exceeded.".

"(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 is amended by inserting after paragraph (18) the following new item:

"(19) MINNESOTA PUBLIC EMPLOYEE MSAS.—The deduction allowed by section 223.".

"(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973(d)(1) of such Code (relating to excess contributions to Archer MSAs) is amended by inserting "or 223" after "220".

"(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 223. Minnesota public employee MSAs.
"Sec. 224. Cross reference.".

"(e) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after December 31, 2003.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 731. A bill to prohibit fraud and related activity in connection with authentication features, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today, along with Senator HATCH, to introduce the Secure Authentication Feature and Enhanced Identification Defense Act of 2003, also known as the "SAFE ID" Act. My good friend, the Senior Senator from Utah, is joining me on this important piece of legislation.

Two of the terrorists who perpetrated the acts of 9/11 held false identification documents, which they purchased from a broker of false IDs. That broker was convicted, but sentenced merely to probation. The judge and the prosecutor publicly lamented that the law did not subject such a person to harsher penalties. These events focused new attention on an existing, growing problem—the ease with which individuals and organizations can forge and steal IDs and use them to harm our society. These circumstances weaken our efforts in the fight against terrorism; identity theft; underage drinking and drunk driving; driver's license, passport and birth certificate fraud, among others. In the post-9/11 era, we must do more to prevent the creation of false, misleading or inaccurate government IDs. This has become an issue of national importance and therefore merits a national response.

In recent years, the ability of criminals to produce authentic-looking fake IDs has grown immensely. Today, unfortunately, it is becoming increasingly common for criminals to either steal or forge, and traffic in, the very items that issuing authorities use to verify the authenticity of their IDs. These "authentication features" are the holograms, watermarks, and other symbols, letters and codes used in identification documents to prove that they are authentic. Unfortunately, today IDs carrying authentication features can be purchased on the Internet or through mail order outfits. In addition, breeder documents, such as birth certificates, are desk-top published, with an illegitimate embossed or foil seal. Put another way, not only do crooks forge identification documents, they also now illegally fake or steal the very features issuing authorities use to fight that crime.

Under current law, it is not illegal to possess, traffic in, or use false or misleading authentication features whose purpose is to create fraudulent IDs. That is why I am today introducing the SAFE ID Act.

The SAFE ID Act would prohibit the fraudulent use of authentication features in identity documents. Specifically, the SAFE ID Act adds authentication features to the list of items covered by 10 U.S.C. 1028(a), an existing law prohibiting fraud and related activity in connection with identification documents. In addition, the Act requires forfeiture of any violative items, such as false authentication features and relevant equipment.

It is rare that we have before us legislation that would effectively address problems as disparate as homeland defense, identity theft and underage drinking. The SAFE ID Act would do just that, by cutting the legs out from under those who would misuse technology to mislead government authorities.

I look forward to working with Senator HATCH, Chairman of the Judiciary Committee, and my other colleagues, to secure consideration and passage of this bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Authentication Feature and Enhanced Identification Defense Act of 2003" or "SAFE ID Act".

SEC. 2. FRAUD AND FALSE STATEMENTS.

(a) OFFENSES.—Section 1028(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ", authentication feature," after "an identification document";

(2) in paragraph (2)—

(A) by inserting ", authentication feature," after "an identification document"; and

(B) by inserting "or feature" after "such document";

(3) in paragraph (3), by inserting ", authentication features," after "possessor)";

(4) in paragraph (4)—

(A) by inserting ", authentication feature," after "possessor)"; and

(B) by inserting "or feature" after "such document";

(5) in paragraph (5), by inserting "or authentication feature" after "implement" each place that term appears;

(6) in paragraph (6)—

(A) by inserting "or authentication feature" before "that is or appears";

(B) by inserting "or authentication feature" before "of the United States";

(C) by inserting "or feature" after "such document"; and

(D) by striking "or" at the end;

(7) in paragraph (7), by inserting "or" after the semicolon; and

(8) by inserting after paragraph (7) the following:

"(8) knowingly traffics in false authentication features for use in false identification documents, document-making implements, or means of identification;".

(b) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting ", authentication feature," before "or false"; and

(ii) in clause (i), by inserting "or authentication feature" after "document"; and

(B) in subparagraph (B), by inserting ", authentication features," before "or false"; and

(2) in paragraph (2)(A), by inserting ", authentication feature," before "or a false".

(c) CIRCUMSTANCES.—Section 1028(c)(1) of title 18, United States Code, is amended by inserting ", authentication feature," before "or false" each place that term appears.

(d) DEFINITIONS.—Section 1028(d) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (7), (8), (9), (10), and (11), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers of letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;";

(3) in paragraph (4)(A), as redesignated, by inserting "or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit" after "entity";

(4) by inserting after paragraph (4), as redesignated, the following:

"(5) the term 'false authentication feature' means an authentication feature that—

"(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

"(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

"(C) appears to be genuine, but is not;

"(6) the term 'issuing authority'—

"(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

"(B) includes the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;";

(5) in paragraph (10), as redesignated, by striking "and" at the end;

(6) in paragraph (11), as redesignated, by striking the period at the end and inserting; and"; and

(7) by adding at the end the following:

"(12) the term 'traffic' means—

"(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

"(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.".

(e) ADDITIONAL PENALTIES.—Section 1028 of title 18, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.".

(f) TECHNICAL AND CONFORMING AMENDMENT.—Section 1028 of title 18, United States Code, is amended in the heading by inserting "**, AUTHENTICATION FEATURES,**" after "**DOCUMENTS**".

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 732. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it has been said that, "Good health and good sense are two of life's greatest blessings." Senators HATCH, ROCKEFELLER, JEFFORDS and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2003.

Currently no entity oversees America's health care safety net. This means that safety net providers—including public and teaching hospitals, emergency departments, community health centers and rural health clinics—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts.

This Act changes that, by creating the Safety Net Organizations and Patient Advisory Commission—SNOPAC—an independent and nonpartisan commission to monitor the health care safety net.

Safety net providers are often the last resort for patients unable to afford the health care they need. For example, in my State of Montana, we have eight community health centers, serving about 44,000 Montanans per year. Without these health centers, many of these uninsured and underinsured Montanans would have no place to turn.

According to a recent report, nearly 75 million Americans lacked health insurance at some time in the past two years—amounting to almost one-third of all Americans younger than 65. Of these 74.7 million individuals, about 30 percent had no coverage at some time in 2001 and 2002 while 65 percent had no coverage for at least six months.

And who are these people? In Montana, about 80 percent of uninsured individuals are in working families. And self-employed workers—including owners of small businesses—and their dependents account for about one-fifth of the uninsured in our State. Montana has one of the lowest rates of employer-sponsored insurance in the Nation, with about 46 percent of Montanans receiving health insurance through their employers.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed, gender, or geography, have access to quality health care?

About 10 years ago Congress and the Administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to the uninsured. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, we worked together to provide health coverage for workers who lost their jobs because of increased international trade.

While these incremental steps have helped, we need to do more. Last year I introduced bipartisan legislation to provide employers with tax credits so they can offer their employees health insurance. And I am hopeful that the Baucus-Smith, OR bill can be enacted into law.

But the fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet, the safety net has been seriously damaged in recent years. According to report a few years ago by the Institute of Medicine, the health care safety net is "intact but endangered."

And according to a report I requested of the General Accounting Office, issued today, emergency departments across the nation are facing severe overcrowding problems, forced to send patients to other hospitals. The GAO found that about two-thirds of hospitals reported asking ambulances to be diverted to other hospitals at some point in fiscal year 2001. And about 10 percent of hospitals reported being on diversion status for more than 20 percent of the year.

September 11 taught us that we need to be ready. Our emergency response systems must be prepared to manage an unexpected terrorist attack. But based on the GAO's findings, it seems that we are far from prepared. If emergency departments cannot care for all the patients they are sent under current conditions, how can we expect them to manage a terrorist attack of potentially catastrophic proportions?

We need an entity responsible for recommending changes to our safety net, including our emergency departments. And though SNOPAC will not solve the problems of America's uninsured, it will work to ensure that safety net is not further frayed. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOPAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOPAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

SNOPAC is not a panacea. But it is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

By Ms. SNOWE:

S. 733. A bill to authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2003.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 39,000 calls for assistance, assisted $1.5 billion in property, and saved 3,653 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, act of terror, and other national security threats. In 2002, the Coast Guard seized 117,780 pounds of cocaine and 40,316 pounds of marijuana preventing them from reaching our streets and playgrounds. They also stopped over 5,100 illegal migrants from reaching our shores. They conducted patrols to protect our vital fisheries stocks and they responded to over 12,000 pollution incidents.

In the wake of September 11, the men and women of the Coast Guard have been working harder than ever in the service's largest peace-time port security operation since World War II. This rapid escalation of the Coast Guard's homeland security mission continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 10,000 vessels, escorted over 6,000 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

And recently we have asked even more of the Coast Guard. Last November we passed the Homeland Security Act of 2002 which recently transferred the Coast Guard from the Department of Transportation to the new Department of Homeland Security. This historic law positions the Coast Guard as a cornerstone of the new Department, but also recognizes that the Coast Guard is responsible for many other missions on which Americans depend.

First and foremost, it ensures that the Coast Guard will remain a distinct entity and continue in its role as one of the five Armed Services. The Coast Guard plays a unique role in our government, by serving both an armed service as well as a law enforcement agency and this must not be changed or altered. It also contains language which maintains the primacy of the Coast Guard's diverse missions, prevents the Secretary of this new department from making substantial or significant changes to the Coast Guard's non-homeland security missions, and prohibits the new department from transferring any Coast Guard personnel or assets to another agency except for personnel details and assignment that do not reduce the Service's capability to perform its non-homeland security missions.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources that it needs to carry out its many critically important missions. Unfortunately Coast Guard's rapid operational escalation has come on the backs of its 38,000 men and women who faithfully serve our country. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs.

The bill I introduce today authorizes funding and personnel levels for the Coast Guard in Fiscal Year 2004. The bill authorizes funding for FY 2004 at $6.7 billion. This represents a 9.4 percent increase over the levels contained in last year's authorization bill and a 13 percent increase over the funds requested for Fiscal Year 2003. This authorization will help restore the Coast Guard's non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection to near their pre-September 11, 2001 levels.

This bill also includes numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses various Coast Guard personnel management and quality of life issues such by providing eligible enlisted personnel with a critical skills training bonus, amending the number and distribution of commissioned officers to retain needed skill sets and experiences, expanding the Coast Guard's housing authorities to ease housing shortages, and including several measures that grant the Coast Guard parity with the other Armed Services.

Another critical provision in the bill will enable us to better oversee the historic and beautiful lighthouses that we have entrusted to non-profit groups across the country. Over the years we have transferred numerous lighthouses and we need to ensure that these groups continue to be responsible stewards of these national treasures. Unfortunately, we have recently learned of lighthouses which have been allowed to deteriorate and one that was even offered for sale through a real estate broker. This provision will ensure these national treasures are protected and will allow the Secretary of Interior to monitor future lighthouse conveyances and ensure that they meet all of the conditions of the original transfers.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 39 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately they are reaching the end of their serviceable life just as the Coast Guard needs them the most.

The Coast Guard is in the early stages of a major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the system-of-systems procurement strategy the Coast Guard is utilizing. This bill authorizes full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

Title I—Authorization

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized Levels of military strength and training.

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.
Sec. 202. Amend limits to the number and distribution of officers.
Sec. 203. Expansion of Coast Guard housing authorities.
Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.
Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.
Sec. 302. Ports and waterways partnerships/cooperative ventures.
Sec. 303. Reports from charterers.
Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.
Sec. 305. Revision of bases for suspension and revocation cases.
Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
Sec. 307. Records of merchant mariner's documents.
Sec. 308. Exemption of unmanned barges from certain citizenship requirements.
Sec. 309. Increase in civil penalties for violations of certain bridge statutes.

Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
Sec. 311. Oil spill liability trust fund; emergency fund.
Sec. 312. Law enforcement powers.
Sec. 313. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.
Sec. 402. LORAN-C.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $4,729,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $775,000,000 to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,000,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,250 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,150 student years.

TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 374. Critical skill training bonus

“(a) The Secretary may provide a bonus, not to exceed $20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

“(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

“374. Critical skill training bonus.”.

SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.

Section 42 of title 14, United States Code, is amended —

(1) by striking “The” in subsection (a) and inserting “Except in time of war or national emergency declared by Congress or the President, the”;

(2) by striking “6,200.” in subsection (a) and inserting “7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.”; and

(3) by striking “commander 12.0; lieutenant commander 18.0.” in subsection (b) and inserting “commander 15.0; lieutenant commander 22.0.”.

SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

“(5) The term ‘eligible entity’ means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended —

(1) by striking the section heading and inserting the following:

“§ Direct loans and loan guarantees” ;

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

“(a) DIRECT LOANS.—

“(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

“(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.”;

(4) by striking “subsection (b),” in subsection (b), as redesignated, and inserting “subsection (c),”; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting “(c) DIRECT LOANS AND LOAN GUARANTEES.—”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

“682. Direct loans and loan guarantees.”.

SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

“(d) Subject to the approval of the Commandant:

“(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

“(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

“(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment.”.

SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.

Section 821(a) of title 14, United States Code, is amended by inserting “The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4, United States Code.” after the second sentence.

TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended —

(1) by striking “day and a lighted lantern” in the second sentence inserting “day and,

unless otherwise granted a waiver by the Commandant of the Coast Guard, a light"; and

(2) by adding at the end "The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.".

SEC. 302. PORTS AND WATERWAYS PARTNERSHIPS; COOPERATIVE VENTURES.

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking "and" after the semicolon in subsection (a)(4)(D);

(2) by striking "environment." in subsection (a)(5) and inserting "environment;";

(3) by adding at the end of subsection (a) the following:

"(6) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or persons, except that a non-governmental entity may not carry out an inherently governmental function; and

"(7) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years."; and

(4) by adding at the end the following:

"(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(6) AND (7).—

"(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(6), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government).

"(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

"(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(7) is not subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).".

SEC. 303. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking "owners and masters" and inserting "owners, masters, and charterers".

SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking "if, when acting under the authority of that license, certificate, or document—" and inserting "if—";

(2) by striking "has" in subparagraph (B)(i) and inserting "has, while acting under the authority of that license, certificate, or document,";

(3) by striking "or" at the end of subparagraph (B)(ii);

(4) by striking "1982." in subparagraph (B)(iii) and inserting "1982; or"; and

(5) by adding at the end of subparagraph (B) the following:

"(iv) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.".

SEC. 305. REVISION OF BASES FOR SUSPENSION & REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking "incompetence" in paragraph (1)(B);

(2) by striking "or" after the semicolon in paragraph (2);

(3) by striking "1982." in paragraph (3) and inserting "1982;"; and

(4) by adding at the end the following:

"(4) has committed an act of incompetence; or

"(5) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.".

SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting "suspended or" after "shall be".

SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Section 12110(d) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement,".

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement,".

SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking "$1,000." and inserting "$25,000.".

(b) Section 5(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499), is amended by striking "$1,000." and inserting "$25,000.".

(c) Section 18(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", enacted March 3, 1899 (33 U.S.C. 502) is amended by striking "$1,000." and inserting "$25,000.".

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking "$1,000." and inserting "$25,000.".

SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting "(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.";

(2) by striking "4307(a)(1)," in the second sentence of subsection (b) and inserting "4307(a),";

(3) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively;

(4) by adding at the end of subsection (b) the following:

"(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than $10,000, imprisoned for not more than one year, or both."; and

(5) by striking "$1,000." in subsection (c) and inserting "$5,000.".

SEC. 311. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking "$50,000,000" and inserting "$150,000,000".

SEC. 312. LAW ENFORCEMENT POWERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 95 the following:

"§ 95a. Law enforcement powers

"(a) IN GENERAL.—Subject to guidelines approved by the Secretary and the Attorney General, members of the Coast Guard may, in the performance of official duties—

"(1) carry firearms;

"(2) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

"(3) seize property as provided by law.

"(b) APPLICATION WITH OTHER AUTHORITY.—The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 95 the following:

"95a. Law enforcement powers.".

SEC. 313. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub.L. 107-173, is amended by striking subparagraph (G) and inserting the following:

"(G) The United States Coast Guard.".

TITLE IV—MISCELLANEOUS

SEC. 401. CONVEYANCE OF LIGHTHOUSES.

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

"(4) LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply with those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.".

SEC. 402. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2004. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

Mr. KERRY. Mr. President, I rise today to discuss the merits of the Coast Guard Authorization Act of 2003. This bill authorizes appropriations for fiscal year 2004 for the Coast Guard and will be introduced by my subcommittee chairman Senator SNOWE today. I thank Senator SNOWE for her work on this legislation and her willingness to work with me and others on the Commerce Committee to improve it.

The events of September 11 resulted in a new mandate for the Coast Guard as port security and homeland defense missions rose to the forefront of its responsibilities. Homeland Security officials realized that our ports and coastlines were vulnerable to terrorist attacks and quickly charged the Coast Guard with additional missions to help protect the homeland. Though I have no doubt that the Coast Guard will continue to play a valuable role in our domestic security, as it should, I have voiced my concern over the past year that traditional missions have suffered as a result of these new security responsibilities. Fishery patrols, drug and illegal immigrant interdiction and Marine resources protection have in large measure fallen by the wayside since September 11. We simply cannot allow this to happen. We should provide the Coast Guard sufficient funding to meet its new and traditional missions.

In light of this, I am pleased that the bill increases the Coast Guard's budget by 10 percent, to $6.8 billion. This reflects a $500 million increase over last year's budget and is virtually identical to what the President has requested. Of this amount, roughly $4.7 billion is earmarked for operating expenses, an increase of $400 million over fiscal year 2003. The bill also authorizes $775 million for acquisition, construction and improvements, a $33 million increase over fiscal year 2003.

Although I support these budget numbers, I have not co-sponsored the bill because it does not include an authorization for the costs the Coast Guard will incur complying with the Maritime Transportation Security Act we passed last year. We know that the Coast Guard will require additional funds to oversee and coordinate the port security upgrades mandated by the law, and I feel strongly that a port security provision needs to be added to the bill before it passes the Senate. Considering that we are waging a war on terror, port security should be part of any Coast Guard reauthorization bill. Senator SNOWE has agreed to work with me to draft additional language which would provide the Coast Guard with adequate funding. I look forward to drafting a comprehensive provision with my colleague to help the Coast Guard improve port security.

The Coast Guard has unique missions not covered by any other Federal agency. It is the only U.S. military service with domestic law enforcement authority, and it has taken on many new homeland security missions since September 11. As such, I am pleased that the bill authorizes an active duty personnel level of 45,500. I've consistently supported raising personnel levels because the agency is charged with patrolling 95,000 miles of coastline, enforcing fish and marine conservation laws, conducting search-and-rescue missions, drug and illegal immigrant interdiction, along with its new homeland security missions. This is an awesome responsibility for an agency that is smaller than the New York City Police Department. Ultimately, as the Coast Guard becomes more integrated into the Department of Homeland Security, we may need to authorize higher personnel levels to ensure that the agency can adequately meet all its missions.

I am also pleased that the bill includes a provision increasing funding levels for the Oil Spill Liability Trust Fund. For the past 3 years, emergency fund expenditures have exceeded the $50 million annual appropriation, reaching a projected high of over $100 million this fiscal year. The fund has relied on carryovers from prior year balances to augment the annual appropriation and meet the increased need. This provision would increase the amount of the annual appropriation from $50 million to $150 million, thus reducing reliance on carryovers from prior year balances to augment the annual appropriation and meet the increased need.

I will also be working with my colleagues to include several other important provisions in this legislation as we move forward. For example, because the Coast Guard is still below pre-9/11 levels for fisheries enforcement, I will be seeking a provision that will require the Coast Guard to better coordinate its fisheries enforcement efforts with other Federal agencies, such as NOAA, and relevant State and local agencies. Also, some measures ought to be taken to extend certain provisions of the Oil Pollution Act to vessels that, due to their size, still pose a significant risk to our environment in the event of an oil spill.

Lastly, I would like to acknowledge the inclusion of a $25 million authorization for the Loran-C radio navigation system, which is used by fishermen and general aviation pilots as well as the Coast Guard. The Loran system is very reliable, and I feel strongly that we should continue to fund it as a secondary navigation system to the Global Positioning System. Although GPS is certainly the most sophisticated and modern tracking system now in operation, it is imperative that we retain an alternative navigation system and not simply throw all of our eggs in one basket. GPS signals can be jammed and are subject to interference. The Loran-C provision has been in past Coast Guard reauthorization bills and was fully appropriated by the Congress for fiscal year 2003. It is important that we continue to support this system.

I support the provisions in this bill and I look forward to improving it as it moves through the legislative process.

By Mr. BOND (for himself and Mr. JOHNSON):

S. 735. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an inequity facing an important segment of the small business community. This legislation is simple and straight forward—it adjusts the current tax exemption that has existed since 1942 for small property and casualty, P&C, insurance companies so that it keeps pace with inflation.

As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I have heard from many small P&C insurers in Missouri and across the Nation that they are having to consider raising their premiums simply because the tax laws have not kept pace with inflation. Under current law, mutual and stock P&C insurance companies are exempt from Federal income taxes if the greater of their direct or net written premiums in a taxable year do not exceed $350,000.

For companies that grow above the $350,000 threshold, current law permits electing P&C insurance companies to be taxed only on their investment income, provided their premiums do not exceed $1.2 million. Unfortunately, these thresholds, which were last updated in the Tax Reform Act of 1986, have not been adjusted for inflation.

This situation has created an unintended outcome. Take, for instance, a small P&C insurer in my State that started insuring the local farmers in the late 1980s. Over the ensuing years, the company's client base changed very little, but the insurance premiums increased gradually to keep pace with inflationary pressures. As a result, while the business itself has not grown, its premium base has and with it the loss of the tax exemption (or the alternative tax on investment income).

For the farmers and ranchers covered by the small P&C insurer, this loss is certain to mean higher insurance premiums, leaving the client with the choice of cutting coverage or paying higher costs, neither of which is a real option. And for our agricultural community over the past few years, this choice is about the last thing they need.

The bill I introduce today would correct this problem by simply adjusting the $350,000 and $1.2 million thresholds to bring them up to the level they would have been this year if the 1986 tax code had included an inflation adjustment. Accordingly, the tax exemption would apply to P&C insurers with premiums that do not exceed $575,000, and the alternative for taxation of investment income would apply to companies with premiums above $575,000 but not more than $1,971,000. The bill would apply for taxable years beginning in 2003 and would index both thresholds for inflation thereafter.

According to the National Association of Mutual Insurance Companies, this legislation will help at least 665 small P&C insurance companies nationwide. In my State under current law, only 23 out of 86 small insurance companies are currently tax-exempt. Under this proposed legislation, at least 66 of the 86 small insurance companies will be covered, thereby enabling them to continue providing critical insurance coverage to small businesses across Missouri.

With this legislation, we have an opportunity to infuse some fairness into our tax code and at the same time help the thousands of farmers, ranchers, and entrepreneurs covered by small P&C insurers in this country. I ask my colleagues to support this legislation, and I look forward to working with the Finance Committee to see it enacted into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Insurance Company Inflation Adjustment Act".

SEC. 2. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) PREMIUM LIMITATIONS INCREASED TO REFLECT INFLATION SINCE FIRST IMPOSED.—

(1) INCREASED LIMITATIONS FOR EXEMPTION FROM TAX.—

(A) Subparagraph (A) of section 501(c)(15) of the Internal Revenue Code of 1986 is amended by striking "$350,000" and inserting "$575,000".

(B) Paragraph (15) of section 501(c) of such Code is amended by adding at the end the following new subparagraph:

"(D) In the case of any taxable year beginning in a calendar year after 2003, the $575,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

"(i) $575,000, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.".

(2) INCREASED LIMITATIONS FOR ALTERNATIVE TAX LIABILITY.—

(A) Clause (i) of section 831(b)(2)(A) of such Code is amended to read as follows:

"(i) the net written premiums (or, if greater, direct written premiums) for the taxable year exceed the amount applicable under section 501(c)(15)(A) but do not exceed $1,971,000, and ".

(B) Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, the $1,971,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

"(i) $1,971,000, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ENSIGN (for himself, Mr. ALLARD, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. LEVIN, Mr. LUGAR, Mr. HAGEL, Mr. LIEBERMAN, Mr. WYDEN, Mr. REID, and Mr. LEAHY):

S. 736. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I rise to introduce the Animal Fighting Enforcement Prohibition Act. I would like to thank my colleagues for their support in this endeavor to protect the welfare of animals. This legislation targets the troubling, widespread, and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 46 states. Cockfighting is illegal in 47 States, and it is a felony in 26 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animals fighting industries thrive. There are 11 underground dogfighting publications and several above-ground cockfighting magazines. These magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the Farm Bill last year, a provision was included that closed loopholes in Section 26 of the Animal Welfare Act. Both the House and the Senate increased the maximum jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act from one year to two years, making any violation a federal felony. However, during the conference, the jail-time increase was removed.

The legislation that I am introducing today seeks to do three things. First, it restores the jail-time increase to treat the violations as a felony. I am informed by U.S. Attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. To illustrate this, it is important to note that only three cases since 1976 have advanced, even though the USDA has received innumerable tips from informants and requests to assist with State and local prosecutions. Increased penalties will provide a greater incentive for Federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as "slashers." The slashers and ice-pick-like gaffs are attached to the legs of birds to make the cockfighting more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

Finally, the bill updates language regarding the procedures that enforcement agents follow when they seize the animals. This regards the proper care and transportation of the animals that are seized. It also states that the court may order the convicted person to pay for the costs incurred in the housing, care, feeding, and treatment of the animals.

This legislation is timely. Its need is emphasized with the recent outbreaks of Exotic Newcastle disease among poultry in my home state of Nevada. Exotic Newcastle disease is a deadly virus that spreads through migratory birds, vehicles, people's shoes, even across great distances through the air to attack birds of all types. It already has led to the destruction of about three million chickens and other birds in Nevada, California, and Arizona. It is widely suspected that illegal cockfighting contributes to the continuing spread of this disease. Agriculture interests in every state that houses the poultry industry are at risk of destruction by the possible spread of this disease. One of the ways to ensure greater protection against the spread of Exotic Newcastle Disease is to enforce the ban on interstate shipments of birds for the purpose of fighting. Our bill ensures that penalties are in place that will guarantee the enforcement of this ban.

I appreciate the strong support of Senators ALLARD, CANTWELL, DORGAN, HAGEL, HARKIN, LEAHY, LEVIN, LIEBERMAN, LUGAR, REID, and WYDEN in this effort and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative ROBERT ANDREWS for his leadership on a House version of this bill. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

By Mrs. BOXER:

S. 738. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing a bill that will protect hundreds of thousands of acres of wilderness in Northern California. The Northern California Coastal Wild Heritage Wilderness Act would designate 295,410 acres in 14 areas as Federal wilderness and would protect 24.4 miles of the Black Butte Creek.

California's natural treasures have always been one of the things that make California unique, drawing millions of people to them over the years to revel in their wild beauty. But that beauty must not be taken for granted. That is why I introduced the California Wild Heritage Act during the 107th Congress and will soon be reintroducing it. It was the first statewide wilderness bill for California since 1984.

The California Wild Heritage Act would protect more than 2.5 million acres of public land, as well as the free-flowing portions of 22 rivers. Every acre of wild land is a treasure, but the areas protected in this bill are some of California's most precious.

I was thrilled that the 107th Congress passed legislation to designate over 56,000 acres of my statewide bill, lands in the Los Padres National Forest, as wilderness. It was a wonderful first step. While I look forward to passage of the entire statewide bill, it is important that we move now to designate these special places as California wilderness areas.

That is why today I am pleased to be joining Representative MIKE THOMPSON of California in introducing legislation that contains the portions of my bill in five counties in California's First Congressional District. Let me mention a couple of examples. In southwestern Humboldt and northwestern Mendocino counties, 41,100 acres of the King Range will be protected as wilderness. This is the wildest portion of the California coast, boasting the longest stretch of undeveloped coastline in the United States outside of Alaska. This bill also protects 24.4 miles of the Black Butte Creek as a wild and scenic river. Black Butte Creek is so wild it is only crossed by one road for its entire length.

This bill would also protect the precious plant and animal species that make their homes in these areas. Endangered and threatened species whose habitats will be protected by this bill include the California brown pelican, steelhead trout, coho salmon, bald eagle, peregrine falcon, northern spotted owl, and Roosevelt elk.

For every Californian, there is currently less than half an acre of wilderness set aside. This is too little. During the last 20 years, 675,000 acres of unprotected wilderness—approximately the size of Yosemite National Park—lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people by the middle of the century, these development pressures are going to skyrocket. If we fail to act now, there simply will not be any wild lands or wild rivers left to protect.

Those of us who live in the United States have a very special responsibility to protect our natural heritage. Past generations have done it. They have left us with the wonderful and amazing gifts of Yosemite, Big Sur and Joshua Tree. These are places that Americans cannot imagine living without. Now it is our turn to protect this legacy for future generations—for our children's children, and their children. This bill is a start.

By Mr. AKAKA (for himself, Mr. DOMENICI, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. BAYH, Mr. INOUYE, and Mr. BINGAMAN):

S. 739. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I am pleased to join Senator DOMENICI, Chairman of the Senate Energy and Natural Resources Committee, and my colleagues Senator LIEBERMAN, Senator KYL, Senator REID, Senator BAYH, and Senator INOUYE, in introducing legislation that affirms the priority and importance of hydrogen programs in Federal research and development initiatives and charts a course of action toward the "hydrogen economy." The legislation reauthorizes the hydrogen programs in the Department of Energy and strengthens the Federal interagency effort to promote hydrogen research and development programs. It establishes a new program to demonstrate hydrogen technologies and their integration with fuel cells at Federal, State, and local government facilities.

Growing numbers of my colleagues in the Senate and in the House have indicated their interest in and commitment to promoting a hydrogen economy for the future. This commitment comes from a substantial legacy in the House and the Senate. This bill carries the names of two former Congressmen—the late George E. Brown, Jr., and Robert S. Walker—to honor their formidable and dedicated advocacy of hydrogen as a fuel source. In the Senate, my predecessor, Senator Spark Matsunaga, created the first formal hydrogen research program in this country, designed to accelerate development of a domestic capability to produce an economically renewable energy source. He introduced legislation in 1982 and his perseverance led to the Matsunaga Hydrogen Act, enacted in 1990 shortly after his death. When I succeeded Spark in the Senate, I took up the cause of hydrogen and continue to believe that it is one of our best hopes for independence from fossil fuels.

The Hydrogen Future Act of 1996, which followed the Matsunaga Hydrogen Act, expanded the research, development, and demonstration program. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications. It has enjoyed bipartisan support in Congress.

More recently in the 107th Congress, I have worked closely with Senator HARKIN and my colleagues on the Energy Committee to reauthorize the Hydrogen Future Act. We were able to include it in the Energy Policy Act of 2002, the comprehensive energy policy bill considered by the Senate during the spring of 2002. While the Senate and House were unable to come to agreement on the omnibus bill itself, progress was made on the research and development provisions, including hydrogen. I am pleased that many of my colleagues have begun to recognize the potential of hydrogen as a clean source of energy. I expect the numbers will only increase.

You may well ask, "Why do we need the Hydrogen Future Act of 2003 when we have the President's initiatives for hydrogen?" Because we need to reauthorize the underlying Federal framework for the direction of and investment in hydrogen research and development. The authorization for the program expired at the end of calendar year 2001. While I share the President's enthusiasm for hydrogen, I believe we must provide a robust legislative foundation for research and development involving hydrogen—for fuel cells, for demonstration projects at Government facilities, stationary and mobile projects, and near- and short-term goals, as well as long-term goals. The Hydrogen Future Act of 2003 reauthorizes and improves this strong foundation. I like to call my bill a "workhorse" bill. It is not fancy, but we need it and it gets the job done.

The bill highlights hydrogen's potential as an efficient and environmentally friendly source of energy. It emphasizes the need for strong partnerships between the Federal Government, industry, and academia; and it underscores the importance of hydrogen research. The bill also encourages private sector investment and cost sharing for the development of hydrogen as an energy source. These basic steps will move hydrogen closer to being a fuel we can rely on in many different aspects of our lives.

In these days of soaring energy prices, oil cartels, air pollution, global climate change and greenhouse gases, hydrogen is a dazzling alternative. We can have a zero-pollution fuel. It can be produced domestically, ending our dependence on foreign oil. The question is not whether there will be a hydrogen age but when.

Hydrogen as a fuel can help us resolve our energy problems and satisfy much of the world's energy needs. I am convinced that sometime in the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources.

In the next twenty years, increasing concerns about global climate change and energy security will help bring about the penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors. I realize that fossil fuels are and will continue to be a significant long-term transitional resource as we move toward renewables. I am optimistic, however, that in my lifetime I will be able to see hospitals, homes, military bases and cars running on locally-produced sources of hydrogen.

Clearly, this is a long-term vision for hydrogen energy as a renewable resource. Progress on hydrogen technology is being made, and challenges and barriers are being surmounted, at an accelerating pace on a global scale. According to the Japanese Automobile Manufacturers Association, Toyota and Honda will sell or lease fuel cell vehicles in the U.S. and Japan this year. Ford Motor Company is now showing its new hydrogen powered prototype, the Ford Model U. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. General Motors recently unveiled a stationary, hydrogen-powered generator that could be used to provide energy for homes and businesses. Transit bus demonstrations are underway in the U.S. and Europe. The Nation's capital city, Washington, DC, is one of the cities participating in the project.

We are all familiar with Iceland's far-sighted bid to become the world's first hydrogen-based economy. It has already made great strides in using renewable resources for its heating and electricity needs. The Nation is committed to transforming its remaining fossil fuel-based transportation sector, and its economically important fishing fleet, to hydrogen power. Iceland will have no need to import oil. Now there is a revolutionary thought!

Closer to home, I am particularly pleased that the State of Hawaii is taking the lead in ushering in the hydrogen era. The State has identified hydrogen-based renewable fuels, and the jobs it can create, as a high priority, high-tech opportunity that can jump-start and diversify our economy. The cost of electricity and gasoline in Hawaii are important incentives for finding cheaper, home-grown power. The Hawaii Natural Energy Institute of the University of Hawaii concluded that large-scale hydrogen use for transportation can be competitive this decade.

I am particularly pleased with the public-private partnership between the University of Hawaii's Natural Energy Institute, the Naval Research Laboratory, United Technologies Fuel Cells, and Hawaiian Electric Company. In January 2002, the Institute announced a partnership with the Department of Defense to establish a hydrogen fuel cell test facility in Honolulu. The facility will house up to eight state-of-the art fuel cell test stands and related operations supporting fuel cell development. The Institute has made Hawaii a leader in the development and testing of advanced fuel cell systems and fuels processing.

In California, the State's zero emissions vehicle requirements favor early introduction of hydrogen-powered vehicles. The city of Richmond, CA, opened the area's first hydrogen fueling station in October, 2002. The hydrogen fueling station looks like a gasoline pump, and can supply the daily fueling needs of a small fleet of vehicles at a fueling rate of one to two minutes per vehicle. These are important initiatives and illustrate the value of public-private partnerships along the pathway to a different energy source that requires an entirely different infrastructure.

Despite the progress, problems and challenges remain. First, hydrogen production costs from fossil and renewable energy sources remain high. Second, attractive low-cost storage technologies are not available. Third, the infrastructure is inadequate. We need to address these challenges and barriers if we are to enjoy the benefits of an efficient and environmentally friendly energy sources.

An aggressive research and development program can help us overcome these challenges by reducing production costs from fossil and renewable sources, advancing storage technologies, and addressing safety concerns with efforts in establishing codes and standards. Our Nation needs a sustained and focused research, development, and demonstration program to make hydrogen a viable source of energy.

The strategy should focus on mid-term and long-term goals. We must support development of technologies that enable distributed electric-generation fuel cell systems and hydrogen fuel cell vehicles for transportation applications. For the long term, we should look to hydrogen technologies that enhance renewable systems and offer us the promise of clean, abundant fuels.

The current Hydrogen Program, administered by the Department of Energy, supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safe and cost-effective manner. Some of these new technologies may become available for wider use in the next few years. The most promising include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, and reversible Proton Exchange Membrane, PEM, fuel cell systems. Other projects lay the groundwork for long range opportunities. These activities need continued support if the Nation is to enjoy the benefits of a clean energy source.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. The Lawrence Livermore, Los Alamos, Sandia, and Oak Ridge National Laboratories, as well as Jet Propulsion Laboratory and National Renewable Energy Laboratory, are involved in the program. The DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at the University of Miami and the University of Hawaii. U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. Cooperation between government, industry, universities, and the national laboratories is key to the successful development and commercialization of new and environmentally friendly energy technologies.

Today we are introducing legislation that reauthorizes and expands the Hydrogen Future Act of 1996. It highlights the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, state and local governments, universities, and industry, and modifies the current cost-sharing requirements to enable more participation in research projects by small companies. It adds provisions for the demonstration of hydrogen technologies at government facilities to expedite wider application of these technologies. The bill includes language to encourage international activities where appropriate in the DOE programs, both because of the need to develop world markets for our products and to encourage international development on a sustainable path. The legislation clarifies the composition of the Hydrogen Technical Advisory Panel that oversees the program for DOE and enhances interagency and inter-governmental cooperation in the hydrogen program.

The legislation we are introducing today authorizes $300 million over the next five years for research and development for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

The bill also authorizes $135 million for conducting integrated demonstrations of hydrogen technologies at governmental facilities. This provision will help secure industry participation through competitive solicitations for technology development and testing. It will test the viability of hydrogen production, storage, and use, and lead to the development of hydrogen-based operating experience acceptable to meet safety codes and standards.

By supporting this bill, we will be ushering in a new era of non-polluting energy. I urge my colleagues to support this important legislation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BUNNING, Mr. HOLLINGS, Mr. DAYTON, Ms. LANDRIEU, Ms. STABENOW, Mr. LAUTENBERG, and Mr. GRAHAM of South Carolina):

S. 740. A bill to amend title XVII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise to introduce the "Colon Cancer Screen for Life Act of 2003." I am pleased that my colleagues Senators COLLINS, BUNNING, DAYTON, HOLLINGS, and LANDRIEU have joined me in introducing this very important bill.

As many of my colleagues know from personal experience, colon cancer is a devastating disease, taking the lives of 57,000 Americans each year. It is the fourth most commonly diagnosed cancer in both men and women and the second most common cause of cancer-related death in the nation. Close to 150,000 new cases are diagnosed each year.

But colon cancer can be combated, controlled, and potentially conquered if it's caught in the earliest stages. In fact, colon cancer is a rare form of cancer in that it can even be prevented through screening—if pre-cancerous polyps are quickly identified and removed.

The survival rate when colon cancer is detected at an early, localized stage is 90 percent. But only 37 percent of such cancers are discovered at that stage. The later the disease is caught, the lower the survival rate.

That's why, in 1997, Congress led the fight against colon cancer by making screening for the disease a covered benefit for every Medicare recipient. That is especially significant because the risk of colon cancer rises with age.

Heightened awareness and greater access to treatment are working. Over the last 15 years, we've seen steady, if slow, annual declines in both incidence rates and mortality rates tied to colon cancer.

But we can do more, because barriers to screening still exist. Since the preventive benefits were enacted in 1997, there has been only a one percent increase in utilization by Medicare beneficiaries of either a screening or diagnostic colonoscopy. The Centers for Disease Control reports that screening for colon cancer lags far behind screening for other cancers.

We must do better and we can.

Modern technology has blessed us with extremely accurate screening tools, in particular the colonoscopy—which results in higher colon cancer identification rates and better long-term survival rates. A consultation with a doctor before a colonoscopy is required to ensure that patients are properly prepared before they undergo the procedure.

Unfortunately, Medicare does not pay for that consultation before a screening, creating an obvious obstacle to preventive treatment for many men and women. The Colon Cancer "Screen for Life" Act would cover these medical visits so that more Medicare beneficiaries will have easy access to screening.

Further, with this legislation, just as Congress has done for screening mammography, screening colonoscopy will not count toward a senior's Medicare deductible. This will remove additional financial disincentives to screening.

Finally, with this bill, we're breaking through another big barrier to early detection and treatment.

The medical reality is that colonoscopy procedures are invasive and require sedation to perform—making it safer for them to be conducted in a hospital setting, where safety standards and emergency procedures are in place, rather than in a private doctor's office. But when doctors perform colonoscopies for Medicare patients in a hospital, they take a hit on cost—because reimbursement for the procedure performed there has decreased by nearly 36 percent since 1997.

As a result, to balance their budgets, doctors and hospitals may choose to space out their Medicare patients, creating long waits for and limited access to these vital screenings.

The job of medical services should be cutting cancer, not cutting costs. Unfortunately, today something as critical as colon cancer screening is moderated not by the real needs of patients and their medical doctors, but by market forces and market forces alone.

To address the problem, the "Screen for Life" Act would increase the payment rates for colonoscopies performed in hospital facilities by 30 percent. The result will be more access to early detection and treatment and thousands of lives saved.

Colon cancer is a formidable foe, but we can make a difference in the fight against it. Early detection and treatment is our first line of defense.

With the help of the Colon Cancer "Screen for Life" Act, I hope that in a decade we'll have fewer cancer cases to contend with and more survivors to celebrate the simple fact that screening saves lives.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. MILLER, Mr. ALLARD, Mrs. LINCOLN, Mr. ENSIGN, Ms. COLLINS, Mr. CRAPO, Mr. CRAIG, and Mr. HARKIN):

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SESSIONS. Mr. President, I rise today in order to bring attention to a problem that unfortunately goes largely unnoticed except by those who are directly affected. Livestock and food animal producers, pet owners, zoo and wildlife biologists, and animals themselves face a severe shortage of approved animal drugs for use in minor species.

Minor species include thousands of animal species, including all fish, most birds, and sheep. By definition, minor species are any animals other than the major species—cattle, horses, chickens, turkeys, dogs, and cats. A similar shortage of drugs and medicines for major animal species exists for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availabiliity for these minor use drugs, millions of animals go untreated or treatment is delayed. Unnecessary animal physical and human emotional suffering results, and human health may be threatened as well.

Without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie. This causes severe economic hardship to struggling ranchers and farmers. For example, sheep ranchers lost nearly $42 million worth of livestock alone in 2002. The sheep industry estimates that if it had access to effective and necessary drugs to treat diseases, growers' reproduction costs for their animals would be cut by up to 15 percent. In addition, feedlot deaths would be reduced by 1 to 2 percent, adding approximately $8 million of revenue to the industry.

Alabama's catfish industry ranks second in the Nation. Though it is not the State's only aquacultural commodity, catfish is by far its largest. The catfish industry generates enormous economic opportunity in the State, particularly in West Alabama, one of the poorest regions in the State.

The catfish industry estimates its losses at $60 million per year attributable to diseases for which drugs are not available. Indeed, it is not uncommon for a catfish producer to lose half his stock due to disease. The U.S. aquaculture industry overall, including food fish and ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 6 drugs approved and available for use in treating aquaculture animal diseases. This results in tremendous economic hardship and animal suffering.

Because of limited market opportunity, low profit margins, and the enormous capital investment required, it is seldom economically feasible for drug manufacturers to pursue research and development and then seek approval for drugs used in treating minor species and for infrequent conditions and diseases in all animals.

I, along with Senator BINGAMAN, Senator ALLARD, Senator COLLINS, Senator CRAPO, Senator MILLER, Senator CRAIG, Senator ENSIGN, and Senator LINCOLN, resolve to improve this situation by introducing the Minor Use and Minor Species Animal Health Act of 2003. This legislation will allow animal drug manufacturers the opportunity to develop and obtain approval for minor use drugs which are vitally needed by a wide variety of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals.

This legislation creates a program very similar to the successful Human Orphan Drug Program that has dramatically increased the availability of drugs to treat rare human diseases over the past 20 years.

The bill establishes two new ways to lawfully market new animal drugs:

First, it establishes a conditional approval mechanism for new animal drugs for minor uses and minor species. Conditionally approved new animal drugs must meet the same new approval requirements for safety as new animal drugs approved under section 512 of the FDC Act. However, the effectiveness standard for conditionally approved drugs would differ from the effectiveness standard for new drugs approved under Section 512 in that a "reasonable expectation of effectiveness" rather than "substantial evidence of effectiveness" would be demonstrated. If the FDA approves an application for conditional approval, this approval will be in effect for 1 year, renewable for a maximum of 4 additional 1 year terms. This conditional approval is intended to allow drug sponsors to recoup some development costs through marketing the product prior to full, unconditional approval.

Second, this legislation provides for an index of legally marketed unapproved new animal drugs for some nonfood minor animal species. The index is intended to provide a way to lawfully market those minor species drugs for which there is unlikely to be sufficient financial incentive to seek a full or conditional approval. If the FDA determines that a new animal drug is eligible for listing on the index, the new drug will be added to the index if the benefits of using the drug outweigh the risks, taking into account the harm caused by the absence of an approved or conditionally approved drug for the use in question. The addition of a drug to the index will be based in large part on a report of an independent expert panel.

The Minor Use and Minor Species Animal Health Act will not alter FDA drug-approval responsibilities that ensure the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. This rigorous testing and review process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from treated animals. Current FDA requirements include guidelines to prevent harmful residues and evaluations to examine the potential for the selection guidelines to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any food animal medicine or drug considered for approval under this bill would be subject to these same assessments.

The Minor Use and Minor Species Animal Health Act is supported by 43 organizations, including the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and the National Aquaculture Association. This is vital legislation.

This Act will reduce the economic risks and hardships which fall upon ranchers and farmers as a result of livestock diseases. It will benefit pets and their owners and benefit various endangered species and aquatic animals. The Act also will promote the health of all animal species while protecting human health and will alleviate unnecessary animal suffering. This is common-sense legislation which will benefit millions of American pet owners, farmers, and ranchers.

By Mr. BROWNBACK (for himself, Mrs. CLINTON, Mr. LEAHY, Ms. MIKULSKI, Mr. SMITH, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. BINGAMAN):

S. 742. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Disability and Victims of Warfare and Civil Strife Assistance Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following finding:

(1)(A) According to the International Committee of the Red Cross, there are tens of millions of landmines in over 60 countries around the world, and it has estimated that as many as 24,000 people are maimed or killed each year by landmines, mostly civilians, resulting in amputations and disabilities of various kinds.

(B) While the United States Government invests more than $100,000,000 in mine action programs annually, including funding for mine awareness and demining training programs, only about ten percent of these funds go to directly aid landmine victims.

(C) The Patrick Leahy War Victims Fund, administered by the United States Agency for International Development, has provided essential prosthetics and rehabilitation for landmine and other war victims in developing countries who are disabled and has provided long-term sustainable improvements in quality of life for victims of civil strife and warfare, addressing such issues as barrier-free accessibility, reduction of social stigmatization, and increasing economic opportunities.

(D) Enhanced coordination is needed among Federal agencies that carry out assistance programs in foreign countries for victims of landmines and other victims of civil strife and warfare to make better use of interagency expertise and resources.

(2) According to a review of Poverty and Disability commissioned by the World Bank, "disabled people have lower education and income levels than the rest of the population. They are more likely to have incomes below poverty level than the non-disabled population, and they are less likely to have savings and other assets . . . [t]he links between poverty and disability go two ways—not only does disability add to the risk of poverty, but conditions of poverty add to the risk of disability.".

(3) Numerous international human rights conventions and declarations recognize the need to protect the rights of individuals regardless of their status, including those individuals with disabilities, through the principles of equality and non-discrimination.

(b) PURPOSE.—The purpose of this Act is to authorize assistance for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

SEC. 3. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 134 the following:

SEC. 135. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

"(a) AUTHORIZATION.—the President is authorized to furnish assistance to individuals with disabilities, including victims of civil strife and warfare, in foreign countries.1

"(b) ACTIVITIES.—The programs established pursuant to subsection (a) may include programs, projects, and activities such as the following:

"(1) Development of local capacity to provide medical and rehabilitation services for individuals with disabilities, including victims of civil strife and warfare, in foreign countries, such as—

"(A) support for and training of medical professionals, including surgeons, nurses, and physical therapists, to provide effective emergency and other medical care and for the development of training manuals relating to first aid and other medical treatment;

"(B) support for sustainable prosthetic and orthotic services; and

"(C) psychological and social rehabilitation of such individuals, together with their families as appropriate, for the reintegration of such individuals into local communities.

"(2) Support for policy reform and educational efforts related to the needs and abilities of individuals with disabilities, including victims of civil strife and warfare.

"(3) Coordination of programs established pursuant to subsection (a) with existing programs for individuals with disabilities, including victims of civil strife and warfare, in foreign countries.

"(4) Support for establishment of appropriate entities in foreign countries to coordinate programs, projects, and activities related to assistance for individuals with disabilities, including victims of civil strife and warfare.

"(5) Support for primary, secondary, and vocational education, public awareness and training programs and other activities that help prevent war-related injuries and assist individuals with disabilities, including victims of civil strife and warfare, with their reintegration into society and their ability to make sustained social and economic contributions to society.

"(c) PRIORITY.—To the maximum extent feasible, assistance under this section shall be provided through nongovernmental organizations, and, as appropriate, through governments to establish appropriate norms, standards, and policies related to rehabilitation and issues affecting individuals with disabilities, including victims of civil strife and warfare.

"(d) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 are authorized to be made available to carry out this section and are authorized to be provided notwithstanding any other provision of law.".

SEC. 4. RESEARCH, PREVENTION, AND ASSISTANCE RELATED TO INTERNATIONAL DISABILITIES AND LANDMINE AND OTHER WAR VICTIMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is authorized—

(A) to conduct programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare;

(B) to provide grants to nongovernmental organizations for the purpose of carrying out research, prevention, public awareness and assistance programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

(2) APPROVAL OF SECRETARY OF STATE.—Activities under programs established pursuant to paragraph (1) may be carried out in foreign countries only in coordination with the Administrator of the United States Agency for International Development, and upon approval for such activities in such countries by the Secretary of State.

(b) ACTIVITIES.—Programs established pursuant to subsection (a) may include the following activities:

(1) Research on trauma, physical, psychological, and social rehabilitation, and continuing medical care related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, including—

(A) conducting research on psychological and social factors that lead to successful recovery;

(B) developing, testing, and evaluating model interventions that reduce post-traumatic stress and promote health and well-being;

(C) developing basic instruction tools for initial medical response to traumatic injuries; and

(D) developing basic instruction manuals for patients and healthcare providers, including for emergency and follow-up care, proper amputation procedures, and reconstructive surgery.

(2) Facilitation of peer support networks for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, in foreign countries, including—

(A) establishment of organizations at the local level, administered by such individuals, to assess and address the physical, psychological, economic and social rehabilitation and other needs of such individuals, together with their families as appropriate, for the purpose of economic and social reintegration into local communities; and

(B) training related to the implementation of such peer support networks, including training of outreach workers to assist in the establishment of organizations such as those described in subparagraph (A) and assistance to facilitate the use of the networks by such individuals.

(3) Sharing of expertise from limb-loss and disability research centers in the United States with similar centers and facilities in war-affected countries, including promoting increased health for individuals with limb loss and limb deficiency and epidemiological research on secondary medical conditions related to limb loss and limb deficiency.

(4) Developing a database of best practices to address the needs of the war-related disabled through comprehensive examination of support activities related to such disability and access to medical care and supplies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2004.

SEC. 5. EXPERTISE OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs is authorized—

(1) to provide advice and expertise on prosthetics, orthotics, physical and psychological rehabilitation and treatment, and disability assistance to other Federal departments and agencies, including providing for temporary assignment on a non-reimbursable basis of appropriate Department of Veterans Affairs personnel, with respect to the implementation of programs to provide assistance to victims of landmines and other victims of civil strife and warfare in foreign countries and landmine research and health-related programs, including programs established pursuant to section 135 of the Foreign Assistance Act of 1961 (as added by section 3 of this Act) and programs established pursuant to section 4 of this Act; and

(2) to provide technical assistance to private voluntary organizations on a reimbursable basis with respect to the planning, development, operation, and evaluation of such landmine assistance, research, and prevention programs.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 31—EXPRESSING THE OUTRAGE OF CONGRESS AT THE TREATMENT OF CERTAIN AMERICAN PRISONERS OF WAR BY THE GOVERNMENT OF IRAQ

Mr. FRIST (for Mr. LIEBERMAN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER)) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas the Authorization for Use of Military Force Against Iraq Resolution of 2002

(Public Law 107–243; 166 Stat. 1498), enacted into law on October 16, 2002, authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq;

Whereas a coalition of nations, under the authority of United Nations Security Council resolution 678 adopted on November 29, 1990 and authorizing member states to use "all necessary means to uphold and implement resolution 660 (1990)," initiated military action against Iraq in 1991 to enforce compliance with the resolutions of the Security Council;

Whereas the United Nations Security Council, pursuant to Security Council resolution 687 adopted on April 3, 1991, established a cease-fire subject to compliance with specific conditions and obligations on the part of Iraq;

Whereas the United Nations Security Council unanimously approved Security Council resolution 1441 on November 8, 2002, declaring that Iraq "has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the [International Atomic Energy Agency (IAEA)], and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991)";

Whereas Iraq failed to avail itself of the "final opportunity to comply with its disarmament obligations under relevant resolutions of the Council" that was offered by United Nations Security Council resolution 1441 by failing to "cooperate immediately, unconditionally, and actively with [the United Nations Monitoring Verification and Inspection Commission (UNMOVIC)] and the IAEA" and by failing to "not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution";

Whereas the President, acting pursuant to his constitutional authority and the authorization of Congress, declared on March 19, 2003 that the United States had initiated military operations in Iraq;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiryah, demonstrating, as the President said on March 26, 2003, that in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners";

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950 ("the Geneva Convention");

Whereas the Geneva Convention requires that "[p]risoners of war must at all times be humanely treated" and specifically "must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity";

Whereas the Geneva Convention stipulates that "[p]risoners of war are entitled in all circumstances to respect for their persons and their honour" and that "[w]omen shall be treated with all the regard due to their sex";

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its outrage at the flagrant violations by the Government of Iraq of the customary international law of war and the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950;

(2) supports in the strongest terms the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

(3) expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War, which afford prisoners of war the proper and humane treatment to which they are entitled; and

(4) expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

AMENDMENTS SUBMITTED AND PROPOSED

SA 433. Mr. BAUCUS (for Mr. Grassley (for himself, Mr. Baucus, and Mr. Miller)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

TEXT OF AMENDMENTS

SA 433. Mr. BAUCUS (for Mr. Grassley (for himself, Mr. Baucus, and Mr. Miller)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; as follows:

Strike all after the enactment clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) Short Title.—This Act may be cited as the "Armed Forces Tax Fairness Act of 2003".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations
Sec. 106. Clarification of treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—OTHER PROVISIONS

Sec. 201. Extension of IRS user fees.
Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) In General.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) Members of uniformed services and foreign service.—

"(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) Qualified official extended duty.—For purposes of this paragraph—

"(i) In general.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) Foreign service of the United States.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) Extended duty.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) Special rules relating to election.—

"(i) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) Revocation of election.—An election under subparagraph (A) may be revoked at any time.".

(b) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) In General.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) In General.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Qualified Military Base Realignment and Closure Fringe.—For purposes of this section—

"(1) In general.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) Limitation.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) In General.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) Conforming Amendments.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) Effective Date.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) Clarification of certain benefits.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) Conforming Amendments.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) No Inference.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) In General.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of the section) attributable to such attendance, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

"(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 104(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSE OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting "**DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provisions of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) Interest.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) Covered Expatriate.—For purposes of this section—

“(1) In general.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) Exempt Property; Special Rules for Pension Plans.—

“(1) Exempt property.—This section shall not apply to the following:

“(A) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) Special rules for certain retirement plans.—

“(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) Applicable plans.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) Definitions.—For purposes of this section—

“(1) Expatriate.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) Expatriation date.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) Relinquishment of citizenship.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) Long-term resident.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) Special Rules Applicable to Beneficiaries' Interests in Trust.—

“(1) In general.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having solid its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) Special rules for interests in qualified trusts.—

“(A) In general.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) Amount of tax.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) Deferred tax account.—For purposes of subparagraph (B)(ii)—

“(i) Opening balance.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) Increase for interest.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) Decrease for taxes previously paid.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) Allocable expatriation gain.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) Tax deducted and withheld.—

“(i) In general.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) Exception where failure to waive treaty rights.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayers' trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

"(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States."

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(1)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue

Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (1)(16)" each place it appears and inserting "or (18)".

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (1)(16)" each place it appears and inserting "(18), or (19)".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United State citizenship (within the meaning of section 877A(e)(3)" and "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of the Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 10 a.m., in open and possibly closed session to receive testimony on the future of The North Atlantic Treaty Organization, (NATO).

Witnesses

Honorable Marc I. Grossman, Under Secretary of State for Political Affairs; Honorable Douglas J. Feith, Under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet on Thursday, March 27, 2003, at 9:30 a.m., in SR–253, for a hearing on Cloning: A Risk to Women?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 27 at 9:30 a.m. to receive testimony regarding to receive testimony on various electricity proposals including, but not limited to, S. 475, the Electric Transmission and Reliability Enhancement Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 27, 2003 at 2:30 p.m. to hold a hearing on NATO Enlargement: Qualifications and Contributions.

Witnesses

Panel 1: Ms. Heather A. Conley, Deputy Assistant Secretary of State European & Eurasian Affairs, Department of State, Washington, DC; Ms. Janet L. Bogue, Deputy Assistant Secretary of State European & Eurasian Affairs, Department of State, Washington, DC; Mr. Ian Brzezinski, Deputy Assistant Secretary European & NATO Affairs, Department of Defense, Washington, DC; and Mr. Robert A. Bradtke, Deputy Assistant Secretary European & Eurasian Affairs, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objections, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on AIDS Crisis in Africa: Health Care Transmission during the session of the Senate on Thursday, March 27, 2003, at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 27, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations: Priscilla Richmond Owen to be U.S. Circuit Judge for the Fifth Circuit; Mary Ellen Coster Williams to be Judge for the Court of Federal Claims; Victor J. Wolski to be Judge for the Court of Federal Claims; Ricardo H. Hinojosa to be U.S. Sentencing Commissioner; Michael E. Horowitz to be U.S. Sentencing Commissioner; McGregor Scott to be U.S. Attorney for the Eastern District of California.

II. Bills: S. 274 Class Action Fairness Act of 2003.

II. Committee Business: Discussion of Rule IV.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Thursday, March 27, 2003, at 2:00 p.m. in Dirksen Room 226.

Panel I: The Honorable PAUL SARBANES, United States Senator [D–MD]; The Honorable BARBARA MIKULSKI, United States Senator [D–MD]; The Honorable JEFF BINGAMAN, United States Senator [D–NM]; The Honorable JOHN BREAUX, United States Senator [D–LA]; The Honorable MARY LANDRIEU, United States Senator [D–LA]; The Honorable KAY BAILEY HUTCHISON, United States Senator [R–TX]; The Honorable JOHN CORNYN, United States Senator [R–TX]; The Honorable BLANCHE LINCOLN, United States Senator [D–AR]; The Honorable MARK PRYOR, United States Senator [D–AR]; The Honorable GEORGE ALLEN, United States Senator [R–VA]; The Honorable BILLY TAUZIN, United States Representative [R–LA–3rd District].

Panel II: Edward C. Prado to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard D. Bennett to be United States District Judge for the District of Maryland; Dee D. Drell to be United States District Judge for the Western District of Louisiana; J. Leon Holmes to be United States District Court Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 2:30 p.m., in open session to receive testimony on compensation for disabled military retirees, in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 2:30 p.m., in closed session to receive testimony on intelligence support to warfighters, in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mark Kirbabas, Tyler Garrett, and Shawn White of my staff be granted the privilege of the floor for the consideration of H.R. 1307.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 44, S. 330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 330) to further the protection and recognition of veterans' memorials, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of this measure and commend Senator CAMPBELL for his leadership on this matter. This is a measure the Senate passed last year as S. 1644. The Senate's action in May, 2002, unfortunately met with resistance in the House of Representatives and our bill was not enacted into law last year as it should have been.

Senator CAMPBELL correctly proceeded to reintroduce the bill as S. 330, earlier this year. The bill provides for two things: highway signs to guide visitors to veterans cemeteries and a criminal provision for the willful destruction of memorials and cemeteries for our Armed Forces veterans.

I have urged all Senators, Republicans and Democrats, to support this modest legislative effort to help honor our Armed Forces veterans. In addition, of course, I will continue to support efforts to improve medical services, veterans hospitals, and other benefits for the women and men who risk and have risked their lives and livelihoods to protect all of us.

I asked the chairman of the Judiciary Committee to include this matter on the agenda for Judiciary Committee action last week. I thank him for accommodating our request and am happy that this bill was reported unanimously by the Judiciary Committee to the full Senate. I am confident that the Senate will again pass it. I trust that this year the House of Representatives will act favorably on this good legislation to honor our veterans.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 330) was read the third time and passed, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2003".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"§ 1369. Destruction of veterans' memorials

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials.".

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 85, on today's Executive Calendar; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Vernon Bernard Parker, of Arizona, to be an Assistant Secretary of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 6 o'clock on Monday, March 31, the Senate proceed to executive session for the consideration of Calendar No. 77, the nomination of Theresa Springmann, to be U.S. District Judge for the Northern District of Indiana; further, I ask that the Senate then proceed to a vote on the confirmation of the nomination; that after the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Tuesday, April 1, the Senate proceed to executive session for the consideration of Calendar No. 55, the nomination of Timothy Tymkovich, to be U.S. Circuit Judge for the Tenth Circuit; I further ask consent that there be 6 hours for debate, equally divided in the usual form, and that following the use or yielding back of that time, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate; I finally ask consent that following the vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 31, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m., Monday, March 31; I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 6 p.m., with the time equally divided between the two leaders or their designees, and statements limited to 10 minutes each.

I further ask consent that the first hour be equally divided between Senators Hutchison and Lincoln or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene Monday, at 3 p.m. This will allow Members to attend services for our departed colleague, Senator Daniel Patrick Moynihan. When the Senate convenes, the first hour of the morning business period will be devoted to statements regarding our men and women in the Armed Forces who are engaged in conflict in Iraq. Following those statements of support, there will be additional time for Senators to give further tributes to Senator Daniel Patrick Moynihan.

Under a previous order, the next vote will occur at 6 p.m., on Monday, on a district court judge. And under the order, on Tuesday morning, the Senate will consider the Tymkovich nomination to be a U.S. Circuit Judge for the Tenth Circuit. The vote on that nomination will occur at some time on Tuesday, upon the use or yielding back of the 6 hours of debate.

Next week, the Senate may also consider any other legislative or executive items that can be cleared for action, including executive nominations that have been reported and are on the calendar, other measures supporting our troops, FISA—that is, the Foreign Intelligence Surveillance Act—the CARE Act, and the supplemental appropriations.

I look forward to another productive week. And I wish everyone a safe and restful weekend.

ADJOURNMENT UNTIL MONDAY, MARCH 31, 2003, AT 3 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Monday, March 31, 2003, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate March 27, 2003:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR A TERM OF FOUR YEARS, VICE MICHAEL H. TRUJILLO.

THE JUDICIARY

JOHN A. WOODCOCK, JR., OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE GENE CARTER, RETIRED.

MARK R. KRAVITZ, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE ALFRED V. COVELLO, RETIRED.

L. SCOTT COOGLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE H. DEAN BUTTRAM, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 2003:

DEPARTMENT OF AGRICULTURE

VERNON BERNARD PARKER, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES V. SELNA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

EXTENSIONS OF REMARKS

TRIBUTE TO CASEY BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Casey Brown of Ignacio, Colorado. Mr. Brown has been a dedicated citizen and leader of the Southwest Colorado community and it is my honor to pay tribute to his accomplishments before this body of Congress and this nation.

Casey graduated from New Mexico State University and the University of Wyoming with a focus on wool production. After college and a brief teaching stint at California State Polytechnic University in Pomona, California, Casey returned to the Four Corners area to help his father run their family ranch in New Mexico. Casey has continued to manage the ranch, which now includes a herd of 2,500 sheep and 200 cattle.

Casey has always been active in agricultural and community activities, serving as a member of the San Juan County Fair Association, the New Mexico State University experimental station advisory board, the Pine River Irrigation District board, and as the founder of Citizens for Common Sense Government. Additionally, Casey is the past president of the Colorado Wool Growers Association, which recognized him as Wool Grower of the Year in 1993. Among other honors, Casey was the La Plata County Cattleman of the Year in 1992, DACRA Agriculturalist of the Year in 1999, and earned special recognition for service by the National Public Lands Council in 1994.

For his significant contributions in the agricultural community, Casey was named the seventh recipient of the Southwestern Colorado Livestock Association's Distinguished Service Award, which honors members who have gone above and beyond in their contributions to the livestock industry. –Mr. Speaker, it is with honor that I commend Mr. Casey Brown before this body of Congress and this great nation for his dedication to his trade and his community. His contributions have greatly benefited the people of the Four Corners region and I am honored to have the opportunity to represent such a fine Coloradan. I wish Casey the best of luck with all of his future endeavors.

PROVIDING FOR CONSIDERATION OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this rule, H. Res. 160.

The rule in the House should mirror the opinion of our colleagues in the Senate, that H.R. 1104 should be reduced to one single issue: The Amber Alert system.

The rule as written, however, provides for debate on extraneous issues ranging from sentencing guidelines, to penalties for possession of child pornography, to the investigative powers of the U.S. Secret Service.

While these and the other extraneous provisions in H.R. 1104 are worthy of our full consideration, those provisions should not be considered in H.R. 1104.

The House should debate and pass a clean Amber Alert bill, just as the Senate passed a clean Amber Alert bill with S. 121.

By passing a clean Amber Alert bill we send a clear message to America's families that the safety of our children is a priority second to none.

We also increase the likelihood that more child abductions will have the happy ending experienced by the family of Elizabeth Smart, who, as we all know, was safely returned to her family after a nine-month-long kidnapping ordeal.

The Republican majority's decision to bog down the Amber Alert bill with several unnecessary and unrelated provisions is inexplicable and endangers our children.

It seems as though the majority has used every conceivable measure to load up the bill and make it more difficult to pass.

The Senate set aside their partisan agendas and took a giant step toward protecting America's children by passing a clean, bipartisan Amber Alert bill.

The Majority should set aside their agenda and eliminate these extraneous provisions so that the House, too, can pass a clean Amber Alert bill.

Mr. Speaker, I support H.R. 412, a clean Amber Alert bill.

I oppose the rule, H. Res. 160.

CONGRATULATING MEMBERS OF THE MATIGNON HIGH SCHOOL BASKETBALL TEAM

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize two more members of the Matignon Warriors boys' basketball team that won the MIAA Division 4 state championship on March 10, 2003. Last week I submitted for the record the Warriors' team roster, and inadvertently left out Jimmy Burns and Michael Flaherty. I would like to correct that today, and congratulate them on their successful season.

TRIBUTE TO THE NATIONAL SERVICE ORGANIZATION OF SCHOLASTIC

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of the National Service Organization of Scholastic, which is the largest employer in Jefferson City, MO. Scholastic was rewarded the PR News 2002 Corporate Social Responsibility Award.

Scholastic has been awarded this honor due to their ongoing innovation campaigns and ongoing programs. Scholastic was honored in the category of Diversity Communications for its partnership with Lincoln University on sponsorships, scholarships, job internships, and book donations. The company sponsors programs that provide speakers and curriculum literature, and also recognizes outstanding achievement of faculty, staff, and volunteers for local schools.

Scholastic also has a long-term commitment to Missouri through their annual summer book donation program, which provides children at more than 150 schools with a donation of three books for each student for summer reading. Scholastic also provides Lincoln University books and materials each month for their children's library. In addition, the company fosters recruitment opportunities and sponsors writing and student awards programs. Many of Scholastic's employees also serve on Lincoln University's advisory board.

Mr. Speaker, I know that the National Service Organization of Scholastic should be honored for their commitment to serving their local communities. They can be proud of their accomplishments. I know the Members of the House will join me in congratulating Scholastic for this well deserved award.

TRIBUTE TO ROBERT DUNCAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, it is with much pleasure that I rise today to honor the accomplishments of Robert Duncan of the San Juan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Technical School located in Denver, Colorado. Robert has dedicated his life to passing on his extensive knowledge and experience, providing many students with otherwise unthinkable opportunities. I wish to take this opportunity to acknowledge Robert's dedication and commitment to education before this body of Congress and this Nation.

Robert is known for his expertise in automotive technology and his dedication to his students. His recent award recognizes Robert's ability as a teacher, particularly emphasizing the dramatic increases in enrollment in Robert's courses and his success recruiting women into his automotive technology program. Furthermore, Robert has won acclaim for his unique talent for welcoming special education students and helping them excel in the program. Great teachers, like Robert, draw on their own practical experience in order to bring the real world into the classroom. Recently, the State Board of Community Colleges and Occupational Education named Robert faculty member of the year.

Mr. Speaker, I am proud to stand today and recognize Robert Duncan before this Congress and this Nation. We should all express our deepest gratitude to teachers like Robert. They make an enormous difference one life at a time, providing countless students with opportunity and hope. Teaching truly is a noble calling, and Robert has answered that call.

LETTER TO THE PRESIDENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. STARK. Mr. Speaker, I commend to my colleagues' attention the following letter sent to President George W. Bush by members of the California Legislature stating their opposition to war against Iraq. I am proud of these 52 lawmakers who represent a diversity of California's citizens. They understand first-hand the cost of this capricious act. Financing this war will mean less federal investment in schools and nursing homes and the loss of basic services for the working poor, the disabled and mentally-ill. They are rightly concerned about the impact this war will have on those young Americans who have been called to fight. They are disappointed about the diminished respect and influence America will have in the world given the President's use of military power, not the interests of peace and democracy, in his approach to foreign affairs. I commend my fellow Californians for their eloquence and outspokenness on an issue of such great importance to the American people.

CALIFORNIA LEGISLATURE,
March 4, 2003.

Hon. GEORGE W. BUSH,
President, United States of America, The White House, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: As Members of the California State Legislature, we respectfully write in opposition to a war on Iraq without a formal resolution by the United Nations Security Council and a declaration of war by Congress.

As elected representatives of the largest population and economy in America, we have many concerns over the policies your administration is pursuing. These include:

A lack of credible evidence that meets the standard of "beyond a reasonable doubt" that shows the imminent danger Iraq poses to America's essential interests. Neither Colin Powell nor Hans Blix presented a case sufficient to warrant an attack by American forces.

A failure to persuade other nations to support our intentions. Unlike the aftermath of the Attack on America, you have not been able to enlist the support of other key nations, who presumably have been given even more intelligence data than has the American public. This lack of geo-political solidarity substantially weakens America's case in the court of world opinion. Further, it enhances the prospects of fighting a war with few allies.

Lack of clarity about the possible instability in the Middle East during the war and subsequent foreign occupation of Iraq. It seems unlikely that the Muslim world will for long passively accept America's incursion—whatever our provocation.

Respectfully,

Don Perata, Byron Sher, Jack Scott, Mike Machado, Tom Torlakson, Gloria Romero, Wesley Chesbro, Debra Bowen, Deborah Ortiz, John Burton, Liz Figueroa, Gil Cedillo, Sheila Kuehl, John Vasconcellos, Edward Vincent, Richard Alarcón, Jackie Speier, Dede Alpert.

Paul Koretz, John Longville, Mervyn Dymally, Christine Kehoe, Jackie Goldberg, Fabian Nuńez, Sally J. Lieber, Ronald Calderon, John Laird, Loni Hancock, Judy Chu, Patricia Wiggins, Alan Lowenthal, Hannah-Beth Jackson, Gene Mullin, Cindy Montañez, Marco Firebaugh, Patty Berg, Wilma Chan.

RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 113 recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem. Although we live in the world's wealthiest nation, we have yet to eradicate some of the most disheartening social ills that plague our society. Throughout this great republic, it is a fact that many of our children are in great need, impacted by the horrifying realities of unsafe and unhealthy living environments, wherein abuse and neglect tear away at the very core of their youthfulness.

With regards to the prevalence of this problem, in 1999, an estimated 3,244,000 children were reported to Child Protective Services agencies as alleged victims of child maltreatment. Child abuse reports have maintained a steady growth for the past ten years, with the total number of reports nationwide increasing 45 percent since 1987. Neglect represents the most common type of reported and substantiated form of maltreatment. In 1996, 25 States provided the following breakdown for reported cases: 62 percent involved neglect, 25 percent physical abuse, 7 percent sexual abuse, 3 percent emotional maltreatment, and 4 percent other. For substantiated cases, 31 States gave the following breakdowns: 60 percent neglect, 23 percent physical, 9 percent sexual, 4 percent emotional maltreatment and 5 percent other.

Figures issued by another study conducted in 2000, which surveyed 48 States, representing over 95 percent of the population under 18, reveal a serious need for concern. Approximately 1,356 children died due to causes of child abuse and neglect. More specifically, children under 5 years old accounted for four out of five of all fatalities reported, which served as the 2nd leading cause of death of children ages 1–4 in the United States. In that same year, children under 1 year old accounted for two out of five of all fatalities reported.

In the State of Texas, Child Protective Services reported there were 131,147 investigations of child abuse and neglect and 47,532 were confirmed victims. In fact, of the child abuse and neglect related fatalities in the State of Texas, figures from 2001 data show Harris County with the most occurrences.

To this end, there is no doubt that child abuse and neglect continues to be a significant problem in the United States. These statistics can only begin to help us understand the scope of the problem—who is affected and what extents to which they are. Nonetheless, this legislation makes way for others in the public who may not ordinarily think about such problems more acutely aware of these issues.

Our children are our future, but their health and safety in our society continues to decline. Everyone has an obligation to ensuring children have a chance at a great life and a prosperous future. The reality is alarming, but our commitment to the goals of this legislation must be strong. Mr. Speaker, I urge my colleagues to support this legislation.

TRIBUTE TO THE VETERANS OF FOREIGN WARS, GREATER RIVERSIDE CHAMBERS OF COMMERCE, MORENO VALLEY CHAMBER OF COMMERCE, AMERICAN RED CROSS, SALVATION ARMY AND COMMUNITY FOUNDATION, MARCH CANTEEN, HARVEST CHRISTIAN FELLOWSHIP AND OTHERS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to several organizations whose patriotism, dedication and contributions to the troops deploying out of March Air Reserve Base in Riverside, California are exceptional. As our troops have been preparing to deploy to the Middle East many local organizations have taken it upon themselves to provide an outpouring of support and assistance.

The local organizations involved have been the Veterans of Foreign Wars, Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, American Red Cross, Salvation Army and Community Foundation, March Canteen and Harvest Christian Fellowship.

March Air Reserve Base has a long history of honorable service to our country and once again it will hold a place in U.S. military history. The substantial airlift of 6,500 tons of cargo and the movement of 26,400 Marines headed for overseas has been helped by public donations of food and $30,000. The volunteers have handed out fruit, potato chips, cookies and paperback books to each Marine passing through the Marine deployment terminal. The Marines were also given personal items in order to provide a measure of comfort during their stay in the Middle East.

The groups and individuals involved in the volunteer effort expressed nothing but appreciation and admiration for the men and women who have answered their call to duty. Their organization, determination, and work on behalf of our military are an example for every citizen of the United States of America. Their own call to the duty of volunteerism represents compassion and caring through organization. As our soldiers carry out their mission in Iraq, those last acts of generosity, kindness, support and love will be remembered as our troop's face what may be the most difficult time in their lives.

The Veterans of Foreign Wars, Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, American Red Cross, Salvation Army and Community Foundation, March Canteen, Harvest Christian Fellowship and others have shown their patriotism and I am proud of the work they have done for our troops. I am honored to have such dedicated community organizations in my congressional district as well as a military base that contributes to the national security of our country and the liberation of the Iraqi people.

RECOGNIZING THE CONTRIBUTIONS OF GERARD F. DOHERTY TO THE STATE OF MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize Gerard F. Doherty, a distinguished resident of the 8th Congressional District. Mr. Doherty is a graduate of Malden Catholic High School and Harvard College. He earned a Masters Degree in Health Administration at Wayne University and a Law Degree from Suffolk University.

Gerard Doherty's involvement in state politics began in 1957 as a member of the Massachusetts' House of Representatives, where he served until 1965. He served as the Chairman of the Massachusetts Democratic Party from 1962 until 1965 and, in 1968, Mr. Doherty managed Senator Robert F. Kennedy's Presidential campaign in Indiana, helping Senator Kennedy win the Indiana Democratic primary. Since 1961, Mr. Doherty has been practicing real estate, public policy, and energy law in private practice.

Mr. Doherty also serves numerous organizations in Massachusetts. He is a Trustee at Suffolk University in Boston and a Board Member and Trustee of Malden Catholic High School. He serves on the Board for the Friends Charlestown Catholic and the Massachusetts Eye and Ear Infirmary. He is also a member of the John F. Kennedy Library Foundation.

To honor his contributions to a number of causes and organizations, the John F. Kennedy Library Foundation named Mr. Doherty their 1998 "Irishman of the Year." That same year, the Charlestown Community Awards Committee presented Mr. Doherty with the "Unsung Hero Award" for his service to the Charlestown Community. On May 28, 2002, Mr. Doherty was honored with the "Vision of Hope" award by the John F. Kennedy Center in Charlestown, Massachusetts. This award paid tribute to Mr. Doherty and his wife Marilyn as "persons who, through selfless efforts to help others and by their own exceptional example, provide a vision of hope to Massachusetts citizens."

Gerard Doherty's lifelong commitment to Massachusetts is admirable and deserving of recognition. The Commonwealth of Massachusetts is fortunate to have a citizen who is involved in so many worthwhile efforts in his community. I congratulate Gerard Doherty on his extraordinary public service and I wish him continued success.

STATEMENT ON HOUSE RESOLUTION 153

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Ms. HARMAN. Mr. Speaker, I rise to explain my vote on House Resolution 153, a resolution "recognizing the public need for fasting and prayer in order to secure the blessings of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home".

Like all Americans, I strongly support our nation's Armed Forces and hope for the successful completion of their mission in Iraq and their safe return home. But, upon taking the oath of office, each Member of Congress has sworn to uphold the Constitution. As such, we must carefully differentiate the intent of the resolution we vote on from its language.

House Resolution 153 has the laudatory goal of protecting our troops and our citizens from harm. But, despite the sponsor's intentions, the actual language calling for prayer and fasting and asking for the intercession of Providence violates, in my view, our Constitutional obligation to respect the separation between church and state.

The resolution may reflect the religious views of some of our citizens as well as some of our Members. But, it may also offend the religious views of others and, consequently, be divisive rather than unifying—a concern clearly anticipated by our Constitution. Thus, I cannot vote yes in support of the resolution.

HONORING SUSAN BOWLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Susan Bowler of Craig, Colorado. Susan is the public health nurse manager at the Northwest Colorado Visiting Nurse Association, an organization that serves the health care needs of Routt and Moffat counties. Susan has done much to improve the lives of others in her community, and I would like to take this opportunity to recognize that service and the important role she fills in her community before this body of Congress and this Nation.

Susan grew up in an Air Force family and got her first exposure to medicine in hospitals all over the world. She began working with infants in Thailand at local orphanages as a teenager and made infant care a career after receiving her nursing degree. Susan came to Craig in 1992 after 12 years working with newborns in California, ready to retire. Instead, a friend inspired her to join Visiting Nurses. Now Susan is facing the challenges of public health head-on, meeting the needs of the local community. VNA operates programs for child immunization, nursing services to jail inmates, nutrition, and even contributes to Moffat County's response to potential bioterror attacks. Susan and her staff play an invaluable role in maintaining the health of the citizens of northwest Colorado.

Mr. Speaker, the role of a public health official is full of challenges and opportunities, and it is a great privilege to salute Susan Bowler before this body of Congress and this Nation for her willingness to take on those challenges. Her dedication to addressing the health care needs of Moffat and Routt counties is an inspiration to others and an immense benefit to her community.

RECOGNIZING AND SUPPORTING GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support House Resolution 57. I strongly support the goals and the ideals of "National Runaway Prevention Month."

It shocks me, that every year, it is estimated that up to 2.8 million youths in America are living on the street. In my home state of Texas, more than 100,000 children between the age of seven and 17 run away from home each year. This shocking amount indicates that there is a significant need for resources and outreach programs that effect this population. Runaway children have families, friends, and carry a despondence so great that they feel they can no longer stay in their homes.

We need to take action and prevent teens running away from becoming commonplace in our country. Many family related problems and pressure cause teens to leave home.

This is a problem that is not limited to any class or racial group. Millions of homes and families are involved. This is a national and community problem. We are obligated to stand up for the frustrated youths who are banished from the only homes they know out into the street. Many of these runaways have been physically, sexually, or emotionally abused.

Imagine a child, who feels so alone in their world and feels their only option is to live in the street. The pain and loneliness they feel only creates a negative cycle, which leads to depression, isolation, and desperation. We need to place an emphasis and value on the community services that can reach out and help these youths. If no help is given, how can we expect the youth to turn around their life and get back on track? A runaway teen does not have an easy life, and often turns to drugs or prostitution to simply survive.

I am proud to stand here today and speak on behalf of those runaway youths whom few before me have spoken for. This is an issue that we must address and come to understand thoroughly, not something to be swept under the rug. The youths who flee their homes in search of a safe haven on the street to be given an opportunity to seek help.

We need to increase public awareness about the circumstances and trauma of the runaway youths. The National Network for Youth and the National Runaway Switchboard provides a myriad of services and resources to runaway and homeless youths. It is our job as congressmen to support these movements and tell them we value their services. Both National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month. This is a time for us to commend them on their work and offer our continuing gratitude with this resolution to support National Runaway Prevention Month.

I applaud the organizations that take this first step to reach out. My heart goes out to the youths and families that have been failed by the system. It is in your honor that Congress will recognize the National Runaway Prevention Month.

MOBILIZED RESERVE FAMILY HEALTH CARE ACT OF 2003

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. CAPUANO. Mr. Speaker, since the tragic events of September 11, 2001, America has relied heavily upon the men and women of the National Guard and Reserves. Whether protecting and defending the nation here at home, or as part of an overseas deployment, these citizen soldiers have made tremendous sacrifices in support of our national security interests.

At the same time, the families of these brave men and women are also making enormous sacrifices. Currently, over 215,000 members of the guard and reserve are mobilized. Many of these individuals are deployed to assignments that will likely last anywhere from six months to more than a year. For the family members of those deployed for such long durations, the challenge of maintaining a stable home environment can be daunting. This is especially true when considering the issue of health insurance.

Employers are not legally required to provide health insurance coverage for an employee and his/her family once that employee is called to active duty. As a result, the family in many cases must make the switch to TRICARE in order to continue receiving health benefits. This can be extremely burdensome since many hospitals and family doctors outside the military health system do not participate in TRICARE. In addition, individuals with pre-existing conditions face an uncertain future with respect to their ability to regain employer-sponsored health insurance once the mobilized family member returns from active duty.

To address this problem, I am introducing today, the Mobilized Reserve Family Health Care Act of 2003. This legislation will provide families of reservists and guard personnel with the option of continuing their private health insurance coverage while their family members are called to serve lengthy active duty deployments. Under this bill, these families will have the ability to retain their private health insurance coverage by utilizing the continuation-of-coverage rule offered by COBRA. While the family would assume the cost of retaining the private health insurance, the legislation would provide tax credits to cover the cost of the insurance. A substantial portion of the tax credits will be refundable, while the remaining amount can be included as part of the family's itemized tax deductions. The tax credits will enable these families continue their private health insurance coverage without a financial burden.

Mr. Speaker, I hope you will join me and my fellow cosponsors in assisting the families of our mobilized National Guard and Reserve personnel and address this important health coverage issue.

TRIBUTE TO CAROLE A. GUDDE, OUTGOING CHAIRMAN OF THE BOARD FOR THE GREATER RIVERSIDE CHAMBERS OF COMMERCE

SPEECH OF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent to making their communities a better place to live and work. Carole A. Gudde is one of these individuals. After a year of exemplary service, we salute Carole as the outgoing Chairman of the Board for the Greater Riverside Chambers of Commerce.

As one of the oldest, largest and most influential chambers in the state, the Greater Riverside Chambers of Commerce (GRCC) works closely with local government and other entities to stimulate development and improve the quality of life in Riverside County. Carole Gudde's vision, leadership and ability to work with others have continued the mission of the GRCC in its work to promote economic development and pro-actively address problems within the community. The GRCC is approximately 1,600 members strong and Carole has been instrumental in maintaining and adding members to the Chamber.

Carole's efforts as Chairman of the Board have extended beyond the boundaries of Riverside and into the State Capitol and Washington, DC. She has been actively involved in advocating pro-business legislation and fighting against measures that would put strains on local small business. She consistently kept members informed of the happenings in Sacramento as well as Washington, DC and made sure that Riverside's voice was heard.

Carole has also been instrumental in promoting quality education for our children. Carole is also a member of the Executive Council of the Riverside Community Hospital, the YMCA Professional Business Women's Association, and the A. Gary Anderson School of Management Forum. She has been a recipient of the Small Business Eagle Award, 1996 Volunteer of the Year Award, and was named a "Woman of Distinction" by the Business Press in 1998. She is also the owner of Archive Management Service in Riverside.

Carole's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. Carole's involvement in the community and on behalf of the local businesses makes me proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she exits as the Chairman of the Board for the Greater Riverside Chambers of Commerce.

TRIBUTE TO MARC AND JOAN ADLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Marc and Joan Adler of Glenwood Springs, Colorado and thank them for their contributions to their community before this body of Congress and this nation. The couple is closing the Glenwood Springs pet store that they have owned for over thirty years, and, though their store will be dearly missed, I am happy to congratulate the Adlers on their retirement.

Marc and Joan both worked at Valley View Hospital when they first moved to Glenwood Springs in 1971, and decided to open their own business in their living room. The result was the Glenwood Fishbowl, a pet store which built upon Marc's boyhood experience with aquariums. The business grew and moved to downtown Glenwood, where the pet store expanded to include toys. Eventually, the store moved to the Glenwood Springs Mall in 1982, under the name Marc's Toys and Pets. In addition to running their business, the Adlers have been active community leaders, with Marc serving on the City Council and for two years as Glenwood's mayor.

Mr. Speaker, it is a great privilege to honor Marc and Joan Adler and wish them all the best in retirement. Their store was a shining example of local entrepreneurship and a cornerstone of the Glenwood Springs small business community for over thirty years. Their kind and dedicated service to their customers will be sorely missed in Glenwood Springs. I congratulate the Adlers on their well-deserved retirement.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. STARK. Mr. Speaker, I rise in opposition to this resolution expressing the sense of Congress that the President should designate a national day of prayer and fasting for all Americans; and calling on all people of the United States to "seek guidance from God to achieve a greater understanding of our own failings."

I'm sure God may have something to say about the President's failure to preserve peace in the effort to disarm Iraq. But, we do know what the Bible says, Mr. Speaker: "blessed are the peacemakers."

Most major religious organizations in the world—the Vatican, Muslim, Buddhist, Jewish, and Protestant religious groups—oppose war in Iraq on moral grounds. Yet, this resolution seeks to deflect moral criticism from the President's immoral act of war, and despite his refusal to listen to the leaders of his own faith. Regardless, religion is not an area for Congressional debate.

I respect the right of everyone to reflect on these difficult events as they see fit. I understand the value of people of various religions or moral convictions finding resolve in their beliefs or faiths during this trying time. That is everyone's right. However, this resolution today has Congress encouraging all Americans, regardless of their beliefs, to engage in specific religious acts that are Christian in nature.

Our country was founded on the principles of free expression and religious liberty. The Constitution requires that Congress must not legislate religion, but instead honor the diversity of convictions and beliefs in our nation. This resolution fails to respect the separation of church and state and to uphold our commitment to honor religious diversity. I urge my colleagues to vote "no."

IN HONOR OF LANCE CORPORAL JOSE GUTIERREZ

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Ms. HARMAN. Mr. Speaker, I rise today to honor the memory of Marine Corps Lance Corporal Jose Gutierrez, who was one of the first Americans to give his life in battle during Operation Iraqi Freedom. I ask my colleagues to join me in commemorating the heroism of this young man.

Corporal Gutierrez was a symbol of America's promise. Born in Guatemala, Jose lost his parents at a young age and spent years on the streets in his home country. He came to the United States seeking a better life, and after moving around a bit, found a home with foster parents in Lomita, California, a small town in my congressional district.

Jose attended local schools—North High School in Torrance and Harbor College in Wilmington—playing soccer and hoping one day to study architecture. His foster brother told local newspapers that "he joined the Marines to pay back a little of what he'd gotten from the U.S."

Mr. Speaker, it makes me proud to learn about the passionate feelings this young man had for his adopted country. Undoubtedly, they are feelings shared by hundreds or perhaps thousands of the other young men and women who volunteered for military service and are now participating in Operation Iraqi Freedom.

I am proud too of the citizens of Lomita, who immediately began to organize tributes to Corporal Gutierrez, including plans to add his name to the memorial to fallen soldiers adjacent to the local post office, requesting that post office to fly its flag at half-mast, and launching a drive to fly 82 U.S. flags in honor of all of Lomita's fallen soldiers, sailors and airmen.

Corporal Gutierrez's ultimate sacrifice underscores for us how fragile and how precious are the freedoms we enjoy. He died to keep us free.

TRIBUTE TO LIEUTENANT COLONEL STAN SHURMANTINE, RET.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Lieutenant Colonel (Ret.) Stan Shurmantine, of Lexington, MO, who recently retired from the United States Army Reserves after 28 years.

On February 28, 2003, Stan ended an outstanding career in the Army Reserves. Through the years, he has dedicated himself to serving the American people.

Currently, Stan serves as the manager of IBS Industries, Inc., in Independence, MO. IBS honored Stan's military service with a reception, which was attended by 250 guests.

Stan in addition to his military service, has served his home community of Lexington, where he lives with his wife Marcie. He is a councilman and also serves as mayor protem.

Mr. Speaker, Lieutenant Colonel Stan Shurmantine has honored the United States Army Reserves with service for 28 years. As he continues his work at IBS Industries, Inc. and the city of Lexington, I know that the Members of the House will join me in wishing him all the best in the days ahead.

TRIBUTE TO DARRELL VEACH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Darrell Veach of Cortez, Colorado. Darrell is a dedicated citizen and leader of the Cortez community and it is my honor to pay tribute to his accomplishments before this body of Congress and this nation.

Darrell is a third-generation stockman and a Korean War veteran who began his career raising sheep before becoming a cowboy. He is well known throughout the community as a good steward of his land and the environment. In addition to Darrell's ranching activities, his service to the local community goes back over thirty years with the Boy Scouts, the Church of Jesus Christ of Latter-day Saints, the Montezuma County Planning Commission, and the Colorado Cattleman's Association. The Southwestern Colorado Livestock Association, of which Darrell is a board member and past president, honored him as its 2003 Stockman of the Year. A proud family man, Darrell shares his love for the outdoors with his children and grandchildren.

Mr. Speaker, it is with honor that I commend Darrell Veach before this body of Congress and this great nation for his dedication and leadership within his community. His contributions have greatly benefited the people of Cortez and I am honored to have this opportunity to represent such a fine Coloradan. I wish Darrell the best of luck in all his future endeavors.

RECOGNIZING JOHN DIGILIO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to recognize John Digilio as Chef de Chemin de Fer of La Societe des Quarante Hommes et Huit Chevaux. The "Forty and Eight," as it is popularly known, is an independent fraternal organization of veterans comprised of approximately 50,000 veterans from World War II and the Korean, Vietnam and Desert Storm conflicts. The members of the "Forty and Eight" dedicate much of their time to their Child Welfare Program, Nurses Scholarship Trust Fund, as well as many activities dedicated to Americanism, respect for the flag, the Constitution and Law and Order.

Chef Digilio grew up in Bay Shore, New York and entered active duty in the United States Army in 1969. From 1970–1971 he served in the 95th Evacuation Hospital, DaNang, Republic of Vietnam. After his return to the United States, he entered the New York Army National Guard and worked his way up the ranks to senior commander of all medical units by 1986. On December 1, 1996, John was brevetted and placed on the New York State Retired List as brigadier general by the Governor of New York upon his retirement from military service.

I am most grateful for Chef Digilio's dedicated service to our county over the last 34 years. In this time of war, especially, it is critical that we take the time to show our support for America's men and women who have served in uniform. I wish the "Forty and Eight" a festive and enjoyable Homecoming this upcoming weekend.

REVOCATION OF EXECUTIVE ORDER LIMITING ACCESS TO PRESIDENTIAL RECORDS

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. OSE. Mr. Speaker, today, I rise to introduce a simple bill to revoke Executive Order 13233, "Further Implementation of the Presidential Records Act," which President Bush issued on November 1, 2001. My bill would replace this Order with President Reagan's 1989 implementing Executive Order 12267. During the 107th Congress, on April 11, 2002, Representative STEVE HORN introduced the "Presidential Records Act Amendments of 2002" (H.R. 4187). I co-sponsored this bi-partisan bill. The Government Reform Committee held hearings on the Bush Order and then, after introduction, on Mr. HORN's bill. On October 9th, the House Government Reform Committee reported out an amended version of this bill. On November 22nd, an accompanying House Report (Report 107–790) was published. Unfortunately, the full House never considered this bill.

In the 1978 Presidential Records Act, Congress clearly intended to make Presidential records available for Congressional investigations and then for the public after a 12-year period. The Act authorized the National Archives and Records Administration (NARA) to issue implementing regulations. President Reagan's Order expanded on NARA's implementing regulations. The Reagan Order clarified some areas not specifically addressed in the regulations. Most importantly, the Order identified only three areas where access to Presidential records could be limited—if disclosure might impair national security, law enforcement, or the deliberative processes of the executive branch.

President Bush's Order changed these access limitations. In a nutshell, law enforcement was dropped and two areas were added: "communications of the President or his advisors (the presidential communications privilege); [and] legal advice or legal work (the attorney-client or attorney work product privileges)." This broadening could severely limit Congressional access to key documents in its investigations of a former Administration.

Besides broadening the grounds for executive privilege claims, the Order is inconsistent both with the Presidential Records Act itself and with NARA's codified implementing regulations. NARA's rules were promulgated after the public had notice and an opportunity to comment, as required by the Administrative Procedure Act.

In November 2001, a week after issuance of the Order, I raised concerns in a Subcommittee hearing on the Order. I questioned the Administration witness about the legal and substantive justification for the policy changes. After the hearing and further discussions with White House officials, I had hoped that the Administration would amend or revoke its Order. Unfortunately, it has not done so. As a consequence, I believe that legislation is needed to void the Order. My bill would do just that.

The Order violates not only the spirit but also the letter of the Presidential Records Act. It undercuts the public's rights to be fully informed about how its government operated in the past. My bill would restore the public's right to know and its confidence in our government.

SALUTE TO MR. PETER MICHAEL STEFFES

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to Mr. Peter M. Steffes, who recently retired from the House Committee on Armed Services after 41 years of distinguished public service. Pete's entire career was dedicated to national security and the defense of our country.

Pete's career began in 1961 in the Air Force as an Airman Basic, E–1; and after 21 years of rapid advancement through the ranks, he retired as an E–9, a Chief Master Sergeant. On October 1, 1983, Pete joined the staff of the Armed Services Committee as a professional staff member where his dedication and exhaustive commitment to national security continued.

While initially assigned to the military installations and facilities subcommittee and the environment restoration panel, Pete assisted in the drafting of the Superfund Reauthorization Act of 1985, a consequential piece of environmental legislation of national significance. Pete was assigned to the Military Readiness Subcommittee in 1990; and in 1996, he was chosen to serve as lead professional staff. While on the Military Readiness Subcommittee Pete was responsible for one-third of the Department of Defense Budget. Pete's previous military experience and unique insights helped clarify the true state of military readiness for the Armed Services Committee, the Congress, and the American people. Through Pete's efforts, the committee has been able to compel the Department of Defense to examine and portray its level of readiness more honestly, and contribute the commitment of resources necessary to raise military readiness to a higher level of preparedness.

Also during this time, Pete lead the drafting efforts for the public sale of the Elk Hills Naval Petroleum Reserve that brought over $3.8 billion to the U.S. Treasury. Pete was also responsible for a multi-year effort to reform the operational structure of the Armed Forces Retirement Home to properly care for veteran military service men and women.

In addition to his subcommittee responsibilities, Pete also arranged and accompanied Members of Congress on 128 congressional delegations (CODELS). He has jokingly remarked that four and one-half years of his government service were spent traveling.

Pete's committee service spanned four presidents, eight secretaries of defense, five committee chairmen, and six staff directors. I speak for myself, past chairmen and ranking minority members, and any and everyone who has had the privilege of working with Pete, in thanking him for his tireless work for our military men and women, and his dedication to the Armed Services Committee.

Pete is married to the former Barbara Eileen Jones. They have two children, Nicholette and Timothy, and five grandchildren.

Mr. Speaker, we wish Pete Steffes all the best in his new position as vice president of Government Policy, National Defense Industrial Association (NDIA). Members and committee staff will surely miss him, and we will always remember and be thankful for his distinguished service to the House of Representatives and our Nation.

TRIBUTE TO THE 509TH BOMB WING AT WHITEMAN AIR FORCE BASE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SKELTON. Mr. Speaker, I want to recognize the outstanding men and women of the 509th Bomb Wing at Whiteman Air Force Base, Missouri, who are responsible for the most advanced flying machine in the hands of our armed forces, the B–2 Spirit Bomber.

Nearly 3,500 members of the 509th Bomb Wing, operating from both their home base in Missouri and from a forward-deployed location, have kept B–2s in the air around the clock, day and night, since the beginning of our campaign to liberate the people of Iraq.

The 509th Bomb Wing started Night One of Operation Iraqi Freedom by launching six B–2s and hitting 92 separate regime, command-and-control, and other high-value targets in downtown Baghdad. This unprecedented feat in aerial history was successfully completed by crews flying 38-hour round-trip sorties.

A tremendous effort has gone into training and equipping our great American airmen. They have proven, once again, that the B–2 is the first to fight. In this case, they have been the only bomber thus far that has been put directly in harm's way over Baghdad. The B–2 has demonstrated that it is an invaluable asset to coalition operations.

We recognize and thank the members of the 509th Bomb Wing for their sacrifices, both at home and overseas. I know that the members of the famed 509th are also proud and greatly appreciative of the outstanding support they continue to receive from their friends and neighbors in Missouri. On this day and every day, our thoughts and prayers are with all our military members and their families.

TRIBUTE TO NED AMSTUTZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Pastor Ned Amstutz of the First Baptist Church in Durango, Colorado for his extraordinary dedication to the community. After 8 years of service, Ned is retiring from the church, and today I would like to honor his accomplishments before this body of Congress and this nation.

After first working as a lawyer and a schoolteacher, Ned found his calling in the ministry and attended seminary in Dallas, Texas. After years of dedicated service, Ned is known as a pastor with boundless energy whose outreach efforts extend to all sectors of the community and support programs such as the Durango Manna Soup Kitchen and a monthly lunch for local business people. Ned's outreach also covers the globe, supporting worldwide missionary programs including one in Belarus, where he once spent time as a guest teacher at a Bible college. Further demonstrating his dedication to Durango, Ned serves as the chaplain for the Durango Police Department, working with both victims and police officers in crisis situations.

Mr. Speaker, the work of Ned Amstutz has clearly had a profound effect not only in Durango but throughout the world. Ned's tireless determination is an inspiration to his congregation and to his community as a whole. His energy will be greatly missed at First Baptist and I wish him the best in his future endeavors. Thank you, Ned, for your service.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. WATT. Mr. Speaker, some may think that my vote of "present" on this Resolution is a cowardly way out. In fact, a vote of "present" seems to me to be the only reasonable and logical vote to cast for the following reasons: I dare not vote "no" and express opposition to the two parts of the Resolution I so strongly support. Those two parts of the Resolution put Congress on record to express the "unequivocal support and appreciation of the Nation to the members of the United States Armed Forces serving in Operation Iraqi Freedom, who are carrying out their missions with excellence, patriotism, and bravery; and to the families of the United States military personnel serving in Operation Iraqi Freedom, who are providing support and prayers for their loved ones currently engaged in military operations in Iraq." If the Resolution limited itself to these two parts, the Resolution would no doubt enjoy the unanimous support of the Congress.

On the other hand, I cannot in good conscience vote "yes" for the part of the Resolution that "expresses the unequivocal support and appreciation of the Nation to the President as Commander-in-Chief for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the ongoing Global War on Terrorism." I have previously stated that I do not support the President's decision to pursue this war without having exhausted every possible alternative short of war. I have also expressed my firm belief that pursuing war to enforce a United Nations Resolution without having even majority support of the members of the United Nations and the UN Security Council will undoubtedly feed the perception of U.S. arrogance around the world and increase the prospect of terrorism domestically and internationally. While our military superiority will no doubt assure our military victory in the war against Iraq, we have no effective way to defend ourselves and innocent people against individual acts of terror. For me to express "unequivocal support" for the President to follow a course of action I believe is misguided would be both contrary to my own beliefs and contrary to the overwhelming sentiments I have heard and continue to hear from my constituents on a daily basis.

I applaud the efforts of those who sought to craft a Resolution supporting our troops and their families. I am in full support of their efforts and those parts of this Resolution. While I do not agree with them, I also respect the opinions of those who believe, in good faith, that the President's actions deserve "unequivocal support." I resoundingly reject the efforts of those who would use this resolution as a means of dividing Congress at this critically important time, especially those who would do so for political reasons or to make themselves appear more patriotic than those who intend to vote "no." I do not feel obliged to be put to such a choice on a Resolution that has no substantive or binding effect. Consequently, having made this explanation, I am content to vote "present."

FLOYD SPENCE POST OFFICE BUILDING

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. ORTIZ. Mr. Speaker, I loved Floyd Spence like a brother and he would be honored by the fact the House is honoring him in Lexington, South Carolina, by naming a post office to commemorate his life and service to the United States. He was a dear friend, a colleague, and a stalwart for our nation's armed services and the country.

In addition to his zeal and dedication on behalf of his constituents in South Carolina, I admired his outlook on life. Floyd was determined to squeeze every drop of life he could from his time on this earth . . . and he succeeded.

He was supremely dedicated to his duty to South Carolina, to our armed services, and to the United States of America. I know this because I traveled with Floyd to places on every part of the planet to inspect our military bases. Wherever we went, he and I were the ones who insisted we talk to the enlisted men, not just the generals. Floyd served in the military; he and I were among the few Members of this House who served in uniform.

Floyd was a great hero, and a great friend to thousands of people here on Capitol Hill, in the Pentagon, throughout the services, and in his beloved South Carolina. I still miss that giant of a man with the funny laugh he was quick to share.

The camaraderie often noted as now missing in the House of Representatives has led our critics, and ourselves, to say that we lack either bi-partisanship or simple human trust. But because of my friendships with so many of my Republican colleagues, most notably my friend Floyd Spence, I know the trust we engender here is real and it works on behalf of the American people.

I thank the committee for honoring my friend, our colleague in this momentous way. Floyd would be so proud. I am proud for him and his family.

THANK YOU, MR. ANTHONY MEYER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. HOLT. Mr. Speaker, I rise today to thank Mr. Anthony Meyer for his volunteer service to the Center of Outreach and Services for the Autism Community and congratulate him for his receipt of the NFL Community Quarterback Award.

Twice a week for the past five years Mr. Meyers has volunteered at the office of the Center of Outreach and Services for the Autism Community, COSAC, in Central New Jersey. His primary responsibility has been to create, then send autism information packets to the approximately 6,000 individuals who contact the Center annually. Many who call are parents who have just received the devastating news that their child has autism. Through Tony's efforts, parents receive valuable information in a timely manner that shortcuts their delay in seeking necessary services for a son or daughter.

An addition, on a regular basis, Tony donates an evening for group work with autistic adults. He provides support for their job crises, he coaches them on searching for employment and he provides a social outlet for people who are sometimes branded as different. He also serves on the Board of Trustees for COSAC where he provides advice on all issues pertaining to autism, particularly on the needs of the adults with whom he has recently worked.

What makes this effort particularly remarkable is that Tony Meyer is himself autistic. He did fairly well in school, but never made friends. He held several jobs, but most were minimum wage positions that did not take advantage of his intellect or potential. It was not until Tony decided to turn his efforts toward volunteer work at COSAC that he discovered a place that appreciated his skill, needed his work and valued his perspective. As a result of their appreciation and respect, they nominated Anthony Myers for the prestigious NFL award.

I ask that all the Members join me in congratulating Tony as one of the ten recipients of the NY Giants Community Quarterback Award for making a significant volunteer contribution to a non-profit organization.

INTRODUCING THE AMATEUR RADIO EMERGENCY COMMUNICATIONS CONSISTENCY ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to introduce an important piece of legislation that will assist not only amateur radio operators, but society as a whole.

Organized amateur radio operators, or "hams," regularly provide emergency communication when regular communications channels are disrupted by disaster. Hams have formal agreements with federal agencies such as FEMA and private relief organizations like the Red Cross. Hams are federally licensed volunteers and provide a variety of important communications services that protect lives while using their own equipment without compensation.

With the growth of developed communities, amateur radio operators have begun to fall under an array of inconsistent regulations, making it increasingly difficult for them to operate. Burdensome regulations are imposed on amateur radio operators making it difficult, and in some cases impossible, for them to erect antenna vital to their communications capabilities. We should remember that many of these antennas are stealth in nature. Hams can place antennas behind drainpipes or attach flexible antennas along the gutters of their own home. In some cases, when the homeowners associations have found these antennas, the Hams were forced to take it down.

Amateur Radio operators, who work with local disaster communication groups, are finding it more difficult to erect antennas. Sometimes homeowner associations arbitrarily forbid installation of any kind of antenna. It is especially important to keep in mind that most homeowners associations are not elected, and most Hams have no recourse or appeal process to pursue.

This is particularly troubling given the role that Hams have played in communications during emergency and catastrophic situations in the past. Not allowing Hams the equipment they need could restrict communication to the local community in similar situations in the future.

To remedy this situation, we have introduced legislation, the Amateur Radio Emergency Communications Consistency Act, which seeks to ensure the continued viability of amateur radio through consistent application of federal regulations.

The Amateur Radio Emergency Communications Consistency Act is based upon a 1985 Federal Communications Commission (FCC) regulation that required state and local authorities to "reasonably accommodate" amateur radio antennas. This ruling failed, however, to address situations affecting private land developments.

The Amateur Radio Emergency Communications Consistency Act will include homeowner associations and other land use regulators in the regulation. This bill would grant the FCC the authority to consistently apply the 1985 ruling to all homeowners, regardless of whether they are petitioning state or local authorities, or public land-use regulators or homeowners' associations. This simply means that these organization will be required to work with homeowners to achieve a "reasonable accommodation" when homeowners seek to install an antenna on their own property.

The FCC recognizes the invaluable service amateur radio operators provide to our nation. Congress also recognizes the contribution that Hams make. These good faith negotiations will help ensure that amateur radio operators' technical needs and the public service they provide are met while preserving the general welfare of the community.

INTRODUCING LEGISLATION TO GIVE GREATER CHOICE TO THOSE WORKING TO HELP THEIR FAMILIES

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. OSE. Mr. Speaker, I am pleased to introduce bipartisan legislation addressing the issue of remittances. This is a simple bill aimed at an increasingly complex issue: how recent immigrants and New Americans send support to their families "back home."

People come from around the world to the United States, seeking not just to live the American Dream, but also to help support their families in their native lands. New Americans have a history of supporting those without the same opportunities, whether it is the Mexican farm worker helping his family today or the Irish settler who helped keep his family during the potato famine more than 100 years ago, Americans never forget where they come from.

Today, getting the money earned in the United States to one's family is easier than ever. Large money-transfer companies can send money almost anywhere in the world in an instant. More and more banks and other financial institutions are also providing these services.

But one group of institutions, often heavily involved in local and immigrant community projects, is limited in their activity. To use a local credit union for check cashing and wire transfer services, you must be a member.

Many in the immigrant community do not realize the benefits of credit union membership and see this is a barrier. They would rather pay higher prices for the service than go through the paperwork involved in joining—even though they are fully eligible to be a member of a specific credit union. It is, in effect, a barrier for them to take advantage of another member of the marketplace.

This bill, which I am pleased to introduce with my colleagues Mr. GONZALEZ, Dr. PAUL, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. LATOURRETTE and Mr. SHERMAN, would simply allow credit unions to provide these services to people who would be eligible to join that credit union, but for whatever reason choose not to do so.

The marketplace thrives on competition. In a recent study by the Greenlining Institute, an organization dedicated to expanding access to financial services for disadvantaged communities, the credit union had one of the lowest fees and best exchange rates for those seeking to send money overseas. Everyone should have the opportunity to take advantage of this service.

There are still many issues that need to be addressed on the issue of sending support back to one's family. In my own district, not only do Latin American immigrants continue to support those overseas, but also many from Asia, India and even the Ukraine. We need to make sure that they have access to good services and are not taken advantage of by a few less-scrupulous businesses.

An open market, with true competition will help us improve the costs and other burdens associated with this industry.

TRIBUTE TO MIKE AND EMILY BENEDICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mike and Emily Benedick of Yampa, Colorado for the generosity and dedication to their community that they exhibited throughout their lives. Mike and Emily sadly passed away within a week of each other recently and I join their friends and family in mourning this tremendous loss. It is truly an honor to recognize their lives before this body of Congress and this nation.

Mike and Emily were married on June 30, 1928 while Mike was a coal miner in Oak Creek. An avid card player, he spent a great deal of time at his brother-in-law's saloon, The Antlers. Five years later, Mike and Emily were both working at The Antlers, which the couple eventually purchased in 1937. Mike and Emily ran the Antlers Café and Bar in Yampa, Colorado for nearly sixty years and saw the Yampa community through the momentous changes of the twentieth century, always providing a comfortable meeting place for the miners and ranchers of the area. The Antlers changed with the times, too, becoming a pool hall during prohibition, and later adding food to the menu.

The Antlers was always a place to visit, and any customer knew they would receive a friendly welcome from Mike and Emily. Despite many hardships after World War II in the 1950s and 1960s, Mike and Emily stayed open for business. In 1996, Mike and Emily closed the bar, and it was sold shortly thereafter. However, customers and community members alike recall Mike and Emily as welcoming and warm-hearted people, who were always stern in their ways.

Mr. Speaker, it is with great sadness that we mourn the loss of Mike and Emily Benedick. Their genuine concern and care towards others have truly made a difference in the lives of their family, friends, and community, and they will be greatly missed.

ORVILLE L. FREEMAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Ms. McCOLLUM. Mr. Speaker, the state of Minnesota lost a friend in February.

Born in 1918, Orville L. Freeman grew up in south Minneapolis, where his father owned a men's clothing shop. Graduating from Central High School at the height of the Depression, he attended the University of Minnesota because, as he stated, it "was convenient and affordable."

For 25 cents an hour, Freeman scrubbed walls at the University Hospital to help pay for his college tuition. As a summer job, he watered grass at Memorial Stadium and harvested grain with crews in Minnesota and North Dakota.

And somewhere in between, he made time to play quarterback for the University of Minnesota Gophers football team.

He received his diploma from the University of Minnesota magna cum laude and Phi Beta Kappa in 1940 and began law school in 1941. But, Freeman's law school career was cut short with the bombing at Pearl Harbor that same year.

The day after the attack, Freeman volunteered for the Marines. During World War II, as a Second Lieutenant, Orville L. Freeman led his combat patrol behind enemy lines on the island of Bougainville in the South Pacific in 1943. He was hit in the jaw by a bullet but managed to successfully lead his men to safety. Second Lieutenant Freeman spent 8 months in a military hospital, overcame partial paralysis, learned to speak again and was eventually awarded a Purple Heart before he was discharged as a Major.

Upon returning to Minnesota, Orville completed law school at the University of Minnesota, married his college sweetheart Jane Shields and had two children, Constance and Michael.

Mr. Freeman's interest and involvement in politics began as a college student at the University of Minnesota where he befriended soon to be United States Senator, Hubert H. Humphrey. They worked tirelessly to ensure the re-election of President Franklin D. Roosevelt and committed themselves to the reorganization of Minnesota's Democratic party.

1944 marked the year that brought the Farmer-Labor and Democratic parties together to form the Democratic-Farmer-Labor (DFL) party in Minnesota. Together, Humphrey and Freeman built the DFL party—uniting farmers, unions, academicians, small-business owners, veterans and female activists through their common interests and goals for a better Minnesota.

With his political involvement and role as party secretary—Orville Freeman shaped the DFL and gave the party a face. His position gave him the opportunity to schedule events, control the party message and make connections in the community. He eventually made two bids for statewide office, first in 1950 for Attorney General—and then in 1952 for Governor. Although Freeman lost these two statewide races, at the suggestion of his good friend Humphrey, Freeman ran for governor again in 1954. Humphrey was running for reelection to the Senate that year—and wanted someone he knew he could work with in the governor's office.

Freeman's 1954 campaign for governor brought a new dynamic to political races in Minnesota. As the leader of the DFL, Freeman organized a statewide television campaign, and implemented a sample ballot that proved a very successful tool for the DFL that year, and years to follow. The sweeping DFL victory included electing Minnesota's first woman member of Congress, Coya Knutson, and winning all but one statewide DFL race. Freeman became the first DFL governor in Minnesota history, and was re-elected for two consecutive terms in 1956 and 1958.

In his three terms as governor—Freeman's commitment to education for all students was truly inspirational to me. He understood the strong desire for a quality education for all Minnesotans. He instituted the state-aid system for K–12 education that guaranteed a basic minimum education for all students, regardless of their school districts' wealth. In addition, he was a strong supporter of making college more accessible and affordable to students.

In 1960, Governor Freeman delivered the nomination speech in support of John F. Kennedy as the Democratic Party candidate for President of the United States and actively campaigned for Kennedy throughout Minnesota. Lutherans in Minnesota were apprehensive about electing the first Catholic President for fear the Vatican might influence him. This inspired Freeman to participate in a statewide television broadcast stating that religious prejudice had no place in Minnesota politics. While Freeman's dedication to Kennedy paid off—Kennedy won Minnesota by a 20,000 vote margin—Freeman unfortunately lost his re-election bid for governor by 20,000 votes.

The new President did not forget the strong support Governor Freeman had given him in Minnesota. Kennedy rewarded these efforts by nominating Freeman as Secretary of Agriculture, and Freeman continued his public service in Washington, DC.

As Secretary of Agriculture, he initiated a revolution in U.S. programs by launching the Food Stamp program, proposing the School Breakfast program, as well as the Women, Infants and Children (WIC) program. Additionally, he was a major proponent of food safety.

Secretary Freeman remembered those whose most basic needs were not being met by establishing a goal of eliminating hunger. Tying American farmers with the world market, he expanded the Foreign Agriculture Service and visited other countries to encourage opportunities for further U.S. trade abroad. Globally, he organized a massive program to ship U.S. grain to India that was instituted early enough to avert an impending famine.

Vice President Walter Mondale, his friend and mentor, may have put it best by saying this of Orville Freeman:

> He was one of the great public men in modern Minnesota history and American history. He fits Tom Brokaw's definition of America's greatest generation—enlisting in the Marines, becoming an officer, being seriously wounded and almost dying, fighting back, becoming a lawyer, leading the new generation in the DFL that was so successful and regaining the governorship."

Orville L. Freeman, Minnesota's 29th Governor, died at the age of 84 on Thursday February 20, 2003 in Minneapolis, MN.

Minnesotans will miss the leadership and the dedication of Orville Freeman—his family will miss the wonderful, loving family man.

From the military to elected office to an appointed office, Orville Freeman dedicated his life to public service. He was a dynamic leader, an organizer and pioneer for his party. He was always a champion for the state of Minnesota and the United States and a champion for those that could not fight for themselves. It is from his example that we should learn and follow.

The Honorable Orville L. Freeman is survived by his loving wife of 61 years, Jane, their two children Constance and Michael, and three grandchildren Katie, Beth and Matthew.

THE SPIRIT OF AMERICAN VOLUNTEERISM

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend America's spirit of volunteerism and to highlight an organization that is helping the families of active-duty military personnel in my congressional district. Millions of Americans perform acts of kindness and compassion every day by helping their neighbors or by working through the many volunteer organizations that make our country great.

One such organization, Operation Brave Kids, is a Tampa Bay area charitable organization that provides financial assistance to the families of active-duty military personnel. The group provides resources that can make the difference between obtaining the necessities of daily life or going without. John Ghee, the founder of Operation Brave Kids, summarized the group's mission by stating that "we want the family and the soldier to know that the community is behind them."

Mr. Speaker, these troubled times require each of us to contribute in our own way to the cause of freedom and the care of our countrymen. I am proud to say that the spirit of caring and volunteerism is flourishing today in the land of liberty.

May God protect our troops and continue to watch over the United States of America.

CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. FORBES. Mr. Speaker, I rise today in support of H. Con. Res. 118 concerning the treatment of members of the Armed Forces held as prisoners of war by Iraqi authorities.

Mr. Speaker, I stand before you today with a heavy heart. For the past two days, we've watched emotionally stirring television footage of POW's who are being detained by Iraqi forces. These soldiers were on missions to defend and protect Americans from the evils of weapons of mass destruction when they were captured. I am saddened when I see these soldiers being detained, but I am confident that their extensive training has given them the strength and courage of conviction to prevail even at the hands of an evil regime.

While we do not know when our POW's will return home, I do know that we as Members of Congress expect the Iraqi regime to treat all POW's humanely and in accordance with the requirements set forth in the Geneva Convention. Those who violate this doctrine, and use force or other methods of inhumane treatment will be held accountable for their actions, and will be subject to prosecution to the fullest extent of the law. Brave soldiers, who give so much for our country, deserve no less.

My deepest and heartfelt sympathy goes out to the families of all of the POW's. We can only begin to imagine the pain and concern that the families of POW's must feel knowing that they are in the hands of the enemy halfway around the world.

It is our hope and prayer that American and coalition forces will be protected throughout this struggle as well as the Iraqi people.

These POW's and their families are making a tremendous sacrifice for our country—our country that soldiers are so proud to serve. Our country—where families await the safe and speedy return of loved ones.

My thoughts and prayers go out to all of our servicemen and women and to their families, who wish them a speedy and safe return.

ON THE DEATH OF SENATOR DANIEL PATRICK MOYNIHAN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today we mourn the passing of a great American.

For decades, Senator Daniel Patrick Moynihan was a central figure in the nation's political and intellectual life. He was a committed, determined, and diligent leader who represented the citizens of New York in the U.S. Senate for four terms. We came to know him as a uniquely independent thinker and great friend to both political parties.

Those of us from the Washington, D.C. metropolitan area will always note the critical role Senator Moynihan played in revitalizing Pennsylvania Avenue, the grand route between the Capitol and the White House that was in disrepair when he first arrived here during the Kennedy Administration. He recognized the benefits in revitalizing the avenue and invested his skills to make this vision come alive. The Pennsylvania Avenue effort was one of the most successful redevelopment projects in the nation. Throughout his Senate career he was an authoritative collaborator in shaping this historic project.

The revitalization of Pennsylvania Avenue attracted projects to the city that might not have come otherwise. Subsequently, this project was used as a model for other redevelopment projects in the city, such as the MCI Center and the Washington Convention Center. Not only has the District benefited, but so has the entire country. Thousands of visitors can come each year to visit the Nation's Capital and be proud to stand on "America's Main Street" as it was intended to be. Daniel Patrick Moynihan's fingerprints will forever be on Pennsylvania Avenue.

Mr. Speaker, today I want to express my gratitude for Senator Moynihan's pioneering work and salute him as a scholar, leader, and gentleman. He will be sorely missed.

TRIBUTE TO LUTHER ELDRIDGE "IKEY" MILLER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. WOLF. Mr. Speaker, I would like to call to the attention of the House the passing of Luther Eldridge "Ikey" Miller. I had the pleasure of working with Mr. Miller during his service as the clerk of the Page County Circuit Court and chairman of the Page County Republican Party when Page County was a part of Virginia's 10th District between 1992 and 2002.

Mr. Miller, age 71, died at his Rileyville home March 17 after suffering a heart attack. Funeral services were held Wednesday, March 19, at Bradley Funeral Home, and he was interred in Luray.

Many grieve the loss of this man who was known as fair, straight-talking, dedicated and driven by integrity. According to a longtime friend, "Ikey was looked at by other [party] chairmen in the area as a person with a lot of experience, who they could go to for advice."

"He was always that wise man that had advice. He'd already been through whatever was coming up," according to Brian Plum, the current Page County Republican chairman.

In addition to his court and political careers, Ikey Miller was a dedicated father and husband, a military veteran, a solid baseball player in his youth, a talented musician, an active civic leader, a member of the Masonic Lodge, and a successful farmer. He also loved to hunt for coon and squirrel.

It was an honor to have known and worked with Ikey Miller, who not only lived according to his beliefs, but he was driven by them to excel. My condolences go out to his family and friends as they mourn the loss of such an exemplary public servant.

TRIBUTE TO COL. SANFORD "MAC" McLAURIN

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. HAYES. Mr. Speaker, I would like to take this opportunity to commend Col. Sanford "Mac" McLaurin for his valuable service to our nation. On Friday, April 18, 2003, a retirement ceremony in honor of Colonel McLaurin, Staff Director, Corporate Communications, Defense Logistics Agency, Fort Belvoir, Virginia, will be held in recognition of 21 years, 10 months, and 19 days of distinguished service in the United States Air Force.

Colonel McLaurin began his military career in 1977 as the Deputy Information Officer at Seymour Johnson AFB, North Carolina. From there, he went on to be the Radio and Television Station Manager at Galena, Alaska. He held several positions as Chief, Public Affairs and Chief, Plans before becoming the Deputy, Media Relations (SAF/PAM) and Chief of Press Desk in 1995. His last position before coming to DLA was Chief, Air Force News & Information (SAF/PAI), liaison for Air Force News Service, San Antonio, TX, where he supervised 168 employees.

Serving an illustrious and most impressive military career, Colonel McLaurin accomplished a great variety of tasks, to include working the evacuation of non-essential Americans in Sierra Leone, Africa, with Special Operation Forces in 1991; working the hostage release out of Lebanon in 1992 (including Terry Anderson); flying with the Presidential mission to Rwanda, Africa, for first water purification system in 1993; serving 3 months in Riyadh, Saudi Arabia, as Chief of PA—Joint Task Force/Southwest Asia; launching the Air Force's first electronic official newspaper, U.S. Air Force Online News—March 1999; and was instrumental in developing U.S. Air Force Image Express—receiving video and imagery and supplying it to national media in real time.

After completing Student Air War College in 2000, Col. Mack joined DLA. The DLA 21 reorganization of the Agency brought together Public Affairs, Congressional Affairs, Visual Presentations, Visual Communications, Freedom of Information/Privacy Act, Corporate Promotions, and History—all under Corporate Communications and under the capable direction of Colonel McLaurin.

As Staff Director, Corporate Communications, Colonel McLaurin has numerous impressive accomplishments under his belt. He established the agency's first electronic official newspaper, DLA Today and Tomorrow. He also developed the Communications Plan and traveled to DLA activities around the globe to deliver a well-received Communications Road

Show. He tackled the toughest media and congressional affairs issues and developed a "Hill Strategy" plan to aggressively pursue a better working relationship with congress.

In addition to a distinguished list of military courses completed, Colonel McLaurin has a Bachelor of Arts in Drama and a Master's in Psychology and Counseling from North Carolina Central University, as well as a Master's in Strategic Studies—from Maxwell A.F.B. Married to Deborah, the McLaurins have two children: Justin, 15 and Maya, 8. I have enjoyed working with Mac the past few years and wish him all the best in his future endeavors. May God bless Col. McLaurin and his family.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. McDERMOTT. Mr. Speaker, House Resolution 153 will undoubtedly pass this morning. Many members, having read the summary, are probably uneasy because the resolution asks Americans to pray on behalf of the American Armed Forces and people—not for the British soldiers dying in the desert, nor for the Iraqi mothers searching for their children in the flames, nor for the countless others who need the blessings of Providence. I know I feel uneasy about the narrowness of the resolution.

However, I want to urge my colleagues to read and take seriously the entire resolution. I especially urge them to read the section which says:

"Whereas through prayer, fasting, and self-reflection, we may better recognize our own faults and shortcomings and submit to the wisdom and love of God in order that we may have guidance and strength in those daily actions and decisions we must take;"

I urge my colleagues to take seriously the admonishment to remember that we, as individuals and as a nation, have faults and shortcomings. We are not, as individuals or as a nation, lords of this earth. We must do our best with imperfect knowledge and imperfect wisdom, never assuming we act on God's behalf.

Mr. Speaker, I ask my colleagues to recall I Corinthians, 13:11–12:

"For now we see through a glass darkly, but then face to face; now I know in part, but then I shall know even as I am known."

INTRODUCING THE HOMELAND INFRASTRUCTURE POWER SECURITY AND ASSURANCE INCENTIVES ACT OF 2003

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. TERRY. Mr. Speaker, today I am introducing, along with Mr. DOYLE of Pennsylvania, the "Homeland Infrastructure Power Security and Assurance Act of 2003." This legislation will encourage the deployment and increased use of advanced technologies for the production of secure, reliable, efficient, and clean electric power needed to reduce our dependence on foreign oil and to protect our energy infrastructure from terrorist threats. In a radio address to the nation President Bush stated:

> As our economy continues to grow, U.S. oil consumption is projected to increase by about one-third during the next 20 years. Our demand for electricity is expected to rise by 45 percent. America is already using more energy than our domestic resources can provide, and unless we act to increase our energy independence, our reliance on foreign sources of energy will only increase. (February 23, 2002 Radio Address to Nation)

Reducing dependence on foreign oil is a significant aspect of America's homeland security strategy, and this will require better utilization of our nation's domestic natural resource fuels. Another critical goal is to minimize risk of terrorist attacks on the nation's critical power supplies, especially at military installations and major financial centers. In my own congressional district, First National Bank has installed fuel cells in its new building in downtown Omaha that can each produce 200 kilowatts of electricity using natural gas. The electricity produced by these fuel cells powers the bank's data center in a secure and reliable manner. The ultra-clean power plant located securely inside the First National's Data Technology Center assures that the facility has less than one second of power downtime a year.

At another popular attraction in Omaha, the Henry Doorly Zoo, a fuel cell has been installed at the Lied Jungle that is a 200 kW unit that serves 50 percent of its power needs. It operates at a 75 percent capacity factor and generates more than 1.3 million kilowatt-hours annually.

This use of distributed stationary power generation is a prime example of what we can do to protect our critical infrastructure facilities like military installations, financial entities, utilities, first responder facilities like firehouses and police stations, and information technology systems from potential terrorist threats. Dispersed networks of decentralized, distributed generation power modules are less vulnerable to attack, and there is a wide range of advanced distributed technology options that can be deployed by U.S. electricity generators in order to fortify America's energy infrastructure.

Improving the reliability of our electric power infrastructure will also help our economy grow. It is estimated that power outages, brownouts, and other voltage disturbances cost U.S. industry up to $150 billion per year. On the other hand, it is estimated that energy efficient and renewable energy markets account for a $500 billion annual global market to U.S. companies and could lead to a net increase of 1.3 million jobs over the next 20 years. We need to use new, advanced turbines, fuel cells, and storage technologies to reduce these costly outages. We also need to export these technologies. This will improve both our energy security and our economic security.

My legislation is directed at promoting and encouraging faster deployment of advanced technologies, primarily to protect the homeland, but with the added environmental benefits that come from clean and efficient power equipment. The legislation empowers the Secretary of Energy to administer an Advanced Technology Incentives Program. In order to receive incentive payments eligible owners and operators must submit an application to the Secretary that documents the use of qualifying technologies that reduce system costs, and improve performance and reliability of advanced distributed power generation and energy storage systems. This is a voluntary, not a mandatory program.

The bill establishes two qualifying requirements for eligibility. First it must qualify as a "qualifying advanced technology facility." Facilities meeting this requirement are eligible for payments based on 1.8 cents per kilowatt-hour generated during a fiscal year. If an owner or operator provides power that qualifies as a "qualifying security and assurance power facility" a bonus of 0.7 cents per kilowatt-hour may be earned. The maximum number of kilowatt-hours a single owner or operator may accrue for each year is 10 million kilowatt-hours. There is authorized $250 million for the first four years of the program and separate appropriations will be required.

Mr. Speaker, this legislation is timely. America is engaged in a war with Iraq that may disrupt our access to world oil supplies. Weather in the United States this winter has been unusually cold—raising home heating fuel prices to millions of consumers. Recently, President Bush elevated the threat of terrorist acts to Level Orange—the secondhighest level. Our national critical infrastructure, including power plants, electric transmission lines, and the nation's information technology system, are all potential targets. Secure, protected, reliable power must be a priority of any homeland security measures undertaken by the new Department of Homeland Security.

Finally, Mr. Speaker, as a member of the Energy and Commerce Committee, I look forward to participating in the Committee's early consideration of this year's version of the "Securing America's Future Energy Act." I also urge my colleagues to consider including provisions that will encourage increased use of advanced technologies like fuel cells and other low emission, high efficiency energy technologies. These innovative advanced technologies must be a part of both our national energy and homeland security plans.

H.R. 1460—VETERANS ENTREPRENEURSHIP ACT OF 2003

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. RENZI. Mr. Speaker, today I am introducing H.R. 1460, the Veterans Entrepreneurship Act of 2003, a bill to help veterans create, manage, and grow their own small businesses. I am joined by Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD as original cosponsors. We believe Congress should accord veterans a full opportunity to participate in the economic system that their military service has helped sustain. Veterans indeed represent a unique national resource and we need to harness their engaging abilities in our economy.

First, this measure would allow veterans to use VA education benefits to enroll in a non-degree, non-credit business course offered by a Small Business Development Center (SBDC) and the National Veterans Small Business Development Corporation. The Small Business Administration helps fund 1,000 SBDCs in the United States; Puerto Rico, U.S. Virgin Islands, Guam, and American Samoa. SBDCs are operated in partnership with colleges and universities or governmental entities. We have drafted this section so that it would improve access to pre-entrepreneurship training and skills building for veterans and certain others, as well. Disabled veterans, dependent spouses and children of certain disabled or deceased veterans, and members of the Guard and Reserve, also would be eligible.

Second, the bill would clarify that disabled veterans enrolled in school under a VA vocational rehabilitation program may establish self-employment in a small business enterprise as a vocational goal. The bill recognizes that self-employment is a legitimate rehabilitation goal. It intends to discontinue any current VA practices that could require a disabled veteran to establish that he or she is unable to be employed in another job before being permitted to benefit from the essential entrepreneurship services VA's vocational rehabilitation program currently furnishes. These services include necessary equipment, supplies, and other needs associated with starting a small business. We note VA still could establish certain controls, so that aspiring disabled veterans would have the best chance of succeeding as small business owners. This section of the bill is especially important for disabled veterans who desire to start and grow home-based small businesses.

Third, our bill would give federal agency contracting officers the discretionary authority to create sole source contracts for disabled veteran-owned businesses up to $5 million for manufacturing awards and $3 million for non-manufacturing awards. It also would furnish contracting officers discretionary authority to restrict certain contracts to disabled veteran-owned small businesses if at least two such concerns are qualified to bid on the contract. This section of the bill is designed simply to create a "level playing field" for those individuals who have been wounded or injured in defending our freedoms.

Mr. Speaker, the smaller business sector is our economy's job generator. Our former servicemembers indeed are engaging and resourceful individuals. Our bill simply gives them additional tools to realize the dream of entrepreneurship.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. JACKSON of Illinois. Mr. Speaker, I want to make it clear that our young men and women, who are putting their lives on the line in Iraq, have my unequivocal support. I will do everything in my power as a member of Congress to see to it that they have everything they need to win this war and return home safe and sound to their families. We can only hope and pray that this war will end quickly, and a minimum number of American, British, and Iraqi civilian and military lives are lost, destroyed or maimed for the rest of their lives.

While the troops have 100 percent of my support, when appropriate, I will continue to articulate the grave concerns I have about the policies that sent them there. That is why I cannot "express . . . unequivocal support and appreciation . . . to the President . . . for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the on-going Global War on Terrorism." There is no convincing evidence that Iraq was involved or connected to Osama bin Laden, Al Qaeda or the events of September 11, 2001—despite President Bush's many failed attempts to morph the two, in order to convince the American people that there is such a connection.

Most Americans think that when our young men and women are risking their lives on the battlefield that Democrats, Republicans and Independents in this House would come together in a non-partisan manner to support our troops—because everyone does support them. An appropriate resolution supporting our troops in the Senate passed earlier by a vote of 99–to–0. But the Republican extremists in the House have no shame and no limits. They will politicize the blood of our soldiers if they think they can gain a political advantage. They have never met an issue they were unwilling to "wedge." That's what Section 1 of this resolution is designed to do—create a wedge issue. I have no problem with Sections 2 and 3.

Many Democrats, myself included, separate support for the troops from support for the President's policy. But the Republicans deliberately joined the two so they could make it a political wedge issue. Therefore, if you vote "for" the resolution it appears that you support the President's policy. But if you vote "against" the resolution, the Republicans intend to paint you as against our troops and unpatriotic in future elections. In other words, the Republicans have deliberately tried to set a "Catch 22" trap. Thus, to avoid the "damned if you do and damned if you don't" wedge issue the Republicans created, I am voting "present" on an issue for only the second time since I came to Congress on December 12, 1995.

I do not support the President's policy in Iraq. Indeed, I filed a federal lawsuit to stop the President from going to war in Iraq without a declaration of war from Congress. I believe the President's actions in Iraq are unconstitutional and in violation of international law. Article 1, Section 8 of the Constitution says Congress alone—not the President—has the power to declare war. The October resolution was not a declaration of war! Indeed, I believe that not just going to war without a declaration of war, but the attempt to cede such war-making powers to the President in the October Resolution was unconstitutional. And there is nothing in U.S., UN or other international law that justifies the unprecedented doctrine of preemption—preemptively attacking another sovereign country without first being attacked, or without presenting convincing evidence to the American people and the world that such a threat or attack is imminent.

Therefore, I am concerned about a UN-ignored, but U.S.-led preemptive policy that has weakened the United Nations, weakened the structures of "collective security," and weakened the rule of international law.

As the wealthiest and only superpower in the world, the U.S. has the most economic and military interests in the world. The United Nations, collective security, and the rule of international law have well-served those U.S. interests. Weakening any of them increases the threat to U.S. interests at home and abroad.

So today, even as I give our young men and women in Iraq my unconditional support, I also renew my dedication to strengthening the United Nations, collective security, and the rule of international law. They help guarantee peace and security in the world and, when fully utilized, make it less likely that American service men and women may have to be sent to possibly make the ultimate sacrifice in defense of our country in the future.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I missed the following rollcall votes:

Motion to Suspend the Rules and Pass. Sponsor: Representative RON KIND; Motion agreed to: 411–13. To promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 85, a motion to suspend the rules and pass H.R. 961, the

Upper Mississippi River Basin Protection Act. Had I been present, I would have voted "yes".

Motion to Suspend the Rules and Pass. Sponsor: Representative CHRIS CANNON; Motion agreed to: 423–0. To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 84, a motion to suspend the rules and pass H.R. 788, the Glen Canyon National Recreation Area Boundary Revision Act. Had I been present, I would have voted "yes".

HONORING A GREAT HERO FOR IRAN'S FREEDOM, AND WORLD PEACE AND SECURITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. TOWNS. Mr. Speaker, I would like to use this opportunity to ask my colleagues in the U.S. House of Representatives to observe a moment of silence for a great man who is no longer among us, Ebrahim Zakeri. The late Mr. Zakeri was a great champion of freedom that not only helped the Resistance Movement to establish freedom and democracy in Iran, but he also fought for human dignity, global peace, and security.

As the Chairman of the Security and Counter-terrorism Committee of the National Council of Resistance of Iran, Ebrahim Zakeri was truly a resistance hero and a symbol of devotion, struggle and selflessness for the cause of Iran's freedom, as well as global peace and security. His mother was also executed at the age of 70 after suffering extreme torture in Evin Prison.

My colleagues in the House remember, that last August, I circulated information about the Iranian regime's nuclear program and the two new nuclear sites that Iran was using to threaten world peace and security. The information was made available by the committee that Ebrahim Zakeri chaired.

Ebrahim Zakeri was an assistant professor in the Department of Communications at Tehran University. He was imprisoned by the Shah from 1972 to 1975. About one year after his release from prison, he was rearrested and sentenced to life imprisonment. He was among the last group of prisoners to be freed by the people at the time of the Revolution in 1979. He was a candidate for parliamentary elections in Abadan after the revolution that overthrew the monarchy. Despite a strong propaganda campaign against the Mojahedin and ballot rigging, the regime was forced to announce that he received the second highest number of votes in the election.

He then served in different posts at the National Liberation Army of Iran (NLA). Ebrahim Zakeri was a member of the General Command of the NLA and became a member of the National Council of Resistance of Iran in November of 1992. In 1993, he was appointed Chairman of the Security and Counter-terrorism Committee of the NCRI. Since then, his committee has exposed many of the Intelligence Ministry's terrorist plots, as well as Tehran's efforts to obtain nuclear weapons.

In a word, his 31 years of struggle serve as a lesson and a guide for the young people of his country, and will always be honored by our nation and certainly by my colleagues in the U.S. Congress. I express my condolences to the Iranian people and to the Resistance's President- elect, Mrs. Maryam Rajavi.

INTRODUCING THE SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. OBERSTAR. Mr. Speaker, today I have introduced the "Securing Transportation Energy Efficiency for Tomorrow Act" (the STREET ACT). This bill recognizes the close connection between transportation policy and energy policy. In many respects, transportation policy is energy policy. Our transportation energy needs are increasing, but we have not done enough to be able to meet these needs with new technologies and alternative fuels. As a result, our dependence on foreign oil continues unabated.

Today, the transportation sector consumes a greater share of petroleum (66 percent) than it did in 1973 (50 percent). Each year for the past two decades, energy use in the transportation sector has increased by a rate of 1.5 percent. It is time, indeed it is long overdue, for the Federal Government to lead in the development and promotion of energy efficient technologies and alternative and renewable fuels.

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy conservation and efficiency, particularly in the transportation sector and in the operation of Federal buildings. The STREET ACT ensures that the Government does just that. The bill authorizes more than $2 billion to promote greater energy efficiency and further the development and use of alternative and renewable fuels on our highways, railroads, airplanes, ships, and in our Federal buildings.

For example, the bill provides for the use of photovoltaic solar energy systems (photovoltaics) in our Federal buildings. Photovoltaics reduce the consumption of fossil fuels and offer distinct advantages over diesel generators and primary batteries. They are highly efficient and have no moving parts, so the need for maintenance is virtually non-existent. Over twenty-five Federal buildings throughout the country, from Boston, Massachusetts to San Francisco, California, already use photovoltaics to great effect. This bill seeks to fulfill the promise of the Million Solar Roofs Initiative of 1997 of having photovoltaic solar energy systems installed in 20,000 of our Federal buildings by 2010.

In addition, the bill authorizes the Economic Development Administration (EDA) to make grants for the development of brightfield sites. Brightfields are brownfield sites, i.e., abandoned or contaminated property sites, which are redeveloped using solar energy technologies. Brightfields are being successfully developed across the country. This bill allows the EDA to contribute to this development by providing assistance to economically distressed communities so that they can redevelop contaminated or abandoned property. Making these properties viable for commercial use can significantly improve the economic opportunities in the area where the brightfield site is located.

The bill also provides for the development and deployment of new technologies to create cleaner, more fuel-efficient engines for use in all modes of transportation including on rail, in water, and in the air. The bill authorizes the Department of Transportation to enter into public-private partnerships with universities and industry leaders to promote the development of cleaner, more fuel-efficient engines for our Nation's railroads, ships, and airplanes. These clean engines would help reduce ozone-forming emissions and would be especially significant in areas of nonattainment. Research on many of these projects has already begun, and this bill ensures that the Federal Government remains committed to the development and deployment of these promising new technologies.

To promote the use of cleaner energy on our Nation's highways, the bill establishes a grant program by which the Department of Transportation can make up to ten grants for the development and demonstration of fuel cell-powered buses. Heavy-duty vehicles, which include buses, account for only 6 percent of the total vehicle population, but generate 60 percent of nitrogen oxide emissions and over 80 percent of all particulate matter emissions. Fuel cell buses would reduce pollution on our roads through the use of a clean, environmentally-friendly energy source and would help reduce our dependence on foreign oil. Further, we are falling behind other Nation's in the development of these technologies. While there are a few prototype buses currently being tested in this country, the European Union has stated its goal of deploying 30 buses for revenue use in ten European cities by the close of this year. We cannot cede another transportation technology to our foreign competitors. We should lead the world in the research, development, and deployment of fuel cell bus technology.

In addition, the bill provides a $75 transportation fringe benefit to employees who commute to work by bicycling, carpooling or carsharing. Currently, employees who drive to work can receive a $190 per month parking benefit and employees who use transit can receive up to $100 per month. This bill represents a first step in extending those benefits to citizens who choose to promote energy conservation while commuting to and from their jobs.

Mr. Speaker, the war with Iraq has once again focused our attention on the need to reduce our dependence on foreign oil. It is time to make a real and lasting commitment to the development of these new technologies and the use of alternative and renewable fuel that can help make America more self-sufficient in meeting her energy needs. We have the means available; the place to begin is with the Federal government and with this bill.

A detailed summary of the bill's provisions is attached.

SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT OF 2003 (THE STREET ACT)

The Securing Transportation Energy Efficiency for Tomorrow Act (the STREET Act) recognizes the connection between energy policy and transportation policy and the importance of utilizing new technologies and alternative fuels to meet our transportation energy needs. The STREET Act promotes the Federal Government's leadership in the development and utilization of alternative and renewable fuels in the transportation sector and in the operation of Federal buildings. Our Nation's energy needs are increasing. Energy use in the transportation sector alone has increased by a rate of 1.5 percent each year for the past two decades. The vast majority of that energy (approximately 99 percent) comes from traditional fuels. Today, the transportation sector consumes a greater share of petroleum (66 percent) than it did in 1973 (50 percent).

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy efficiency and the use of alternative and renewable fuels. The STREET Act authorizes more than $2 billion in federal funds to promote greater energy efficiency in our transportation sector and our Federal buildings, and to further the development and use of alternative and renewable fuels in our highways, our railroads, our airplanes, our ships, and in our Federal buildings.

ECONOMIC DEVELOPMENT AND PUBLIC BUILDINGS

Photovoltaic Solar Energy Systems for Public Buildings. Amends the Public Buildings Act of 1959 to authorize the Administrator of General Services to establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar energy systems for electric production in new and existing public buildings. The purposes of this section include a reduction in fossil fuel consumption and attainment of the goal of installing 20,000 solar energy systems in federal public buildings set forth in the Federal Government's Million Solar Roof Initiative of 1997. The bill authorizes approximately $1.3 billion over 5 years for this program.

Capitol Complex Energy Efficiency. Authorizes the Architect of the Capitol to conduct a study to evaluate the energy infrastructure of the Capitol complex to determine ways to increase energy efficiency including the use of photovoltaic solar energy systems, district heating, and other unconventional and renewable energy resources. The bill authorizes such sums as may be necessary for this study.

Brightfields. Amends the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to carry out a demonstration grant program for the development of brightfield sites. Brightfield sites are defined as brownfield sites that are redeveloped using solar energy technologies. The bill authorizes $200 million over 5 years for this grant program.

SURFACE TRANSPORTATION

Highway Fuel Conservation. Establishes a grant program through which the Secretary of Transportation may provide grants to States and local governments for projects designed to make operational improvements to reduce fuel consumption on Federal-aid highways and roads, including data collection and analysis for improved traffic signal timing, implementation of improved and coordinated traffic signals, and planning and implementation of freeway management systems. The bill authorizes $200 million over 5 years for this grant program.

Fuel Cell Bus Technology. Amends Section 5308, Title 49 of the United States Code to allow the Secretary of Transportation to make grants to up to 10 recipients for the research and development of fuel cell bus technology. Preference is given to grant applicants who have an existing fuel cell bus technology program and have made investments in hydrogen fuel cell infrastructure. The bill authorizes $300 million over 5 years for this grant program.

Conserve by Bicycling. Authorizes the Secretary of Transportation to establish a pilot program that would provide funding for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. The bill authorizes $10 million for this program.

Energy Impacts. Requires that environmental impact statements prepared for Federal-aid highway and transit projects quantify and consider energy impacts as an environmental consequence of the project. Currently, Federal Highway Administration guidelines state that energy impacts should be considered as one of 25 environmental consequences in an EIS. However, the guidelines state that "except for large projects, a detailed energy analysis . . . is not needed." As a consequence, the energy impact of smaller-scale projects is often not quantified and not thoroughly considered. This section remedies that by requiring that all Federal-aid highway and transit projects quantify and consider energy impacts.

Extension of Transportation Fringe Benefits. Amends section 1320(f) of the Internal Revenue Code to include as a transportation fringe benefit that is excludable from an employee's gross income, a $75 commuting allowance for employees who commute to work by bicycling, carpooling or car-sharing.

Railroad Efficiency. Authorizes the Secretary of Transportation, in conjunction with the Administrator of the Environmental Protection Agency, to establish a public-private research partnership to develop and demonstrate locomotive technologies that increase fuel economy, reduce emissions, and lower costs. The bill authorizes $105 million over 3 years for this program.

AVIATION

Clean Airport Bus Pilot Program. Directs the Secretary of Transportation to establish a pilot grants award program for the acquisition of buses powered by alternative fuels and low-sulfur diesel fuel at public airports through airport bus replacement and fleet expansion grants. Grants are to be used to purchase buses powered by alternative fuels and low-sulfur diesel fuel to be used as part of the airport fleet for a minimum of 5 years and, to the extent possible, grants are to be awarded to ensure a broad geographic distribution with no State receiving more than 10 percent of the available grant funding. The bill authorizes $200 million over 5 years for this grant program.

Clean Aircraft Engines. Authorizes the Administrator of the Federal Aviation Administration to establish a public-private research partnership with the National Aeronautics and Space Administration, research universities, and members of the aero-propulsion industry to develop a clean ground demonstrator engine utilizing technologies developed by NASA and to focus on the development and certification of environmentally friendly manufacturing technologies, materials, and overhaul and repair. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

WATER RESOURCES

Marine Efficiency. Authorizes the Secretary of Transportation to establish a public-private research partnership with the Federal Government, vessel operators, ports, terminal operators, shipyards, and equipment suppliers to develop and demonstrate technologies that increase fuel economy, reduce emissions, and lower costs of marine transportation and increase the efficiency of intermodal transfers. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

Improving Hydropower Capabilities. Directs the Secretary of the Army to study the potential for reduced fossil fuel consumption through an increase in U.S. hydropower capabilities at dams owned or operated by the Corps of Engineers.

Encouragement of Prohibitions on Great Lakes Off-Shore Drilling. Contains a finding by Congress that environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling and encourages the Great Lake states to continue to prohibit off-shore drilling for oil and gas where such prohibitions already exist and to enact a prohibition of such drilling where one does not yet exist.

RECOGNITION OF THE OAK PARK BUSINESS EDUCATION ALLIANCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. LEVIN. Mr. Speaker, I rise today to recognize the Oak Park Business and Education Alliance (OPBEA) at their Annual Community Awards Luncheon on Friday, March 28th at Glen Oaks Country Club in Farmington Hills.

The Oak Park Business and Education Alliance is a non-profit organization of educators, businesses and government entities. This organization marshalls important segments of the community to focus on increasing educational opportunities for Oak Park students. Since its inception in 1993, they have become an invaluable asset to the community.

On Friday, this fine organization will honor a community activist, Mike Tobin, and a community institution, Oakland Community College.

Mike Tobin, President of Mike Building Company of Farmington, learned his trade from his father who from the beginning concentrated on building homes that would open the residential market to more families. That practice continues today because Mr. Tobin's his first love is the single family affordable home. He shares the enjoyment of first-time buyers when they realize they have become "homeowners." Aside from his love of building, and his commitment to the future of the building industry and the workforce of tomorrow, Mr. Tobin is a recognized leader in the community and a devoted supporter of many charities and institutions, including the OPBEA.

Oakland Community College (OCC) established in 1964, began with 2 campuses and was proud of its initial enrollment of 3860 students. Today, they have grown to more than 27,000 students covering 5 campuses in Oakland County. OCC is an invaluable resource for the community, the region and the State as they provide a wide range of affordable services and educational opportunities to students of all ages. OCC is an active participant in the OPBEA Board as a connecting link between education and employment.

Mr. Speaker, I ask my colleagues to join me in congratulating Mike Tobin, Oakland Community College and the Oak Park Business and Education Alliance and wish them success in their future endeavors.

TRIBUTE TO STEVE AND JEANNE BECKLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Steve and Jeanne Beckley of Glenwood Springs, Colorado. The Beckleys are dedicated members of the Glenwood Springs community, and it is my honor to pay tribute to their accomplishments before this body of Congress and this great nation.

Steve and Jeanne are the owners of Glenwood Caverns, a landmark tourist attraction in the Glenwood Springs area. Recently, they have expanded the caves into a year-round attraction, beginning construction of an aerial tramway to be completed this spring, which will allow visitors to access the site from Iron Mountain. Their contributions to tourism in Glenwood Springs will help to bring even more visitors to the area. For their efforts, the Beckleys were recognized as Glenwood Springs Chamber Resort Association's Citizens of the Year for 2002.

Mr. Speaker, it is with honor that I commend Steve and Jeanne Beckley before this body of Congress and this great nation for their efforts in the Glenwood Springs community. Their contributions have greatly benefited the people of Glenwood Springs and I am honored to have this opportunity to represent such fine Coloradans. I wish both Steve and Jeanne the best of luck with all of their future endeavors.

FISCAL WINDS OF WAR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues this March 27, 2003, editorial from the Omaha World Herald. The editorial rightly praises the other body for its vote to reduce the President's proposed tax cut in the budget resolution in the face of the cost of the war in Iraq.

[From the Omaha World-Herald, Mar. 27, 2003]

FISCAL WINDS OF WAR

Cutting taxes in an effort to reinvigorate a sputtery economy is an idea that has merit, and the Bush administration can be praised for pursuing the effort. But the U.S. Senate, in its surprise vote on Tuesday, got it right: $726 billion was simply too much in the face of an open-ended and obviously costly war with Iraq.

The Senate, in a stance it reconfirmed yesterday, voted to reduce the tax cut (as part of a $2.2 trillion budget) to $350 billion, still a substantial tax reduction. Next comes the haggling between House and Senate, since the House-approved version would give President Bush the full $726 billion cut he sought.

By the best available evidence, the administration lost track of its vote tally in the Senate. It asked for an initial $75 billion for the war in Iraq, evidently confident that it would win both that and the full tax reduction. But the Senate, by a narrow margin, opted for prudence. The majority rightly saw the $75 billion as a down payment—enough to sustain the effort for six months; with more bills to come later and yet more after that as the effort gets under way to reconstruct Iraq.

Bush's reluctance until this week to put even a tentative price tag on the Iraq war and aftermath has raised a question in our minds: Is the administration concerned that domestic support for the war will fade if the average American is asked to sacrifice something?

If so, we would hope to disabuse the White House of such a notion. Several recent polls suggest that 70 to 75 percent of Americans support this effort to dislodge the evils of Saddam Hussein. We believe that if it takes giving up (at least for now) part of a proposed tax cut to undergird the fight financially, most Americans are ready to do that.

We are reminded of World War II, when Americans willingly observed meatless days, endured gasoline rationing, drove on bald tires and so on to bolster the war effort. We have no reason to believe that today's citizens are made of less stern stuff.

Congress should unhesitatingly give the president the war funding he is asking for. His tax-cut plan can be revisited later. Meanwhile, as a people we're in this fight and had better pay for it. (Don't forget the hyperinflation that resulted from President Lyndon Johnson's insistence on conducting the Vietnam war on the cuff.)

Congress has a duty here, too. Whatever tax-cut figure it ends up with, it should make good on its word: Spend the difference on the war, and if there's any left, shore up the Social Security system. Any other use of the funds constitutes a breach of promise.

HONORING MR. FRED HILL UPON HIS INDUCTION INTO THE PLYMOUTH, MICHIGAN HALL OF FAME

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McCOTTER. Mr. Speaker, I ask the House of Representatives to join me in recognizing Mr. Fred Hill, as he was recently inducted into the Plymouth, Michigan Hall of Fame.

His passion for Plymouth, Michigan has led him to serve as President of the Plymouth Community Chamber of Commerce, Plymouth Community United Way, Kiwanis Club of Colonial Plymouth, and Plymouth Downtown Development Authority. Mr. Hill also served on numerous boards and committees including the City Charter Commission, Salvation Army Board, and the Plymouth Jaycees. He is also the founder and leader of the nationally known Fred Hill Briefcase Drill Team.

Mr. Hill is a tremendous ambassador for the Plymouth community, and we at home are indebted to, and grateful for his dedication, passion, and humor—if not his singing.

Mr. Spreaker, I extend my sincere appreciation to Mr. Fred Hill, as he is inducted into the Plymouth, Michigan Hall of Fame, for his fine service to our country.

INTRODUCTION OF H.R. 1345, THE EQUITY FOR RESERVIST ACT (ERA)

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. LANTOS. Mr. Speaker, recently I learned about an extraordinary individual, Mr. Gary Kibbee, a firefighter with the South San Francisco Fire Department and member of the Navy reserves. Firefighter Kibbee was activated shortly after September 11, 2001 and has remained deployed in an active duty role since then. He serves his country with honor and distinction, and I feel safe knowing that men like him are defending our nation.

I am deeply concerned, however, that while Firefighter Kibbee is concentrating on the extraordinarily difficult and dangerous mission he had been deployed to perform, he is also being forced to worry about the welfare of his wife and two children. For Firefighter Kibbee's family has to worry not only about whether he will return, but also about how they will make ends meet.

The Kibbee family is victim of a "pay gap" suffered by many of the over 200,000 Reservists and National Guardsmen currently activated. While he is activated, Firefighter Kibbee receives military pay that is significantly less than his civilian pay. This is a sacrifice he, his family, and his brothers and sisters serving in the Reserves and National Guard should not have to bear.

Thankfully, for the past year Firefighter Kibbee has been able to rely on the generosity of the City of South San Francisco to cover the discrepancy between his civilian and military salary. However, South City, like so many other cities and towns, is facing looming deficits and is unable to continue to cover the difference in salary after 12 months, even for a two-time "Firefighter of the Year" award winner. Firefighter Kibbee was recently notified that his activation has been extended for another 12 months, taking his total time on active duty to the full two years.

Mr. Speaker, if Firefighter Kibbee's concern was unique it would be extremely unfortunate.

However, the fact that there are many other brave men and women sharing his concerns is truly a tragedy. Too many members of our Reserve components are faced with the difficult choice of defending their country or providing for their family.

When a civilian is called up to active duty the Reservist's civilian salary is placed on hold and their paycheck now comes from the military. Often the amount of military pay is significantly less than the amount of their civilian salary. As a result of this discrepancy the families of reservists are asked to carry a double burden; a member of their family is temporarily absent—as is a portion of his or her salary.

In order to substantially reduce the discrepancy in pay between civilian and military salaries for Reservists and members of the National Guard who are involuntary activated for more than thirty days, I, along with five of my colleagues, have introduced H.R. 1345, "The Equity for Reservists Pay Act." I am pleased to report that this bi-partisan legislation also has the support of both the National Guard Association and the Reserve Officers Association. I request that copies of both are included in the CONGRESSIONAL RECORD.

While the problems caused by this discrepancy in salary has long been known, the recent shift in the frequency and length of activations has aggravated the salary discrepancy issue. During the Cold War era, the Reserve components were hardly utilized, and in fact between 1945 and 1989 Reservists were involuntarily activated by the federal government only four times, an average of less than once a decade. In the aftermath of the Cold War our nation has relied more heavily on the Reserve components, involuntarily activating Reservists units six times since 1990, an average of about once every two years.

Mr. Speaker, the mobilization of Reservists in the aftermath of the September 11th terrorist attacks has been the largest and longest since the 1990–91 Gulf War. Currently there are over 210,000 men and women Reservists on active federal duty. The average length of deployment since September 11th has been, for some, the longest continuous activation ever.

The brave men and women serving in America's Reserve and National Guard make tremendous sacrifices for their country. Some are called to make the ultimate sacrifice. One sacrifice they and their families should not have to make is worrying about their financial security. It is the duty of our government to ensure that the men and women of the military reserves are not financially burdened when they answer their call to duty.

Mr. Speaker, it is important to note that this bill does not provide extra compensation to members of the National Guard and Reserve components, but rather ensures that our Guardsmen continue to receive the amounts of their civilian salaries.

It is well known in the Department of Defense that the potential for income loss during activation is a major concern for both officers and enlisted personnel in the Reserves. Given the Pentagon's increasing reliance on the Reserve Component, there exists a valid concern that the potential for financial losses would have a negative impact on recruiting and retention in the Reserves. Passage of H.R. 1345 would alleviate this concern and provides both for the financial security for our Reservists as well as security to our nation as a whole.

Mr. Speaker, this important legislation is designed to ensure that federal, state and local government employees and those employed in the private sector can continue to defend our country without being forced to worry about their families pinching pennies to adjust to a life on a reduced salary. The legislation covers members of the Reserves who are involuntarily called up for a period of longer than 30 days as defined in Section 101(19) of Title 37 United States Code.

The coverage of Federal employees uses a commonsense and cost neutral approach. The bill simply requires the employee's federal agency to pay the employee the difference between their military pay as defined by Section 101(21) of Title 37 (not including allowances) and their civilian base pay. Since Federal agencies and departments have already budgeted for their employees' salaries, there should not be additional expenditures required to cover any discrepancy the reservist employee suffers as a result of his or her involuntary call up.

In addition to the numerous Federal government employees that this bill would cover, I believe that Congress should also assist state and municipal governments in providing the difference in salary that their Reservist employees face. H.R. 1345 also provides assistance to the state and municipal governments who choose to provide financial equity to their employees by allowing the states to request a reimbursement of 50 percent of the expenditures required for the first 9 months. After 9 months, the participating state and municipal governments are eligible for a full 100 percent reimbursement.

In order to ensure that our government's generosity is not taken advantage of, I have included language into this legislation to prevent abuse. The anti-fraud provision of this bill, which is analogous to California law, requires municipal employees to return to their government jobs upon deactivation. An employee who accepts money to make up their salary discrepancy and doesn't return will have the received funds treated as a loan to be paid back in a manner to be determined by the Secretary of the Treasury. Additionally, the appropriate Secretary has the discretion to waive all or part of the loan should an appropriate situation arise.

Finally, Mr. Speaker, in order to provide the necessary incentive for non-government employers to make up the discrepancy in income that their brave employees encounter as a result of being involuntarily activated for more than 30 days, this legislation amends Subpart D of Part IV of subchapter A of Chapter 1 of the Internal Revenue Code, creating an "Active-duty Reserve Component Employee Credit." This credit should provide an incentive for private companies to continue to pay their employees. This credit will be equal to 50 percent of the compensation paid to the reservist employee to make up the difference between their private salary and reservist pay.

This legislation is a common sense solution to the unfortunate problem of financial insecurity suffered by the brave men and women of the Reserves. We cannot ask courageous men and women like Firefighter Kibbee to choose between supporting their families and defending our country. Since an extended activation results in financial loss for the Reservists and their families, it is only equitable that our government limits the financial loss as much as possible. H.R. 1345 is a fair and balanced approach to resolve this unacceptable and intolerable situation. I urge its expedited passage.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, March 19, 2003.

Hon. TOM LANTOS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LANTOS: On behalf of the nearly 80,000 members of the Reserve Officers Association of the United States, congressionally chartered to "support the development and execution of a military policy for the United States, that will provide adequate national security," I want to thank you for your efforts in introducing the Omnibus Equity for Reservists Pay Act of 2003. The bill is an important step forward in recognizing the contributions of the members of the Reserve components of our Armed Forces to the Total Force and our national defense.

Today as we wait anxiously for news of whether or when we will go to war with Iraq, more than 200,000 members of the Reserve components of our Armed Forces have been mobilized and/or deployed in anticipation of that event. Since September 11, 2001, a quarter-million citizen-soldiers, sailors, Marines, and airmen have been called to active duty and have left their homes, families, and communities in response to emerging contingencies. By the Department of Defense's own estimate, about one third of these activated reservists are losing money when their civilian paycheck is compared to their military salary (including the tax advantages of various benefits and allowances). Nearly seventy thousand troops is a hefty slice of Total Force assets going broke on active duty, going bankrupt before they even see the enemy they came to fight. The situation is bad and it can only get worse when you consider that Iraq will very likely take several years to be rebuilt, that the Reserve components will probably be supervising the project, and that if recent history is any guide, such occasions will continue.

The issue here is that if we are serious about the societal benefits of the Total Force policy and the popular support it brings to any military undertaking, we need to reinforce it in every way possible. We cannot allow the compensation aspects of the system to drift so far off center that fully a third of its Reserve component members become economically dysfunctional merely by putting on their uniforms. Bankruptcy is not an effective recruiting or retention tool. With all of the other more immediate (and less tractable) issues mobilized reservists must face, we should do all we can to eliminate or ameliorate financial insecurity caused by post-mobilization compensation dysfunction.

Your bill provides a range of solutions to the problem that has long plagued reservists and by extension the Total Force, and ultimately the nation. We are pleased at your vision in introducing it and we stand ready to assist in any way we can.

Sincerely,

JAYSON L. SPIEGEL,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, March 19, 2003.
Hon. TOM LANTOS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LANTOS: On behalf of the men and women of the National Guard Association of the United States, I would like to commend you for your efforts in introducing the "Omnibus Equity for Reservists Pay Act of 2003."

Thousands of Guardsmen and women are currently being called to active duty in support of the Global War on Terrorism, defense of the homeland, and the pending war in Iraq, in addition to the multitude of other state and federal operational missions normally performed. Many Guardsmen and women are experiencing financial hardship when they serve their country for extended periods of time due to the difference of income between their civilian and military pay. Your legislation, the "Omnibus Equity for Reservists Pay Act of 2003" will help mitigate financial loss by making up the difference between a person's civilian and military salaries.

The employer credit will encourage private industry to compensate their National Guard employees. The high National Guard is drawing members of the National Guard away from their employers for up to two years at a time. This increased operational tempo places additional financial burdens on employers, to a much greater extent than in past years. Employers should not be expected to bear the increased financial burdens Guard deployments place on them. Assisting employers with tax credit provides the ability to inject those funds back into their businesses in order to offset the effects of the temporary loss of their National Guard employees.

As always, the NGAUS stands ready to assist you and looks forward to our continued relationship ensuring a strong and viable National Guard. If you have any questions, please do not hesitate to contact my staff or me,

Respectfully,
RICHARD C. ALEXANDER,
Major General (RET), AUS,
President.

THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT OF 2003 (THE WOMAN ACT)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mrs. DAVIS of California. Mr. Speaker, today, I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

I believe women should not need a permission slip to receive ob-gyn care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access, or forcing women to jump through numerous bureaucratic hoops to see their ob-gyn is not acceptable treatment.

The WOMAN Act recognizes that women have different medical needs than men and that ob-gyns, in many cases, have the most appropriate medical background to address these needs. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct ob-gyn access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an ob-gyn visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

An American College of Obstetricians and Gynecologists/Princeton survey of obgyns showed that 60 percent of all ob-gyns in managed care reported that their patients are either limited or barred from seeing their obgyns without first getting permission from another physician. Nearly 75 percent also reported that their patients have to return to their primary care physician for permission before they can see their ob-gyn for necessary follow-up care. Equally astounding is that 28 percent of the ob-gyns surveyed reported that even pregnant women must first receive another physician's permission before seeing an ob-gyn.

The public overwhelmingly supports direct access to ob-gyn care. A survey conducted by the Kaiser Family Foundation and Harvard University found that 82 percent support direct access legislation and 63 percent would support it even if their health insurance costs increased. When asked about a range of health policy issues another Kaiser survey discovered that women rate direct access to ob-gyns as their second priority.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined today. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the state law allowing women direct access to their ob-gyn. That law was a good first step; however, it still does not cover the almost 5 million Californians enrolled in self-insured, federally regulated health plans. This means that if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan. This also means that one in four insured families are not protected by state direct access to ob-gyn laws.

I believe the time has come to make direct access to an ob-gyn a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

WOMEN'S OB/GYN MEDICAL ACCESS NOW ACT (WOMAN ACT)

BILL SUMMARY

Grants Direct Access: Gives women direct access to an OB/GYN or a participating family practice physician or surgeon designated by the plan or issuer as providing OB/GYN services. Prohibits plans or issuers from requiring a referral or prior approval.

Plan Considerations: Plan can set reasonable communication requirements between OB/GYNs and primary care physician. Plan can set reasonable utilization protocols, as long as those protocols are the same for OB/GYNs as they are for other physicians, such as primary care providers. (cannot be more restrictive for OB/GYNs)

Notification for ERISA plans: Requires group health plans to comply with the notice requirements for ERISA when they modify their plan to comply with the rule.

CHANGES TO TITLE IX ATHLETICS POLICIES CONTRADICT THE SPIRIT OF ATHLETIC QUALITY AND GENDER PARITY AND SHOULD NOT BE IMPLEMENTED. AND TITLE IX SHOULD BE KEPT INTACT

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. FALEOMAVAEGA. Mr. Speaker, June 19, 2002 marked the 30th Anniversary of the passing of Title IX of the Education Amendments of 1972. This legislation was introduced and tirelessly fought for by my late colleague and friend the Honorable Patsy Mink of Hawaii. Congresswoman Mink left a legacy for us to continue, one which demands our continued diligence in promoting and maintaining gender equality. Since its passing, Title IX has been crucial in setting a standard of equal education opportunities.

Today, and as a result of Title IX, the opportunities that women enjoy far surpass those of previous generations. These accomplishments are being threatened by current recommendations to implement changes to Title IX athletic policies that contradict the spirit of athletic equality and gender parity. We cannot allow this to happen.

Some argue that Title IX has accomplished all its goals and some even suggest that it has exceeded what it was set forth to accomplish. The reality Mr. Speaker, is that while great strides have been made to level the playing field for women in sports we have not achieved complete gender equity in athletics. Data from the NCAA 1999–2000 Gender Equity Report shows that female athletes in Division I schools receive only 41% of the opportunities to play intercollegiate sports, 43% of the total athletic scholarship dollars, 36% of the athletic operating budgets, and 32% of the dollars spent to recruit new athletes.

Additionally Mr. Speaker, Title IX does not deprive men of athletic resources, nor has men's participation in athletics suffered as a result of Title IX. In fact, by 2001 male participation in collegiate sports rose 22.6% from 1972. In 2000, for every dollar being spent on women's sport, Division I schools were spending almost two dollars on men's sports. In limited situations where men's athletic teams have been cut, it is often due to a lack of support for those teams combined with inflated budgets for football and men's basketball teams.

Given these realities, changes to Title IX would be premature and a set-back to the work we have accomplished over the last 30 years. The task laid at our feet by the Honorable Patsy Mink to fight for gender equality requires us to make sure that the advances women have made as a result of the implementation of Title IX do not overshadow the fact that our work is not complete. Therefore I urge my colleagues to support the intent of this resolution.

TITLE IX

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. BACA. Mr. Speaker, I come to the floor today to voice my opposition to any efforts to change Title IX. For over 30 years, Title IX has been a successful program that has helped open doors for women in education and employment. I don't understand how people can argue with success and try to change such an important piece of legislation.

Times have changed in this nation for competitive sports, and it is all because of Title IX. Title IX has helped change assumptions and attitudes about sexual stereotypes. It is hard to comprehend that less than 30 years ago people believed women were physically incapable of running the marathon. It was believed that female body composition made it impossible for them to run long distances! It wasn't until women began defying this irrational and unfounded notion by competing anyway that the world took notice and a crippling stereotype died. It is a myth that women are not interested in sports or competition. It is a myth that women would rather be cheering on the sidelines than competing on the field, the court, the green, track, or the diamond. Any effort to repeal a program that allows access to sports and education for women reincarnates myths and stereotypes that should have been put to rest decades ago.

Title IX has helped knock down the senseless barriers that have prevented women from engaging in competition by requiring that equal funding be contributed to women's sports throughout all levels of education. Girls have an equal right with boys to receive at a minimum a basic education and to compete for scholarships—whether they are academic or athletic. Since 1972, the number of women playing collegiate sports has quadrupled! And the number of girls playing high school sports has increased to 3 million in the 30 years that Title IX has been on the books. Before Title IX was enacted, only 300,000 high school girls competed. The principle of equality requires that women be provided equal access and equal opportunity for education and sports.

My 16-year-old daughter Jennifer plays on her high school golf team. Before Title IX, a girl's golf team in most schools would never have existed. Before Title IX many women weren't even allowed to step foot on a green! I want my daughter and the daughters of every family in the nation to have the right and the opportunity to compete and receive scholarships if their heart desires.

It is a myth that the requirements of Title IX take away funding for male sports teams! The overwhelming majority of funding available goes to support college football and college basketball. Furthermore, in 30 years we have seen the number of college baseball teams increase exponentially! If it were true that Title IX robs funding from male sports teams then why is it that for every dollar spent on women's collegiate sports, two dollars are spent for the male teams? We need to stop the myths about Title IX and allow the program to remain intact.

No longer do young girls need to hide their hair in a cap and pretend to be boys if they want to play ball. No longer do we harbor under the misconception that women can't and don't want to play. Title IX was a bold step toward equality and it was a necessary element toward achieving fairness. Sports teach us how to win with integrity and how to lose with grace. They teach us healthy competition and how to strategize for success. They help promote healthy exercise and lifestyles. Women need to be offered the opportunity to enrich their lives by playing sports. We need to keep Title IX in play.

TRIBUTE TO DAVID KEELEY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. MICHAUD. Mr. Speaker, I rise today to recognize David Keeley for his tireless leadership over two decades in the field of coastal resource management and to congratulate him for receiving the 2003 Walter B. Jones Memorial Award for Coastal Steward of the Year.

For over 25 years, Mr. Keeley has worked at the local, state and regional level in environmental management, policy development and planning with an emphasis on coastal and estuarine issues. Over thirteen years ago, Mr. Keeley created the Gulf of Maine Council on the Marine Environment, a voluntary regional governance structure that includes the states of Maine, New Hampshire, and Massachusetts, and the Canadian provinces of New Brunswick and Nova Scotia, as well as representatives from Canadian and U.S. federal agencies. The Council is an excellent example of a bilateral regional governance organization and is one of the best in North America. It is also a wonderful example of David's dedication and leadership. The success of the Council can be, in large part, directly attributed to the activism and involvement of Mr. Keeley, who nurtured, encouraged and challenged the group to succeed. Like so many other coastal issues and projects in which David becomes involved, the Council is where it is today because of his long-term guidance and support, and his unwavering ability to question, respond, and deliver. For all of his hard work and dedication, David was recently honored with the 2003 Walter B. Jones Memorial Award for Coastal Steward of the Year.

Mr. Speaker, Maine is honored, grateful and fortunate to have a devoted citizen like David Keeley. His tireless work to protect our coastal resources has truly made a difference to the great state of Maine and to the entire nation.

TITLE IX

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I stand today on behalf of a great majority of Americans who support Title IX.

Thirty years ago, my friend, The Late Rep. Patsy Mink of Hawaii, the first woman of color to be elected in Congress, unremittingly and dauntlessly challenged old stereotypes like a "woman's place being in the home."

Representative Mink was nationally recognized as a crusader for the rights of women, minorities and the poor. She co-authored the Women's Educational Equity Act, now known as Title IX, which prohibits gender discrimination by institutions receiving federal funding. Title IX is credited for helping push schools and universities to invest equally in women's athletics and educational programming. She envisioned the law to serve as a means to reduce and eventually eliminate gender discrimination.

USA Today, CNN and the Gallup Poll published on January 8, 2003, their survey results showing that 7 out of 10 adults familiar with Title IX think that the law should be strengthened or left alone.

Statistics will prove why our people support Title IX:

Women student athletes graduate at a significantly higher rate of 68% than women students in general who graduate at a rate of 59%.

80% of women identified as key leaders in Fortune 500 companies participated in sports as students.

82% of women business executives who played sports said that the lessons they learned on the playing field contributed to their success in business.

A Women's Sports Foundation study showed that teenage athletes are less likely to use marijuana, cocaine or other illicit drugs, less likely to be suicidal, less likely to smoke and are more likely to have a positive body image than female non-athletes.

Through the years, Title IX has diminished the inequity against women without depriving men of the same funds and opportunities.

In 2000, Division I educational institutions spent one dollar on women's sports for every two dollars spent on men's sports, and yet women increasingly continued to participate in sports activities.

From 1971–2001, women's college athletic participation increased by 403% and high school girls' athletic participation increased by a whopping 847%.

This proves that women's interest in sports follows opportunity.

Let us remember that the women of America comprise half of the population of this great country. We share the future with the men of America.

The landmark Title IX legislation is the lasting memory of how tenaciously Congresswoman Patsy Mink fought to improve the lives of girls for generations to come.

On behalf of many women and Asian American organizations, I submit my position on Title IX to the CONGRESSIONAL RECORD.

I support Title IX and all of its' opportunities for women and girls.

Protect Title IX and let it fulfill its mission.

HONORING BLACK WOMEN UNITED FOR ACTION (BWUFA)

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the contributions of BWUFA, Black Women United For Action. Over the course of their 17 year history, BWUFA has been an outspoken voice for the concerns of women, the impoverished, and vulnerable families throughout the world.

As a volunteer, non-profit community service organization based in Springfield, Virginia, BWUFA has continued to successfully provide a variety of community programs that offer support services with a social, cultural and educational focus. As BWUFA volunteers will attest, there is no price that can be placed on the gifts of love, compassion and caring from one person to another. This is the guiding philosophy that drives BWUFA to help make the world a better place for tomorrow's leaders. They consider it both a distinct pleasure and an obligation to touch the lives of others for the improvement of our community.

One of BWUFA's major efforts is to readily disseminate pertinent information to the public through forums such as their Roundtable Discussions. From talking about healthy living initiatives to the need for solid investment strategies, BWUFA provides these mediated conversations to encourage critical thinking on complex issues that affect us all. It is through this exchange of ideas in a relaxed setting that many can develop plans to radically alter their lives for the better.

Mr. Speaker, I am pleased to have had the opportunity of working closely with this valuable organization in the past and look forward to continued interaction in the future. BWUFA sets the example as a model organization striving to improve the lives of others everyday. I salute their stewardship and wish them the best in their future endeavors.

A SPECIAL TRIBUTE TO JOHN ZIMMERMAN ON THE OCCASION OF HIS RETIREMENT FROM THE LEGAL PROFESSION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. John Zimmerman has always admired the practice of law and has always enjoyed doing it. After 52 years in the practice, he is as upbeat about his work today as the day he began. He opened his first office on April 15, 1951, on the second floor of the old Masterson's building. Mr. Zimmerman was elected shortly thereafter as Defiance City Attorney and served in that capacity from 1952–1955. Subsequent to his service as City Attorney, John served as County Prosecutor, holding that position for 12 years.

Mr. Speaker, in all his years of practice, John never tried a single murder case until the last two years as Prosecutor, and then there were four. Mr. Zimmerman got a conviction on each one, he would tell you proudly.

Prior to doing battle in the local tribunal, John served in the 91st Infantry and received a battlefield commission and Bronze Star in Italy during WW II. While serving overseas, his father, Elmer, who worked as an agent for the IRS, received a transfer and moved the family from its home in Old Fort, Ohio to Defiance, Ohio. His mother, Effa, a music teacher, taught around the various schools in Defiance County.

Upon returning to the states in 1946, John came to Defiance in the spring of that year, enrolled in classes at Defiance College going straight through his undergraduate years without a break. It was about this same time that he helped to reorganize the local National Guard Company in Defiance. He finished his studies at the University of Toledo and earned his Juris Doctorate in 1951 from The Ohio State University School of Law.

John entered into a partnership with Defiance native, attorney, and artist, Ed Hummer in 1957. That same year they established a satellite office in Hicksville, Ohio. In 1963, John formed a law firm with Karl Weaner and Reeder Hutchinson. That office was located in the offices above the State Bank and Trust Co. until 1991, when the firm purchased the modern-looking, stone and cedar-sided building on the corner of Wayne and Third Streets. Mr. Zimmerman is one of the last remaining from the original firm that still exists today.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mr. John E. Zimmerman. Our communities are served well by having such honorable and giving citizens, like John, who care about their well being and stability. We wish John, his wife, Loisann, and their family all the best as we pay tribute to one of our state's finest citizens.

CONDEMNING THE ARRESTS OF OPPOSITION PARTY MEMBERS IN NORTHERN CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. ANDREWS. Mr. Speaker. I rise before you today to condemn the recent acts of the Turkish-Cypriot leadership. Only two weeks after denying their citizens the right to conduct a referendum vote on acceptance of the UN plan for reunification of the island, the illegitimate Turkish-Cypriot government has once again denied the will of its constituency.

In response to Rauf Denktash's refusal to allow a referendum vote, an opposition party in Northern Cyprus, the United Cyprus Party, planned to hold its own vote to explicitly demonstrate the desire of Turkish-Cypriots for a resolution to the Cyprus Question. Under the direction of Mr. Denktash, the Turkish-Cypriot police surrounded the village of Elia, and forcefully ensured that the vote could not take place. The General Secretary of the United Cyprus Party, Izzet Izcan, was arrested in the incident along with five trade unionists.

Mr. Speaker, I ask that the Members of the House of Representatives join me in condemning these acts which took place at the hands of the illegal Turkish-Cypriot regime. Mr. Denktash has already harmed the people he is supposed to represent by denying them the opportunity to unite with their Greek-Cypriot neighbors and join the European Union in April, and it is absolutely detestable to see him silencing the will of his citizens once again. I urge my fellow colleagues to continue offering their support to the people of Cyprus, and request that the United Nations persevere in their efforts to bring about a fair and agreeable resolution to the longstanding division of the Republic of Cyprus.

THE REFERENDUM IN CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SMITH of New Jersey. Mr. Speaker, last Sunday, while the world's eyes were focused on the momentous events taking place in Iraq, a constitutional referendum was held in the war-torn region of Chechnya. The referendum was held as part of the Russian Government's attempt to "normalize" the situation in that tortured part of Russia's North Caucasus.

For the last ten years, Chechnya has been the scene of a bloody war between armed Chechen rebels and Russian military forces. Hostilities were precipitated in late 1994 when, in the wake of Chechnya's attempt to secede from the Russian Federation, Russian military forces launched a fullscale assault on the Chechen capital of Grozny. There was a restive peace from 1996 until the summer of 1999, when the armed clashes erupted anew. The roots of this conflict go back to Tsarist conquests in the 19th century and Stalin's brutal deportation of the Chechen people to Central Asia during World War II. Unfortunately, certain radical Islamic militant elements linked to international terrorism have become involved on the Chechen side, though the State Department has stressed that not all Chechens are terrorists.

Despite Moscow's repeated claims that heavy-handed Russian tactics in Chechnya are part of the war against global terrorism, the situation is far more complex. Many Chechens have taken up arms against what they believe is a repressive colonial power and wish to see Chechnya as an independent state that will be able to make the critical choice regarding the future of its people. As is so frequently the case, the civilian population has suffered terribly from the war. While both sides are guilty of violations of international humanitarian law, the Russian military and special operations units have been responsible for numerous and well-documented instances of gratuitous, brutal and mass violence against the civilian population.

During my years in the leadership of the Commission on Security and Cooperation in Europe, the Commission has conducted eight hearings and briefings on Chechnya. Witnesses, including a nurse who was present in a Chechen town where some of the worst atrocities by Russian forces took place, have described the appalling fate of the civilian population.

According to the U.S. State Department's Country Reports on Human Rights Practices for 2001, "The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighbouring republic of Ingushetia. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas." The report continues: "Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished, which fostered individual acts by government forces of violence and looting against civilians." Among the examples of such lawlessness and impunity in the Country Reports were ". . . reports of mass graves and 'dumping grounds' for victims allegedly executed by Russian forces in Chechnya" and "cleansing" operations directed against guerrillas but resulting in deaths and the disappearance of non-combatants.

The State Department points out that Chechen forces also committed serious abuses: "According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity."

Against this unsettling backdrop, with an estimated 100,000 internally displaced persons living in refugee camps in neighbouring Ingushetia, and under the guns of approximately 80,000 Russian soldiers in Chechnya, the Chechen people have reportedly voted overwhelmingly for the proposed new constitution. Nevertheless, it is difficult to believe that a genuine assessment of the public will would have been determined under such circumstances. I would ask the same question I asked in a Helsinki Commission press release over a month ago: "Are we supposed to believe that this referendum will stabilize Chechnya while armed conflict between the Russian military and Chechen fighters continue to produce death and destruction?"

The well-respected Russian human rights group, Memorial, has charged that Chechens were pressured to vote with the threat of losing their pensions or humanitarian aid. A joint assessment mission of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe stated that "no group has been able to campaign officially against the referendum in the mass media or distribute literature arguing against the referendum," although some opposition opinions were voiced in the media. Incidentally, in the concluding communique of the 1999 Istanbul OSCE Summit, the Russian Government agreed that all sides should seek a political solution to the conflict, and avail themselves of the assistance of the OSCE. This commitment was seriously undermined when the Russian government evicted the OSCE Assistance Mission to Chechnya at the end of last year.

Mr. Speaker, the Bush Administration has stated that ". . . we hope [the referendum] can be the basis for a political solution to that tragic conflict." I find that rather optimistic. The Russian Government might better instruct its military to stop terrorizing the civilian population, prosecute human rights violators and rebuild Chechnya. Then perhaps it would not have to hold referenda in Chechnya under armed guard.

TRIBUTE TO VICKI DOUGLAS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mrs. CAPITO. Mr. Speaker, I rise today in honor of both a friend and constituent of mine, the Honorable Vicki Douglas. Tonight, Vicki Douglas is receiving the Distinguished Citizen Award from the Shenandoah Area Council, Boy Scouts of America, in Martinsburg, West Virginia for her years of continuous service to her community and state government.

Serving as my first committee chair in the West Virginia House of Delegates, Vicki was a colleague and a mentor. To this day, I value her leadership and tenacity and applaud her dedication. Throughout her career, Ms. Douglas has worked tirelessly to bring women's issues to the forefront and promote the well being of all West Virginians.

It is a great honor to commend Ms. Douglas on her service to the great state of West Virginia and recognize this extraordinary achievement.

TRIBUTE TO MEMBERS OF OUR ARMED FORCES SERVING OVERSEAS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. BALLENGER. Mr. Speaker, today I rise to pay tribute to the members of our armed forces serving overseas, but I do not wish to use words of my own. I want to use those of my constituent, Miss Lisa Seviers. Miss Seviers is only ten years old, but her words are of an understanding far greater than her age. Miss Seviers wrote a poem which I would like to share with you now:

"THESE TROUBLED TIMES"

In this time of 2003, a troubled year ahead we see,
But lose no confidence for we are strong, bounded by our
Nation's thoughts of liberty, justice and freedom for all.
We are the ones who will stand tall,
When and if the economy falls.
We will not lose hope—we will hope even more.
Stand at the thought we are free,
No matter what happens in other countries.
We will stand strong, we will not give in.
For the people of our land, we sent soldiers out to fight.
So fearless, bold and courageous.
They are being sent to a new land,
Yet they show not signs of being afraid.
We will pray to God to keep them safe.
If he will, we will praise the Lord.
If they don't come back safe, most will say
"Why did you take my loved one away?"
The answer hides on a coin: "In God We Trust"
Your answer is—we trust in God to keep them safe
For God is wise, and what you say is—
"The best way to die is dying free."

I want to thank Miss Seviers for sending me her poem. I want to join with her and express my faith in our troops and my hope for their safe and speedy return.

HONORING MARY IMBRIACO

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mrs. Mary Imbriaco of Groton, Connecticut who is celebrating her 100th birthday on April 9, 2003.

Mary was born in Italy and traveled to the United States with her family at the age of 13. She grew up in the town of Groton and became a United States citizen in the 1930's.

Dedicated to her family and her community, Mary raised four children and worked almost her entire life, only retiring recently at the age of 85. Just 10 years ago she suffered a stroke. Her strong will and determination have helped her to triumph during this difficult time.

Today, Mary resides in the same house that she has called her home since 1933. She has a passion for music and singing and brings many gifts to her community and her family.

Mary's life is an inspiration to all who know her and I commend her on a lifetime of achievements.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in celebration of Mary Imbriaco's 100th birthday. She is a blessing to our community and to this country.

Tanti Auguri!

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Ms. LEE. Mr. Speaker, I hope and pray for the safe return of our troops, and I pray for peace. I know that many other Americans do as well. I do not believe, however, that it is the place of government to tell Americans how or when to pray. Matters of faith are deeply personal, and it is one of the founding principles of this government that the state should not intrude upon them.

IN HONOR OF HUGH AND MARTY DOWNEY AND THE PLACE OF HOPE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Hugh and Marty Downey of Arvada, Colorado, who have dedicated their lives to over five hundred orphans in Matoso, Kenya.

Raising more than $300,000 a year through private donations and small businesses, the Downeys are able to run a home and medical center for the children that is known as "the place of hope" or Lalmba to the people of Kenya.

Stationed with the U.S. Army as a communications specialist in Africa over forty years ago, Hugh Downey knew little of Africa and the role he would play with Kenya's children. Today, he and Marty spend six months out of the year raising 500 children in African grass huts and the other six months with their own grown children back in Colorado.

Home to 2.2 million out of 3 million AIDS victims, Africa has found itself in an epidemic affecting both children and adults. In Kenya, 190,000 deaths a year are caused by HIV/AIDS, so it is not surprising that the majority of the Downey's orphans were born to parents who died from AIDS. The rate of Kenyans contracting the AIDS virus has doubled in the past decade, and will continue to rise and affect children.

As AIDS continues to greatly affect the African economy and society, Marty and Hugh Downey have been called upon to educate and house an increasing number of orphans. Many African adults, because they suffer from AIDS, are unable to support their families—in fact, their children are forced to drop out of school and work to support their dying parents. As the cost for AIDS medication and school fees increase, most children have no choice but to begin working at a young age. By offering education and preventive AIDS medication for the children, the Downey's are giving these Kenyan children the chance at a future.

I ask my colleagues to join me in honoring Marty and Hugh Downey for their dedication and commitment to bettering the future for over 500 African children with their creation of Lalmba and to wish them continued success with their chosen mission of mercy and hope.

HONORING CONGRESSMAN CARL D. PURSELL UPON HIS INDUCTION INTO THE PLYMOUTH, MICHIGAN HALL OF FAME

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McCOTTER. Mr. Speaker, I ask the House of Representatives to join me in recognizing former Congressman Carl D. Pursell, who was recently inducted into the Plymouth, Michigan Hall of Fame.

Congressman Pursell's career in public service began as a member of the Wayne County Board of Commissioners. He was quickly elected to the Michigan State Senate, and subsequently to eight terms in the U.S. House of Representatives, where he held numerous leadership posts.

Congressman Pursell was a national figure in efforts to balance the budget. As Budget Task Force Chairman, he led the authorship of two federal budgets proposing no new taxes and no new spending. As the Ranking Republican on the Labor, Health and Human Services, and the Education Appropriations Subcommittee, Congressman Pursell oversaw funding for all of the nation's job training, labor, health care, biomedical research, and education programs. Congressman Pursell also served on the Appropriations Committee, the Committee on Standards of Official Conduct, and the Energy and Water Development Appropriations Subcommittee during his tenure.

Carl, who once graced this chamber with his intellect, wit, and kindness, has been, is now, and always will be a tremendous inspiration to our community back home, and to this Congressman in particular.

Mr. Speaker, I extend my sincere appreciation to former Congressman Carl D. Pursell for his fine service to our country as he is inducted into the Plymouth, Michigan Hall of Fame.

CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. HENSARLING. Mr. Speaker, today I urge all Americans to unite in support of our troops now engaged in battle in Iraq.

Our Commander and Chief, with the approval of Congress, called our armed forces into action to disarm a rogue regime that threatens our freedom and security.

With our troops now in the line of fire, with more than 28 Americans having made the ultimate sacrifice for freedom, the time for protest has past. The time for unity has arrived.

We live in a free society where we all share the right to debate the best policies for our nation. And in a free society, each of us also has the right to assemble and to protest. These are sacred rights.

But once our nation has decided to act through our democratic process, and once our troops have been sent into harm's way, the time for debate and protest is over.

Just as we share sacred rights, we also share sacred duties. Today, with American troops in the field, we all share a duty to unite behind them and ensure that our actions do them no harm.

But if just one floor speech by a member of Congress, just one acceptance speech by a Hollywood director, or just one street protest causes Saddam Hussein and his forces to hold on for even one day longer, then those responsible will have done a terrible disservice to those serving so bravely in our name.

I would never question any American's right to speak or protest, I only question the wisdom of doing so at this time.

No matter what political beliefs we hold, we are all Americans—and those soldiers in uniform fighting on the front lines are our brothers and sisters, sons and daughters, mothers and fathers.

Those who undertake further protests at this point only fuel the resolve of our enemy, and they must take full responsibility for their actions.

Perhaps some need to be reminded why we are fighting and what we are fighting against.

Americans were sent to disarm an evil regime that has stockpiled weapons of mass destruction that threaten the peace and security of the free world.

26,000 liters of anthrax. 38,000 liters of botulinum toxin. 500 tons of sarin, mustard gas, and VX nerve agents; enough chemical and biological weapons to kill millions of innocent people in a single act of terrorism.

I agree with President Bush, the risk of doing nothing is far greater than the risk of doing something.

Americans were also sent to Iraq to end a regime of terror. A regime that has used chemical weapons on its own population, a regime that has made rape and torture an instrument of public policy.

Just ask 68-year-old mother, Zahra Khafi, recently liberated by American forces, whose

28-year-old son was summarily executed two years ago by Saddam Hussein's regime for merely practicing his religion, a branch of Islam out of official favor. She greeted our troops saying, "peace be upon you, peace be upon you."

"Should I be afraid?" she said, wiping her eyes. "Is Saddam coming back?"

Ask All Khemy, who said after the 1st Marine Expeditionary Unit liberated his village, "Americans very good . . . Iraq wants to be free."

President Ronald Reagan once said "no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women." The minions of tyranny and evil are learning that lesson today.

Our nation has met much greater challenges and we have faced darker days. During the Civil War when brother fought brother, President Abraham Lincoln solemnly stated, "I have often been driven to my knees with the overwhelming conviction I had no where else to go."

I believe now is a good time for all Americans to be driven to our knees and pray for a speedy victory . . . pray for our men and women in uniform, and pray for a peaceful world no longer threatened with weapons of mass destruction.

Our cause is just. Our victory is inevitable. Freedom will prevail. But we must all must unite behind our troops today.

CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. MCKEON. Mr. Speaker, on Saturday, March 8th, citizens of the Santa Clarita Valley gathered at a busy intersection to show their support for our American troops and for President Bush. Over a period of several hours, hundreds of people of all ages participated. Carrying signs and waving flags, they elicited a steady chorus of honking and cheering from passing motorists.

Barbara Barrick, Elizabeth Makous, Stacy and Brad Meyer, Denise Grimes and Betty Lanning planned this wonderful display of patriotism with assistance from the Santa Clarita Congress of Republicans, the Republican Women Federated, the Young Republicans and the Lincoln Club.

Judy Belty, a young soldier's mother, was so touched by the demonstration that she wrote the following letter to the editor of our local paper, The Signal. I share it with my colleagues in hopes they will find it as inspiring as I did.

EDITOR: As I was driving home today I saw about 100 people dressed in red, white and blue, waving flags, holding up signs and cheering in support of our president and troops. Most of the cars passed by honking their horns in support of the waving display. I wanted to stop right there, get out of my car and hug the first person I ran into. I wanted to say "thank you" for being a voice for my boy.

I am the mom of an Army 82nd Airborne medic soldier and my heart has been heavy with the rhetoric that has been voiced in the name of "peace." I think I can safely say that none of us wants war, not even President Bush. But it is no secret that our country's freedom has always had a cost.

Since 9–11, I have been asked often if I think we should go to war. I think most expect me to say no, because I am a soldier's mom. Well, as a mom, I don't want my son or any other young person to have to experience what may be ahead. As an American, I want to keep my right to speak my opinion, to practice my Christian faith, to display my country's flag, to make choices for my life that are usually "politically incorrect," and even to write this letter. I want to be able to ride up an elevator and believe I am safe, to board a plane and reach my destination. More importantly, I want this freedom for our children.

I drove by the supporting display about three times, and each time I was stirred with emotion. I wished my son could see the support for what he is doing. When I hear others speak against the war, I wonder if they really remember the human lives stationed all over the world for them?

The military is not paradise. It's not all fun and games. My son has been to the Middle East and will probably be returning again within a few months. I have so much compassion in my heart for the moms of sons who were in combat, for the spouses of soldiers, and the children.

Do I want war? No, but I want peace and freedom. Do I want my son to go to war? Of course not, but I am extremely proud of him and his fellow comrades for valuing my life over their own.

So to those of you that stood out there, thank you. Thank you for helping people remember that regardless of whether you agree with war, there are real men and women, our troops, in need of our love, our support, our words of encouragement. Thank you and please, God in heaven, bless America.

HONORING PHYLLIS SCHLAFLY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. ADERHOLT. Mr. Speaker, I rise today to honor the work of a great American, Phyllis Schlafly. Mrs. Schlafly was named one of the 100 most important women of the 20th century by the Ladies' Home Journal, and has been a national leader of the conservative movement since the publication of her bestselling 1964 book, *A Choice Not An Echo*.

Mrs. Schlafly has been a leader of the profamily movement since 1972, when she started her national volunteer organization now called Eagle Forum. In a ten-year battle, she led the profamily movement to victory over the principal legislative goal of the radical feminists, called the Equal Rights Amendment. An articulate and successful opponent of the radical feminist movement, she appears in debate on college campuses more frequently than any other conservative.

Mrs. Schlafly's monthly newsletter called *The Phyllis Schlafly Report* is now in its 36th year. Her syndicated column appears in 100 newspapers, her radio commentaries are heard daily on 460 stations, and her radio talk show on education called "Phyllis Schlafly Live" is heard weekly on 45 stations. Both can be heard on the internet.

In addition, she is the author or editor of 21 books on subjects as varied as family (*The Power of the Positive Woman*) and feminism (*Feminist Fantasies*), nuclear strategy (*Strike From Space* and *Kissinger on the Couch*), education (*Child Abuse in the Classroom*), and child care (*Who Will Rock the Cradle?*). Her recent book, *Turbo Reader*, is a system to enable every parent to teach his child to read.

Mrs. Schlafly is a Phi Beta Kappa graduate of Washington University, received her J.D. from Washington University Law School, and received her Master's in Political Science from Harvard University. She is a lawyer who served on the Commission on the Bicentennial of the U.S. Constitution appointed by President Reagan, has testified before more than 50 Congressional and State Legislative committees on constitutional, national defense, and family issues.

The mother of six children and an Illinois Mother of the Year, Mrs. Schlafly is America's best-known advocate of the dignity and honor that we as a society owe to the role of fulltime homemaker.

Phyllis Schlafly was honored in 2002 by Focus on the Family as the Mother of the Profamily Movement, and in 2003 she was the honoree at dinners hosted by the Council for National Policy and the Conservative Political Action Committee. She has since 1972 traveled at least annually to Alabama to debate and speak eloquently on issues that affect the family.

The Alabama Policy Institute, Christian Coalition of Alabama, and the Southeast Law Institute have joined the Eagle Forum of Alabama to honor Mrs. Schlafly and express their admiration, appreciation, and affirmation of her exemplary service to God, family and country. As President Ronald Reagan said: "Our nation needs the kind of volunteer service you and Eagle Forum have demonstrated. . . ." And as American Conservative Union Chairman David Keene said in a statement this year about Mrs. Schlafly: "If there are giants among us, you are certainly one. The movement of which we are all part would never have achieved the successes it has without you . . . you had the courage to be 'conservative before it was cool'. . . the fact that so many young people are attracted to our banner today is a tribute to your work."

I stand with these groups and individuals to honor Phyllis Schlafly for her service to our country and culture, and her commitment to conservative family values.

HONORING EDITH PALMER ON THE OCCASION OF HER RETIREMENT FROM THE SPRINGVILLE LEAGUE FOR THE HANDICAPPED

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize and honor a remarkable and devoted individual. Tomorrow, Edith Palmer will be honored by her community on the occasion of her retirement from the Springville League for the Handicapped and Preschool Learning Center.

For 43 years, Edie has been the heart and soul of a facility that has given new hope to parents and new opportunities for the more than 160 preschool children who come through its doors each year. I know that not only because Edie lives in my hometown, but also because I am one of those parents.

In May, 1960, Edie answered a newspaper ad calling together parents of disabled children to meet and discuss the special educational needs of their children. These concerned parents first met under a tree on East Avenue, where they planted the seeds for what has become one of the premiere educational facilities for handicapped and learning disabled children in all of New York state.

Edie's devotion to the Springville League for the Handicapped began from her own experience as the parent of a hearing disabled son. Like other parents of handicapped children in the 1950's, Edie felt, as she said in her own words, "adrift on the ocean with no help on the horizon."

That first day, Edie volunteered to handle all the group's secretarial work, and later that year became Board Secretary for their volunteer board of directors—a post she would hold for 20 years. For its first dozen years, the League provided volunteer help for children, using donated space, volunteer staff and providing help to children at no cost to their parents.

Thanks, in part, to Edie's leadership, dedication and passion, the Springville League for the Handicapped and Preschool Center opened the doors of its own facility in 1987; and today employs 95 people, serving 160 disabled preschool children each year. Earlier this year, Edie Palmer was named the Springville Chamber of Commerce "Citizen of the Year," an honor well deserved.

Mr. Speaker, I ask that this Congress join me in saluting Edie Palmer for her 43 years of service to the Springville League for the Handicapped and Preschool Learning Center. As a parent, I can personally attest to the tremendous difference that she has made in the lives of children and families in Western New York, and I am proud and grateful to be able to call her my friend.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. MURPHY. Mr. Chairman, I rise today in support of the fiscal year 2004 budget resolution. I would like to thank the gentleman from Iowa for his hard work on the budget resolution. Over the last several days, I've met with House Leadership to voice my concerns with this resolution. Although this budget does not have everything in it I am requesting, it is showing considerable momentum in the right direction.

Most Americans agree that the federal government must tighten its fiscal belt. This budget controls federal spending, while also ensuring that priority items are adequately funded. This budget protects the Medicare program while also beginning the process of reforming the system. This budget also provides $400 billion over ten years to provide a prescription drug benefit. I strongly support this funding, and I will continue to work for a Medicare prescription drug benefit for Pennsylvania's seniors.

This budget protects our veterans. Although earlier drafts of this resolution provided lower levels of veterans' funding than in the President's fiscal year 2004 Budget, I strongly advocated the need for higher levels in my discussions with Leadership and the Committee. This resolution matches the President's proposed 6.1 percent increase in veterans' discretionary spending over fiscal year 2003, and a 7.5 percent increase in mandatory outlays. I would like to thank the Chairman for his commitment to veterans, and for promising to support even higher levels of funding during conference negotiations.

I have met with numerous veterans in my district and across Pennsylvania. Let me reassure those who served our country that I will continue to support stronger funding for veterans, especially in the area of health benefits. More needs to be done. For example, wait times for veterans seeking medical care remain much too long. But this budget is not the end of the road on veterans' funding, and, as the only Pennsylvania Member of the Veterans' Affairs Committee, I will continue to work on this.

That Committee and several veterans' groups are working together to identify waste, fraud and abuse to ensure that the VA is using its resources efficiently. For example, the VA Inspector General has identified more than 5,500 cases of individuals who may be defrauding the VA by receiving benefits intended for veterans who have died. The VA has recovered $4.7 million from these cases. We must also update and improve purchasing procedures such as for medical supplies and prescription drugs. Every dollar wasted, every penny stolen through fraud or abuse is money robbed from veterans—and none of us will tolerate this.

I also support this budget's call to cut one cent on the dollar from other federal agencies by reducing fraud, waste, and abuse. I believe we can find these savings and, as a taxpayer, I believe we are obligated to try. We must ensure, down to the last penny, that every tax dollar is spent wisely and efficiently.

I urge my colleagues to vote in favor of protecting Medicare, providing funds for a Medicare prescription drug benefit, and increasing spending on veterans' health care needs.

INTRODUCTION OF H.R. 1462, THE INTERNATIONAL DISABILITIES AND VICTIMS OF WARFARE AND CIVIL STRIFE ASSISTANCE ACT OF 2003

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. LANTOS. Mr. Speaker, today I am introducing H.R. 1462, the International Disabilities and Victims of Warfare and Civil Strife Assistance Act of 2003. Mr. Speaker, as we speak thousands of young men and women in our Armed Forces are beginning the long process of transforming Iraq and the entire Middle East by risking their lives in the desert plains before Baghdad. These brave members of our Armed Forces are facing many threats—threats from Iraqi's Fedayeen, who violate international humanitarian law by pretending to surrender and then attacking our troops, from weapons of mass destruction and from landmines. Mr. Speaker, I understand that already many of our casualties are related to these devices or have injuries similar to those inflicted by these weapons.

The bill I am introducing today is intended to help those who face identical injuries. The suffering of individuals with disabilities and the innocent victims of landmines, civil strife and warfare—men, women and children who often lead shattered lives—transcends any politics. An often-difficult life in the developing world is instantly made nearly impossible, for example, as a landmine indiscriminately transforms a productive member of a village, an irreplaceable provider for a family, a child hoping for a better life, a young woman looking forward to marriage and children, into a crippled, demoralized person who is often shunned as a liability by his or her society. Persons with disabilities—either from birth, accidents, civil strife or other means—are marginalized, often without any hope of leading useful and productive lives.

The United States provides some assistance for rehabilitation and societal reintegration of individuals suffering from disabilities and landmine victims, but so much more needs to be done; currently, only about 10 percent of U.S. assistance to address the landmine problem actually helps survivors.

The International Disabilities and Victims of Warfare and Civil Strife Assistance Act of 2003 grants the President new statutory authority to conduct international disability and landmine victim programs, primarily through private organizations; authorizes and coordinates related activities of appropriate U.S. agencies; and authorizes increased funding levels for such programs. Let me make one additional point, Mr. Speaker, this bill is not about questions regarding the ban on landmines. It is simply a humanitarian measure designed to help the innocent men, women and children who face disabilities throughout their lives.

I want to thank my cosponsor and cochairman of the Congressional Human Rights Caucus, my good friend from Virginia, FRANK

WOLF for making this bipartisan legislation, as well as the Senate cosponsors, Senator SAM BROWNBACK and Senator HILLARY CLINTON, who have been leaders in this area.

I urge swift consideration and enactment of this legislation.

SENATE—*Monday, March 31, 2003*

The Senate met at 3 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God, our Father, the shadow of the Cross falls upon our world as the forces of freedom and tyranny collide. In a free world, human potential, human dignity, and the sanctity of life can be recognized. In tyranny, life is cheap and living is misery. The tears of people of good will mingle with the blood of those who died or are wounded in the pursuit of freedom and security.

Therefore, we look to You, our Lord, to show us the way. Those who live by the sword—or by the chemical weapon—have no future in You. Banish from our midst the threats of those who make themselves enemies of the United States.

In this great deliberative body of the Senate of the United States of America, we beg You for Your peace and wisdom. Bless the Senators, their spouses, their children, and their staffs. Let them see the supreme privilege of their service, each in their own way, to the people and the Constitution of this great land. May this day be productive, and may we all be pleasing to You in what we think and say and do.

Protect us from evil. Give us Your peace and lead us to everlasting life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for the next 3 hours, until 6 p.m. The first hour of morning business will be devoted to statements regarding our brave men and women in the Armed Forces. Following those statements, there will be additional time for Senators to give tributes to Senator Daniel Patrick Moynihan.

Under a previous order, at 6 o'clock the Senate will proceed to a vote on the confirmation of Theresa Springmann to be a U.S. District Judge for the Northern District of Indiana. That will be the only rollcall vote during today's session.

Tomorrow morning, by previous agreement, the Senate will consider the Tymkovich nomination to be a U.S. Circuit Judge for the Tenth Circuit. The vote on that nomination will occur sometime on Tuesday upon the use or yielding back of the 6 hours of debate.

Throughout the week, we will continue to schedule votes on nominations, as necessary. I would also expect another cloture vote in relation to the Estrada nomination this week. In addition, we are working on time agreements for the consideration of several other important bills, including the CARE Act, the FISA bill—the Foreign Intelligence Surveillance Act—several bills relating to our Armed Forces personnel such as the "Troops Phone Home" bill, a bill regarding the delay in reservist pay, and a bill relating to the Survivor Benefit Plan annuities for surviving spouses.

Later in the week, when it becomes available, the Senate will begin consideration of the supplemental appropriations bill. We need to pass that bill as soon as possible to ensure that the appropriate resources are made available for the war in Iraq. Members should therefore expect a busy week with rollcall votes each day.

101ST AIRBORNE, CLARKSVILLE, TN

Mr. FRIST. Mr. President, a little later today or tomorrow, I want to share with my colleagues at the appropriate time a visit I had with the 101st Airborne families in Clarksville, TN, yesterday. I had the opportunity to go by and visit with those families, attend church, and to spend the early afternoon with them and have lunch with them. It was a remarkable experience for me, Karen my wife, and our son Jonathan.

Over 17,000 women and men have been deployed from that particular post over the last several weeks. Those 17,000 are now in Iraq and Kuwait as part of the 101st Airborne air assault team. The pride we as a family felt in them, the stories that they told us, I will be sharing with my colleagues over the next several days. But just the lasting impression I had was this juxtaposition of feeling, as we talked to the moms and dads and children, of concern for their husband or their spouse and, yes, an insecurity about their safety, which is natural, as we would all feel, but at the same time an optimism, a feeling of being able to contribute to the United States of America and our great democracy.

They were upbeat. They were optimistic. They were patriotic. And that sort of juxtaposition of feeling was something that was a real privilege for me and my family to experience. The one thing they did all say, as we finished church and went to lunch, was: Make sure, when you go back to Washington, that you let your colleagues know and let the President of the United States know how much we appreciate their leadership, their support for our troops abroad. Let the President know that we are keeping him and his family in our prayers.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first hour shall be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Senator from Arkansas, Mrs. LINCOLN, or their designees.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, I thank our distinguished majority leader for visiting with the families of our troops from the 101st from his State. All of us are personally visiting with families of people who are there, and particularly in my case, I spent quite a bit of time talking to the families whose loved ones are either missing in action or are verified prisoners of war.

There is nothing more rewarding than talking to these incredible people who are afraid of what might be happening. They are, of course, going through something that all of us hope we will never have to go through, but they are very strong. They trust that we are doing everything possible to inform them, to find out the whereabouts of these prisoners or missing persons. Most certainly, our military—this is something I personally ask in our briefing sessions—is trying to find out exactly where these prisoners or missing people are located.

They are working through the Red Cross to try to have a Red Cross representative see these prisoners just as the Red Cross representatives are being able to see the Iraqi prisoners who are being held by the allied forces. So it is a tough time for these wonderful people of America who are supporting their loved ones in this very trying time for them.

All of us want to be reminded that there are specific laws, international laws, called the Geneva Convention, about the treatment of prisoners. Article 17 explicitly prohibits inflicting physical or mental torture and any other forms of coercion on prisoners in order to obtain information of any kind, including publicizing photographs where they can be recognized. Prisoners of war who refuse to answer questions may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Article 23 of the Geneva Convention prevents a prisoner from being sent to or detained in areas where they may be exposed to the fire of the combat zone, and in no case can prisoners be used as human shields.

The Geneva Convention also requires access to the prisoners by officials of the International Committee of the Red Cross.

We have informed the Iraqi Government that we intend to treat their prisoners with dignity and abide by the Geneva Convention. We most certainly are appealing to the Iraqis to let in the Red Cross personnel.

One of the benefits of the so-called embedded media is that they are on the scene with our military and are able to provide some very candid photos of our troops in action.

I want to show a few more of the photos. I started some of them last week. I think these photos really speak more than a thousand words about what it is to be at the front. We see the pictures on television, but I wanted to display some of the still pictures showing how we are treating prisoners of war and the people of Iraq as our allied soldiers are coming upon them.

This photo shows a U.S. marine helping an injured prisoner of war moments after securing the port of Umm Qasr in southern Iraq. It was taken on March 23 of this year.

U.S. Marine LCpl Marcco Ware of Los Angeles carries an Iraqi soldier who was injured in an attack on Ware's outfit on Tuesday, March 26, 2003. This unit has been attacking LCpl Ware's unit, but he found this injured soldier and is carrying him to safety.

I am very proud of the character and courage of our forces and the way they are treating those who are in their care. At the same time, we have seen our soldiers paraded on Iraqi television in clear violation of international law. We applaud our troops' bravery, courage, and professionalism. Our prayers are with them and their families in this most difficult time.

President Bush has demanded that the Iraqis immediately comply with the Geneva Convention. I urge all of those who might have information that could be helpful to the Red Cross in getting in to see our prisoners of war to bring that forward. I encourage the Iraqi Government—if there is any shred of dignity—to make sure they abide by the Geneva Convention, just as our forces are abiding by it.

I know so many in the Senate are reaching out in their individual States, trying to make sure that we touch the families who are suffering so much. In churches throughout my hometown of Dallas, they have prayer lists including every person who is connected to a member of that particular parish. Those young men and women are being named individually in those prayers. I think all of us are touched. We have Texas embedded media.

I close with part of a piece in the San Antonio Express that was written by Sig Christenson, their military correspondent who is embedded with the 3rd Infantry Division:

> March 25: It was a little after 3 p.m. today when the little slice of Iraq that we occupy dimmed.
>
> A vicious sandstorm, almost certainly the worst one yet for the 3rd Infantry Division troops that have been here for months, swept over the sandy plateau we took from 200 or so Iraqi troops this past Sunday.
>
> "Wow, it's dark," Airman 1st Class Dan Housely said.
>
> Not to mention surreal.
>
> In less time than it takes to watch a rerun of "The Beverly Hillbillies," the once-overcast but relatively clear desert was a swirling mass of sand. An orange hue descended over the landscape, creating a scene resembling Viking probe photos of Mars.
>
> Sand gets into everything around here, and especially seems drawn to your sinuses and ears. Take a "Baby Wipe bath," as soldiers call it, and you'll clear out clumps of dirt from your ears—day after day.
>
> Outside, gale-force winds kick up the sandy floor and turn each fine grain into a weapon. . . . Within an hour, I had a headache that pulsated at the back of my skull.
>
> It could be worse.
>
> We hold the high ground and have lots of firepower, but that won't stop Iraqis loyal to Saddam Hussein. Already we've lost a soldier within walking distance of my cot—he was shot dead—and our troops have encountered Iraqis wearing American military uniforms close to our camp.
>
> If today's battle for a bridge outside An Najaf is any example, we can expect a determined, fierce resistance all the way to Baghdad. Iraqi regulars and elite militia driving trucks took on 70-ton M1A1 tanks, coming at them again and again.
>
> That kind of fanaticism is cause for my imagination to go wild as I prepare to sleep. A sandstorm gives perfect cover to infiltrators and snipers out here, and as I worked today I found myself frequently looking out my Humvee. It could become a habit.

Mr. President, I appreciate very much Senator LINCOLN from Arkansas sharing this hour with me, and the rest of the hour on our side will be managed by Senator THOMAS of Wyoming.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I compliment my colleague from Texas. She and I have embarked on this opportunity to really highlight a tribute to our troops. I am honored to share the responsibility with her, and I am certainly appreciative of all the stories she brings to light as we do highlight and pay tribute to our troops. It is really a forum for all of us to share in saluting the efforts of our men and women in uniform, and also to remind one another that as we lift up our prayers and thoughts for the families of our constituencies that have men, women, and family members who are fighting in the Middle East in this conflict, we can also lift up our thoughts and prayers for one another's constituents. It is not just the people from Arkansas I can lift up my prayers for but all the service men and women, so that they know in return it is not just their Senators but our whole body having thoughts and prayers for the men and women who are so gallantly defending our freedoms in a land so far away.

When we kicked this off last week, we really hoped to have daily contributions from our colleagues paying tribute to our Armed Forces and to those among our own constituents who are sacrificing in the liberation of Iraq and other operations. I speak for myself and, I am sure, Senator HUTCHISON when I say the response has been overwhelming. We appreciate the contributions made by our colleagues and others who have brought stories to the floor. We thank our colleagues for their participation and encourage all of them to continue to bring forth those stories so that we all might share with one another the experiences we are having in our own offices, particularly with our own constituents.

Today I want to briefly speak about two of my constituents from Arkansas, both of whom were called to serve in Iraq.

The first is Hospital Corpsman Michael Vann Johnson, Jr, a 25-year-old Navy medic and Little Rock native who was serving in the 3rd Battalion of the 5th Marine Expeditionary Force.

On Tuesday of last week, Michael was the first Arkansas serviceman reported to die in action, as well as the first Navy casualty, when he was hit by shrapnel from an exploding grenade. At that time, Michael was tending to another wounded soldier, placing himself in harm's way in order to minister to the needs of others.

His was a display of incredible courage and a testament to our troops' dedication to their brothers and sisters in battle.

Oftentimes we do not really think about the camaraderie and the dedication these men and women in uniform have with one another, but it is a tremendous sacrifice they make on behalf of one another.

His was a display of courage and certainly dedication to his fellow man. I have with me today a story about Michael Johnson that was published in yesterday's Washington Post, a story that gives us a glimpse of the kind of man he was. The story details a number of Michael's qualities as remembered by those who really knew him the best—his energy, his intelligence, his compassion, and his generosity. These were the qualities that spurred him to volunteer for an assignment in the Middle East because he wanted to be there to help his brothers when they went into battle.

I ask unanimous consent that this Washington Post profile of Michael Johnson be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. LINCOLN. I thank the Chair.

Mr. President, as his father, Michael Vann Johnson, Sr., said last week:

> He died for the freedom that we have, the freedom that each of us loves.

A beautiful sentiment and a fitting tribute to a young man who made the ultimate sacrifice to make this world a safer place for all of us.

I know my colleagues join me in sending out our deepest condolences to Michael's family, friends, and loved ones, particularly his parents and his wife Cherice, in this very difficult time.

As I mentioned earlier, it is so important for us collectively, as a body, to lift up our prayers for each and every man and woman serving this country in conflict right now. So I ask all of my colleagues to keep his family in their prayers.

I would also like to recognize today LCpl James Smedley of the U.S. Marine Corps. Prior to being deployed to Iraq, Jason was assigned to the 4th Civil Affairs Group here in Washington, DC. He was also enrolled as a student at Howard University. And if all of that is not enough to keep a young man busy at his age, he was also a valuable full-time member of my personal staff here in my Washington office.

In January, Jason was deployed to Iraq. He was called up on a Tuesday, and he left on that following Friday. Some of my colleagues may recall that Jason accompanied me here one morning before his departure so that I could recognize his service on the Senate floor. He is a very handsome young man, full of energy, excitement, and dedication not only to his country but to his fellow man and to his Creator. He is the epitome of what we think of in the youth of America: young people who are excited about what they can contribute, who they can become, and what they can do for others.

On Friday morning, we received news that Jason had been wounded in combat and was being transported to a field hospital. For several hours that morning, we were uncertain as to the extent of the injuries he had suffered, but I am happy to report that although Jason had been wounded, he is safe and secure at a military hospital in Germany with relatively minor wounds to his arm and his hand. He is expected to recover fully from his injuries and may, in fact, return to the battlefield upon his recovery. That is yet to be determined.

I have to share what I felt when I got an e-mail that said Jason had been wounded. We did not know how he was. All we knew is he was in a field hospital probably about to undergo surgery. I knew that I was going to have to call his mother, Carolyn, whom I knew and who had come up with Jason to help him pack for his departure.

I thought about how she must feel. I thought to myself: Here I am with twin boys almost 7 years old. Sometimes I even have a twinge of, I do not know, guilt, or certainly just distance when my children go for a sleepover, and here this woman had sent her son across the sea to a land unknown to him and to her. How she must feel to have gotten word that he had been injured but she did not know how badly, she did not know where he was, she did not know who was caring for him.

I called her, and she was remarkably steady. She, too, had gotten an e-mail from Jason just a couple of weeks ago where he had lifted up a prayer for her, just like the e-mail he had sent me: Dear Senator, I want you to know how I am doing. I have wonderful men that I am traveling with and who I will be fighting with, and I want to lift up a prayer for you. I want to lift up a prayer for you and for my friends in the office.

This was a young man not worried about himself but about others.

When I spoke with Carolyn, she was remarkably steady, and through the course of the day, we received another e-mail saying that he was doing OK, we knew where he was, and that he was going to be all right. I heard the sigh of a comforted mother who had gotten word that everything was OK for the time being. What small way I could identify with that, I lifted up my sigh, too.

Along with Jason's families and friends, I wish to say I am deeply proud of his valiant service, and we all look forward to him returning home in good health as soon as possible.

Jason Smedley, a young marine wounded in action, and Michael Johnson, a Navy corpsman killed as he bravely sacrificed to help others—these, Mr. President, are the human faces of the war to liberate Iraq. We will not forget their courage and commitment, and it is in their honor that the brave men and women of our Armed Forces, in conjunction with the troops of our allies, will move forward with their mission to liberate Iraq from the brutal regime of Saddam Hussein and destroy Saddam Hussein's weapons of mass destruction. The sacrifices of these young men and women will be well honored when this mission is complete.

Mr. President, I wish to touch on one other item. I mentioned the e-mails. Many of our offices are getting e-mails and letters. I have recently received many e-mails from schoolchildren who want to send packages to our troops. They want to do letters and collages. They want to send care packages. Such patriotism among our young people always inspires me, and it is a wonderful tribute to the young people of this country. I know letters and pictures from schoolchildren across this country would light up the faces of our troops, many of which woke up this morning and each morning in sand-filled dugouts.

At this point, the Department of Defense wants to make sure the letters and drawings from relatives make it to our troops first. So they asked us to hold off sending care packages to the Middle East for the time being.

The Defense Department is encouraging folks who want to show their support to do so in a variety of ways, and I thought I would take a moment to share those with everybody.

To send a message to the troops, you can e-mail them through www.operationdearabby.net. If you have already purchased goods to send in care packages, the Defense Department suggests that for the time being you send those to a local veterans home. A wonderful way to honor the men and women in service to this country today is to certainly honor those who have served our country in the past.

If you have perishables or items you have brought together with the intent of sending them abroad, perhaps you could take them to a local veterans home and share them with the veterans community of this country. Then perhaps at a later date, you can do something for the troops abroad.

You could also call a local base to notify the families of deployed servicemen that you have goods, and they can collect them and send them off if it is at all possible. The real key has been that the Department of Defense, for security purposes, does not want to be inundated with packages for our service men and women and hope you will look at creative ways to honor our troops, just as we are today and each and every day coming to the floor of the U.S. Senate to honor these wonderful service men and women who are defending our country. We are looking also for the multitude of ways we can honor them. We encourage each and every one of our constituents to be inventive and to look for other ways they can honor those service men and women who are serving our country. You could also support the troops by displaying a flag and teaching your children respect for the flag.

Our hope is that in the coming weeks we will all look for ways to honor those men and women who are serving our country abroad, who are defending our freedoms, and who are working to eliminate the tyranny of Saddam Hussein.

I thank all of my colleagues who join us in this effort, and in the coming days I look forward to the ways we can honor our troops. I do, again, appreciate the support and the work of my colleague from Texas, Senator HUTCHISON, in this effort.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Mar. 30, 2003]

MEDIC WHO DIED TORN BY DUTY, DOUBTS

(By Amy Goldstein)

As a medic at a San Diego naval clinic, he had been resolute in volunteering for duty in Iraq. But Michael V. Johnson Jr. was a healer by training and temperament, and once he arrived in the Middle East, he was uncertain of the morality of having placed himself in war.

In letters to his wife, Cherice, sometime two letters a day, he wrote out his worries about what he—and the Marine division to which he was attached—might be called upon to do. How would God view him if he helped take a life?

On the war's sixth day, last Tuesday, it was Johnson who was killed, becoming the first naval casualty in Iraq. His 26th birthday would have been tomorrow, his wedding anniversary in two weeks. At 4:30 a.m. Thursday, Cherice Johnson was awakened by knocks on the door of their military housing. Seeing the chaplain and the officer through the peephole, she understood why they had come.

The information was sketchy—Johnson apparently had died when shrapnel from a grenade struck his head, she was told. The military emissaries did not say exactly where he had been. Nor did they explain "if it was an accident on our behalf or in combat," said his wife, 24, who had fallen in love with him when she was a high school senior and he a college sophomore in Little Rock.

He was a young man of many facets: an extrovert with the energy of a child, a passion for basketball, a gift for drawing and singing, a knack for science and calculus.

In Little Rock, his mother, Jana Norfleet, said she is trying to draw comfort from a certain symmetry: a son born in the spring and lost in the spring.

She said she tried to instill a sense of striving in the youngest of her three children, her only son. "I pushed him a lot," she said. "We would spend many nights just sitting, studying together. We didn't move until he was finished." And even when he was young, she was explicit about her reasons. "I'm doing this to make you realize there are many kids out there who are going to excel higher," she would tell him "and I want you to be in that group."

Starting in second grade, he was in classes for gifted and talented students. He graduated from Parkview Arts and Science Magnet High School, which selects its students from the entire county. His mother and stepfather still keep on a living room shelf a plaque from his freshman year, when he was listed in Who's Who Among American High School Students.

Six-foot-one, he excelled at basketball. "I think he saw himself as a basketball professional in his dreams," his mother said, "but we kind of swayed him in the other direction. We told him, 'That should be your second love. You need to make a living, son'."

Growing up, he had loved the cats, dogs, gerbils and fish in his family's house, and he was fascinated in biology classes by dissection. Compassion was part of his Christian faith, forged by his stepfather's insistence on attending church every Sunday.

He thought of a career that involved medicine. Together with a girlfriend at the time, he enrolled at the University of Central Arkansas, commuting the 45 minutes north to Conway, Ark. He hoped to enter classes that would lead him into physical therapy, but they were full, and he pursued pre-engineering classes for two years before he left.

"He went into the Navy to continue his education, to have it paid for by Uncle Sam," said his mother, who was uneasy about his choice but told him she would support him.

"He had wanted to strive for bigger and better things and travel, and he just came upon the Navy and decided that would be the starting point for what he wanted to do," his wife, Cherice, said.

After basic training, he trained as a hospital corpsman at the Marine Corps Air Ground Combat Center in Twentynine Palms, Calif., then was assigned to a clinic at the Marine Corps Recruit Depot that is part of the Naval Medical Center, San Diego. He had an affinity for the work. He gave physicals to potential recruits, helped to treat the sick and, at times, provided counseling.

He and Cherice formed a wide circle of friends, and he developed an attachment to the men he thought of as brothers in a surrogate, West Coast family. Last June, he extended his five-year enlistment by a year.

Late in the year, as the prospect of war grew, he was among fewer than half-dozen of the clinic co-workers he knew who volunteered for the Middle East, Cherice Johnson said.

He did not ask his mother for her opinion before deciding. If he had, she would have told him not to go, "because that's what mothers say," Norfleet said. "I'm selfish. I'm going to tell you that right here and now. That's my baby. But he didn't ask me. He's a man.

She told him, once again, that she supported his choice, but her feelings slipped out. "Don't you think you could find a tent like on the 'M*A*S*H' series, a tent to treat the wounded back behind?" she asked.

He replied, she recalled, that "they were his brothers, and he wanted to be there with them and for them."

His final conversation with his mother went on for two hours, on a cell phone as he was about to be deployed from California. He last called his wife on a refueling stop in Spain.

The last letter to his mother arrived just over two weeks ago from Kuwait. "By the time you receive this letter, I will have gone to war," he wrote. "If I don't make it back don't be sad for me. Be happy for me and praise God, because I've gone to heaven to be with grandma."

"The reality of war draws you closer to God," the medic wrote. "It lets you know how valuable life really is."

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I will take some time this afternoon to recognize what is being done for us and for this country. All of us have strong feelings about those who are defending freedom. We have talked about the risks they take, but I rise today to recognize the sacrifice of a particular Marine Corps Second Lieutenant, Therrel Shane Childers.

Certainly all of us recognize the necessity of defending freedom. We recognize the willingness of brave men and women to do what is necessary. We recognize the connection between the land of the free and the home of the brave. However, when we have these losses, they are a great tragedy to all of us, particularly to the families and loved ones.

Known as Shane to his family and friends, he was assigned to the 1st Battalion, 5th Regiment of the 1st Marine Division of Camp Pendleton. Shane was the first combat casualty of Operation Iraqi Freedom. He was 30 years old.

2LT Childers was lost while leading his platoon in a fight to secure a pumping station in southern Iraq. Shane's parents, Joseph and Judy Childers of Powell, WY, say that Shane always wanted to be a Marine. His family says he liked the rhythm of life in the Corps, the pride that goes with wearing the Marine uniform.

After his high school graduation in 1990, he enlisted in the Marine Corps and served in the Persian Gulf war. After his duty in the gulf war, Shane served as a Marine security guard at the American consulate in Geneva, Switzerland, and at the American Embassy in Nairobi, Kenya.

Shane later left the Marines and attended college at the Citadel where he completed his studies in an untraditional 3 years and was commissioned in 2001. Today, we mourn the loss of this young man and certainly pray for his family.

I express my condolences to the Childers family and my gratitude to the men and women who wear the uniform and walk the line so that our Nation can continue to remain free.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, more than anything else, we all are thinking about the conflicts that are going on in Iraq and about our men and women who are fighting there. Of course, we have to continue to do what we have to do. Our lives go forward. We think about it a lot, and hear a great deal about it—I suppose more because of the embedded media—than we have ever heard before. We hear various kinds of reports. Certainly they are good for us to hear. We need to know what is happening. From time to time, we also hear some questionable comments and questions about the commitment of our leadership. Nevertheless, that is where we are.

I guess all of us think a lot about why we are there, what needs to be done, and what will be the outcome. This morning I met with a group of 8th graders from Big Piney, WY, one of the smaller towns in western Wyoming. The whole class from the high school came. I think there were 30 of them. One of them asked: What do you think of the war?

Well, how would you react to 8th graders who ask that? I think it makes you really wonder. So we talked a little bit about it. We talked about the fact that it is a war that was brought about by terrorism, a war that was brought about by what happened in the Persian Gulf 12 years ago, a war that was brought about by the fact that Saddam Hussein, who had to sign an agreement to finish that war because he was defeated, has not done what he was required to do.

We have to talk a little bit about the fact that the whole reason we are there, the whole effort, is to disarm Saddam for the safety of the United States, for the safety of the world. No one wants to have a war, certainly. It is not anything that we would like to do. He had great opportunities to do something different in these past 12 years. He refused to do so.

These 8th grade kids seemed to understand that no one wants war but we have to defend freedom. We have had to defend freedom numerous times, of course—quite different situations, quite different circumstances, but we find ourselves in different circumstance now as a result of 11 September, where instead of having to be afraid of divisions landing on your shore with artillery, and so on, now we find that one or two persons with mass destruction tools and weapons can destroy 3,000 people very easily. So it is a different situation. It is hard for young people to understand that, but I was very pleased with the fact that they do not like war—neither do we—but they understood that you have to defend those things that threaten the basis of our country.

They were in Washington, DC, to see the foundation of the United States, to see what freedom is about: The Government of the people, by the people and for the people. They were here to see the Supreme Court. They were here to see the Constitution, the thing that probably ensures our freedom more than any other document. They understood that we have to defend those things, and I was so pleased.

They were very skeptical. When they thought about it some and they thought about it in terms of the kinds of threats that are there and then when they thought about it in terms of those people who are voluntarily protecting our freedoms, who have gone into a war situation—I am a little bit prejudiced, being a marine, as to the Marine aspect of it, but everyone who is there is sacrificing for our freedom. Certainly we have a right to speak out and we have a right to have different views, but I hope we all recognize our responsibility to support our troops, people who are giving more than they could possibly be asked. We have the opportunity to do that.

It is a good exercise for us to be able to talk to young people about why it is we are involved and the importance of protecting the kind of country we have and want to maintain. Certainly there is nothing more important than that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President and distinguished colleagues, America is the greatest country the world has ever known. And, today, in places across the world, the greatest fighting men and women the world has ever known continue America's legacy of liberating oppressed people.

My friends, America went to Bosnia to offer liberation and hope from despair and suffering—we went to Haiti to offer hope to an oppressed people—we went to Somalia to offer America's legacy of a better life for people who had rarely seen a day free of suffering, persecution and torture.

Freedom and liberty are two words that should stir great emotions in all Americans.

Freedom and liberty are the gift of America to oppressed people everywhere.

Freedom and liberty, speak often these words because America's sons and daughters are in Iraq today doing what Americans have done for generations: We offer hope for a better tomorrow.

Let's talk about America's sons and daughters. They come from an America today that is no less interested in its own freedom and liberties than the freedom and liberties we wish for all people.

They are the sons and daughters of a great American revolution that never ends. The cause of freedom and liberty never ends.

We have seen the pros and cons in the streets of American cities these past several weeks. There are great passions on both sides. The great glory of America is that 28 protestors can occupy the office of a U.S. Senator and not fear being put to death for their views.

This is the fight that America's sons and daughters wage today.

If we may, for a moment, find peace in the haze of conflict between those who support our efforts today, and those who do not, I ask that we do it in the name of America's sons and daughters who have been called upon to duty and service. Perhaps our energies now can be better spent by focusing on the world that we create in America today when our troops return.

Get off the couch; stop watching the news; forget the radio broadcasts; turn off the playstation; unplug the TV; get outside, America.

We've had our say. Now let's have our say for the tens of thousands of Americans fighting for freedom and liberty.

Let us dedicate our energy—our pro and our con—to building the best possible Nation for our troops to come home to.

Join hands and voices to help the moms, the dads, the husbands, the wives, the sons, the daughters, the brothers and the sisters to get through these difficult days. Offer more than words; offer hope indeed.

Walk with them together during these times, open your homes and open your hearts. Our Nation is at war with an enemy across the world.

Let us not be a nation at war with each other within. We have a common goal: Offer comfort and hope and encouragement to those who fight for our freedom, and those who are left behind to pray for their success and safe return home.

America, the greatness of our Nation is not that we can survive conflict and division. The greatness of America is that we can build upon our differences and multiply our blessings.

For the sake of the families of those who sacrifice, for the sake of the soldiers who are in harm's way, let us build a better America for their return.

These are momentous days in the history of this country. They remind me of this remarkable statement by one of our early patriots, Patrick Henry, during our war of independence. He wrote:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will in this crisis shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheaply, we esteem too lightly; tis dearness only that gives everything its value. Heaven knows how to put a proper price on its goods; and it would be strange indeed if so celestial an article as Freedom should not be highly rated.

You can talk about equality or you can make it happen.

You can sympathize with the poor or you can help create a job for them.

Yes, these are challenging times; we are witnessing the birth of a new century and a new moment of hope for mankind. Yes, these are dangerous, trying times, but it is a great time to be alive.

Allow me to share some of my favorite quotes from Abraham Lincoln to guide our thoughts about this momentous time.

In the second inaugural, Lincoln said:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

You don't undertake change for the sake of change. But when the circumstances have changed, it is folly to stick with the old game plan.

The fall of the Soviet Union changed the world forever.

September 11 changed the world forever.

The problem with some at the United Nations and even some in our own Congress is that they are "enthralled" with the old way of doing things. To them you don't deal with evil, you just contain it. But that dogma led to the deaths of millions in Rwanda and Cambodia because we were too timid to act.

For decades we allowed terror networks to grow and infiltrate even free societies. Because we thought there was nothing we could do about so pervasive an evil, we just hoped for the best.

Now we have historic opportunity to strike a decisive blow against tyranny and terrorism in one place and give birth to a new century of hope for freedom and security. We must accept the moral responsibility our power gives us.

Lincoln also said:

> Let us have faith that right makes might, and in that faith let us do our duty as we understand it.

Our Nation, more than any other, was born on eternal values—That God had endowed all people with unalienable rights to life, liberty and the pursuit of happiness. But as much as we would like to believe it, the power of those ideals do not sweep the globe and enforce themselves. Somebody has to do it.

Right now the United States, Britain and a couple of dozen other nations are doing the dirty work of liberty. The lesson of history is: somebody has to do it.

Lincoln was right; it takes faith to do it. Certain things can't be proven to people who are devoted to another path.

We have a duty to do, and to most of us it is clear. Just because everybody doesn't see it doesn't mean it isn't exactly the right thing to do.

Finally, a word about our great President. Here is a message for "43" from "16". Lincoln said:

> If I were to read, much less answer all the attacks made on me, this shop might as well be closed for business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what's said against me won't amount to anything. If the end brings me out wrong, then angels swearing I was right would make no difference.

I am profoundly grateful that we have a President who does not run his life by what the polls say. That is the opposite of leadership.

I believe in a free media. I believe in the power of public opinion. But I see red when I see newspaper and Internet polls one week into the war in Iraq, asking about whether we are bogged down or if the President is using the right strategy.

So much of the 24–7 commenting and opinionating out there is precisely the substance that covers the floors of Minnesota feedlots.

In a long ago war it was said:

> They also serve who only stand and wait.

The same is not true for those who just sit and wait.

Public opinion is, as it should be, strongly with this President; strongly with our fighting men and women; strongly that we are doing the right thing in the name of freedom, in the name of liberty; to be an end to terror, to be an end to oppression, to be an end to rape, to be an end to torture, and to open up new worlds of possibilities. But I do ardently wish people would shut off the TV and shut off the computer and get out there and build the best possible great Nation for our troops to come home to. Shut it all off, say a prayer for our troops, say a prayer for our leaders, and go to work building a great America.

Finally, one more word from Lincoln and I am done:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and all Nations.

May God bless our fighting men and women on the front line. May God bless and support and hold and comfort the families of those who have given the ultimate sacrifice. May God bless the United States of America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand it is appropriate to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

DANIEL PATRICK MOYNIHAN

Mr. DOMENICI. Mr. President, I came to the floor to say a few words about Senator Patrick Moynihan. Obviously, I didn't know him for all of his very successful and rather stupendous life, but I knew him rather well for that portion spent in the Senate. Even as to that portion, it was not my privilege to spend a great deal of time on the same committees with the Senator. But it was obvious to me he was a very big man, not big only in stature—he was very tall—but clearly he spoke eloquently and could grasp the situation with a demeanor and in a manner that was not very common and ordinary here.

From my standpoint, we struck up a friendship principally based upon his asking me a lot of questions about the budget and about my work as chairman or ranking member on the Senate floor.

Today it was my privilege to attend, with my wife Nancy, his funeral mass and some of the other ceremonial events that bid him goodbye. My wife Nancy and I got to share with his marvelous wife Elizabeth; everybody calls her Liz. We had had on one occasion as couples an opportunity to travel with Senator Moynihan and his wife and others on a very lengthy trip that included China and other parts of the world, Japan. It was rather marvelous to have him regale us with stories and tales and history as we would be traveling from one country to another. When he was around on those kinds of events, you didn't have to have books to read. You would just get a seat close to him and ask questions, and he would tell you something significant, different, important, something you clearly never would read and never had heard.

We all miss him. There is no doubt about it.

One day I recall the close of a budget session, a long debate on the budget. Final passage came up. It had been a very arduous and difficult one, much like the last one we just experienced, but more so. I had counted votes and thought I would win. I thought I would get 51 votes, which is what I needed. I noted that during the time of the debate and in particular the closing, Senator Moynihan had listened a little more than I had expected. No reason for him to do that. Senators were in and out.

I had also noticed during the course of events that he would stop by and talk with me and say something to me about what was going on.

The vote occurred, and I was not paying attention to the vote. I knew I would get the votes necessary. But when the votes were counted, I had one more than expected. So I asked, who was that; what happened? Somebody on the other side of the aisle, without saying much and perhaps without talking to his own leadership, had voted for the resolution. Sure enough, it was Patrick Moynihan. I didn't have a chance then to say anything to him, but later on, I purposely found him and thanked him, and I asked him what was that all about.

He said: Well, to tell you the truth, that Budget Act is too confusing and confounds everybody. You worked too hard to try to get it done, and you made an awful lot of sense. I just decided that regardless of the philosophy, that was enough for me to vote for the budget resolution, in the sense that I was just voting for you.

Things like that don't happen very often. I am sure everybody has stories similar to that and more so. Today, as we attended the funeral mass, there were literally hundreds of people from all walks of life—kind of befitting what he had done and the life he had lived. On one side I noticed the Secretary of Defense had kind of eased his way into the church and was kneeling on one side there in an inconspicuous way—many ambassadors, a lot of Senators, a very large entourage of Senators. Perhaps as many as 10 former Senators from our day who now live somewhere else doing other things had found their way into Washington to be there.

I choose today for these very few moments to say thank you to him for his great service in the Senate, to his family, and particularly to his wife, who obviously sacrificed greatly while he was being a Senator. She, too, has a profession of her own and was somewhat restrained and had to live more of a life in Washington, tied sort of to his career, than she had at other times in her life. But from what I have gathered, they were both great citizens and very pleased and proud to be part of this Senate.

I thank him and bid him adieu.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I join my colleagues today in mourning the passing of a giant of the 20th century—our former colleague, Senator Daniel Patrick Moynihan. The list of his contributions to this Nation is long and impressive: from White House aide, to Ambassador to India and the United Nations, to Senator from the State of New York for 24 years. Pat Moynihan left an indelible mark on our Nation and the world.

Senator Moynihan has been described as the best thinker among politicians since Woodrow Wilson and the best politician among thinkers since Thomas Jefferson. Few Senators in the 241-year history of this institution have had the intellectual impact on public policy as did Patrick Moynihan. From tax policy to environmental protection, he was an always constructive and frequently dominant advocate. He frequently converted a Senate committee hearing or floor debate into what was his first passion, a college classroom. Those of us who were fortunate to be his students are forever in his debt.

Adele and I offer our condolences to Elizabeth and their family, and we will recognize in our prayers the loss that the Nation and each of us individually have suffered.

Mr. President, I add that I consider it a terrible irony that on the eve of Senator Moynihan's death, March 26, the White House announced the signing of amended Executive Order 12,958. This Executive order delays the release of millions of long-classified Government documents and grants to Government bureaucrats new authority to reclassify information. The vast majority of these documents are more than 25 years old and were to have been automatically declassified on April 17 of this year.

I consider this ironic because Senator Moynihan was a champion of open government. Among his many writings, including 18 books, was "The Torment of Secrecy: The Background and Consequences of American Security Policy." Senator Moynihan concluded that book with these words:

> A case can be made that secrecy is for losers, for people who don't know how important information really is. The Soviet Union realized this too late. Openness is now a singular and singularly American advantage. We put it in peril by poking along in the mode of an age now past. It is time to dismantle government secrecy, this most pervasive of cold war era regulations. It is time to begin building the supports for the era of openness, which is already upon us.

Mr. President, we in the Senate and those in the White House should heed Pat Moynihan's wise words. As a former chairman of the Senate Select Committee on Intelligence, I can tell you that this administration is being excessively cautious in keeping information from the American people. Certainly, when we are at war and facing increased threats from international terrorist networks, we need to keep secret that information that could pose a threat to our security if it were to fall into the wrong hands. But that hardly seems to be the case with most of the information that is covered by this overly broad Executive order.

Again, I emphasize that the overwhelming bulk of this material is more than 25 years old. Ultimately, excessive secrecy will undermine the public's confidence in our Government and its essential institutions. Excessive secrecy denies to the American people their full capability to participate, evaluate, and act as they determine to be in the national interest.

By restricting access to crucial and often conflicting information, excessive secrecy creates the environment for what is known as incestuous amplification. This is a military term and is defined by Jane's Defense Weekly. Incestuous amplification is "a condition in warfare where one only listens to those who are already in lockstep agreement, reinforcing set beliefs and creating a situation ripe for miscalculation."

Excessive secrecy undermines the classification value of information which is genuinely critical to our national security. Last year, I had the honor to cochair a joint House-Senate inquiry into the events of September 11, 2001. Our purpose was to help the American people understand what our Government knew about potential threats from al-Qaida prior to the attacks on the World Trade Center and the Pentagon, and how our intelligence and law enforcement agencies responded. But even more important, our responsibility was to develop an action plan of recommendations to mitigate a repeat of this tragedy.

Our staff reviewed more than 500,000 pages of documents. We conducted 22 hearings, 13 of them closed, 9 open to the public. We filed our final report—the classified version—on December 20, 2002.

The joint inquiry has requested declassification of our final report, as well as key documents related to the Government's knowledge of al-Qaida and potential terrorist threats. For 100 days, congressional staffers have been working with the Central Intelligence Agency, the Federal Bureau of Investigation, and other relevant agencies to get the final report of the joint inquiry declassified. We have not yet been successful. I am hopeful that we can present most of this material to the public at the earliest date. We have already released, in declassified form, our findings and our recommendations.

I ask unanimous consent to have printed in the RECORD a copy of those recommendations at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM of Florida. Mr. President, I want to read one of the recommendations from the joint inquiry committee. It is recommendation No. 15:

> The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and to the American public.
>
> In addition, the President and heads of Federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.
>
> Congress should also review the statutes, policies, and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure.
>
> Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.
>
> The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information.
>
> The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

The public has the right to know what its Government has done and is doing to protect Americans and United States interests. Potential embarrassment is not a good enough reason to keep past or current Government materials secret.

One of the most fitting tributes we could pay to Pat Moynihan would be a heightened recognition of the damage that excessive secrecy exacts on our Government's credibility, and to recommit ourselves to a Government which trusts its people to know the truth.

Mr. President, I ask unanimous consent to print in the RECORD an editorial from the New York Times of March 28, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRECY: THE BUSH BYWORD

Add one more item to the list of things the Bush administration has been quietly doing on the home front while the nation is preoccupied with Iraq. This week President Bush signed an executive order that makes it easier for government agencies, including the White House, to keep documents classified and out of public view.

The order does a number of things at once. It delays by three years the release of declassified government documents dating from 1978 or earlier. It treats all material sent to American officials from foreign governments—no matter how routine—as subject to classification. It expands the ability of the Central Intelligence Agency to shield documents from declassification. And for the first time, it gives the vice President the power to classify information. Offering that power to Vice President Dick Cheney, who has shown indifference to the public's right to know what is going on inside the executive branch, seems a particularly worrying development.

All of this amends an order by President Bill Clinton that actually eased the process of declassification. The administration says the three-year delay in declassifying documents dating to the Carter administration and earlier is necessary because of a huge backlog of documents that must be reviewed before decisions are made on whether to declassify them.

Taken individually, each of these actions might raise eyebrows for anyone who values open government. Taken together, they are reminders that this White House is obsessed with secrecy. President Clinton's policy was that "when in doubt," a document was not automatically classified. That ensured that government papers would not easily be kept under wraps without a compelling reason. And while President Bush keeps in place many of the mechanisms for automatic declassification, he has raised a bar that can only hurt the ability of historians, researchers and all Americans to arrive at informed judgments about the actions of the presidents and their administrations.

EXHIBIT 1

RECOMMENDATIONS

Since the National Security Act's establishment of the Director of Central Intelligence and the Central Intelligence Agency in 1947, numerous independent commissions, experts, and legislative initiatives have examined the growth and performance of the U.S. Intelligence Community. While those efforts generated numerous proposals for reform over the years, some of the most significant proposals have not been implemented, particularly in the areas of organization and structure. These Committees believe that the cataclysmic events of September 11, 2001 provide a unique and compelling mandate for strong leadership and constructive change throughout the Intelligence Community. With that in mind, and based on the work of this Joint Inquiry, the Committees recommend the following:

1. Congress should amend the National Security Act of 1947 to create and sufficiently staff a statutory Director of National Intelligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include:

Establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community;

Setting of policy and the ability to move personnel between elements of the Intelligence Community;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts;

Review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and

Exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.

The Director of National Intelligence should be a Cabinet level position, appointed by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.

To insure focused and consistent Intelligence Community leadership, Congress should require that no person may simultaneously serve as both the Director of National Intelligence and the Director of the Central Intelligence Agency, or as the director of any other specific intelligence agency.

2. Current efforts by the National Security council to examine and revamp existing intelligence priorities should be expedited, given the immediate need for clear guidance in intelligence and counterterrorism efforts. The President should take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat environment. Finally, the establishment of Intelligence Community priorities, and the justification for such priorities, should be reported to both the House and Senate Intelligence Committees on an annual basis.

3. The National Security Council, in conjunction with the Director of National Intelligence, and in consultation with the Secretary of the Department of Homeland Security, the Secretary of State and Secretary of Defense, should prepare, for the President's

approval, a U.S. government-wide strategy for combating terrorism, both at home and abroad, including the growing terrorism threat posed by the proliferation of weapons of mass destruction and associate technologies. This strategy should identify and fully engage those foreign policy, economic, military, intelligence, and law enforcement elements that are critical to a comprehensive blueprint for success in the war against terrorism.

As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets and including plans to address the threats posed by Osama Bin Laden and al Qa'ida, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to:

Develop human sources to penetrate terrorist organization and networks both overseas and within the United States;

Fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with our appropriate federal, state, and local authorities;

Enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information;

Maximize the effective use of covert action in counterterrorist efforts;

Develop programs to deal with financial support for international terrorism; and

Facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.

4. The position of National Intelligence Officer for Terrorism should be created on the National Intelligence and a highly qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

5. Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:

Have full and timely access to all counterterrorism-related intelligence information, including "raw" supporting data as needed;

Have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;

Integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;

Implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;

Retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on "joint tours" from the various Intelligence Community agencies;

Institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;

Maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and

Establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.

6. Given the FBI's history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to:

Strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities;

Establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts;

Significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources;

Establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents and to analysts within the FBI and other agencies within the Intelligence Community;

Implement training for agents in the effective use of analysts and analysis in their work;

Expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts;

Increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection;

Improve the national security law training of FBI personnel;

Implement mechanisms to maximize the exchange of counterterrorism-related information between the FBI and other federal, state and local agencies; and

Finally solve the FBI's persistent and incapacitating information technology problems.

7. Congress and the Administration should carefully consider how best to structure and manage U.S. domestic intelligence responsibilities. Congress should review the scope of domestic intelligence authorities to determine their adequacy in pursuing counterterrorism at home and ensuring the protection of privacy and other rights guaranteed under the Constitution. This review should include, for example, such questions as whether the range of persons subject to searches and surveillances authorized under the Foreign Intelligence Surveillance Act (FISA) should be expanded.

Based on their oversight responsibilities, the Intelligence and Judiciary Committees of the Congress, as appropriate, should consider promptly, in consultation with the Administration, whether the FBI should continue to perform the domestic intelligence functions of the United States Government or whether legislation is necessary to remedy this problem, including the possibility of creating a new agency to perform those functions.

Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning:

The FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above;

The experience of other democratic nations in organizing the conduct of domestic intelligence;

The specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and

Their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.

8. The Attorney General and the Director of the FBI should take action necessary to ensure that:

The Office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States;

The FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel with the FBI and the intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States.

The FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.

9. The House and Senate Intelligence and Judiciary Committees should continue to examine the Foreign Intelligence Surveillance Act and its implementation thoroughly, particularly with respect to changes made as a result of the USA PATRIOT Act and the subsequent decision of the United States Foreign Intelligence Court of Review, to determine whether its provisions adequately address present and emerging terrorist threats to the United States. Legislation should be proposed by those Committees to remedy any deficiencies identified as a result of that review.

10. The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the House and Senate Intelligence Committees, a detailed plan that:

Describes solutions for the technological challenges for signals intelligence;

Requires a review, on a quarterly basis, of the goals, products to be delivered, Funding levels and schedules for every technology development program;

Ensures strict accounting for program expenditures;

Within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and

Makes recommendations for legislation needed to facilitate their goals.

In evaluating the plan, the Committees should also consider issues pertaining to whether civilians should be appointed to the position of Director of the National Security Agency and whether the term of service for the position should be longer than it has been in the recent past.

11. Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including:

The agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting;

The Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism;

The existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise;

Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of "jointness" through the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that Act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective "team" effort by all the intelligence agencies. The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises;

Congress should expand and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a committee to serve in the Intelligence Community; and

The Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devised a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

12. Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including:

The President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations;

In making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget;

Long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rapidly respond to altered or unanticipated needs;

The Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community;

Counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and

Due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.

13. The State Department, in consultation with the Department of Justice, should review and report to the President and the Congress by June 30, 2003 on the extent to which revisions in bilateral and multilateral agreements, including extradition and mutual assistance treaties, would strengthen U.S. counterterrorism efforts. The review should address the degree to which current categories of extraditable offenses should be expanded to cover offenses, such as visa and immigration fraud, which may be particularly useful against terrorists and those who support them.

14. Recognizing the importance of intelligence in this nation's struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks Upon the United States should study and make recommendations, concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as:

Changes in the budgetary process;

Changes in the rules regarding membership on the oversight committees;

Whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house;

The extent to which classification decisions impair congressional oversight; and

How Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.

15. The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.

Congress should also review the statues, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information. The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

16. Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community.

To underscore the need for accountability:

The Director of Central Intelligence should report to the House and Senate Intelligence Committee no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance.

As part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community; and

The Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.

17. The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

18. Congress and the Administration should ensure the full development of a national watchlist center that will be responsible for coordinating and integrating all terrorist-related watchlist systems; promoting awareness and use of the center by all relevant government agencies and elements of the private sector; and ensuring a consistent and comprehensive flow of terrorist names into the center from all relevant points of collection.

19. The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign governments are providing support to or are involved in terrorist activity targeting the United States and interests. State-sponsored terrorism substantially increases the likelihood of successful and more lethal attacks within the United States. This issue must be addressed from a national standpoint and should not be limited in focus by the geographical and factual boundaries of individual cases. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation by these Committees.

The Intelligence Community should fully inform the House and Senate Intelligence Committees of significant developments in these efforts, through regular reports and additional communications as necessary, and the Committee should, in turn, exercise vigorous and continuing oversight of the Community's work in this critically important area.

Mr. GRAHAM of Florida. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 101 is located in today's RECORD under "Submitted Resolutions.")

Mr. CONRAD. Mr. President, it was with great sorrow that I learned last week of the death of our former colleague, Senator Daniel Patrick Moynihan of New York.

Senator Moynihan, was an intellectual giant in the Senate and throughout his service to our Nation. The breadth of his interests—and his knowledge—was extraordinary. From questions about the architecture and urban development of Washington, D.C. to the problems created by single parent families to the workings of the International Labor Organization, Senator Moynihan had thought deeply and designed policy answers. I don't think there was a Senator who served with Pat Moynihan who didn't learn something from Senator Moynihan's vast stock of personal experience, understanding of history, and ability to draw parallels between seemingly unrelated topics to enlighten our understanding of both.

I will always have fond memories of the several occasions on which I joined Senator Moynihan in the Senators' private dining room and was treated to a lunchtime tutorial. I could ask a question on virtually any topic and get a dissertation in response. Our conversations ranged from art history to baseball, American history, our Middle East policy, the history of science and scientific advancement, and more. Seemingly there was no topic on which Pat did not have unique insight, and I always came away from those lunches feeling like I had just emerged from an intellectually stimulating graduate seminar.

I had the particular pleasure of serving with Senator Moynihan on the Finance Committee for eight years. As Chairman and as ranking member of the Finance Committee, Senator Moynihan was a true leader. Starting in 1993, when I took Senator Bentsen's seat on the Committee and Senator Moynihan claimed his chairmanship, Chairman Moynihan successfully guided the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for the record economic expansion of the 1990s.

After Republicans took control of the Senate in the 1994 election, Senator Moynihan was a fierce critic of their excessive tax cut proposals. We joined in opposing shortsighted proposals to have Medicare "wither on the vine," turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator Moynihan was, as always, an especially passionate defender of teaching hospitals, warning that the plan to slash spending for Medicare's graduate medical education would threaten medical research in this country—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Balanced Budget Act that emerged in 1997.

The Finance Committee—and the Senate—would not have been the same without him. Who else will be able to gently tutor witnesses on the relevance of the grain trade in upstate New York in the early nineteenth century to a current debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will educate his colleagues on the impact on our society of the demographic time bomb of the baby boom generation?

The Senate has lost a legend. The country has lost a brilliant and unconventional thinker who contributed greatly to our society on fronts ranging across transportation, welfare and poverty, racism and civil rights, and architecture and urban planning.

I will miss Pat Moynihan. I will miss his sly wit, his apt and splendidly diverse quotations, his sharp questioning and distrust of glib answers, and his fierce humanity. On behalf of myself and my wife Lucy, I want to express my deepest condolences to his wife Liz, their children and the rest of his family and friends. My heart goes out to them.

Mr. LIEBERMAN. Mr. President, I rise today to honor Senator Daniel Patrick Moynihan, an intellectual pioneer who I felt honored to serve with in the U.S. Senate. He rose from humble beginnings to Harvard, and to a life of service in four different Presidential administrations, as an ambassador to India and the U.N., and as New York's Senator for four terms. Throughout his career in service, he paved his own path—one of integrity, independence, and principled leadership on the critical national questions of our age.

Whenever he spoke I listened closely, because I knew I would always learn something from him. He possessed tremendous intellect and foresight, showed unflagging courage in championing unsung causes, and commanded extraordinary respect on both sides of the aisle. He was a true renaissance man who put action behind his diverse interests: from protecting the sanctity of the American family, to preserving historic art and architecture, to restoring Pennsylvania Avenue as America's "main street," to saving Social Security for future generations.

I offer my condolences to his wife Elizabeth, who was truly his life partner. There will no doubt be a memorial built in his honor someday soon on the streets of New York; but Senator Moynihan's legacy is already living—in safer streets in our cities, a cleaner environment, and a stronger national community. To borrow a memorable Moynihan phrase, his life defined public service and public policy up for all who aspire to contribute to our country.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Montana.

HONORING OUR ARMED FORCES

Mr. BURNS. Madam President, as we stand here today, the conflict goes on in Iraq. I was just talking to a friend. He asked me when are we going to make a move and how is it going?

We have only been there a week and a half, but one would think from the television coverage that we are in the middle of the Hundred Years War.

There will be many stories that come out of conflicts such as this. I want to relate one.

SSG Charles Donovan, Jr., is a 27-year-old 8-year Marine Corps veteran, born and raised in Great Falls, MT. On the 17th of February he was deployed to Kuwait for military service with the First Marine Division. He is a communications expert and a towgunner. A towgunner is the one who fires ammunition from the tank.

He has been married to his wife Candice for almost 8 years. They met at Camp Pendleton, CA. They served in the Marine Corps together for 4 years. Since his deployment, Donovan has been able to contact his family frequently and recently received the news from his wife that they are expecting their first child. He was able to reply to his wife by e-mail.

It is needless to say anything more about the news and the elation that is experienced by this couple. No. 1, he was all right and getting along fine; and, second, the experience of learning of the good news of an expected first child is always great.

So my congratulations go out to Charles and Candice. And I have every faith that he will complete his mission and come home.

There are thousands of similar stories stemming from this mission, so ably carried out by our men and women in uniform. It is uniquely American and typical of our warriors of freedom. It distinguishes and sets the American military apart from any other nation in the history of man's constant struggle for freedom and human dignity.

We see the pictures every day, not of the ugliness of war but of the men and women who carry out the humanitarian acts as war is carried on. We will succeed in our mission. And we look forward to the day when they all come home.

Also, I take great pride to stand here today on the Senate floor to recognize and say thank you to the men and women from Montana and all who serve across this land.

We have support organizations popping up in just about every State, organizations formed to give comfort to families and provide various programs such as the one I just mentioned. It is happening everywhere, and there are far too many to mention today.

I commend the efforts of one program especially because I met with this group in Livingston, MT. They call themselves MOST—the Military Overseas Support Team—made up of people who have family members serving in that area, and they act as a support system for each person.

Then there is another one called Operation Clean Socks. It has been set up to collect and send socks to our military men and women in the Middle East. That sounds strange, but to those of us who have worn the uniform of this great country, socks become a big item, especially to us old marines who traveled on our feet.

Folks all over this country are rallying their communities to get support for our troops. I am pleased to see so many of them supportive in Montana.

Here in Washington we see the images on television. We are thinking about the troops every day. We know how hard it is fighting for the freedoms of those who are oppressed, and we thank you. We thank you for what you are doing and want you to know that our thoughts and prayers are not only with you but also with your families.

You are the best and the greatest ambassadors of the American dream. You will succeed in the efforts to disarm Saddam Hussein and free the Iraqi people. I am confident in our military. I know this effort will be accomplished as soon as possible so they all can come home to the welcoming arms of their families, so that every Charles Donovan, Jr., can see his first child enter the world with the same freedoms with which he was born. We think about them every day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to consideration of Executive Calendar No. 77, which the clerk will report.

The legislative clerk read the nomination of Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mr. HATCH. Mr. President, I am pleased today to rise in support of Judge Theresa Lazar Springmann, who has been nominated to the United States District Court for the Northern District of Indiana.

Judge Springmann has served on both sides of the bench with distinction. Upon graduation from the University of Notre Dame Law School, Judge Springmann clerked for the Honorable James T. Moody of the United States District Court for the Northern District of Indiana—the very court she will join upon her confirmation. She then entered private practice as an associate with Spangler, Jennings & Dougherty, P.C., and later became the first woman partner there. During her tenure in private practice, she specialized in insurance defense litigation, automobile liability, contract disputes, unfair competition and trade infringement. She also participated in her firm's pro bono program, accepting at least three cases a year from Legal Services of Northwest Indiana, Inc., in Gary IN.

Judge Springmann has made a broad range of contributions to the bar. She was a founding member of the Lake County Bar Association and has served in various leadership roles with this organization. Judge Springmann is also a member of the Federal Bar Association and the Women Lawyers Association.

Since 1995, Judge Springmann has served as a United States Magistrate Judge for the Northern District of Indiana. From 2000 to 2002, she served as the Federal Magistrate Judges Association Seventh Circuit Director, where she represented all magistrate judges in the Seventh Circuit in forming policy positions and recommendations to the Administrative Office and Federal Judicial Council on issues concerning magistrate judges.

I am confident that Judge Springmann will serve on the bench with integrity, intelligence and fairness.

Mr. LEAHY. Mr. President, today we again demonstrate how cooperative the Senate and, in particular, Democratic Senators are being to an administration that continues to refuse to work with us to select consensus court judges who could be confirmed relatively quickly by the Senate and fill the remaining Federal court vacancies.

In the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow nominees of President Clinton to be considered. We were able to do so despite the hostility of the White House. The judicial nominees of this President are conservatives, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the federal courts.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior six years of Republican control. Not once did the Republican-controlled Committee consider that many of President Clinton's district and circuit court nominees.

While Republicans point to the 377 judges confirmed under President Clinton, but they fail to mention that only 245 of them were confirmed during the 6½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority and there was a Democrat in the White House. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Tomorrow, the Republican majority will hold its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee.

This year we have had a rocky beginning with a hearing for three controversial circuit court nominees that has caused a great many problems we might have avoided. The chairman's insistence on terminating debate on the Cook and Roberts nominations is another serious problem. Of course, the administration's unwillingness to work with the Senate so that we may be provided the documents and information needed to proceed with a final vote on the Estrada nomination has already proved to be a significant problem. The opposition to the Sutton nomination is also extensive. The concerns about the Tymkovich nomination are significant. The unprecedented nature of a President renominating someone for the same judicial position after a defeat in committee has led to the Owen nomination is pending on the floor with the assent of only the Republicans on the committee.

Nonetheless, the Senate has proceeded to confirm 114 of President Bush's judicial nominees, including 14 this year alone. The Senate confirmed the controversial nomination of Jay Bybee to the Ninth Circuit, another pro-life judicial nominee. With this one circuit court confirmation, the Senate has confirmed more circuit court judges than Republicans allowed to be confirmed in the entire 1996 session. In addition, I note that it was not until September 1999, 9 months into the year, that 14 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. At the pace set by Republicans now, we are a full six months ahead of that schedule.

The Indiana nominee, Theresa Lazar Springmann, is currently a U.S. Magistrate Judge for the U.S. District Court for the Northern District of Indiana. She has the bipartisan support of her home State Senators. The fact that she is being confirmed to the district court months in advance of the vacancy arising demonstrates how cooperative the Senate is being. Only rarely has a nominee been confirmed in advance of a vacancy arising. The nominee is well regarded and supported by her home State Senators. I congratulate Judge Springmann and her family on her confirmation.

Mr. LUGAR. Mr. President, I rise today in support of Theresa Springmann who is being considered for a position on the United States District Court of Northern Indiana.

Early last year, Judge William Lee and Judge James Moody informed me of their decisions to assume senior status after distinguished careers of public service. Both of these individuals are remarkable leaders on the Federal bench, and I applaud their leadership to Indiana and to the legal profession.

Immediately upon hearing of these decisions, I notified the White House and was asked by the President to help find the most qualified candidates to fill these two important positions in Hammond and Fort Wayne. I took this role very seriously and selected the candidates who would best serve the Northern District of Indiana.

After sharing my selections with my friend and colleague Senator EVAN BAYH, I submitted the names and applications of three outstanding candidates to the White House for their consideration. The President recently selected Assistant United States Attorney Philip Simon and United States Magistrate Theresa Springmann.

Judge Theresa Springmann was the first woman to be made partner at Spangler, Jennings & Dougherty, the largest law firm in Northwest Indiana. She followed up this distinction by becoming the first woman judicial officer in the Northern District of Indiana. Judge Springmann has served as a United States magistrate judge since March of 1995, where she has presided over 30 civil jury trials, 10 civil and criminal bench trials, and conducted over 300 settlement conferences for the district court.

She has received a number of high performance ratings throughout her tenure as a magistrate judge, including the A.V. rating from Martindale-Hubbell and the highest judicial rating from the Lake County Bar Association.

I believe that Theresa Springmann will demonstrate remarkable leadership to Northern Indiana and will appropriately uphold and defend our laws under the Constitution. I encourage my colleagues to support her nomination.

Mr. BINGAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. DEWINE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Bond
DeWine
Edwards
Inouye
Kerry
Lieberman
Stevens

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

The Senator from Utah.

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Estrada nomination.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

CLOTURE MOTION

Mr. BENNETT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.
>
> Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

Mr. BENNETT. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. For the information of all Senators, this cloture vote will occur on Wednesday. This will be the fourth cloture vote with respect to the Estrada nomination. Unfortunately, in my view, this will set a record for cloture votes relative to a nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOCKING PACIFIC ALLIES

Mr. CRAIG. Mr. President, last week, the Washington Post saw fit to print an article entitled "Many Willing, But Only A Few Are Able." Ostensibly about the U.S. and British-led force of the coalition now fighting in Iraq, the Post's article mocks the sovereign nations of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau—three of our country's most steadfast allies in the Western Pacific. This is both offensive and undeserved. As Chairman of the Energy and Natural Resources Committee's subcommittee with responsibility for our relations with the freely associated states, I would like to set the record straight. In making this statement, I am speaking not only for myself but also on behalf of Senator DOMENICI, the chairman of the Energy and Natural Resources Committee. The citizens of these nations deserve better.

The Post would have its readers believe that these Pacific islands are nothing more than banana republics. This is not the case. It is obvious to me and anyone familiar with the special relationship between our Nations that the Post is unaware of the islands' historical significance and continued role in our national defense. The Post's failure to learn the most basic facts about our allies is sloppy and irresponsible.

These islands endured occupation by Japan under a League of Nation's Mandate and then saw some of the bloodiest fighting during World War II. It was the residents of these islands who endured the contests for Enewetak, Pelilieu, and Kwajalein.

After the War, the islands were placed under the United Nations' Trusteeship system. The United States brought self-government and the development of political institutions. The Congress of Micronesia rejected both integration with the United States and independence in favor of sovereignty and free association and Congress overwhelmingly ratified the Compacts of Free Association. An important aspect of that relationship is the ability of citizens of the freely associated states to attend the United States military academies and serve in the United States Armed Services.

As we speak, there are citizens of all three countries serving in Iraq in every branch of the U.S. military, ready to make the ultimate sacrifice. Marshallese citizens are fighting with the 101st Airborne Division and the Third Infantry Division, in harm's way and approaching Baghdad. The Federated States of Micronesia has hundreds of its people on active duty. Indeed, the son of the current President of Micronesia, Leo Falcam, is a Lieutenant Colonel with the U.S. Marines and commands an air squadron in Okinawa. Clearly, the Marshall Islands and Micronesia are contributing to the war effort.

The Compact of Free Association has guided our relationship with these nations for nearly 20 years. During that time, these nations have been among our strongest allies in the United Nations and elsewhere. Their sons and daughters have known oppression and have volunteered to serve with our citizens to end despotism and terrorism. It is offensive to read articles like that published by the Washington Post that denigrate foreign nations and their citizens in an effort to ridicule President Bush and the administration.

The Post conveniently forgets the outrages committed by Saddam Hussein against the Kurds and the people of Iraq and now chooses to insult good and decent people who have the courage to stand with the United States.

As I said, I take issue with this article. So while the reporter and editor of the Post congratulate themselves on one more cheap and vulgar attack on the Administration, I would like to offer my apology to the thousands of citizens in our freely associated states. We owe them our gratitude for their commitment. The Post should be ashamed.

WOMEN'S HISTORY MONTH

Mr. SARBANES. Mr. President, I rise today in recognition of Women's History Month. This time has been appropriately designated to reflect upon the important contributions and heroic sacrifices that women have made to our Nation and to consider the challenges they continue to face. Throughout our history, women have been at the forefront of every important movement for a better and more just society, and they have been the foundation of our families and communities.

In Maryland, we are proud to honor those women who have given so much to improve our lives. Their achievements illustrate their courage and tenacity in conquering what others perceive as overwhelming obstacles. They include Harriet Elizabeth Brown, civil rights leader, teacher and principal. In the 1930s in Calvert County, she fought to eliminate pay disparities between white and black teachers. Another noteworthy Marylander was Anna Ella Carroll who served as an unofficial adviser and strategist to President Abraham Lincoln in her efforts to preserve the Union during the Civil War. We are all indebted to Rose Kushner, teacher, medical writer, and psychologist, who worked tirelessly as an advocate for better screening and treatment of breast cancer. Their accomplishments and talent provide inspiration not only to the residents of Maryland, but to people all over the globe.

My good friend and colleague from Maryland, Senator BARBARA MIKULSKI, is a tremendous example of the commitment and dedication women give to public service. From her background as a social worker to her election to the U.S. Senate, Senator MIKULSKI, who has served longer than any other woman currently in the Senate, has always worked to ensure those in need receive the critical support services necessary for them to live independently and with dignity. She appropriately played a key role in establishing this month when in 1981, cosponsoring a resolution establishing National Women's History Week, a predecessor to Women's History Month. Today, I wish to honor her dedication and service to the people of Maryland and this Nation.

This Women's History Month is a fitting time to honor the women of the armed services and recognize the sacrifice they make for our country, especially in light of the unprecedented role women are playing in our military engagement in Iraq. Approximately 15 percent of all active duty personnel are women. From the American Revolution and the Civil War through modern day armed conflict, American women have made sacrifices along side their husbands, sons, brothers and fathers to preserve the freedom upon which this Nation was founded. At this time, we know that Army Specialist Shoshawna Johnson is being held as a POW in Iraq, and Private First Class Jessica Lynch is missing in action. We send our hopes and prayers for the safe return of these brave young women, and all of those serving our country, and want their families to know that our thoughts are with them during this very difficult time.

Women have made great strides in overcoming historic adversity and bias but they still face many obstacles. Unequal pay, poverty, inadequate access to healthcare and violent crime are among the challenges that continue to disproportionately affect women. While the most recent Census Bureau figures show that the percentage of women holding managerial jobs grew from one-third to a high of 46 percent since 1983, this figure has not improved since 2001. In addition, women continue to earn less than their male colleagues, earning only 77.5 percent of every dollar earned by men. Despite these obstacles, women push on. In recent years, the poverty rate for single women has declined and more women hold advanced degrees than ever before. Recent figures show that women received approximately 45 percent of law and 42 percent of medical degrees awarded in this country. This is a dramatic improvement from a few decades ago and should continue as more and more young women recognize their opportunities are limitless.

Indeed women continue to make great progress. As we highlight their accomplishments in history this month, I believe it is also important to educate present and future generations about gender discrimination so that we do not repeat past mistakes. During my service in Congress, I have strongly supported efforts to address women's issues and eradicate gender discrimination and inequality. These include cosponsoring the Paycheck Fairness Act, the Equity in Prescription Insurance and Contraceptive Coverage Act, and continually supporting an Equal Rights Amendment to the Constitution. I am proud of these efforts and I will continue my commitment to bring fuller equality to all women. I am confident that the women of America will continue to excel while continuing their role as advocates for those values and ideals which are at the heart of a decent, caring and fair society.

NEXT STEPS: MA AND PA METHAMPHETAMINE LABS

Mr. GRASSLEY. Mr. President, I rise today after hearing several reports of the continued problem of methamphetamine production in rural America. Law enforcement must dedicate more and more resources to the small, "ma and pa" meth labs. These small labs pose a threat not only because of the drugs they produce, but also the serious health and environmental risk caused by the production process.

In years past, methamphetamine production was controlled by skilled chemists or well-educated individuals who were paid significant amounts of money to manufacture the narcotic. Methamphetamine production at times took an entire day to produce. Today, with modern technology and the help of information readily available over the Internet, methamphetamine production can be accomplished within a very few hours. Production no longer takes a highly skilled individual or chemist. Recipes for producing meth can be downloaded off the Internet, complete with step-by-step instructions anyone can follow. These recipes use products available at any number of local retail outlets as ingredients, first reducing them to the needed chemical components and then recombining them to produce meth.

Small cooks, often producing only enough meth for themselves and a few friends, dominate the concerns of rural law enforcement organizations. Several of the narcotics task forces in Iowa report that while they believe over 80 percent of the meth within their jurisdiction comes from outside the State, they spend 80 percent of their time and resources on these small cooks. If we are going to get ahead of this problem, we must change this ratio.

Several years ago we took some important steps in limiting access to many of the precursors needed for meth production. These were good steps, and have proven somewhat effective. But more needs to be done.

Officers from the Southeast Iowa Task Force will tell you stories of suspects they have followed all over the county, stopping at each convenience store, supermarket, and drug store they passed to pick up as much cold medicine as they could. Not because they were sick, but because they needed the ephedrine in these drugs to cook meth. Sometimes it is purchased, but just as often it is stolen. These suspects were followed back to apartments, farm houses, motel rooms, or even deserted areas of gravel roads where the cold medicines were combined with other chemicals like starter fluid, anhydrous ammonia, and drain cleaner solvents for a "cook" of methamphetamine. This is all too common anyplace we find meth being cooked by amateurs using recipes off the Internet.

There are several different recipes for cooking meth. In rural areas, many of the small cooks use a recipe calling for anhydrous ammonia, which is a fertilizer readily available wherever farming occurs. Other recipes call for the use of red phosphorous, the common ingredient in emergency road flares. But all of these recipes need some form of ephedrine or pseudoephedrine, a common ingredient in cold medicine.

If we make it more difficult for meth cooks to acquire ephedrine, then it will be more difficult for them to manufacture this poison. Several proposals have been put forth by the DEA and others which would help control access to ephedrine products. Many of these have merit, and I hope we will continue to pursue these proposals.

One method that could be very effective would be to put products containing ephedrine or pseudoephedrine behind the counter, such as is currently do with cigarettes. Other proposals would increase the penalties for possession of excessive amounts of precursor chemicals for meth. Some quarters have suggested collecting names or even social security numbers for everyone who purchases products containing ephedrine or pseudoephedrine. Clearly, each of these proposed solutions brings its own set of challenges.

But new steps need to be taken. Spending 80 percent of the time on 20 percent of the problem is not a way to get ahead. Increasing the difficulty of getting the products needed to do a small "cook" of meth decreases the likelihood these "cooks" will take place at all. While none of these proposals will stop all of the ma and pa meth operations, the status quo is not acceptable. Our cops are being overwhelmed, and our kids are dying—we cannot remain silent.

SUPPORT FOR NATO EXPANSION

Ms. LANDRIEU. Mr. President, on March 26, NATO signed the Protocols on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia, and Romania. This is an important step toward the full membership in NATO for these countries. Soon, the Senate will debate whether to approve admission for these seven new and vibrant democracies. These countries have thrown off the shackles of communism. They are pressing forward, and I am confident their admission to NATO will only make that great alliance stronger and more robust.

The enlargement process presents a historic opportunity for NATO to strengthen security and peace, as well as a significant step toward fulfilling the vision of a Europe whole and free. The new members have proved willing and capable of adding value to NATO's missions, and they strongly reinforce the importance of a trans-Atlantic link.

The aspirant members have long contributed to NATO and allied missions, and they will bolster similar NATO and allied operations in the future. They have provided logistical support and troops in combat or peace support missions in Western Balkans, Afghanistan, and Iraq. Romania, for example, currently has over 1,300 troops engaged in allied missions, including a combat battalion that carries out operations shoulder to shoulder with U.S. forces in Afghanistan, and a NBC unit in Iraq. Additionally, the Romanian Government will shelter up to 1,500 war refugees from Iraq if needed. Romania and Bulgaria are currently providing host nation support at the Black Sea airbase and seaport bases. Moreover, Slovakia and the Baltic countries have provided peacekeeping troops, air surveillance support, as well as NBC specialists.

I look forward to the debate in the U.S. Senate on ratification of the protocols for NATO expansion. NATO expansion will prove beneficial to those countries seeking entrance to NATO and the those countries already in the alliance.

TRIBUTE TO GENERAL WALLACE M. GREENE, JR.

Mr. JEFFORDS. Mr. President, I rise today to mourn the passing on March 8, 2003, of GEN Wallace M. Greene, Jr., of Waterbury, VT. General Greene served with distinction as Commandant of the Marine Corps from 1964 until he retired in 1967.

General Greene was born on December 27, 1907, in Waterbury, a small city in central Vermont. He began his academic career at the University of Vermont, and after one year he entered the armed forces at the U.S. Naval Academy, Annapolis, MD, graduating in 1930, commissioned as a Second Lieutenant.

After Annapolis, General Greene first assignment was the Philadelphia Navy Yard and from there, his career took him to Portsmouth, NH; San Diego, CA; on board the battleship USS *Tennessee*; Quantico, VA; and Guantanamo Bay, Cuba. During World War II, General Greene took part in planning the invasion of the Marshall Islands in 1943 and, in 1944, in the Saipan and Tinian operations.

After the war, General Greene returned to the Marine Corps Headquarters and in 1953, he graduated from the National War College, after which he served as Special Assistant to the Joints Chiefs of Staff for National Security Affairs. Beginning in 1955, he commanded the bases at Parris Island, SC, and Camp Lejeune, NC. After holding the post of Deputy Chief of Staff for Plans, General Greene earned his third star in 1960 and became Chief of Staff. In 1964, after his promotion General, he became Commandant of the Marine Corps.

During General Greene's career, he earned myriad citations, commendations, and awards including the Distinguished Service Medal, with one gold star, and prestigious medals from the governments of China, Korea, Brazil, and Vietnam.

I have come to the Senate floor on many occasions to extol Vermonters' contributions to the United States and to our military forces. General Wallace Greene served his country and his people with honor, pride, and dignity. General Greene will be laid to rest at Arlington National Cemetery on Thursday, April 3, 2003, among the many other Americans who have dedicated their lives to public service in the Armed Forces.

ANNIVERSARY OF TUNISIAN INDEPENDENCE

Mr. LUGAR. Mr. President, I rise to recognize the 47th anniversary of Tunisian independence. On March 20, 1956, Tunisia took its place among the free nations of the modern era.

Shortly after Tunisia's independence, in 1957, the United States stood by Tunisia in a challenging post-independence environment. Through the pledge of economic and technical assistance, the United States helped Tunisia to achieve its national goal of a self-confident and self-sustaining modern nation.

Through the vicissitudes of history Tunisia has sustained the hardiness of its Berber forebears as Roman, Vandal, Moor and Ottoman Empires have come and gone. Each has left its cultural mark, but today Tunisia stands independent, and proud of its history. Today, Tunisia has shown its commitment to democratic ideals as a leader in the Arab world in promoting the legal and social status of women.

In this its 47th anniversary of independence, Tunisia and the United States can look back on a much longer and more important relationship. In 1797 Tunisia was among the first countries to recognize the nascent United States of America. This recognition enabled America to make its way in the international community. In the 21st century, Tunisia has also shown support for the United States in the war against terrorism, and our two nations should seek ways to enhance cooperation.

Congratulations on your 47 years of independence, and may you find that each subsequent year brings further peace and prosperity to Tunisia.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF PHIL KAUBLE

• Mr. BAYH. Mr. President, I rise today to honor the life of a fellow Hoosier, Phil Kauble, who passed away on March 24, 2003.

Phil Kauble worked and lived in Kokomo, IN. He was the kind of man who helped to define that hard-working community. Phil was first a steelworker, and later in life a dedicated crusader for pension reform.

Those of us who knew Phil were inspired by his commitment to the cause of pension reform. After his career as a steelworker, Phil became dedicated to protecting retired steelworkers by fighting to correct a discrepancy in the pension laws that had hurt him and others when Continental Steel closed its Kokomo mill in the 1980s.

Phil was tireless in his work to correct this problem. For over 20 years he displayed an unwaivering commitment to help his fellow retired steelworkers and his community by making the pension system fairer. One of the many consequences of his determination is legislation I have authored to require improved notification procedures by the Pension Benefit Guaranty Corporation, PBGC, a Federal agency that oversees the maintenance of benefit pension plans, fondly referred to as "Phil's Bill."

Phil never gave up the fight. All who knew him were very proud of his many contributions. Phil always believed in the promise of America and the difference one man can make. He truly made a difference. Later today, I will be reintroducing "Phil's Bill." I know that he would insist that we push on. That is what we intend to do.

Phil Kauble showed us that one person can make a difference. His own life experience led to an extraordinary commitment to correct a serious gap in the pension system and to help his fellow citizens. His tenacity and idealism will be missed.

When we reflect upon the lives of men such as Phil Kauble, we are reminded that we live in a country where the true power to shape the destiny of government is vested in the people. We will all miss Phil deeply, but his memory will serve as a beacon and his life as an example of the virtues of civic involvement.•

RETIREMENT OF ADJUTANT GENERAL BOENISCH

• Mr. THOMAS. Mr. President, I rise today to pay tribute to a man from my home state of Wyoming who has dedicated his life to public service. The Wyoming National Guard has been extremely fortunate to have MG Edmond W. Boenisch, Jr., to head its ranks for the last 8 years. As the adjutant general for the State of Wyoming, Ed has been responsible for managing Wyoming's Air National Guard and Army National Guard through over 500 deployments around the world and insuring that our citizen soldiers are highly motivated and properly prepared to meet any challenge. No leader can expect to maintain consistently high performance under stress and challenging conditions if the people he leads do not have confidence in him. I believe that the Wyoming Guard's success is a reflection of General Boenisch's personal commitment and dedication to the personnel under his command.

Through 20 years of service, General Boenisch has brought leadership to Wyoming's National Guard. Raised in a home of solid faith and the son of a drill instructor, Ed learned early to value self-discipline and moral conviction. Through his life and over 30 years of marriage, Ed and his wife Linda have shared their strong faith with their family. The challenges of raising two daughters, Laura and Lisa, and an ever demanding career have not shaken Ed and Linda's compass for God, family, and country. As Eucharistic Ministers, they both share their spirituality and are vital members of their church and community.

I would be doing a great disservice if I did not mention Ed's strong ties to the Wyoming education community. Before becoming adjutant general, Ed spent 20 years working in a variety of positions in Laramie County Community College. With a master's degree in student personnel and guidance and a Ph.D. in college student personnel administration, Ed has written several books on stress management. After such a long and distinguished career, I can attest that General Boenisch knows a thing or two about managing stress.

Although we will miss General Boenisch, I am proud that he will continue his public service as deputy director for the Wyoming Community College Commission. As a warrior and a scholar, I know that Gen. Edmond W. Boenisch, Jr. will continue after this post to be a vital asset to our State. I would like to thank Ed on behalf of the people of Wyoming for his years of service and wish him success on the next stage of his career.•

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 107th Congress" (Rept. No. 108–31).

By Mr. WARNER, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services" (Rept. No. 108–32).

NOMINATION DISCHARGED

As in executive session, I ask unanimous consent that the Small Business committee be discharged from further consideration of Harry Damelin, to be Inspector General for the Small Business Administration; I further ask consent that the nomination be referred to the Governmental Affairs committee as under a previous agreement, the nomination then be immediately discharged; further the Senate proceed to its consideration, the nomination be confirmed, and the motion to reconsider be laid upon the table; finally, I ask consent that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for Mr. EDWARDS):

S. 743. A bill to designate a building that houses the operations of the University Park United States Postal Service in Charlotte, North Carolina, as the "Jim Richardson Post Office Building"; to the Committee on Governmental Affairs.

By Mr. BAYH:

S. 744. A bill to amend the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to notify plan participants and beneficiaries of the commencement of proceedings to terminate such plan; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 745. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. LEVIN) (by request):

S. 747. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to the Committee on Armed Services.

By Mr. SANTORUM (for himself, Mr. GRAHAM of Florida, and Mr. INHOFE):

S. 748. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 101. A resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 68

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 140 , a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 157

At the request of Mr. CORZINE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 157, a bill to help protect the public against the threat of chemical attacks.

S. 226

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 226, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

S. 238

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 271

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 303

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 358

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources for the production of electricity to include landfill gas.

S. 359

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of electricity to include electricity produced from municipal solid waste.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. HAGEL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 505

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 537

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 537, a bill to ensure the availability of spectrum to amateur radio operators.

S. 545

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 547

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 547, a bill to encourage energy conservation through bicycling.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 595

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 608

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 608, a bill to provide for personnel preparation, enhanced support and training for beginning special educators, and professional development of special educators, general educators, and early intervention personnel.

S. 609

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 609, a bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 704

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 704, a bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 728

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 728, a bill to reimburse the airline industry for homeland security costs, and for other purposes.

S. 731

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.

S. 737

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 737, a bill to amend title 37, United States Code, to increase the rate of imminent danger special pay and the amount of the family separation allowance.

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

S. RES. 82

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 82, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mr. EDWARDS):

S. 743. A bill to designate a building that houses the operations of the University Park United States Postal Service in Charlotte, North Carolina, as the "Jim Richardson Post Office Building"; to the Committee on Governmental Affairs.

• Mr. EDWARDS. Mr. President, I rise today to introduce the "James F. Richardson Post Office Act of 2003." This measure would name the University Park Post Office in Charlotte, NC, after a man who has come to mean so much to the City of Charlotte, Mecklenburg County and the State of North Carolina. His record of public service goes back 60 years.

A Charlotte native, Jim Richardson graduated from Second War High School, the only high school in the area African Americans were allowed to attend. In a separate and unequal society he learned early on the importance of character and serving the public good. Our World War II veterans are said to be the greatest generation. As part of that generation Jim Richardson entered the United States Navy and served our country honorably in the South Pacific theater during World War II. It is with character and a deep and abiding hope for a better future that a man such as Jim Richardson fought for his country only to return to a society that did not afford all that was allowed them under the Constitution of the United States.

After the war, Jim returned to Charlotte and entered Johnson C. Smith University. He graduated with a degree in Physical Education and minored in General Sciences. His Post Office career began in 1949 as a postal clerk in Charlotte. With the railroads still being the dominant form of transporting the mail, Jim transferred to the Railway Postal Service. When he returned to the Charlotte Post Office years later he had risen through the ranks to having held several supervisory positions. With 33 years of service in the Federal Government, he retired as the US Postmaster in Mt. Holly, NC.

Now, that would be a full career for most individuals. What I have not mentioned is that Jim Richardson was an elected official having served distinguishably in both the North Carolina State House and State Senate. It was here that this man whose family taught him the mantra "do good for others and goodness will return to you" continued his advocacy for those who needed it most. These were often the poor, minorities and the elderly. Jim's legislative record reflected his life's experiences. When he retired from the State Senate, he was a role model for elected officials of both parties. I include myself as being one who looks to Jim Richardson not on the issues of the day, but on the manner in which we conduct ourselves in the daily business of serving the people who elected us.

Again, you would think this would be enough public service for most people. Not for Jim. He returned from the State Legislature to Charlotte and was elected as a Mecklenburg County Commissioner. I came to know him during this his third career. When I called on him for advice and counsel, he opened the wealth of his life's experiences to me. He also opened his home where I stayed during my campaign for the Senate seat. I learned from the man and about him. He and his wife Mary are revered for so many of their contributions to the community. Chief among them is their work on HIV/AIDS awareness among young people. Their hope is to save lives and spare families the experience of losing a loved one to this dread disease.•

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JIM RICHARDSON POST OFFICE BUILDING.

The building that houses operations of the University Park United States Postal Service, located at 2127 Beattys Ford Road, in Charlotte, North Carolina (or any other building to which the University Park United States Postal Service may relocate after the date of enactment of this Act), shall be known and designated as the "Jim Richardson Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex to the building referred to in section 1 shall be deemed to be a reference to the Jim Richardson Post Office Building.

By Mrs. FEINSTEIN:

S. 745. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the "Privacy Act of 2003."

This legislation would establish, for the first time, a comprehensive national system of privacy protection.

It would: require companies to gain consumers' written consent prior to selling their most sensitive personal information including personal health information, financial information, Social Security numbers, and drivers' license data; and require companies to provide consumers' notice and an opportunity to refuse to allow their less sensitive personal information to be sold.

Simply put, this legislation would give consumers more control over how their personal information is used.

The personal information of today's consumer is too vulnerable to abuse. With access to sensitive data so widely available—often just at the touch of a keyboard—it is easy to understand why identity theft has become one of the country's fastest growing crimes.

Recent statistics on the growth of identity theft suggest we have no time to waste in protecting personal privacy.

Identity theft is the number one consumer complaint reported to the Federal Trade Commission. American consumers filed approximately 163,000 identity theft complaints with the FTC in 2002. Fully 43 percent of all the complaints the FTC receives are about identity theft.

An estimated 700,000 cases of identity theft occur each year. The average victim spends an average of 175 hours over a two-year period clearing off an average of $17,000 fraud off their credit reports.

My own State, California, has more victims than any other state. The FTC recorded 30,738 identity theft cases last year from California consumers alone.

While modern technology has increased the threat to personal security and privacy, the protections for individual privacy have not kept pace. Our country's privacy laws form an incomplete and inconsistent patchwork.

For example, Americans enjoy the highest level of privacy protection concerning the names of the movies they rent at a video store. But, at the same time, it is perfectly legal to sell another person's Social Security number over the Internet.

The Privacy Act would establish a Federal privacy standard that adjusts the level of privacy protection according to the sensitivity of the information at issue.

The legislation provides the highest level of protection for a person's most sensitive data—personal financial data, health data, driver's license information, and Social Security numbers.

For this sensitive data, the bill gives the individual ultimate control over whether or not his or her information is shared. If an individual does not actively decide to permit sharing of personal data, the data is not disclosed.

Specifically, this legislation tightens the privacy provisions of the Financial Services Modernization Act, commonly known as the Gramm-Leach-Bliley Act. Under Gramm-Leach-Bliley, a bank can share a customer's personal information with other companies so long as it gives consumers notice and the right to opt-out of the data sharing.

The problem with opt-out is that most people toss out their privacy notices from banks along with the rest of the unrelenting pile of commercial solicitations they receive. Since the passage of Gramm-Leach-Bliley, banks have sent out over one billion privacy notices.

According to available published information, fewer than 5 percent of bank customers have opted out of sharing their personal information, and for many financial institutions, the response rate has been less than one percent.

It is not surprising that consumers do not respond overwhelmingly to these notices, since, by some estimates, the average American household received a dozen of these notices. A consumer should not have the burden of constantly monitoring how his or her most sensitive personal information is shared with other companies.

Accordingly, the Privacy Act prohibits the sale or disclosure of sensitive personal financial information to third parties unless the consumer affirmatively consents or opts in.

This legislation also toughens Federal financial privacy laws for affiliate sharing and joint marketing. An affiliate is a company that is linked by common ownership with another company. Under Federal law, a bank can share with affiliates or joint marketing partners regardless of whether the consumer wants this information shared.

The Privacy Act of 2003 would require that banks give consumers the option of opting out of the sharing of their personal financial information with the bank's affiliates or joint partners.

Some banks argue that affiliates are just branches of an organization, and a bank should for efficiency purposes be able to share data within the entire organization. In an era where a bank had one or two affiliates, that might be true.

But, now, some companies are so big that if a customer has no control over affiliate sharing, then the customer is unable to prevent the disclosure of their data to hundreds of companies. For example, in recent testimony before Congress, U.S. PIRG reported that Citibank has 2,761 affiliates, Key Bank had 871 affiliates, and Bank of America has 1,576 affiliates.

Similarly, a customer must be able to restrict a bank's sharing of personal information with its joint venture partners if the customer wants to maintain control over his personal information.

I would also like to describe several other key components of the financial privacy section.

The bill prohibits banks from denying a customer a financial product or financial service just because the customer chooses to not disclose his personal information to third parties, affiliates, or joint venture partners. However, the bill does allow banks to offer incentives to customers to encourage them to permit the sharing of their personal information.

Additionally, the bill permits banks to disclose, but not sell, personal information to third parties for vital public interest purposes such as identifying or locating missing and abducted children, witnesses, criminals and fugitives, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs.

Just as with financial data, personal health data deserves the most stringent privacy protections.

The recently adopted Department of Health and Human Services privacy regulations set a basic opt-in framework for disclosure of health information. But more can be done to protect patient privacy.

The regulations only prohibit "covered entities"—namely health insurers, health providers, and health care clearinghouses—from selling a patient's health information without that patient's prior consent.

Meanwhile, non-covered entities such as business associates, health researchers, schools or universities, and life insurers are not subject to this opt-in requirement, except through contractual arrangements.

This legislation would preserve the privacy of health information wherever the information is sold. Any business associate, life insurer, school or non-covered entity trying to sell or market protected health information would, like covered entities, have to get the patient's prior consent.

Drivers' license data also is given the strongest level of protection under this bill.

With its recent amendments, the Driver's Privacy Protection Act, DPPA, offers some meaningful protections for drivers privacy.

For example, under the DPPA, a State Department of Motor Vehicles must obtain the prior consent, Opt-in, of the driver before "highly sensitive information"—defined as the driver's photograph, image, Social Security number, medical or disability information—can be disclosed to a third party.

However, loopholes remain. Other sensitive information found on a driver's license deserves equal protection.

The Privacy Act would expand the definition of "highly sensitive information" to include a physical copy of a driver's license, the driver identification number, birth date, information on the driver's physical characteristics and any biometric identifiers, such as a fingerprint, that are found on the driver's license.

Thus, this bill would ensure consumers have control over how their motor vehicle records and driver's license data are used.

I would like to take a moment to highlight the Social Security number section of the privacy bill, which reflects over four years of negotiation with Senator HATCH, Senator GREGG, Senator GRASSLEY, Senator BAUCUS, and other Senate colleagues. I have also introduced this section as a stand-alone bill, Senate bill 228.

It is crucial to protect Social Security numbers because the numbers are the key to a person's identity. Many identity theft cases start with the theft of a Social Security number. Once a thief has access to a victim's Social Security number, it is only a short step to acquiring credit cards, driver's licenses, or other crucial identification documents.

Not surprisingly, members of the public have flooded our Federal agencies with pleas for assistance. Reports to the Social Security Administration of Social Security number misuse have increased from 7,868 in 1997 to 73,000 in 2002—an astonishing increase of over 800%.

The Feinstein/Gregg compromise bars the sale or display of Social Security numbers to the public except in a very narrow set of circumstances.

Display or sale is permitted if the Social Security number holder consents or if there are compelling public safety needs.

Government entities will have to redact Social Security numbers from electronic records that are readily available to the public on the Internet.

Moreover, State governments will no longer be permitted to use the Social Security number as the default driver's license number.

The legislation, however, recognizes that some industries rely on Social Security numbers to exchange information between databases and complete identification verification necessary for certain transactions.

Thus, the bill directs the Attorney General to develop regulations allowing for the sale or purchase of Social Security Numbers to facilitate business-to-business and business-to-government transactions so long as businesses put appropriate safeguards in place and do not permit public access to the number.

Recognizing that not all personal information merits the same restrictions, the bill permits businesses to collect and sell nonsensitive personal information, *e.g.*, name, phone number, address, to third parties so long as they give customers notice and the opportunity to opt-out of the sale.

The opt-out standard for non-sensitive information means that if a person fills out a warranty card, signs up for a computer service, or submits an entry for a sweepstakes, the business must notify him before it sells his personal information to other businesses or marketers.

This framework guarantees basic privacy protections for consumers without unduly impacting commerce.

To further minimize the regulatory burden of these privacy rules, the bill sets up a safe harbor so that industries and industry-sponsored seal programs which have already adopted Notice-and-Opt Out information policies, will be exempt from the regulatory requirements of the legislation.

To ensure uniformity of the laws across all 50 states, the bill preempts inconsistent state laws regarding the treatment of non-sensitive information.

A jumbled patchwork of State privacy laws helps neither businesses nor consumers. Consumers will have confused expectations about what information is protected.

Another distinguishing characteristic of the Privacy Act of 2003 is that it protects the privacy of information regardless of the medium through which it is collected.

Other privacy proposals have tried to confine privacy legislation to the Internet.

These proposals unfairly discriminate against high technology users. Put simply, companies and other entities can misuse personal information from off-line sources just as easily as with on-line sources.

For example, telemarketers who besiege consumers with phone calls during the dinner hour do not typically get customer information from the Internet. Much of the identifying information used to make these calls comes from consumers filling out and mailing back warranty and registration cards.

Regardless of how information is collected, it should get equal protection.

This legislation codifies steps Congress can take to protect citizens from identity thieves and other predators of personal information.

It restores to an individual more control over his or her most sensitive personal information such as Social Security numbers, health information, and financial information. It also sets reasonable guidelines for businesses that handle our personal information every day.

A byproduct of our information economy—personal information is much more vulnerable to exploitation than ever before.

Every American has a fundamental right to privacy, no matter how fast our technology grows or changes. A person should be able to have control over how their most sensitive personal information is used.

But our right to privacy only will remain vital, if we take strong action to protect it.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

I look forward to working with my colleagues to enact the Privacy Act of 2003.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Privacy Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

Sec. 101. Collection and distribution of personally identifiable information.
Sec. 102. Enforcement.
Sec. 103. Safe harbor.
Sec. 104. Definitions.
Sec. 105. Preemption.
Sec. 106. Effective Date.

TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION

Sec. 201. Findings.
Sec. 202. Prohibition of the display, sale, or purchase of social security numbers.
Sec. 203. Application of prohibition of the display, sale, or purchase of social security numbers to public records.
Sec. 204. Rulemaking authority of the Attorney General.
Sec. 205. Treatment of social security numbers on government documents.
Sec. 206. Limits on personal disclosure of a social security number for consumer transactions.
Sec. 207. Extension of civil monetary penalties for misuse of a social security number.
Sec. 208. Criminal penalties for the misuse of a social security number.
Sec. 209. Civil actions and civil penalties.
Sec. 210. Federal injunctive authority.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

Sec. 301. Definition of sale.
Sec. 302. Rules applicable to sale of nonpublic personal information.
Sec. 303. Exceptions to disclosure prohibition.
Sec. 304. Conforming amendments.
Sec. 305. Regulatory authority.
Sec. 306. Effective date.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

Sec. 401. Definitions.
Sec. 402. Prohibition against selling protected health information.
Sec. 403. Authorization for sale or marketing of protected health information by noncovered entities.
Sec. 404. Prohibition against retaliation.
Sec. 405. Rule of construction.
Sec. 406. Regulations.
Sec. 407. Enforcement.

TITLE V—DRIVER'S LICENSE PRIVACY

Sec. 501. Driver's license privacy.

TITLE VI—MISCELLANEOUS

Sec. 601. Enforcement by State Attorneys General.
Sec. 602. Federal injunctive authority.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 101. COLLECTION AND DISTRIBUTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) PROHIBITION.—

(1) IN GENERAL.—It is unlawful for a commercial entity to collect personally identifiable information and disclose such information to any nonaffiliated third party for marketing purposes or sell such information to any nonaffiliated third party, unless the commercial entity provides—

(A) notice to the individual to whom the information relates in accordance with the requirements of subsection (b); and

(B) an opportunity for such individual to restrict the disclosure or sale of such information.

(2) Exception.—A commercial entity may collect personally identifiable information and use such information to market to potential customers such entity's product.

(b) Notice.—

(1) In general.—A notice under subsection (a) shall contain statements describing the following:

(A) The identity of the commercial entity collecting the personally identifiable information.

(B) The types of personally identifiable information that are being collected on the individual.

(C) How the commercial entity may use such information.

(D) A description of the categories of potential recipients of such personally identifiable information.

(E) Whether the individual is required to provide personally identifiable information in order to do business with the commercial entity.

(F) How an individual may decline to have such personally identifiable information used or sold as described in subsection (a).

(2) Time of notice.—Notice shall be conveyed prior to the sale or use of the personally identifiable information as described in subsection (a) in such a manner as to allow the individual a reasonable period of time to consider the notice and limit such sale or use.

(3) Medium of notice.—The medium for providing notice must be—

(A) the same medium in which the personally identifiable information is or will be collected, or a medium approved by the individual; or

(B) in the case of oral communication, notice may be conveyed orally or in writing.

(4) Form of notice.—The notice shall be clear and conspicuous.

(c) Opt-Out.—

(1) Opportunity to opt-out of sale or marketing.—The opportunity provided to limit the sale of personally identifiable information to nonaffiliated third parties or the disclosure of such information for marketing purposes, shall be easy to use, accessible and available in the medium the information is collected, or in a medium approved by the individual.

(2) Duration of limitation.—An individual's limitation on the sale or marketing of personally identifiable information shall be considered permanent, unless otherwise specified by the individual.

(3) Revocation of consent.—After an individual grants consent to the use of that individual's personally identifiable information, the individual may revoke the consent at any time, except to the extent that the commercial entity has taken action in reliance thereon. The commercial entity shall provide the individual an opportunity to revoke consent that is easy to use, accessible, and available in the medium the information was or is collected.

(4) Not applicable.—This section shall not apply to disclosure of personally identifiable information—

(A) that is necessary to facilitate a transaction specifically requested by the consumer;

(B) is used for the sole purpose of facilitating this transaction; and

(C) in which the entity receiving or obtaining such information is limited, by contract, to use such formation for the purpose of completing the transaction.

SEC. 102. ENFORCEMENT.

(a) In General.—In accordance with the provisions of this section, the Federal Trade Commission shall have the authority to enforce any violation of section 101 of this Act.

(b) Violations.—The Federal Trade Commission shall treat a violation of section 101 as a violation of a rule under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Transfer of Enforcement Authority.—The Federal Trade Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, allowing for the transfer of enforcement authority from the Federal Trade Commission to a Federal agency regarding section 101 of this Act. The Federal Trade Commission may permit a Federal agency to enforce any violation of section 101 if such agency submits a written request to the Commission to enforce such violations and includes in such request—

(1) a description of the entities regulated by such agency that will be subject to the provisions of section 101;

(2) an assurance that such agency has sufficient authority over the entities to enforce violations of section 101; and

(3) a list of proposed rules that such agency shall use in regulating such entities and enforcing section 101.

(d) Actions by the Commission.—Absent transfer of enforcement authority to a Federal agency under subsection (c), the Federal Trade Commission shall prevent any person from violating section 101 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as provided to such Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Any entity that violates section 101 is subject to the penalties and entitled to the privileges and immunities provided in such Act in the same manner, by the same means, and with the same jurisdiction, power, and duties under such Act.

(e) Relationship to Other Laws.—

(1) Commission authority.—Nothing contained in this title shall be construed to limit authority provided to the Commission under any other law.

(2) Communications act.—Nothing in section 101 requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 5551).

(3) Other acts.—Nothing in this title is intended to affect the applicability or the enforceability of any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.);

(B) title V of the Gramm-Leach-Bliley Act;

(C) the Health Insurance Portability and Accountability Act of 1996; or

(D) the Fair Credit Reporting Act.

(f) Public Records.—Nothing in this title shall be construed to restrict commercial entities from obtaining or disclosing personally identifying information from public records.

(g) Civil Penalties.—In addition to any other penalty applicable to a violation of section 101(a), a penalty of up to $25,000 may be issued for each violation.

(h) Enforcement Regarding Programs.—

(1) In general.—A Federal agency or department providing financial assistance to any entity required to comply with section 101 of this Act shall issue regulations requiring that such entity comply with such section or forfeit some or all of such assistance. Such regulations shall prescribe sanctions for noncompliance, require that such department or agency provide notice of failure to comply with such section prior to any action being taken against such recipient, and require that a determination be made prior to any action being taken against such recipient that compliance cannot be secured by voluntary means.

(2) Federal financial assistance.—The term "Federal financial assistance" means assistance through a grant, cooperative agreement, loan, or contract other than a contract of insurance or guaranty.

SEC. 103. SAFE HARBOR.

A commercial entity may not be held to have violated any provision of this title if such entity complies with self-regulatory guidelines that—

"(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

"(2) are approved by the Federal Trade Commission, after public comment has been received on such guidelines by the Commission, as meeting the requirements of this title.

SEC. 104. DEFINITIONS.

In this title:

(1) Commercial entity.—The term "commercial entity"—

(A) means any person offering products or services involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; and

(B) does not include—

(i) any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(ii) any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(iii) any group health plan, health insurance issuer, or other entity that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 201 note).

(2) Commission.—The term "Commission" means the Federal Trade Commission.

(3) Individual.—The term "individual" means a person whose personally identifying information has been, is, or will be collected by a commercial entity.

(4) Marketing.—The term "marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(5) Medium.—The term "medium" means any channel or system of communication including oral, written, and online communication.

(6) Nonaffiliated third party.—The term "nonaffiliated third party" means any entity that is not related by common ownership or affiliated by corporate control with, the commercial entity, but does not include a joint employee of such institution.

(7) Personally identifiable information.—The term "personally identifiable information" means individually identifiable information about the individual that is collected including—

(A) a first, middle, or last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address, including the street name, zip code, and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a photograph or other form of visual identification;

(F) a birth date, birth certificate number, or place of birth for that person; or

(G) information concerning the individual that is combined with any other identifier in this paragraph.

(8) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to personally identifiable information, mean the exchanging of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(9) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 105. PREEMPTION.

The provisions of this title shall supersede any statutory and common law of States and their political subdivisions insofar as that law may now or hereafter relate to the—

(1) collection and disclosure of personally identifiable information for marketing purposes; and

(2) collection and sale of personally identifiable information.

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security numbers.

(4) The display, sale, or purchase of social security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this title provides each individual that has been assigned a social security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 202. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

"§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

"(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

"(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

"(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

"(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

"(1) required, authorized, or excepted under any Federal law;

"(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(3) for a national security purpose;

"(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

"(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

"(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

"(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

"(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

"(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

"(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

"(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of social security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make social security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028A. Prohibition of the display, sale, or purchase of social security numbers.".

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 203. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028A the following:

"§ 1028B. Display, sale, or purchase of public records containing social security numbers

"(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

"(b) In General.—Except as provided in subsections (c), (d), and (e), section 1028A shall not apply to a public record.

"(c) Public Records on the Internet or in an Electronic Medium.—

"(1) In general.—Section 1028A shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

"(2) Exception for government entities already placing public records on the internet or in electronic form.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028A to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

"(A) The cost and availability of technology available to a governmental entity to redact social security numbers from public records first provided in electronic form after the effective date of this section.

"(B) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A with respect to such records.

"(C) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

"(d) Harvested Social Security Numbers.—Section 1028A shall apply to any public record of a government entity which contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

"(e) Attorney General Rulemaking on Paper Records.—

"(1) In general.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028A to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028A to such records.

"(2) List of paper and other nonelectronic records.—The records listed in this paragraph are as follows:

"(A) Professional or occupational licenses.

"(B) Marriage licenses.

"(C) Birth certificates.

"(D) Death certificates.

"(E) Other short public documents that display a social security number in a routine and consistent manner on the face of the document.

"(3) Criteria for attorney general review.—In determining whether section 1028A should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

"(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A.

"(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.".

(2) Conforming Amendment.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 202(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. Display, sale, or purchase of public records containing social security numbers.".

(b) Study and Report on Social Security Numbers in Public Records.—

(1) Study.—The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of social security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain social security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain social security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing social security numbers from public records, including a review of current technologies and procedures for removing social security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of social security numbers on public records (with separate assessments for both paper records and electronic records).

(c) Effective Date.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 204. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) In General.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028A(e)(5) of title 18, United States Code (as added by section 202(a)(1)).

(b) Display, Sale, or Purchase Rulemaking With Respect to Interactions Between Businesses, Governments, or Business and Government.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028A(e)(5) of title 18, United States Code (as added by section 202(a)(1)).

(2) Factors to be considered.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's social security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of social security numbers.

(C) The risk that a particular business practice will promote the use of a social security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards and procedures to prevent—

(i) misuse of social security numbers by employees within a business; and

(ii) misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain social security numbers.

SEC. 205. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) Prohibition of Use of Social Security Account Numbers on Checks Issued for Payment by Governmental Agencies.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) Prohibition of Appearance of Social Security Account Numbers on Driver's Licenses or Motor Vehicle Registration.—

(1) IN GENERAL.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(A) by inserting "(I)" after "(vi)"; and

(B) by adding at the end the following:

"(II)(aa) An agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display the social security account numbers issued by the Commissioner of Social Security, or any derivative of such numbers, on the face of any driver's license or motor vehicle registration or any other document issued by such State (or political subdivision thereof) to an individual for purposes of identification of such individual.

"(bb) Nothing in this subclause shall be construed as precluding an agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, from using a social security account number for an internal use or to link with the database of an agency of another State that is responsible for the administration of any driver's license or motor vehicle registration law.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to licenses, registrations, and other documents issued or reissued after the date that is 1 year after the date of enactment of this Act.

(c) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 206. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal, State, or local law requirement; or

"(2) if the social security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

"(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

"(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

"(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

"(e) STATE ATTORNEY GENERAL ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

"(i) enjoin that practice;

"(ii) enforce compliance with such section;

"(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

"(iv) obtain such other relief as the court may consider appropriate.

"(B) NOTICE.—

"(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

"(I) written notice of the action; and

"(II) a copy of the complaint for the action.

"(ii) EXEMPTION.—

"(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

"(II) NOTIFICATION.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

"(2) INTERVENTION.—

"(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

"(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

"(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

"(A) conduct investigations;

"(B) administer oaths or affirmations; or

"(C) compel the attendance of witnesses or the production of documentary and other evidence.

"(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

"(5) VENUE; SERVICE OF PROCESS.—

"(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(f) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.".

(b) EVALUATION AND REPORT.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests to provide a social security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 207. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" and inserting "who—";

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(B) makes such a statement or representation for such use with knowing disregard for the truth; or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to";

(C) by inserting "or each receipt of such benefits while withholding disclosure of such fact" after "each such statement or representation";

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation"; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation".

(2) Administrative procedure for imposing penalties.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(2) makes such a statement or representation for such use with knowing disregard for the truth; or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to".

(b) Application of Civil Money Penalties to Elements of Criminal Violations.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

"(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(o)(2)(C),

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) Clarification of Treatment of Recovered Amounts.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) Conforming Amendments.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320-8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) Violations by government agents in possession of social security numbers.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 202(c).

SEC. 208. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) Prohibition of Wrongful Use as Personal Identification Number.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) Criminal Sanctions.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028A of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028A(a) of title 18, United States Code) any individual's social security account number without having met the prerequisites for consent under section 1028A(d) of title 18, United States Code; or

"(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

SEC. 209. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) Civil Action in State Courts.—

(1) In general.—Any individual aggrieved by an act of any person in violation of this title or any amendments made by this title may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this title. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) Statute of limitations.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) Nonexclusive remedy.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) Civil Penalties.—

(1) In general.—Any person who the Attorney General determines has violated any section of this title or of any amendments made by this title shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) Determination of violations.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) Enforcement procedures.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in

section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 210. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this title or the amendments made by this title, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this title or of any amendments made by this title.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

SEC. 301. DEFINITION OF SALE.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following:

"(12) SALE.—The terms 'sale', 'sell', and 'sold', with respect to nonpublic personal information, mean the exchange of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.".

SEC. 302. RULES APPLICABLE TO SALE OF NONPUBLIC PERSONAL INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in the section heading, by inserting "**SALES, AND OTHER SHARING**" after "**DISCLOSURES**";

(2) in subsection (a), by striking "disclose to" and inserting "sell or otherwise disclose to an affiliate or";

(3) in subsection (b)—

(A) in the subsection heading, by inserting "FOR DISCLOSURES TO AFFILIATES" before the period;

(B) by striking "a nonaffiliated third party" each place that term appears and inserting "an affiliate";

(C) by striking "such third party" each place that term appears and inserting "such affiliate";

(D) by striking "may not disclose" and inserting "may not sell or otherwise disclose"; and

(E) by striking paragraph (2) and inserting the following:

"(2) EXCEPTION.—This subsection shall not prevent a financial institution from providing nonpublic personal information to an affiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services, if the financial institution fully discloses the provision of such information and requires the affiliate to maintain the confidentiality of such information.";

(4) in subsection (d), by striking "disclose" and inserting "sell or otherwise disclose";

(5) by striking subsection (e);

(6) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(7) by inserting after subsection (b) the following:

"(c) OPT IN FOR DISCLOSURES TO NONAFFILIATED THIRD PARTIES.—

"(1) AFFIRMATIVE CONSENT REQUIRED.—A financial institution may not sell or otherwise disclose nonpublic personal information to any nonaffiliated third party, unless the consumer to whom the information pertains—

"(A) has affirmatively consented to the sale or disclosure of such information; and

"(B) has not withdrawn the consent.

"(2) EXCEPTION.—This subsection shall not prevent a financial institution from providing nonpublic personal information to a nonaffiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services (subject to subsection (d) with respect to joint agreements between 2 or more financial institutions), if the financial institution fully discloses the provision of such information and enters into a contractual agreement with the nonaffiliated third party that requires that third party to maintain the confidentiality of such information.

"(d) OPT OUT FOR JOINT AGREEMENTS.—A financial institution may not sell or otherwise disclose nonpublic personal information to a nonaffiliated third party for the purpose of offering financial products or services pursuant to a joint agreement between 2 or more financial institutions, unless—

"(1) the financial institution clearly and conspicuously discloses to the consumer to whom the information pertains, in writing or in electronic form or other form permitted by the regulations prescribed under section 504, that such information may be disclosed to such nonaffiliated third party;

"(2) the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such nonaffiliated third party;

"(3) the consumer is given an explanation of how the consumer can exercise that nondisclosure option; and

"(4) the financial institution receiving the nonpublic personal information signs a written agreement obliging it—

"(A) to maintain the confidentiality of the information; and

"(B) to refrain from using, selling, or otherwise disclosing the information other than to carry out the joint offering or servicing of the financial product or financial service that is the subject of the written agreement.".

SEC. 303. EXCEPTIONS TO DISCLOSURE PROHIBITION.

(a) IN GENERAL.—Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802), as amended by this title, is amended by adding at the end the following:

"(g) GENERAL EXCEPTIONS.—Notwithstanding any other provision of this section, this section does not prohibit—

"(1) the sale or other disclosure of nonpublic personal information to an affiliate or a nonaffiliated third party—

"(A) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer to whom the information pertains, or in connection with—

"(i) servicing or processing a financial product or service requested or authorized by the consumer;

"(ii) maintaining or servicing the account of the consumer with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity; or

"(iii) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

"(B) with the consent or at the direction of the consumer, in accordance with applicable rules prescribed under this subtitle;

"(C) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978; or

"(D) to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury, with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), a State insurance authority, or the Federal Trade Commission), self-regulatory organizations, or for an investigation on a matter related to public safety;

"(2) the disclosure, other than the sale, of nonpublic personal information to identify or locate missing and abducted children, witnesses, criminals, and fugitives, parties to lawsuits, parents, delinquents in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs; or

"(3) the disclosure, other than the sale, of nonpublic personal information—

"(A) to protect the confidentiality or security of the records of the financial institution pertaining to the consumer, the service or product, or the transaction therein;

"(B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

"(C) for required institutional risk control, or for resolving customer disputes or inquiries;

"(D) to persons holding a legal or beneficial interest relating to the consumer;

"(E) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

"(F) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the compliance of the institution with industry standards, or the attorneys, accountants, or auditors of the institution;

"(G) to a consumer reporting agency, in accordance with the Fair Credit Reporting Act or from a consumer report reported by a consumer reporting agency, as those terms are defined in that Act;

"(H) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of such business or unit;

"(I) to comply with Federal, State, or local laws, rules, or other applicable legal requirements, or with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or

"(J) to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes, as authorized by law.

"(h) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny any consumer a financial product or a financial service as a result of the refusal by the consumer to grant consent to disclosure under this section or the exercise by the consumer of a nondisclosure option under this section, except that nothing in this subsection may be construed to prohibit a financial institution from offering incentives to elicit consumer consent to the use of his or her nonpublic personal information.".

(b) REPEAL OF REGULATORY EXEMPTION AUTHORITY.—Section 504 of the Gramm-Leach-Bliley Act (15 U.S.C. 6804) is amended—

(1) by striking subsection (b);

(2) by striking "(a) REGULATORY AUTHORITY.—";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left; and

(4) by striking "paragraph (1)" and inserting "subsection (a)".

SEC. 304. CONFORMING AMENDMENTS.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 503(b)(1) (15 U.S.C. 6803(b)(1))—

(A) by inserting "affiliates and" before "nonaffiliated"; and

(B) in subparagraph (A), by striking "502(e)" and inserting "502(g)"; and

(2) in section 509(3)(D) (15 U.S.C. 6809(3)(D)), by striking "502(e)(1)(C)" and inserting "502(g)(1)(A)(iii)".

SEC. 305. REGULATORY AUTHORITY.

Not later than 6 months after the date of enactment of this Act, the agencies referred to in section 504(a)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)(1)) shall promulgate final regulations in accordance with that section 504 to carry out the amendments made by this Act.

SEC. 306. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 6 months after the date of enactment of this Act.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

SEC. 401. DEFINITIONS.

In this title:

(1) BUSINESS ASSOCIATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "business associate" means, with respect to a covered entity, a person who—

(i) on behalf of such covered entity or of an organized health care arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of—

(I) a function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or

(II) any other function or activity regulated under subchapter C of title 45, Code of Federal Regulations; or

(ii) provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation (as defined in section 164.501 of title 45, Code of Federal Regulations), management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(B) LIMITATIONS.—

(i) IN GENERAL.—A covered entity participating in an organized health care arrangement that performs a function or activity as described by subparagraph (A)(i) for or on behalf of such organized health care arrangement, or that provides a service as described in subparagraph (A)(ii) to or for such organized health care arrangement, does not, simply through the performance of such function or activity or the provision of such service, become a business associate of other covered entities participating in such organized health care arrangement.

(ii) LIMITATION.—A covered entity may be a business associate of another covered entity.

(2) COVERED ENTITY.—The term "covered entity" means—

(A) a health plan;

(B) a health care clearinghouse; and

(C) a health care provider who transmits any health information in electronic form in connection with a transaction covered by parts 160 through 164 of title 45, Code of Federal Regulations.

(3) DISCLOSURE.—The term "disclosure" means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

(4) EMPLOYER.—The term "employer" has the meaning given that term in section 3401(d) of the Internal Revenue Code of 1986.

(5) GROUP HEALTH PLAN.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(1)), including insured and self-insured plans, to the extent that the plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(a)(2)), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise, that—

(A) has 50 or more participants (as defined in section 3(7) of Employee Retirement Income and Security Act of 1974, 29 U.S.C. 1002(7)); or

(B) is administered by an entity other than the employer that established and maintains the plan.

(6) HEALTH CARE.—The term "health care" includes, but is not limited to, the following:

(A) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body.

(B) The sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(7) HEALTH CARE CLEARINGHOUSE.—The term "health care clearinghouse" means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and value-added networks and switches, that—

(A) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or

(B) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

(8) HEALTH CARE PROVIDER.—The term "health care provider" has the meaning given the terms "provider of services" and "provider of medical or health services" in subsections (u) and (s) of section 1861 of the Social Security Act (42 U.S.C. 1395x), respectively, and includes any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(9) HEALTH INFORMATION.—The term "health information" means any information, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

(B) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

(10) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" means a health insurance issuer (as defined in section 2791(b)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(b)(2)) and used in the definition of health plan in this section and includes an insurance company, insurance service, or insurance organization (including an HMO) that is licensed to engage in the business of insurance in a State and is subject to State law that regulates insurance. Such term does not include a group health plan.

(11) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" (HMO) (as defined in section 2791(b)(3) of the Public Health Service Act, 42 U.S.C. 300gg–91(b)(3)) and used in the definition of health plan in this section, means a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as such an HMO.

(12) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

(13) HEALTH PLAN.—The term "health plan" means an individual or group plan that provides, or pays the cost of, medical care, as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2))—

(A) including, singly or in combination—

(i) a group health plan;

(ii) a health insurance issuer;

(iii) an HMO;

(iv) part A or B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(v) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(vi) an issuer of a medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. 1395ss(g)(1));

(vii) an issuer of a long-term care policy, excluding a nursing home fixed-indemnity policy;

(viii) an employee welfare benefit plan or any other arrangement that is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers;

(ix) the health care program for active military personnel under title 10, United States Code;

(x) the veterans health care program under chapter 17 of title 38, United States Code;

(xi) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) (as defined in section 1072(4) of title 10, United States Code);

(xii) the Indian Health Service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

(xiv) an approved State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), providing benefits for child health assistance that meet the requirements of section 2103 of such Act (42 U.S.C. 1397cc);

(xv) the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.);

(xvi) a high risk pool that is a mechanism established under State law to provide health insurance coverage or comparable coverage to eligible individuals; and

(xvii) any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2)); and

(B) excluding—

(i) any policy, plan, or program to the extent that it provides, or pays for the cost of, excepted benefits that are listed in section 2791(c)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(1)); and

(ii) a government-funded program (other than 1 listed in clause (i) through (xvi) of subparagraph (A)), whose principal purpose is other than providing, or paying the cost of, health care, or whose principal activity is the direct provision of health care to persons, or the making of grants to fund the direct provision of health care to persons.

(14) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term "individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received by a covered entity or employer; and

(B)(i) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

(ii)(I) identifies an individual; or

(II) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(15) LAW ENFORCEMENT OFFICIAL.—The term "law enforcement official" means an officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to—

(A) investigate or conduct an official inquiry into a potential violation of law; or

(B) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(16) LIFE INSURER.—The term "life insurer" means a life insurance company (as defined in section 816 of the Internal Revenue Code of 1986), including the employees and agents of such company.

(17) MARKETING.—The term "marketing" means to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

(18) NONCOVERED ENTITY.—The term "noncovered entity" means any person or public or private entity that is not a covered entity, including but not limited to a business associate of a covered entity, a covered entity if such covered entity is acting as a business associate, a health researcher, school or university, life insurer, employer, public health authority, health oversight agency, or law enforcement official, or any person acting as an agent of such entities or persons.

(19) ORGANIZED HEALTH CARE ARRANGEMENT.—The term "organized health care arrangement" means—

(A) a clinically integrated care setting in which individuals typically receive health care from more than 1 health care provider;

(B) an organized system of health care in which more than 1 covered entity participates, and in which the participating covered entities—

(i) hold themselves out to the public as participating in a joint arrangement; and

(ii) participate in joint activities including at least—

(I) utilization review, in which health care decisions by participating covered entities are reviewed by other participating covered entities or by a third party on their behalf;

(II) quality assessment and improvement activities, in which treatment provided by participating covered entities is assessed by other participating covered entities or by a third party on their behalf; or

(III) payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating covered entities through the joint arrangement and if protected health information created or received by a covered entity is reviewed by other participating covered entities or by a third party on their behalf for the purpose of administering the sharing of financial risk;

(C) a group health plan and a health insurance issuer or HMO with respect to such group health plan, but only with respect to protected health information created or received by such health insurance issuer or HMO that relates to individuals who are or who have been participants or beneficiaries in such group health plan;

(D) a group health plan and 1 or more other group health plans each of which are maintained by the same plan sponsor; or

(E) the group health plans described in subparagraph (D) and health insurance issuers or HMOs with respect to such group health plans, but only with respect to protected health information created or received by such health insurance issuers or HMOs that relates to individuals who are or have been participants or beneficiaries in any of such group health plans.

(20) PROTECTED HEALTH INFORMATION.—

(A) IN GENERAL.—The term "protected health information" means individually identifiable health information that, except as provided in subparagraph (B), is—

(i) transmitted by electronic media;

(ii) maintained in any medium described in the definition of electronic media in section 162.103 of title 45, Code of Federal Regulations; or

(iii) transmitted or maintained in any other form or medium.

(B) EXCLUSIONS.—Such term does not include individually identifiable health information in—

(i) education records covered by the Family Educational Rights and Privacy Act of 1974 (section 444 of the General Education Provisions Act (20 U.S.C. 1232g));

(ii) records described in subsection (a)(4)(B)(iv) of that Act; or

(iii) employment records held by a covered entity in its role as an employer.

(21) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

(22) SCHOOL OR UNIVERSITY.—The term "school or university" means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher learning, a college, or an assemblage of colleges united under 1 corporate organization or government.

(23) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(24) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to protected health information, mean the exchange of such information for anything of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(25) USE.—The term "use" means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

(26) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 402. PROHIBITION AGAINST SELLING PROTECTED HEALTH INFORMATION.

(a) VALID AUTHORIZATION REQUIRED.—

(1) IN GENERAL.—A noncovered entity shall not sell the protected health information of an individual or use such information for marketing purposes without an authorization that is valid under section 403. When a noncovered entity obtains or receives authorization to sell such information, such sale must be consistent with such authorization.

(2) NO DUPLICATE AUTHORIZATION REQUIRED.—Nothing in paragraph (1) shall be construed as requiring a noncovered entity that receives from a covered entity an authorization that is valid under section 403 to obtain a separate authorization from an individual before the sale or use of the individual's protected health information so long as the sale or use of the information is consistent with the terms of the authorization.

(b) SCOPE.—A sale of protected health information as described under subsection (a) shall be limited to the minimum amount of information necessary to accomplish the purpose for which the sale is made.

(c) PURPOSE.—A recipient of information sold pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was sold.

(d) NOT REQUIRED.—Nothing in this title permitting the sale of protected health information shall be construed to require such sale.

(e) IDENTIFICATION OF INFORMATION AS PROTECTED HEALTH INFORMATION.—Information sold pursuant to this title shall be clearly identified as protected health information.

(f) NO WAIVER.—Except as provided in this title, an individual's authorization to sell protected health information shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

SEC. 403. AUTHORIZATION FOR SALE OR MARKETING OF PROTECTED HEALTH INFORMATION BY NONCOVERED ENTITIES.

(a) VALID AUTHORIZATION.—A valid authorization is a document that complies with all requirements of this section. Such authorization may include additional information not required under this section, provided that such information is not inconsistent with the requirements of this section.

(b) Defective Authorization.—An authorization is not valid, if the document submitted has any of the following defects:

(1) The expiration date has passed or the expiration event is known by the noncovered entity to have occurred.

(2) The authorization has not been filled out completely, with respect to an element described in subsections (e) and (f).

(3) The authorization is known by the noncovered entity to have been revoked.

(4) The authorization lacks an element required by subsections (e) and (f).

(5) Any material information in the authorization is known by the noncovered entity to be false.

(c) Revocation of Authorization.—An individual may revoke an authorization provided under this section at any time provided that the revocation is in writing, except to the extent that the noncovered entity has taken action in reliance thereon.

(d) Documentation.—

(1) In general.—A noncovered entity must document and retain any signed authorization under this section as required under paragraph (2).

(2) Standard.—A noncovered entity shall, if a communication is required by this title to be in writing, maintain such writing, or an electronic copy, as documentation.

(3) Retention period.—A noncovered entity shall retain the documentation required by this section for 6 years from the date of its creation or the date when it last was in effect, whichever is later.

(e) Content of Authorization.—

(1) Content.—An authorization described in subsection (a) shall—

(A) contain a description of the information to be sold that identifies such information in a specific and meaningful manner;

(B) contain the name or other specific identification of the person, or class of persons, authorized to sell the information;

(C) contain the name or other specific identification of the person, or class of persons, to whom the information is to be sold;

(D) include an expiration date or an expiration event relating to the selling of such information that signifies that the authorization is valid until such date or event;

(E) include a statement that the individual has a right to revoke the authorization in writing and the exceptions to the right to revoke, and a description of the procedure involved in such revocation;

(F) be in writing and include the signature of the individual and the date, or if the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual; and

(G) include a statement explaining the purpose for which such information is sold.

(2) Plain language.—The authorization shall be written in plain language.

(f) Notice.—

(1) In general.—The authorization shall include a statement that the individual may—

(A) inspect or copy the protected health information to be sold; and

(B) refuse to sign the authorization.

(2) Copy to the individual.—A noncovered entity shall provide the individual with a copy of the signed authorization.

(g) Model Authorizations.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on such authorizations. Any authorization obtained on a model authorization form developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(h) Noncoercion.—A covered entity or noncovered entity shall not condition the purchase of a product or the provision of a service to an individual based on whether such individual provides an authorization to such entity as described in this section.

SEC. 404. PROHIBITION AGAINST RETALIATION.

A noncovered entity that collects protected health information, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this title, disclosed information relating to a possible violation of this title, or associated with, or assisted, a person in the exercise of a right under this title.

SEC. 405. RULE OF CONSTRUCTION.

The requirements of this title shall not be construed to impose any additional requirements or in any way alter the requirements imposed upon covered entities under parts 160 through 164 of title 45, Code of Federal Regulations.

SEC. 406. REGULATIONS.

(a) In General.—The Secretary shall promulgate regulations implementing the provisions of this title.

(b) Timeframe.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish proposed regulations in the Federal Register. With regard to such proposed regulations, the Secretary shall provide an opportunity for submission of comments by interested persons during a period of not less than 90 days. Not later than 2 years after the date of enactment of this Act, the Secretary shall publish final regulations in the Federal Register.

SEC. 407. ENFORCEMENT.

(a) In General.—A covered entity or noncovered entity that knowingly violates section 402 shall be subject to a civil money penalty under this section.

(b) Amount.—The civil money penalty described in subsection (a) shall not exceed $100,000. In determining the amount of any penalty to be assessed, the Secretary shall take into account the previous record of compliance of the entity being assessed with the applicable provisions of this title and the gravity of the violation.

(c) Administrative Review.—

(1) Opportunity for hearing.—The entity assessed shall be afforded an opportunity for a hearing by the Secretary upon request made within 30 days after the date of the issuance of a notice of assessment. In such hearing the decision shall be made on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested, the assessment shall constitute a final and unappealable order.

(2) Hearing procedure.—If a hearing is requested, the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 30 days after the date of the decision of the judge. A final order which takes effect under this paragraph shall be subject to review only as provided under subsection (d).

(d) Judicial Review.—

(1) Filing of action for review.—Any entity against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which such entity is located or the United States District Court for the District of Columbia by filing a notice of appeal in such court within 30 days from the date of such order, and simultaneously sending a copy of such notice by registered mail to the Secretary.

(2) Certification of administrative record.—The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed.

(3) Standard for review.—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code.

(4) Appeal.—Any final decision, order, or judgment of the district court concerning such review shall be subject to appeal as provided in chapter 83 of title 28 of such Code.

(e) Failure To Pay Assessment; Maintenance of Action.—

(1) Failure to pay assessment.—If any entity fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed by action in the appropriate United States district court.

(2) Nonreviewability.—In such action the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(f) Payment of Penalties.—Except as otherwise provided, penalties collected under this section shall be paid to the Secretary (or other officer) imposing the penalty and shall be available without appropriation and until expended for the purpose of enforcing the provisions with respect to which the penalty was imposed.

TITLE V—DRIVER'S LICENSE PRIVACY

SEC. 501. DRIVER'S LICENSE PRIVACY.

Section 2725 of title 18, United States Code, is amended by striking paragraphs (2) through (4) and adding the following:

"(2) 'person' means an individual, organization, or entity, but does not include a State or agency thereof;

"(3) 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, medical or disability information, any physical copy of a driver's license, birth date, information on physical characteristics, including height, weight, sex or eye color, or any biometric identifiers on a license, including a finger print, but not information on vehicular accidents, driving violations, and driver's status;

"(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information, any physical copy of a driver's license, driver identification number, birth date, information on physical characteristics, including height, weight, sex, or eye color, or any biometric identifiers on a license, including a finger print; and".

TITLE VI—MISCELLANEOUS

SEC. 601. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely

affected by the engagement of any person in a practice that is prohibited under title I, II, or IV of this Act or under any amendment made by such a title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with such titles or such amendments;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Attorney General intervenes in an action under subsection (a), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under title I, II, IV, or V of this Act or under any amendment made by such a title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that practice.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Anti-Terrorism and Port Security Act of 2003, comprehensive legislation aimed at preventing and punishing a terrorist attack at or through one of our nation's 361 seaports. I would like to thank Senator KYL for joining me in sponsoring this bill.

Currently, our seaports are the gaping hole in our nation's defense against terrorism. According to the U.S. Bureau of Transportation Statistics, about 13 million containers, twenty-foot equivalent units, came into United States ports in 2002.

However, the U.S. government inspected only about two or three percent of these containers—the rest were simply waved through. In addition, in almost every case, these inspections occurred after the containers arrive in the United States.

The problem is that a single container could contain 60,000 pounds of explosives—10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City—and a single container ship can carry as many as 8,000 containers at one time.

Containers could easily be exploited to detonate a bomb that would destroy a bridge, seaport, or other critical infrastructure, causing mass destruction and killing thousands.

Worse, a suitcase-sized nuclear device or radiological "dirty bomb" could also be installed in a container and shipped to the United States. The odds are that the container would never be inspected.

And, even if the container was inspected, it would be too late. The weapon would already be in the United States—most likely near a major population center.

In addition, any attack on or through a seaport could have devastating economic consequences.

Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Every year U.S. ports handle over 800 million tons of cargo valued at approximately $600 billion.

The West Coast labor disruption last year cost the U.S. economy somewhere $1–2 billion a day—a total of $10–20 billion. A terrorist attack would have an ever graver impact.

The U.S. would likely shut down all major U.S. ports, bringing thousands of factories to a standstill and leaving retailers with bare shelves within days. And this shut down will have a ripple effect around the globe, raising the cost exponentially.

In its December 2002 report, the Hart-Rudman Terrorism Task Force discussed the implications of a possible terrorist attack at a seaport. Here is what they said:

> If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close their gates to prevent boxes from piling up on their limited pier space. Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce.

I am particularly concerned about such an attack because such an enormous proportion of U.S. foreign trade passes through my home state of California.

Last year, 6.2 million imported containers—48 percent—passed through California, 5.7 million just through two ports alone: the Port of Los Angeles and the Port of Long Beach.

That means that, if terrorists succeeded in putting a weapon of mass destruction into a container undetected, there is about a one in two chance that this weapon would arrive and/or be detonated in Southern California.

And the problem is not just with containers.

Nearly one-quarter of all of California's imported crude oil is offloaded in one area. A suicide attack on a tanker at an offloading facility in this area could leave Southern California without refined fuels within a few days.

There is no doubt in my mind that terrorists are seeking to exploit vulnerabilities at our seaports right now.

Indeed, the Al Qaeda training manual specifically mentions seaports as a point of vulnerability in our security.

In addition, we know that Al Qaeda has already tried to attack American interests at and through seaports in the past. Let me mention some examples.

In October 2001, Italian authorities found an Egyptian man suspected of having ties to Al Qaeda in a container bound for Canada. He had false identifications, maps of airports, a computer, a satellite phone, cameras, and plenty of cash on hand.

In October 2000, Al Qaeda operatives successfully carried out a deadly bombing attack against the U.S.S. *Cole* in the port of Yemen.

In 1998, Al Qaeda bombed the American Embassies in Kenya and Tanzania.

Evidence suggests that the explosives the terrorists used were shipped to them by sea. And the investigation of the embassy bombings concluded that Bin Laden has close financial ties to various shipping companies.

We cannot afford to be complacent. Terrorists can be very patient. We cannot forget the successful attack on the World Trade Center on September 11 took place eight years after a relatively unsuccessful attack on the same target.

I introduced legislation in the last Congress to offer a comprehensive solution to the problem of seaport vulnerability. I am pleased that some of its provisions we adopted in some form by recent regulatory changes as well as the Maritime transportation Security Act of 2002 and Trade Act of 2002.

For example, one provision in my bill required shippers to provide manifest information to Customs at least 24 hours before departure from a foreign port. Soon after the bill was introduced, Customs published a draft regulation with the same requirement.

This requirement is now being enforced. However, Customs is still not getting all relevant information from every important party involved in the shipping process.

In addition, I am pleased that, especially in the last six months, Customs has aggressively promoted its Container Security Initiative (CSI). One of the core elements of this initiative involves placing U.S. Customs inspectors at major foreign seaports to pre-screen cargo containers before they were shipped to America.

Most of the biggest ports in the world are now participating in CSI. However, Customs has posted relatively few inspectors overseas and I believe that CSI can and should be expanded further.

The Maritime Transportation Safety Act of 2002 and Trade Act of 2002 also included a number of security measures.

However, in my view, many of these measures do not go nearly far enough, particularly in the areas of criminal penalties, pushing back the border, minimum port and security standards, employee identification cards, research and development, and so on. And even the strongest provisions in these bills are, in some cases, years away from implementation.

The bottom line is that, while we have made some modest improvements in seaport security in the last year, much more remains to be done. And, crucially, much remains to be done right now.

In fact, I believe that our seaports remain almost as vulnerable today as they were before September 11. That is why I am introducing the Anti-Terrorism and Port Security Act of 2003.

This legislation builds on improvements made to our laws in the last year but goes much further than those changes to ensure the security of our seaports.

The Anti-Terrorism and Port Security Act of 2003 does three main things:

First, the bill ensure that our criminal laws apply to deter and punish terrorists who choose to strike against our seaports. The bill closes a number of loopholes in our criminal laws to ensure that terrorists are held accountable for any attacks. Let me provide a couple of examples.

If a person blows up an airplane, he commits a crime. However, if he blows up a oil tanker, he does not commit a crime—unless he is doing it to injure the person.

If a person distributes explosives to a non-U.S. national, he commits a crime. But if the same person sows mines in the San Francisco harbor, he does not commit a crime.

Specifically, the bill would: Make it a crime for terrorists to attack a port or a cruise ship or deploy a weapon of mass destruction at or through a seaport. Make it a crime to put devices in U.S. waters that can destroy a ship or cargo or interfere with safe navigation or maritime commerce. Update our federal criminal piracy and privateering laws and increase penalties. Make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel. Make it a crime to fail to heave to (that is, to slow or stop) a vessel at the direction of a Coast Guard or other authorized federal law enforcement official seeking to board that vessel or to interfere with boarding by such an officer. Make it a crime to destroy an aid to maritime navigation, such as a buoy or shoal/breakwater light, maintained by the Coast Guard if this would endanger the safe navigation of a vessel. Make it a crime for terrorists or criminals to try to attack U.S. citizens or U.S. marine live by putting poisons in the water off shore. Require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at seaports and improve communication between different law enforcement agencies involved at ports.

Second, the bill would help improve physical security at seaports by beefing up standards and ensuring greater coordination. Specific provisions would: Designate the Captain-of-the-Port as the primary authority for seaport security at each port. This would enable all parties involved in business at a port to understand who has final say on all security matters. Require minimum federal security standards for ports. These standards include restrictions on private vehicle access, a prohibition on unauthorized guns and explosives, and unauthorized physical access to terminal areas. They would also mandate that terminal areas at ports have a secure perimeter, monitored or locked access points, sufficient lighting, and son on. Mandate that all Customs inspectors have personal radiation detection pagers. Require all port employees and contractors to have biometric smart identification cards. Require Captains-of-the-Port to keep sensitive information on the port secure and protected. Such information would include, but not be limited to maps, blueprints, and information on the Internet.

Third, the bill would ensure that we devote our limited cargo inspection resources in the most efficient and effective manner. The bill would improve our shipment profiling system by requiring additional information from more relevant parties to the shipping process, and it would substantially improve container security. Specifically, it would establish a comprehensive risk profiling plan for the Customs Service to focus their limited inspection capabilities on high-risk cargo and containers. Under this plan, all relevant parties in the shipment process would provide electronically relevant and timely information to enable Customs to determine which shipments to inspect. Impose steep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information (the current penalty is only up to a few thousand dollars). The Seaport Commission found that about ½ of the information on ship manifests was inaccurate. Push U.S. security scrutiny beyond our nation's borders and improve our ability to monitor and inspect cargo and containers before they arrive near America's shores. If a weapon of mass destruction arrives in a U.S. port, it is too late. Require the use of high security seals on all containers coming into the U.S. Require that each container to be transported through U.S. ports receive a universal transaction number that could be used to track container movement from origin to destination. Require all empty containers destined for U.S. ports to be secured. Authorize pilot programs to develop high-tech seals and sensors, including those that would provide real-time evidence of container tampering to a monitor at a terminal. Require ports to provide space to Customs so that the agency is able to use non-intrusive inspection technology. In many cases, Customs has to keep this technology outside the port and bring it in every day, which prevents some of the best inspection technology (which is not portable) from being used. Require the Department of Homeland Security to take the relative number of imported containers received at each port into account in exercising its discretion in determining the allocation of funds appropriated for seaport security grants.

I believe that the Anti-Terrorism and Port Security Act of 2003 would make a significant contribution to protecting

America from terrorist attacks at or through our seaports. I urge my colleagues to support the legislation.;

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Anti-Terrorism and Port Security Act of 2003’’.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

Sec. 101. Destruction or interference with vessels or maritime facilities.
Sec. 102. Criminal sanctions for placement of destructive devices or substances in United States jurisdictional waters.
Sec. 103. Piracy and privateering.
Sec. 104. Use of a dangerous weapon or explosive on a passenger vessel.
Sec. 105. Sanctions for failure to heave to and for obstruction of boarding and providing false information.
Sec. 106. Criminal sanctions for violence against maritime navigation.
Sec. 107. Criminal sanctions for malicious dumping.
Sec. 108. Attorney general to coordinate port-related crime data collection.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

Sec. 201. Definitions.

Subtitle B—Security Authority

Sec. 211. Designated security authority.

Subtitle C—Securing the Supply Chain

Sec. 221. Manifest requirements.
Sec. 222. Penalties for inaccurate manifest.
Sec. 223. Shipment profiling plan.
Sec. 224. Inspection of merchandise at foreign facilities.

Subtitle D—Security of Seaports and Containers

Sec. 231. Seaport security requirements.
Sec. 232. Seaport security cards.
Sec. 233. Securing sensitive information.
Sec. 234. Container security.
Sec. 235. Office and inspection facilities.
Sec. 236. Security grants to seaports.

TITLE III—AUTHORIZATION

Sec. 301. Authorization of appropriations.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

SEC. 101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

‘‘CHAPTER 66—MARITIME VESSELS

‘‘Sec.
‘‘1371. Jurisdiction and scope.
‘‘1372. Destruction of vessel or maritime facility.
‘‘1373. Imparting or conveying false information.

‘‘§ 1371 Jurisdiction and scope

‘‘(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

‘‘(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

‘‘(2) the prohibited activity takes place outside the United States, and—

‘‘(A) an offender or a victim of the prohibited activity is a citizen of the United States;

‘‘(B) a citizen of the United States was on board a vessel to which this chapter applies; or

‘‘(C) the prohibited activity involves a vessel of the United States.

‘‘(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

‘‘§ 1372. Destruction of vessel or maritime facility

‘‘(a) OFFENSES.—It shall be unlawful for any person—

‘‘(1) to willfully—

‘‘(A) set fire to, damage, destroy, disable, or wreck any vessel; or

‘‘(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

‘‘(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

‘‘(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

‘‘(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

‘‘(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

‘‘(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

‘‘(2) to attempt or conspire to do anything prohibited under paragraph (1).

‘‘(b) PENALTY.—Any person who—

‘‘(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

‘‘(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

‘‘(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

‘‘(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

‘‘(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

‘‘(2) liable for all costs incurred as a result of such threat.

‘‘(e) DEFINITIONS.—For purposes of this section—

‘‘(1) the term ‘destructive device’ has the meaning as such term in section 921(a)(4);

‘‘(2) the term ‘destructive substance’ has the meaning as such term in section 31;

‘‘(3) the term ‘high-level radioactive waste’ has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

‘‘(4) the term ‘serious bodily injury’ has the meaning as such term in section 1365(g); and

‘‘(5) the term ‘spent nuclear fuel’ has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

‘‘§ 1373. Imparting or conveying false information

‘‘(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

‘‘(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.’’.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

‘‘66. Maritime Vessels .... 1371’’.

SEC. 102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

"§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

"(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

"(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

"(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

"(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

"2280A. Devices or substances in waters of the United States likely to destroy or damage ships.".

SEC. 103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

"CHAPTER 81—PIRACY AND PRIVATEERING

"Sec.
"1651. Piracy.
"1652. Crimes against United States persons or property on board a ship or maritime structure.
"1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.
"1654. Crimes by United States citizens or resident aliens.
"1655. Privateering.
"1656. Theft or conversion of vessel, maritime structure, cargo, or effects.
"1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.
"1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.
"1659. Attempts.
"1660. Accessories.
"1661. Inapplicability to United States Government activities.

"§ 1651. Piracy

"Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

"§ 1652. Crimes against United States persons or property on board a ship or maritime structure

"Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

"Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1654. Crimes by United States citizens or resident aliens

"Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1655. Privateering

"(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

"(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

"(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

"(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1656. Theft or conversion of vessel, maritime structure, cargo, or effects

"(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

"(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

"(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

"(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

"(a) OFFENSE.—It shall be unlawful for any person to—

"(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

"(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

"(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

"(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

"(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

"(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

"Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1660. Accessories

"(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1661. Inapplicability to United States Government activities

"Nothing in this chapter shall apply to otherwise lawful activities—

"(1) carried out by, or at the direction of, the United States Government; or

"(2) undertaken under a letter or marque and reprisal issued by the United States Government.".

SEC. 104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

"§ 832. Use of a dangerous weapon or explosive on a passenger vessel

"(a) OFFENSE.—It shall be unlawful for any person to willfully—

"(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

"(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

"(1) the vessel was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

"(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'dangerous weapon' has the meaning given such term in section 930(g);

"(2) the term 'explosive or incendiary device' has the meaning given such term in section 232(5);

"(3) the term 'passenger' has the same meaning given such term in section 2101(21) of title 46;

"(4) the term 'passenger vessel' has the same meaning given such term in section 2101(22) of title 46; and

"(5) the term 'serious bodily injury' has the meaning given such term in section 1365(g).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

"832. Use of a dangerous weapon or explosive on a passenger vessel.".

SEC. 105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

"(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

"(c) LIMITATIONS.—This section shall not limit the authority of—

"(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

"(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

"(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

"(3) the term 'Federal law enforcement officer' has the same meaning as such term in section 115.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

SEC. 106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

"(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;"; and

(C) in subparagraph (I), as so redesignated, by striking "through (G)" and inserting "through (H)"; and

(2) in paragraph (2), by striking "(C) or (E)" and inserting "(C), (E), or (F)".

SEC. 107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2282. Knowing discharge or release

"(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

"(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

"(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(2) the term 'hazardous material' has the same meaning given such term in section 2101(14) of title 46;

"(3) the term 'marine environment' has the same meaning given such term in section 2101(15) of title 46;

"(4) the term 'navigable waters' has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

"(5) the term 'noxious liquid substance' has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2282. Knowing discharge or release.".

SEC. 108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following:

"(a) OFFENSE; PENALTY.—Whoever—

"(1) embezzles";

(ii) by striking "from any pipeline system" and all that follows through "with intent to convert to his own use"; and

(iii) by striking "or" at the end;

(B) in the second undesignated paragraph—

(i) by striking "Whoever buys" and inserting the following:

"(2) buys"; and

(ii) by striking "or" at the end;

(C) in the third undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following"

"(3) embezzles"; and

(ii) by striking "with intent to convert to his own use";

(D) in the fourth undesignated paragraph, by striking "Whoever embezzles" and inserting the following:

"(4) embezzles";

(E) in the fifth undesignated paragraph, by striking "Shall in each case" and inserting the following:

"shall in each case";

(F) in the sixth undesignated paragraph, by striking "The" and inserting the following:

"(b) LOCATION OF OFFENSE.—The";

(G) in the seventh undesignated paragraph, by striking "The" and inserting the following"

"(c) SEPARATE OFFENSE.—The";

(H) in the eighth undesignated paragraph, by striking "To" and inserting the following:

"(d) PRIMA FACIE EVIDENCE.—To";

(I) in the ninth undesignated paragraph, by striking "A" and inserting the following:

"(e) PROSECUTION.—A"; and

(J) by adding at the end the following:

"(f) CIVIL PENALTY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed $25,000 for each violation.

"(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

"(3) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

"(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

"(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

"(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(g) DEFINITION.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.".

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

SEC. 201. DEFINITIONS.

In this title:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port", with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term "common carrier" means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term "container" means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term "Directorate" means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term "manufacturer" means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term "merchandise" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) OCEAN TRANSPORTATION INTERMEDIARY.—The term "ocean transportation intermediary" has the meaning given that term in section 515.2 of title 46, Code of Federal Regulations (as in effect on January 1, 2003).

(9) SHIPMENT.—The term "shipment" means cargo traveling in international commerce under a bill of lading.

(10) SHIPPER.—The term "shipper" means—

(A) a cargo owner;

(B) the person for whose account ocean transportation is provided;

(C) the person to whom delivery of merchandise is to be made; or

(D) a common carrier that accepts responsibility for payment of all charges applicable under a tariff or service contract.

(11) UNITED STATES SEAPORT.—The term "United States seaport" means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.

(12) VEHICLE.—The term "vehicle" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(13) VESSEL.—The term "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

Subtitle B—Security Authority

SEC. 211. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

Subtitle C—Securing the Supply Chain

SEC. 221. MANIFEST REQUIREMENTS.

Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(1) by striking "Any manifest" and inserting the following:

"(1) IN GENERAL.—Any manifest"; and

(2) by adding at the end the following new paragraph:

"(2) REQUIRED INFORMATION.—

"(A) REQUIREMENT.—In addition to any other requirement under this section, the pilot, master, operator, or owner (or the authorized agent of such operator or owner) of every vessel required to make entry or obtain clearance under the laws of the United States shall transmit electronically the cargo manifest information described in subparagraph (B) in such manner and form as the Secretary shall prescribe. The Secretary shall ensure the electronic information is maintained securely, and is available only to individuals with Federal Government security responsibilities.

"(B) CONTENT.—The cargo manifest required by subparagraph (A) shall consist of the following information:

"(i) The port of arrival and departure.

"(ii) The carrier code assigned to the shipper.

"(iii) The flight, voyage, or trip number.

"(iv) The dates of scheduled arrival and departure.

"(v) A request for a permit to proceed to the destination, if such permit is required.

"(vi) The numbers and quantities from the carrier's master airway bill, bills of lading, or ocean bills of lading.

"(vii) The first port of lading of the cargo and the city in which the carrier took receipt of the cargo.

"(viii) A description and weight of the cargo (including the Harmonized Tariff Schedule of the United States number under which the cargo is classified) or, for a sealed container, the shipper's declared description and weight of the cargo.

"(ix) The shipper's name and address, or an identification number, from all airway bills and bills of lading.

"(x) The consignee's name and address, or an identification number, from all airway bills and bills of lading.

"(xi) Notice of any discrepancy between actual boarded quantities and airway bill or bill of lading quantities, except that a carrier is not required by this clause to verify boarded quantities of cargo in sealed containers.

"(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

"(xiii) The location of the warehouse or other facility where the cargo was stored while under the control of the carrier.

"(xiv) The name and address, or identification number of the carrier's customer including the forwarder, nonvessel operating common carrier, and consolidator.

"(xv) The conveyance name, national flag, and tail number, vessel number, or train number.

"(xvi) The country of origin and ultimate destination.

"(xvii) The carrier's reference number, including the booking or bill number.

"(xviii) The shipper's commercial invoice number and purchase order number.

"(xix) Information regarding any hazardous material contained in the cargo.

"(xx) License information including the license code, license number, or exemption code.

"(xxi) The container number for containerized shipments.

"(xxii) Certification of the empty condition of any empty containers.

"(xxiii) Any additional information that the Secretary, in consultation with the Secretary of Homeland Security, by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to the laws enforced and administered by the Secretary or the Under Secretary for Border and Transportation Security of the Department of Homeland Security.".

SEC. 222. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking "$1,000" each place it appears and inserting "$50,000"; and

(B) by striking "$10,000" and inserting "$50,000"; and

(2) by adding at the end the following new subsection:

"(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

"(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of $25,000 for the first violation, and $50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

"(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

SEC. 223. SHIPMENT PROFILING PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a shipment profiling plan to track containers and shipments of merchandise to be imported into the United States. The tracking system shall be designed to identify any shipment that is a threat to the security of the United States before such shipment enters the United States.

(b) INFORMATION REQUIREMENTS.—

(1) CONTENT.—The shipment profiling plan required by subsection (a) shall at a minimum—

(A) require common carriers, shippers, and ocean transportation intermediaries to provide appropriate information regarding each shipment of merchandise, including the information required under section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) to the Secretary of Homeland Security; and

(B) require shippers to use a standard international bill of lading for each shipment that includes—

(i) the weight of the cargo;

(ii) the value of the cargo;

(iii) the vessel name;

(iv) the voyage number;

(v) a description of each container;

(vi) a description of the nature, type, and contents of the shipment;

(vii) the code number from the Harmonized Tariff Schedule;

(viii) the port of destination;

(ix) the final destination of the cargo;

(x) the means of conveyance of the cargo;

(xi) the origin of the cargo;

(xii) the name of the precarriage deliverer or agent;

(xiii) the port at which the cargo was loaded;

(xiv) the name of the formatting agent;

(xv) the bill of lading number;

(xvi) the name of the shipper;

(xvii) the name of the consignee;

(xviii) the universal transaction number or carrier code assigned to the shipper by the Secretary;

(xix) the information contained in the continuous synopsis record for the vessel transporting the shipment; and

(xx) any additional information that the Secretary by regulation determines is reasonably necessary to ensure seaport safety.

(2) CONTINUOUS SYNOPSIS RECORD DEFINED.—In this subsection, the term "continuous synopsis record" means the continuous synopsis record required by regulation 5 of chapter XI-1 of the Annex to the International Convention of the Safety of Life at Sea, 1974.

(3) EFFECTIVE DATE.—The requirement imposed under clause (xix) of paragraph (1)(B) shall take effect on July 1, 2004.

(c) CREATION OF PROFILE.—The Secretary of Homeland Security shall combine the information described in subsection (b) with other law enforcement and national security information that the Secretary determines useful to assist in locating containers and shipments that could pose a threat to the security of the United States and to create a profile of every container and every shipment within the container that will enter the United States.

(d) CARGO SCREENING.—

(1) IN GENERAL.—Officers of the Directorate shall review the profile of a shipment that a shipper desires to transport into the United States to determine whether the shipment or the container in which it is carried should be subjected to additional inspection by the Directorate. In making such a determination, an officer shall consider, in addition to any other relevant factors—

(A) whether the shipper has regularly shipped cargo to the United States in the past; and

(B) the specificity of the description of the shipment's contents.

(2) NOTIFICATION.—The Secretary of Homeland Security shall transmit to the shipper and the person in charge of the vessel, aircraft, or vehicle on which a shipment is located a notification of whether the shipment is to be subjected to additional inspection as described in paragraph (1).

(e) CONSISTENCY WITH THE NATIONAL CUSTOMS AUTOMATION PROGRAM.—The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall ensure that the National Customs Automation Program established pursuant to section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is compatible with the shipment profile plan developed under this section.

SEC. 224. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

Subtitle D—Security of Seaports and Containers

SEC. 231. SEAPORT SECURITY REQUIREMENTS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue final regulations setting forth minimum security requirements, including security performance standards for United States seaports. The regulations shall—

(1) limit private vehicle access to the terminal area of a United States seaport to vehicles that are registered at such seaport and display a seaport registration pass;

(2) prohibit individuals, other than law enforcement officers, from carrying firearms or

explosives inside a United States seaport without written authorization from the Captain-of-the-Port;

(3) prohibit individuals from physically accessing the terminal area of a United States seaport without a seaport specific access pass;

(4) require that officers of the Directorate, and other appropriate law enforcement officers, at United States seaports be provided with, and utilize, personal radiation detection pagers to increase the ability of such officers to accurately detect radioactive materials that could be used to commit terrorist acts in the United States;

(5) require that the terminal area of each United States seaport be equipped with—

(A) a secure perimeter;

(B) monitored or locked access points; and

(C) sufficient lighting; and

(6) include any additional security requirement that the Secretary determines is reasonably necessary to ensure seaport security.

(b) LIMITATION.—Except as provided in subsection (c), any United States seaport that does not meet the minimum security requirements described in subsection (a) is prohibited from—

(1) handling, storing, stowing, loading, discharging, or transporting dangerous cargo; and

(2) transferring passengers to or from a passenger vessel that—

(A) weighs more than 100 gross tons;

(B) carries more than 12 passengers for hire; and

(C) has a planned voyage of more than 24 hours, part of which is on the high seas.

(c) EXCEPTION.—The Secretary of Homeland Security may waive 1 or more of the minimum requirements described in subsection (a) for a United States seaport if the Secretary determines that it is not appropriate for such seaport to implement the requirement.

SEC. 232. SEAPORT SECURITY CARDS.

Section 70105 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—(1) Unless the requirements of paragraph (2) are met, the Secretary shall prescribe regulations to prohibit—

"(A) an individual from entering an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility that is approved by the Secretary under section 70103 of this title; and

"(B) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport from entering a United States seaport.

"(2) The prohibition imposed under paragraph (1) may not apply to—

"(A) an individual who—

"(i) holds a transportation security card issued under this section; and

"(ii) is authorized to be in area in accordance with the plan if the individual is attempting to enter an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility approved by the Secretary under section 70103 of this title; or

"(B) an individual who is accompanied by another individual who may access the secure area or United States seaport in accordance with this section.

"(3) A person may not admit an individual into a United States seaport or a secure area unless the individual is in compliance with this subsection.";

(2) in paragraph (2) of subsection (b)—

(A) in subparagraph (E), by striking "and";

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport; and";

(3) in paragraph (1) of subsection (c)—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon and "or"; and

(C) at the end, by inserting the following new subparagraph:

"(E) has not provided sufficient information to allow the Secretary to make the determinations described in subparagraph (A), (B), (C), or (D).";

(4) by striking subsection (f); and

(5) by inserting after subsection (e) the following new subsections:

"(f) DATA ON CARDS.—A transportation security card issued under this section shall—

"(1) be tamper resistant; and

"(2) contain—

"(A) the number of the individual's commercial driver's license issued under chapter 313 of title 49, if any;

"(B) the State-issued vehicle registration number of any vehicle that the individual desires to bring into the United States seaport, if any;

"(C) the work permit number issued to the individual, if any;

"(D) a unique biometric identifier to identify the license holder; and

"(E) a safety rating assigned to the individual by the Secretary of Homeland Security.

"(g) DEFINITIONS.—In this section:

"(1) ALIEN.—The term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(2) UNITED STATES SEAPORT.—The term 'United States seaport' means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.".

SEC. 233. SECURING SENSITIVE INFORMATION.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Captain-of-the-Port of each United States seaport shall secure and protect all sensitive information, including information that is currently available to the public, related to the seaport.

(b) SENSITIVE INFORMATION.—In this section, the term "sensitive information" means—

(1) maps of the seaport;

(2) blueprints of structures located within the seaport; and

(3) any other information related to the security of the seaport that the Captain-of-the-Port determines is appropriate to secure and protect.

SEC. 234. CONTAINER SECURITY.

(a) CONTAINER SEALS.—

(1) APPROVAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall approve minimum standards for high security container seals that—

(A) meet or exceed the American Society for Testing Materials Level D seals;

(B) permit each seal to have a unique identification number; and

(C) contain an electronic tag that can be read electronically at a seaport.

(2) REQUIREMENT FOR USE.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall deny entry of a vessel into the United States if the containers carried by the vessel are not sealed with a high security container seal approved under paragraph (1).

(b) IDENTIFICATION NUMBER.—

(1) REQUIREMENT.—A shipment that is shipped to or from the United States either directly or via a foreign port shall have a designated universal transaction number.

(2) TRACKING.—The person responsible for the security of a container shall record the universal transaction number assigned to the shipment under paragraph (1), as well as any seal identification number on the container, at every port of entry and point at which the container is transferred from one conveyance to another conveyance.

(c) PILOT PROGRAM.—

(1) GRANTS.—The Secretary of Homeland Security is authorized to award grants to eligible entities to develop an improved seal for cargo containers that—

(A) permit the immediate detection of tampering with the seal;

(B) permit the immediate detection of tampering with the walls, ceiling, or floor of a container that indicates a person is attempting to improperly access the container; and

(C) transmit information regarding tampering with the seal, walls, ceiling, or floor of the container in real time to the appropriate authorities at a remote location.

(2) APPLICATION.—Each eligible entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(3) ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means any national laboratory, nonprofit private organization, institution of higher education, or other entity that the Secretary determines is eligible to receive a grant authorized by paragraph (1).

(d) EMPTY CONTAINERS.—

(1) CERTIFICATION.—The Secretary of Homeland Security shall prescribe in regulations requirements for certification of empty containers that are to be shipped to or from the United States either directly or via a foreign port. Such regulations shall require that an empty container—

(A) be inspected and certified as empty prior to being loaded onto a vessel for transportation to a United States seaport; and

(B) be sealed with a high security container seal approved under subsection (a)(1) to enhance the security of United States seaports.

SEC. 235. OFFICE AND INSPECTION FACILITIES.

(a) OPERATIONAL SPACE IN SEAPORTS.—Each entity that owns or operates a United States seaport that receives cargo from a foreign country, whether governmental, quasi-governmental, or private, shall provide to the Directorate permanent office and inspection space within the seaport that is sufficient for the Directorate officers at the seaport to carry out their responsibilities. Such office and inspection space—

(1) shall be provided at no cost to the Directorate; and

(2) may be located outside the terminal area of the seaport.

(b) INSPECTION TECHNOLOGY.—The Secretary of Homeland Security shall maintain permanent inspection facilities that utilize available inspection technology in the space provided at each seaport pursuant to subsection (a).

SEC. 236. SECURITY GRANTS TO SEAPORTS.

(a) CRITERIA FOR AWARDING GRANTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall use the proportion of the containerized imports that are received at a United States seaport as a factor to be considered when determining whether to select that seaport for award of a competitive grant for security.

(b) DEFINITIONS.—In this section:

(1) CONTAINERIZED IMPORTS.—The term "containerized imports" means the number of twenty-foot equivalent units of containerized imports that enter the United States annually through a United States seaport as estimated by the Bureau of Transportation Statistics of the Department of Transportation.

(2) COMPETITIVE GRANT FOR SECURITY.—The term "competitive grant for security" means a grant of Federal financial assistance that the Secretary of Homeland Security is authorized to award to a United States seaport for the purpose of enhancing security at the seaport, including a grant of funds appropriated under the heading "Maritime and Land Security" in title I of division I of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7).

TITLE III—AUTHORIZATION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General and the Secretary of Homeland Security such sums as are necessary to carry out this Act. Sums authorized to be appropriated under this section are authorized to remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—CALLING FOR THE PROSECUTION OF IRAQIS AND THEIR SUPPORTERS FOR WAR CRIMES, AND FOR OTHER PURPOSES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 101

Resolved, That it is the sense of the Senate that—

(1) the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom should prosecute by trial by tribunal each person in the Government of Iraq, each person in the armed forces of Iraq, and any other person, regardless of nationality, who orders, directs, solicits, procures, coordinates, participates in, or supports acts in violation of the international law of armed conflict (including the aspects of such law known as the Hague and Geneva Conventions) that are directed at members of the armed forces of the coalition nations or at the people of Iraq or any other nation;

(2) in the determination of appropriate persons to be charged and tried by such tribunal on the basis of command responsibility for any violation, consideration should be given to identifying responsible persons throughout the full range of the chain command, and not only persons within formal chains of command of the government and armed forces of Iraq, but also persons integral to any informal link by which a person in the government of Iraq or the armed forces of Iraq, or any other person, directs paramilitary, political, or guerrilla forces;

(3) in the determination of appropriate persons to be charged and tried by such tribunal, consideration should also be given to identifying persons who use political position or mass media in any of the violations; and

(4) in the determination of the violations of the international law of armed conflict to be tried by the tribunal, particular attention should be given to acts in the nature of those that, as of the date of this resolution, have already been committed by Iraqi directed forces, such as—

(A) the abuse of places protected from military attack under international law, such as the use of mosques and hospitals as military headquarters or for other military purposes;

(B) the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces;

(C) the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;

(D) the use of civilians or other persons protected under international law as human shields for Iraqi combatants on the battlefield;

(E) assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;

(F) abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

(G) recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

Mr. SPECTER. Mr. President, I was alarmed over the past weekend to note the suicide bombing which was perpetrated on Saturday where four United States soldiers in the 3rd Infantry Division were murdered by a suicide car bomb, with a bomber driving a taxi filled with explosives to a highway checkpoint in central Iraq. This is the first such attack on American troops in this war, a war in which Iraqi forces have been accused of dressing as civilians and employing so-called human shields.

In an interview which appeared on ABC Television on Sunday, March 30th, Deputy Prime Minister Tariq Aziz stated that this was to be the policy of Iraq. This statement was in response to a question by ABC News correspondent Richard Engel, a question related to the comment by the Vice President of Iraq the preceding day, Saturday, March 29th, and then again by a Defense Ministry spokesman on March 30th, that Iraq is "welcoming the use of [such] suicide attacks."

I am today submitting a resolution which condemns this practice as a war crime, to put the government of Iraq on notice that the United States, Great Britain, and coalition forces will be prosecuting these atrocities as war crimes. Human Rights Watch commented on this matter, condemned the act in a press release issued just today, saying: "Feigning civilian or noncombatant status to deceive the enemy is a violation of the laws of war. . . ."

On March 29, that is last Saturday, at a U.S. military roadblock near Najaf, an Iraqi noncommissioned officer, reportedly posing as a taxi driver, detonated a car bomb that killed him and four U.S. soldiers. Iraqi Vice President Taha Yassin Ramadan said in a Baghdad news conference that such attacks would become "routine military policy." The executive director of the Human Rights Watch, Mr. Kenneth Roth, said: "When combatants disguise themselves as civilians or surrendering soldiers, that is a serious violation of the laws of war. Any such blurring of the line between combatant and noncombatant puts all Iraqis at greater risk."

International law prohibits attacking, killing, injuring, capturing, or deceiving the enemy by resorting to what is called perfidy. A "perfidious attack" is one launched by combatants who have led opposing forces to believe that the attackers are really noncombatants. Acts of perfidy include pretending to be a civilian who cannot be attacked, or feigning surrender. Surrendering soldiers cannot be attacked, so it is perfidious to use that protected status to attack as the opposing forces let down their guard as they try to take the "surrendering" soldiers into custody.

Now, this technique, this tactic, has been sanctioned, as noted, at the highest level of the Iraqi government by the Vice President of Iraq and by Deputy Prime Minister Tariq Aziz. Minister Aziz has been the leading Iraqi spokesman for more than a decade, going back, actually, before the gulf war in 1991. When Minister Aziz speaks, there is no doubt that he is speaking at the highest level of the Iraqi government.

The Iraqi government awarded the suicide bomber two posthumous medals and the Vice President said the suicide attacks will become routine military policy in Iraq and in the United States unless the Bush administration abandons the (then) 10-day-old war and pulls back its troops.

The interview by ABC TV news correspondent Richard Engel went on to question Deputy Prime Minister Aziz about the nature of such attacks in the future, and Minister Aziz commented: "There will be others. Iraqis, Arabs, maybe Muslims, yes. We welcome them."

Minister Aziz took pride in pointing out: "[T]he first one who did it was an Iraqi. He was not a foreigner."

It is my view that this is one of a series of acts by the Iraqi Government in violation of the laws of war itemized in the Hague and Geneva Conventions, and that more and varied types of atrocities may be expected by the desperate Iraqi Government.

That is why I have prepared today this resolution which calls upon:.

> . . . the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom [to] prosecute by trial by tribunal each person in the Government of Iraq, each person in the armed forces of Iraq, and any other person, regardless of nationality, who orders, directs, solicits, procures, coordinates, participates in, or supports acts in violation of the international law of armed conflict (including the aspects of such law known as the Hague and Geneva Conventions) . . . .

The resolution specifies a series of circumstances where there is:

> . . . abuse of places protected from military attack under international law, such as the use of mosques and hospitals as military headquarters or for other military purposes;
>
> . . . the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces;
>
> . . . the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;
>
> . . . the use of civilians or other persons protected under international law as human shields for Iraqi combatants on the battlefield;
>
> . . . assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;
>
> . . . abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and
>
> . . . recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

We are saying what has occurred in Iraq today are the actions of a desperate nation.

I believe it is very important that the upper echelon of the Iraqi Government, people such as the Vice President, people such as Deputy Prime Minister Aziz, be put on notice that these acts in violation of The Hague and Geneva Conventions will be dealt with very forcefully by a tribunal which is yet to be established.

I do not specify at this time the kind of tribunal. That will require some further analysis. It could be a military tribunal to try those offenses where the victims are soldiers of the U.S. Army, or of the British Army, or soldiers of the coalition forces.

It might be an international tribunal such as that which was established for the former Yugoslavia, or Rwanda.

It is worth noting, and the Iraqi officials ought to be watching, what has happened at The Hague and what happened in Rwanda. The former head of state of Rwanda is now serving a life sentence—notwithstanding that he was the head of state of Rwanda—for crimes against humanity. In a well-publicized case, former Yugoslavian President Milosevic is now on trial in The Hague for violations of international law and crimes against humanity. Many have been sentenced for criminal conduct, for violations of international law in Bosnia and in Kosovo. So at this early stage I believe it is important that the word go out to the Iraqi high command and to those who follow orders of the Iraqi high command that they will be prosecuted as war criminals.

It is not a defense that someone says that he or she is operating under an order from a superior officer. In a very celebrated case in World War I, a German U-boat sank an Allied ship. As it went down, those in lifeboats were machinegunned by the submarine, which had surfaced. The perpetrator of the machinegunning entered a defense that the machinegunner was operating under superior's orders. That was soundly rejected. So the principle has been established as a matter of international law that it is no defense to say a person operates under superior's orders.

Of course, it is not a defense at all for ranking officials such as the Iraqi Vice President and the Iraqi Deputy Prime Minister, who know better, who are engaging in these violations of international law. Those who carry out the orders of these Iraqis ought to be on notice, too, that these matters will not be over when we win the war, when the war stops, because these individuals will be pursued in trials just as the head of state of Rwanda was pursued and is serving a life sentence; just as former President Milosevic is being pursued and prosecuted; as so many others are being pursued.

This word ought to go out in a very forceful way to the Iraqis that this conduct in violation of international law will not be tolerated.

In 1998 I submitted S. Con. Res. 78 calling for a war crimes tribunal to try Saddam Hussein as a war criminal. On March 13, 1998, that was passed unanimously, 93 to nothing, by the Senate. So there is a demonstrated interest on the part of this body in acting very forcefully to give notice to, not only Saddam Hussein, but other Iraqi officials and those who carry out their orders that they will be prosecuted as war criminals if they continue to violate international law.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 31, 2003, at 4:00 p.m., in open session, to receive testimony on the U.S. Air Force investigation into allegations of sexual assault at the U.S. Air Force Academy and related recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 31, 2003, at 2:00 p.m., in open session to receive testimony on the science and technology program and the role of Department of Defense laboratories in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 95

The Senate passed H. Con. Res. 95 on Wednesday, March 26, 2003 as follows:

In the Senate of the United States, March 26, 2003.

Resolved, That the resolution from the House of Representatives (H. Con. Res. 95) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal years 2003 and 2004 including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation in the Senate.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Extension of supermajority enforcement.
Sec. 202. Discretionary spending limits in the Senate.
Sec. 203. Restrictions on advance appropriations in the Senate.
Sec. 204. Emergency legislation.
Sec. 205. Pay-as-you-go point of order in the Senate.
Sec. 206. Sense of the Senate on reports on liabilities and future costs

Subtitle B—Reserve Funds and Other Adjustments

Sec. 211. Adjustment for special education.

Sec. 212. Adjustment for highways and highway safety and transit.
Sec. 213. Reserve fund for medicare.
Sec. 214. Reserve fund for health insurance for the uninsured.
Sec. 215. Reserve fund for children with special needs.
Sec. 216. Reserve fund for medicaid reform.
Sec. 217. Reserve fund for project bioshield.
Sec. 218. Reserve fund for stateside grant program.
Sec. 219. Reserve fund for State children's health insurance program.

Subtitle C—Miscellaneous Provisions

Sec. 221. Adjustments to reflect changes in concepts and definitions.
Sec. 222. Application and effect of changes in allocations and aggregates.
Sec. 223. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate on Federal employee pay.
Sec. 302. Sense of the Senate on tribal colleges and universities.
Sec. 303. Sense of the Senate regarding the 504 small business credit program.
Sec. 304. Sense of the Senate regarding Pell Grants.
Sec. 305. Sense of the Senate regarding the National Guard.
Sec. 306. Sense of the Senate regarding weapons of mass destruction civil support teams.
Sec. 307. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.
Sec. 308. Social Security restructuring.
Sec. 309. Sense of the Senate concerning State fiscal relief.
Sec. 310. Federal Agency Review Commission.
Sec. 311. Sense of the Senate regarding highway spending.
Sec. 312. Sense of the Senate concerning an expansion in health care coverage.
Sec. 313. Sense of the Senate on the State Criminal Alien Assistance Program.
Sec. 314. Sense of the Senate concerning programs of the Corps of Engineers.
Sec. 315. Radio interoperability for first responders.
Sec. 316. Sense of the Senate on corporate tax haven loopholes.
Sec. 317. Sense of Senate on phased-in concurrent receipt of retired pay and veterans' disability compensation for veterans with service-connected disabilities rated at 60 percent or higher.
Sec. 318. Sense of the Senate concerning Native American health.
Sec. 319. Reserve fund to strengthen social security.
Sec. 320. Sense of the Senate on providing tax and other incentives to revitalize rural America.
Sec. 321. Sense of the Senate concerning higher education affordability.
Sec. 322. Sense of the Senate concerning children's graduate medical education.
Sec. 323. Sense of the Senate on funding for criminal justice.
Sec. 324. Sense of the Senate concerning funding for drug treatment programs.
Sec. 325. Funding for after-school programs.
Sec. 326. Sense of the Senate on the $1,000 child credit
Sec. 327. Sense of the Senate concerning funding for domestic nutrition assistance programs
Sec. 328. Sense of Senate concerning free trade agreement with the United Kingdom
Sec. 329. Reserve fund for possible military action and reconstruction in Iraq

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,333,861,000,000.
Fiscal year 2004: $1,400,789,000,000.
Fiscal year 2005: $1,566,044,000,000.
Fiscal year 2006: $1,702,314,000,000.
Fiscal year 2007: $1,828,213,000,000.
Fiscal year 2008: $1,935,251,000,000.
Fiscal year 2009: $2,043,323,000,000.
Fiscal year 2010: $2,141,398,000,000.
Fiscal year 2011: $2,309,946,000,000.
Fiscal year 2012: $2,463,192,000,000.
Fiscal year 2013: $2,522,440,090,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2003: −$25,973,000,000.
Fiscal year 2004: −$65,581,000,000
Fiscal year 2005: −$50,982,000,000.
Fiscal year 2006: −$38,358,000,000.
Fiscal year 2007: −$24,953,000,000.
Fiscal year 2008: −$27,726,000,000.
Fiscal year 2009: −$35,007,000,000.
Fiscal year 2010: −$51,644,000,000.
Fiscal year 2011: −$117,550,000,000.
Fiscal year 2012: −$186,587,000,000.
Fiscal year 2013: −$176,785,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,794,227,000,000.
Fiscal year 2004: $1,874,032,000,000.
Fiscal year 2005: $1,994,686,000,000.
Fiscal year 2006: $2,124,245,000,000.
Fiscal year 2007: $2,235,720,000,000.
Fiscal year 2008: $2,348,071,000,000.
Fiscal year 2009: $2,437,669,000,000.
Fiscal year 2010: $2,500,565,000,000.
Fiscal year 2011: $2,635,593,000,000.
Fiscal year 2012: $2,714,087,000,000.
Fiscal year 2013: $2,826,659,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,781,356,000,000.
Fiscal year 2004: $1,861,586,000,000.
Fiscal year 2005: $1,978,275,000,000.
Fiscal year 2006: $2,086,486,000,000.
Fiscal year 2007: $2,190,507,000,000.
Fiscal year 2008: $2,302,685,000,000.
Fiscal year 2009: $2,401,719,000,000.
Fiscal year 2010: $2,482,496,000,000.
Fiscal year 2011: $2,620,630,000,000.
Fiscal year 2012: $2,683,238,000,000.
Fiscal year 2013: $2,804,218,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2003: −$447,570,000,000.
Fiscal year 2004: −$460,721,000,000.
Fiscal year 2005: −$411,598,000,000.
Fiscal year 2006: −$383,662,000,000.
Fiscal year 2007: −$362,067,000,000.
Fiscal year 2008: −$367,527,000,000.
Fiscal year 2009: −$358,779,000,000.
Fiscal year 2010: −$341,720,000,000.
Fiscal year 2011: −$312,000,000,000.
Fiscal year 2012: −$221,616,000,000.
Fiscal year 2013: −$178,665,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,677,267,000,000.
Fiscal year 2004: $7,215,918,000,000.
Fiscal year 2005: $7,733,105,000,000.
Fiscal year 2006: $8,241,417,000,000.
Fiscal year 2007: $8,732,633,000,000.
Fiscal year 2008: $9,233,290,000,000.
Fiscal year 2009: $9,726,900,000,000.
Fiscal year 2010: $10,207,984,000,000.
Fiscal year 2011: $10,663,002,000,000.
Fiscal year 2012: $11,034,232,000,000.
Fiscal year 2013: $11,363,714,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2003: $3,847,900,000,000.
Fiscal year 2004: $4,131,037,000,000.
Fiscal year 2005: $4,354,830,000,000.
Fiscal year 2006: $4,536,407,000,000.
Fiscal year 2007: $4,676,003,000,000.
Fiscal year 2008: $4,800,602,000,000.
Fiscal year 2009: $4,896,298,000,000.
Fiscal year 2010: $4,955,445,000,000.
Fiscal year 2011: $4,966,079,000,000.
Fiscal year 2012: $4,870,951,000,000.
Fiscal year 2013: $4,517,682,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,826,000,000.
Fiscal year 2005: $587,785,000,000.
Fiscal year 2006: $619,062,000,000.
Fiscal year 2007: $651,128,000,000.
Fiscal year 2008: $684,409,000,000.
Fiscal year 2009: $719,112,000,000.
Fiscal year 2010: $755,724,000,000.
Fiscal year 2011: $792,122,000,000.
Fiscal year 2012: $829,538,000,000.
Fiscal year 2013: $869,650,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $366,296,000,000.
Fiscal year 2004: $380,467,000,000.
Fiscal year 2005: $390,247,000,000.
Fiscal year 2006: $402,579,000,000.
Fiscal year 2007: $415,605,000,000.
Fiscal year 2008: $429,595,000,000.
Fiscal year 2009: $446,203,000,000.
Fiscal year 2010: $464,626,000,000.
Fiscal year 2011: $483,334,000,000.
Fiscal year 2012: $506,507,000,000.
Fiscal year 2013: $533,097,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,812,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:

(A) New budget authority, $4,792,000,000.

(B) Outlays, $4,766,000,000.

Fiscal year 2010:

(A) New budget authority, $4,954,000,000.

(B) Outlays, $4,924,000,000.

Fiscal year 2011:

(A) New budget authority, $5,121,000,000.

(B) Outlays, $5,091,000,000.

Fiscal year 2012:

(A) New budget authority, $5,292,000,000.

(B) Outlays, $5,260,000,000.

Fiscal year 2013:

(A) New budget authority, $5,471,000,000.

(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2003:

(A) New budget authority, $395,494,000,000.

(B) Outlays, $389,229,000,000.

Fiscal year 2004:

(A) New budget authority, $400,658,000,000.

(B) Outlays, $401,064,000,000.

Fiscal year 2005:

(A) New budget authority, $420,402,000,000.

(B) Outlays, $414,536,000,000.

Fiscal year 2006:

(A) New budget authority, $440,769,000,000.

(B) Outlays, $426,591,000,000.

Fiscal year 2007:

(A) New budget authority, $461,400,000,000.

(B) Outlays, $439,621,000,000.

Fiscal year 2008:

(A) New budget authority, $482,340,000,000.

(B) Outlays, $464,315,000,000.

Fiscal year 2009:

(A) New budget authority, $489,209,000,000.

(B) Outlays, $477,989,000,000.

Fiscal year 2010:

(A) New budget authority, $495,079,000,000.

(B) Outlays, $487,993,000,000.

Fiscal year 2011:

(A) New budget authority, $502,947,000,000.

(B) Outlays, $500,478,000,000.

Fiscal year 2012:

(A) New budget authority, $510,984,000,000.

(B) Outlays, $501,628,000,000.

Fiscal year 2013:

(A) New budget authority, $519,393,000,000.

(B) Outlays, $514,885,000,000.

(2) International Affairs (150):

Fiscal year 2003:

(A) New budget authority, $22,506,000,000.

(B) Outlays, $19,283,000,000.

Fiscal year 2004:

(A) New budget authority, $25,681,000,000.

(B) Outlays, $24,207,000,000.

Fiscal year 2005:

(A) New budget authority, $29,734,000,000.

(B) Outlays, $24,917,000,000.

Fiscal year 2006:

(A) New budget authority, $32,308,000,000.

(B) Outlays, $26,539,000,000.

Fiscal year 2007:

(A) New budget authority, $33,603,000,000.

(B) Outlays, $28,464,000,000.

Fiscal year 2008:

(A) New budget authority, $34,611,000,000.

(B) Outlays, $29,604,000,000.

Fiscal year 2009:

(A) New budget authority, $35,413,000,000.

(B) Outlays, $30,733,000,000.

Fiscal year 2010:

(A) New budget authority, $36,258,000,000.

(B) Outlays, $31,689,000,000.

Fiscal year 2011:

(A) New budget authority, $37,136,000,000.

(B) Outlays, $32,565,000,000.

Fiscal year 2012:

(A) New budget authority, $38,005,000,000.

(B) Outlays, $33,408,000,000.

Fiscal year 2013:

(A) New budget authority, $38,885,000,000.

(B) Outlays, $34,298,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2003:

(A) New budget authority, $23,153,000,000.

(B) Outlays, $21,556,000,000.

Fiscal year 2004:

(A) New budget authority, $23,603,000,000.

(B) Outlays, $22,728,000,000.

Fiscal year 2005:

(A) New budget authority, $24,433,000,000.

(B) Outlays, $23,715,000,000.

Fiscal year 2006:

(A) New budget authority, $25,217,000,000.

(B) Outlays, $24,420,000,000.

Fiscal year 2007:

(A) New budget authority, $26,055,000,000.

(B) Outlays, $25,202,000,000.

Fiscal year 2008:

(A) New budget authority, $26,832,000,000.

(B) Outlays, $25,942,000,000.

Fiscal year 2009:

(A) New budget authority, $27,462,000,000.

(B) Outlays, $26,639,000,000.

Fiscal year 2010:

(A) New budget authority, $28,121,000,000.

(B) Outlays, $27,296,000,000.

Fiscal year 2011:

(A) New budget authority, $28,805,000,000.

(B) Outlays, $27,963,000,000.

Fiscal year 2012:

(A) New budget authority, $29,492,000,000.

(B) Outlays, $28,639,000,000.

Fiscal year 2013:

(A) New budget authority, $30,185,000,000.

(B) Outlays, $29,319,000,000.

(4) Energy (270):

Fiscal year 2003:

(A) New budget authority, $2,074,000,000.

(B) Outlays, $439,000,000.

Fiscal year 2004:

(A) New budget authority, $2,634,000,000.

(B) Outlays, $873,000,000.

Fiscal year 2005:

(A) New budget authority, $2,797,000,000.

(B) Outlays, $947,000,000.

Fiscal year 2006:

(A) New budget authority, $2,714,000,000.

(B) Outlays, $1,272,000,000.

Fiscal year 2007:

(A) New budget authority, $2,540,000,000.

(B) Outlays, $1,069,000,000.

Fiscal year 2008:

(A) New budget authority, $3,080,000,000.

(B) Outlays, $1,419,000,000.

Fiscal year 2009:

(A) New budget authority, $3,090,000,000.

(B) Outlays, $1,686,000,000.

Fiscal year 2010:

(A) New budget authority, $3,194,000,000.

(B) Outlays, $1,794,000,000.

Fiscal year 2011:

(A) New budget authority, $3,296,000,000.

(B) Outlays, $1,976,000,000.

Fiscal year 2012:

(A) New budget authority, $3,408,000,000.

(B) Outlays, $2,357,000,000.

Fiscal year 2013:

(A) New budget authority, $3,520,000,000.

(B) Outlays, $2,326,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2003:

(A) New budget authority, $30,816,000,000.

(B) Outlays, $28,940,000,000.

Fiscal year 2004:

(A) New budget authority, $35,253,000,000.

(B) Outlays, $31,378,000,000.

Fiscal year 2005:

(A) New budget authority, $32,639,000,000.

(B) Outlays, $32,325,000,000.

Fiscal year 2006:

(A) New budget authority, $33,261,000,000.

(B) Outlays, $33,889,000,000.

Fiscal year 2007:

(A) New budget authority, $33,576,000,000.

(B) Outlays, $34,128,000,000.

Fiscal year 2008:

(A) New budget authority, $34,245,000,000.

(B) Outlays, $34,119,000,000.

Fiscal year 2009:

(A) New budget authority, $35,370,000,000.

(B) Outlays, $34,701,000,000.

Fiscal year 2010:

(A) New budget authority, $36,198,000,000.

(B) Outlays, $35,512,000,000.

Fiscal year 2011:

(A) New budget authority, $36,958,000,000.

(B) Outlays, $36,267,000,000.

Fiscal year 2012:

(A) New budget authority, $37,592,000,000.

(B) Outlays, $36,874,000,000.

Fiscal year 2013:

(A) New budget authority, $38,316,000,000.

(B) Outlays, $37,677,000,000.

(6) Agriculture (350):

Fiscal year 2003:

(A) New budget authority, $24,418,000,000.

(B) Outlays, $23,365,000,000.

Fiscal year 2004:

(A) New budget authority, $24,457,000,000.

(B) Outlays, $23,530,000,000.

Fiscal year 2005:

(A) New budget authority, $26,844,000,000.

(B) Outlays, $25,604,000,000.

Fiscal year 2006:

(A) New budget authority, $26,661,000,000.

(B) Outlays, $25,426,000,000.

Fiscal year 2007:

(A) New budget authority, $26,141,000,000.

(B) Outlays, $24,949,000,000.

Fiscal year 2008:

(A) New budget authority, $25,363,000,000.

(B) Outlays, $24,237,000,000.

Fiscal year 2009:

(A) New budget authority, $25,943,000,000.

(B) Outlays, $24,979,000,000.

Fiscal year 2010:

(A) New budget authority, $25,407,000,000.

(B) Outlays, $24,578,000,000.

Fiscal year 2011:

(A) New budget authority, $24,864,000,000.

(B) Outlays, $24,053,000,000.

Fiscal year 2012:

(A) New budget authority, $24,455,000,000.

(B) Outlays, $23,660,000,000.

Fiscal year 2013:

(A) New budget authority, $24,185,000,000.

(B) Outlays, $23,386,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2003:

(A) New budget authority, $8,812,000,000.

(B) Outlays, $5,881,000,000.

Fiscal year 2004:

(A) New budget authority, $7,428,000,000.

(B) Outlays, $3,486,000,000.

Fiscal year 2005:

(A) New budget authority, $8,655,000,000.

(B) Outlays, $3,962,000,000.

Fiscal year 2006:

(A) New budget authority, $8,192,000,000.

(B) Outlays, $3,028,000,000.

Fiscal year 2007:

(A) New budget authority, $8,538,000,000.

(B) Outlays, $2,563,000,000.

Fiscal year 2008:

(A) New budget authority, $8,655,000,000.

(B) Outlays, $2,155,000,000.

Fiscal year 2009:

(A) New budget authority, $8,438,000,000.

(B) Outlays, $1,931,000,000.

Fiscal year 2010:

(A) New budget authority, $8,319,000,000.

(B) Outlays, $1,450,000,000.

Fiscal year 2011:

(A) New budget authority, $8,298,000,000.

(B) Outlays, $846,000,000.

Fiscal year 2012:

(A) New budget authority, $8,401,000,000.

(B) Outlays, $554,000,000.

Fiscal year 2013:

(A) New budget authority, $8,475,000,000.

(B) Outlays, $668,000,000.

(8) Transportation (400):

Fiscal year 2003:

(A) New budget authority, $64,091,000,000.

(B) Outlays, $67,847,000,000.

Fiscal year 2004:

(A) New budget authority, $75,783,000,000.

(B) Outlays, $71,555,000,000.

Fiscal year 2005:

(A) New budget authority, $76,502,000,000.

(B) Outlays, $71,581,000,000.

Fiscal year 2006:

(A) New budget authority, $77,515,000,000.

(B) Outlays, $73,035,000,000.

Fiscal year 2007:

(A) New budget authority, $79,931,000,000.

(B) Outlays, $74,938,000,000.

Fiscal year 2008:

(A) New budget authority, $82,747,000,000.

(B) Outlays, $77,285,000,000.

Fiscal year 2009:

(A) New budget authority, $85,361,000,000.

(B) Outlays, $79,865,000,000.

Fiscal year 2010:

(A) New budget authority, $72,323,000,000.

(B) Outlays, $79,034,000,000.

Fiscal year 2011:

(A) New budget authority, $73,183,000,000.

(B) Outlays, $75,686,000,000.

Fiscal year 2012:

(A) New budget authority, $74,067,000,000.

(B) Outlays, $74,865,000,000.

Fiscal year 2013:

(A) New budget authority, $74,987,000,000.

(B) Outlays, $75,124,000,000.

(9) Community and Regional Development (450):

Fiscal year 2003:

(A) New budget authority, $15,751,000,000.

(B) Outlays, $17,569,000,000.

Fiscal year 2004:

(A) New budget authority, $14,323,000,000.

(B) Outlays, $16,716,000,000.

Fiscal year 2005:

(A) New budget authority, $14,398,000,000.

(B) Outlays, $16,696,000,000.

Fiscal year 2006:

(A) New budget authority, $14,581,000,000.

(B) Outlays, $15,553,000,000.

Fiscal year 2007:

(A) New budget authority, $14,796,000,000.

(B) Outlays, $15,096,000,000.

Fiscal year 2008:

(A) New budget authority, $15,005,000,000.

(B) Outlays, $14,383,000,000.

Fiscal year 2009:

(A) New budget authority, $15,240,000,000.

(B) Outlays, $14,558,000,000.

Fiscal year 2010:

(A) New budget authority, $15,493,000,000.

(B) Outlays, $14,761,000,000.

Fiscal year 2011:

(A) New budget authority, $15,752,000,000.

(B) Outlays, $15,010,000,000.

Fiscal year 2012:

(A) New budget authority, $16,015,000,000.

(B) Outlays, $15,252,000,000.

Fiscal year 2013:

(A) New budget authority, $16,283,000,000.

(B) Outlays, $15,519,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2003:

(A) New budget authority, $82,974,000,000.

(B) Outlays, $81,531,000,000.

Fiscal year 2004:

(A) New budget authority, $97,609,602,000.

(B) Outlays, $86,279,192,040.

Fiscal year 2005:

(A) New budget authority, $91,777,000,000.

(B) Outlays, $91,286,709,260.

Fiscal year 2006:

(A) New budget authority, $92,818,000,000.

(B) Outlays, $91,964,210,600.

Fiscal year 2007:

(A) New budget authority, $95,959,000,000.

(B) Outlays, $92,948,420,100.

Fiscal year 2008:

(A) New budget authority, $99,315,000,000.

(B) Outlays, $95,279,070,000.

Fiscal year 2009:

(A) New budget authority, $102,203,000,000.

(B) Outlays, $98,470,000,000.

Fiscal year 2010:

(A) New budget authority, $104,059,000,000.

(B) Outlays, $101,281,000,000.

Fiscal year 2011:

(A) New budget authority, $106,160,000,000.

(B) Outlays, $103,536,000,000.

Fiscal year 2012:

(A) New budget authority, $108,544,000,000.

(B) Outlays, $105,570,000,000.

Fiscal year 2013:

(A) New budget authority, $110,143,000,000.

(B) Outlays, $107,642,000,000.

(11) Health (550):

Fiscal year 2003:

(A) New budget authority, $222,913,000,000.

(B) Outlays, $217,881,000,000.

Fiscal year 2004:

(A) New budget authority, $248,464,000,000.

(B) Outlays, $246,670,960,000.

Fiscal year 2005:

(A) New budget authority, $264,948,000,000.

(B) Outlays, $264,679,520,000.

Fiscal year 2006:

(A) New budget authority, $284,216,000,000.

(B) Outlays, $284,023,760,000.

Fiscal year 2007:

(A) New budget authority, $304,438,000,000.

(B) Outlays, $303,521,840,000.

Fiscal year 2008:

(A) New budget authority, $326,942,000,000.

(B) Outlays, $325,618,000,000.

Fiscal year 2009:

(A) New budget authority, $350,373,000,000.

(B) Outlays, $348,889,000,000.

Fiscal year 2010:

(A) New budget authority, $375,419,000,000.

(B) Outlays, $373,890,000,000.

Fiscal year 2011:

(A) New budget authority, $401,552,000,000.

(B) Outlays, $400,014,000,000.

Fiscal year 2012:

(A) New budget authority, $415,777,000,000.

(B) Outlays, $414,359,000,000.

Fiscal year 2013:

(A) New budget authority, $445,554,000,000.

(B) Outlays, $444,147,000,000.

(12) Medicare (570):

Fiscal year 2003:

(A) New budget authority, $248,586,000,000.

(B) Outlays, $248,434,000,000.

Fiscal year 2004:

(A) New budget authority, $265,178,000,000.

(B) Outlays, $265,443,000,000.

Fiscal year 2005:

(A) New budget authority, $282,869,000,000.

(B) Outlays, $285,817,000,000.

Fiscal year 2006:

(A) New budget authority, $322,045,000,000.

(B) Outlays, $318,806,000,000.

Fiscal year 2007:

(A) New budget authority, $344,178,000,000.

(B) Outlays, $344,448,000,000.

Fiscal year 2008:

(A) New budget authority, $369,577,000,000.

(B) Outlays, $369,452,000,000.

Fiscal year 2009:

(A) New budget authority, $395,685,000,000.

(B) Outlays, $395,424,000,000.

Fiscal year 2010:

(A) New budget authority, $422,684,000,000.

(B) Outlays, $422,942,000,000.

Fiscal year 2011:

(A) New budget authority, $453,721,000,000.

(B) Outlays, $457,078,000,000.

Fiscal year 2012:

(A) New budget authority, $488,367,000,000.

(B) Outlays, $484,541,000,000.

Fiscal year 2013:

(A) New budget authority, $526,981,000,000.

(B) Outlays, $527,237,000,000.

(13) Income Security (600):

Fiscal year 2003:

(A) New budget authority, $326,390,000,000.

(B) Outlays, $334,169,000,000.

Fiscal year 2004:

(A) New budget authority, $319,513,000,000.

(B) Outlays, $324,701,000,000.

Fiscal year 2005:

(A) New budget authority, $333,810,000,000.

(B) Outlays, $337,157,000,000.

Fiscal year 2006:

(A) New budget authority, $341,805,000,000.

(B) Outlays, $344,322,000,000.

Fiscal year 2007:

(A) New budget authority, $349,191,000,000.

(B) Outlays, $350,983,000,000.

Fiscal year 2008:

(A) New budget authority, $362,006,000,000.

(B) Outlays, $363,115,000,000.

Fiscal year 2009:

(A) New budget authority, $373,681,000,000.

(B) Outlays, $374,384,000,000.

Fiscal year 2010:

(A) New budget authority, $385,152,000,000.

(B) Outlays, $385,671,000,000.

Fiscal year 2011:

(A) New budget authority, $400,573,000,000.

(B) Outlays, $401,003,000,000.

Fiscal year 2012:

(A) New budget authority, $404,045,000,000.

(B) Outlays, $404,453,000,000.

Fiscal year 2013:

(A) New budget authority, $418,978,000,000.

(B) Outlays, $419,551,000,000.

(14) Social Security (650):

Fiscal year 2003:

(A) New budget authority, $13,255,000,000.

(B) Outlays, $13,255,000,000.

Fiscal year 2004:

(A) New budget authority, $14,294,000,000.

(B) Outlays, $14,293,000,000.

Fiscal year 2005:

(A) New budget authority, $15,471,000,000.

(B) Outlays, $15,471,000,000.

Fiscal year 2006:

(A) New budget authority, $16,421,000,000.

(B) Outlays, $16,421,000,000.

Fiscal year 2007:

(A) New budget authority, $17,919,000,000.

(B) Outlays, $17,919,000,000.

Fiscal year 2008:

(A) New budget authority, $19,704,000,000.

(B) Outlays, $19,704,000,000.

Fiscal year 2009:

(A) New budget authority, $21,810,000,000.

(B) Outlays, $21,810,000,000.

Fiscal year 2010:

(A) New budget authority, $24,283,000,000.

(B) Outlays, $24,283,000,000.

Fiscal year 2011:

(A) New budget authority, $28,170,000,000.

(B) Outlays, $28,170,000,000.

Fiscal year 2012:

(A) New budget authority, $31,357,000,000.

(B) Outlays, $31,357,000,000.

Fiscal year 2013:

(A) New budget authority, $34,347,000,000.

(B) Outlays, $34,347,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2003:

(A) New budget authority, $57,597,000,000.

(B) Outlays, $57,486,000,000.

Fiscal year 2004:
(A) New budget authority, $63,773,000,000.
(B) Outlays, $63,200,000,000.
Fiscal year 2005:
(A) New budget authority, $67,125,000,000.
(B) Outlays, $66,530,000,000.
Fiscal year 2006:
(A) New budget authority, $65,388,000,000.
(B) Outlays, $64,970,000,000.
Fiscal year 2007:
(A) New budget authority, $63,859,000,000.
(B) Outlays, $63,416,000,000.
Fiscal year 2008:
(A) New budget authority, $67,645,000,000.
(B) Outlays, $67,374,000,000.
Fiscal year 2009:
(A) New budget authority, $69,254,000,000.
(B) Outlays, $68,899,000,000.
Fiscal year 2010:
(A) New budget authority, $70,967,000,000.
(B) Outlays, $70,563,000,000.
Fiscal year 2011:
(A) New budget authority, $75,643,000,000.
(B) Outlays, $75,223,000,000.
Fiscal year 2012:
(A) New budget authority, $72,592,000,000.
(B) Outlays, $72,071,000,000.
Fiscal year 2013:
(A) New budget authority, $77,429,000,000.
(B) Outlays, $76,963,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $37,757,000,000.
(B) Outlays, $40,882,000,000.
Fiscal year 2005:
(A) New budget authority, $38,077,000,000.
(B) Outlays, $39,324,000,000.
Fiscal year 2006:
(A) New budget authority, $37,965,000,000.
(B) Outlays, $38,348,000,000.
Fiscal year 2007:
(A) New budget authority, $38,442,000,000.
(B) Outlays, $38,233,000,000.
Fiscal year 2008:
(A) New budget authority, $39,458,000,000.
(B) Outlays, $39,109,000,000.
Fiscal year 2009:
(A) New budget authority, $40,478,000,000.
(B) Outlays, $40,193,000,000.
Fiscal year 2010:
(A) New budget authority, $41,580,000,000.
(B) Outlays, $41,280,000,000.
Fiscal year 2011:
(A) New budget authority, $42,870,000,000.
(B) Outlays, $42,453,000,000.
Fiscal year 2012:
(A) New budget authority, $44,188,000,000.
(B) Outlays, $43,741,000,000.
Fiscal year 2013:
(A) New budget authority, $45,557,000,000.
(B) Outlays, $45,101,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,195,000,000.
(B) Outlays, $18,120,000,000.
Fiscal year 2004:
(A) New budget authority, $20,012,000,000.
(B) Outlays, $19,876,000,000.
Fiscal year 2005:
(A) New budget authority, $20,341,000,000.
(B) Outlays, $20,420,000,000.
Fiscal year 2006:
(A) New budget authority, $22,396,000,000.
(B) Outlays, $22,225,000,000.
Fiscal year 2007:
(A) New budget authority, $21,147,000,000.
(B) Outlays, $20,897,000,000.
Fiscal year 2008:
(A) New budget authority, $21,646,000,000.
(B) Outlays, $21,423,000,000.
Fiscal year 2009:
(A) New budget authority, $21,957,000,000.
(B) Outlays, $21,515,000,000.
Fiscal year 2010:
(A) New budget authority, $22,706,000,000.
(B) Outlays, $22,223,000,000.
Fiscal year 2011:
(A) New budget authority, $23,469,000,000.
(B) Outlays, $22,957,000,000.
Fiscal year 2012:
(A) New budget authority, $24,267,000,000.
(B) Outlays, $23,892,000,000.
Fiscal year 2013:
(A) New budget authority, $25,138,000,000.
(B) Outlays, $24,582,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $239,648,000,000.
(B) Outlays, $239,648,000,000.
Fiscal year 2004:
(A) New budget authority, $255,627,000,000.
(B) Outlays, $255,627,000,000.
Fiscal year 2005:
(A) New budget authority, $301,415,000,000.
(B) Outlays, $301,415,000,000.
Fiscal year 2006:
(A) New budget authority, $338,960,000,000.
(B) Outlays, $338,960,000,000.
Fiscal year 2007:
(A) New budget authority, $364,560,000,000.
(B) Outlays, $364,560,000,000.
Fiscal year 2008:
(A) New budget authority, $387,284,000,000.
(B) Outlays, $387,284,000,000.
Fiscal year 2009:
(A) New budget authority, $409,603,000,000.
(B) Outlays, $409,603,000,000.
Fiscal year 2010:
(A) New budget authority, $429,721,000,000.
(B) Outlays, $429,721,000,000.
Fiscal year 2011:
(A) New budget authority, $449,879,000,000.
(B) Outlays, $449,879,000,000.
Fiscal year 2012:
(A) New budget authority, $467,960,000,000.
(B) Outlays, $467,960,000,000.
Fiscal year 2013:
(A) New budget authority, $480,344,000,000.
(B) Outlays, $480,344,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $115,000,000.
(B) Outlays, $115,000,000.
Fiscal year 2004:
(A) New budget authority, −$16,121,602,000.
(B) Outlays, −$8,343,152,040.
Fiscal year 2005:
(A) New budget authority, −$5,943,000,000.
(B) Outlays, −$6,134,229,260.
Fiscal year 2006:
(A) New budget authority, −$2,104,000,000.
(B) Outlays, −$5,958,970,600.
Fiscal year 2007:
(A) New budget authority, −$1,467,000,000.
(B) Outlays, −$3,698,260,100.
Fiscal year 2008:
(A) New budget authority, −$6,263,000,000.
(B) Outlays, −$7,163,070,000.
Fiscal year 2009:
(A) New budget authority, −$19,939,000,000.
(B) Outlays, −$17,617,000,000.
Fiscal year 2010:
(A) New budget authority, −$41,290,000,000.
(B) Outlays, −$38,356,000,000.
Fiscal year 2011:
(A) New budget authority, −$19,883,000,000.
(B) Outlays, −$16,729,000,000.
Fiscal year 2012:
(A) New budget authority, −$23,031,000,000.
(B) Outlays, −$19,546,000,000.
Fiscal year 2013:
(A) New budget authority, −$27,371,000,000.
(B) Outlays, −$24,228,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,608,000,000.
(B) Outlays, −$52,608,000,000.
Fiscal year 2006:
(A) New budget authority, −$57,884,000,000.
(B) Outlays, −$57,884,000,000.
Fiscal year 2007:
(A) New budget authority, −$49,087,000,000.
(B) Outlays, −$49,087,000,000.
Fiscal year 2008:
(A) New budget authority, −$52,121,000,000.
(B) Outlays, −$52,121,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,962,000,000.
(B) Outlays, −$52,962,000,000.
Fiscal year 2010:
(A) New budget authority, −$55,108,000,000.
(B) Outlays, −$55,108,000,000.
Fiscal year 2011:
(A) New budget authority, −$57,359,000,000.
(B) Outlays, −$57,359,000,000.
Fiscal year 2012:
(A) New budget authority, −$62,012,000,000.
(B) Outlays, −$62,012,000,000.
Fiscal year 2013:
(A) New budget authority, −$64,358,000,000.
(B) Outlays, −$64,358,000,000.

SEC. 104. RECONCILIATION IN THE SENATE.

The Senate Committee on Finance shall report a reconciliation bill not later than April 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $322,524,000,000 and increase the total level of outlays by not more than $27,476,000,000 for the period of fiscal years 2003 through 2013.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. EXTENSION OF SUPERMAJORITY ENFORCEMENT.

(a) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2008.

(b) REPEAL.—Senate Resolution 304, agreed to October 16, 2002 (107th Congress), is repealed.

SEC. 202. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2003—

(A) $770,860,000,000 in new budget authority and $771,442,000,000 in outlays for the discretionary category;

(B) for the highway category, $31,264,000,000 in outlays; and

(C) for the mass transit category, $1,436,000,000 in new budget authority, and $6,551,000,000 in outlays;

(2) for fiscal year 2004—

(A) $788,459,000,000 in new budget authority and $797,890,000,000 in outlays for the discretionary category;

(B) for the highway category, $32,016,000,000 in outlays; and

(C) for the mass transit category, $2,209,000,000 in new budget authority, and $6,746,000,000 in outlays; and

(3) for fiscal year 2005—

(A) $813,597,000,000 in new budget authority, and $814,987,000,000 in outlays for the discretionary category;

(B) for the highway category, $34,665,000,000 in outlays; and

(C) for the mass transit category $2,544,000,000 in new budget authority, and $7,109,000,000 in outlays;

as adjusted in conformance with subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a); and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided and designated as an emergency requirement pursuant to section 204;

(B) an amount authorized for grants to States under part B of the Individuals with Disabilities Education Act as provided for in section 211; and

(C) an amount provided for transportation under section 212.

(3) APPLICATION OF ADJUSTMENTS.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 203. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal years 2005 and 2006 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004 or making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 204. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—If a provision of direct spending or receipts legislation is enacted or if appropriations for discretionary accounts are enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement for the purpose of this resolution.

(b) DESIGNATIONS.—

(1) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under subsection (a), the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are that the expenditure or tax change is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR USE OF DESIGNATION.—When an emergency designation is proposed in any bill, joint resolution, or conference report thereon, the committee report and the statement of managers accompanying a conference report, as the case may be, shall provide a written justification of why the provision meets the criteria set forth in paragraph (2).

(c) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(e) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to subsection (a).

(g) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(h) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(i) EXCEPTION FOR DEFENSE AND HOMELAND SECURITY SPENDING.—Subsection (d) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category and for homeland security programs.

SEC. 205. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget based on laws enacted on the date of adoption of that resolution as adjusted for up to $350,000,000,000 in revenues or direct spending assumed by section 104 of this resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline

under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2008.

SEC. 206. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

Subtitle B—Reserve Funds and Other Adjustments

SEC. 211. ADJUSTMENT FOR SPECIAL EDUCATION.

(a) IN GENERAL.—In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, and such measure is enacted in 2003 that reauthorizes grants to States under part B of the Individuals with Disabilities Education Act (IDEA) and reforms IDEA so as to provide an allowance of uniform discipline policies for all students; provide local fiscal relief; and minimize the overidentification of students with disabilities, the chairman of the Committee on the Budget may make the revisions set out in subsection (b).

(b) REVISIONS.—

(1) FISCAL YEAR 2004.—If the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $4,803,000,000 in new budget authority for fiscal year 2004 for grants to States authorized under part B of IDEA as described in subsection (a), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by that excess amount provided by that measure for that purpose, but not to exceed $205,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom.

(2) FISCAL YEAR 2005.—If the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that when combined with any advance appropriation provided for 2005 for part B of IDEA in a bill or joint resolution making appropriations for fiscal year 2004, provides in excess of $11,038,000,000 in new budget authority for fiscal year 2005 for grants to States authorized under part B of IDEA as described in subsection (a), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by that excess amount provided by that measure for that purpose, but not to exceed $209,000,000 in new budget authority for fiscal year 2005 and outlays flowing therefrom.

SEC. 212. ADJUSTMENT FOR HIGHWAYS AND HIGHWAY SAFETY AND TRANSIT.

In the Senate, if the Committee on Environment and Public Works, or the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes the programs set out in the Transportation Equity Act for the 21st Century and that legislation provides new governmental receipts reported from the Committee on Finance, the chairman of the Committee on the Budget, may revise committee allocations for the appropriate committees and the transportation limits in section 202 by an amount consistent with the level of new receipts.

SEC. 213. RESERVE FUND FOR MEDICARE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which strengthens and enhances the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs or promotes geographic equity payments, the chairman of the Committee on the Budget, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $400,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 214. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $88,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 215. RESERVE FUND FOR CHILDREN WITH SPECIAL NEEDS.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the option to expand Medicaid coverage for children with special needs, allowing families of disabled children to purchase coverage under the Medicaid Program for such children, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $43,000,000 in new budget authority and $42,000,000 in outlays for fiscal year 2004, and $7,462,000,000 in new budget authority and $7,262,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 216. RESERVE FUND FOR MEDICAID REFORM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides significant reform of the Medicaid Program, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $3,258,000,000 in new budget authority and outlays for fiscal year 2004, and $8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008, and not more than $12,782,000,000 in budget authority and outlays for the period of fiscal years 2004 through 2010 provided further that the legislation would not increase the deficit over the period of fiscal years 2004 through 2013.

SEC. 217. RESERVE FUND FOR PROJECT BIOSHIELD.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that will facilitate procurement for inclusion by the Secretary of Health and Human Services in the Strategic National Stockpile of countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological, or nuclear agents, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $890,000,000 in new budget authority and $575,000,000 in outlays for fiscal year 2004, and $5,593,000,000 in new budget authority and $5,593,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 218. RESERVE FUND FOR STATESIDE GRANT PROGRAM.

(a) CONDITION.—If the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution that permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge and such measure is enacted, the chairman of the Committee on the Budget of the Senate may make the adjustments described in subsection (b).

(b) ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND STATE GRANT PROGRAM.—If the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted that makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for the National Park Service Stateside Grant Program which is currently funded as a part of the Land and Water Conservation Fund, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $750,000,000 in new budget authority (and the outlays flowing therefrom) for the period of fiscal years 2004 through 2008 and $2,000,000,000 in new budget authority (and the outlays flowing therefrom) for the period of fiscal years 2004 through 2013, provided further that no funds become available prior to fiscal year 2006 and the amount of funds made available in any single fiscal year does not exceed $250,000,000 per year.

SEC. 219. RESERVE FUND FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that extends the availability of fiscal year 1998 and 1999 expired State Children's Health Insurance Program allotments and the expiring fiscal year 2000 allotments, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,260,000,000 in new budget authority and $85,000,000 in outlays for fiscal year 2003, $1,330,000,000 in new budget authority and $85,000,000,000 in outlays for fiscal year 2004, $1,950,000,000 in new budget authority and $845,000,000 in outlays for the period of fiscal years 2003 through 2008, and $1,825,000,000 in new budget authority and $975,000,000 in outlays for the period of fiscal years 2003 through 2013.

Subtitle C—Miscellaneous Provisions

SEC. 221. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 222. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 223. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE ON FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The Senate finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2004 includes an average 4.1 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2004 budgets with a 2 percent pay raise for civilian Federal employees.

(5) In almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 302. SENSE OF THE SENATE ON TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) More than 30,000 full- and part-time Native American students from 250 federally recognized tribes nationwide attend tribal colleges and Universities, a majority of whom are first-generation college students.

(2) The colleges and universities are located in rural and isolated areas and are often the only accredited institutions of higher education in their service area. While the Tribal College Act provides funding solely for Indian students, the colleges serve students of all ages, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institution in their States, the State would provide basic operating funds to that institution.

(3) While Congress has been increasing the annual appropriations for tribal colleges in recent years, the President's fiscal year 2004 budget recommends a $4,000,000 decrease in institutional operating funds. The combination of annual increases in enrollments, reduced Federal funding, and the addition of two new tribal colleges would result in a devastating decrease in funding of $540 per student below the fiscal year 2003 estimate.

(4) Despite a $2,000,000 increase in fiscal year 2003 for basic institutional operating budgets of the reservation-based tribal colleges, the per Indian student count (ISC) is only $30 more than in fiscal year 2002, or $3,946, still less than ⅔ of the $6,000 authorized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and assumes that priority consideration will be provided to them through funding through the Tribally Controlled College or University Assistance Act, the Equity in Educational Land-Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects Congress' intent to continue to work toward statutory Federal funding goals for the tribal colleges and universities.

SEC. 303. SENSE OF THE SENATE REGARDING THE 504 SMALL BUSINESS CREDIT PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Small businesses play a critical role in our Nation and our economy and the Federal Government assists that role by providing small businesses with loans and loan guarantees.

(2) Since the enactment of the Federal Credit Reform Act of 1990, the Small Business Administration and the Office of Management and Budget have repeatedly overestimated the subsidy cost of the Small Business Administration's 7(a) and 504 credit programs. Those overestimates have resulted in borrowers and lenders having to pay higher than necessary fees to participate in those programs.

(3) Last year, in response to bipartisan pressure from the Senate Budget and Small Business Committees, the administration developed a new econometric model to improve the accuracy of its estimates of the cost of the 7(a) program. Consistent with claims by the Senate Budget and Small Business Committees, that effort resulted in the administration lowering the estimated subsidy cost of the 7(a) program by an astounding 40 percent in 2003, allowing the Federal Government to guarantee an additional $3,300,000,000 in small business loans this year alone.

(4) Notwithstanding past assurances, the administration, however, has failed to begin work on an econometric model for the 504 small business credit program, despite similar, chronic problems with estimates of that program's costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the performance of the SBA and OMB in administering the Federal Credit Reform Act for the 504 small business credit program remains unsatisfactory;

(2) the administration should develop an econometric model for the 504 program for use in the fiscal year 2004 appropriations cycle; and

(3) the Office of Management and Budget should report to the Budget and Small Business Committees on the progress of this work by no later than June 2003.

SEC. 304. SENSE OF THE SENATE REGARDING PELL GRANTS.

(a) FINDINGS.—The Senate finds the following:

(1) Public investment in higher education yields a return of several dollars for each dollar invested.

(2) Higher education promotes economic opportunity.

(3) For a generation, the Federal Pell Grant has served as an effective means of providing access to higher education.

(4) Over the past decade, the Pell Grant has failed to keep pace with inflation, and over the past 25 years, the value of the average Pell Grant has decreased substantially.

(5) Grant aid as a portion of student aid has fallen significantly over the past 5 years.

(6) The percentage of freshmen attending public and private 4-year institutions from families whose income is below the national median has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) within the discretionary allocation provided to the Committee on Appropriations, the maximum Pell Grant award should be raised to the maximum extent practicable, and funding for the Pell Grant program should be higher than the level requested by the President; and

(2) to the maximum extent practicable, Congress should seek to increase the maximum individual Federal Pell Grant award to $9,000 by fiscal year 2010.

SEC. 305. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

(a) Findings.—The Senate finds the following:

(1) The Army National Guard relies heavily upon thousands of full-time employees, Active Guard/Reserves and Military Technicians, to ensure unit readiness throughout the Army National Guard.

(2) These employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the National Guard to dedicate drill weekends and annual active duty training of part-time personnel to preparation for the National Guard's war fighting and peacetime missions.

(3) The role of full-time National Guard personnel is especially important as tens of thousands of our National Guard and Reserve forces are being mobilized for the ongoing fight against terrorism and in preparation for a possible war with Iraq.

(4) When the ability to provide sufficient Active Guard/Reserves and Military Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families, is degraded.

(5) The Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 25,286 Active Guard/Reserves and 26,189 Military Technicians.

(6) The fiscal year 2004 budget request for the Army National Guard includes the minimum required end strengths, but provides resources sufficient for only approximately 24,562 Active Guard/Reserves and 25,702 Military Technicians, funding shortfalls of $51,200,000 and $29,300,000, respectively.

(b) Sense of the Senate.—It is the Sense of the Senate that the functional totals in this resolution assume that the Department of Defense will give priority to fully funding the Active Guard/Reserves and Military Technicians at least at the minimum required levels.

SEC. 306. SENSE OF THE SENATE REGARDING WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) Findings.—The Senate finds the following:

(1) The emerging chemical, biological, and other threats of the 21st century present new challenges to our military and to local first responders.

(2) Local first responders are on the front lines of combating terrorism and responding to other large-scale incidents.

(3) The National Guard's Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) play a vital role in assisting local first responders in investigating and combating these new threats.

(4) The September 11, 2001, terrorist attacks emphasize the need to have full-time WMD–CSTs in each State.

(5) There are currently 32 full-time and 23 part-time WMD–CSTs.

(6) Section 1403 of Public Law 107–314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, requires the Secretary of Defense to establish an additional 23 WMD–CSTs and that at least one team be located in each State and territory of the United States.

(7) The President's fiscal year 2004 budget request includes no funding for these additional WMD–CSTs.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the functional totals in this resolution assume that the Department of Defense should give priority to fully implementing section 1403 of Public Law 107–314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003; and

(2) the Department should increase its full-time manning requirements to include the 506 additional full-time National Guard personnel that will be needed to man the 23 additional WMD–CSTs.

SEC. 307. SENSE OF THE SENATE ON EMERGENCY AND DISASTER ASSISTANCE FOR LIVESTOCK AND AGRICULTURE PRODUCERS.

(a) Findings.—The Senate finds the following:

(1) Significant portions of the United States suffered through severe drought conditions in 2000 and 2001.

(2) The economic effects of drought are long-term and widespread.

(3) Current drought indices predict that the drought will continue through 2003.

(4) Congress has a history of providing financial assistance to agricultural and livestock producers for losses incurred due to drought.

(5) Emphasis must be placed on planning efforts that will mitigate the negative effects of drought.

(b) Sense of the Senate.—It is the sense of the Senate that the Senate—

(1) develop a long-term drought plan that effectively recognizes the reoccurring nature of drought cycles and adequately support emergency and disaster assistance to livestock and agricultural producers hurt by drought; and

(2) establish an agricultural reserve to fund the activities in paragraph (1).

SEC. 308. SOCIAL SECURITY RESTRUCTURING.

(a) Findings.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 65 percent by 2077;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.9 percent by 2077;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2003 dollars or $3,500,000,000,000 measured in present value terms;

(G) absent structural reforms, spending on Social Security will increase from 4.4 percent of gross domestic product in 2003 to 7.0 percent in 2077; and

(5) the Congressional Budget Office, the General Accounting Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other Federal programs.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the President, the Congress and the American people (including seniors, workers, women, minorities, and disabled persons) should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system; and

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security System.

(D) must preserve and strengthen the safety net for vulnerable populations, including the disabled and survivors.

(3) We should honor section 13301 of the Budget Enforcement Act of 1990.

SEC. 309. SENSE OF THE SENATE CONCERNING STATE FISCAL RELIEF.

(a) Findings.—The Senate makes the following findings:

(1) States are experiencing the most severe fiscal crisis since World War II.

(2) States are instituting severe cuts to a variety of vital programs such as health care, child care, education, and other essential services.

(3) According to the Kaiser Commission on Medicaid and the Uninsured, 49 States already have taken actions or plan to cut medicaid before or during the current fiscal year 2003. Medicaid budget proposals in many States would eliminate or curtail health benefits for eligible families and substantially reduce or freeze provider reimbursement rates.

(4) In 2002, at least 13 States reported decreased State investments in their child care assistance programs.

(5) According to a forthcoming analysis of 22 States, at least 1,700,000 people are now at risk of losing their health care coverage under cuts that have already been implemented or proposed.

(6) Fiscal relief would help avoid adding even more Americans to the ranks of the uninsured while preserving the safety net when it is most needed during an economic downturn.

(7) Curtailing the States' need to cut spending and increase taxes is essential for true economic growth.

(b) Sense of the Senate.—It is the Sense of the Senate that the functional totals in this resolution assume that any legislation enacted to provide economic growth for the United States should include not less than $30,000,000,000 for State fiscal relief over the next 18 months (of which at least half should be provided through a temporary increase in the Federal medical assistance percentage (FMAP)).

SEC. 310. FEDERAL AGENCY REVIEW COMMISSION.

It is the sense of the Senate that a commission should be established to review Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate government agencies and programs that are duplicative, wasteful, inefficient, outdated, or irrelevant, or have failed to accomplish their intended purpose.

SEC. 311. SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) Findings.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed Resolution increases highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA–21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

SEC. 312. SENSE OF THE SENATE CONCERNING AN EXPANSION IN HEALTH CARE COVERAGE.

(a) FINDINGS.—The Senate finds that—

(1) there were 74,700,000 Americans who were uninsured for all or part of the two-year period of 2001 and 2002;

(2) this large group of uninsured Americans constitutes almost one out of every three Americans under the age of 65;

(3) most of these uninsured individual were without health coverage for lengthy periods of time, with two-thirds of them uninsured for over six months;

(4) four out of five uninsured individuals are in working families;

(5) high health care costs, the large number of unemployed workers, and State cutbacks of public health programs occasioned by State fiscal crises are causing more and more individuals to become uninsured; and

(6) uninsured individuals are less likely to have a usual source of care outside of an emergency room, often go without screenings and preventive care, often delay or forgo needed medical care, are often subject to avoidable hospital days, and are sicker and die earlier than those individuals who have health insurance.

(b) SENSE OF SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) expanded access to health care coverage throughout the United States is a top priority for national policymaking; and

(2) to the extent that additional funds are made available, a significant portion of such funds should be dedicated to expanding access to health care coverage so that fewer individuals are uninsured and fewer individuals are likely to become uninsured.

SEC. 313. SENSE OF THE SENATE ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The control of illegal immigration is a Federal responsibility.

(2) In fiscal year 2002, however, State and local governments spent more than $13,000,000,000 in costs associated with the incarceration of undocumented criminal aliens.

(3) The Federal Government provided $565,000,000 in appropriated funding to the State Criminal Alien Assistance Program (SCAAP) to reimburse State and local governments for these costs.

(4) In fiscal year 2003, the fiscal burden of incarcerating undocumented criminal aliens is likely to grow, however, Congress provided only $250,000,000 to help cover these costs.

(5) The 56 percent cut in fiscal year 2003 funding for SCAAP will place an enormous burden on State and local law enforcement agencies during a time of heightened efforts to secure our homeland.

(6) The Administration did not include funding for SCAAP in its fiscal year 2004 budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assumes that the State Criminal Alien Assistance Program be funded at $585,000,000 to reimburse State and local law enforcement agencies for the burdens imposed in fiscal year 2003 by the incarceration of undocumented criminal aliens; and

(2) Congress enact a long-term reauthorization of the State Criminal Alien Assistance Program beginning with the authorization of $750,000,000 in fiscal year 2004 to reimburse State and county governments for the burdens undocumented criminal aliens have placed on the local criminal justice system.

SEC. 314. SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

(a) FINDINGS.—The Senate finds that—

(1) the Corps of Engineers provides quality, responsive engineering services to the United States, including planning, designing, building, and operating invaluable water resources and civil works projects;

(2) the ports of the United States are a vital component of the economy of the United States, playing a critical role in international trade and commerce and in maintaining the energy supply of the United States;

(3) interruption of port operations would have a devastating effect on the United States;

(4) the navigation program of the Corps enables 2,400,000,000 tons of commerce to move on navigable waterways;

(5) the Department of Transportation estimates that those cargo movements have created jobs for 13,000,000 people;

(6) flood damage reduction structures provided and maintained by the Corps save taxpayers $21,000,000,000 in damages every year, in addition to numerous human lives;

(7) the Corps designs and manages the construction of military facilities for the Army and Air Force while providing support to the Department of Defense and other Federal agencies;

(8) the Civil Works program of the Corps adds significant value to the economy of the United States, including recreation and ecosystem restoration;

(9) through contracting methods, the civil works program employs thousands of private sector contract employees, as well as Federal employees, in all aspects of construction, science, engineering, architecture, management, planning, design, operations, and maintenance; and

(10) the Bureau of Labor Statistics indicates that $1,000,000,000 expended for the Civil Works program generates approximately 40,000 jobs in support of construction operation and maintenance activities in the United States.

(b) BUDGETARY ASSUMPTIONS.—It is the sense of the Senate that—

(1) to perform vital functions described in subsection (a), the Corps of Engineers requires additional funding; and

(2) the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps described in subsection (a) will not be reduced below current baseline spending levels established for the programs.

SEC. 315. RADIO INTEROPERABILITY FOR FIRST RESPONDERS.

(a) STUDY.—It is the sense of the Senate that the Attorney General, in consultation with the Secretary of Homeland Security, should conduct a study of the need and cost to make the radio systems used by fire departments and emergency medical services agencies interoperable with those used by law enforcement to the extent that interoperability will not interfere with law enforcement operations.

(b) GRANT PROGRAM.—It is the sense of the Senate that Congress should authorize and appropriate $20,000,000 to establish a grant program through which the Attorney General would award grants to local governments to assist fire departments and emergency medical services agencies to establish radio interoperability.

SEC. 316. SENSE OF THE SENATE ON CORPORATE TAX HAVEN LOOPHOLES.

(a) FINDINGS.—Congress finds that companies are taking advantage of loopholes in the United States tax code to direct taxable income to tax haven jurisdictions, some of which have excessive bank secrecy laws and a poor record of cooperation with United States civil and criminal tax enforcement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should act to stop companies from avoiding paying their fair share of United States taxes by—

(1) addressing the problem of corporations that have renounced their United States citizenship ("inverted") by relocating their headquarters to tax haven jurisdictions while maintaining their primary offices and production or service facilities in the United States; and

(2) addressing the problem of Bermuda-based insurance companies that are using reinsurance agreements with their subsidiaries to direct property and casualty insurance premiums out of the United States into Bermuda to reduce their United States taxes in a way that places United States property and casualty insurance companies at a competitive disadvantage.

SEC. 317. SENSE OF SENATE ON PHASED-IN CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AT 60 PERCENT OR HIGHER.

It is the sense of the Senate that the new budget authority and outlays for fiscal years 2004 through 2013 for National Defense (050) specified in section 103(1) are adequate to provide, and should provide, for the phased-in of concurrent receipt of retired pay and veterans' disability compensation by veterans with service-connected disabilities rated 60 percent or higher as if section 1414 of title 10, United States Code, were amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation for disabilities rated at 60 percent or higher

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—A member or former member of the uniformed services described in subsection (b) is entitled to be paid retired pay, up to the amount determined for such member or former member under subsection (d), in addition to any entitlement to veterans' disability compensation, without regard to sections 5304 and 5305 of title 38.

"(b) COVERED MEMBERS.—A member or former member described in this subsection is any member or former member who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation for a service-connected disability rated at 60 percent or higher, as determined under laws administered by the Secretary of Veterans Affairs.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) MAXIMUM AMOUNT OF RETIRED PAY.—The maximum amount of retired pay to which a member or former member is entitled under subsection (a) is as follows:

"(1) For months beginning with January 2004 and ending with December 2004, the amount equal to 45 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

"(2) For months beginning with January 2005 and ending with December 2005, the amount

equal to 60 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

"(3) For months beginning with January 2006 and ending with December 2006, the amount equal to 80 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

"(4) For months beginning after December 2006, the amount equal to the full amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

"(e) Definitions.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.

"(3) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(12) of title 38.".

(2) Coordination with special compensation authority.—Section 1413 of such title is amended—

(1) in subsection (a)—

(A) by inserting ", for months in 2002 and 2003," after "Secretary concerned shall"; and

(B) by striking the last sentence; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "September 2004" and inserting "December 2003"; and

(B) by striking paragraph (3).

(3) Additional conforming amendments.—(A) Effective on December 31, 2003, section 1413a of such title is repealed.

(B) Effective on the date of the enactment of this Act, subsection (d) of section 641 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

(4) Clerical amendments.—(A) Effective on the date of the enactment of this Act, the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the item relating to section 1414 and inserting the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation for disabilities rated at 60 percent or higher.".

(B) Effective December 31, 2003, the table of sections at the beginning of such chapter is amended by striking the item relating to section 1413a.

SEC. 318. SENSE OF THE SENATE CONCERNING NATIVE AMERICAN HEALTH.

It is the sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend $30,000,000 a year on research and treatment on diabetes in the Native American community. This amount was increased to $100,000,000 a year in 2000 and further increased to $150,000,000 a year in 2002. This is a 500 percent increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

SEC. 319. RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $396,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

SEC. 320. SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include tax and other financial incentives, like those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving them the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas.

SEC. 321. SENSE OF THE SENATE CONCERNING HIGHER EDUCATION AFFORDABILITY.

(a) Findings.—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than individuals who were only high school graduates, as compared to the fact that, in 2001, college graduates earned an average of 84 percent more than high school graduates;

(2) over the past 20 years, the average cost of college tuition has increased by over 250 percent and is increasing—

(A) at a faster rate than any consumer item, including health care; and

(B) at a rate that is more than twice as fast as the rate of inflation;

(3) despite increases in grant amounts contained in legislation recently enacted by Congress, the value of the maximum Pell Grant has declined 15 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(4) from fiscal years 1990 to 2000, the demand for student loans rose by 41 percent and the average student loan amount increased by 48.2 percent; and

(5) according to the Department of Education, there is approximately $150,000,000,000 in outstanding student loan debt and students borrowed more during the decade beginning in 1990 than during all of the decades beginning in 1960, 1970, and 1980.

(b) Sense of the Senate.—It is the sense of the Senate that economic stimulus legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to make higher education affordable, including—

(1) a provision to make permanent the above-the-line deduction for the higher education expenses of a taxpayer and members of the taxpayer's family and to increase such deduction to $8,000 for taxable year 2003 and $12,000 for taxable year 2004 and thereafter; and

(2) a credit against tax of up to $1,500 for each taxable year (indexed for inflation) for interest paid during such taxable year on loans incurred for higher education expenses—

(A) during the first 60 months such payments are required; and

(B) paid by individuals who are not dependents.

SEC. 322. SENSE OF THE SENATE CONCERNING CHILDREN'S GRADUATE MEDICAL EDUCATION.

(a) Findings.—The Senate finds that—

(1) children's hospitals provide excellent care for children;

(2) the importance of children's hospitals extends to the health care of all children throughout the United States;

(3) making up only 1 percent of all hospitals, independent children's hospitals train almost 30 percent of all pediatricians and 50 percent of all pediatric specialists;

(4) children's hospitals provide over 50 percent of the hospital care in the United States for children with serious illness, including needing cardiatric surgery, children with cancer, and children with cerebral palsy; and

(5) children's hospitals are important centers for pediatric research and the major pipeline for future pediatric researchers.

(b) Sense of the Senate.—It is the sense of the Senate that, for fiscal year 2004, children's graduate medical education should be funded at $305,000,000.

SEC. 323. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

(a) Findings.—The Senate finds that—

(1) bipartisan efforts have led to success in the fight against crime and improvements in the administration of justice;

(2) Congress steadily increased funding for crime identification technologies between 1994 and 2003; and

(3) a strong commitment to improve crime identification technologies is still needed.

(b) Sense of the Senate.—It is the sense of the Senate that the funding levels in this resolution assume that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007.

SEC. 324. SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

SEC. 325. FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) Findings.—Congress finds that:

(1) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(4) Current funding for after-school programs provide almost 1.4 million children across the country a safe and enriching place to go after school instead of being home alone.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that funding for 21st Century Community Learning Centers is at least enough to ensure the number of children participating in after-school programs does not decrease.

SEC. 326. SENSE OF THE SENATE ON THE $1,000 CHILD CREDIT.

It is the sense of the Senate that extending the $1,000 child credit for 3 additional years (2011–2013) can be accommodated within the revenue totals and instructions of this resolution.

SEC. 327. SENSE OF THE SENATE CONCERNING FUNDING FOR DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) Findings.—The Senate finds that—

(1) domestic nutrition assistance programs administered by the Secretary of Agriculture—

(A) have a long history of bipartisan support;

(B) have an accomplished record of preventing health problems for children and promoting the health, growth, and development of children;

(C) provide United States agricultural producers and food manufacturers with important and substantial markets through which they can obtain and sustain livelihoods; and

(D) are due to be reauthorized and improved during the 108th Congress; and

(2) the budget proposed by the President for fiscal year 2004—

(A) maintains current levels of funding for child nutrition;

(B) extends and improves nutrition assistance programs, including—

(i) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(ii) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(iii) the child and adult care food program established under the section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(C) renews and fully funds the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) Sense of the Senate.—It is the sense of the Senate that the final budget conference agreement should not take or propose any actions that reduce the level of funding provided for domestic nutrition assistance programs administered by the Secretary of Agriculture below current baseline spending levels for the programs.

SEC. 328. SENSE OF SENATE CONCERNING FREE TRADE AGREEMENT WITH THE UNITED KINGDOM.

It is the sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom.

SEC. 329. RESERVE FUND FOR POSSIBLE MILITARY ACTION AND RECONSTRUCTION IN IRAQ.

(a) In General.—Upon the favorable reporting of legislation by the Committee on Appropriations of the Senate making discretionary appropriations in excess of the levels assumed in this resolution for expenses for possible military action and reconstruction in Iraq in fiscal years 2003 through 2013, the Committee on the Budget of the Senate may, in consultation with the Chairman and Ranking Member of the appropriate committee, revise the level of total new budget authority and outlays, the functional totals, allocations, discretionary spending limits, and levels of deficits and debt in this resolution by up to $100,000,000,000 in budget authority and outlays.

(b) Application.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(c) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(d) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and

(2) the Chairman of that Committee may make any other necessary adjustments to such levels to carry out this resolution.

SMALL BUSINESS DROUGHT RELIEF ACT OF 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further action on S. 318 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 318) to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements regarding this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 318) was read the third time and passed, as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOANS TO SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) Short Title.—This Act may be cited as the "Small Business Drought Relief Act of 2003".

(b) Findings.—Congress finds that—

(1) as of July 2002, more than 36 States (including Massachusetts, South Carolina, and Louisiana) have suffered from continuing drought conditions;

(2) droughts have a negative effect on State and regional economies;

(3) many small businesses in the United States sell, distribute, market, or otherwise engage in commerce related to water and water sources, such as lakes, rivers, and streams;

(4) many small businesses in the United States suffer economic injury from drought conditions, leading to revenue losses, job layoffs, and bankruptcies;

(5) these small businesses need access to low-interest loans for business-related purposes, including paying their bills and making payroll until business returns to normal;

(6) absent a legislative change, the practice of the Small Business Administration of permitting only agriculture and agriculture-related businesses to be eligible for Federal disaster loan assistance as a result of drought conditions would likely continue;

(7) during the past several years small businesses that rely on the Great Lakes have suffered economic injury as a result of lower than average water levels, resulting from low precipitation and increased evaporation, and there are concerns that small businesses in other regions could suffer similar hardships beyond their control and that they should also be eligible for assistance; and

(8) it is necessary to amend the Small Business Act to clarify that nonfarm-related small businesses that have suffered economic injury from drought are eligible to receive financial assistance through Small Business Administration Economic Injury Disaster Loans.

(c) Drought Disaster Authority.—

(1) Definition of disaster.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

"(2) For purposes of section 7(b)(2), the term 'disaster' includes—

"(A) drought; and

"(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.".

(2) Drought disaster relief authority.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting "including drought, with respect to both farm-related and nonfarm-related small business concerns affected by drought," before "if the Administration"; and

(B) in subparagraph (B), by striking "the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)" and inserting the following: "section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph".

(d) Prompt Response to Disaster Requests.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking "Upon receipt of such certification, the Administration may" and inserting "Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may".

(e) Limitation on Loans.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during fiscal year 2003 to provide drought disaster loans to non-farm related small business concerns.

(f) Rulemaking.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this Act and the amendments made by this Act.

EXECUTIVE SESSION

NOMINATION OF HARRY DAMELIN TO BE INSPECTOR GENERAL FOR THE SMALL BUSINESS ADMINISTRATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of Harry Damelin, to be inspector general for the Small Business Administration; I further ask unanimous consent that the nomination be referred to the Governmental Affairs Committee as under a previous agreement, the nomination then be immediately discharged; further, the Senate proceed to its consideration, the nomination be confirmed, and the motion to reconsider be laid upon the table; finally, I ask unanimous consent that the President be notified immediately of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ACCEPTANCE OF STATUE OF PRESIDENT DWIGHT D. EISENHOWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 84, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 84) providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 84) was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar:

Calendar Nos. 46, 89, 93, 94, 95, 96, 97, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

DEPARTMENT OF JUSTICE

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years, vice Paul L. Seave, resigned.

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis M. Kenneally, 2586

To be brigadier general

Col. Oscar B. Hilman, 6837

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Edwin H. Roberts, Jr., 0530

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Sheila R. Baxter, 5724

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Jeffery L. Arnold, 2649
Brigadier General Robert M. Carrothers, 3234
Brigadier General Michael G. Corrigan, 8444
Brigadier General George R. Fay, 4701
Brigadier General John R. Hawkins, III, 7069
Brigadier General Michael K. Jelinsky, 5149
Brigadier General Terrill K. Moffett, 6766
Brigadier General Paul D. Patrick, 6466
Brigadier General Harry J. Philips, Jr., 8457
Brigadier General Jerry W. Reshetar, 0799
Brigadier General Stephen B. Thompson, 2012
Brigadier General Stephen D. Tom, 2119
Brigadier General George W. Wells, Jr., 9978
Brigadier General Robert J. Williamson, 7138

To be brigadier general

Colonel Charles J. Barr, 7265
Colonel David N. Blackledge, 1316
Colonel Brian J. Bowers, 6804
Colonel Edwin S. Castle, 3201
Colonel Oscar S. DePriest, IV, 1453
Colonel Mari K. Eder, 2706
Colonel Alan E. Grice, 6369
Colonel Paul F. Hamm, 4818
Colonel Philip L. Hanrahan, 2194
Colonel Christopher A. Ingram, 5053
Colonel Janis L. Karpinski, 0063
Colonel John F. McNeill, 6825
Colonel William Monk, III, 7931
Colonel Gary M. Profit, 1548
Colonel Douglas G. Richardson, 7068
Colonel Michael J. Schweiger, 1172
Colonel Richard J. Sherlock, Jr., 9856
Colonel Charles B. Skaggs, 7815
Colonel Richard M. Tabor, 7175
Colonel Phillip J. Thorpe, 4583
Colonel Ennis C. Whitehead, III, 9925

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. David O. Anderson, 4824
Capt. David J. Cronk, 9384
Capt. Dirk J. Debbink, 0752
Capt. Frank F. Rennie, IV, 3148

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN181 Air Force nominations (114) beginning COLBY D. * ADAMS, and ending ROBERT K. * YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003.

PN229 Air Force nominations (1597)) beginning RAYMOND B. ABARCA, and ending MICHAEL A. ZROSTLIK, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN358 Air Force nominations (14) beginning JOYCE A. ADKINS, and ending STEVEN A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN361 Air Force nominations (1501) beginning JOHN J. ABBATIELLO, and ending MICHAEL P. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN362 Air Force nominations (98) beginning CATHERINE M. AMITRANO, and ending CYNTHIA K. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

ARMY

PN364 Army nominations (6) beginning BRIAN K. BALFE, and ending JAMES H. TROGDON, III, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN420 Army nomination of William O. Prettyman, II, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN421 Army nomination of Darrell S. Ransom, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN422 Army nomination of Frederick D. White, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

MARINE CORPS

PN423 Marine Corps nominations (2) beginning MICHAEL P. KILLION, and ending DOUGLAS S. KURTH, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN365 Marine Corps nominations (377) beginning BRIAN T. ALEXANDER, and ending PHILLIP J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

NAVY

PN366 Navy nomination of Rosemarie H. O'Carroll, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN367 Navy nomination of John M. Hakanson, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN368 Navy nominations (28) beginning DANIEL P. ARTHUR, and ending WALTER C. WRYE, IV, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

ORDERS FOR TUESDAY, APRIL 1, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. Tuesday, April 1; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that notwithstanding the previous order, the Senate begin a period of morning business until 10 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or his designee; provided that at 10 a.m. the Senate proceed to executive session to consider the nomination of Timothy Tymkovich to be a circuit judge for the Tenth Circuit as provided under the previous order. I further ask consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly party meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will be in a period of morning business tomorrow until 10 a.m. Members who wish to make statements in support of our troops are encouraged to do so during that time.

At 10 a.m., the Senate will proceed to executive session to consider the nomination of Timothy Tymkovich, to be a circuit judge for the Tenth Circuit.

Under the previous order, there will be up to 6 hours for debate on the nomination. Following the use or yielding back of that time, the Senate will proceed to vote on the confirmation.

For the remainder of the week, the Senate is expected to complete action on several important issues, including the supplemental appropriations bill. Therefore, on behalf of the leader, I notify all Senators to expect a very busy week with rollcall votes each day.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Tuesday, April 1, 2003, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

THE JUDICIARY

THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

DEPARTMENT OF JUSTICE

MCGREGOR WILLIAM SCOTT, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS M. KENNEALLY

To be brigadier general

COL. OSCAR B. HILMAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDWIN H. ROBERTS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SHEILA R. BAXTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JEFFERY L. ARNOLD
BRIGADIER GENERAL ROBERT M. CARROTHERS
BRIGADIER GENERAL MICHAEL G. CORRIGAN
BRIGADIER GENERAL GEORGE R. FAY
BRIGADIER GENERAL JOHN R. HAWKINS III
BRIGADIER GENERAL MICHAEL K. JELINSKY
BRIGADIER GENERAL TERRILL K. MOFFETT
BRIGADIER GENERAL PAUL D. PATRICK
BRIGADIER GENERAL HARRY J. PHILIPS, JR.
BRIGADIER GENERAL JERRY W. RESHETAR
BRIGADIER GENERAL STEPHEN B. THOMPSON
BRIGADIER GENERAL STEPHEN D. TOM
BRIGADIER GENERAL GEORGE W. WELLS, JR.
BRIGADIER GENERAL ROBERT J. WILLIAMSON

To be brigadier general

COLONEL CHARLES J. BARR
COLONEL DAVID N. BLACKLEDGE
COLONEL BRIAN J. BOWERS
COLONEL EDWIN S. CASTLE
COLONEL OSCAR S. DEPRIEST IV
COLONEL MARI K. EDER
COLONEL ALAN E. GRICE
COLONEL PAUL F. HAMM
COLONEL PHILIP L. HANRAHAN
COLONEL CHRISTOPHER A. INGRAM
COLONEL JANIS L. KARPINSKI
COLONEL JOHN F. MCNEILL
COLONEL WILLIAM MONK III
COLONEL GARY M. PROFIT
COLONEL DOUGLAS G. RICHARDSON
COLONEL MICHAEL J. SCHWEIGER
COLONEL RICHARD J. SHERLOCK, JR.
COLONEL CHARLES B. SKAGGS
COLONEL RICHARD M. TABOR
COLONEL PHILLIP J. THORPE
COLONEL ENNIS C. WHITEHEAD III

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID O. ANDERSON
CAPT. DAVID J. CRONK
CAPT. DIRK J. DEBBINK
CAPT. FRANK F. RENNIE IV

AIR FORCE NOMINATIONS BEGINNING COLBY D. ADAMS AND ENDING ROBERT K. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING RAYMOND B. ABARCA AND ENDING MICHAEL A. ZROSTLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING JOYCE A. ADKINS AND ENDING STEVEN A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

AIR FORCE NOMINATIONS BEGINNING JOHN J. ABBATIELLO AND ENDING MICHEL P. ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

AIR FORCE NOMINATIONS BEGINNING CATHERINE M. AMITRANO AND ENDING CYNTHIA K. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

ARMY NOMINATIONS BEGINNING BRIAN K. BALFE AND ENDING JAMES H. TROGDON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

ARMY NOMINATION OF WILLIAM O. PRETTYMAN II.

ARMY NOMINATION OF DARRELL S. RANSOM.

ARMY NOMINATION OF FREDERICK D. WHITE.

MARINE CORPS NOMINATIONS BEGINNING BRIAN T. ALEXANDER AND ENDING PHILLIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL P. KILLION AND ENDING DOUGLAS S. KURTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2003.

NAVY NOMINATION OF ROSEMARIE H. O'CARROLL.

NAVY NOMINATION OF JOHN M. HAKANSON.

NAVY NOMINATIONS BEGINNING DANIEL P. ARTHUR AND ENDING WALTER C. WRYE IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

HOUSE OF REPRESENTATIVES—*Monday, March 31, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 31, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

COCKFIGHTING

Mr. BLUMENAUER. Mr. Speaker, I rise today on an issue that I have addressed in this Chamber on a number of occasions, cockfighting. But today I am here not to reiterate the case against this despicable and barbaric practice but to draw attention to a gross misuse of tax dollars of hardworking Americans whose funds are being quietly handed off by the Department of Agriculture to illegal cockfighters.

In October, the Federal Government learned of an outbreak in southern California of Exotic Newcastle Disease which does not appear to threaten people but which is deadly to birds. Though not yet identified for certain, it appears that illegal cockfighters are responsible. Fighting roosters from Mexico, where there has been an outbreak of Exotic Newcastle, have moved illegally into California. The imprint of the disease in Mexico is nearly identical to the imprint of the disease now spreading throughout the American Southwest.

Since the outbreak occurred 6 months ago in the United States, the disease has spread rapidly. First discovered in Los Angeles County, it has spread throughout southern California and into Arizona and Nevada. There are now eight affected counties in California, and experts predict that more counties will soon be hit as the disease marches north. All movements of live birds have been halted in the quarantine area and all poultry shows have been canceled throughout the entire State. In an effort to contain the disease, the U.S. Department of Agriculture and State agriculture departments have ordered many bird flocks depopulated if any bird in a flock has been diagnosed with the infection. State and Federal authorities have killed more than 3.2 million birds, including pet birds, poultry and egg-laying hens from commercial flocks, fighting roosters and other birds. Thus far, Federal authorities have spent $65 million and cost estimates may climb to $250 to $500 million before the disease runs its course. The last time there was a major outbreak of Exotic Newcastle Disease in California, it cost taxpayers and agriculture an immense impact.

During the course of the containment exercise, agricultural officials have been staggered by the scope of the illegal cockfighting operations they have stumbled upon. There are some observers who say that there are 50,000 gamecock operations in southern California alone. USDA officials, according to news sources, have said that fully one-third of the flocks that they have depopulated are gamecock operations. Under California law, it is illegal to possess birds for fighting purposes. But the USDA is providing millions in compensation to illegal cockfighters whose birds have been ordered killed. According to the Bakersfield Californian and other newspapers, some individuals are being paid up to $1,800 per fighting rooster.

Mr. Speaker, this is a scandal, a gross and irresponsible use of tax dollars. Our Federal Government is paying top-dollar black-market prices for live contraband. If there was an outbreak of plant disease, would we be compensating marijuana growers for the destruction of their crops? Let me repeat, under State law it is illegal to possess birds for fighting. Under the provisions of an amendment I sponsored last year with the gentleman from Colorado (Mr. TANCREDO), it will soon be illegal under Federal law to move any fighting birds to or from any State or territory in the United States. In short, there is no legitimate reason for individuals to possess birds for fighting purposes. But they are being remunerated. These people are organized criminals and we should not be squandering the tax dollars of hardworking Americans by making compensation payments to them. These people should not be paid off. They should be prosecuted under State and Federal law.

It is indeed ironic that the Federal Government is paying cockfighters more than it is paying pet owners, poultry growers, and other individuals who legitimately possess birds in southern California. At a time when we are making so many difficult choices with Federal expenditures, when we have a war to pay for, when we have a soaring deficit, when we are not funding critical environmental programs in agriculture, the farmland protection bill, wetland reserves program, wildlife habitat incentives program, the conservation security program, the environmental quality investment program, these critical programs to protect the environment and American agriculture, we do not have money to fund them adequately, but we are paying out millions to illegal cockfighters. This should not happen, and I want this body to join me for an accounting by the Department of Agriculture of what is happening on the ground in California, Arizona, Nevada, and throughout the Southwest.

Mr. Speaker, soon several colleagues and I will be introducing legislation to strengthen penalties for violations of Federal anti-animal fighting law. These are the same provisions that were passed by both the House and the Senate last year in the ag bill but were inexplicably stripped away in the conference committee. Now is the time to restore the penalties already approved by both Chambers. I hope that the Secretary of Agriculture will actively support this change in law. Adequate enforcement of Federal anti-animal fighting provisions is not only needed to stop the cruelty associated with animal fighting, but it is needed to prevent future outbreaks of Exotic Newcastle Disease. I hope that even those who are unmoved by the cruelty of animal fighting will recognize the threat that this industry poses to mainstream agriculture and to the American taxpayer.

SMALLPOX VACCINE BILL OPPOSED BY FIRST RESPONDERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, today we will vote on H.R. 1463, legislation to establish a smallpox vaccination compensation program. Today's vote should not be partisan. This bill is supposed to respond to concerns raised by nurses, firefighters, police officers, EMTs and other first responders: but nurses, firefighters, and other first responders oppose this bill. The bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

The bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 simply will not work. It will not improve participation rates. So the choice that both Republicans and Democratic Members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts and vote for this bill anyway because the Republican leadership wants us to. In other words, do as we are told, don't do what is right.

There have been no hearings on this legislation and no opportunities for Members on either side to offer amendments intended to improve the legislation. This bill was introduced on Friday and it is on the floor today. Only a handful of Members had a say on this bill. No one else. No firefighters, no police officers, no teachers, no EMTs, no nurses. We are being told to take it or leave it.

The fundamental question is, have Members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect? Do we in Congress think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and increasing vaccine participation rates are important objectives. They are time-sensitive objectives. The national smallpox vaccination program is already underway and participation is lagging far, far behind the goal set by the administration. Twenty-five thousand people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us the bill will not jump-start the smallpox vaccine program, so it will not enhance our bioterrorism preparedness.

Congress should not be wasting valuable time enacting the wrong bill, particularly when our Nation's ability to respond to bioterrorism is at stake. Nor should Members of either side of the aisle support legislation that is unapologetically dismissive of the very people it is intended to protect: the nurses, the firefighters, the police officers, people who voluntarily place themselves at personal risk. Public health experts and first responders tell us this bill falls short in fundamental ways.

Funding for the program is not guaranteed. A linchpin in any compensation program is guaranteed funding. Without it, the program itself is suspect. The incidence, to be sure, of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period of time or, in some tragic cases, permanently. We are asking first responders to volunteer for the smallpox vaccine on our behalf as citizens. We have a compelling obligation to protect these volunteers and their families in the rare event of a vaccine injury. It is indefensible to shortchange those police officers, nurses and firefighter volunteers, those who have volunteered for the smallpox vaccine.

The compensation is neither flexible nor adequate. H.R. 1463 invokes a one-size-fits-all cap that would provide, at maximum, a few years' worth of wages, even for a permanent disabling injury. For the compensation program to work, covered injuries must be defined. To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. This bill is not.

Finally, responsible administration of any vaccine program requires education, prescreening, as we found out tragically in four cases, and surveillance. H.R. 1463 ignores these costs, jeopardizing the future of the program and, more importantly, jeopardizing the future health of many of these volunteers, these nurses, these firefighters, these EMTs, these police officers.

Bioterrorism preparedness is either a priority or it is not. H.R. 1463 is a token response, and barely that. Our nurses, our firefighters, our police officers, our EMTs and our other first responders deserve better. That is why they oppose this bill. They want Congress to sit down with all the first responders at the table, all of us, discuss this bill and write legislation that will make the smallpox vaccine program work.

SMALLPOX VACCINE COMPENSATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Mrs. CAPPS) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPS. Mr. Speaker, what an honor it is for me to follow after my esteemed colleague from Ohio, the ranking member of the subcommittee that I am also a member on, where we would have very much appreciated being able to debate and discuss this legislation before we find it today on the suspension calendar.

Later today, we will take up the legislation and will be addressing the matter of smallpox vaccine compensation. It goes without saying that during the past week, with tragic incidents of death as a result, some serious concerns have been raised about the safety of this vaccine. These incidents speak even more forcefully for the need to do more research, find more information, and provide more screening about the smallpox vaccine. But if the administration insists that America's nurses, firefighters, and other first responders must be vaccinated against this disease to provide a protection, a bioterrorism protection shield, then now more than ever it is critical that we provide the peace of mind that these first responders need. Our first responders must know that in the event of an adverse or even fatal reaction, their needs and the needs of their families will be taken care of.

The overall goal of the administration is to make sure we are prepared for a possible outbreak of smallpox as part of a terrorist attack.

□ 1245

But this initiative is failing. These medical and public safety professionals know very well the risks of this disease and the vaccine, and few have been willing to step up and take it. Understandably, they want to know that they and their loved ones will be taken care of in case something goes wrong. It is not a lot to ask, but they do not at this moment have that assurance; and these recent tragic cases show that their concerns are not unfounded.

The bottom line remains that we must pass a fair compensation plan in order to make the smallpox vaccine program more attractive and palliative to those who are asked to be first responders and to take this protection. That is the goal of all of us in the House today.

The Institute of Medicine has reported that the absence of such a plan is a major barrier to an effective vaccine program; but the bill that is on the floor today is not going to give nurses, firefighters, and other first responders the assurances that they need to be vaccinated. It imposes unfair caps on lost wage reimbursements. It does not guarantee that the promises in the bill will be funded. And it will not work.

First responders in our communities have spoken clearly. In fact, a few hours ago we stood together on Capitol Hill as they told us what plan will work. The House of Representatives needs to listen to these people. The nurses are my colleagues. I served with them on the front lines for over 2 decades in my community in Santa Barbara, California. They tell me that the House should reject this bill. We should pass this legislation that the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with our first responders' input, again, the goal being that the President wants our first responders to be prepared in the event of a smallpox attack, and we want to help them. But this bill and the efforts to block alternative proposals are simply making our nurses, our firefighters, and our other first responders feel even more uncomfortable about stepping up and volunteering to take this vaccine.

The bill before us today provides a $262,000 lifetime cap at $50,000 per year. This could perhaps in some instances last only 5 years. Consider this: as someone who perhaps is the bread earner for their family, perhaps the sole support for their children, who weighs this compensation package against the risks, albeit small, but if they are, they could be devastating, and to know that is the bottom line that is going to be offered under this legislation and with that no guarantee that the funding will be there year after year as more and more first responders are asked to take this extra step.

As a contrast, our alternative provides nurses and first responders with the confidence they need because it guarantees that the funding will be there for them. If it is a small number who are at risk, as the administration and as the Centers for Disease Control say, then we should be generous with these people. The alternative that we had hoped to propose provides a compensation of up to $75,000 per year, but with no lifetime cap, and this is the legislation that we ask that we be allowed to debate and vote on on the floor.

We ask that our colleagues reject the bill before us today and let us debate this measure in fairness to our first responders.

RECESS

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, let our trust be in Your mercy and not in ourselves. Fix our hope in Your love, not in our own strength or ability or human resources.

If we do not trust You, everything can lead to destruction, confusion and chaos. We will have only ourselves to blame. There will be nowhere to bury our failure or shame.

If we trust in You everything will become for us strength, inspiration, and be filled with meaning.

Everything will lead to another discovery of You in our midst and Your kingdom of peace and freedom at last.

Lord, do not let us deceive ourselves. Place our trust in You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

> H.R. 1307. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.
>
> H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 95) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

> S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes.
>
> S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

HONORING CHARLES T. COLE, JR.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, no one has been more civically active in the Midlands of South Carolina than Charlie Cole, who was recently honored as the 2003 Ambassador of the Year by the Greater Columbia Chamber of Commerce.

Charlie Cole, who is the Regional President of Wachovia Bank, is passionate about business and community development. Charlie serves as chairman, on the board, or as a member of over a dozen community organizations.

Not content to just have his name on these committees, Charlie has taken an active leadership role, as he helped raise half a million dollars for the Juvenile Diabetes Research Foundation over the past year.

Charlie is a retired lieutenant colonel in the United States Army Reserves, and a dedicated elder at Eastminster Presbyterian Church. His acts of generosity and kindness have endeared him to his neighbors, and Charlie Cole stands as a wonderful role model of community involvement.

In conclusion, God bless our troops.

RECOGNIZING CHILDHELP USA AND NATIONAL DAY OF HOPE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, each day in the United States more than three children die from abuse at the hands of a family member. Most are under the age of 6. However, there is hope. Childhelp USA is an organization that is working hard to assist victims of neglect and abuse.

Childhelp USA has many centers across the country, one of which is in Tennessee. And in November, Childhelp USA Tennessee assembled the country's first Mobile Children's Advocacy Center. For the first time it allows professional Childhelp staff to reach out to abused children in the rural parts of our State. The 40-foot mobile center is outfitted with medical exam and play therapy rooms as well as professional staff.

In conjunction with National Child Abuse Prevention Month, Childhelp has initiated the National Day of Hope to be held on Wednesday, April 2. On this day Childhelp requests that each person take 3 minutes to pause and remember that three children die each day from abuse.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1463) to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes.

The Clerk read as follows:

H.R. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smallpox Emergency Personnel Protection Act of 2003".

SEC. 2. SMALLPOX EMERGENCY PERSONNEL PROTECTION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following part:

"PART C—SMALLPOX EMERGENCY PERSONNEL PROTECTION

"SEC. 261. DEFINITIONS.

"For purposes of this part:

"(1) VACCINE.—The term 'vaccine' or 'smallpox vaccine' means vaccinia (smallpox) vaccines, including the Dryvax vaccine.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

"(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public safety personnel, or support personnel for such occupational specialities;

"(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services smallpox emergency response plan approved by the Secretary; and

"(C) to whom a vaccine is administered pursuant to such approved plan—

"(i) during the effective period of the Declaration (including the portion of such period before the enactment of this part); and

"(ii) not later than the latest of—

"(I) 180 days after the effective date of the initial interim final regulations implementing this part;

"(II) 120 days after becoming an individual in an occupation described in subparagraph (A); or

"(III) 120 days after becoming an individual identified as a member of a smallpox emergency response plan described in subparagraph (B).

"(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined, pursuant to the procedures established under section 262, to have been sustained by an individual as the direct result of—

"(A) administration to the individual of a vaccine during the effective period of the Declaration; or

"(B) accidental vaccinia inoculation of the individual in circumstances in which—

"(i) the vaccinia is contracted during the effective period of the Declaration or within 30 days after the end of such period;

"(ii) smallpox vaccine has not been administered to the individual; and

"(iii) the individual has resided with, or has been in contact with, an individual who is (or who was accidentally inoculated by) a covered individual.

"(4) DECLARATION.—The term 'Declaration' means the Declaration Regarding Administration of Smallpox Countermeasures issued by the Secretary on January 24, 2003, and published in the Federal Register on January 28, 2003.

"(5) EFFECTIVE PERIOD OF THE DECLARATION.—The term 'effective period of the Declaration' means the effective period specified in the Declaration, unless extended by the Secretary.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is (as determined in accordance with section 262)—

"(A) a covered individual who sustains a covered injury in the manner described in paragraph (3)(A); or

"(B) an individual who sustains a covered injury in the manner described in paragraph (3)(B).

"(7) SMALLPOX EMERGENCY RESPONSE PLAN.—The term 'smallpox emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a possible smallpox-related emergency during the period prior to the identification of an active case of smallpox either within or outside the United States.

"SEC. 262. DETERMINATION OF ELIGIBILITY AND BENEFITS.

"(a) IN GENERAL.—The Secretary shall establish procedures for determining, as applicable with respect to an individual—

"(1) whether the individual is an eligible individual;

"(2) whether an eligible individual has sustained a covered injury or injuries for which medical benefits or compensation may be available under sections 264 and 265, and the amount of such benefits or compensation;

"(3) whether the covered injury or injuries of an eligible individual constitute a compensable disability, or caused the individual's death, for purposes of benefits under section 266.

"(b) COVERED INDIVIDUALS.—The Secretary may accept a certification, by a Federal, State, or local government entity or private health care entity participating in the administration of covered countermeasures under the Declaration, that an individual is a covered individual.

"(c) CRITERIA FOR REIMBURSEMENT.—

"(1) INJURIES SPECIFIED IN INJURY TABLE.—In any case where an injury or other adverse effect specified in the injury table established under section 263 as a known effect of a vaccine manifests in an individual within the time period specified in such table, such injury or other effect shall be presumed to have resulted from administration of such vaccine.

"(2) OTHER DETERMINATIONS.—In making determinations other than those described in paragraph (1) as to the causation or severity of an injury, the Secretary shall employ a preponderance of the evidence standard and take into consideration all relevant medical and scientific evidence presented for consideration, and may obtain and consider the views of qualified medical experts.

"(d) DEADLINE FOR FILING REQUEST.—The Secretary shall not consider any request for a benefit under this part with respect to an individual, unless—

"(1) in the case of a request based on the administration of the vaccine to the individual, the individual provides notice to the Secretary of an adverse effect of the vaccination not later than one year after the date of administration of the vaccine; or

"(2) in the case of a request based on accidental vaccinia inoculation, the individual provides notice to the Secretary of an adverse effect of such vaccination not later than two years after the date of the first symptom or manifestation of onset of the adverse effect.

"(e) REVIEW OF DETERMINATION.—

"(1) SECRETARY'S REVIEW AUTHORITY.—The Secretary may review a determination under this section at any time on the Secretary's own motion or on application, and may affirm, vacate, or modify such determination in any manner the Secretary deems appropriate.

"(2) JUDICIAL AND ADMINISTRATIVE REVIEW.—No court of the United States, or of any State, District, territory or possession thereof, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this section. No officer or employee of the United States shall review any action by the Secretary under this section (unless the President specifically directs otherwise).

"SEC. 263. SMALLPOX VACCINE INJURY TABLE.

"(a) SMALLPOX VACCINE INJURY TABLE.—

"(1) ESTABLISHMENT REQUIRED.—The Secretary shall establish by interim final regulation a table identifying adverse effects (including injuries, disabilities, illnesses, conditions, and deaths) that shall be presumed to result from the administration of (or exposure to) a smallpox vaccine, and the time period in which the first symptom or manifestation of onset of each such adverse effect must manifest in order for such presumption to apply.

"(2) AMENDMENTS.—The Secretary may amend by regulation the table established under paragraph (1). Amendments shall apply retroactively to claims pending at the time of promulgation of final amending regulations and to claims filed subsequently. If the effect of such amendment is to permit an individual who was not, before such amendment, eligible for compensation under this part, such individual may file a request for compensation or file an amended request for such compensation not later than one year after the effective date of such amendment in the case of an individual to whom the vaccine was administered and two years in the case of a request for compensation based on accidental vaccinia inoculation.

“SEC. 264. MEDICAL BENEFITS.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall make payment or reimbursement for medical items and services as reasonable and necessary to treat a covered injury of an eligible individual. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8103) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(b) BENEFITS SECONDARY TO OTHER COVERAGE.—Payment or reimbursement for services or benefits under subsection (a) shall be secondary to any obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer) under any other provision of law or contractual agreement, to pay for or provide such services or benefits. The Secretary shall have the discretion to establish mechanisms and procedures for providing the secondary benefits under this section.

“SEC. 265. COMPENSATION FOR LOST EMPLOYMENT INCOME.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall provide compensation to an eligible individual for loss of employment income incurred as a result of a covered injury, at the rate specified in subsection (b).

“(b) AMOUNT OF COMPENSATION.—

“(1) IN GENERAL.—Compensation under this section shall be at the rate of 66 2/3 percent of monthly employment income, except that such percentage shall be 75 percent in the case of an individual who has one or more dependents. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8114 and 8115) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(2) TREATMENT OF SELF-EMPLOYMENT INCOME.—For purposes of this section, the term ‘employment income’ includes income from self-employment.

“(c) LIMITATIONS.—

“(1) BENEFITS SECONDARY TO OTHER COVERAGE.—Any compensation under subsection (a) shall be secondary to the obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), under any other law or contractual agreement, to pay compensation for loss of employment income and shall not be made to the extent that compensation for loss of employment income has been made under such other obligations in an amount that equals or exceeds the rate specified in subsection (b)(1).

“(2) NO BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—No payment shall be made under this section in compensation for loss of employment income subsequent to the receipt by an eligible individual (or his survivor or survivors) of benefits under section 266 for death or permanent and total disability.

“(3) LIMIT ON TOTAL BENEFITS.—Total benefits paid to an individual under this section shall not exceed $50,000 for any year, and the lifetime total of such benefits for the individual may not exceed an amount equal to the amount authorized to be paid under section 266.

“(4) WAITING PERIOD.—An eligible individual shall not be provided compensation under this section for the first 5 work days of disability.

“SEC. 266. PAYMENT FOR DEATH AND PERMANENT, TOTAL DISABILITY.

“(a) BENEFIT FOR PERMANENT AND TOTAL DISABILITY.—The Secretary shall pay to an eligible individual who is determined to have a covered injury or injuries meeting the definition of disability in section 216(i) of the Social Security Act (42 U.S.C. 416(i)) an amount determined under subsection (c), in the same manner as disability benefits are paid pursuant to the PSOB program in section 1201(b) of the OCCSSA with respect to an eligible public safety officer (except that payment shall be made to the parent or legal guardian, in the case of an eligible individual who is a minor or is subject to legal guardianship).

“(b) DEATH BENEFIT.—The Secretary shall pay, in the case of an eligible individual whose death is determined to have resulted from a covered injury or injuries, a death benefit in the amount determined under subsection (c) to the survivor or survivors in the same manner as death benefits are paid pursuant to PSOB program in section 1201 of the OCCSSA with respect to an eligible deceased (except that in the case of an eligible individual who is a minor with no living parent, the legal guardian shall be considered the survivor in the place of the parent).

“(c) BENEFIT AMOUNT.—

“(1) IN GENERAL.—The amount of the disability or death benefit under subsection (a) or (b) in a fiscal year shall equal the amount of the comparable benefit calculated under the PSOB in such fiscal year, without regard to any reduction attributable to a limitation on appropriations, but subject to paragraph (2).

“(2) REDUCTION FOR PAYMENTS FOR LOST EMPLOYMENT INCOME.—The amount of the benefit as determined under paragraph (1) shall be reduced by the total amount of any benefits paid under section 265 with respect to lost employment income.

“(d) BENEFIT IN ADDITION TO MEDICAL BENEFITS.—A benefit under this section shall be in addition to any amounts received by an eligible individual under section 264.

“(e) LIMITATIONS.—

“(1) DISABILITY BENEFITS.—Except as provided in paragraph (3), no benefit is payable under subsection (a) with respect to the disability of an eligible individual if—

“(A) a disability benefit is paid or payable with respect to such individual under the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under subsection (b) or the PSOB.

“(2) DEATH BENEFITS.—No benefit is payable under subsection (b) with respect to the death of an eligible individual if—

“(A) a disability benefit is paid with respect to such individual under subsection (a) or the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under the PSOB.

“(3) EXCEPTION IN THE CASE OF A LIMITATION ON APPROPRIATIONS FOR DISABILITY BENEFITS UNDER PSOB.—In the event that disability benefits available to an eligible individual under the PSOB program are reduced because of a limitation on appropriations, and such reduction would affect the amount that would be payable under paragraph (1) or (2) without regard to this paragraph, benefits shall be available under subsection (a) or (b) to the extent necessary to ensure that such individual (or his survivor or survivors) receives a total amount equal to the amount described in subsection (c).

“(f) REFERENCES.—References in this section—

“(1) to the Public Safety Officers' Benefits Program or PSOB are references to the program under part L, subpart 1 of title I of the OCCSSA; and

“(2) to the OCCSSA are to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

“SEC. 267. ADMINISTRATION.

“(a) ADMINISTRATION BY AGREEMENT WITH OTHER AGENCY OR AGENCIES.—The Secretary may administer any or all of the provisions of this part through Memorandum of Agreement with the head of any appropriate Federal agency.

“(b) REGULATIONS.—The head of the agency administering this part or provisions thereof (including any agency head administering such Act or provisions through a Memorandum of Agreement under subsection (a)) may promulgate such implementing regulations as may be found necessary and appropriate. Initial implementing regulations may be interim final regulations.

“SEC. 268. PARTICIPANT EDUCATION REGARDING SMALLPOX EMERGENCY RESPONSE PLANS.

“In reviewing State, local, or Department of Health and Human Services smallpox emergency response plans described in section 261, the Secretary shall ensure that such plans are consistent with guidelines of the Centers for Disease Control and Prevention with respect to the education of individual participants (including information as to the voluntary nature of the program and the availability of potential benefits under this part), and the adequate screening of individuals for vaccine contraindications.

“SEC. 269. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007, to remain available until expended, including administrative costs and costs of provision and payment of benefits. The Secretary's payment of any benefit under section 264, 265, or 266 shall be subject to the availability of appropriations under this section.

“SEC. 270. RELATIONSHIP TO OTHER LAWS.

“Except as explicitly provided herein, nothing in this part shall be construed to override or limit any rights an individual may have to seek compensation, benefits, or redress under any other provision of Federal or State law.”.

SEC. 3. AMENDMENTS TO PROVISION REGARDING TORT LIABILITY FOR ADMINISTRATION OF SMALLPOX COUNTERMEASURES.

(a) AMENDMENT TO ACCIDENTAL VACCINIA INOCULATION PROVISION.—Section 224(p)(2)(C)(ii)(II) of such Act (42 U.S.C. 233(p)(2)(C)(ii)(II)) is amended by striking “resides or has resided with” and inserting “has resided with, or has had contact with,”.

(b) DEEMING ACTS AND OMISSIONS TO BE WITHIN SCOPE OF EMPLOYMENT.—Section 224(p)(2) of such Act (42 U.S.C. 233(p)(2)) is amended by adding at the end the following new subparagraph:

“(D) ACTS AND OMISSIONS DEEMED TO BE WITHIN SCOPE OF EMPLOYMENT.—

“(i) IN GENERAL.—In the case of a claim arising out of alleged transmission of vaccinia from an individual described in clause (ii), acts or omissions by such individual shall be deemed to have been taken within the scope of such individual's office or employment for purposes of—

“(I) subsection (a); and

“(II) section 1346(b) and chapter 171 of title 28, United States Code.

“(ii) INDIVIDUALS TO WHOM DEEMING APPLIES.—An individual is described by this clause if—

"(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

"(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i).".

(c) Exhaustion; Exclusivity; Offset.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

"(3) Exhaustion; exclusivity; offset.—

"(A) Exhaustion.—

"(i) In general.—A person may not bring a claim under this subsection unless such person has received a determination about remedies available under section 262.

"(ii) Tolling of statute of limitations.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a determination by the Secretary under section 262.

"(iii) Construction.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

"(B) Exclusivity.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

"(C) Offset.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.".

(d) Requirement to Cooperate With United States.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking "Defendant" and inserting "Covered person".

(e) Amendment to Definition of Covered Countermeasure.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

"(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and".

(f) Amendment to Definition of Covered Person.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking "includes any person" and inserting "means a person";

(2) in clause (ii)—

(A) by striking "auspices" and inserting "auspices—";

(B) by redesignating "such countermeasure" and all that follows as clause (I) and indenting accordingly; and

(C) by adding at the end the following:

"(II) a determination was made as to whether, or under what circumstances, an individual should receive a covered countermeasure;

"(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

"(IV) an evaluation was made of whether the administration of a countermeasure was effective;";

(3) in clause (iii) by striking "or";

(4) by striking clause (iv) and inserting the following:

"(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

"(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

"(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

"(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

"(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

"(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

"(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II).".

(g) Amendment to Definition of Qualified Person.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating "is authorized to" and all that follows as clause (i) and indenting accordingly;

(2) by striking "individual who" and inserting "individual who—"; and

(3) by striking the period and inserting "; or

"(ii) is otherwise authorized by the Secretary to administer such countermeasure.".

(h) Definition of "Arising Out of Administration of a Covered Countermeasure".—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

"(D) Arising out of administration of a covered countermeasure.—The term 'arising out of administration of a covered countermeasure', when used with respect to a claim or liability, includes a claim or liability arising out of—

"(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

"(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

"(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

"(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B).".

(i) Technical Correction.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking "paragraph (8)(A)" and inserting "paragraph (7)(A)".

(j) Effective Date.—This section shall take effect as of November 25, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. Tauzin) and the gentlewoman from California (Mrs. Capps) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. Tauzin).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1463.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to urge all Members to support H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003, a critical bill introduced by the vice chairman of the Committee on Energy and Commerce, the gentleman from North Carolina (Mr. Burr).

In January of this year, our HHS Secretary Tommy Thompson called on health personnel and emergency responders from across the Nation to join smallpox emergency response teams in order to ensure that our country was better prepared to deal with any outbreak of this deadly disease caused by terrorists or rogue regimes such as Iraq. These patriots have been asked to volunteer to get the smallpox vaccine now so that they can administer the vaccine to the public should the need arise. Since then, roughly 25,000 American volunteers have indeed volunteered for this vaccine.

These health personnel and emergency responders are indeed to be saluted for their service to the country. However, we do not need tens of thousands of Americans to respond, we need hundreds of thousands, if not millions; and we need these many, many Americans, health personnel, and emergency first responders to heed the Secretary's call.

The legislation before us today, which was requested by the administration, provides incentive for such individuals to roll up their sleeves and get a shot. The bill does a number of important things:

First, it provides for a total disability and death benefit equal to the amount payable under the Public Safety Officers Benefit, the PSOB, the existing Federal program that currently pays $262,000 in a lump sum, indexed for inflation, to public safety officers who are killed or totally disabled in the line of duty.

Given the sacrifice that we are asking from these smallpox volunteers, a small number of whom may indeed suffer severe adverse reactions which could include death, it makes sense to provide these similar benefits.

But this bill goes further than the PSOB. It also provides coverage for all reasonable and necessary medical expenses that are incurred by individuals who are vaccinated and suffer adverse effects, to the extent that such expenses are not picked up by their own individual primary health insurance. The bill provides also lost employment income if an individual misses more than 5 days of work due to adverse effects of the vaccine. Under this benefit, the individual could receive up to 75 percent of his monthly salary and up to $50,000 a year in supplemental wages capped at the maximum amount of the PSO death benefit.

It is important to emphasize that the death and total disability benefits are additive to any other death or disability benefit the individual is already entitled to under Social Security, under State and local government, under employers, or under private insurance plans. And the lost wage income under this program, while secondary to other similar benefits the person may have, supplements those benefits to the extent the Federal program is more generous. For example, many States and employers have much lower annual and lifetime caps on workers' compensation benefits, which means the higher Federal figures in our bill would supplement those other benefits.

And finally, the legislation provides most sensible and noncontroversial technical amendments to last year's Homeland Security Bill to provide better liability protections to the hospitals, doctors, nurses, and public health officials at the State and local levels who we are asking to participate in this most important program.

I must say I am disappointed, however, that despite the good faith efforts on both sides of the aisle, and they have been good faith efforts, we are not able to reach a bipartisan agreement on the package. I strongly disagree that there should be any doubt as to the commitment of the administration or the commitment of the Congress to pay these benefits to injured volunteers as these bills become due.

I also disagree with the notion that the $262,000 caps for disability and lost wages do not in fact provide a sufficient compensation package. If these caps are good enough for our public police officers and our firefighters who die in the line of duty, then I submit to you that indeed they are good enough for this program as well.

A few people have in fact died after taking the vaccine, although we do not know they died as a result of vaccine. But either way, we should not delay in establishing a compensation program that would help with these people, simply because we cannot agree right now on whether a $262,000 figure is sufficient or not. We still need to provide, we need to move forward with this incentive to make sure people are adequately vaccinated to meet this threat.

Now, let us get the help to the people who need it now. If we find out down the road that the program is inadequate or certain respects need. to be changed, we can always fix it later. This is an emergency. This will make sure that we have the people available, ready to vaccinate all of America if, God forbid, the worst should happen and we suffer a smallpox attack.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important issue, important to the health and safety of our Nation.

Recent tragedies in the health care community have underscored the need for us to address it and pass a robust compensation package for victims. The President has called for America's nurses, firefighters, and other first responders to be vaccinated against smallpox. Ensuring our frontline health care responders are resistant to smallpox would enhance our ability to respond to an attack resulting from this kind of an outbreak. But this initiative is failing, and to make the program work we need to guarantee our first responders that they and their families will be compensated if they are harmed or killed by the vaccine.

If the administration insists that these people be vaccinated against the disease, then now more than ever it is critical that we provide the peace of mind that these frontline people deserve and need. They do not want handouts. They just want to know that if something happens to them, they and their families will be taken care of. It is not too much to ask. But I can tell you that the bill before us, as it is currently drafted, will not provide that level of assurance.

Before I came to Congress I worked as a public health nurse for many years. These are my colleagues that we are speaking of. And I know what it is like to be on the front line. If you will not take my word for it, listen to the American Nurses Association. They represent the interests of 2.7 million nurses across this country, and they have heard from their members. They oppose this bill because it is insufficient to make the program work.

First, the bill before us does not guarantee that this compensation program will be funded, and without a guarantee of funding, nurses and other first responders who serve their country and become harmed by the vaccine will have no assurance that the bill's promises will be kept.

□ 1415

Second, this bill puts unfair caps on the wage compensation an injured nurse or other first responder can receive. These caps would unfairly penalize those families who lose their main source of income.

We should reject this bill; and instead, we should pass legislation such as the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with input with direct guidance from these first responders. Our legislation would ensure that medical benefits and the compensation in this bill are funded for years to come. It would recognize and compensate the longer-term loss of wages that could result from such an adverse effect, and it would allow families who lose their main source of income because of the vaccine that they be fully compensated for their loss.

This bill would tell nurses that if they take this risk and serve their country that their families will not be left without resources or hope. Ultimately, the risk of adverse effects is low. Perhaps 200 people out of the 10 million that we want to vaccinate could be affected, but it is so important that we provide the assurance that if a person is one of those 200 people they will be compensated adequately.

Congress now has before it the opportunity to instill, first, confidence in our first responders and truly prepare us for the possible nightmare of a smallpox outbreak. The administration has been disappointed thus far in the turnout for the vaccine. If the wrong kind of legislation is passed, the turnout runs the risk of remaining small, thus, not meeting the goal of the administration.

If this bill before us is not effective, this is our opportunity to fix it. Let us take the time to get it right so that we can create this shield against a bioterrorist attack in the form of smallpox.

I urge my colleagues to support their first responders, to protect America from the threat of smallpox. Defeat this bill. Let us take the time to get this right.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me the time.

Mr. Speaker, I rise today in support of this important legislation to establish a compensation program for our Nation's emergency personnel in the event they suffer complications from smallpox vaccinations. As our United States troops fight the battle for freedom in Iraq, I am pleased that Congress can contribute this important piece of legislation which has been crafted to aid in our war effort and to enhance the safety of our Nation.

The face of war is changing. While past efforts may have focused solely on the armed aggression, the new face of war includes new threats in the form of biological or chemical warfare. Our Nation's armed services are not the only ones on the front lines of this conflict, because the threat of terrorism is here in the United States. Our emergency personnel, health care workers, and first responders are also on those front lines.

Health care workers, law enforcement officers, firefighters and others across the country are currently being vaccinated for smallpox. With this vaccine, as my colleagues have heard, come some risk of some workers having serious reactions to the vaccine. It is also possible, though unlikely, that some may suffer life-threatening complications and even death, and fittingly, this measure will provide security to these workers who put their own health at risk in order to help the American public.

This legislation provides an important backstop to ensure that workers and their families will be protected if they suffer complications from the smallpox vaccine. Workers injured in the line of duty will be compensated first by their employers and second by the United States Government. For those who may not have access to workers compensation and other employer-sponsored health care, the Federal Government will provide appropriate compensation. Even those workers who have access to employer-sponsored benefits may receive additional compensation from the smallpox fund; and as such, the bill sets a Federal floor and ensures that each worker will be adequately compensated.

Under the bill, workers who might suffer a totally disabling injury or death as a result of the vaccine will receive cash benefits consistent with the amounts of benefits paid under the Public Safety Officers Benefits Program. For workers who suffer a less serious injury, the bill provides compensation for medical expenses and the loss of employment at a rate of 66⅔ percent of monthly pay, and workers who have dependents will be compensated at a rate of 75 percent monthly pay; and if a worker is eligible for less compensation than the federally established level, the fund will compensate the individual at the higher Federal level.

As chairman of the Committee on Education and the Workforce, I am pleased to assist in helping my colleagues at the Committee on Energy and Commerce draft this legislation, which I believe will ensure the safety of health care workers and first responders. I am also particularly pleased because my committee has primary jurisdiction over the employer-sponsored health care and workers compensation disability programs, which would include the Federal Employee Compensation Act, which will be the primary payers of the compensation. This measure will not only help our emergency personnel and first responders but enhance the safety of our Nation as well.

I want to urge my colleagues to support this bill.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I insert for the RECORD letters from the following groups which I have before me. These letters are written by the American Public Health Association; the International Union of Police Associations; the American Nurses Association; the International Association of Firefighters; the American Federation of Teachers; the American Federation of State, County and Municipal Employees; the Service Employers National Union; and the Infectious Disease Society of America.

AMERICAN NURSES ASSOCIATION,
March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the American Nurses Association (ANA), I urge you to oppose the Smallpox Emergency Personnel Protection Act (H.R. 1463). This bill does not provide adequate education, prescreening, surveillance, and compensation—therefore it will not result in an increase in the number of nurses volunteering for vaccinations. As this bill will be considered under the suspension of the rules, you will be denied the opportunity to vote in favor of the Capps/Waxman substitute that ANA supports.

The ANA is the only full-service association representing the nation's RNs through our 54 state and territorial constituent member organizations. Our members are well represented in the Administration's plan to vaccinate 10.5 million health care workers and first responders.

ANA supports efforts to ensure that our nation is prepared for a possible terrorist attack. ANA has, since November 2002, been trying to work with the Administration to formulate a strong smallpox vaccination program that will encourage nurses to volunteer to be immunized. Since the Administration's plan was first announced, ANA has repeatedly raised questions about the health and safety of nurses who are vaccinated, as well as their patients and families. ANA's concerns have been echoed by many in the public health community and reinforced by an expert panel from the Institute of Medicine. Unfortunately, the Smallpox Emergency Personnel Protection Act (H.R. 1463), fails to address these questions.

The smallpox vaccine is a live virus. It has the worst record of negative side effects of any vaccine in the world. It is imperative, as a matter of public health, that those being vaccinated understand the risks of the vaccine to themselves and their loved ones, and be prescreened for conditions that require them to refuse the vaccine. The smallpox inoculation site can shed the live virus for up to three weeks. In the 1960s, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to nurses, but also to their patients and families.

Members of the armed services have received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process properly screened out one-third of the potential recipients. The Smallpox Emergency Personnel Protection Act fails to require a similar program. In addition, H.R. 1463 fails to require sufficient funding needed to ensure that state and local public health officials can actually implement the crucial education, prescreening, and surveillance programs. The recent death of a Maryland nurse, a Florida nurse aide, and a National Guardsman only underscore the need for this robust education, prescreening, and surveillance effort. Nurses and other first responders will continue to feel uncomfortable about the vaccine until they receive the reliable information needed to make an informed decision.

Furthermore, H.R. 1463 contains an insufficient, unfunded compensation program. The Administration is basically asking healthy nurses to place themselves (as well as their patients and families) at risk for the common good. The vaccination has no tangible benefits for nurses; it is sought in the name of homeland security. ANA does not believe that nurses should be made to bear this public risk without the guarantee of a real compensation program. H.R. 1463 contains an unacceptable lifetime cap on wage replacement and fails to ensure that funds will be available for the compensation fund.

ANA urges you to vote against H.R. 1463. Your no vote does not mean that you oppose a smallpox compensation program. In fact, the solid disapproval of this bill will demonstrate needed support for a real smallpox vaccination program, such as the Capps/Waxman substitute. Please feel free to call Erin McKeon (202) 651-7095 or Christopher Donnellan (202) 651-7088 on my staff with any questions regarding this letter.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

INFECTIOUS DISEASES SOCIETY
OF AMERICA,
March 28, 2003.

Hon. J. DENNIS HASTERT,
Speaker,
House of Representatives.

DEAR SPEAKER HASTERT: I am writing on behalf of the Infectious Diseases Society of America (IDSA) and the 7,000 infectious diseases physicians and scientists we represent to thank you and other House leaders on both sides of the aisle for pursuing a plan to compensate individuals who may be injured during the implementation of the National Smallpox Immunization Plan (NSIP).

Over the past year, IDSA and its members—including those who were on the frontline of smallpox eradication efforts—have provided essential information to the federal and state governments as they have prepared responses to a potential smallpox event. ID physicians will be integrally involved should a bioterrorism event occur; an ID specialist discovered the first anthrax case that occurred in Florida. Presently, many of our members are working with state and local public health officials to oversee NSIP's implementation.

IDSA's leaders believe strongly, as you do, that the creation of a compensation plan is essential to NSIP's success. As the House moves forward next week to consider legislation to establish such a program, we would like to take this final opportunity to stress to you the expert opinion of our leaders on this subject. IDSA closely reviewed the Administration's proposal, which Congressman Richard Burr introduced this week, H.R. 1463, as well as H.R. 865, sponsored by Congressman Henry Waxman. Certain aspects of the Administration's proposal appear promising. However, IDSA is concerned that the Administration's proposal does not include all of the elements necessary to ensure NSIP's success. Below, we have highlighted the elements that our leaders believe are critical and ask that House leaders include them in whatever legislation the House passes.

One element that IDSA believes to be of primary significance to the success of NSIP is universal eligibility. That is, all individuals injured as a consequence of NSIP's implementation should be compensated for their injuries. Eligibility should not be promised upon whether injured individuals volunteered to participate in the program or were injured as a result of a secondary transmission. Moreover, such eligibility should extend to individuals who present symptoms that are obviously associated with contact vaccinia, regardless of whether they can establish a link back to a specific vaccinee. Finally, an individual's eligibility should not be limited by an arbitrarily established time limit (e.g., 180 days after interim final rule is published or 120 days after becoming a covered person), but should extend throughout the period of time that NSIP is being implemented as well as for a reasonable period of time after the last vaccination takes place.

The second essential element IDSA's leaders support is fair and adequate compensation for all individuals who are injured as a consequence of NSIP's implementation. It is just and right that individuals be made whole for the injuries they suffer as the result of a program being carried out under the auspices of national security. Under H.R. 1463, compensation for medical expenses, disability, lost wages and death is modeled after the Public Safety Officers Benefit program (PSOB). The PSOB program is designed to work in conjunction with other benefit programs, such as workers' compensation and health insurance and is designed primarily to deal with death and total, permanent disability. In the case of smallpox, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. As a result, those injured as a result of NSIP may receive far less compensation than those PSOB currently covers. Therefore, IDSA strongly urges Horse leaders to supplement the PSOB model found in H.R. 1463 to include the following criteria relating to medical expenses, disability, lost wages and/or death:

Guaranteed immediate medical care for all injured;

A significantly more generous compensation package for death than what is found in the H.R. 1463;

Permanent disability benefit of unreimbursed actual wages and unreimbursed medical costs not subject to any limitations;

Payment of non-economic damages up to $250,000;

Compensation for temporary disability, including unreimbursed medical costs and unreimbursed actual wages starting at day one.

Finally, IDSA believes it to be essential that this program be authorized through mandatory funding mechanisms and not be paid for through discretionary funding sources.

IDSA leaders are available to work with you and other Congressional leaders to achieve quick passage and enactment of a smallpox compensation plan that makes whole all individuals injured during the implementation of President Bush's NSIP. Thank you again for the leadership you have shown in moving this important legislation forward. Should you have any questions, please feel free to contact Robert J. Guidos, JD, IDSA's director of public policy at 703–299–0200.

Sincerely,

W. MICHAEL SCHELD,
President.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
Washington, DC. March 28, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the nation's more 260,000 professional fire fighters and emergency medical personnel, I reluctantly must urge you to vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, under suspension of the rules.

While we strongly endorse the need for a comprehensive smallpox vaccination program, H.R. 1463 contains a number of significant deficiencies. Considering this legislation under suspension of the rules will prohibit amendments from being offered to address these concerns.

As currently drafted, H.R. 1463 fails to adequately provide for education and screening of the workers who are being asked to receive this vaccine. As the recent death of two nurses demonstrates, the vaccine should not be administered to certain people. While H.R. 1463 addresses compensation for people who die from the vaccine, it does not contain adequate safeguards to prevent those deaths from happening in the first place.

In addition, we have concerns about the compensation package contained in H.R. 1463. The legislation appears to have been crafted to serve as a supplement to workers compensation, but it is far from clear that workers compensation would cover injuries stemming from the vaccine. Because the smallpox vaccination program is a voluntary program, state workers comp systems may deny benefits.

For these and other reasons, we believe the House should consider improvements to H.R. 1463. We therefore urge you to vote against H.R. 1463 under suspension, so that the House may have the opportunity to debate and consider amendments to the proposal.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, with a long history of concern and investigation into the vaccine policy of this Nation.

Mr. WAXMAN. Mr. Speaker, I thank my colleague very much for yielding me time to speak on this issue, and I do so with a great deal of regret because on the House floor today we should be backing a bill on a bipartisan basis without any dissent because, whether one is a Democrat or a Republican, all of us want to encourage people in the health care and first responder community to get the vaccination for smallpox so they can be of service to all of us should, God forbid, there be a smallpox attack.

I am forced now to rise in opposition to this bill, and I want to point out that the bill is on the suspension of the rules, which is ordinarily reserved for noncontroversial matters. As a matter of fact, this bill is very controversial. It should have been debated and considered under the rules of the House. That would have given Members an opportunity to put forward alternatives so that the Members of the House of Representatives could listen to a debate and make choices on policies.

Instead, what we have is a suspension calendar being used to close off any opportunity for amendments, to prevent alternatives from being put forward so our colleagues who have been duly elected in 435 districts in this country, could have the right to choose what they thought was the best policy. This suspension of the rules procedure is nothing more than a gag to prevent Members, Democrats and Republicans, from being able to make choices, which is what they were elected to do.

The reason I oppose this bill is substantive. This bill will not adequately compensate nurses, firefighters, police officers, and other first responders who are injured by the smallpox vaccine, a vaccine that they take voluntarily in order to make sure that the country is prepared for a bioterrorist attack.

We have tried to work with the Republicans to craft legislation that all of these groups can support. However, the Republicans were unwilling to agree to a meaningful compensation program and have put forward H.R. 1463, a bill that is opposed by every one of these groups.

The issue of how to compensate people for smallpox vaccine injuries is only hard if someone decides to make it hard, and that seems to be what the House Republican leadership and the Bush administration have done. The science is not hard. For every million people who are immunized against smallpox, one of two will die and 10 to 20 will become severely ill or disabled.

The policy is not hard. If people get injured in the line of public duty, the public should compensate them, and the administration has asked nurses and firefighters and other first responders to take smallpox shots, not for their own good, but to protect all Americans in case of a bioterrorist attack.

The substance is not hard. A compensation program should be clear about what it covers. It should provide decent benefits if someone is disabled or killed, and it should have guaranteed funding.

The law is not hard. We have a successful program of no-fault compensation for children who are injured by vaccines. We have programs for Federal workers and even Federal volunteers who are disabled or killed. We even have a program for compensation of people hurt or killed on September 11, 2001.

The budgeting is not hard. If every nurse or firefighter got the average award from the September 11 fund, which they will not, we would only be committing $18 to $33 million per million vaccinations. At most, that is 400ths of 1 percent of what the administration has requested for the war.

The process is not hard. If there is honest disagreement about legislation, which there is, then the House should be allowed to debate amendments and make choices. This should be an easy one, but the House leadership and the administration are making it very hard.

H.R. 1463 includes a lifetime cap on wage assistance for injured first responders and their families. This means that the families of nurses or other first responders may have to fend for themselves without a bread winner after just a few years of compensation. The lump-sum payment offered by H.R. 1463 is clearly inadequate for death or permanent disability for a nurse who has a family to support.

A second problem is that H.R. 1463 requires that funding for the compensation program be subject to the uncertainties of the appropriations process. A guaranteed funding stream is a linchpin of a successful and meaningful compensation program. Without it, Congress is making a promise that it may not keep.

A third problem with this legislation is that it limits eligibility for compensation for those people who are vaccinated within a short time period after the implementation of the program. This provision is not only vigorously opposed by all of the groups being asked to take the vaccine but also by the State and local officials running the vaccination program.

I genuinely do not understand why the House leadership and the administration have decided to draw this line. The smallpox immunization program is not working. Everyone agrees that one of the reasons that there is not a compensation program in place to reassure nurses and firefighters and other first responders, that if they are injured by the vaccine, they and their families will be provided for, and the representatives of those organizations agree that the Republican bill is not enough to reassure their members.

Those same representatives agree that the proposals made by the gentlewoman from California (Mrs. CAPPS) and some of the others of us who were working with her will succeed. It is very disappointing that the legislative process has been cut short and that the gentlewoman from California (Mrs. CAPPS) has been denied the chance, even the chance, to offer her amendment.

Why are the leadership and the administration making this so hard? I do not have an answer to that question, but I do know what we need to do next. Let us defeat this bill, negotiate a reasonable one, and then move on to the genuinely tough problems facing our country.

I would like to respond to the comparisons of H.R. 1463 with the Public Safety Officers Benefit program. This was alluded to by the gentleman from Louisiana (Mr. TAUZIN). This is a false comparison. The Public Safety Officers Benefit program is meant to supplement what police officers and others receive when injured in the line of duty. There are many other State and local programs that also provide compensation.

In contrast, H.R. 1463 is the sole source of compensation for many health care workers and their contacts who may be injured.

□ 1430

And let me emphasize that point. It is not just the first responders who may be injured, but the family members who may be injured as well, by the vaccine taken by the nurse or firefighter or police officer, because they can be subject to injury by exposure to the person who has been immunized.

A true comparison would compare H.R. 1463 with other compensation programs. By a true comparison, H.R. 1463 is clearly not adequate. This bill provides far less than benefits provided to Americans injured by childhood vaccines in the National Vaccine Injury Compensation Program. H.R. 1463 provides far less than what Federal employees receive, civilian or military, if injured under the Federal Employee Compensation Act. And H.R. 1463 also provides far less than what Members of Congress can get if injured or disabled.

If it is good enough for Members of this body, we should not hesitate to provide it to those Americans on the front lines of any bioterrorist attack who are protecting all Americans. We are subject to compensation without caps. We ought to do the same for those who are standing up for all Americans should there be a terrorist attack of smallpox.

People have told us they need to have a program that will counsel them and educate them, because some people should not be immunized at all. But there is no such provision for that kind of screening mechanism, an educational effort in the Republican bill, even though it would save money because people would not be immunized if they knew they might be at a high risk. And people have told us that if they are going to be asked to be at risk, we ought to stand behind them. The Republican bill does not stand behind these first responders.

This should be negotiated on a bipartisan basis, or at least let the House work its will. I urge our colleagues to vote against this H.R. 1463, defeat it on the suspension calendar and insist that we go back and work on legislation that will accomplish the purpose that all of us have in mind in providing legislation for such a Smallpox Emergency Personnel Protection Act.

Mr. Speaker, I wish to provide for the RECORD two letters, one from the Service Employees International Union and one from the American Federation of State, County, and Municipal Employees, which I think further elaborates on this issue.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), including over 360,000 health care workers and first responders, we are writing to urge you to oppose H.R. 1463, introduced by Representative Richard Burr and scheduled on the suspension calendar for Monday, March 31.

H.R. 1463 would establish a deeply flawed smallpox compensation program for health care workers and first responders injured by the smallpox vaccination. However, this legislation fails to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the bill fails to address the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families.

While the Administration had hoped to vaccinate up to 10.5 million workers, only about 21,000 workers have been vaccinated thus far. Clearly, there has been a great reluctance among health care workers and first responders to risk the loss of health and income without an adequate safety net for themselves and their families. While the legislation is premised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears at all certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers in most states who are permanently and totally disabled will be eligible only for this bill's maximum lump sum payment of $262,100. This represents about five years' wages for the average nurse—not enough to sustain an individual or family over a lifetime. For a worker who suffers partial or temporary disability, the benefit is also capped at $262,100 over a lifetime. Health care workers and first responders who suffer injuries that limit their ability to earn a living must be compensated at a level that reflects their reduced earnings capability for the duration of their injury. If the aim of the legislation is to encourage workers to be vaccinated, H.R. 1463 will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that they will not face economic ruin should they become injured.

While the bill provides medical benefits for the treatment of injuries or illnesses, it does not provide medical benefits for rehabilitation, palliative care or long term care that may be needed. This is a significant gap in health coverage for workers asked to risk their health.

Another significant flaw in the bill is that funding for compensation and medical benefits are not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not require that health departments make medical tests, such as pregnancy tests, available to workers in order to screen out those who ought not to be vaccinated. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications, similar to the military plan. There is also no funding for state and local public health departments to carry out this expensive program safely.

The legislation also fails to include a table of injuries that ensure that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific time periods, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

We also object to the bill's requirement that workers receive the vaccination within 180 days of the date regulations are issued. Any worker that is vaccinated under the Secretary's declaration must be eligible for federal compensation. It is punitive to deny compensation to a worker who opts to participate at a later date.

H.R. 1463 is deeply flawed. We strongly urge you to oppose this bill.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.5 million members of the Service Employees International Union (SEIU), including over 750,000 health care workers and first responders, I am urging you to vote against H.R. 1463 because it fails to provide adequate protection to frontline workers who are volunteering for the smallpox vaccination program. The bill, introduced by Representative Richard Burr, is expected to come before the House for a vote as early as Monday, March 31, and will be offered under suspension without providing an opportunity to vote for a stronger bill.

Since the Administration first announced the civilian voluntary smallpox vaccination program, SEIU has worked to protect health care workers, first responders, their patients and the public through aggressive education, medical screening, and surveillance, and to ensure they would have access to a good compensation program. Now that three people have died and others have experienced cardiac-related problems in the days after their inoculations this only reinforces the critical need for a comprehensive program—which this legislation does not provide.

We understand the urgency of the program, especially in this time of war. But at the same time, frontline workers who respond to the call to protect other citizens in a time of national crisis deserve the same protections being provided to our military. To address the serious gaps in this plan, it is incumbent upon Congress to develop bipartisan legislation that encompasses the following issues:

Aggressive medical screening, monitoring and treatment—The legislation must provide for a program to screen out workers with any and all contraindicaions. Additionally, medical surveillance is essential to assess the program's effectiveness and ensure that any adverse reactions are treated before they become life threatening, as evidenced by the recent reports of heart related problems.

Adequate compensation—Already, there has been a great reluctance among health care workers to risk injury and loss of income without an adequate safety net for themselves and their families. Any compensation package must be retroactive and cover anyone who suffers a serious reaction as a result of the vaccine, as well as those injured through close contact with a vaccine recipient.

Ful accountability—Thorough investigation of, and full disclosure of adverse events under both the military and civilian plan must be reported immediately, and organizations representing potential vaccine recipients deserve notification along with the news media.

Guaranteed funding—There must be mandatory funding for the compensation program to ensure money is available to compensate those who have been injured or died as a result of the vaccine. As was recently recommended by the Institute of Medicine, there must be a clear commitment that adequate funding shall be provided to the states to implement education, screening, and medical surveillance through the emergency supplemental for Homeland Security needs.

It is absolutely critical that this nation's vaccination plan does not pose increased risks to the American people. We believe the program should be suspended until there is good legislation that ensures these safeguards are in place. Please vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, and take immediate action to support stronger legislation that will truly protect health care workers, patients, and the public.

Sincerely,

ANDREW L. STERN,
International President.

Mr. TAUZIN. Mr. Speaker, I yield myself 2 minutes to briefly set the record straight.

There has been extraordinary negotiations with the minority on this bill, over 2 weeks of it. The administration brought this bill to us as an emergency. It called upon us immediately to give authority to provide these benefits to people who would volunteer to vaccinate American citizens in the event of an attack of smallpox in this country, which could come at any time, as we know, particularly as hostilities are engaged in the Middle East and Iraq.

It brought it to us as an emergency and we took over 2 weeks to negotiate. And we negotiated over a dozen changes, I am told. The most important change we made was to bring up that disability cap from $50,000 a year, that out-of-work cap, to the same level we provide for policemen and firemen in this country. And, Mr. Speaker, I would say to the gentleman from California (Mr. WAXMAN) that this is a supplemental program, just as that program is. It is on top of. It is full secondary coverage of medical benefits with no deductibles. That is a lot better than most plans. It is primary lump sum disability and death benefit that, under the Federal Public Safety Officers and Employees is equal to $262,000. It is secondary coverage for temporary and partial disability from $50,000 a year, again we raised it from the administration provision, all the way up to the $262,000 level. It is on top of disability benefits under Social Security; on top of the benefits available in the State Employee or Private Disability Benefits, and we still preserve the right to sue in Federal torts claim court.

Doggone right we are behind those volunteers. Doggone right this is an emergency. But we took 2 weeks, and I took it with a great deal of pain on my conscience because I thought every night, when we were negotiating this thing with our colleagues over here, I thought every night, what happens if tomorrow we get hit and we have not passed this bill yet and we do not have enough volunteers out there to vaccinate all of America. What happens if every day I take negotiating with the other side is a day we put our country at risk. And I suffered every night with that thought for 2 weeks. We have negotiated this bill to a point that it ought to get passed today.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in support of H.R. 1463, the Smallpox Emergency Personnel Act of 2003.

I will just add, in light of the comments made by the chairman, that I come to this body as a physician and I likely, myself, will take this vaccination to become a first responder.

Mr. Speaker, H.R. 1463 is a meaningful first step toward ensuring the broadest acceptance of the President's call for voluntary vaccinations by public safety personnel. In my home State of Texas, to date, only 1,700 first responders have been vaccinated for smallpox. Of this number, Texas health officials report that there have been no adverse reactions to date.

A number of factors can be attributed to the slow roll-out of this vaccination campaign, but one of the major factors involved is first responders are hesitant to take a vaccine with potential side effects. We must be very clear about the current vaccination campaign. Different people react to different medications differently. A great majority of those who will receive this smallpox vaccination will have no reaction at all. A handful, however, could face complications. Some of these may be as minor as a rash. A small percentage of that number could face more serious health complications, such as postvaccinial encephalitis or endocarditis.

H.R. 1463 will ensure that a broad safety net is available for those very few individuals that may suffer from an adverse reaction to the smallpox vaccine. Under this bill, first responders are provided with death and disability benefits comparable to the benefits police officers and firefighters already have access to under the Public Safety Officers Benefit Program. First responders who have an adverse reaction could also qualify for lost employment income benefits, coverage for medical expenses, and certain liability protections. H.R. 1463 will give first responders peace of mind to do something that will protect all Americans.

First responders are on the front lines of our war against terrorism and play a vital role in the instance of a terrorist attack. Our enemies have shown us that they will go to any length to kill innocent men, women and children. If they ever obtain a weapon as horrifying and as devastating as smallpox, let there be no mistake, there will be no hesitancy that they would use it. However, if they were able to employ such a weapon, American first responders will have a greater ability to protect all of us if they have already been inoculated from this debilitating and life-threatening disease.

Americans are counting on our health care professionals to be vaccinated against smallpox. By vaccinating these important first responders, we will be able to contain a potential outbreak and save thousands of lives. Americans are looking to the House of Representatives for leadership on this issue. For that reason, I urge my colleagues to protect first responders and give them the peace of mind to protect all of us.

Mrs. CAPPS. Mr. Speaker, could I inquire what time remains?

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Mrs. CAPPS) has 14½ minutes remaining and the gentleman from Louisiana (Mr. TAUZIN) has 6½ minutes remaining.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume to say, with all due respect to my chairman, for whom I have a great deal of respect, that I commend him for his sense of urgency about the timing of this. The first responders, my colleagues who are nurses, have told us that they want confidence before they are going to roll up their sleeves and take this vaccine, and that this bill does not give them the confidence and that is why we stand in opposition to this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN) for a response.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

The administration has asked people to take this immunization in the health care area and first responders have not been doing it. One of the reasons, according to the Institute of Medicine, is because they do not feel that they are going to be backed up by the government when they take the risk of some adverse event.

Now, I want to point out to my good friend, the gentleman from Louisiana, the chairman of the committee, that he should not personalize this whole matter and have it on his conscience that we cannot pass this bill today. Of course, this could have come under the rules and we could have had opportunity for amendments to consider. But I want to point out that we asked for smallpox compensation as part of the bioterrorism bill in 2001, we asked for smallpox compensation as part of the homeland security bill in 2002, we formally requested an administration proposal in December 2002, and we proposed our own bill in February of this year. Only in March, 2 weeks ago, did the majority respond. And now, of course, it is take it or leave it. Take it or leave it. That is what we are being told.

This is a bad policy and a bad process by which to protect the public health. We had negotiations by staff. It might have helped for Members to sit down and talk this through. And if Members and staff cannot agree, then we have committees and subcommittees to consider the details of legislation. And if it is too urgent for committees and subcommittees to act after all this time, at least let the House consider a bill and consider various alternatives.

I think we are now engaged in a very bad process, and I think that we are being asked to take very bad policy that is going to be self-defeating. Because if many of the nurses do not want it, and the firefighters do not want it, and the police members do not want it, and other first responders do not feel it is adequate and they are not going to be compensated, then we are not accomplishing the goal that we should for all of us.

The SPEAKER pro tempore. The Chair wishes to inform the House that he misspoke in response to the inquiry of the gentlewoman from California (Mrs. CAPPS). There was 4½ minutes remaining, not 14½ minutes. I apologize to the gentlewoman.

Mrs. CAPPS. Could I beg of the Chair to consider then, because I was generous in yielding to my colleague, that we be given more time, because we have several people who still wish to speak?

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent, and I hope the gentleman on the other side will appreciate this since we were misinformed on the time, that we be given an additional 5 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. TAUZIN. Mr. Speaker, reserving the right to object, why do we not take such time as the gentleman consumed. I think the gentlewoman yielded the gentleman 2 minutes. And what time did the gentleman just use, Mr. Speaker?

The SPEAKER pro tempore. Two minutes.

Mr. TAUZIN. Mr. Speaker, I would suggest, instead, that we add an additional 2 minutes to each side, in fairness.

So, Mr. Speaker, I ask unanimous consent that each side be granted 2 additional minutes to make up for the inaccurate call of the Chair.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. That may well work, but again we have another example of trying to say no more than a certain amount. And it may be adequate, but let us be generous to our colleagues and let us be generous to the first responders.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I will be happy to just object and not have any extension, if the gentleman wants to argue about a couple of minutes.

The SPEAKER pro tempore. Objection is heard.

Mr. TAUZIN. Otherwise, I ask unanimous consent that each side be accorded 2 additional minutes to make up for the error of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Each side will have an additional 2 minutes.

Mrs. CAPPS. Mr. Speaker, could I now inquire how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from California (Mrs. CAPPS) has 4 minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 8½ minutes.

Mrs. CAPPS. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

□ 1445

Mr. COX. Mr. Speaker, we are here in extraordinary circumstances, rushing this legislation to the floor as we must, because we are facing an emergency. We have got to provide compensation to those workers who may be injured or killed by the smallpox vaccine. The Committee on Energy and Commerce, of which I am proud to be a member, has done very, very important work to bring this bill to the floor in these emergency circumstances. The Committee on Homeland Security, of which I am also the chairman, has an abiding interest in making sure that our first responders are capable of dealing with crises such as this. If smallpox is used against American citizens as a weapon, we have got to be prepared and we have to be sure that the first responders do not themselves become weapons, because even though they are not manifesting the symptoms they are spreading the disease.

Smallpox spreads so fast that it is estimated it will kill at least 30 percent of its unvaccinated victims. Immunity is suspected to have waned among people who were vaccinated before smallpox was thought to have been eradicated in the 1970s. Like many of the Members of this Chamber, I am such a person who has had such a vaccination. Yet I am probably not protected.

Once contracted, smallpox incubates for 10 to 12 days, causing fever and nausea. As the symptoms abate, the victim becomes infectious but does not develop the tell-tale rash for another 2 to 4 days. That is why it is so important that these first responders be protected.

As we speak, there is no cure for smallpox. The vaccine we have works well before exposure, but evidence of post-exposure efficacy is only anecdotal. That anecdotal evidence points to the vaccine only working if the victim is inoculated within 4 days of contact with smallpox.

Our strategy to counter a smallpox attack depends on our first responders having already been vaccinated. It is going to be hard enough for public health officials to react within the necessary window of time. Administering the vaccine after the detection of a smallpox outbreak to a mobile American public with little or no immunity will cause immense problems. Doing so when first responders are not already themselves protected against smallpox could prove impossible. So far, only 20,000 nonmilitary personnel have been vaccinated. That is not nearly enough.

Taking the vaccine means taking a risk. Therefore, we must reassure our health care workers and our first responders that we understand this risk and we will stand by them. That is why I support the gentleman from North Carolina's vaccination compensation legislation, that is why I support putting this legislation on the floor in this emergency circumstance as we have, and that is why I support the leadership of the gentleman from Louisiana in bringing this to a quick and hopefully positive vote.

Mrs. CAPPS. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Ohio (Mr. STRICKLAND), a member of the Subcommittee on Health.

Mr. STRICKLAND. Mr. Speaker, I am truly puzzled at the leadership on the other side. We are told that the administration sent this bill over here as an emergency. Yet I think they know that this bill is likely to be defeated because of the way it is being dealt with. If it is an emergency, ought we not to work together so that we can pass a bill? What is happening here today will result in the delay of this bill being passed.

The chairman of our committee says, of course, we are for the volunteers and I believe he is sincere. But if we are for the volunteers, why do we not listen to the volunteers? In the first 2 months of the administration's smallpox vaccine program, only about 25,000 of a planned 450,000 health workers have received the vaccine. Last week, three people died from heart attacks after receiving the vaccine, two health workers and a 55-year-old National Guard member. All three people had risk factors for heart disease, although it is not currently known whether the vaccine caused the heart attacks.

As a result of these challenges, a compensation program is needed, but these health care workers, these first responders are worried that the bill before us will not adequately provide for education and screening of the workers who are being asked to take the vaccine. If we screen the people who are at risk, we may save their lives and we can save money.

I am disappointed. I think we all know this bill is likely to go down to defeat, and unnecessarily so. Let us work together in this House. If not on this bill, what bill can we ever work together on?

Mr. Speaker, I include for the RECORD three letters, one from the International Union of Police Associations, one from the American Public Health Association and the other from the American Federation of Teachers in opposition to the administration's plan.

INTERNATIONAL UNION OF POLICE
ASSOCIATIONS AFL–CIO,
Alexandria, VA, March 27, 2003.

Hon. TED KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the International Union of Police Associations, AFL–CIO, representing law enforcement professionals from more than 500 agencies across the country and in Puerto Rico, I am writing to voice our concern regarding the Smallpox Compensation Program currently being debated in the House.

We urge you to work to ensure that this legislation will provide the security demanded and deserved by our first responders who elect to take the smallpox vaccine in order to better serve a nation at war. We hope this would include crucial screening and education for both the emergency personnel and their immediate families.

A mandatory funding provision is also needed to ensure that the varying states' workers' compensation laws will not withhold compensation based on the fact that the vaccination is voluntary.

We also believe that there should be no five-day waiting period for compensation benefits. Furthermore, we hope to see some protection for those who elect not to take it.

We are asking more and more of those health care and public safety workers on the front lines of our nation's homeland security efforts. Providing them with ample security should they become disabled in their duties is critical, necessary, and is clearly and simply the right thing to do. I applaud your efforts to correct the deficiencies in this proposed legislation and will be privileged to assist you and your staff in these efforts.

Respectfully,
DENNIS SLOCUMB,
International Executive Vice President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 30, 2003.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA), representing more than 50,000 members from over 50 public health occupations, I urge you to oppose the H.R. 1463 in its current form and work to strengthen this legislation before it is brought to the house floor for a vote.

APHA strongly supports legislation to address current impediments to the national smallpox preparedness effort, including lack of compensation for those who become injured, ill, disabled or die; protections from liability for volunteer vaccinators and health systems; and adequate federal resources to enable public health systems to implement a smallpox vaccination program safely and effectively.

We are concerned that the current proposal before the House of Representatives fails to include a number of essential elements of a workable compensation program that will adequately protect volunteers and help to assure a successful program.

We respectfully suggest that the proposed legislation be strengthened in the following ways:

1. The compensation program should be financed by a mandatory funding source. It is important that volunteers who are injured, ill, disabled or die are assured that the protection they expect from a compensation program will be realized. We learned a clear lesson from the Radiation Exposure Compensation Act (RECA) Trust Fund when earlier this decade appropriations to the fund were not sufficient to pay claims and hundreds ill from Cold War-era exposure to radiation were left with IOUs. We have also learned in recent weeks that we have more to learn about the effects of the smallpox vaccine. Reports of heart inflammation and failure in possibly connection with the vaccine warn us that we must not have all the information at present to make an appropriate judgment about the amount of appropriation it will take to ensure that compensation can be guaranteed. Those first responders who volunteer to be vaccinated deserve to be assured that adequate compensation will be available for them.

2. Payment for illness, injury, disability, or death should include compensation for all lost wages, taking into account an individual's projected future earnings. Volunteers and their families should be confident that should they become unable to work due to disability they will not have to lose their income for future years, jeopardizing the income security for themselves and their families. In the rare case of death, family members, including children, should not be left uncompensated because of a loved one's sacrifice to protect others. Death and disability benefits should not be reduced by wages replaced before death or disability occurs. Compensation should be 100%, begin without delay, and should not be subject to a cap.

3. Volunteers should be compensated for adverse events regardless of the date on which they received the vaccine. Imposing an artifical time period in which one must volunteer is contrary to the goal of the vaccination program. Success should not be measured on the numbers vaccinated a specific period of time but rather, on whether at any given time we have a sufficient cadre of vaccinated first responders across the country. Speed should not be our measure—safety should. As we have seen from the start of the program, any number of barriers may result in extending the time in which we expect vaccinations to occur, including unexpected new possible complications from the vaccine. Establishing a set time frame for vaccination eliminates adjustments needed for unanticipated events.

4. Adequate Funds are needed to ensure that state and local health systems are prepared. Any proposal should recognize the need for additional funds to state and local health departments and health systems to implement the smallpox program. Current funds for bioterrorism preparedness efforts

have been largely spent and obligated. States and localities and health systems are preparing for a broad array of potential threats in a time of great budgetary strain and increased demand for services. The recent outbreak of Severe Acute Respiratory Syndrome (SARS) is but one example of how public health is required to serve a dual role, protecting Americans from the latest emerging infectious diseases, the leading causes of death such as chronic diseases, and preparing for intentional acts of biological terrorism or war.

Resources are needed to ensure that the important smallpox preparedness program can proceed without shifting resources from other bioterrorism preparedness requirements and while maintaining our important programs to protect Americans from everyday health threats.

Again, we commend you for recognizing the importance of this legislation, we urge you to do it thoughtfully, and we remain ready to implement the smallpox preparedness program safely, efficiently and effectively.

Sincerely,

GEORGES BENJAMIN, MD. FACP,
Executive Director.

AMERICAN FEDERATION OF
TEACHERS, AFL-CIO,
Washington, DC, March 28, 2003.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1 million members of the American Federation of Teachers, including more than 65,000 healthcare professionals, I urge you to vote against considering H.R. 1413, the Smallpox Emergency Personnel Protection Act, under suspension of the rules. This procedure will prevent the House from consideration of the Capps-Waxman substitute, which is vastly superior to the Administration's proposal, H.R. 1413. Capps-Waxman provides increased education and screening, as well as a realistic compensation package for those who suffer a serious adverse reaction.

As you know, most workers have refused to participate in the smallpox inoculation program. Most believe there has not been sufficient information about the need for immediate vaccination. Further, there are serious doubts about the efficacy of existing education and screening programs, as well as the lack of a federal compensation program for healthcare volunteers and innocent victims who may suffer adverse reactions.

Since last fall, healthcare unions and other organizations have been working to develop a bipartisan program that would address these issues. Our proposal is based on the existing Department of Defense smallpox program, as is the Capps-Waxman substitute. The Administration's proposal that is being rushed to the House floor does not provide the same protections that are offered in the Capps-Waxman substitute.

EDUCATION AND SCREENING

The need to increase the education and screening of volunteers is clear. This requires additional funding. The Department of Defense's comprehensive education and screening program, for example, screened out 30 percent of those who were to be inoculated. The recent death of two nurses and the serious adverse reactions of others demonstrate the limitations of the existing program, which continues unchanged under H.R. 1413. Screening out those who are counter-indicated is essential to prevent adverse reactions and to protect healthcare workers who volunteer. The Capps-Waxman substitute addresses this critical need by providing additional funding for our public health agencies that are responsible for this program to assure complete education and screening. The Administration proposal does not.

COMPENSATION

Since the smallpox program is a voluntary federal program, injured individuals should be compensated by the federal government for the cost of both medical treatment and lost wages. The Administration's proposal seems to assume that there is adequate wage compensation through the workers' compensation system. Unfortunately, we have found only 14 states that can assure workers that they will be covered under workers' compensation. The remainder of the states are not sure that this program is "work related" since it is voluntary. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. Also, many workers or innocent third parties are not covered by health insurance or may be subject to health insurance exclusions; therefore, full federal health insurance coverage for medical treatment is essential. While the Administration bill does cover health insurance, its restrictive definitions on disability and caps on financial benefits do not assure necessary wage replacement. The Capps-Waxman substitute includes necessary federally financed healthcare and provides the victims lost wages for the duration of the disability caused by an adverse reaction.

The bottom line is that a reasonable compensation program for adverse smallpox reactions should provide federal compensation for full medical coverage and adequate wage replacement. There should be no exclusions from this coverage, such as the five-day waiting period in the Administration program. This five-day exclusion is a major concern of many of our members. Further, restrictions in the Administration's proposals, such as capping benefit payments and using the 180-day rule forcing workers to choose to get the vaccination or forgo compensation, are unacceptable. The Capps-Waxman substitute satisfactorily addresses these issues.

Finally, this new program must be mandatorily funded and include a table of injuries in the statute to ensure workers get compensation, a provision in Capps-Waxman and not the Administration legislation.

Unfortunately, under the suspension of the rules procedure, the House will be precluded from addressing these issues. Our nurses, other health care workers, and first responders are dedicated professionals and will not shirk their duties to help the public. However, they deserve the best screening, education, and compensation program for volunteering to receive this potentially dangerous vaccine. They deserve a vote on the Capps-Waxman substitute.

On behalf of the American Federation of Teachers, I urge you to oppose consideration of H.R. 1413 under suspension of the rules and demand a vote on the Capps-Waxman substitute.

Sincerely,

CHARLOTTE FRAAS,
Director, Department of Legislation.

Mrs. CAPPS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, who opposes this bill? The nurses, the police, the fire, the Public Health Association of the United States. They all oppose it. These are the health care heroes in our country. The reason that legislation is so important is that these people are going to be asked to put their lives on the line. They are the first responders. How busy are we that we can give them 20 minutes of debate, each side having 20 minutes to debate their fate? How hard would it be for us to have worked all day Friday to allow amendments to have been made that represents what the teachers, what the nurses, what the doctors, what the police and what the fire want for protections? How hard would it have been for us to have worked all day today if there is an emergency? Do we not as Members of Congress owe to these heroes working on a Friday and a Monday so we can debate what their needs are?

Then why is it important? It is important because the adverse reactions from the smallpox vaccine are a real concern. This bill coerces volunteers to be vaccinated within 180 days after the regulations are issued or they lose their rights to lost wages and to disability payments and even to death payments. They lose them. A pregnant nurse has only 180 days to be vaccinated after her baby is born.

This is wrong. Vote "no" on this bill. Let us have a full debate on the House floor with amendments.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time.

I stand here with my colleagues in opposition to this bill, drafted by the leadership with a kind of arrogance that presumes to know what is best for our first responders than they themselves know. With their testimony, with their letters, with their anguish, they implore us to give them the confidence that they need if they are going to be asked to take a risk to become a part of the shield to protect this Nation against terrorist attack.

We need to defeat this legislation for them so that they can have confidence in this House that we can do what is right, not just for them but for our Nation in this time of peril. And so I will close by using some of the language of my colleague, the ranking member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL) who says in his written statement, "Right after we defeat this bill, I hope that we can set about the task of creating bipartisan legislation that all Members of the House can support. The very people this bill purports to help, nurses, EMTs, police officers, firefighters, find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns."

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of my time.

Let me address the two principal objections to this bill. The first is that some of the first responders would like more coverage. They would like more coverage than we currently provide for police officers and firefighters who take the chances to go out and fight fires and sacrifice their lives, to go out and fight the criminal elements on the street and take the bullets and sometimes die and sometimes end up disabled and have a lifetime of lost wages. They would like to have more benefits than those individuals. But this is not a management-labor union discussion. This is an emergency. When the other side asked for time, for 2 weeks to work with us in a bipartisan fashion to up the benefits comparable to what police and firemen have, we did that. It is now in the bill.

The other objection they raise is that, well, this is not due process. We have taken this bill to the floor under suspension. We are not taking it through all the committees of jurisdiction. How many committees claim jurisdiction on this bill, Mr. Speaker? Let us start with the Committee on Education and the Workforce. We heard from the chairman who instead worked with us cooperatively to get this bill to the floor. Judiciary could have a claim on this bill. Judiciary worked with us cooperatively to get this bill to the floor. Appropriations could certainly have a claim on this bill, but they have worked with us to get this bill to the floor.

Why have all the committees worked with us to get this bill to the floor without all the markups and all the committees that might have jurisdiction on it? Because they know the emergency. They understand how important it is to get this bill done and signed by the President immediately. We have all been briefed. We have all been briefed about the danger of smallpox terrorism. We have all been briefed about how easy it would be for a country like Iraq, which we know probably has smallpox virus, to slip it into this country, to expose someone and then begin exposing our general population. They know that in 2 weeks, everyone once exposed becomes a carrier and exposes more people and that second- and third- and fourth-generation exposure occurs and we lose 30 percent of the population of America potentially. They know the danger. They know the emergency. Every committee has cooperated with us.

For 2 weeks we negotiated with the other side, a fair negotiation to get this bill in a way that you could accept it. We made a dozen changes, raised the amount of the benefits, changed the percentages to 75 percent for those with dependents. We built a program as good as any program for anyone in the Federal service, and we built it as good as the policemen and firemen.

But that is not enough. Enough is never enough. But we do not have time to quibble about what is enough here. Do not come to this floor saying that no one supports this bill in the health care community. Let me read to my colleagues the supporters: The American Hospital Association, people who will be on the front line taking care of all these people infected with smallpox if we are not careful; the American Medical Association, the doctors who have to deliver the care; the American College of Emergency Physicians who are going to meet every sick person coming in with smallpox to an emergency room; the Alliance of Specialty Medicines, representing 160,000 physicians, among many others who support this bill.

This is an emergency. The administration, the Homeland Security Office, have told us we need to give this benefit to those people who will volunteer to take this vaccine to protect themselves and then to protect us. No one is coerced to do this. This bill does not mandate a single person take the vaccine. It simply gives the same rich mix of benefits to those who will volunteer to take this vaccine and protect the rest of us, to be ready to go into action to prevent the second- and third- and fourth-generation exposures that could wipe out so many in this country. It simply says to them, if you volunteer, we give you this coverage. If you volunteer, if you want to be one of those who serve this country in this special way, you get the benefits of this bill.

This bill needs to get passed now. It is an emergency. That is why it is on suspension. We ought to have the courage to pass it. If it does not pass today, it is only because somebody on the other side thinks enough is never enough and you want to quibble about numbers when the country is at stake.

Mr. Speaker, this bill ought to get passed. It needs to get passed now.

Mr. HOLT. Mr. Speaker, on September 11, 2001, as thousands fled over lower Manhattan during the terrorist strikes, many ran towards the burning buildings.

These brave men and women were first responders—the police, firefighters, and emergency medical personnel who risk their lives every day to protect their fellow citizens.

It would seem like the least we could do for them would be to not only applaud their efforts, but also provide them with support they need so they can do their jobs even better.

Unfortunately, this Congress has found it appropriate not to support, but to shortchange these everyday heroes.

A month and a half ago, we finally managed to pass the FY03 spending bill. Many of us here in this body sought to add vital funding for first responders, but we were denied. Our first responders were denied.

Today, apparently, this body is poised to again deny our first responders—in this case, the men and women who will first respond to the unthinkable: a smallpox attack.

The need for the president's smallpox vaccination program is questionable, but now that the program exists, there is no doubt that we need to address compensation for those who volunteer for and are injured by the vaccine. In terms of negative side effects, this vaccine—essentially the same as the original developed in 1796—is perhaps the most dangerous one we currently have. In this most initial wave of vaccinations, we have already seen several serious injuries and even a few deaths possibly attributable to the vaccine.

That is why adequate compensation for vaccine injury is so crucial. Our first responders want to know that if they take the brave step of volunteering for the vaccination and get sick or die, they and their family will be taken care of.

The absence of a good compensation program has doubtless contributed to the snail's pace that the president's vaccination program has taken. Only 25,000 of the 500,000 in the "initial wave" of healthcare workers have actually been vaccinated.

The bill before us will not assure these workers that they will be adequately compensated. The lifetime cap of $262,100 is small change for someone who is permanently disabled.

This bill also only covers workers vaccinated during a specific short time period after implementation. What kind of an incentive is this for new healthcare providers to get vaccinated in the future?

As the American Nurses Association has written, "the bill does not provide adequate education, prescreening, surveillance, and compensation."

Mr. Speaker, I have been working in this Congress to show my strong support for our first responders. Today I will continue to show this support by voting "no."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot support H.R. 1463, the Smallpox Vaccination Compensation Act. Our nation's first responders and health care workers take risks every day in order to serve the public good. Our firefighters face the risk to their lives every time they are called to duty. Health care workers come into contact with deadly germs on a regular basis. Even now, with the threat of bioterriorist attacks upon them, they are not flinching. They are there at work, serving the public good and putting themselves in harm's way.

And now that it seems that on top of the physical risks they are taking, the Republican leadership has decided that they and their families should also shoulder the financial risk of the fight against terrorism. We are asking that they serve as a kind of barrier, protecting the American public against the horrors of smallpox. If the virus were somehow leaked into the U.S., of course we would expect our first responders to be there at the sight of the emergency, and infected individuals would end up at our hospitals. We are trying to encourage those who work on the front lines to come in and get vaccinated, so that they do not get infected and pass the virus on to their families and the public.

But the vaccination program has been an utter failure so far, because the smallpox vaccination itself also carries with it moderate danger. As scientists have been telling us, the vaccination can make some people sick, or can even lead to death in rare circumstances. Whereas the death rate can be reduced or eliminated by good education and screening of people who might be at risk for complications, some of those who are vaccinated will become ill. They may have to be quarantined;

they will miss work, perhaps for a long time. In today's economy—with medical costs what they are—this could be devastating, especially for someone with a family to support. Too many of our first responders and health workers have decided they cannot take that risk, and are asking that the Federal Government that is in charge of protecting the homeland—assume that risk for them. That seems fair enough.

The author of the bill before us today recognized the problem, and gave the bill the right name, but just didn't do a good job of matching resources with the needs out there. The problem with that is that if we don't give adequate assurances to people that they will be covered for any unfortunate episodes—they will not get vaccinated. Then in 6 months, or a year, we will find ourselves in this same situation—totally vulnerable to a smallpox attack. We cannot afford to take that risk. We must get it right the first time.

We are hearing from group after group of experts and people effected by this, saying, "Do not support this bill. It is not enough." The American Nurses Association, the Association of Firefighters, the American Federation of State, County and Municipal Employees—and the list goes on. These are not the money-grubbing types; they are humble civil servants who deserve our support. They are saying that this compensation package may not be enough to entice them to join the voluntary smallpox vaccination program. If they do not sign up, they will be vulnerable, and so will the American people.

The Democratic Capps-Waxman substitute would have gotten the job done. The Republican bill does not ensure adequate funding is available to compensate health care workers and other first responders injured by the smallpox vaccine. The Capps-Waxman substitute provides for mandatory funding for this program.

The Republican bill would pay only 66.6.% of an injured worker's lost wages with a lifetime cap of $50,000. The Capps-Waxman amendment would pay 66.6% of lost wages up to $75,000 per year for as long as the worker is disabled. Workers with dependents would receive 75% of lost wages up to $75,000 per year for as long as the worker was disabled.

The Republican bill would not compensate health care workers and other first responders for lost wages for the first five days they are injured. The Capps-Waxman substitute would ensure that health care workers and other first responders who are out of work for longer than five days would have their unreimbursed lost wages compensated from the first day they missed work.

The Republican bill provides that a health care worker or other first responder who is killed by the smallpox vaccine receives only a flat death benefit. The Capps-Waxman substitute would pay a death benefit as well as any lost wages for workers who have dependents when they die.

Finally, the Capps-Waxman substitute has a specific authorization for funding for States to educate and screen potential vaccinees. The Republican bill does not. This is a critical component. There have been several deaths recently that occurred within a week or so after vaccinations. We must at the very least provide adequate education to people we want to get vaccinated to see if they are at risk for vaccine-related disease. They deserve that.

I will vote against H.R. 1463, and urge my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, since September 11, we have begun to prepare for a number of events that once seemed unthinkable. One of them is an epidemic of smallpox, a deadly disease that we thought we had erased from the earth. The best way for us to protect ourselves against that is to vaccinate our first responders—the nurses, policemen, and firefighters that we would depend on to recognize a smallpox outbreak and quickly act to protect all of us against a disease that spreads rapidly and kills a third of its victims.

But in the three and a half months since President Bush announced plans to vaccinate 500,000 first responders, fewer than 25,000 have volunteered. In Michigan, where we had a goal of vaccinating 5,000 people, fewer than five hundred people have been vaccinated.

The smallpox vaccine has the worst record of negative side effects, including death, of any vaccine in our history. Experts estimate that one in a million people vaccinated will die, and many more will become ill, some seriously. Sadly, three people who volunteered to be vaccinated have already died.

These are sobering statistics, but it is not the personal danger that is keeping first responders from volunteering. Every day, our police, firefighters, and health care workers risk injury and death to help others. But giving them the smallpox vaccine without proper education, pre-screening, and surveillance doesn't just endanger them—it endangers all of us. When smallpox vaccination was still widespread, nearly 20 percent of infections from the vaccine came from secondary contact. And asking first responders to be vaccinated without a safety net if they become ill, are disabled, or die endangers their families and those who depend on them for support.

The Republican leadership says we don't have time to have a discussion with nurses, policemen, firefighters, and other first responders about what kind of program they need to feel safe because preparing for bioterrorism is an emergency. But if we don't have that discussion, we will have done nothing to address the emergency.

Receiving the smallpox vaccine is voluntary for first responders. First responders don't think the current program is safe, so they are declining the vaccine. That's why our current program isn't working and why after months of saying a vaccine injury compensation system wasn't necessary, House Republicans are willing to bring up a bill. But if the bill we pass doesn't make first responders feel safe, they still won't volunteer to be vaccinated, and we'll be right back where we started, except we'll have wasted a lot of time on a program we already know will be ineffective.

Wouldn't it make more sense to get it right the first time? By voting against this bill, which the International Union of Firefighters, the American Nurses Association, and the International Union of Police Associations say does not address the concerns that have prevented them from being vaccinated, I hope to give the House an opportunity to sit down with first responders and craft a workable solution. It is precisely because this is an emergency that we don't have time to pass unworkable legislation, wait for it to fail, and start again.

I regret that we did not have the opportunity to vote on a real solution tonight. I hope we can move immediately to pass a real solution, without wasting any more time on political gamesmanship.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.R. 1463. The House should be considering a bill today that responds to two basic questions: how do we encourage first responders—nurses, emergency room doctors, police, and firefighters—to volunteer for smallpox vaccinations; and second, how do we compensate them for any injury, disability or fatality they suffer in the event of an adverse reaction. Instead, the bill we are voting on—with no opportunity to amend or offer a substitute—accomplishes neither.

Last week, a 57-year-old nurse from my own state of Maryland died within 5 days of receiving the smallpox vaccine. The CDC is still investigating the nexus between the vaccine and her death. But to date, 12 health care workers who received the vaccine have experienced severe heart problems within days of inoculation, and 3 have died. These deaths and complications are sending waves of panic through the health care community.

On January 24, the President and HHS Secretary Thompson called for 450,000 first responders to be inoculated against smallpox. Today, as we come to the floor to consider this bill, the Administration has reached only 5 percent of its goal. The response has been dismal not because these workers lack dedication to public health and safety, but because they have justifiable doubts that this vaccine is safe and that if they are injured or die, they and their survivors will be compensated fairly.

Initial risk assessments by HHS did not come close to estimating the percentage of workers who would be at risk of illness or death from the smallpox vaccine. Many individuals are well on their way to heart disease, even though they have no symptoms and feel fine. Many Americans who have high blood pressure and diabetes are completely unaware of their condition.

Both high blood pressure and diabetes increase the risk for heart disease. Unfortunately, these serious problems usually don't cause symptoms until they've already done their damage. They silently harm many organs, including the heart and kidneys. Often people are not diagnosed with these problems until it is too late to prevent damage. By the time symptoms are present, the condition may be critical.

Scientific studies have indicated that for every 100,000 who are immunized against smallpox, 2 or 3 will die. But the U.S. has only immunized 29,000 persons so far, and three deaths have already occurred. Why the decrepancy? HHS's initial risk assessments were based on immunization of much younger subjects, who are at far lower risk of heart disease. But the three workers who died were all in their fifties, and the average age of nurses in our workforce is 45. Those who would be immunized under the president's plan are at much higher peril of adverse reactions.

The CDC had already announced a temporary medical deferral for persons diagnosed with heart disease, and late last week it expanded that category to include individuals with three of more "major risk factors" for heart disease, including smoking, diabetes, high blood pressure and high cholesterol. Small wonder that the participation rate among our health care workers is so low. It is likely to remain low until workers gain confidence that government has a better understanding of risk factors.

Our nation's first responders should be protected against smallpox. But a vaccination program can only succeed to the extent that government succeeds in assuring workers that potential side effects will be minimized, and that they will be treated fairly and compensated adequately in the event of illness, disability, or death.

The underlying bill fails these tests. It limits payments for lost income to any annual maximum of $50,000. There is no wage replacement for those who suffer permanently disability or death. Why would nurses, who earn an average salary of $40,000, risk their families' future for so little?

The Burr bill won't begin replacing lost wages until 5 days have passed. A national program ought to provide first dollar compensation, not last-resort coverage. The Burr bill also imposes a deadline of 180 days for workers to qualify for compensation. Those vaccinated after that time would not qualify. How can we know how long it take our States and localities to vaccinate a sufficient number of volunteers?

In addition, the bill provides no funding for education, screening, or surveillance. The National Association of County and City Health Officials has estimated that to provide pre-vaccination education and screening, and surveillance for adverse reactions would cost between $154 and $284 per person. If the Administration plans to vaccinate 500,000 workers in Phase I and another 10 million in Phase II, we are talking about a $2 billion unfunded mandate to our localities.

Mr. Speaker, our towns' and cities' budgets are already strained as they conduct other bioterrorism preparedness activities. Our localities do not have sufficient funds to prepare for chemical, biological and radiological terrorism, and more than half of our local governments have reported that smallpox and other bioterrorism planning has negatively affected other local public health services. They are delaying programs, turning down community requests, and reducing the frequency of client visits.

Mr. Speaker, we have asked America's first responders to put their lives on the line to protect the rest of us. The compensation we offer must be adequate; it must be immediate; it must be guaranteed. I believe the House is united in its appreciation of and support for our first responders. Legislation to compensate them for their illness, disability or death should reflect that level of support. I am disappointed that the bill before us does not do that. I urge the House to reject this bill and I call upon the leadership to return with legislation that will provide a meaningful compensation program for those on the front line against bioterrorism.

Ms. SCHAKOWSKY. Mr. Speaker, the Smallpox Emergency Personnel Protection Act (H.R. 1463) is being rushed to the House floor today for a vote under suspension, denying us the opportunity to amend this bill to ensure that the compensation we offer our first responders is both adequate and meaningful. I have serious concerns both about the deficiencies in H.R. 1463 and the process by which it was brought to the floor. This is an ill-considered bill that fails to provide adequate compensation for persons volunteering for the smallpox inoculation and, therefore, will undermine the very goal of encouraging first responders to participate in the vaccine program. Three recently immunized military personnel and civilian health care workers have died of fatal heart attacks and Federal health experts are investigating at least 15 more cases of possible cardiac reactions to the immunization. Given recent events such as these, the limitations of H.R. 1463 will likely result in even more refusals by first responders to volunteer for the smallpox vaccine.

H.R. 1463 fails to offer meaningful compensation, does not have guaranteed funding, and attempts to coerce first responders into getting inoculated. It will not work. That is why it is opposed by many organizations representing first responders, including the American Nurses Association, International Union of Police Associations, International Association of Firefighters, American Federation of Teachers, American Public Health Association, Infectious Diseases Society of America, American Federation of State, County and Municipal Employees, and the Service Employees International Union.

H.R. 1463 is based on the false assumption that nurses, firefighters and other first responders will be compensated by other benefit programs, such as workers' compensation and health insurance. In the case of smallpox, however, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. In fact, there are only 14 States where it appears at all certain that claims for benefits will be honored by the State workers' compensation program, based on a recent survey by the AFL–CIO. As a result, those injured by the smallpox vaccine may receive far less total compensation than other first responders currently covered by their Public Safety Officers Benefit program.

If, for example, under H.R. 1463, a 30-year-old nurse were permanently injured or killed as a result of the vaccine, she or her survivors would be eligible for a one-time lump sum payment of $262,100. This amount is equivalent to 5 years' pay for the average nurse. This is not adequate compensation for a nurse unable to work, her family or her survivors. Partial and temporary disabilities as a result of the smallpox vaccine are also arbitrarily capped with a lifetime payout at $262,100. Compensation should be provided to workers for the duration of disability or to survivors' families until the spouse remarries or the children are no longer minors. If workers are worried about their economic security, and that of their families, they for good reason will continue to be reluctant about getting the vaccination.

Although the compensation offered through H.R. 1423 is scant at best, our first responders cannot even rely on benefits offered because there is no guaranteed funding. H.R. 1423 is funded by discretionary spending and would be subject to the annual appropriations process. Funding for compensation and medical care should be mandatory spending, similar to the Vaccine Injury Compensation Program for injuries due to childhood vaccines. Workers should not have to worry each year about whether there will be an adequate appropriation to provide promised benefits and medical care.

As if lack of compensation and funding did not make this bill already untenable, H.R. 1423 attempts to coerce workers into getting the vaccine. Current workers must receive the vaccination within 180 days following the issuance of interim final regulations in order to be eligible for compensation. New hires must be vaccinated within 120 days of hire to be eligible. There is no exception in the event that the public health department is unable to meet the deadline or a worker has a temporary condition that prevents immediate vaccination, such as pregnancy or the presence of an infant at home. Smallpox vaccination should be voluntary. When legislation only allows first responders to be eligible for compensation if they are vaccinated within months of the bill's passage, we know that people on the front line are being manipulated into getting the vaccine and getting it quickly.

Our first responders deserve better. They deserve a full and fair smallpox compensation package. Unfortunately, we do not have the opportunity to correct the deficiencies in H.R. 1463 because we are denied the opportunity to consider amendments. I oppose H.R. 1463 and look forward to voting on an effective alternative when the bill is brought under a rule that allows for a full and fair opportunity for amendment.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot support this bill.

When President Bush called for the voluntary vaccination against smallpox of 500,000 health care workers and other first responders last December, many criticized the plan for being incomplete. Not only did it not include a federal compensation fund to help those injured by the vaccine or their survivors, but the plan did not provide adequate education, prescreening, or surveillance. The relatively few numbers of health care workers and first responders who have received the vaccine—only about 21,700 to date—indicate that there are real concerns about the plan's shortcomings.

After all, the smallpox vaccine uses a live strain of the virus. The vaccine has the worst record of negative side effects of any vaccine in the world. So it is critical that those being vaccinated understand the risks involved and be prescreened for conditions that require them to avoid the vaccine. The recent deaths of a nurse, a nurses aide, and a National Guardsman after their vaccinations only underscore this point.

Like the President's plan, this bill has serious shortcomings. In particular, I'm concerned that the compensation program is not comprehensive enough and that it does not provide adequate education and safeguards. I believe that the House must consider improvements to this bill. But the Democrats are being denied the opportunity to offer amendments to do that.

For these reasons, Mr. Speaker, I must oppose this legislation in its present form.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act.

This Republican legislation has a lot more to do with public relations than protecting our first responders so that they can do their job to protect the rest of us. No one doubts that the possibility of a terrorist attack is very real. Yet, Republicans are asking Congress today to short change those Americans on the front lines here at home—our doctors, nurses, police officers, fire fighters and others willing to risk both serious physical harm and financial ruin.

Congress has a great responsibility to provide security to these brave and selfless Americans. The smallpox vaccine is the most dangerous vaccine in current use. Thus, the decision to become inoculated is not one to be taken lightly. Those who are willing to step forward and receive inoculation to assure that they'll be there to protect others if the need arises, do so at a risk to their lives and, by secondary transmission, to the lives of loved ones. At a minimum, we need to assure these people that they and their families have affordable access to healthcare and won't confront financial hardship if they have an adverse reaction to the vaccine.

We are not talking about a small number of people at risk. Experts estimate that out of the 10 million healthcare and first responders who the Administration is requesting to volunteer for this smallpox inoculation program, approximately 10,000 will experience serious, though not life-threatening reactions, upwards of 520 will experience potentially life-threatening reactions and it is anticipated that 5 to 10 people will die. These estimates do not include those individuals who may be secondarily exposed to the live virus by being in contact with an inoculated individual. Furthermore, just in the last week we've discovered something previously unknown about the smallpox vaccine; it may cause heart attacks in people with particular cardiac conditions.

The Administration's Smallpox Vaccine Compensations bill is inadequate in numerous ways. Among its inadequacies, it:

Fails to provide adequate funding to ensure that state and local public health officials can implement needed pre-inoculation education and screening and post-inoculation surveillance programs;

Ignores the need for work place protection standards for individuals who refuse to volunteer for the vaccine program;

Provides no requirement that health insurance companies guarantee health insurance coverage for adverse medical events that occur from participating in this voluntary program;

Fails to guarantee immediate access to medical care for volunteers who have no insurance or who are not eligible for Medicaid or Medicare;

Provides a wholly inadequate death benefit and a benefit for permanent and total disability limited to $262,100. This in no way replaces the lifetime income that will be lost to the families of the brave individuals who volunteer for this inoculation and are adversely affected;

Fails to compensate individuals who become sick and miss work for 5 or fewer days;

Doesn't guarantee that the compensation program is even funded. Rather than making it a mandatory appropriation which would assure that the program is fully funded, it is discretionary spending; subject to the vagaries of the annual appropriations process.

These many inadequacies have lead every major organization representing nurses, fire fighters, and other frontline personnel to oppose the legislation. These organizations include the American Nursing Association (ANA), the American Public Health Association (APHA), the International Association of Fire Fighters, the Infectious Disease Society of America and the Service Employees International Union (SEIU).

My colleagues, Representatives HENRY WAXMAN and LOIS CAPPS, have introduced legislation (H.R. 865) to create a smallpox inoculation compensation program that would meet the needs of these brave volunteers. Unfortunately, the Republican Leadership has forbidden that bill to be considered by the full House. For that reason, we are forced to vote NO today and try to get the Republican Leadership to recognize that providing true protection to our emergency personnel who have volunteered to become inoculated against smallpox is a priority for this Congress. We need to do the job right!

I urge my colleagues to vote against H.R. 1463 today and insist that a compensation bill that truly protects the interests of these volunteers for the smallpox inoculation program be returned to this Chamber for a vote and passage.

Mr. TOWNS. Mr. Speaker, I rise today in opposition to H.R. 1463. While it offers significant liability protections to those entities that are responsible for administering the vaccination program, it simply does not provide the protection required by frontline health workers who have been asked to volunteer for the national smallpox vaccination program. More to the point, we have had three recent deaths, which can be reasonably traced to the vaccinations, and several other workers and military personnel have experienced cardiac-related problems after being vaccinated.

All the major unions—Service Employees International Union, American Federation of Teachers, American Nurses Association, International Association of Firefighters, International Union of Police Associations—who represent health workers and first responders, have declared that this legislation fails to provide an adequate compensation program. Thus far, only 14 states have been able to definitely assure workers that workers' compensation programs would cover them. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. In the '60's, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to first responders, but also to their patients and their families.

Moreover, public health experts, like the Centers for Disease Control's Advisory Committee on Immunization Practices, now question whether anyone with three or more "major risk factors" for heart disease, including smoking, diabetes, high blood pressure and/or high cholesterol should receive the smallpox vaccine. Given the cost of screening for the above factors, it is particularly troubling that there is no guaranteed funding for medical screening, education or surveillance. Our armed services personnel received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process resulted in one-third of the potential recipients being screened out of the program. We should offer the same education and screening opportunities to our nurses and first responders.

Finally, Mr. Speaker, even though this bill falls short on a compensation and education and screening program, I remain hopeful that the Emergency Supplemental will at least provide adequate funding for States and localities to administer this program when and if an adequate compensation program is put in place.

Mr. SENSENBRENNER. Mr. Speaker, the bill before the House today, H.R. 1463 contains several provisions that are within the jurisdiction of the House Committee on the Judiciary as provided in Rule X of the Rules of the House of Representatives for the 108th Congress. The Committee on the Judiciary would normally proceed under regular order to examine legislation containing such provisions within our jurisdiction and take appropriate actions in Committee meetings.

However, the Bush Administration has maintained that there is a pressing need for this legislation's swift passage in order to provide first responders and other emergency personnel with all due encouragement and assurances to participate in ongoing smallpox vaccinations. Because of the exigent circumstances, the Committee on the Judiciary, like the Committee on Energy and Commerce and the Committee on Education and the Workforce, has elected not to hold a hearing or markup on this legislation and has allowed it to proceed for consideration by the full House. The Committee's deferral of action should not be interpreted as any lack of jurisdiction over or interest in H.R. 1463.

The primary purpose of the bill is to establish a compensation program for emergency personnel directed to receive smallpox vaccines pursuant to authorities granted by the 107th Congress in legislation establishing a Department of Homeland Security. This new program is to be established under the Public Health Service Act and is to be under the direction and control of the Secretary of Health and Human Services. The bulk of the provisions in Section 2 of H.R. 1463 dedicated to establishing the new compensation program are outside the scope of the Judiciary Committee's jurisdiction.

However, H.R. 1463 also contains provisions related to judicial review of determinations made by the Secretary of HHS under the Act and provisions modifying existing statutes concerning the liability of the United States and remedies available under the Federal Tort Claims Act (Chapter 171 and section 1346(b) of Title 28 United States Code) for covered persons suffering injury resulting from smallpox vaccinations. These provisions are clearly within the Rule X jurisdiction of the Committee on the Judiciary.

For example, Section 2 of H.R. __ adds new provisions titled "(e) Review of Determination" that affects the role of the courts and established review procedures mandated by the Administrative Procedures Act—both within the Committee's jurisdiction. Furthermore, Section 3 of H.R. 1463 amends 42 U.S.C. § 233(p) to assume liability for the government relative to a new category of acts and omissions by those acting within the scope of their duties as part of the smallpox vaccination program. Section 3 of the bill also modifies the requirements for exhaustion of remedies, statute of limitations, offsets, and exclusivity of relief available for tort claims in federal district courts arising from smallpox vaccinations administered under a declaration by the Secretary of HHS. These provisions of H.R. 1463 are also clearly within the Rule X jurisdiction of the Committee on the Judiciary.

If the Committee on the Judiciary had the luxury of unlimited time, we would certainly seek the normal referral of H.R. 1463 to examine these and other provisions further and consider any appropriate changes. However, as I stated earlier, the Administration has pleaded the need for swift passage and implementation of this new compensation program to encourage necessary smallpox vaccinations. The Administration and many of my colleagues believe that the importance of these vaccinations to the security of our homeland against biological attack outweighs considerations about the normal legislative process in this case. I do not dispute that assessment, and therefore as Chairman of the Committee on the Judiciary I have agreed that this bill should move forward in an expedited fashion without the normal review by our Committee.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in opposition to the Small Pox Vaccination Compensation Fund Act.

We should give pause about voting for a smallpox bill that does not safeguard the health, safety and livelihood of workers asked to volunteer for the smallpox vaccination. This bill is opposed is by a number of groups, including the International Association of Fire Fighters and the American Nurses Association.

There has been a great reluctance among health care workers and first responders to risk the loss of health and income without an adequate safety net for themselves and their families. While the legislation is promised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers who are permanently and totally disabled will be eligible only for this bill's maximum benefit of $262,100. This represents about five years' wages for the average nurse. For a worker who becomes partially disabled either temporarily or for life, the maximum benefit payable is only $50,000. If the aim of the legislation is to encourage workers to be vaccinated, this bill will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that the economic security of their families will not be jeopardized.

I also object to the bill's requirement that workers receive the vaccination within 120 days of the date regulations are issued. Any worker who is vaccinated under the Secretary's declaration must be eligible for federal compensation. It is punitive to deny compensation to a worker who participates at a late date.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not establish any standards for ensuring that workers are properly educated and medically screened prior to volunteering for the vaccination. A careful program to screen out workers with contraindications will not only save lives, it will reduce the amount of federal money needed for compensation. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications. There is also no funding for state and local public health departments to carry out the program safely.

Another significant flaw in the bill is that funding for the compensation program is not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation also fails to include a table of injuries that ensures that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific timeframes, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

Unfortuantely, but not surprisingly, the House Rules Committee has denied an opportunity for an alternative measure to be on the floor. Had the Capps-Waxman substitute been allowed, I would have supported it. In contrast to the proposal designed by the Bush administration and introduced by Representative BURR, the Capps-Waxman substitute includes measures to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the Capps-Waxman substitute better addresses the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families. As a result, the Capps-Waxman substitute will provide for a safer and more effective smallpox vaccination program.

The Burr legislation is deeply flawed and I urge my colleagues to oppose it.

Mr. BURR. Mr. Speaker, this legislation, "The Smallpox Emergency Personnel Protection Act," is another positive step towards preparing our citizens for a bioterrorist attack.

For more than 2 years, I have been working on legislation to strengthen and build our nation's public health system. The first bill was signed into law in 2000 and established grant programs to address core public health capacity needs. The second bill was last year's bioterrorism legislation. In part, that legislation built on the grant structure created in 2000 and sent a significant amount of money to our public health infrastructure. That money is currently funding basic needs such as computers and Internet access for public health departments and more specific needs such as decontamination chambers. Needs that are essential for providing public health care services and critical for bioterrorism preparedness.

On January 24 of this year, Secretary Tommy Thompson asked hospital workers, police officers, firefighters, and other public officials, to volunteer to receive the smallpox vaccination. Understandably, the reception was lukewarm. Nurses and physicians were concerned about the side effects of the vaccine and wanted to be compensated for any medical care or lost employment they incurred as a result of their vaccination. Hospitals were worried about liability. And public health departments were worried about the cost.

In response, we have H.R. 1413. This legislation addresses the concerns of all of those individuals. We will now compensate vaccinated individuals for lost wages and medical expenses. Additionally, if they suffer a permanent disability, or, in the very unfortunate and unlikely case, death, we will give them the same amount of money that police officers and firefighters receive if killed in the line of duty. The legislation clarifies that if a vaccinated individual infects other individuals—they too are eligible for those benefits. Finally, the legislation amends the Homeland Security Act to ensure that hospitals, pharmacists, public health departments and any other involved individuals will not be liable for properly vaccinating people who then suffer adverse reactions.

One very important point about this legislation is that it continues to give the Centers for Disease Control and Prevention, State and local health departments, and hospitals the flexibility they need to correctly vaccinate thousands of people. In light of the unfortunate situation in Maryland, concerns have been raised about vaccinating individuals with heart conditions. The CDC Director promptly responded by recommending that those individuals be screened out of the vaccination pool. We all want this program to be successful, and success depends on flexibility and Federal Government support when individuals suffer adverse reactions.

Let me end by saying that I am extremely proud of North Carolina and its response to Secretary Thompson's request. Thus far 26 hospitals have vaccination plans, 875 individuals have been vaccinated, and many more have volunteered. I believe that this legislation will reassure all of the current and future vaccination recipients in North Carolina and around this country that the Federal Government wants this program to work and backs up our request through compensation benefits.

Ms. PELOSI. Mr. Speaker, I had hoped to come to the Floor today with a bill I could recommend to my colleagues on both sides of the aisle.

We had been working together, over the past few days, in serious negotiations over what would be required of a vaccine program in order for our nurses and first responders to feel secure enough to put their health, their lives, and their livelihoods on the line by taking a smallpox vaccination.

There was progress on some features that are reflected in this bill. We are grateful for that.

But unfortunately, those talks broke down last week and we find ourselves instead in a process that restricts our discussion of this issue and does not allow us to consider a Democratic alternative—proposed by colleagues LOIS CAPPS and HENRY WAXMAN—that is based on the recommendations of the nurses, the firefighters, the police, the emergency medical technicians, and other first responders.

They are being asked to step forward and take a vaccination that has the potential for dangerous side effects—including the possibility of death.

Make no mistake about it. The votes that count are not the votes that we will cast here in this body. The votes that count are the votes of those men and women who are nurses, medical workers, firefighters, EMTs, police officers, and others who will go to the state health department and roll up their sleeves and take a risk to help improve the nation's prepareness against terrorist attack.

These are not people who avoid risk. They take risks almost every day. You know who they are. They are the caregivers who tend to the sick, rescue the victims, and walk the streets to make us safer.

They are the night-duty emergency room nurses who crawled through the rubble of the Federal Building in Oklahoma City to try to find someone—anyone—who was still alive.

They are the firefighters who ran up the stairs instead of down the stairs in the World Trade Center to help the last of the people trapped in that horrific nightmare to escape.

They are the police officers who walk the beat every day and who risk their lives to keep us safe.

They are also mothers and fathers, caregivers for elderly parents, and breadwinners for their families. And they have a very human and understandable desire to protect their families in case something goes wrong.

It is an unfortunate fact that some of the people who will take the smallpox vaccine will suffer serious adverse effects that could cause them to be unable to continue their current job, see their pay reduced or—if they were to become totally and permanently disabled—lose the ability to work altogether.

They could even lose their lives. We have all seen the news reports of the National Guardsman, the nurse's aide in Florida, and the nurse on the Eastern Shore of Maryland. Each of them received the vaccine, but then later died of cardiac arrest.

We don't know, yet, whether there is a direct link between the smallpox vaccine and these heart problems. The Centers for Disease Control have not been able to definitively rule a connection in or out.

But the CDC has now recommended that anyone who has a known heart ailment not receive the smallpox vaccination.

And New York State and Illinois—as well as a number of municipalities—have temporarily suspended any further vaccinations until there is a more thorough investigation.

The bottom line is, whether any connection is proven between the smallpox vaccine and heart disease, there will ultimately be injuries and deaths from the vaccine. There is no question of that.

The choice of whether to get vaccinated is up to the nurses and the other first responders themselves based, in part, on the adequacy of the vaccine program we provide for them.

That is why we believe an adequate smallpox vaccine compensation package has to have a clear education component so that the health care workers and other first responders will know what the most likely side effects will be and what the effects could be on their families.

Legislation of this kind should have the strongest possible pre-screening program based upon the most up-to-date information.

It should have an aggressive monitoring program so that health experts can follow up the vaccinations and look out for patterns of adverse reactions so we can adjust the pre-screening program.

And it should provide a level of financial security so those who take the vaccination can be assured that their families will receive compensation if they become disabled or lose their lives protecting Americans from the horrific effects of a terrorist-sponsored smallpox attack.

The Republican bill falls short on each of these counts.

There is a better way. We can defeat this bill under the suspension of the rules. We can go back to the negotiating table or we can bring a new bill to the Floor with a substitute amendment that the nurses and first responders say will truly respond to their concerns.

My colleagues, I urge you to defeat the Burr bill today. Let us have a vote on the Capps-Waxman proposal that will better protect our public servants—our heroes and our heroines—and better produce the desired effect of having more frontline workers inoculated against a smallpox attack.

Mr. Speaker, I urge a "no" vote on the Republican bill.

Mr. DINGELL. Mr. Speaker, I join the millions of our Nation's first responders in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003." Right after we defeat this bill, I hope that we set about the task of crafting bipartisan legislation that all members of the House can support. The very people this bill purports to help—nurses, EMTs, police officers, firefighters—find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns.

Mr. Speaker, we are voting on smallpox vaccine injury legislation today because the Administration's current vaccine program is not working. Only a fraction of the number of first responders that the Administration has said are needed to protect us have volunteered to take the smallpox vaccine. The Administration has recommended that as many as ten million first responders be vaccinated for smallpox so that if we ever are attacked by the use of smallpox we will have a core capacity of health care and emergency personnel vaccinated and able to take appropriate action right away. The latest numbers from CDC indicate that less than 26,000 of them have been vaccinated. Why so few? Because the vaccination carries with it substantial risks, including adverse affects that could cause disability and, in some cases, death.

Proponents of H.R. 1463 will make much of what they think that bill does. I ask you to focus on what it lacks. H.R. 1463 does not do enough to ensure adequate screening and education and otherwise prevent adverse events from happening in the first place. In the event that tragedy strikes and someone is injured or killed by the vaccine, H.R. 1463 does not make adequate provision for lost wages. And, what H.R. 1463 lacks is support from the people to whom it is intended to appeal. H.R. 1463 is opposed by the American Public Health Association, the International Union of Police Associations, the American Nurses Association, the International Association of Fire Fighters, the American Federation of Teachers, the American Federation of State, County, and Municipal Employees, the Service Employees International Union, and the Infectious Disease Society of America.

Finally, Mr. Speaker, we are all aware of accounts of three deaths in the last week or so from cardiac arrest in persons who received the smallpox vaccine. Health care officials cannot positively rule out the smallpox vaccine as the cause or a contributing factor in these deaths. The CDC has taken swift action to revise its guidelines and has indicated that there may be further revisions. These uncertainties about the known, and I hasten to add the unknown, risks of the smallpox vaccine have greatly increased the fear factor among prospective vaccinees. We should be doing all we can to obtain and assess the relevant information on the vaccine and smallpox risks. That cannot be done by using the process by which this bill is before us today. We have had no hearings, no markups, and no opportunity to perfect this bill on the floor with amendments. All we have is the administration's proposal and a take it or leave it procedure.

I recommend that we listen to our first responders, vote "no" on H.R. 1463, and get busy writing legislation we can all support.

Mr. BROWN of Ohio. Mr. Speaker. This isn't, or shouldn't be, a partisan debate. Democrats and Republican members of Congress are in the same boat. The question we have to answer for ourselves is: do we vote "yes" to a bad bill, or do we demand something better?

The answer to that question is important. Critical protections for first responders and their families hang in the balance.

H.R. 1463 is supposed to protect members of the police, the nation's nurses, our firefighters, and other first responders who voluntarily receive a smallpox vaccine, and sustain an injury from that vaccine.

But the Nation's first responders oppose this bill. This bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

But the bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 won't work. It won't improve participation rates.

So the choice both Republican and Democrat members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts, and vote for this bill anyway.

Have members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect?

Do we in Congress really think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and bolstering vaccine participation rates are important objectives.

They are time-sensitive objectives. The National Smallpox Vaccination program is already underway, and participation is lagging far behind goal.

About 25,000 people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us H.R. 1463 won't jumpstart the smallpox vaccine program, so it won't enhance bioterrorism preparedness.

Congress must now waste valuable time enacting the wrong bill, particularly when our nation's ability to respond to bioterrorism is at stake.

Nor should members of either side of the aisle support legislation that is unapologetically dismissive of the very people this bill alleges to protect . . . the nurses, firefighters, police, and others who voluntarily place themselves at risk on our behalf.

Public health experts and first responders tell us that H.R. 1463 falls short in fundamental ways.

To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. H.R. 1463 lacks one.

Responsible administration of any vaccination program requires education, pre-screening and surveillance. H.R. 1463 requires these activities, but doesn't fund them.

A lynchpin in any compensation program is guaranteed funding. Without it, financial protection is a possibility, not a promise. There"s no security in that. And there is no guaranteed funding in H.R. 1463.

The incidence of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period or permanently. First responder volunteers, and their families, must be assured adequate and continuing financial protection.

H.R. 1463 would cap funding so that wage replacement would run out after about five years. For permanent disability or death. "Inadequate" doesn't begin to describe it. "Insulting" is closer to the mark.

H.R. 1463 is not a legitimate financial safeguard. It's a placebo. Our nurses, firefighters, EMTs, and other first responders deserve better.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 58) honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The Clerk read as follows:

H. CON. RES. 58

Whereas on December 17, 1903, Wilbur and Orville Wright achieved history's first sustained and controlled flight with a heavier-than-air, engine-powered aircraft at Kitty Hawk, North Carolina;

Whereas the Wright brothers' first flight lasted only 12 seconds and spanned approximately 120 feet, but ushered in the era of modern aviation;

Whereas the City of Fayetteville, North Carolina, will host a series of aviation-related events worthy of the 100-year anniversary of the Wright brothers' momentous achievement at Kitty Hawk;

Whereas the Fayetteville Festival of Flight will take place May 16–26, 2003, and will be the largest public centennial event in North Carolina celebrating the first flight and 1 of only 4 events nationwide endorsed as a full partner by the United States Centennial of Flight Commission;

Whereas retired General Henry Hugh Shelton, former Chairman of the Joint Chiefs of Staff and Congressional Gold Medal recipient, is the Honorary Event Chair;

Whereas the Fayetteville Festival of Flight will feature a weekend arts festival, a military air show at Pope Air Force Base, a general aviation air show at Grannis Field and an exposition with aviation displays and interactive exhibits depicting the past, present, and future of flight;

Whereas a year-long educational curriculum has also been developed to encourage students' interest in aviation and flight technology;

Whereas this educational focus will culminate with 1,000 students being sponsored each day for exclusive access to the Festival's Aviation Exposition; and

Whereas the City of Fayetteville and a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the City of Fayetteville, North Carolina, and its many partners, for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 58 introduced by our distinguished colleague from North Carolina (Mr. ETHERIDGE) honors the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

Mr. Speaker, on December 17, 1903, a pair of Ohio bicycle shop owners and brothers named Orville and Wilbur Wright realized their lifelong dream of operating an engine-powered flight machine. On that historic day, they had traveled about 120 feet in the air for 12 seconds at the helm of the 1903 Flyer, a vehicle they had constructed after years of labor and research. The Wright brothers were pioneers in the truest sense of the term. Their strong desire to create a flying vehicle was frustrated only by the fact that there was so little aeronautical data that existed at the time on which to base their efforts. But the Wright brothers focused their ambition into building a wind tunnel from which they could generate their own empirical information on how to lift a vehicle into the air. They even designed and constructed their own lightweight gas-powered engine that produced only 12 horsepower, but was a massive innovation at the time.

The brothers began large-scale testing of their ideas with the combination kite and glider in 1900. Their ideas tested on this aircraft were further refined into a glider they fashioned in 1901. Using the information generated from their glider along with the wind tunnel data, Orville and Wilbur constructed the Flyer in 1903. The plane featured the two-tiered wing design with two propellers that we have all seen in the photographs. The wings were 40 feet long and were separated 5 feet apart, one on top of the other. The plane weighed right around 700 pounds. Comparatively, a Boeing 747 today has an overall wing span of more than 231 feet and weighs 875,000 pounds at takeoff.

Mr. Speaker, this House ought to commemorate the Wright brothers' inspirational story. It is hard to argue against the notion that few events in the 20th century had greater social, cultural, or economic impacts on today's world than Orville and Wilbur Wright's first momentous flight. Therefore, I urge all Members to join Fayetteville, North Carolina, in the celebration of the 100th anniversary of the Wright brothers' first flight by supporting the adoption of House Concurrent Resolution 58.

I want to thank and commend the gentleman from North Carolina (Mr. ETHERIDGE) for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes.

In October, 1998, this body passed a bill to establish a commemoration of the centennial of powered flight and the achievements of the Wright brothers. The commemoration activities set forth in that bill will come to fruition this year with the Festival of Flight. The Festival of Flight will consist of four events that will be held nationwide to celebrate Wilbur and Orville Wright's first flight. Wilbur and Orville Wright manned the first successful controlled and sustained powered flight. The Wright brothers, originally bicycle store owners from Dayton, Ohio, moved to Kitty Hawk, North Carolina, for the hills, strong and steady winds, and the soft-sanded ground, ingredients for a successful flight. They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces. The principles that we use today and that we see on every airplane were the very principles that they explored.

In 1903 the Wright brothers completed the construction of a larger plane powered by their own lightweight gas-powered engine and returned to Kitty Hawk. On December 17, 1903, four men and a boy witnessed the first flight, a flight which dramatically changed the course of transportation, commerce, communication, and warfare throughout the world.

I hope that the Festival of Flight will educate Americans to the achievements of the Wright brothers and their contributions to the development of this Nation. I urge my colleagues to support this legislation.

Mr. Speaker, I yield 6 minutes to the author of the proposal before us, the gentleman from North Carolina (Mr. ETHERIDGE), to speak in support of the concurrent resolution before us.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time. Let me thank the gentleman from Virginia (Mr. TOM DAVIS) and the majority leader and the majority whip for getting this piece of legislation to the floor.

It is my great pleasure to rise today and speak on behalf of this legislation, having authored it, along with every member in our North Carolina delegation, in honoring the City of Fayetteville of North Carolina as they begin to celebrate the 2003 Festival of Flight. As many of the Members and has already been stated today, almost 100 years ago now two brothers took a chance, believed in a dream, and made history. In just 12 seconds the world was changed forever. Man took to the skies and the world became smaller. The boundaries were pushed outward, and the impossible became possible.

Wilbur and Orville Wright, proud sons of the great State of Ohio, brought their dreams and flying machine to the windy beaches of Kitty Hawk, North Carolina, in the winter of 1903. The Wright brothers came to Kitty Hawk well prepared for their great achievement. They had been experimenting with aeronautics for years; and by the time they came to North Carolina in December of 1903, the men had completed more than 1,000 flights in gliders of their own design. Their diligence and perseverance paid off that year.

On a cold and windy morning on December 17, 1903, Orville Wright climbed aboard the Kitty Hawk, started the engine, and flew. Orville Wright described the experience as follows: "The first flight lasted only 12 seconds, a flight very modest compared with that of birds, but it was, nevertheless, the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in free flight, had sailed forward on a level course without reduction of speed, and finally landed without being wrecked."

What many people did not realize is that the brothers completed a total of four flights that day, the longest covering 852 feet in 59 seconds. The Wright brothers' achievement stunned the world and began one of the most active periods of scientific research and experimentation in our history. However, despite all of our successes and improvements to flying machines, their basic design remains very familiar to that of the Wright brothers.

In honor of the centennial of flight, the people of Fayetteville, North Carolina, in my congressional district, and the gentleman from North Carolina (Mr. MCINTYRE) and the gentleman from North Carolina (Mr. HAYES) have planned a celebration worthy of their achievement.

The Festival of Flight will be, as the Members have heard, one of four in the United States sanctioned by the United States Centennial of Flight Commission. The 11-day festival will feature a 2-day military air show at Pope Air Force base and a general aviation show at the Fayetteville regional airport. The event will also present aviation displays and programs, educational exhibits, and an art festival. There will also be special exhibits on space flight and technology including 1 day devoted to space exploration and the Shuttle with NASA. The Festival of Flight will also feature a detailed replica of the 1903 Wright flight developed by the American Institute of Aeronautics and Aerospace.

The festival will culminate on Memorial Day, May 26, where participants will honor the brave men and women who have served in our Nation's military and those who are currently defending our Nation around the world. Fayetteville is home to Pope Air Force base and Fort Bragg's XVIII Airborne Corps, the Army's largest war-fighting organization. The XVIII Corps is the world's premier power projection force with tens of thousands of soldiers currently serving in Operation Iraqi Freedom.

In addition to celebrating man's first powered flight, the Fayetteville Festival of Flight will have a special emphasis on aviation education. This focus is especially fitting as education played a major role in the Wright brothers' success.

Even though Orville and Wilbur Wright had little formal education, they never graduated from high school, but their parents held education in high esteem. Orville Wright once said: "We were lucky enough to grow up in an environment where there was always much encouragement to children to pursue intellectual interests, to investigate whatever aroused curiosity."

It is our hope that the Fayetteville Festival of Flight will stimulate similar interests and curiosity in the thousands of school children scheduled to attend this event. In order to promote interest in aviation education and the Wright brothers' achievements, the State of North Carolina has developed a special curriculum on aviation history and technology that schools across the State have been using this whole year. The curriculum includes art, science, and essay competitions. Winners will be guests of the festival, which is also scheduled to host 1,000 students and 100 teachers every day of the festival.

In closing, let me thank all of the members of the North Carolina congressional delegation for joining me in sponsoring this resolution. I also want to thank the people of Fayetteville, Fort Bragg, and Pope Air Force Base for their enthusiastic support of the Festival of Flight. I also wish to invite all Members of Congress and their families and their staffs to come to Fayetteville, North Carolina, to help us kick off and celebrate one of the world's most monumental achievements: flight.

Mr. LATOURETTE. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCINTYRE), one of the cosponsors of this legislation.

Mr. MCINTYRE. Mr. Speaker, I am pleased to join my colleagues today from North Carolina here on the floor for the consideration of H. Con. Res. 58. I appreciate the leadership of the gentleman from North Carolina (Mr.

ETHERIDGE) in introducing this resolution, all of my fellow delegates from North Carolina, and the gentleman from Ohio (Mr. LaTOURETTE), the gentleman from California (Mr. WAXMAN) in their support of this.

Mr. Speaker, Charles Kettering once said, "The Wright brothers flew right through the smoke screen of impossibility." On December 17, 1903, at Kill Devils Hill near Kitty Hawk, North Carolina, the Wright brothers manned the first-ever controlled, powered flight; and their optimism of achieving the impossible became our reality and the reality that has truly opened the world for all to see and enjoy.

As North Carolinians, we are immensely grateful for this historic feat and look forward to the 100-year celebration of this great event. The Wright brothers were men of vision and vigor whose dream of flight resulted in victory, not only for them but for all people, for all time, in all places.

The largest of the celebrations that has been sanctioned for this event is the Festival of Flight to be held in the Fayetteville/Fort Bragg/Pope Air Force Base region of North Carolina from May 16 through 26. Among the many activities planned are air shows, of course, emphasizing both civilian and military aviation technology, cultural events including the region's schools adapting and implementing a curriculum of aviation history and technology for the fourth, eighth, and 11th grades. In addition, there will be a huge parade on Memorial Day itself on May 26 honoring those who have given their very lives in the quest of flight.

Mr. Speaker, this is a once-in-a-lifetime event, and we are here today to honor and to celebrate the all-American city of Fayetteville and its many partners for this fabulous Festival of Flight celebration. So many people in organizations have contributed time, energy and resources to plan for this special 11-day event. We hope that each of the Members and all Americans can join to look back and honor the work of the Wright brothers and also look forward to another 100 years of progress in flight. I urge the passage of this matter.

Mr. HAYES. Mr. Speaker, I rise today in strong support of honoring the City of Fayetteville, North Carolina, and the many public and private partners for their participation in organizing the Festival of Flight. The Festival of Flight will be the largest public centennial event in North Carolina and one of only four events nationwide endorsed as a full partner by the United States Centennial of Flight Commission.

On December 17, 1903, Wilbur and Orville Wright launched mankind's first sustained and controlled flight in a heavier-than-air, engine powered aircraft at Kitty Hawk, North Carolina. Although the flight only lasted 12 seconds, and covered approximately 120 feet, this achievement fundamentally changed the world.

The invention of powered air travel altered the way we fight wars, revolutionized travel and commerce, and fueled technological and scientific innovation. Fayetteville is blessed to be the home of the XVIII Airborne Corps stationed at Fort Bragg and Pope Air Force Base. These bases are home to some of the most advanced and successful aircraft the world has ever seen. From the A–10 Warthog to C–130 cargo planes, aviation in Fayetteville is an interregnal part of the United States armed forces.

The Festival of Flight will highlight both civilian and military aircraft and the continuing evolution in technology. From an arts festival to military and general aviation air shows, the past, present, and future of aviation will be on display to educate the public of the continued importance of aviation.

I commend the outstanding work of local leaders and volunteers in the Fayetteville community for their hard work and effort to honor this historic moment in human history.

I urge my colleagues to join with me in honoring the Fayetteville, North Carolina, Festival of Flight by supporting H. Con. Res. 58.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LaTOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

JIM RICHARDSON POST OFFICE

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1505) to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

The Clerk read as follows:

H.R. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JIM RICHARDSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, shall be known and designated as the "Jim Richardson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Jim Richardson Post Office.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

GENERAL LEAVE

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1505 has been introduced by our esteemed colleague, the gentleman from North Carolina (Mr. WATT), and it designates the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office Building."

Mr. Speaker, State Senator Jim Richardson of Charlotte, North Carolina was a venerable public servant who deserves acknowledgment by this House. Mr. Richardson earned one term as a State representative, followed by 4 terms in the Senate of the Tarheel State. His time serving in the North Carolina State legislature followed a distinguished 33-year career with the United States Postal Service. He reached the rank of postmaster in Mount Holly, North Carolina, and was recognized with a Postal Service Certificate of Appreciation for his outstanding career. By all accounts, Jim Richardson was one of the most friendly and most wonderful men one would ever meet.

Sadly, Mr. Speaker, I understand that Mr. Richardson was diagnosed with cancer 3 years ago and he is conducting a brave fight. I know I speak for all Members when I say that the thoughts and prayers of this entire House are with Mr. Richardson and his family.

Mr. Speaker, for these reasons, I urge all Members to support the adoption of H.R. 1505. I want to thank our colleague, the gentleman from North Carolina (Mr. WATT), for introducing this meaningful measure.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

As ranking member of the House Committee on Government Reform, I join my colleague, the gentleman from Ohio (Mr. LaTOURETTE) in the consideration of H.R. 1505, a bill which names a U.S. postal facility located at 2127

Beatties Ford Road in Charlotte, North Carolina after Jim Richardson. This bill was introduced by our friend and colleague, the gentleman from North Carolina (Mr. WATT), on March 27, 2003.

For the benefit of my colleagues, H.R. 1505 has met the committee cosponsorship requirement and has the support and sponsorship of the entire North Carolina State congressional delegation.

Mr. James Franklin Richardson, Sr., was born in Charlotte, North Carolina in 1926. After attending elementary and high school in Charlotte, Mr. Richardson went on to join the United States Navy and fought in World War II. After receiving an honorable discharge from the Navy, Mr. Richardson attended and graduated from Johnson C. Smith University with a bachelor of science degree in physical education and general science. Upon graduation, Mr. Richardson began a 33-year career with the United States Postal Service.

During his tenure with the Postal Service, Jim Richardson served as a service clerk and a postal supervisor. He spent his last 8 years with the Postal Service as postmaster in Mount Holly, North Carolina. Before he retired, Jim Richardson had received a Certificate of Appreciation from the Service, in "Recognition of Exceptional Performance in the Interest of Improved Postal Service."

In 1985, Jim was elected to the North Carolina House of Representatives where he served one 2-year term before being elected to the North Carolina Senate. He served 4 terms in the Senate before he retired and was elected to the Mecklenburg County Commission where he served for 6 years.

During his years in public service, Jim Richardson was known for operating in a bipartisan manner and working hard to improve and promote his community. He always held true to his convictions and continued to fight the good fight. This fight continues today as Jim battles against cancer.

Mr. Speaker, in closing, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DANNY DAVIS), the ranking member of the Postal Task Force, for getting this bill to the House Floor. I also commend my colleague, the gentleman from North Carolina (Mr. WATT) for seeking to honor the incredible contributions made by Jim Richardson to his community, and I urge the swift passage of this measure.

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1208) to authorize appropriations for fiscal years 2004 and 2005 of United States contributions to the International Fund for Ireland, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Peace and Reconciliation Support Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been effectively engaged in the Northern Ireland peace process through both participating in negotiations and contributing to the economic development of the region.

(2) Both the Government of Ireland and the Irish people and the Government of the United Kingdom and the British people are long-standing friends of the United States and the American people.

(3) In 1986, the United States, in support of the Agreement Between the Government of Ireland and the Government of the United Kingdom ("Anglo-Irish Agreement") dated November 15, 1985, initiated annual contributions to the International Fund for Ireland ("International Fund") to help bolster economic development and support programs that would foster peace and reconciliation in Northern Ireland and the affected border areas of the Republic of Ireland.

(4) The United States has been a generous and faithful donor to the International Fund, contributing more than $386,000,000 to help improve relations between Catholics and Protestants in Northern Ireland through the creation of thousands of jobs and cross community business development.

(5) More than 80 percent of the International Fund's investments have been in disadvantaged areas offering work experience and important job training programs for disadvantaged and unemployed youth through the economic, social, and physical regeneration of deprived areas.

(6) The International Fund has also developed a series of community-building programs promoting greater dialogue and understanding between Catholics and Protestants and leadership programs designed to develop a new generation of leaders in Northern Ireland to bring about a more peaceful and prosperous future in the region.

(7) Through the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), the United States also seeks to ensure that its contributions promote "reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.".

(8) The Good Friday Agreement reached by the Government of Ireland, the Government of the United Kingdom, and political party leaders on April 10, 1998, created the Northern Ireland Executive Assembly and Executive Committee and provided for a "democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.".

(9) The Good Friday Agreement also called for police reform and establishment of a "new beginning" in policing in Northern Ireland with an effective, accountable, and fair police service capable of attracting and sustaining support from the community as a whole, capable of maintaining law and order, and based on principles of protection of human rights.

(10) In 1999, the Independent Commission on Policing in Northern Ireland, mandated by the Good Friday Agreement, made 175 recommendations for policing reform in Northern Ireland, some of which have been implemented.

(11) In 2002, the Department of State, as required by section 701(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), issued a "Report on Policing Reform and Human Rights in Northern Ireland" and concluded that among key areas of concern that had not been fully implemented was the establishment of a critically-needed new police training facility and an increase in funding for training programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States assistance for the International Fund has contributed greatly to the economic development of Northern Ireland and that both objectives of the Anglo-Irish Agreement Support Act of 1986, economic development and reconciliation, remain critical to achieving a just and lasting peace in the region, especially in the economically-depressed areas;

(2) although there has been positive economic development in both the Republic of Ireland and Northern Ireland, International Fund contributions to support much-needed projects in economically-depressed areas of Northern Ireland remain very important, and an expansion of efforts in reconciliation projects as a way to promote peace and economic stability is also encouraged; and

(3) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, and enhance peaceful mediation in neighborhoods of continued conflict.

SEC. 3. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

(a) FINDINGS AND PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following: "Furthermore, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards recommended by the Patten Commission, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development.".

(b) UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.—Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEARS 2004 AND 2005.—Of the amounts made available for fiscal years 2004 and 2005 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), there are authorized to be appropriated $25,000,000 for each such fiscal year for United States contributions to the International Fund. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended. Of the amount authorized to be appropriated for fiscal years 2004 and 2005 under this subsection, it is the sense of Congress that not less than 20 percent of such amount for each such fiscal year should be used to carry out the last sentence of section 2(b).".

(c) ANNUAL REPORTS.—Section 6(1) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end before the semicolon the following: ", specifically through improving local community relations and relations between the police and the people they serve".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1208, the bill that is now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me begin by thanking our leadership, beginning with the leadership on the committee, the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and the ranking member, the gentleman from California (Mr. LANTOS), and for the majority leader, the gentleman from Texas (Mr. DELAY) for scheduling this very, very important piece of legislation for House consideration.

Mr. Speaker, H.R. 1208, the Northern Ireland Peace and Reconciliation Act of 2003, reauthorizes U.S. contributions to the International Fund for Ireland and reaffirms our government's commitment to fostering peace and reconciliation in Northern Ireland.

Historically, the United States has helped advance the peace process in Northern Ireland through several avenues. Since 1997, for example, we have had hearings in the Committee on International Relations, as well as in the Helsinki Commission; as a matter of fact, I chaired seven of those hearings, examining the root causes of the violence in Northern Ireland and the need to secure due process rights and fundamental freedoms for both sides of the divide. The Congress has also adopted several bills promoting human rights, police reform, and the elimination of job discrimination in Northern Ireland.

In addition, we have provided critical economic support through the International Fund for Ireland. Created in 1986 by the British and Irish Governments, the IFI is an independent, international organization with two primary objectives: First, it is designed to promote economic and social advance in Northern Ireland; and secondly, the IFI is charged with fostering contact, dialogue, and reconciliation between Unionists and Nationalists throughout Ireland.

I would point out to my colleagues, Mr. Speaker, that the United States, the European Union, Australia, and New Zealand are all donor countries to the fund. To date, the United States has provided more than $380 million to the fund, and the economic results have been impressive.

A recent report conducted by a consortium of independent consultants led by KPMG catalogued the following achievements of the IFI:

One, 4,400 business projects have been supported, helping to create more than 37,500 jobs.

Secondly, more than 10,000 young people from the most disadvantaged parts and areas of North and South have participated in the Wider Horizons Program, which brings people together, ages 18 to 28, to work camps where they receive training and improvement in their employment prospects.

Overall, 91 percent of the fund's commitments have been to projects in designated disadvantaged areas, and more than 120 strategic alliances have been supported between businesses in Northern Ireland and the border counties and businesses elsewhere in Europe and North America, Australia, and New Zealand.

Mr. Speaker, these statistics are impressive, they are tangible, but there is much more to the success of the International Fund for Ireland. It is called the peace dividend.

Each day, in disadvantaged and troubled areas of Northern Ireland, the IFI is at work bringing Catholics and Protestants together at jobs and job training sites. Working side by side, people who traditionally had no contact with each other are now communicating and learning a little bit more about who their neighbors are. They share an interest and investment in their community and new bonds have been developed where they never existed before.

It is also important to note that when people have solid jobs, they are less likely to get caught up in the sectarian strife that has tragically plagued this region. By focusing on the regeneration of impoverished neighborhoods where unemployment is the highest, the fund helps direct young Catholics and Protestants to job training and employment opportunities instead of gangs and paramilitary organizations.

Mr. Speaker, my colleagues and I believe, and Members of this Congress believe that justice and sustainable peace will come about in Northern Ireland not merely through the political discussions of a few leaders, but the efforts to change the hearts and minds of individuals. This is a core part of the mission and underlying purpose of the International Fund for Ireland, bringing about peace by bringing together men and women from disparate backgrounds and disparate religious denominations and a successful economic environment. Indeed, the future is brighter in Northern Ireland in large part because of a new working relationship that has been forged with the economic help of the IFI.

Mr. Speaker, on the political side, progress indeed is being made in Northern Ireland. We all know it and celebrate it. I recently returned from a human rights mission to Belfast and to Northern Ireland and I am pleased to report that much has changed from my last trip in 1997 and much significant change, dramatic change has occurred over the last decade. There are now many signs of hope. Sections of Northern Ireland have experienced substantial economic growth and, as a result of the restored cease-fire of 1997 and the Good Friday Agreement signed in 1998, both communities in the North are working hard to obtain a just and lasting peace and to secure local democratic government.

Regrettably, the process is not without obstacles. Last October, the British Government suspended the Northern Ireland Assembly. Policing reform and criminal justice review, demilitarization, and the completion of decommissioning are among the issues that still need to be resolved.

However, in recent weeks, let me point out to my colleagues, there has been a renewed and concerted effort by the British and Irish Governments to address these issues, to bring the major political parties together, and to find a way forward before new elections are held in May.

H.R. 1208 ensures that the IFI will continue to benefit from U.S. contributions and continue to do its good work for peace and for reconciliation. The bill provides a $50 million amount over the next 2 years.

It also encourages the IFI to develop new ways to promote reconciliation in the North. In particular, we are hoping that the IFI will look even more closely at programs aimed at enhancing intercommunity relations, community relations with the new police service, and programs that promote and ensure fundamental human rights.

For example, the legislation specifically urges the IFI to do more work to enhance relations between the police and the communities they serve through promoting human rights training and enhancing the new district police partnership police boards recommended by the Patten Commission. It also encourages a fund to assist in the transition of former British military sites into venues for housing, retail, and other community-supported uses.

Again, I want to thank my colleagues who helped work for and support the final passage of this legislation, especially the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. KING), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE) from the Committee on International Relations who have all lent their strong support to this legislation, as well as the gentleman from New York (Mr. WALSH) and the gentleman from Massachusetts (Mr. NEAL). All are longtime supporters of the Northern Ireland peace process and are true friends of the people of Northern Ireland and of Ireland itself.

I would like to note that the text we are considering today contains a technical amendment to reflect progress the IFI is making towards using funds for specific reconciliation projects and, again, I hope that Members will support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I want to commend our colleague, the gentleman from New Jersey (Mr. SMITH) for bringing this bill to the floor today and for his effort in drafting this legislation.

□ 1530

He has been a champion of human rights issues, and this bill today is just the most recent example of his leadership.

In 1986, the Congress adopted the Northern Ireland Peace and Reconciliation Support Act, legislation establishing the International Fund for Ireland. This legislation today seeks to revitalize this critically important program, and it is most appropriate that we do so.

When the original International Fund for Ireland was established, Northern Ireland suffered from serious unemployment and economic stagnation. The purpose of the fund was to encourage economic development and cooperation between the Catholic and the Protestant communities in economically deprived areas of Northern Ireland. I am delighted that it has contributed to the economic success and growth in that area.

The economic stimulus that the fund sought is less necessary today than it was when this program was created. The Good Friday Agreement of 1998, in which then-U.S. President Bill Clinton played a key role, marked an important step forward in reconciliation in Northern Ireland. We have seen progress in reducing violence, although we have not achieved the full peace that all of us seek.

The changes to this legislation we are considering today will permit this program to continue to expend resources for projects and conflict resolution for the critical support of human rights training for police and for programs to foster peaceful mediation in neighborhoods where conflict still exists.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding time to me on this important legislation.

Mr. Speaker, our contributions to the International Fund for Ireland since 1986 have been a vital contributor to the progress towards peace in that troubled region. This bill authorizes last year's level of $25 million, and is a U.S. vote of confidence in the peace process and the peaceful future of Northern Ireland, which we want and we see unfolding at long last.

It is also a vote of thanks to the Irish Prime Minister, Bertie Ahern, who has supported our efforts in Iraq with keeping Shannon Airport open for American military troop refueling flights.

Peace in Northern Ireland, which these International Fund for Ireland monies also support, helps end the British Army massive presence there and makes it easier for them to help support our activities in Iraq. I believe hundreds of troops from Northern Ireland are there now playing a very crucial role.

I compliment the chairman, the gentleman from New Jersey (Mr. SMITH), and the original cosponsors, the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. KING), the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE), for all their years of firm dedication to peace and reconciliation in Northern Ireland and for leading the way on H.R. 1208, now before us.

Now more than ever, as we reach the possibility of the end game in the north of Ireland of lasting peace and justice, the U.S. contribution to the IFI must be maintained, yet somewhat refocused. We need IFI to address new needs as we set about cementing the peace. Besides just economic development through cross-community job projects, which is still very important, we also need the IFI to play an increasing role in more direct reconciliation efforts.

The bill sets out a reasonable and workable spending formula, 20 percent direct reconciliation versus 80 percent economic development, for the use of U.S. contributions to the IFI. This expenditure formula will help refocus the U.S. monies to meet new requirements and challenges.

The Good Friday agreement was not around when the IFI was founded in 1986; and no one envisioned then, for example, a new acceptable, as well as accountable, police service in the north and many other changes that are now a reality.

Another good example of the IFI's new role, as Mark Durkin, the leader of SDLP pointed out to me just a few weeks ago, is helping in the transitional use of former British military bases and prisons being closed, changing those into housing projects, shopping centers, and industrial parks. IFI needs to be helpful in brokering deals on the peaceful use of these old military sites, once the very symbols of the "troubles." This is truly turning swords into plowshares, and the IFI can and should help.

H.R. 1208 specifically requires the IFI to spend 20 percent of our contribution to help support programs that enhance direct reconciliation between both communities, and between police and all the communities they serve in the north. The IFI under the bill is encouraged to promote human rights training for police, enhance mediation efforts in interface areas of continuing conflict, and to promote training of the new cross-community district police partnership boards in the north.

These new reconciliation efforts will soon ensure the future of the north and the security of these warm and generous people and their elected leaders under the established power-sharing institutions of the Good Friday Agreement.

Mr. Speaker, I urge full support by the House of H.R. 1208.

Mr. WEXLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for his longstanding leadership on behalf of peace and justice and fairness in Northern Ireland. He has been indefatigable over these many years, and he continues to be. I would thank him for his leadership and remind my colleagues of the importance of trying to get the IFI to look further into reconciliation projects and police reform projects.

As I indicated earlier, we have had seven hearings on police reform in Northern Ireland with a focus on what the United States can do to try to foster that, so there is total transparency, and the best type of methods used by police with human rights training being part of that. It has become very clear that this would help to advance that kind of understanding between the two communities. Those barriers need to be broken down. We do it by getting both communities working together.

We are, I think, or many of us, very encouraged that Hugh Orde is the new chief constable. He replaces a man that many of us had very serious disagreements with in the past, and our hope is that he will continue and even accelerate the pace of reform. This helps to build under him additional strong Earth and concrete, and a base for him to go forward.

This bill has worked; this law has worked; and the IFI, the International Fund for Ireland, has worked for many years to foster reconciliation. This bill gives it an additional push and would provide $25 million authorization for each of the next 2 years.

Again, I want to thank all Members for their support. It is a bipartisan bill.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Northern Ireland Peace and Reconciliation Support Act.

As we all know, the peace process in Northern Ireland is at a critical juncture and now is not the time to decrease funding for a critical program such as the International Fund for Ireland.

The International Fund for Ireland was established as an independent, international organization by the British and Irish Governments in 1986, and receives contributions from the United States, the European Union, Canada, Australia and New Zealand.

The International Fund for Ireland is so important because it promotes economic and social advance and encourages contact, dialogue and reconciliation between Unionists and Nationalists throughout Ireland.

This is a proven program that successfully brings together two groups and teaches them to work together and helps to foster friendships and understanding.

Dialogue is a key tool to lead to the decommissioning of all parties, a fair police force and a feeling of unity and peace in Ireland.

That is why I am concerned about the significant cut to the International Fund for Ireland.

The Northern Ireland Peace and Reconciliation Support Act will authorize $25 million in funding for the International Fund for Ireland, which will match the funding level provided by Congress in the Fiscal Year 2003 not the current request of $8 million.

Now is not the time to decrease this program and I urge all members to support the Northern Ireland Peace and Reconciliation Support Act.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that House suspend the rules and pass the bill, H.R. 1208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1166) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

The Clerk read as follows:

H.R. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Approximately 60 percent of Indian tribe members and Native Alaskans live on or adjacent to Indian lands, which suffer from an average unemployment rate of 45 percent.

(2) Indian tribe members and Native Alaskans own more than 197,000 businesses and generate more than $34,000,000,000 in revenues. The service industry accounted for 17 percent of these businesses (of which 40 percent were engaged in business and personal services) and 15.1 percent of their total receipts. The next largest was the construction industry (13.9 percent and 15.7 percent, respectively). The third largest was the retail trade industry (7.5 percent and 13.4 percent, respectively).

(3) The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

(4) The Small Business Development Center program is cost effective. Clients receiving long-term counseling under the program in 1998 generated additional tax revenues of $468,000,000, roughly 6 times the cost of the program to the Federal Government.

(5) Using the existing infrastructure of the Small Business Development Center program, small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians receiving services under the program will have a higher survival rate than the average small business not receiving such services.

(6) Business counseling and technical assistance is critical on Indian lands where similar services are scarce and expensive.

(7) Increased assistance through counseling under the Small Business Development Center program has been shown to reduce the default rate associated with lending programs of the Small Business Administration.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stimulate economies on Indian lands.

(2) To foster economic development on Indian lands.

(3) To assist in the creation of new small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians and expand existing ones.

(4) To provide management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

(5) To seek the advice of local Tribal Councils on where small business development assistance is most needed.

(6) To ensure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing business counseling and technical assistance available through the Small Business Development Center program.

SEC. 2. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

"(7) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.—

"(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

"(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Natives Alaskans, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

"(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Associate Administrator an application that is in such form as the Associate Administrator may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

"(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Native Alaskans, and Native Hawaiians;

"(ii) the location of the Small Business Development Center site proposed by the applicant;

"(iii) the required amount of grant funding needed by the applicant to implement the program; and

"(iv) the extent to which the applicant has consulted with local Tribal Councils.

"(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements of paragraph (4)(A) shall not apply.

"(E) Maximum amount of grants.—No applicant may receive more than $300,000 in grants under this paragraph in a fiscal year.

"(F) Regulations.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administrator shall issue final regulations to carry out this paragraph, including regulations that establish—

"(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

"(ii) standards relating to any work plan that the Associate Administrator may require a Small Business Development Center receiving assistance under this paragraph to develop.

"(G) Definitions.—In this paragraph, the following definitions apply:

"(i) Associate administrator.—The term 'Associate Administrator' means the Associate Administrator for Small Business Development Centers.

"(ii) Indian lands.—The term 'Indian lands' has the meaning given the term 'Indian country' in section 1151 of title 18, United States Code, the meaning given the term 'Indian reservation' in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term 'reservation' in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

"(iii) Indian tribe.—The term 'Indian tribe' has the meaning given such term in section 8(a)(13).

"(iv) Indian tribe member.—The term 'Indian tribe member' means a member of an Indian tribe (other than a Native Alaskan).

"(v) Native alaskan.—The term 'Native Alaskan' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(vi) Native hawaiian.—The term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

"(H) Authorization of appropriations.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2004 through 2006.

"(I) Funding limitations.—

"(i) Nonapplicability of certain limitations.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

"(ii) Limitation on use of funds.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.".

SEC. 3. STATE CONSULTATION WITH LOCAL TRIBAL COUNCILS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

"(9) Advice of local tribal counsels.—A State receiving grants under this section shall request the advice of local Tribal Councils on how best to provide assistance to Indian tribe members, Native Alaskans, and Native Hawaiians and where to locate satellite centers to provide such assistance.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1166 is identical to legislation the House passed unanimously December 5, 2001. Unfortunately, this bill did not pass the Senate last year. We are here today to try again.

This bill simply establishes a 3-year pilot program providing grants to the Small Business Development Centers for assisting Native Americans, Native Alaskans, and Native Hawaiian populations with their small business development needs.

Few people realize that 60 percent of our Native American population lives in or adjacent to Indian lands that suffer from an average unemployment rate of 45 percent. One-third of Native Americans live below the poverty level. However, the number of businesses owned by Native Americans grew by 84 percent between 1998 and 1997, as compared to all other businesses, which grew at only 7 percent over the same time period.

It is quite clear that the entrepreneurial spirit of Native American small business ownership is the key to economic growth and revitalization of these often forgotten communities. Instead of creating a new program, H.R. 1166 uses the existing Small Business Development Center network to develop culturally sensitive entrepreneurial counseling and technical assistance programs for Native Americans.

The SBDC network has a track record of success. Small businesses that use their service have a higher survival rate than the average small businesses not receiving such assistance. Any SBDC in a State whose Native American population is at least 1 percent of the State's total population can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. The maximum grant size is $300,000 and the authorized level is capped at $7 million per year.

Already this fiscal year, the Small Business Administration received a $2 million appropriation to develop Native American entrepreneur education programs. I join many of my colleagues, including the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), who is an original cosponsor of this bill, in supporting H.R. 1166.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the gentleman from Illinois (Chairman MANZULLO), chairman of the Committee on Small Business, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their work and commitment to expanding small business opportunities for all Americans and for working to bring this bill to the floor today.

I would also like to thank the staff members of the committee for their hard work on this legislation and my colleagues who supported this bill by joining me as cosponsors.

The important legislation before us today, H.R. 1166, allows Small Business Development Centers to apply for an additional Small Business Administration grant to provide specified services to assist with outreach, development, and enhancement on Indian lands of small business start-ups and expansions that are owned by Indian tribal members, Alaskan Natives, or Native Hawaiians.

This legislation ensures participation of governing bodies of Indian tribes, Alaska Native entities, and Native Hawaiian organizations. Under H.R. 1166, States receiving a Small Business Development Center program grant are required to request advice from the appropriate governmental organization on how best to provide assistance to such members and where to locate satellite centers to provide such assistance. Our intent is to ensure these business development tools are provided in a culturally sensitive way.

Mr. Speaker, small businesses create 75 percent of all new employment opportunities, make up 99 percent of all employers, and provide almost half of all sales in this country. As many of us have said before and will say again, small businesses are the fuel for the engine of economic development. That is why it is so imperative that we take steps to help ensure that small business development reaches the places in this country where economic prosperity has yet to be realized.

The current economic situation on Native American lands is very grave. However, it does hold promise for the future. The average unemployment rate of these lands is over 10 times the national average. At the same time, small business creation is at an all-time high. Native American and Native Alaskan-owned small businesses grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that same time period.

Compare those figures to an overall small business growth rate of 7 percent and to the gross receipt growth of 40 percent, and we can see why there is reason to be optimistic about the future of small business development on tribal lands.

It is with these facts in mind and the desire to help Native American, Native Alaskan, and Native Hawaiian entrepreneurs capitalize on these positive developments that I introduce this legislation. My bill ensures that Native Americans, Native Alaskans, and Native Hawaiians seeking to create, develop, and expand small businesses have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

In an effort to ensure the quality and success of the program, the proposal requires the SBA to include several items in the grant application.

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In addition to the obvious requirements like requiring the applicant's goals and objectives, we also must see the applicant's experience in conducting programs on ongoing efforts designed to assist the business skills of small business owners. Also the capability of such applicant to provide training and services to a representative number of Native Americans, Native Alaskans, and Native Hawaiians is also important to this process.

I have the great honor of representing 14 Pueblos, the Hickory Apache Nation, and a portion of the Navajo Nation. These communities are in great need of economic development, and it is clear we can do more to aid Native American entrepreneurs not only in my district but throughout the country as well. Not enough has been done to assist Native Americans in building their businesses. I hope to change this situation with the passage of this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 1166, a bill to authorize the administration of grants to local small business development centers in States with significant populations of Native Americans, Native Alaskans, and Native Hawaiians. The gentleman from New Mexico (Mr. UDALL) has carefully crafted this important legislation to address poverty and unemployment amongst those disadvantaged populations. I commend the gentleman and the House Committee on Small Business for focusing on the sizable socioeconomic problems faced by Native Americans.

H.R. 1166 will enable small business development centers to assist Native Americans with job creation and economic growth. This measure will help foster self-determination among groups that have been historically marginalized by the Federal Government. This bill helps individuals to utilize their own valuable business skills so that their small business, and in turn their community, may prosper.

I am in such strong support of the aims of H.R. 1166 that I believe the bill can be strengthened by expanding the eligible grant recipients to include small business development centers that work with the indigenous populations of Guam and American Samoa. Chamorros and Samoans from U.S. territories endure economic adversity similar to that experienced by Native Americans, Native Alaskans, and Native Hawaiians. I look forward to working with my colleagues to ensure that either in conference on this legislation, or on a similar proposal, that we take action to address the small business development needs of the indigenous populations of the United States territories.

This bill gives real assistance to Native Americans, and I urge my colleagues to support its passage and to support economic development for all indigenous populations throughout the United States.

Mr. UDALL of New Mexico. Mr. Speaker, we thank the gentlewoman for her service on the Committee on Small Business.

Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE) who also serves on the Committee on Small Business and is a hardworking member on that committee.

Mr. CASE. Mr. Speaker, I commend the gentleman from New Mexico (Mr. UDALL) for his work on this legislation and thank him.

I rise in very strong support for this legislation because this bill perfectly melds two objectives that we want to accomplish here in our Congress. The first, of course, is to support small business. We all know and the gentleman has outlined how strong small business can be. It is the backbone of our economy. It is where much of innovation in our country comes from, and it is an area where the need for coordination is great. In my own State of Hawaii almost all of the businesses are small business-related, and they have the same needs as throughout the rest of our country to coordinate those efforts. And this is an area in which the Federal Government's assistance is so well received because of the return on investment, a return on investment of roughly six times the amount invested in these small business development centers, returns to the bottom line in terms of increased tax revenue and employment.

The second goal, of course, is the goal of improving the lot of our indigenous peoples, whether they be Native Americans or Native Hawaiians. I think we all know that the route to improving the lot of our indigenous people lies through self-sufficiency. And my own belief, and this legislation makes very clear that the belief of most of us, is that the way to do that is through encouraging economic activity. So to the extent that we can encourage that economic activity, we can take the situation that many of our indigenous people find ourselves in, especially Native Hawaiians in my home State and improve their lot, improve their self-sufficiency, take them off the rolls, whether they be the health care rolls, the welfare rolls. This is the way too for us to go. This is money well spent.

Mr. Speaker, I thank and commend the gentleman again for introducing this legislation and I certainly hope we can pass this expeditiously.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLANCE). He is the ranking member on the Subcommittee on Rural Enterprises, Agriculture, and Technology.

Mr. BALLANCE. Mr. Speaker, I am honored this evening to join with my colleagues on this important issue.

A careful reading of history reminds us that the first Americans, whom we now call Native Americans and sometimes we call Indians, those whose ancestors walked the Trail of Tears, part of which is in my native State of North Carolina, those who suffered through broken promises from our government, and even as we stand here today in combat in Federal court with our Department of Interior over how to account for funds derived from lands that America allegedly set aside for Native Americans, we all know how important small businesses are all over our Nation and in every community, where they make up 75 percent of new employment and, by some figures, more than 90 percent of all new employers.

The average unemployment rate of Native Americans, particularly those on the reservation, languishes today around 45 percent. That is unacceptable in modern America, when we keep in mind that the national unemployment rate in February of this year was 5.8 percent. Even more alarming, one-third of Native Americans currently live below the poverty line. And so that is why I am honored to stand with my colleagues in support of this important legislation which I understand was introduced and went forward last year but did not make it all the way. We are hopeful that we can pass this legislation in the House of Representatives and it can become law.

Native American small businesses grew at a rate of 84 percent over the last 5 years. And we not only have a legal, I think, responsibility, but we have a moral responsibility to ensure that this trend continues to ensure that we make efforts to right past wrongs, and for selfish reasons, to ensure that in our country that every segment of our community has an opportunity for its young people to move forward and to enjoy the American dream. I am strongly in support of this legislation and I urge my colleagues to pass it.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from Pennsylvania (Mr. SHUSTER) has no further speakers, I am prepared to close.

Mr. SHUSTER. Mr. Speaker, we have no further speakers. I reserve my right to close.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. SHUSTER) for his management of this bill and for his hard work here on the floor today.

Mr. Speaker, I would again like to thank the chairman of the Committee on Small Business and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for their commitment to passing this important legislation. I have high hopes for the impact of this legislation and the impact it will have on small business and economic development on tribal lands.

As some of my colleagues have mentioned today, the average unemployment rate of Native American communities, particularly on reservations, is around 45 percent, while one-third of Native Americans currently live below the Nation's poverty level. Mr. Speaker, this situation is unacceptable.

The persistent poverty that is prevalent on tribal lands must come to an end, and I believe that passing H.R. 1166 is an important step towards achieving this goal. I urge my colleagues to support this legislation.

And just one moment before I yield back, let me also thank the committee staff, my former legislative director, Tony Martinez; my legislative assistant, Mike Collins; and Michael Day, the minority staff director of the Committee on Small Business.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close by first commending and congratulating the gentleman from New Mexico (Mr. UDALL) for his hard work on this legislation and his support for the small business men and women across America. I also want to take this opportunity to thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for her support on H.R. 1166. And I finally want to thank the gentleman from Illinois (Chairman Manzullo) for his leadership and his passion for defending the backbone of the American economy and that is small business.

Mr. MANZULLO. Mr. Speaker, I am delighted that we were able to expeditiously move this legislation on the floor today. This bill is identical to legislation this House unanimously approved on December 5, 2001. It is unfortunate that the Senate was unable to take this legislation up on the Senate floor last year but we are here today to try again.

The purpose of H.R. 1106 is to create jobs, to spur entrepreneurship, and to stimulate the economies and foster economic development on Indian lands. Further, the purpose of the Act is to help in the creation of new small businesses owned and managed by Indian tribe members, Native Alaskans, and Native Hawaiians and to help expand such small businesses that already exist. The Act will provide much needed management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians. The Act will help insure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing counseling and technical assistance provided through the Small Business Development Center (SBDC) program. In providing entrepreneurial assistance, a State receiving a grant under the provisions of the Act is required to seek the advice of local Tribal Councils on where small business development assistance is needed.

Approximately 60 percent of Indian tribe members and Native Alaskans live on or in the immediate vicinity of Indian lands and suffer from an average unemployment rate of 45 percent. Currently, Indian tribe members and Native Alaskans own more than 197,000 business enterprises and generate revenues in excess of $34 billion.

The service industry, the largest sector, accounts for 17 percent of the businesses, and 15.7 percent of the total revenues. The second largest sector is construction, which accounts for 13.9 percent of the businesses and 15.7 percent of the total revenues. The third largest sector, the retail trades, accounts for 7.5 percent of the businesses and 13.4 percent of the total revenues.

The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent during the period from 1992 to 1997, while businesses, generally, grew by only seven percent. During the same period, the gross receipts for Indian tribe members and Native Alaskan business owners increased by 179 percent, in comparison with the business community, as a whole, where the gross receipts for the same period grew only by 40 percent.

In the past, the SBDC program with more than 1,100 offices throughout the United States has provided cost-effective business counseling and technical assistance to small businesses. For example, clients receiving long-term counseling under the program in 1998 generated additional tax revenues of $468 million, which was approximately six times the cost of the program to the Federal government.

By using the existing infrastructure of the SBDC program, it is anticipated that small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians, who receive services under the Act, will have a higher survival rate than the average small businesses not receiving such services. Further, increased assistance through SBDC counseling has in the past been able to reduce defaults under Small Business Administration (SBA) lending programs.

The business counseling and technical assistance, provided for under this Act, is critical on Indian land where, without such assistance, similar services are scarce and expensive. Past and current efforts by SBDCs to assist Native American populations located on or along reservation lands have proven difficult. In addition, the lack of resources makes it difficult to raise an equal amount of matching funds to specifically assist Native Americans.

H.R. 1166 will establish a three-year pilot project providing grants to SBDCs for assisting Indian tribe members, Native Alaskans, and Native Hawaiian populations with their entrepreneurial needs. The purpose is to stimulate the economies on reservation lands through the creation and expansion of small businesses by ensuring the target population has full access to important business counseling and technical assistance through the SBDC program.

Any SBDC in a State, whose Indian tribe members, Native Alaskan, and Native Hawaiian populations are one percent of the State's total population, can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. Grants under the Act are limited to $300,000 and the amount authorized to be appropriated annually, in each of the fiscal years 2004, 2005, and 2006, is $7 million. No matching funds are required from the States.

Services by SBDCs are to be provided to benefit the target population on tribal lands and reservations, but an individual center need not be located on each tribal land location or reservation. If the target population is in more than one location or reservation within a State, the center should be situated in a location that optimizes access by all those serviced by the center. H.R. 1166 does not limit in any way, the number of centers or subcenters a state program may implement. I expect the SBA Administrator to balance the need for multiple sites with the quality of assistance and counseling when awarding grants. Consultation with the local Tribal Council is required in determining those locations in most need and where the best access may be attained.

SBA is responsible for designing the grant application, which should provide essential information, but should not be burdensome to applicants. At a minimum, the application should contain information concerning the applicant's (1) goals and objectives, (2) prior experience in providing entrepreneurial and technical assistance to small businesses, (3) the ability to provide training and services to Indian tribe members, Native Alaskans, and Native Hawaiians, and (4) the extent of consultation with local Tribal Councils. In addition, the applicant should identify the location of a proposed center, and the amount of funding required.

Within 180 days after the enactment of H.R. 1166, the SBA Administrator is required to issue final regulations, after a notice and comment period, that implement the requirements of the Act. Such regulations shall include standards for the educational, technical, and support services to be provided and for a work plan for providing assistance to the targeted community.

The Act's predecessor, H.R. 2538, was subject to a hearing and a committee mark-up in the 107th Congress. The Congressional Budget Office (CBO) estimated that implementing the bill would cost $20 million over the next four years and contains no intergovernmental or private sector mandates. H.R. 2538 also unanimously passed the House on December 5, 2001 but unfortunately saw no action on the Senate floor, even though a companion bill was discussed and marked-up in the Senate Small Business and Entrepreneurship Committee. That's why I am pleased to join again with my good friend from New Mexico, in cosponsoring H.R. 1166 in this Congress and seeing it pass the House yet once again. Hopefully, the other body will look more kindly upon the legislation this year.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 1166, a bill to enhance the capacity of Small Business Development Centers (SBDCs) to provide assistance to Native American tribal members, Alaska Natives and Native Hawaiians. I would like to commend my colleague and friend, Representative TOM UDALL, for his work on, once again, bringing this important legislation to the floor.

SBDCs are the premier technical assistance providers to America's entrepreneurs. Many small businesses often operate near or at their profit margin and do not have additional resources to hire legal or technical experts. Research shows that small businesses that receive technical assistance are twice as likely to succeed in the marketplace than those that do not. In addition to providing technical assistance to the general small business community, SBDCs should also target that segment of our population with special and unique needs.

The Native American population is one such population. The United States government has an endless commitment to addressing the economic and health disparities of Native Americans. Although we have passed other legislation such as the Indian Reorganization Act of 1934 and the Indian Self-Determination Act of 1975, which both encourage self-sufficiency in an attempt to amend the effects of relocation, not enough has been done to ensure success of economic development within this community. That is why I support this bill. The "Native American Small Business Development Act" (NASBD) will allow Native Americans to strengthen and expand their small business infrastructure. This would also provide more stable employment and move closer to ending the desperate and disparate conditions on reservations. More importantly, this bill will allow Native American entrepreneurs to better utilize the current SBDC network.

The Native American population represents a disadvantaged and underserved segment of our nation. One-third of Native Americans currently live below the nation's poverty level and suffer from the highest rate in health disparities. Despite these difficulties, Native American small businesses grew at a rate of 84 percent over the last five years. But with technical assistance specifically geared toward meeting the unique needs of this population, we can create a more prosperous economic community in the Native American population, Alaska Natives and Native Hawaiians.

This legislation passed the House of Representatives in the previous Congress with strong bipartisan support but failed to reach the Senate floor last year. I remain in support of this legislation and committed to seeing its complete passage.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1463, by the yeas and nays;

House Concurrent Resolution 58, by the yeas and nays;

H.R. 1166, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining votes will be conducted as 5-minute votes.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1463.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 206, not voting 44, as follows:

[Roll No. 92]

YEAS—184

Aderholt
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Feeney
Ferguson
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (OH)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel

English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foley
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Watson
Watt
Waxman
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—44

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Conyers
Cramer
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Rogers (AL)
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). The Chair will remind Members there are 2 minutes left in this vote.

□ 1851

Messrs. WYNN, STRICKLAND, WAMP, NEY and LOBIONDO changed their vote from "yea" to "nay."

Mr. PETERSON of Pennsylvania and Mrs. NORTHUP changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 92, my plane was late arriving into Baltimore. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 58.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 41, as follows:

[Roll No. 93]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders

Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

☐ 1900

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1900

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

The SPEAKER pro tempore (Mr. FLAKE). The pending business is the question of suspending the rules and passing the bill, H.R. 1166.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 14, not voting 42, as follows:

[Roll No. 94]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Burgess
Coble
Culberson
Duncan
Flake
Gingrey
Goode
Goodlatte
Hensarling
Hostettler
Jones (NC)
Paul
Sensenbrenner
Stearns

NOT VOTING—42

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Turner (OH)
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes left to vote.

☐ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER of Ohio. Mr. Speaker, on rollcall No. 94, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 151, "PROTECT ACT"

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305 and 508 of the House amendments, and modifications committed to conference:

Messrs. HOEKSTRA, GINGREY, and HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference:

Messrs. YOUNG of Alaska, PETRI, and MATHESON.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that my name be removed as a sponsor of H.R. 1119. It was an error that my name was added to the bill, since I did not authorize the action.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

H.R. 1451, STUDENT ATHLETE PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, this is the final week of the NCAA basketball tournament. This is an exciting time, and it is also a time when large amounts of money are gambled. In 1998, $2.5 billion was gambled on the NCAA tournament. Today, that would probably be almost double that amount.

Gambling on NCAA sports has become a major problem. In 1951, CCNY had a point-shaving scandal, and Kentucky in the 1940s. In 1994, a Northwestern running back intentionally fumbled to fix a game. In 1996, 13 Boston College football players bet on NCAA games, and several bet against their own team. In 1998, a Northwestern basketball player was indicted for point shaving. In 1999, two Arizona State basketball players shaved points. This was done to pay off gambling debts. The fix was traced to organized crime in Chicago.

Last month, Florida State quarterback Adrian McPherson was charged with illegal gambling, and of course he owed a bookie thousands of dollars. A University of Michigan study recently found that 5 percent of NCAA athletes that play football and basketball provided inside information to gamblers.

So over 36 years of coaching, gambling was a major concern to me. I was always worried about our players getting involved because of gambling debts; but more importantly, as a coach you had to win twice. You had to win once on the scoreboard, and then you had to win again in beating the point spread.

Someone up in the stands who had bet $10,000 on the outcome of a game that he could not afford to lose was not a casual observer. Most of the nasty memories that I have from coaching, and I do not have very many, had to do with hate mail, obscene phone calls at night, a mailbox that was blown up. In general, most all the time these were caused by situations where somebody had lost a bet.

Gambling on NCAA sports is illegal in 49 States, yet it is legal in one State, which is the State of Nevada. So we might ask, why not have a uniform standard? It is like having 49 States that have to pay Federal income tax and then one State is given a pass.

I have four major concerns with the Nevada loophole. First, this allows bets to be laid off. If there is a big game and the action is getting pretty heavy, a local bookie can have a runner or himself go to Las Vegas, up the ante, and have his bets covered. I had a young man from Nebraska who traveled to Las Vegas weekly to do this over a period of time.

Kevin Pendergast, who orchestrated the Northwestern gambling scandal, said this: "Without the option of betting in Nevada, the Northwestern basketball point shaving scandal would never have occurred."

Secondly, the loophole provides money-laundering opportunities. The former chairman of the Nebraska Gaming Control Board said, "We have no way of knowing how much is laundered through legal sports books, but based on wiretaps, it is millions of dollars."

Thirdly, this results in ties to organized crime. FBI agent Mike Welch said this: "Most student bookies, even if they don't know it, are working for organized crime."

Fourthly, giving one State a pass on amateur gambling sends a message that this is not really a serious problem. It is like legalizing drugs in one State and having them be illegal in 49 others.

□ 1915

The argument is often advanced that legal gambling on amateur sports in Nevada tips off a fix. In other words, as the points change and there is a big shift in gambling money, this will alert people that the fix is on. Yet in 2001 testimony on Capitol Hill, NCAA officials pointed out that legal sports betting in Nevada has never prevented a point-shaving scandal from happening. Sometimes after the fact you might go back and look at it and say, well, maybe something was going on here, but it has not really prevented anything.

The National Gambling Impact Study Commission said in its 1999 report, it recommended that current legal gambling on college athletics be banned altogether, and of course this would apply to the Nevada loophole.

So I urge support for H.R. 1451 which will do exactly that. This will not eliminate all gambling, I realize that, on NCAA sports; but it certainly would be a step in the right direction and I urge support of H.R. 1451.

TIGHTENING AMERICAN BORDER SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, the Washington Times carried an interesting article on March 28. Headlines read: Bonner Says U.S. Borders Sealed Better Than Ever.

"America is better protected against terrorists and weapons of mass destruction today than it ever has been, says the head of the new Federal agency assigned to guard the Nation's 6,000 miles of international borders and 300 ports of entry."

The borders, he says, are sealed better than ever. Well, maybe something has happened down there in the last several days that I am not aware of, but I can tell you what is the situation on our borders, at least our southern border, as recently as the last couple of weeks because I have just returned from there and observed how sealed these borders are. In fact, of course, they are anything but protected. They are completely and entirely porous.

This is a picture of exactly what I am talking about. This is the border between the United States and Mexico here. This is a cattle guard that has been put up at this particular point because so many people have come across them. They have knocked down this fence so many times, they have just given up putting up any sort of protection, because all it is is a 3-strand barbed-wire fence to begin with, but it has been knocked over so many times they just put up a cattle guard to keep cattle from going across the border. But it certainly does not protect or seal the border. And this is the case for literally thousands of miles of the border.

This is a sign. Maybe this is what the head of the agency is referring to when he says things are better now than ever before. This sign was put up there; actually it was put up a while back. Here is a sign near another little spot around the border where the ruts in the road, they will show you how many times they have come across here from Mexico into the United States where we were standing taking a picture of this sign. The sign says, "All persons and vehicles must enter the United States at a designated port of entry only." This is not, underlined, this is not a designated port of entry. And, of course, we are out in the middle of nowhere. There is not anything for hundreds of miles except where everybody has been coming across and knocking down fences and coming into the United States.

Maybe this is the security device that we are talking about. Maybe this is what we will see when people come across, terrorists and others, who come across this place which is not a port of entry, and look at the sign and say, oh, golly, this is not a port of entry. I guess I should go several hundred miles to where it is a port of entry and try to come across there, and then they will turn back and go back into Mexico. Surely that is what this, we are assuming, is going to make happen.

Well, of course, it is not. The borders are not only not sealed better than ever, they are entirely porous.

There is a report from the Tucson sector from the U.S. Border Patrol that said that as early as November of last year they apprehended in just one sector 23,000 illegal aliens, but they also said that at least for every one they get, five get by them. So in the month of November, according to the Border Patrol, 100,000 people came across just the Tucson sector into the United States. They got 23,000 of them, turned them back, and of course those people very soon just came across the border as soon as somebody was not looking; 100,000 in the month of November.

There is a gentleman here that owns a ranch, not too far from where this picture is taken, as a matter of fact. His name is Roger Barnett. He has personally, he, his wife, and his brother have personally interdicted 2,000 people a month on their land, called the Border Patrol, had them come and get them and take them away; 2,000-some people a year, these folks stop themselves on their ranch and get the Border Patrol and come and get them.

The Tohono O'odom Indian Reservation, also in Arizona, not too far from where this picture is taken, has 1,500 people come across their land, across their border every single day; 1,500 illegal immigrants come across a 71-mile section of the border called the Tohono O'odom Indian Reservation which has a coterminus border with Mexico; 1,500 a day and we are supposed to believe that our borders are sealed better than ever. They are not sealed; they are not even remotely secure.

Now, maybe we are devising better methods of identification for people to show, so when people come through a port of entry they have to prove who they are. That is a good idea. But let me suggest that people do not come across the port of entry if they are coming to do us great harm. They are coming across right over here.

HONORING KATHLEEN TEX MILAMI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Madam Speaker, in honor of Women's History Month, I would like to join members of the Congressional Caucus for Women's issues in recognizing the accomplishments of women and the outstanding contributions they have made to our country.

I would like to take this opportunity to honor an extraordinary woman from my district, Kathleen "Tex" Milami, for her 60 years of dedicated service as a registered nurse working in a number of hospitals throughout the country. On her 81st birthday on February 27 of this year, Tex celebrated another momentous occasion, her retirement, marking the end of her exceptional 60-year career as a nurse, 30 years of which were spent at Mercy's Sacramento birthing center facilities as a labor and delivery nurse.

Tex began nursing at the age of 18, studying for 3 years at Parkland Hospital in Dallas, Texas. In 1945 she began working in various hospitals in Pittsburgh, Pennsylvania, specializing in labor and delivery nursing. In 1972 she moved to the Sacramento area, working first at the Birthing Center at Mercy American River Hospital just down the street from where I live, and then in 1995 moved with the birthing center to Mercy's San Juan Hospital where she spent the remainder of her career. After 30 years of distinguished service, she has become something of a legend among her co-workers and patients in the Sacramento area and has seen many changes in birthing techniques and technology over her career.

When asked what sets Tex apart from other nurses, her co-workers said that they are amazed at her willingness to embrace advances in technology. Not only was she open to change, she became an expert in learning these new techniques, enrolling in classes to learn the proper applications, and then acting as a proctor to other nurses, teaching them those same techniques.

In her career, Tex has seen fetoscopes replaced by fetal monitors, the emergence of epidurals and improved pain medications, the introduction of the LaMaze technique, and the advent of homestyle deliveries where labor and birth take place in one room, and family members are welcome.

In her own words, "You tell me there is a new way of doing something, and I want to learn how to do it and do it well. As long as you arrive at the same destination, it just does not matter how you get there."

Among her co-workers, Tex's commitment to her job, her enthusiasm and her devotion to her patients, acts as an inspiration to other nurses. Tex retired in order to keep a promise to her husband Frank that she would retire at age 81. This remarkable and energetic woman says that even at age 81 she was not ready to retire and that 81 came too soon. In all that she has experienced, Tex said the hardest part of it all has been to retire.

Madam Speaker, I wish to acknowledge Tex for her myriad of contributions to the nursing profession and to the Sacramento area families whose lives she has touched with exceptional attention and care to birthing mothers and her eagerness to improve the experience of all her patients.

Kathleen "Tex" Milami emerges not only as a leader in her field, with an established and respected career, but also at 81 years of age, is a role model for all women.

I am honored to recognize her and all her accomplishments for Women's History Month and would like to wish her the very best in her retirement.

HONORING SAM JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Madam Speaker, "From within or from behind, a light shines through us on things, and makes us aware that we are nothing, but the light is all." Ralph Waldo Emerson.

A fitting tribute of behalf of Mr. Sam Jones on the occasion of his home going celebration, preceded first by a few days his 74th birthday.

In Indianapolis, Indiana this week, Madam Speaker, citizens of all walks of life, political, religious and philosophical persuasion, persons who represent every person and race imaginable, will celebrate the life of Mr. Sam Jones on the occasion of his home going, and 36-year reign at CEO and president of the Indianapolis Urban League. He dedicated his life to God, family, and community. He was the dean of the Urban League chapters throughout the Nation. He is inducted into the courageous Hall of Champions and is celebrated for his unparalleled moral persuasion in promoting solidarity among all peoples for the common good.

History offers few examples of leaders who were gentlemen and genteel men all the while. There were many who will say so much about Mr. Jones's contributions to so many on behalf of so many.

But in summary, Madam Speaker, he lived not because but for a cause. In his unassuming manner, he followed the instruction of a wise man many years ago: "Let your light so shine by your good works on Earth that it will be magnified on high."

He will be missed by all. He challenged us to find a cure for leukemia. We can, if we will. We cannot afford not to. My love and appreciation and admiration is extended to the Jones family and especially to a very special wife, Pree, and an extraordinary family.

PEACE FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, there is not a time that I come to the floor during this time of war that I do not feel burdened to speak to the issue of peace and some sense of recognition by the administration that all is not well with the position that the United States is taking with respect to the United Nations Security Council.

At any time we discuss war, we are reminded of the families that are mourning and the families that are also praying for their loved ones. And so it is important to acknowledge our respect and admiration and support for the success of the United States troops.

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At the same, too, we are policymakers and our dissent is not against the troops. It is against the policies.

I am concerned that there is no focus and thought on the aftermath of this Iraqi war, the ability to govern this Nation without government, the inability of one country to be able to occupy another. I believe it is misdirected for this administration to believe that the United States military can occupy this Nation, Iraq, without coalition efforts.

I believe it is misdirected to think that Congress should not be involved, and I hope that we will be working seriously on the question of peace. It is interesting to try and fight the war, but can we keep and hold the peace?

As I think about those thoughts, Madam Speaker, I also think about the fact that when our troops go abroad, they are fighting for the values of this Nation. They are fighting for our freedom, our freedom of dissent, but also our freedom of equality and justice.

Is it not interesting, Madam Speaker, and it is sobering that tomorrow, April 1, 2003, one of the more historic arguments before the Supreme Court will be held, and that is, the challenge of whether or not affirmative action is unconstitutional. I might imagine that there are some troops in Iraq that will ultimately be impacted by this decision.

I think the greater tragedy is that this government, this administration decided to weigh in in opposition to the University of Michigan plan, a plan that has already been established as a non-quota plan. It is an outreach. It provides a point system, Madam Speaker, for athletes, people living in northern Michigan, individuals who happen to come from different ethnic groups. It is not a quota system, but yet our government has decided to go into the Supreme Court with my tax dollars and allow the Solicitor General to argue against the rights of millions and millions of Americans. Young people who have not had opportunity, young people who started in this life behind the finish line.

President Lyndon Johnson said that one cannot expect a person to finish a race until we take the strings off of their hands and feet, and that is what affirmative action is about.

I am a product of affirmative action, Madam Speaker, going to Yale University; but I did not graduate on affirmative action. In fact, Yale University affirmatively created women because it became coed during the time I was in college. What a tragedy that in this Nation we could not find the kind of balance in the administration to argue on behalf of an effective plan.

Let me thank the Congressional Black Caucus for having the courage even in these times to stand up against the attack on civil rights and affirmative action, and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman, and thank many of the Members who participated in an affirmative action summit in Houston: the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from California (Ms. WATSON), the gentleman from Michigan (Mr. CONYERS), and the gentleman from Louisiana (Mr. JEFFERSON).

I believe, Madam Speaker, that we cannot stand silent while our rights are being denied, and I hope that we will continue to stand for what is right. There will be thousands tomorrow who will petition the United States Supreme Court in order for them to know that this impacts lives. It denies opportunity.

I close, Madam Speaker, to say that the University of Texas and the Texas system are real examples of what a court decision can do because, after the Hopwood decision, we saw hundreds of minority students leave the State of Texas to try and get an education because they could not get into the grad school which their parents had paid taxes for. This is a shame and this is a sham.

I hope that in the wisdom of the Supreme Court that they will have the opportunity to hear the arguments and realize that the program before us, the University of Michigan plan, is an excellent plan; and I hope that the Nation's values will be upheld by the Supreme Court, the values of equality for all and justice for all.

REVELATIONS ABOUT RICHARD PERLE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONYERS. Mr. Speaker, I rise today to discuss several matters that have become intertwined in the Iraq circumstance, and of course, our thoughts and prayers are with the brave men and women who are fighting overseas, faced with a number of troubling episodes, though, here at home that may involve conflicts of interest of high-level Bush administration officials.

I take the floor tonight to raise the discussion on the ongoing revelations that Richard Perle, a member of the Pentagon's defense policy board, may have used his government position for private financial gain. It could be that he did not use his position for private financial gain, but I am alarmed with a number of lucrative government contracts that were recently awarded to the company formerly headed by the Vice President of the United States, DICK CHENEY.

What I am troubled about is the apparent link between the private financial gains made by the administration and their friends and the administration's prosecution of the war in Iraq. In the short term, American businesses could stand to gain nearly $2 billion in government contracts for reconstruction projects in Iraq; and over the long run, over the long term, the next 3 years, the United Nations Development Program estimates it will cost up to $30 billion or more to rebuild that country. Indeed, some of that money has already been awarded, including a contract to a subsidiary of Halliburton Company, which the Vice President was the CEO of from 1995 to the year 2000.

Many in the government are already benefiting from these payouts, including Mr. Richard Perle, who, for example, is on the board of directors for Onset Technology. Onset is the world's leading provider of message conversion technology. The company's customers include Bechtel, a well-known government contractor widely considered the leading candidate for rebuilding the Iraqi infrastructure, and Raytheon Company, which is a provider of defense electronics, including the Patriot and the Tomahawk missiles.

There are many ways in which Mr. Richard Perle could be benefiting from his government position on the Defense policy board. For example, he has contracted with bankrupt telecommunications company Global Crossing, Limited to try to win the United States Government approval of its $250 million chapter 11 buyout by two Asian companies, Hutchison Whampoa, controlled by the Hong Kong billionaire Li Ka-shing, and Singapore Technologies Telemedia, a phone company controlled by the Government of Singapore itself.

Mr. Perle was being paid $125,000 for his efforts but stood to reap a $600,000 bonus if the sale was approved by his superior, Secretary of Defense Donald Rumsfeld. Both the Department of Defense and the Federal Bureau of Investigation were opposed to the sale for national security reasons because it would place Global Crossing's fiber optic network, used by the United States Government, under foreign control.

In a March 7, 2003, affidavit, Mr. Perle said, "As the chairman of the Defense Policy Board, I have a unique perspective on and intimate knowledge of the national defense and security issues that will be raised by the review process." Mr. Perle even acknowledged contacting at least one government official on Global Crossing's behalf, though he refused to identify this person. And though Mr. Perle said he is no longer lobbying on Global Crossing's behalf and will donate his $125,000 fee to American servicemen and their families, which I applaud, the fact remains that he may well have used his government position improperly to secure this fee. It is not relevant what he chooses to do with the money after he gets it.

Mr. Richard Perle also serves as managing partner of a private venture capital firm called Trireme Partners that invests primarily in companies that deal in goods and services related to national security. Pulitzer Prize-winning journalist Seymour Hersh recently reported that on January 3 of this year, Mr. Perle met with Saudi businessmen, including arms dealer Adnan Kashoggi, in Marseilles, France, to secure their investment in Perle's company.

The report contains a disturbing quote from Prince Bandar bin Sultan, the Saudi ambassador to the United States, and he said, "There were elements of the appearance of blackmail. 'If we get in business, he'll back off in Saudi Arabia,' as I have been informed by participants in the meeting." Though Perle denied that securing investment in his company was the purpose of the meeting, he said that he did meet with the Saudis concerning Iraq.

There is also concern about Perle's position as a nonexecutive on the board of directors of software developer Autonomy, a data mining company that lists the Defense Department and Homeland Security Department as customers. For example, last October the company won a major contract with Homeland Security. While Mr. Perle has drawn no salary, he has received more than 120,000 share options from Autonomy.

Mr. Perle's award of these share options gives him a direct financial stake in the success of this company. Indeed, the National Association of Pension Funds recently recommended that shareholders abstain when Mr. Perle comes up for reappointment this summer because the group feels that share options compromise the independent status of the independent directors such as Perle.

In yet what some term an amazing incident on March 19 of this year, Mr. Perle spoke in a conference call sponsored by Goldman Sachs, in which he advised participants on possible investment opportunities arising from the war in Iraq. The conference title was "Implication of an Imminent War: Iraq Now. North Korea Next?" Clearly, Mr. Perle has little regard for the conflict-of-interest rules that are in place for government officials, and I am assuming in that statement that he is aware of the rules in the first place.

The most recent Perle revelation is that while on the Defense policy board he advised a major American satellite maker, Local Space and Communications, as it faced government accusations that it improperly transferred rocket technology to China.

In an attempt to divert us from continuing to look into these matters, Mr. Perle has recently announced that he would immediately step down as chairman of the Defense policy board last week. Yet he does remain on the board as a member, along with 29 others.

According to a recent study by the Center for Public Integrity, of the 30 Defense policy board members, some of them have ties to companies that have won more than $76 billion in defense contracts in last year and the year before. Indeed, four members are, in fact, registered lobbyists, one of whom represents two of the three largest defense contractors.

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Perle, like the others, continues to be a key adviser to the administration on defense issues, even as he pursues his personal business in the same area, a potential violation of the Federal criminal ethics rules.

In order to get to the bottom of this matter, I plan to ask the distinguished Secretary of Defense, Secretary Donald Rumsfeld, to publicly release the financial disclosure forms that each member of the board must file with his office. To date, these forms have not been seen by anyone outside the Pentagon. I am further requesting of the Secretary of Defense to release the minutes of all meetings held by the Defense policy board so that we can see whether issues relating to the private financial interests of the members have been discussed. There are persons on my staff who have security clearance and can view the minutes of these meetings without any danger of compromising national security. As a matter of fact, I would be willing to do so myself. Of course, regardless of what was discussed at the meeting, the fact still remains that the members of the board are still government employees who simultaneously sit on the boards of and are employed by private companies that can and do benefit from Defense Department contracts. This is a direct and disturbing conflict of interest.

Mr. Perle and the other members of the Defense policy board are not the only ones capitalizing on the war in Iraq. I turn now to the Vice President of the United States, whose former company, Halliburton, has already secured a number of contracts in the Middle East since the Vice President took office. For example, on March 25 of this year, the United States Army announced that it awarded the main Iraq oil well firefighting contract to a unit of Halliburton, which incidentally was let without any bidding whatsoever. Furthermore, it was reported that Halliburton had been working closely with U.S. Army engineers prior even to the awarding of the contract.

This was not the first time Halliburton has profited from a government contract since the Bush-Cheney administration has taken office. Halliburton recently secured a $140 million contract by the Saudi Arabian Government through their state-owned petroleum firm, Saudi Aramco, to develop oil fields in their country. And a Halliburton subsidiary was also hired by the Saudis to build a $40 million ethylene plant.

Now, it is a matter of record that Halliburton gave nearly $18,000 to the Bush-Cheney Presidential campaign of 2000. There is some concern that these campaign contributions from CHENEY's former company, coupled with Halliburton's success in securing government contracts under this administration, at the very least create the appearance of favored treatment. And while the Vice President divested nearly all of his financial interests in Halliburton when he stepped down as CEO to be President Bush's running mate, he still continues to receive $1 million a year in deferred compensation from his Halliburton severance package. And though he sold most of his shares when he left the company, he retained options worth in the range of $8 million. Like Perle's donation of his $125,000 fee to war victims, the Vice President has also arranged to pay any profits derived from his Halliburton stock to charity. How nice. It seems, Madam Speaker, that the Bush administration is not opposed to using government position for private gain as long as one does not keep all the profits for oneself.

Quite frankly, like Mr. Perle, it is time for the Vice President to make a much fuller disclosure than he has up till now. The American people have a right to know if their officials are or are not using their office for self-interested reasons. From the evidence already made public, Mr. Perle and others really should, and I recommend this, give a full accounting of their business dealings; and the Vice President must completely divest himself of any and all financial ties to Halliburton. Then the American people can be sure that their representatives in Washington, their leaders, are working for the good of the many and not in any kind of personal way to benefit themselves.

Now, while it is true that Halliburton, and I am not picking on them, but they are the subject of these discussions, while it is true that Halliburton is now out of the running for the prime contract to rebuild Iraq, and I presume they took themselves out, there is nothing that prevents them from being subcontractors in many instances.

Madam Speaker, I am submitting for the RECORD a couple of articles, from the Washington Post and even from the Wall Street Journal, which are critical of Mr. Perle. I quote from today's paper: "Our own view is that Mr. Perle should have understood that Global

Crossing was politically toxic." As well, Madam Speaker, I would like to include a statement of Mr. Perle that explains his position and what has happened in this matter. It is one that I think, in all fairness to him, should be reproduced in the RECORD.

[Mar. 31, 2003]

FOR THE RECORD

(By Richard Perle)

Last week I resigned my position as chairman of the advisory Defense Policy Board after news stories, rich in innuendo, suggested that I had acted improperly in advising Global Crossing (the New York Times) and, in a separate matter, in meeting over lunch with two Saudi businessmen (The New Yorker). They provoked an avalanche of stories, mostly repeating points in those first two, with each iteration making more extreme allegations than the last. There was no way I could quickly quell the press criticism of me, even though it was based on factual errors and tendentious reporting. So I wrote to Donald Rumsfeld, "I have seen controversies like this better and I know that this one will inevitably distract from the urgent challenge in which you are now engaged. I would not wish to cause even a moment's distraction from that challenge."

Let me explain my milieu, and context. Government officials, particularly at the most senior level, frequently seek advice from outside the departments they superintended. The perspective of knowledgeable outsiders is often a needed corrective to an institutional view that may have come to dominate the department's thinking. Sometimes senior officials face vexing questions for which their staffs provide unsatisfying answers, or they want a longer-term view. It is only natural that an intellectually curious cabinet officer will reach out to peers who have occupied similar positions, in the hope that their experience will help avoid mistakes or point the way to new ideas. When he does so, he must have confidence that the advice he receives is candid, that it is the product of serious deliberation, and that it is free from advocacy reflecting private interests. The relationship between official and adviser is ultimately one of trust.

Most often, the people best able to help are professionally involved in the businesses for which the official is responsible: health professionals or pharmaceutical company executives advising the Department of Health and Human Services, for example, or energy company officials advising the Department of Energy, or defense executives advising the Department of Defense. If the secretary of defense wants advice on new approaches to the conflict between India and Pakistan, or how far and how fast to press technical innovation in precision-guided weapons, he is unlikely to turn to a dress designer or a molecular biologist. (Hollywood personalities might be similar ill-equipped, but he is likely to get their advice whether he wants it or not.)

There is no way, of course, to be sure that an outside adviser (or for that matter, a subordinate) is not driven by a private passion, a deeply held conviction that skews his judgment, or a private policy agenda. Only by judging the cogency of the advice he receives—and over time the track record of the adviser—can he be confident that he is receiving balanced counsel.

But there are ways to ensure that advice does not advance personal financial interests, and they are reflected in rules that apply to the many thousands of individuals serving on hundreds of boards which advise government at all levels. The two key rules are simple and flow from a familiar principle: that public office should not be used for private gain.

The first rule is full disclosure of the financial interests of the adviser. This is accomplished by annual filings of the board member's business interests, sources of income, clients, share holdings and the like. The second rule is straighforward: If the discussions or advice of the board should involve matters that have a direct and predictable effect on an adviser's financial interests, he is recused from taking part. An adviser following these rules should be free to give his best candid advice, and the official receiving advice should not have to worry that it might be tainted. These are the rules that members of government advisory boards accept when they agree to serve on them. They are not obliged to terminate their employment or abandon business interests, even those that may benefit from decisions of the department or agency they advise.

Since most people with experience and knowledge relevant to defense and national security policy are likely to earn their livelihood in defense-related enterprises, the possibility of conflict of interest is always present and must be contained by adherence to the two rules, disclosure and recusal. Without those rules, and the protection they afford, few individuals with knowledge or experience would agree to serve on advisory boards, and the benefits of those boards would be lost to policy officials.

I have been privileged to chair the Defense Policy Board for nearly two years. During that time the board has debated many issues, including U.S. policy with respect to Iraq, weapons of mass destruction, European-U.S. relations, the war on terrorism and the like. The discussions have been lively, the views expressed diverse, and the board's experienced members—former secretaries of state, defense and energy, former directors of Central Intelligence, former speakers of the House from both parties, a former vice-president, professors, a Nobel laureate (in economics) and several recently retired general officers—have used the board's meetings to share their views with the secretary of defense.

The Times story about my work for Global Crossing gave the impression that I had been retained to use influence stemming from my chairmanship, my "close ties to current officials," to obtain favorable ruling on the acquisition of Global Crossing by a joint venture including a Hong Kong company. This is incorrect. (When I asked the times to publish a letter in reply, I was told that they would not unless I dropped the word "incorrect." Thus I learned that the Times censors letters to the editor.)

In truth, I was retained to advise Global Crossing on how it could meet the government's security concerns about the transaction, not to "help overcome Defense Department resistance" to it. To do this I had to persuade Global Crossing to accept some far-reaching safeguards, which it has now done. My task was to make intelligible to Global Crossing the government's concerns, not to use influence to get the government to set those concerns aside—the precise opposite of the Times' characterization.

The New Yorker piece by Seymour Hersh is a masterpiece—of falsehood and innuendo. He describes a lunch I had with two Saudi businessmen, during which the situation in Iraq was the sole topic of discussion, as a "cover story" for another purpose—eliciting a private Saudi investment in a fund in which I am a partner. And he quotes Saudi Ambassador Prince Bandar to the effect that "if we get in business," I would "back off on Saudi Arabia." Sprinkled in the article are references to conflicts of interest, although the incoherence of the piece reflects Mr. Hersh's Houdini-like twists and turns, intended to question my integrity.

Neither piece shows that I departed from the rules of disclosure and recusal. Global Crossing was never a topic in my board. Had it been, I would have recused myself. Mr. Hersh implies that my involvement in a fund set up to invest in homeland security technologies might by itself constitute a conflict of interest. But there is nothing in the rules governing the board, or in any reasonable ethical judgment, that would preclude my working in such a fund. He implies there may be a conflict of interest issue because I am a non-executive director of a software company, Autonomy, which recently won a contract to supply software for homeland security. But Autonomy never came before my board—specific companies almost never do. Had it, I would have recused myself.

The Times story further suggested that the very fact that I served on a board—and that this service was mentioned in documents that summarized my background and qualifications—was in itself a conflict. But this suggestion cannot be serious. Everybody I work with knows who I am and what I have done, whether I attach my résumé to the paperwork or not. Those who serve without any compensation on these boards do so as a civic responsibility. We give time and expertise and we accept the terms of membership, including rules concerning conflicts of interest, willingly. But few of us could do so if we were prevented from working in the areas about which we are consulted, and the value of our advice would be sharply diminished if we left our professional pursuits.

Somewhere there is probably a board that advises some agency of government on fashion trends. I suppose I could join it without fear that the New York Times or Seymour Hersh would accuse me of a conflict of interest. My wife would be appalled.

[From the Wall Street Journal]

CENTER FOR PUBLIC IGNORANCE

Richard Perle explains the attack on his tenure at the Defense Policy Board nearby. Our own view is that Mr. Perle should have understood that Global Crossing was politically toxic. But you can tell something else is going on here because the ethics attack is now extending to the rest of the Board.

An outfit called the Center for Public Integrity—moral modesty is not part of its charter—has issued a report warning that "at least" nine of the 30 Board members have some sort of ties to defense contractors. Keep in mind that the Defense Board is purely advisory, its members work without pay and they abide by disclosure rules even though they have zero decision-making power. They serve only because the Secretary of Defense thinks their counsel might occasionally be worth listening to.

The suggestion nonetheless is that former CIA Director Jim Woolsey, former Secretary of State Henry Kissinger and retired Admiral William Owens, among others, shouldn't be able to serve on the advisory panel. How about taking a phone call from Donald Rumsfeld? Is that also too "incestuous?" We have reached the state of ethics in Washington in which Madonna could presumably serve as a Pentagon adviser but people who actually know something about national security cannot.

The objection is so transparently silly that one can only conclude that the real motivation here is political. The opponents of war with Iraq and change in the Middle East are trying to drive from public influence the folks who speak on behalf of those Bush Administration policies. "Integrity" is simply a smokescreen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of official business.

Mr. TOOMEY (at the request of Mr. DELAY) for today on account of personal business.

Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MORAN of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, April 1, 2, 3, and 4.

Mrs. BIGGERT, for 5 minutes, April 1.

Mr. OSBORNE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OSE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq; to the Committee on International Relations.

ADJOURNMENT

Mr. CONYERS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 1, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1560. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus pumilus GB 34; Exemption from the Requirement of a Tolerance [OPP-2002-0328; FRL-7286-9] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1561. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerance [OPP-2003-0 046; FRL-7229-8] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1562. A communication from the President of the United States, transmitting a request to make available contingent emergency funds pursuant to Public Law 107-42, the Air Transportation Safety and System Stabilization Act, 2001; (H. Doc. No. 108—60); to the Committee on Appropriations and ordered to be printed.

1563. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Experimental and Innovative Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1564. A letter from the Secretary, Department of Veterans Affairs, transmitting an update on the status of submissions of Fiscal Years (FY) 2001 and 2002 Alternative Fuel Vehicle (AFV) Reports for the Department; to the Committee on Energy and Commerce.

1565. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania; Construction, Modification and Operation Permit Programs [PA202-4400a; FRL-7474-2] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1566. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas; California — Indian Wells Valley PM-10 Nonattainment Area [CA-276-0380; FRL-7461-5] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1567. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN214-1a; FRL-7470-7] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2002; to the Committee on International Relations.

1570. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) [Docket No. 030304054-3054-01] (RIN: 0694-AC22) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-04, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

1572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1573. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2001, through September 30, 2002, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

1574. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-33, "Emancipation Day Fund Temporary Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1575. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-32, "Kings Courts Community Garden Equitable Real Property Tax Relief Temporary Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1576. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-31, "Housing Notice Temporary Amendment Act of 2003" received March 28, 2003, pursuant to D.C. Code section

1—233(c)(1); to the Committee on Government Reform.

1577. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-30, "Marvin Caplan Memorial Designation Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1578. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-29, "Closing of a Public Alley in Square 341, S.O. 02-4058, Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1579. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-28, "William H. Rumsey, Sr. Aquatic Center Designation Act of 2003" received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1580. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 2002 Annual Program Performance Report; to the Committee on Government Reform.

1581. A letter from the Director of Benefits and Plan Administrator, CoBank, transmitting the CoBank, ACB Retirement Plan for the year ending December 31, 2001, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1582. A letter from the Chair, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1583. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2002, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1584. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2002 annual report of the Comptroller General's Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1585. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2002 performance report; to the Committee on Government Reform.

1586. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2003 (Revised Final) and FY 2004 (Final) Performance Plan; to the Committee on Government Reform.

1587. A letter from the Acting Chairman, National Endowment For The Arts, transmitting the Strategic Plan for FY 2003-2008, the FY 2004 Performance Plan; and the FY 1999-2002 Performance Reports; to the Committee on Government Reform.

1588. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting report that the standards of reasonable assurance pertaining to internal management controls during FY 2002 as required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

1589. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 Annual Performance Report; to the Committee on Government Reform.

1590. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 reports for the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3) and 5 app. Public Law 100—504; to the Committee on Government Reform.

1591. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105-270; to the Committee on Government Reform.

1592. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-5356 — Wisconsin Project on Nuclear Arms Control v. United States Department of Commerce (January 31, 2003); to the Committee on Government Reform.

1593. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam pursuant to the Grand Canyon Protection Act of 1992 (Water Years 1999-2001); to the Committee on Resources.

1594. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 021209300-3048-02; I.D. 112502C] (RIN: 0648-AQ18) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1595. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Administrative Wage Garnishment (RIN: 0990-AA05) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1596. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB32) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1597. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-7115 — Empagran S.A., et al. v. F. Hoffman — Laroche, Ltd., et al. (January 17, 2003); to the Committee on the Judiciary.

1598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Intracoastal Waterway, MM 758, St. Johns County, FL [COTP Jacksonville 02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft [Docket No. RSPA-00-7762 (HM-206C)] (RIN: 2137-AD29) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1600. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the Department of Homeland Security, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Civil Cause of Action for Damages Caused by Unlawful Tax Collection Actions, Including Actions Taken in Violation of Section 362 or 524 of the Bankruptcy Code [TD 9050] (RIN: 1545-AY08) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Coordinated Issue Sections 302/318 Basis Shifting Issue — received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Capital Expenditures (Rev. Rul. 2003-37) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] [TD 9047] (RIN: 1545-BA36 and 1545-AW92) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-26) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-35) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amendments to Rules for Determination of Basis of Partner's Interest; Special Rules [TD 9049] (RIN: 1545-BA50) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2003 Calendar Year Resident Population Estimates [Notice 2003-16] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-17] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1610. A letter from the Secretary, Department of Energy, transmitting a report regarding programs for the protection, control and accounting of fissile materials in the countries of the Former Soviet Union first half of FY 2002, pursuant to 22 U.S.C. 5952 note; jointly to the Committees on Armed Services and International Relations.

1611. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures Effective July 1, 2003 [CMS-1885-FC] (RIN: 0938-AM02) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1612. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled the "Project BioShield Act of 2003"; jointly to the Committees on Energy and Commerce, Government Reform, the Judiciary, Armed Services, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 108–52). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; with an amendment (Rept. 108–53). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of March 27, 2003]

H.R. 21. Referral to the Committee on the Judiciary extended for a period ending not later than May 16, 2003.

[The following action occurred on March 28, 2003]

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than May 9, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. Cummings, Mr. Wu, Mr. Rodriguez, Mr. Rangel, Mr. McGovern, Mr. Frost, Ms. Kilpatrick, Ms. Woolsey, Ms. Carson of Indiana, Ms. Kaptur, and Mr. Davis of Illinois):

H.R. 1508. A bill to treat the Tuesday next after the first Monday in November in the same manner as November 11 for purposes of Federal employment, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Wolf):

H.R. 1509. A bill to make clear that a person who voluntarily separates from the Federal civil service does not remain subject to the enforcement provisions of subchapter III of chapter 73 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. Wynn, Ms. Jackson-Lee of Texas, Ms. Corrine Brown of Florida, Mr. Frank of Massachusetts, Ms. Norton, Mr. Owens, Ms. Lee, Mr. Davis of Illinois, Mr. Case, Mr. Stark, Ms. Woolsey, Mr. McGovern, Ms. Eddie Bernice Johnson of Texas, Mr. Meek of Florida, Mr. Sanders, Mrs. Jones of Ohio, and Ms. McCollum):

H.R. 1510. A bill to amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. Maloney, Mr. Oxley, Mr. Baker, Mr. Thomas, Mr. King of New York, Mr. Taylor of North Carolina, Mr. Jones of North Carolina, Mr. Bradley of New Hampshire, Mr. Burr, and Mr. Gibbons):

H.R. 1511. A bill to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. Levin):

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide that certain bonds issued by local governments in connection with delinquent real property taxes may be treated as tax exempt; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Hulshof, Mr. Herger, and Mr. Boswell):

H.R. 1513. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1514. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 1515. A bill to provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. Hoeffel):

H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. GRAVES (for himself, Mr. Stearns, Mr. Bartlett of Maryland, Mr. Gibbons, Mr. Otter, Mr. Thornberry, and Mr. Cannon):

H.R. 1517. A bill to amend the Land and Water Conservation Fund to limit the use of funds available from the Land and Water Conservation Fund Act of 1965 to use for maintenance; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. Bartlett of Maryland, Mr. Miller of Florida, Mr. Jones of North Carolina, Mr. Schrock, Mr. Gingrey, Mr. Taylor of North Carolina, and Mr. Burgess):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, or retention bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. Farr, Mr. Carson of Oklahoma, Mr. McHugh, Mr. Rohrabacher, Ms. Linda T. Sánchez of California, Mr. Deal of Georgia, Mr. Ortiz, Mr. Cardoza, Mr. Frost, Mr. Bartlett of Maryland, Mr. Dooley of California, Mr. Issa, Mr. Lantos, and Mr. Green of Texas):

H.R. 1519. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MURTHA:

H.R. 1520. A bill to amend the National Trails System Act to designate the historic transportation routes in the States of Pennsylvania, Maryland, West Virginia, and Ohio that led to the forks of the Ohio River in Pittsburgh, Pennsylvania, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. MURTHA:

H.R. 1521. A bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 1522. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. Cardin):

H.R. 1523. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 1524. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. WU:

H.R. 1525. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Tualatin River Basin in Oregon; to the Committee on Resources.

By Mr. FOLEY (for himself, Mr. Jones of North Carolina, Mr. Ballenger, Ms. Ginny Brown-Waite of Florida, Mr. Goode, Mr. Doolittle, Mr. Shays, Mr. Bereuter, Mr. Deal of Georgia, and Mr. Norwood):

H.J. Res. 44. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, or is lawfully admitted for permanent residence in the United States, at the time of the birth; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. Lewis of Georgia, Mr. Gephardt, Mr. Crowley, Mr. Nadler, Mr. Frank of Massachusetts, Mr. Owens, Ms. Lee, Ms. Woolsey, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Ms.

LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. NORTON):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that student travel is a vital component of the educational process; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan:

H. Con. Res. 132. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mr. KILDEE):

H. Res. 167. A resolution recognizing and honoring the achievements and contributions of Native Americans to the United States and urging the establishment and observation of a paid legal public holiday in honor of Native Americans; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 1526) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SHERMAN, Ms. LEE, Mr. TIERNEY, and Mr. WYNN.

H.R. 25: Mr. SHADEGG, Mr. GINGREY, Mr. BURNS, and Mr. CARTER.

H.R. 44: Mr. FEENEY.

H.R. 49: Mr. PETERSON of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BROWN of South Carolina, Mr. TOOMEY, Ms. BORDALLO, Mr. HAYWORTH, and Mr. OXLEY.

H.R. 50: Mrs. MUSGRAVE.

H.R. 51: Mr. FEENEY.

H.R. 52: Mr. POMBO and Mr. POMEROY.

H.R. 63: Mr. HAYWORTH.

H.R. 64: Mr. HULSHOF.

H.R. 117: Mr. BARTON of Texas.

H.R. 208: Mr. MILLER of North Carolina.

H.R. 217: Mr. CANNON.

H.R. 221: Mr. SHERMAN and Mr. DAVIS of Illinois.

H.R. 236: Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. DICKS, Ms. VELÁZQUEZ, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. DEUTSCH, Mr. GEPHARDT, Mr. KANJORSKI, and Mr. KILDEE.

H.R. 250: Mr. KILDEE and Ms. WOOLSEY.

H.R. 262: Mr. BROWN of South Carolina.

H.R. 276: Mr. NEY, Mr. OTTER, and Mrs. CUBIN.

H.R. 300: Mr. SHAYS.

H.R. 303: Mr. DICKS, Ms. WATSON, Mr. YOUNG of Florida, Mr. THOMPSON of California, Mr. DEMINT, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. THOMPSON of Mississippi.

H.R. 315: Mr. SHAYS.

H.R. 336: Mr. HAYWORTH and Mr. SOUDER.

H.R. 391: Mr. COLE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, and Mr. CRENSHAW.

H.R. 442: Ms. CARSON of Indiana and Mr. JACKSON of Illinois.

H.R. 466: Mr. KIRK and Mr. RYAN of Ohio.

H.R. 502: Mr. JONES of North Carolina and Mr. STEARNS.

H.R. 527: Mr. BISHOP of Georgia.

H.R. 543: Mr. MCGOVERN and Mr. SOUDER.

H.R. 596: Mr. PAUL.

H.R. 678: Mr. JOHN, Mr. JEFFERSON, and Mr. FORD.

H.R. 684: Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. TIBERI, Mr. SHAYS, and Mrs. NORTHUP.

H.R. 685: Mr. CASE, Ms. LINDA T. SÁNCHEZ, of California, and Ms. CARSON of Indiana.

H.R. 687: Mr. JENKINS, Mr. COBLE, Mrs. BLACKBURN, and Mr. DUNCAN.

H.R. 765: Mr. PAUL.

H.R. 768: Mr. PAYNE.

H.R. 769: Mr. HONDA.

H.R. 785: Mrs. NORTHUP and Mr. HOEKSTRA.

H.R. 802: Mr. WEXLER.

H.R. 803: Mr. WICKER.

H.R. 810: Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. TOOMEY, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. WYNN, Mr. KENNEDY of Minnesota, and Mr. DAVIS of Florida.

H.R. 813: Mr. BROWN of Ohio.

H.R. 847: Ms. JACKSON-LEE of Texas.

H.R. 854: Mr. CROWLEY.

H.R. 858: Mr. PASTOR.

H.R. 872: Mr. PENCE and Mr. FRANKS of Arizona.

H.R. 879: Mrs. BLACKBURN and Mrs. JONES of Ohio.

H.R. 936: Ms. ESHOO.

H.R. 941: Mr. UPTON.

H.R. 953: Mr. CRAMER, Mr. LANTOS, Ms. HARMAN, and Mr. ISAKSON.

H.R. 954: Mr. MCINTYRE.

H.R. 967: Mr. DAVIS of Tennessee, Ms. BERKLEY, and Mr. PRICE of North Carolina.

H.R. 976: Mr. DOYLE.

H.R. 979: Mr. RANGEL and Ms. ROYBAL-ALLARD.

H.R. 983: Mr. REYNOLDS, Mr. RAMSTAD, and Mr. MCHUGH.

H.R. 996: Mr. ISAKSON, Mr. MCCRERY, Mrs. KELLY, Mr. KANJORSKI, Mr. TERRY, Mr. LUCAS of Kentucky, Mr. SESSIONS, Mr. BAKER, Mr. SHERMAN, and Mr. SPRATT.

H.R. 1043: Mr. BISHOP of Georgia.

H.R. 1049: Mrs. JO ANN DAVIS of Virginia.

H.R. 1061: Mr. STUPAK.

H.R. 1077: Ms. BERKLEY, Mr. MCDERMOTT.

H.R. 1096: Mrs. DAVIS of California.

H.R. 1102: Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, and Mr. CARDOZA.

H.R. 1103: Mr. STENHOLM.

H.R. 1133: Mr. ENGLISH, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. NEY, and Mr. FOLEY.

H.R. 1157: Ms. SLAUGHTER.

H.R. 1166: Mr. MATSUI and Mr. YOUNG of Alaska.

H.R. 1168: Ms. BALDWIN, Mr. BALLANCE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CAPUANO, Mr. COOPER, Ms. DELAURO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GARRETT of New Jersey, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. KOLBE, Mr. KUCINICH, Ms. LEE, Ms. LOFGREN, Mr. LUCAS of Kentucky, Ms. MCCOLLUM, Mr. MCNULTY, Mr. MARKEY, Mr. MATHESON, Mr. NEY, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SHAYS, Mr. STRICKLAND, and Ms. WOOLSEY.

H.R. 1191: Mr. MCINTYRE and Mr. HASTINGS of Florida.

H.R. 1214: Mr. FORD, Mr. WALSH, and Mr. KILDEE.

H.R. 1235: Mr. DOOLITTLE.

H.R. 1264: Mr. DAVIS of Alabama.

H.R. 1294: Mrs. DAVIS of California, Ms. SOLIS, Ms. MCCOLLUM, Mr. CARDOZA, Ms. ESHOO, and Mr. BLUMENAUER.

H.R. 1301: Mr. MCINNIS and Mr. RAHALL.

H.R. 1304: Mr. MATSUI.

H.R. 1311: Mr. BLUNT, Mr. SCHIFF, Mr. BOOZMAN, and Mr. STUPAK.

H.R. 1336: Mr. WELLER, Mr. GARY G. MILLER of California, Mr. SANDLIN, and Mr. ABERCROMBIE.

H.R. 1345: Mr. HINCHEY, Mr. MCGOVERN, Mr. EVANS, and Ms. BERKLEY.

H.R. 1348: Ms. KAPTUR, Mr. PALLONE, and Mr. WYNN.

H.R. 1357: Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SOLIS, Mr. PALLONE, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Ms. BORDALLO.

H.R. 1358: Mr. WEINER, Mr. CROWLEY, and Ms. ROS-LEHTINEN.

H.R. 1359: Mr. GEORGE MILLER of California and Mr. ACKERMAN.

H.R. 1389: Mr. GRIJALVA, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1421: Mr. HAYWORTH.

H.R. 1429: Mr. PALLONE, Ms. NORTON, and Ms. WATERS.

H.R. 1466: Mr. TIERNEY, Mr. FROST, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, and Ms. GRANGER.

H.R. 1470: Mr. MCINTYRE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. FORD.

H.R. 1472: Mr. ACKERMAN.

H.R. 1478: Mr. CALVERT and Mr. OLVER.

H.R. 1492: Mr. RENZI.

H.R. 1494: Mr. WOLF.

H.J. Res. 24: Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, and Mr. DOGGETT.

H. Con. Res. 30: Mr. MEEK of Florida.

H. Con. Res. 50: Mr. SOUDER, Mr. BAKER, and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 56: Mr. WEINER, Mr. HOLDEN, and Ms. BERKLEY.

H. Con. Res. 78: Ms. MCCOLLUM, Mrs. MALONEY, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia.

H. Con. Res. 80: Mr. HYDE.

H. Con. Res. 82: Mr. VITTER, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. BEAUPREZ.

H. Con. Res. 98: Mr. SIMMONS, Mr. ROSS, Mr. HINOJOSA, and Mr. COX.

H. Con. Res. 109: Mr. PASTOR, Mr. HAYWORTH, and Mr. SKELTON.

H. Con. Res. 111: Mr. RAHALL and Mr. ABERCROMBIE.

H. Con. Res. 126: Mr. HERGER, Mr. BISHOP of Utah, Mr. TANCREDO, and Mr. DOOLITTLE.

H. Res. 32: Mr. BISHOP of Georgia, Ms. MCCARTHY of Missouri, and Mr. SMITH of Washington.

H. Res. 60: Mr. STEARNS, Mr. CAPUANO, Mr. PLATTS, Mr. NEAL of Massachusetts, Mr. FLETCHER, and Mr. MCHUGH.

H. Res. 137: Mrs. NAPOLITANO, Ms. CARSON of Indiana, Ms. LOFGREN, Mr. WEXLER, Mr. DINGELL, Mr. BERMAN, Ms. HOOLEY of Oregon, and Ms. BERKLEY.

H. Res. 166: Mr. ROYCE, Mr. HOUGHTON, Mr. LEACH, and Mr. FLAKE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1119: Mr. MCDERMOTT.

EXTENSIONS OF REMARKS

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 BRONZE MEDAL VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Bronze Medal Valor Award.

The Bronze Medal is awarded to emergency service officers who demonstrate extraordinary judgment, ingenuity, or performance of their duties during an emergency. This may also include the saving of a life threatened by physical or medical reasons.

It is with great honor that I recognize Police Officer Second Class H. Booth III of the Prince William County Police Department, Firefighter Christine Connally of the OWL Volunteer Fire Department, and Firefighter Lawrence Kearnes of the Dale City Volunteer Fire Department as the recipients of the 2003 Bronze Medal Valor Award. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

CONCERNING U.S. AND ALLIED ARMED FORCES PERSONNEL KILLED, WOUNDED, OR TAKEN CAPTIVE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. HASTINGS of Florida. Mr. Speaker, on March 26, 2003, I introduced a Resolution honoring U.S. and allied troops who have been killed in action. My resolution also honors those who are wounded, missing, or being held as prisoners of war.

Our men and women in uniform consistently reflect great honor upon this nation, whether they are engaged in humanitarian assistance, peacekeeping, or war. Throughout our history, we have expected the very best from them. We expect them to be valiant, selfless, courageous, dependable, and dedicated, and they never disappoint us. It is a privilege and an honor to have them represent our nation, whether providing humanitarian assistance, conducting peacekeeping operations, or engaged in war.

Because of the very high regard in which we hold members of the armed services, it is especially disturbing to us when one of these fine young men or women is killed, wounded, or taken prisoner. By any measure, their contributions, in terms of human sacrifice, are immense. As a nation we share the sense of loss and fear and worry that their families are experiencing.

It is difficult to find words of comfort for their families—offering our deepest sympathy doesn't begin to express the anguish we experience when we see pictures of American and allied soldiers killed, wounded, or held captive, or when we learn that some are missing in action. These are truly images that bind us together in our thoughts and prayers.

We must never forget that the peace and prosperity that we enjoy are founded on the ultimate sacrifices made by those who have lost their lives in war throughout our nation's history. They have earned our gratitude and respect.

I encourage my colleagues and the citizens of this nation, to remember these inspiring men and women who have distinguished themselves with their gallantry and courage.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was unavoidably detained. Had I been present for rollcall vote No. 91, on H. Con. Res. 118, Concerning the Treatment of Members of the Armed Forces Held as Prisoner of War by Iraqi Authorities, I would have voted as follows: rollcall vote No. 91—"aye."

As the United States Armed Forces and its international allies continue to liberate the oppressed Iraqi people from the tyranny of Saddam Hussein, we pause today to recognize their bravery and professionalism. In addition, Congress extends heartfelt sympathies to the families of servicemembers who have been injured, killed, or taken prisoner in Iraq.

For more than 50 years, the Third Geneva Convention has prescribed guidelines for the proper and humane treatment of prisoners of war. Sadly, Iraq—which has agreed to abide by the Third Geneva Convention—views these international standards with the same callousness and disregard for human life that Saddam Hussein's murderous regime has demonstrated for decades. Iraqi troops unwilling to die for a corrupt, diabolical regime can be comforted by the fact that American and coalition forces will treat prisoners of war humanely, supplying them with food, shelter, and medical assistance—in other words, treating them in full compliance with the Third Geneva Convention.

Iraqi television recently has broadcast, in direct violation of the Third Geneva Convention, footage of American Prisoners of War. I join my colleagues in thanking America's brave men and women serving their country on the front lines. I also unequivocally condemn Iraq's mistreatment of prisoners of war and remind the Iraqi regime that, if it chooses to ignore America's demand to abide by its commitment to the Third Geneva Convention, then these war criminals will be prosecuted to the fullest extent of the law.

JOHN KEBLES HONORED BY PENNSYLVANIA CREDIT UNION LEAGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long record of service to the community of a constituent of mine, my good friend John Kebles. John is president and chief executive officer of Choice One Federal Credit Union in Wilkes-Barre and outgoing chairman of the board of the Pennsylvania Credit Union League for 2001–2002. The league will thank and honor him for his service at its annual convention, to be held from April 24 to 26, 2003.

I grew to know John well in 1998 during the fight to pass the Credit Union Membership Access Act, better known to many as H.R. 1151. The enactment of this law showed the power of average citizens to influence Congress, and, Mr. Speaker, I can tell you that John is an excellent example of those dedicated souls who exercised their Constitutionally guaranteed right to petition their government.

As chairman of the state credit union league, he has successfully urged credit union members to become more involved in their government, setting an example for other credit union members around the nation. Another example of the league's many accomplishments under his leadership is the enactment of a state credit union parity bill last year to expand opportunities for state-chartered credit unions. Also during his tenure, the league has launched CU BizSource, a new product and service to offer business loans to members. This is a fine example of the democratic—"little D"—access to capital that credit unions are intended to provide.

In the Wilkes-Barre area, John has been a leader in several community-minded initiatives, including spearheading the effort by several credit unions to build a Habitat for Humanity house in Ashley and seeking a community charter, which has made Choice One better able to serve more lower-income people. I am proud to claim him as a constituent and to call him a friend.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the honor being accorded to John Kebles by the Pennsylvania Credit Union League, and I wish him and his family all the best.

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 LIFESAVING VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Lifesaving Valor Award.

The Lifesaving Award is awarded to public safety officials in recognition of acts taken in a life-threatening situation in which an individual's life is in risk, either medically or physically. It is with great honor that I enter into the record the names of the 2003 Lifesaving Award recipients. OWL Volunteer Fire Department: Lt. James Dart; Prince William County Police Department: MPO W.A. Lawrence; MPO G.W. Motley; MPO K.A. Muehlauser; Arlington County Sheriff's Department: Deputy J. O'Keefe; USMC: Sergeant Daniel P. O'Mahoney. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. TIAHRT. Mr. Speaker, I rise today in support of H. Res. 153 and ask my colleagues to join me. This resolution declares the sense of Congress that the President of the United States should designate a national day of prayer, fasting and humility. At a time when many of our young men and women are engaged in a global war on terrorism and a campaign to disarm the Iraqi regime, it is entirely appropriate we should humble ourselves before Almighty God.

Throughout American history, both the Congress and the President have called on the American people to acknowledge the Providence of God and to seek his divine wisdom. We have witnessed the benefits of national prayer and fasting in times past, and we are today asking the President to once again proclaim such a day. While the challenges we face in the 21st Century are new, we know the root causes of these difficulties are much the same as they have always been.

It is with the hope that good will ultimately triumph that we are asking for all people to collectively acknowledge God and seek guidance, strength and resolve through prayer and fasting.

Many families all across this great nation are praying for a quick resolve to the conflict in Iraq. It is fitting that we as a nation join with them in solidarity during this time of war and chaos.

As we hear new reports of those killed or missing in action, our hearts go out to the children and families of these brave men and women fighting oversees. Pfc. Patrick Miller, a constituent of mine, is among those Americans being held captive in Iraq. We are once again realizing the high cost of war and what it means to defend liberty.

In recent years I think most Americans have been made more aware of just how fragile peace can be, both at home and abroad. America and the world have witnessed the destruction of innocent life and the violation of universal human rights by brutal men. In a time when the President and other leaders are deciding how to respond to these situations, it is vitally important we recognize a higher power than ourselves.

Our Founding Fathers understood the necessity of seeking guidance from God, and today we are no less in need of that same Divine Counsel.

During the Civil War Abraham Lincoln was asked if God was on his side. His reply was, "Sir, my concern is not whether God is on my side. My great concern is to be on God's side."

In the same spirit of humility Abraham Lincoln exhibited during one of our nation's darkest hours, we are asking the President to call for a national day of prayer, humility and fasting.

As we examine ourselves before God, we will surely be shown our own failings and will learn how we can do better in our actions. I am confident that as in times past, God will once again provide assistance to our country in our time of need.

In 1787 Benjamin Franklin said, "We need God as our friend not our enemy. We need him to be our ally not our adversary. We need to make sure that we keep God's concurring aid."

As Mr. Franklin wisely affirmed our need for God more than two centuries ago, once again we need to join together as a country in asking for the "aid" of the Almighty.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I strongly support this bill. It provides states with Federal funds to train caseworkers in child protective service systems, an initiative that the State of Florida desperately needs.

Florida's Department of Children and Families has an abysmal record of monitoring the children entrusted to its care, and I am hopeful that an infusion of Federal funds, aimed at increasing both training and oversight of social workers, will alleviate this disgrace.

I am sure you will recall the story of 5-year-old Rilya Wilson, the young Florida child whose whereabouts are still unknown. Eight months after her disappearance, her social worker was still filing reports indicating that she had routinely conducted home visits and that the child was safe and well cared for.

Regrettably, investigations into Florida's child welfare system revealed that this was not an isolated case. Last September, in response to public outcry over the Rilya Wilson incident, Governor Bush replaced the secretary of Florida's Department of Children and Families.

He also created a governor's task force in an attempt to locate an additional 393 children missing from Florida's child welfare system.

After a 15-week effort, the Governor described the results "a success" even though only one-fourth of the 393 missing children had been located, and the task force was disbanded.

I am hopeful that an infusion of Federal funds, specifically geared towards training caseworkers, will improve the child welfare system in the State of Florida and the rest of the Nation.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was unavoidably detained. Had I been present for rollcall vote Nos. 87, 88, and 90 I would have voted the following way:

Rollcall vote No. 87, Amendment offered by Rep. Feeney of Florida—"aye"

Rollcall vote No. 88, Amendment offered by Rep. Smith of Texas—"aye"

Rollcall vote No. 90—"aye"

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 GOLD MEDAL VALOR AWARD RECIPIENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Gold Medal Valor Award.

The Gold Medal is the highest award for bravery and heroism. It is awarded to emergency service officers who have knowingly placed themselves in peril of death or extreme harm while saving or attempting to save the lives of others.

It is with great honor that I recognize Firefighter Carrie Wilson of the Stonewall Jackson Volunteer Fire Department as a recipient of the Gold Medal Valor Award. Firefighter Wilson helped to avert possible deaths and injuries at an apartment fire by acting quickly and professionally. A prime example of her bravery was when she came to the aid of an engine officer after a balcony railing collapsed, despite the burning debris pouring onto the crew. Firefighter Wilson also took part in the Red Cross Emergency Response Team, assisting the twenty-four displaced families find accommodations. The Chamber has made an excellent decision in awarding Carrie Wilson this prestigious honor.

Mr. Speaker, in closing, I ask that my colleagues join me in congratulating this extraordinary citizen. In addition, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law and order throughout our neighborhoods, and their individual and collective acts of heroism deserve our highest praise.

RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. CAMP. Mr. Speaker, I rise today in strong support of H.R. 113, the Child Abuse and Neglect Bill of 2003. This bill will support efforts to enhance public awareness of child abuse and neglect.

In the state of Michigan, where I am proud to represent the 4th District, the number of child abuse and neglect related fatalities have been steadily increasing since 1998. Again, in my state, there are 2.4 identified victims of child abuse per 1,000 Michigan residents. I emphasize, that statistic encapsulates identified victims only. I implore my fellow members of the House to think of the number of unreported cases. This sad fact proves that the American public is not fully aware of the problem presented by child neglect and abuse. Thus, a challenge lies before us. This is a challenge of committing every possible effort towards the elimination of child neglect and abuse.

Behind every number is a person, a child. Some of these children die because of child neglect and abuse. Some of them simply never experience the love of a parent. Either situation is abominable and the American people need to be made aware of it.

The mission of this bill is to break the cycle of violence, especially with emphasis on the important first step of awareness. This bill intends to achieve a maximum awareness of child abuse and neglect.

Mr. Speaker, this is a worthy bill and an important step in the right direction. As a long time advocate for the oppressed children of our nation, I urge support for this bill. I yield back the balance of my time.

THE DEMOCRACY DAY ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the "Democracy Day Act of 2003," legislation that would provide a day off of work so that more of our citizens can vote. I am joined by Representatives Cummings, Rodriguez, Wu, Rangel, McGovern, Frost, Kilpatrick, Woolsey, Kaptur, Carson (IN), and Davis (IL).

The United States is the greatest democratic republic in the history of civilization, and at the foundation of our democracy is the right to vote. This right was not simply handed to Americans; rather, it was hard won by many of our Nation's citizens. Today, active citizenship demands that Americans cast a vote to have their "say" in the political arena.

Despite this privilege, voter turnout has been declining since the 1960s in both Presidential and mid-term elections. Less than half of the voting age population (49.5 percent) voted in the 1996 Presidential election, and only 51.2 percent voted in the 2000 presidential election. The 1998 midterm elections saw the lowest voter turnout since 1942 at 36.1 percent. Of the 163 democracies worldwide, the United States ranks 139th in voter participation.

Among several factors causing this decline in voter turnout is the fact that many people do not have time to vote on election day. In fact, according to a recent Census Bureau study, nearly 25 percent of eligible voters cited time constraints or busy work or school schedules as the primary reason for failing to vote in the 2000 Presidential election.

The Democracy Day Act of 2003 addresses this problem by providing many hardworking Americans with the necessary time off from work so they can vote. In addition, the bill would have the added benefit of increasing the number of available election day judges, poll workers and suitable polling places. It would also serve to decrease long lines and the overcrowding that occurs during peak times on election day, as well as reinforcing the notion that voting is an important civic duty.

The movement to ensure that citizens have time to exercise their democratic right to vote has gained significant momentum in various states. According to the Federal Election Commission, 12 states designate election day as a state holiday, some of which close the schools in addition to excusing employees from work. In addition, 20 states provide state employees time off to vote, and in 26 states, private sector employees may take time off to vote. It is time the Federal Government acts to solidify and coordinate this very important movement.

The right to vote is at the foundation of our democracy, and we must do everything we can to ensure that every eligible American has equal access to the polling booths. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

APPLAUDING ELSIE P. BROWN FOR HER COMMITMENT TO INCREASED HEALTH CARE ACCESS FOR UNDERSERVED POPULATIONS OF GEORGIA

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. NORWOOD. Mr. Speaker, Elsie P. Brown has had a remarkable career in public health and primary health care that spans over thirty years. Few Georgians have worked as diligently for so long to address the need for providing quality health care access to Georgia's underserved populations.

Elsie is soon retiring from her current role as the Director of Government Affairs and Membership Services, for the Georgia Association For Primary Health Care, Inc. During Elsie's tenure, she has provided critical leadership and unwavering commitment in bringing to the forefront at the state and national levels the need to improve access to primary care.

While Elsie can give you the facts, it has been her ability to work with everyone, from patients to Governors, from physicians to Congressmen that has made her a unique force in this movement. It is largely through her single-minded effort that the state of Georgia has made its very first state appropriation for Federally Qualified Health Centers in Georgia from its portion of the tobacco settlement.

There is no one who has served in Congress from Georgia over the last thirty years who has not had Elsie and her "troops" make the case increased emphasis on access to care for everyone with vigor and persistence. Yet, Elsie has always seemed like a friend rather than an advocate. She understands the workings of government as well as she understands the delivery of primary care. Her work has contributed directly to the creation of Community Health Centers in 37 Georgia counties. This has resulted in access for over 100,000 quality primary care visits for the poor and underserved.

Elsie's retirement will leave a void in the Health center community, but the legacy she leaves as a result of her thirty year commitment to making Georgia a better and healthier state will stand as an example to all who follow her.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was unavoidably detained. Had I been present for rollcall vote No. 89, on final passage of H.R. 1104, The Child Abduction Prevention Act, I would have voted as follows: rollcall vote No. 89—"aye."

Protecting our children is a top priority of this Congress. Child abduction and exploitation cannot and should not be tolerated. The Child Abduction Prevention Act not only creates new methods for finding and recovering abducted children, but it also takes steps to prevent them from happening in the first place.

To help recover abducted children, it establishes a national AMBER Alert communications network and doubles the annual grant to the National Center for Missing and Exploited Children to $20 million through 2005.

To get tough on perpetrators and bring justice to sexual predators, it eliminates the statute of limitations for child abductions and sex crimes, denies pretrial release for child rapists or child abductors, requires a mandatory life sentence for twice-convicted child sex-offenders and a minimum 20-year prison sentence for the kidnapping of a person under 18 by a nonfamily member. It also punishes persons who travel to foreign countries to engage in illicit sexual relations with minors and criminalizes the actions of sex tour operators.

To provide law enforcement officers the tools they need, it authorizes COPS funding for a Sex Offender Apprehension Program, so local law enforcement may track sex offenders that violate the terms of their release.

I fully support this strong measure, "The Child Abduction Prevention Act," that will help protect America's children.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1104) to prevent child abduction, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise in support of H.R. 1104, legislation that would improve our capacity to recover missing children with implementation of a national AMBER Alert program.

The safe recovery of 15-year-old Elizabeth Smart in Utah recently brought this important issue to national attention. I am well aware of how important AMBER Alert systems can be to helping bring abducted children home safely, which is why I am an original cosponsor of H.R. 412, the National AMBER Alert Network Act included in this bill, and supported the legislation introduced by Representatives MARTIN FROST and JENNIFER DUNN in the 107th Congress.

As Johnson County District Attorney for 12 years, I have seen child abduction cases that ended with the most horrible result—the death of a child. I helped bring AMBER Alert to Kansas City in 1999 and the system so far has contributed to the safe return of a 16-month-old child and a 4-year-old child. As a result, the state of Kansas implemented a statewide AMBER Alert program in October of 2002. 1 have since actively worked to bring the AMBER system nationwide.

Earlier this month, I hosted a news conference in Kansas City, Missouri, with my colleague Representative KAREN MCCARTHY, to raise awareness about AMBER procedures and the need for a national program. We joined with local police to publicize AMBER Alert and expressed our support for immediate passage of this bill. Cases like Elizabeth Smart demonstrate the urgency for recovering missing children, and although the Smart family was incredibly lucky, many others are not.

Mr. Chairman, I am disappointed that we have not seen the AMBER Alert legislation come to the floor as a stand alone bill, as I called for many months ago. I believe that saving children should be above partisan politics and that Congress should be able to unite in favor of increasing measures to help our kids. While I rise in support of H.R. 1104, 1 do want to express my dissatisfaction that we could not follow the model of our Senate counterparts who passed AMBER Alert without additional provisions that likely will delay enactment.

I hope that you will join with me to pass H.R. 1104, however, to improve the safety of our children.

HONORING PAUL H. BETANCOURT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Paul H. Betancourt on the occasion of the Annual Banquet of the Fresno County Farm Bureau on April 4, 2003. A diversified row crop farmer, Paul completed his two-year term as Fresno County Farm Bureau president in 2002.

Born on the East Coast, Paul was raised in San Diego, California, and became a farmer after marrying into a farming family. Mr. Betancourt earned a Bachelor of Arts degree in religious studies from Westmont College, and a second degree in agriculture business from California State University, Fresno. He is a graduate of Class XXV of the California Agriculture Leadership Program.

The Fresno County Farm Bureau represents over 6,000 members, which includes over 4,500 farmers and ranchers, on trade, land use, water, labor, and all agricultural related issues. Mr. Betancourt has held several positions within Farm Bureau, including director-at-large, secretary-treasurer, and second and first vice presidents. Through his Farm Bureau activities, Paul served on the board of directors of the Fresno Chamber of Commerce, and represented the Farm Bureau at many industry and community forums and events.

Paul currently serves on the Kerman Unified School Board of Trustees and is involved in the Fresno Area Collaborative Regional Initiative. In addition, he farms 765 acres of cotton and almonds in the Kerman and Cantua Creek areas of Fresno County. Besides farming, Mr. Betancourt is a noted columnist for a local business publication and also enjoys teaching Sunday School class at Kerman Covenant. Paul and his wife, Sheryl, have two children, Heidi and Jonathan, and live near Kerman, California.

Mr. Speaker, I rise today to recognize Paul H. Betancourt for his dedication and commitment to the Fresno County Farm Bureau and to the broader California agriculture community. I invite my colleagues to join me in commending Paul for his service and hard work and in wishing him many years of continued success.

THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 MERIT VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of

Prince William County the highest honor bestowed upon county public safety officials—The Merit Valor Award.

The Merit Award recognizes public service officials for acts involving personal risk. The award may also be presented to those who demonstrate judgment, zeal, or ingenuity above what is non-nally expected in the performance of duty.

It is with great honor that I enter into the record the names of the 2003 Merit Award recipients. Prince William County Police Department: Police Officer Second Class R.A. Arce; Police Officer Second Class R.W. Minnick; Police Officer Second Class B.K. Oxendine; Sr. First Sergeant J.B. Wheeler; Prince William County Department of Fire & Rescue: Technician II Michelle Butler; Technician I Scott Calder; Technician II Stephen Horvath; Technician I Landon Timbers, Jr.; Virginia State Police: Trooper Darrel D. Estess; Senior Trooper Mark C. Wilkinson; USMC: Corporal Amber V. Kephart; Prince William County Office of the Sheriff: Deputy Sheriff Heath Stearns; OWL Volunteer Fire Department: EMT Robert W. Warner. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th, served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. HUNTER. Mr. Speaker, based on the misleading and erroneous statement made by the gentleman from Maryland, Mr. HOYER, I feel compelled to correct the record. In an effort to suggest inconsistencies in my historical support and commendation of the troops, Mr. HOYER stated that on December 13, 1995, I voted against a resolution regarding Armed Forces deployment to Bosnia that resolved, "That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery." However, a simple examination of the record tells a different story.

What the gentleman from Maryland failed to note, is that on December 13, 1995, the House considered two competing resolutions on the deployment of the United States Armed Forces to Bosnia—House Resolution 302 sponsored by Mr. BUYER and House Resolution 306 sponsored by Mr. Hamilton. If the Hamilton resolution had consisted of only the resolved clause, which my colleague quoted, I would have supported it. However, H. Res. 306 was compiled mostly of whereas clauses that justified the deployment of our Armed Forces to the former Yugoslavia. Had my colleague thoroughly researched this, he might have noticed that, also on December 13, 1995, I opposed this deployment by voting for Mr. Dornan's bill, H.R. 2770, which would have prohibited federal funds from being used for peacekeeping operations or any implementation force in the Republic of Bosnia and Herzegovina.

I, instead, voted for the Buyer resolution, which expressed dissatisfaction with the President's policy of deployment and his disregard of the action taken by the House on two separate occasions to disallow the use of United States Armed Forces for these purposes. Nonetheless, this resolution also declared that the House of Representatives, ". . . is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage. . . ."

Incidentally, the Buyer resolution passed the House by a vote of 287 to 141, with one voting present. The resolution Mr. HOYER criticized me for voting against, the Hamilton resolution, failed by a vote of 190 to 237, also with one voting present.

It is truly unfortunate that Mr. HOYER made such a misleading statement and questioned my unfailing dedication to the young men and women of our Armed Forces.

HONORING SENATOR CHARLES POOCHIGIAN

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. NUNES. Mr. Speaker, I rise today in recognition of an extraordinary Californian, whom I have the privilege of Representing in Congress, California State Senator Charles S. Poochigian. I am proud to have the opportunity to spend a few minutes of my time in the House to share with the people of the United States how wonderful Chuck is and what a great asset he is to the people he serves.

Chuck Poochigian is an outstanding public servant but more importantly, he is a wonderful husband, father and member of his community. Anywhere you go in Chuck's hometown, you will find adoring friends, supporters and, of course, the many members of his extended family. He and his wife, Debbie, have worked to achieve a balanced life of faith, family and community service and are blessed with three outstanding children, Mark, Kirk and Laura.

Chuck has been a member of the California State Senate for four years and had previously served in the California State Assembly. In addition, he spent time in the Administrations of two California Governors. However, the more important measure of his outstanding service can be found in his commitment to the people he represents and to his proud heritage as an Armenian American.

Chuck has managed to achieve the meritorious recognition of many prominent organizations, ranging from the California State Sheriff's Association to the California State Student's Association. Throughout his career in public service, Chuck Poochigian has tempered his political ambition with a strong belief in family, faith and an understanding of the founding principles of our democracy. Demonstrating the high esteem to which he is held, The California Journal commended Chuck for his integrity, intelligence and problem solving abilities rating him as "Rookie of the Year" during his freshman term in office. Mr. Speaker, these accolades could not have been bestowed on a more worthy public servant.

It is also fitting at this time to express how important Chuck has been to the cause of advocating the special concerns of the Armenian Community in the California Legislature and I wish to publicly commend him on his pending receipt of the Armenian National Committee of Central California's Man of the Year Award, which is to be presented on April 12th in Fresno, California.

INTRODUCING THE VOTER OUTREACH AND TURNOUT EXPANSION ACT OF 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Voter Outreach and Turnout Expansion Act of 2003. The VOTE Act encompasses the best state voting practices in the country and is a progressive approach toward further reforming the way we run our elections.

Last year, in passing the Help America Vote Act, Congress made the historic statement that the federal government does in fact play a role in establishing minimum standards in federal elections. Today, as the fight to fund the Help America Vote Act continues in the 108th Congress, it is also appropriate for Congress to consider legislation that expands voting opportunities for all Americans far beyond those of current law.

Many states across the country have already taken steps to expand accessibility to the polls and encourage its citizens to vote. Now, riding the coattails of the Help America Vote Act, Congress must do the same.

To accomplish this important task, Mr. Speaker, the VOTE Act takes aim at combating voter apathy through same day voter registration, early voting, no excuse absentee voting, improved registration by mail procedures, the establishment of an Election Day holiday, and guaranteed leave on election day to allow employees to vote. Specifically, the legislation does the following:

The VOTE Act requires states to establish same-day voter registration procedures. Under the legislation, voters who have not previously registered to vote will be permitted to register on election day at the appropriate polling location and vote in that election. To address concerns over voter fraud that in the past so many of my colleagues have suggested occurs, voters are required to present proof of residence and written confirmation pursuant to the Help America Vote Act. Title I of the bill is linked to the enforcement provisions of the Help America Vote Act to ensure states' compliance.

Further, the VOTE Act requires local elections supervisors to establish early voting polling locations within the jurisdiction where registered voters will be able to vote prior to election day. Early voting must commence no less than 22 days, or three weeks, prior to election day and shall be made available to voters during normal business hours each weekday. Additionally, elections supervisors must make early voting available to voters on no less than two weekend days during the three weeks.

The bill also prohibits states and local supervisors from requiring voters to provide a reason for voting absentee. All too often, voters become discouraged from voting absentee, or just voting at all, because they are required to provide a reason. This is just plain wrong. Voting should not be a test where excuses are not permitted. On the contrary, absentee voting should be an option—and an easy one to take advantage of at that.

The VOTE Act also amends the Help America Vote Act to require that election supervisors provide voters with adequate time and opportunity to complete their mail-in voter registration form. In instances where the state registration deadline has already passed, supervisors are required to inform the voter of same-day voter registration opportunities that exist.

Further, my legislation requires that federal employees be given the day off on Election Day and encourages states to make Election Day a legal holiday and provide paid leave for state government employees.

Finally, the VOTE Act requires private companies with 25 or more employees to allow their staff to take up to 2 hours of paid or unpaid leave time to vote. Employees who live more than 25 miles away from their workplace are allowed to take up to three hours of leave. Enforcement of these provisions is tied into the Family Medical Leave Act. By and large, Americans who do not vote cite employment as the top reason for not voting. The VOTE Act allows them to work and vote without the fear of losing their jobs in the process.

My legislation, Mr. Speaker, is not the silver bullet to improving our election system. However, it draws upon the best practices in the country in an effort to maximize voter turnout and participation in the democratic process. Congress cannot and will not drive up participation in elections without the progressive minded approach that is embedded in the VOTE Act.

If we do not make it easier for people to vote, then they just won't. Congress must provide voters with more opportunities to vote. If it does not, then national turnout percentages will rarely exceed 50 percent, and we will never be able to call ourselves a true democracy.

I urge my colleagues to support the VOTE Act and call on the Leadership to bring it to the floor for its immediate consideration.

HAPPY BIRTHDAY, ALBANY STATE!

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to congratulate one of our country's truly great institutions of higher learning, Albany State University—which this year is celebrating its 100th birthday.

Albany State, located in Albany, Georgia in the heart of our state's Second Congressional District, opened its doors in 1903 as a privately funded institution as the Albany Bible and Manual Training Institute, serving young African American men and women in an area where few educational opportunities were then available.

Today, the university, now a part of the state system, serves an increasingly diverse student body while continuing to fulfill its historic mission in reaching out to our region's underserved populations.

Albany State's first job is to provide an excellent education to its students, offering a wide range of undergraduate and graduate degrees and a variety of non-degree educational programs.

But Albany State also does much more.

This highly committed, creative, vibrant educational complex has made, and is making, a major contribution to the growth of the whole community and region through its research, outreach and public service activities.

The history of Albany State is one of steady growth and success.

In the early years, the school provided much needed teacher and vocational training. In 1917, the school became a two-year state-supported college with a new name, the Georgia Normal and Agricultural College, with programs in teaching and agriculture. In 1943, the growing institution again acquired a new name, Albany State College. Over the ensuing years, Albany State added more and more undergraduate and eventually graduate degrees, and university status was granted in 1996.

Albany State has been blessed with outstanding leadership. Dr. Joseph Winthrop Holley was the first President, and he served in that capacity for 40 years. He was succeeded by Dr. Aaron Brown; Dr. William H. Dennis; Dr. Thomas Miller Jenkins; Dr. Charles L. Hayes, and Dr. Billy C. Black. Albany State's current president is among the country's leading educational figures, Dr. Portia Holmes Shields, whose sister is our own Eleanor Holmes Norton.

Mr. Speaker, I would like to place in the Record part of Albany State's Centennial Resolution, which says:

> Whereas, Albany State University's tradition of excellence has been the result of dedicated service by faculty, staff, students and community;
>
> Whereas, Albany State University is a progressive institution fostering the growth and development of the region, state and nation through teaching, research, creative expression and public service;
>
> Whereas, Albany State University embraces the concept of 'students first' as a core institutional value, promotes global learning, and is committed to educational excellence with special emphasis on the underserved while continuing to serve the educational needs of an increasingly diverse student population;
>
> Whereas, Albany State University celebrates throughout the year of our Lord two thousand and three the centennial theme, "A Glorious Past to Cherish, An Infinite Future to Fulfill";
>
> Whereas, Albany State University is recognized for its unwavering commitment to graduating empowered leaders, building better communities and making the difference.
>
> Now therefore be it *resolved* That April 4, 2003 is recognized as Albany State University Day in the City of Albany in recognition of the Centennial Founders Day celebration of Albany State University.

Happy Birthday, Albany State!

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 87 on H.R. 1104, Feeney of Florida amendment, I was unavoidably detained. Had I been present, I would have voted "no."

WOMEN'S HISTORY MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DAVIS of Illinois. Mr. Speaker, the great issues of war and peace have rightfully dominated the news and the focus of our attention as a people and as a legislative body during the month of March. Nevertheless, other events must continue on.

March, of course, is Women's History Month. It is not designated Women's History Month because we may ignore the role and history of women for the other eleven months of the year. Quite the opposite. We have designated March as Women's History Month to highlight, for on-going consideration, the status, condition and progress of women.

The Congress established Women's History Week in 1981 and expanded it to Women's History Month in 1987. In that short period Women's History Month has become a time when men and women learn about the history of more than half of our population, much of which is not recorded in standard history books. The rediscovery of our "missing" history has been a beneficent thing for America.

As for the status of women, this year we note with satisfaction that women have made progress toward equality. At the same time, we remain deeply concerned about how far women need to go before they achieve what simple fairness and justice would demand: full equality.

Mr. Speaker, just a few numbers to highlight the current status of women:

The median earnings of women age 15 and older who worked full time, year around, after adjustment for inflation, increased 3.5 percent in 2001, the fifth consecutive increase. Women in this group earn $0.76 for every dollar their male counterparts earn. This ratio represents an all-time high according to the census bureau.

The gap between men and women with college degrees has not closed completely, but the percentages are close: 25 percent of women age 25 and over now have a bachelor's degree or higher compared with 29 percent of men. For younger women, age 25 to 34, 33 percent hold a bachelor's degree or higher compared to 29 percent of their male counterparts of the same age. Young women also have a higher high school completion rate than young men: 89 percent v. 85 percent.

The percentage of women who cast a ballot in the last Presidential election was 61 percent compared with 58 percent of men. Women have voted at higher rates then men in every Presidential election since 1984.

There are now 10 million single mothers up from 3 million in 1970. Overall about 26 percent of all parent-child situations consist of a single mother and her own children up from 12 percent in 1970.

Women are far more likely than men to live in poverty, especially seniors. According to the census bureau 12 percent of women age 65 and older lived in poverty compared with 7 percent of men.

Nearly 16 percent of men age 15 and older who worked full time in 2001 earned $75,000 per year compared with 6 percent of women. About 20 percent of men earned $50,000 to $75,000 compared to 12 percent of women.

Mr. Speaker, there are especially troubling increases in the number of women who are in prison and there remain significant disparities between men and women in health care and other vital social indices.

Mr. Speaker, women may not have had their history fully recorded, but they have always assumed their full share and more in the building of our nation, in creating and protecting America's families, in developing art, culture and science, public policy, health care, education and any other field one can name. However, it has required constant struggle on the part of women.

Thus, women have always played an important part in shaping public opinion but it was not until 1916 that Jeanette Rankin of Montana became the first woman elected to the U.S. House of Representatives and not until 1992 that Carol Moseley Braun became the first African American woman elected to the U.S. Senate.

Anne Bradstreet became the first published American writer in 1650 and in 1993 Toni Morrison became the First African American woman to win the Nobel prize in literature.

Over the course of our history we have seen an unending string of "firsts." The first woman to receive her M.D. degree: Elizabeth Blackwell—1849. The first female professional chemist: Ellen Swallow Richards—1873. First American woman in Space: Sally Ride—1983. First woman U.S. Surgeon General; Antonia Novello—1900.

Mr. Speaker, the history of American women is an inexhaustible subject. No one can reduce it to a single sound byte or a single notion. One thing is clear: the march to equality is irresistible and unrelenting.

The Equal Rights Amendment was first drafted by Alice Paul in 1923. The message was simple and clear: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The Congress did not pass, and send to the states, the ERA until March 22, 1972. The states failed to ratify. But our responsibility as a people and as a legislative body remains. Women demand and deserve equality in every sphere of life, beginning with the law. It is high time for us to recognize and ratify that most just and basic demand.

CHATARD WINS INDIANA STATE BOYS BASKETBALL CHAMPIONSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to congratulate Bishop Chatard High School, Indianapolis, IN, on winning the Indiana State Boys Basketball Championship (Class 3A). Chatard's Trojans triumphed over Fort Wayne Elmhurst by a score of 78–44.

The Chatard Trojans won their first state basketball title ever on Saturday night to complete an outstanding season record of 22–2.

Congratulations to Coach Dan Archer and the Chatard Trojan players: John Loughery, Jamaal Wade, Dray Mason, Marques Presley, Ryan Baker, Mike Dury, Frank Halliburton, Greg Cage, Dan Cage, Tony Barnes, Jimmy Scheidler, and Jonas Coleman.

The Indiana State Boys Basketball Championship was played at Conseco Fieldhouse in Indianapolis, IN.

The Trojans competitive spirit and remarkable sportsmanship contributed to an excellent season for the team. I applaud their skilled teamwork and hope next year's season will bring them another state final championship.

Again, an outstanding example of perfect teamwork.

Congratulations to the Trojans! Job well done. You've made us proud!

TRIBUTE TO MRS. ARLINE SCHWARTZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to congratulate Mrs. Arline Schwartzman who is being honored by the Highland Park Conservative Temple and Center. I am proud to have Mrs. Schwartzman as one of my constituents and I commend her for the dedication and devotion she has exhibited to her community over the past four decades.

Mrs. Schwartzman's passion for humanitarian, civic, and philanthropic undertakings are a direct reflection of her character. Arline Schwartzman has been an active member of the Highland Park Temple for almost 40 years and her extraordinary record has been displayed as she has shared her time, talent, and expertise with tremendous commitment.

Born in Jersey City, Mrs. Schwartzman moved to Highland Park shortly after her marriage to her late husband, Mr. Henry Schwartzman. Ever since then she has been vibrantly active in the community. Upon joining Highland Park Temple, she and Henry became involved in temple events where she continues to be an energetic member of the community by participating in programs, classes, and activities.

Mrs. Schwartzman has also had an impact on communities outside of her Temple. Her strong commitment to the health care field is evident by her 50 years of volunteer service at Robert Wood Johnson University Hospital. Presently she serves as Secretary of the Board of Directors and has been a member of the Board since 1965. In that time, she was instrumental in the Hospital's transformation from a small community hospital to one of the nation's leading academic health centers.

Mrs. Schwartzman is also a life member of Hadassah and Brandeis and an active member of the Jewish Federation of Greater Middlesex County. She is also a member of the temple's Board of Trustees, the Sisterhood Board, and is active on the Refurbishment Committee. Recently Arline presented the Temple with a beautiful Sefer Torah in memory of her husband.

Other honors that Mrs. Schwartzman has received in her tenure of community service include the Torch of Liberty Award of the Anti-Defamation League, the National Volunteer Award of the Center for Volunteer Action, the Testimonial of Appreciation of the American Hospital Association, and the Community Leader of Distinction Award of the Middlesex County Regional Chamber of Commerce.

Arline Schwartzman is still a resident of Highland Park, with her mother Beatrice. She has been blessed with a wonderful family: Paula and Larry Melz, Roberta and Jeffrey Kirsch, Terri and Richard Beck, and Shelia and Richard Weber. She is also proud of her 8 grandchildren: Stacy, Steven, Lauren, Daniel, Julie, Jerry, David and Michael.

Mr. Speaker, I ask that my colleagues join me in honoring this extraordinary individual for her invaluable and enthusiastic commitment to her community.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes:

Ms. MCCOLLUM. Mr. Chairman, I rise in opposition to H.R. 975, a bill to modify our nation's bankruptcy system. I support holding individuals responsible for paying debts that they can reasonably afford. Our banks, credit unions and other responsible financial institutions should not have to foot the bill for individuals who take advantage of the system to avoid their debts. I support efforts to curb the overwhelming number of bankruptcies filed each year, which strain our responsible financial institutions and their ability to provide low-cost services to consumers. Unfortunately, I cannot support this very unbalanced legislation.

I have spoken with bankruptcy judges from Minnesota who share my concern that this bill will be particularly harmful to working families. The bill before us today will make it harder for custodial parents to collect child support. Further, it does nothing to hold credit card companies accountable for using risky business practices to extend thousands of dollars of credit to those individuals already deep in debt. Despite significant pressure from Democratic members to implement meaningful disclosure requirements, this bill does not go nearly far enough in requiring that credit card companies provide information that consumers need to practice good financial planning.

Supporters of this legislation claim that it puts children first by making child support claims the number one priority when assets are distributed in bankruptcy cases. But bankruptcy judges have told me that by forcing debtors to pay off more of their credit card debt after bankruptcy, this bill will directly impair their ability to make child support payments. It is wrong to make custodial parents and children who are owed support compete with the lawyers of credit card companies with deep pockets for the debtor's limited resources.

This bill also fails to hold credit card companies accountable for extending thousands of dollars in credit to college students using questionable marketing tactics. College students and their parents tell me that students find almost unlimited credit readily available. Credit card companies are setting up shop on campus, offering easy credit with free gifts such as T-shirts, flashlights, pens or water jugs. Students are offered "teaser" interest rates of 5 to 7 percent, while failing to realize that their rates can later hit 20 percent. As a result, 10 percent of all college students owe $7,000 or more to credit card companies. Because financial aid has failed to keep pace with inflation, these students also owe an average of $17,000 to the federal government upon graduation. We must do more to help our students.

We must do something to curb the number of personal bankruptcies that strain our banks, credit unions and responsible financial institutions. But we must not do so at the expense of children receiving court-ordered child support and college students who are targeted by lures of easy credit and already facing thousands of dollars in student financial aid debt.

COLLEGIATE HOUSING AND INFRASTRUCTURE ACT OF 2003

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I am today introducing legislation, along with my colleague Congressman BEN CARDIN, that would allow charitable and educational organizations to make grants to fraternities, sororities, and other collegiate organizations to provide housing and student facilities to the same extent that tax-exempt colleges and universities may provide such facilities for students.

By way of background, taxpayers may generally deduct contributions to non-profit educational organizations (i.e., educational organizations described in section 501(c)(3) of the Internal Revenue Code ("Code")) such as colleges or universities. These colleges and universities may expend their funds (including donated funds) on student facilities such as dormitories, dining halls, study areas, libraries, computers, laundry facilities, physical fitness facilities, and social or recreational areas without jeopardizing their tax-exempt status.

State and private colleges and universities do not, and cannot, provide all of the housing and related student facilities necessary for their student bodies. Collegiate organizations such as fraternities, sororities, and other student associations (e.g., Muslim Students Association, Fellowship of Christian Athletes, and Hillel) fill a large part of the collegiate housing gap. Fraternities and sororities alone provide housing for more than 250,000 students each year. These student associations take on significant financial burdens in order to provide student housing without cost to affiliated colleges and universities.

Fraternities, sororities, and student associations provide collegiate housing through tax-exempt organizations, but their exemption comes under Code section 501(c)(7), with the result that direct contributions to these organizations are not deductible. However, educational organizations established to benefit these fraternities, sororities, and other student associations may qualify under Code section 501(c)(3) to receive deductible contributions.

The current IRS position is that it will not give a tax-exemption ruling to these educational organizations unless they limit student facility grants to those that are solely for educational use (with exceptions for minor social or recreational use). According to this IRS position, a fraternity foundation, for example, may make grants to a fraternity for the construction (or for annual operating expenses) in a fraternity house of a library, study area, computer area, or instructional area. The fraternity foundation may also make grants, for computers, computer desks, and chairs, if similar to what is provided by the specific college with which the fraternity is associated, and for internet wiring, if the specific college also provides internet wiring. However, the IRS says that fraternity foundations may not make student facility grants for the construction or operation of sleeping quarters, dining areas, laundry facilities, or dedicated social or recreational areas (such as physical fitness facilities or equipment), or hallways or rooms used for both educational and other purposes.

Under the current IRS position, a charitable organization could not make a grant to a section 501(c)(7) collegiate housing organization (or to an affiliated section 501(c)(2) or (c)(7) organization) to provide fire safety upgrades unless those upgrades were limited to areas that are solely for educational use. However, fire safety upgrades will not provide necessary protection unless they are made throughout an entire building. It has been estimated that just the cost of installing sprinklers in fraternity and sorority housing is over $300 million nationwide.

There is no policy reason for distinguishing between the types of student facilities that may be provided by a tax-exempt college and those that may be provided by another tax-exempt charitable or educational organization to a collegiate organization for the benefit of individuals who are full-time college students. The current IRS position, which we believe is an incorrect interpretation of the law, puts collegiate organizations at a significant disadvantage in obtaining the funds necessary to provide or maintain housing and infrastructure, including the funds necessary to provide fire safety upgrades.

I believe that clarifying that tax-exempt charitable or educational organizations may make collegiate housing and infrastructure grants will encourage private sector contributions to address student housing needs, thus relieving a burden that would otherwise fall on financially strapped colleges and universities. Accordingly, this bill provides that charitable and educational organizations may make grants to collegiate housing organizations (including affiliate organizations holding title to property) for the construction or operation of collegiate housing and infrastructure facilities that are of the type tax-exempt colleges are permitted to provide for their students, including, but not limited to, sleeping quarters, fire safety equipment and upgrades, dining areas, social and recreational areas, study areas, libraries, and computers and related furniture and wiring.

I urge our colleagues to support this worthy legislation.

HONORING THE 20TH ANNIVERSARY OF VOLUNTEERS FOR OUTDOOR COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 20th anniversary of Volunteers for Outdoor Colorado, and to congratulate VOC for its two decades of working to enhance the beauty, accessibility and integrity of Colorado's parks, greenways and public lands.

The work of VOC and its countless volunteers has benefited the entire state. Through countless thousands of hours of strenuous yet rewarding work, trails have been repaired, wheelchair ramps installed, trees planted and facilities constructed. The results have enhanced the outdoor experiences of visitors to Colorado's public lands splendor.

Poll after poll shows that Americans believe that environmental protection and quality of life are high priorities. And just as many people believe themselves to be "environmentalists." But too often, people lack a way to give practical expression to these views. VOC provides that opportunity.

Participating in VOC activities is fun, easy and user-friendly. You don't need to be an expert, you don't need to know how to drive a tractor or a backhoe. All you need is a passion for the beauty and health of our surroundings—urban, suburban, in the mountains or on the plains—to participate. That, and a healthy willingness to get your hands and feet dirty.

I am especially appreciative of VOC's legacy of active volunteerism because the values it engenders are needed now more than ever.

Since I was first elected to Congress, I have visited high schools throughout Colorado's Second Congressional District. What I've heard from the young people I've met on these visits has reinforced my conviction that we need to provide them with opportunities to develop self-respect and a sense of accomplishment—because those experiences can be antidotes to much of the anger and alienation that can erupt into violence.

Before entering public life, I headed the Colorado Outward Bound school. It provides challenging adventures, such as rappelling down a mountain, fording a rushing river and surviving alone in the wilderness. Outward Bound, not unlike Volunteers for Outdoor Colorado, aims at teaching people to take care of themselves and then to work together. This allows each individual to develop self-reliance and in turn enables each team to accomplish their collective goals.

I think these time-tested principles are very relevant to our search for ways to help our young people and our society. They aren't new—ask any good coach, teacher or VOC project leader—but they do work.

Along those lines, I think we should try to afford more young people the chance to confront challenges, tap into personal reservoirs of resourcefulness, and pull together as a group. And in the West as nowhere else we have a way to provide those experiences—outdoors, on the public lands.

That's why VOC and its projects benefit not only our young people, but people of all ages to get closer to the land and develop stronger ties to their communities, their families and themselves. That's also a major reason why I am a strong supporter of VOC and also why I have introduced legislation in the Congress to promote more volunteerism like the work of VOC—especially on our public lands.

In just a couple of weeks, we will be celebrating Earth Day. VOC, and the work it does every day, demonstrates the very principles that Earth Day was designed to celebrate and encourage. Earth Day gives us a chance to take stock of where we are and where we are going in our relationship with this planet. In this spirit and in recognizing the continuing work of VOC and all it participants, I'd like to read something that was written by my uncle, Stewart Udall.

As many of you know, Stewart was Secretary of the Interior under Presidents Kennedy and Johnson. His book, the Quiet Crisis, was considered by many to be a precursor to the environmental beliefs that lead to the creation of the first Earth Day over 30 years ago. His book, like the work of VOC, opened the eyes of many as to what we are doing to the environment that sustains and enriches our lives. One passage that I think applies to the values of VOC reads:

> Each generation has its own rendezvous with the land, for despite our fee titles and claims of ownership, we are all brief tenants on this planet. By choice, or by default, we will carve out a land legacy for our heirs. We can misuse the land and diminish the usefulness of resources, or we can create a world in which physical affluence and affluence of the spirit go hand in hand.

These words reflect the ethic that VOC invokes everyday—and I can think of no better way to mark its 20th anniversary. I wish VOC continued success for the next 20 years and beyond.

CONGRATULATIONS WOODBURY ROYALS' GIRLS BASKETBALL TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate the Woodbury Royals' Girls Basketball team on their Class 4A Minnesota State High School Girl's Basketball championship. The Royals finished a perfect 29–0 with their 61–42 victory over the Eastview Lightning, in a game that showcased the number 1 and number 2 ranked teams in the State. This is the first State girls basketball title for the Royals in their 10th trip to the tournament. Coached by Dave Preller, the Royals capitalized on their scoring opportunities, sinking 25 of 29 free throws. Woodbury placed four players on the all tournament team: Sophomore Amanda Nisleit, junior Katie Tacheny and seniors Lacy Gram and Katie Kirley. Mr. Speaker, I congratulate the fine students and coaches from Woodbury High School on their championship season. I know the citizens of Woodbury and all of Minnesota are proud of their accomplishment.

PIKE WINS INDIANA STATE BOYS BASKETBALL CHAMPIONSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to congratulate Pike High School, Indianapolis, IN, on winning the Indiana State Boys Basketball Championship (Class 4A). Pike's Red Devils defeated the DeKalb Barons 65–52, to claim the championship and end the season with a perfect record of 29–0.

Congratulations to Coach Larry Bullington and the Pike Red Devils players: David Barlow, Dominic Collins, Michael Russell, Adrian Rosales, Torrian Bluitt, Robert Vaden, Darren Yates, Courtney Lee, Devin Thomas, Michael McCoy, Sydney McDaniel, Keith Davney, Justin Cage, Parnell Smith, Curtis White, Reece Cheatham, Devin Williams and Braxton Mills.

The Indiana State Boys Basketball Championship was played at Conseco Fieldhouse in Indianapolis, IN. This is the third title the Red Devils have won in the past six years.

It has been an outstanding year for the Red Devils whose hardwork and dedication has led the team to a victorious season. Although the Red Devils were runner's up during last years State Finals, their perseverance and desire to win has allowed them ultimate success in 2003.

Again, an outstanding example of perfect teamwork.

Congratulations to the Red Devils! Job well done. You've made us proud!

IN RECOGNITION OF MRS. HELEN WISE SCOTT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend of the Sixth District of New Jersey. Mrs. Helen Wise Scott, is an outstanding individual, who is being honored by the National Association of Negro & Professional Women's Club of Central New Jersey for her unselfish service to others and community involvement.

Mrs. Scott is this year's Recipient of the Sojourner Truth Award, which is presented annually to an individual whose life is devoted to community enrichment, active involvement to improve social and economic conditions, and a strong courageous character. Mrs. Helen Scott's life truly parallels the life of Sojourner Truth, as evidenced by her commitment to helping those less fortunate.

Helen Scott is the youngest daughter of the late Louis and Annabelle Wise of Cape May, N.J. Helen Scott's commitment to education was evident early on. She graduated from Cape May High School and went on to receive her bachelor's degree from Combs College of Music in Philadelphia. Later she attended Momnouth University where she was awarded a Master's in Education. Afterwards, Mrs. Scott felt the need to share her joy of learning with those around her and accepted a position with the Asbury Park School District to teach music. She was the first African American music teacher to be hired in the district. It was there that she presented numerous musicals and choral programs, exposing many African American youths to music and the theatre.

As a child advocate Mrs. Scott has been actively involved with many organizations and boards that are concerned with the education and welfare of children. She has served on the Board of Monmouth Day Care Center for over three decades and is presently on its Advisory Board. Mrs. Scott was a member of the Community Coordinated Child Care Committee of Monmouth County for several years. Most recently, she was appointed to serve on the Presidential Roundtable by President George W. Bush.

Mrs. Scott's other community service activities have been wide and varied even though she is a child advocate at heart. You may see her, along with her daughter, delivering bagels to the homeless shelter in Fort Monmouth or to the Mercy Center in Asbury Park. Mrs. Scott is also a longtime member of St. Augustine's Episcopal Church in Asbury Park where she formally served as choir director. Recently, she was elected to the vestry, which is the governing body of the church.

Through her tireless efforts Helen Scott has fostered a sense of community in her area and strived to help those less fortunate than herself. Mrs. Scott, like Sojourner Truth, is an extraordinary individual who is dedicated to enriching the lives of those around her. On this day I would like to ask my colleagues to join me in honoring the distinguished Helen Wise Scott.

COMMENDING MR. DON NOVEY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to commend and thank Mr. Don Novey who recently retired as president of the California Correctional Peace Officers Association (CCPOA) for his many years of dedication to improving public safety in the State of California.

A sixth-generation Californian born in Sacramento, Don Novey earned an Associate of Arts degree from American River College. After concluding counterintelligence service with the U.S. Army in 1971, Don followed in his father's footsteps by becoming a correctional officer at Folsom State Prison. This decision was one that not only shaped his own future, but eventually resulted in dramatic changes for the entire profession in California. Although he was promoted to sergeant in 1977 and became a lieutenant in 1984, Don's most significant professional advancement took place within the leadership ranks of CCPOA.

Because of his discouragement over the generally negative perception and portrayal of "prison guards" at the time, Don ran to become the union's statewide vice president in 1979. Although unsuccessful in that bid, he was elected to the state presidency in 1980, thus beginning a 22-year tenure at the organization's helm. During that time, he transformed the CCPOA from a union with little political clout to one that today is arguably the most powerful and influential organization involved in state government policymaking. Under his leadership, the level of public respect for correctional officers increased substantially. At the same time, he succeeded in winning broad support from state leaders to improve training, safety, compensation, and working conditions for his colleagues.

While helping his association's membership, Don was equally responsible for helping to shape a wide array of policies dealing with public safety that have greatly benefited the people of California. Due in part to his efforts, the state strengthened its penalties for criminal behavior, especially violent crime. Don and his colleagues encouraged the California State Legislature and the governor to enact no-nonsense laws to address criminal recidivism, namely the "Three Strikes, You're Out" law.

It is important to note that Don's firm sense of justice is matched by his deep compassion for those who suffer injustice. In 1992, he helped establish the Crime Victims United of California; an organization which has aided those victimized by criminal behavior and their families. The group has elevated their plight in the consciousness of elected officials and the general public, which has led to greater respect and protection for crime victims.

Don has also served in a number of other important capacities. He has been a member of the International Narcotics Law Enforcement Association, the National Intelligence Board, Governor George Deukmejian's Blue Ribbon Commission on Public Safety, the California Industrial Welfare Commission, the California Athletics Commission, and the board of the Kevin Collins Foundation, which works to locate missing and abducted children.

Don's own children and grandchildren are a high priority in his life. He and his wife, Carol, are the proud parents of Donald, Brandy, and Shanon. They also enjoy spending time with their five grandchildren. In short, his life so far has been one of hard work and achievement, patriotism and service, family and friendship. The people of California and the United States are better off for his efforts.

Now as he enjoys retirement from his career in corrections, I thank him for his service, support, and friendship. As a friend and fellow resident of my hometown of Rocklin, I wish him well in his future endeavors. I have no doubt that we have not heard the last from Don Novey.

HONORING CÉSAR E. CHÁVEZ

HON. LINDA T. SÁNCHEZ

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, the history of the United States is filled with heroes who, through personal sacrifice and a strong commitment to their cause, have left their mark on society. Today, I am proud to honor the life and accomplishments of California's own, the late, talented union organizer, César E. Chávez.

Born on March 31, 1927 to a farming family in Yuma, AZ, César learned early that life is filled with challenges. He was ten years old when his family lost their farm during the Depression. By 1938, the Chávez family joined thousands of others following the crops throughout the Southwest, eventually making it to California. It was during this period that César began to realize that he and the other migrant workers not only lived in deplorable conditions but also were treated as second-class citizens.

After his tour of duty in the U.S. Navy at the end of World War II, César returned to California with his wife Helena to continue farming. In 1952, he met Fred Ross, an organizer for the Community Service Organization (CSO). César flourished as an active member of this organization, conducting voter registration drives, battling racial and economic discrimination, and organizing new CSO chapters across California and Arizona. During the late 1950s and early 1960s, César became the national director of CSO. But no matter how hard he worked, he continued to have trouble persuading workers to fight for their rights because they were afraid of losing their Jobs.

In order to fulfill his desire to create a union for farm workers, César left his position with the CSO in 1962. He traveled from camp to camp recruiting workers. With the assistance of his family, he managed to organize 300 members into the National Farm Workers Union, NFWA, later changed to the United Farm Workers, UFW. Through César's leadership, the UFW gained the national support of unions, church groups, students, minorities, and consumers.

César's commitment brought dignity and respect to the farm workers who organized themselves and became an inspiration and a resource to other Americans and people engaged in human rights struggles throughout the world. His fast in 1968 for 25 days prompted the late Senator Robert F. Kennedy to call him "one of the most heroic figures of our time".

From 1965 through the 1980s, César led numerous strikes, boycotts, and protests—not only to increase wage earnings at the time, but also to increase public awareness to the plight of the migrant workers. During the 1980s, the number of farm workers working under UFW contacts rose tremendously, allowing them to enjoy higher pay, family health coverage, pension benefits and other contract protections.

César E. Chávez worked until his death on April 23, 1993, defending the rights of farm workers to the end. Even now, his spirit and legacy continue to be studied and rewarded.

On August 8, 1994, Chávez became only the second Mexican-American to receive the Presidential Medal of Freedom, the highest civilian honor in the United States. Also, in that same year, his family and officers of the UFW created the César E. Chávez Foundation to inspire current and future generations by promoting the ideals of César's life, work, and vision.

The State of California honored his life and work in 2000 by proclaiming March 31 as César E. Chávez Day. California dedicates the remainder of the week to paying tribute to the great union leader by teaching elementary and secondary school children about his work. I am also honored to announce that I am an original cosponsor of House Resolution 112, which will establish a national legal public holiday in honor of the great social justice leader.

Today, César E. Chávez would have celebrated his 76th birthday. I am proud to celebrate his life and work. May his spirit and dedication continue to be an inspiration to those engaged in human rights struggles throughout the world.

CELEBRATING THE 70TH ANNIVERSARY OF THE CIVILIAN CONSERVATION CORP

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise to recognize the seventieth anniversary of the Civilian Conservation Corps, and to pay tribute to the commendable service its members offered our nation. Created by President Franklin Roosevelt on March 31, 1933, the Civilian Conservation Corps had a profound impact on this nation, helping to sustain the United States through the depths of the Depression, and setting a precedent for other federal agencies to carry on the diverse missions of the Civilian Conservation Corps.

Within days after his presidential inauguration, Franklin Roosevelt initiated plans for the Civilian Conservation Corps, citing the need for an organization that would provide jobs for hundreds of thousands of unemployed young men aged 18 to 25. President Roosevelt declared that the Civilian Conservation Corps would "conserve our precious natural resources and pay dividends to the present and future generations. More important, we can take a vast army of the unemployed out into healthful surroundings." The Civilian Conservation Corps' intention was not only to provide services to the United States but also to give the unemployed an opportunity to live in healthful surroundings with steady pay, room, board, and clothing.

During the nine years the Civilian Conservation Corps was in operation, more than 3 million men were involved in the program nationally, working on projects like dam improvement, tree planting, laying telephone lines, and creating trails. Almost 55,000 men served on projects throughout New Mexico. More than 32,000 of them were residents of New Mexico.

By July 1, 1933, a quarter of a million enrollees had enlisted in the Civilian Conservation Corps, making it the fastest large-scale mobilization of men in U.S. history. The enrollees enlisted for six months with the option to reenroll for another six months or a maximum of two years. They worked forty-hour weeks and received thirty dollars a month. Each month, they required the men to send twenty-five dollars to their families to help them through the difficulties of the Depression. The Civilian Conservation Corps provided members with the opportunity to learn a new skill and allowed them to attend classes to further their education. More than 100,000 men were taught to read and write with the aid of the Civilian Conservation Corps's education classes.

The accomplishments the Civilian Conservation Corps achieved in its nine-year existence are impressive. Historical areas in Jamestown, Williamsburg, Yorktown, Fredericksburg and Spotsylvania were restored and developed by the Corps members. At the program's peak, there were over 500 Civilian Conservation Corps camps in national, state, and local parks. Civilian Conservation Corps workers cleared trails, built buildings and shelters, fought forest fires, planted trees, and made other improvements to parks in all the states, territories, and possessions. The three million men planted a total of 2.3 billion trees, spent 6.4 million days fighting forest fires and eradicated diseases and pests. These accomplishments contributed to the Civilian Conservation Corps' lasting environmental legacy. Today, agencies such as Americorps, the Park Service, the Bureau of Reclamation, the Forest Service and the Natural Resources Conservation Service are continuing the tradition of the Civilian Conservation Corps by instilling a sense of value for our natural environment as well as for national service.

Because of its major presence in New Mexico, the Civilian Conservation Corps worked on several projects throughout the state, including Rattlesnake Springs and Bandelier National Monument, aimed at benefiting both its members and residents of New Mexico. The men of the Civilian Conservation Corps also developed Hyde, Elephant Butte, Conchas, Bottomless Lake, and Santa Fe River Parks, among others.

Communities across the country benefited from the hard toil of the Civilian Conservation Corps. The camps helped local economies, bringing large numbers of consumers to the towns' stores and industries. More importantly, they aided the communities in times of crisis, searching for missing persons, fighting fires, and offering assistance to residents during snow and ice storms.

Today, the legacy of the Civilian Conservation Corps lives on in the New Mexico Youth Conservation Corps Act, which was adopted by the state Legislature in 1992. YCC provides employment for young people in projects that conserve the state's natural resources. The YCC provides a $1,000 tuition voucher as additional compensation for those who serve. The voucher may be used at any institution of higher education in the state of New Mexico.

Besides offering the members an opportunity to work, the Civilian Conservation Corps provided long-lasting friendships and ties that have endured over the seventy years since the Corps' inception. This sense of loyalty and pride extended to an unquestionable sense of pride for our country that is almost unparalleled. The work of the Civilian Conservation Corps remains as a monument to the young men who dedicated their lives to mending and preserving our natural resources. These men have earned the respect and honor of our nation. I offer my heartfelt thanks to the members of the Civilian Conservation Corps and congratulations on their seventieth anniversary.

RECOGNIZING THE CONTRIBUTIONS OF TIMOTHY T. WILLIAMS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. CARDIN. Mr. Speaker, I rise today to recognize the contributions of Timothy T. Williams, a resident of my district who has worked tirelessly for Baltimore's homeless citizens.

For the past 12 years, Mr. Williams has demonstrated outstanding service as Executive Director of the South Baltimore Homeless Shelter, where he led the development of a therapeutic community for homeless men with substance abuse problems, and skillfully managed comprehensive emergency services for homeless women and children. He has designed a community recovery model, through which graduates of the South Baltimore transitional shelter services provide counseling to homeless residents at South Baltimore Station and affiliated agencies, such as Carrington House.

Mr. Williams will now expand his work in the continuum of care for Baltimore's homeless and addicted by joining Jobs, Housing and Recovery, Inc., where he will develop supportive housing facilities and vocational services as the next step to recovery for Baltimore residents transitioning out of homelessness.

Mr. Williams received a bachelor's degree from Wheeling Jesuit University and a Juris Doctor from the University of Baltimore School of Law. Mr. Williams also served as a VISTA' volunteer in Texas, where he provided legal aid services to the rural poor.

I commend and thank Timothy Williams for his outstanding contributions to Baltimore and its citizens, and I wish him continued success in all future endeavors.

CLARIFYING THE ENFORCEMENT PROVISIONS OF THE HATCH ACT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce a bill on behalf of myself as chairman of the Committee on Government Reform and Representative FRANK WOLF. This legislation will clarify the intent of Congress regarding the enforcement of the Hatch Act.

The Hatch Act is a critical component of the system of laws designed to maintain the public's confidence in the professionalism of our nation's civil servants. The Act proscribes the types of political activity covered civil servants may engage in. The Act is intended to protect civil servants from political coercion by politically appointed supervisors. It is also intended to assure the impartial administration of Federal laws.

Since 1993 the general posture of the Hatch Act has been permissive, allowing civil servants wide latitude to be involved in non-partisan political activities in their communities. Federal employees are restricted from using their official authority to interfere in an election, and from soliciting or receiving political campaign contributions as well as several other activities relating to the use of their public authority for partisan effect. Covered employees also may not run for elective office in most partisan elections. The Act states that the penalty for violating the Act is a 30-day suspension without pay or, for egregious violations, termination from the civil service.

The Hatch Act is investigated and prosecuted by the United States Office of Special Counsel (OSC). This office is primarily charged with protecting civil servants from prohibited personnel practices, especially reprisal for whistleblowing activities. The OSC also investigates and prosecutes, when appropriate, violations of the Hatch Act.

Unfortunately, recent activities of the OSC have raised questions about the Office's interpretation of their prerogatives under the Hatch Act. Specifically, the OSC is attempting to prosecute an individual who is no longer an employee of the Federal government for an alleged Hatch Act violation. This action is clearly outside of the authority Congress granted under the 1993 Amendments to the Hatch Act since the only penalties are suspension or termination.

The bill accomplishes two goals.

First, it clarifies that a Federal employee who voluntarily separates from the civil service may not be penalized under the provisions of the Hatch Act. The bill also states that if that person rejoins the federal service the OSC may reopen that investigation should they so choose.

Second, this bill strikes two regulations promulgated by the OSC as routine use exceptions to the Privacy Act. These two exceptions allow the OSC to release private information for almost any reason as long as the records are used to defend the Office of the Special Counsel. The Privacy Act describes a routine use under 5 U.S.C. §552a (7) as "the use of such record for a purpose which is compatible with the purpose with which it is collected." Since the OSC does not collect and develop its investigation files for the purpose of defending its reputation, these regulations are clearly inappropriate.

54,000 federal employees live in my district. These women and men provide much of the talent and energy that makes the local community work. In 1993, Congress amended the Hatch Act to create a very simple standard for behavior with very limited proscriptions for political behavior. The hope was to create an environment where these citizens would feel free to fully express themselves in the non-partisan political arena.

The zealous prosecution by the OSC is beginning to erode this framework of limited proscriptions. At a time when fewer and fewer people bother to participate in local government the Congress should re-affirm its commitment to local communities and to its own employees by reinforcing the limited, permissive character of the Hatch Act.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 1, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 2

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine issues relating to military encroachment.
SD–406

Foreign Relations
To resume hearings to examine foreign assistance oversight.
SD–419

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine an overview of the fiscal year 2004 Navy Budget.
SD–192

Appropriations
District of Columbia Subcommittee
To hold hearings to examine the status of foster care in the District of Columbia.
SD–138

Finance
Business meeting to consider original legislation entitled "Energy Tax Incentives Act of 2003", "Clean Diamond Trade Act", and "Tax Court Modernization Act", the nominations of Mark W. Everson, of Texas, to be Commissioner of Internal Revenue, Diane L. Kroupa, of Minnesota, Harry A. Haines, of Montana, Robert Allen Wherry, Jr., of Colorado, and Joseph Robert Goeke, of Illinois, each to be a Judge of the United States Tax Court, and Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.
SD–215

Governmental Affairs
To hold hearings to examine the nominations of Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service.
SD–342

Health, Education, Labor, and Pensions
Business meeting to consider S. 231, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, proposed legislation entitled "Genetics Information Nondiscrimination Act of 2003", "Smallpox Emergency Personnel Protection Act of 2003", "The Improved Vaccine Affordability and Availability Act", "Caring for Children Act of 2003", and pending nominations.
SD–430

Indian Affairs
To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the Department of Energy Office of Environmental Management and Office of Legacy Management.
SR–222

10:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine aviation's safety and security issues, and financial challenges facing the aviation industry.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine NASA maned space flight.
SR–254

Commission on Security and Cooperation in Europe
To hold hearings to examine arming rogue regimes, focusing on the role of OSCE participating states.
334 Cannon Building

APRIL 3

9:15 a.m.
Finance
To hold hearings to examine health care services.
SD–215

9:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposed legislation authorizing funds for child nutrition programs.
SR–328A

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Federal Reserve Board proposal on check truncation; to be followed by a business meeting to consider the nominations of Thomas Waters Grant, of New York, Noe Hinojosa, Jr., of Texas, Thomas Waters Grant, of New York, and William Robert Timken, Jr., of Ohio, each to be a Director of the Securities Investor Protection Corporation, and Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.
SD–538

Foreign Relations
To hold hearings to examine the nominations of Lino Gutierrez, of Florida, to be Ambassador to Argentina, James B. Foley, of New York, to be Ambassador to the Republic of Haiti, and Roland W. Bullen, of Virginia, to be Ambassador to the Co-operative Republic of Guyana.
SD–419

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

2 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of State.
SD–192

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Navy, Marine Corps, and Air Force aviation and air-launched weapons programs in review of the Defense Authorization request for fiscal year 2004 and the Future Years Defense Program.
SR–232A

Foreign Relations
To resume hearings to examine NATO enlargement, focusing on qualifications and contributions.
SD–419

APRIL 7

1:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department Energy's Office of Environmental Management and Office of Civilian Radioactive Waste Management.
SD–124

APRIL 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold joint hearings with the House Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and consider pending legislation on the federal workforce.
SD–342

Rules and Administration
To hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service.
SR–301

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the Mammography Quality Standards Act.
SD–430

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine global energy security issues.
SD–419

APRIL 9

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans.
SR–222

3:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Joseph LeBaron, of Oregon, to be Ambassador to the Islamic Republic of Mauritania, Gregory W. Engle, of Colorado, to be Ambassador to the Togolese Republic, Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin, and Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique.
SD–419

4:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Reno L. Harnish, of California, to be Ambassador to the Republic of Azerbaijan, Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Moldova, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey, and Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia.
SD–419

APRIL 10

9 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the teaching of American history and civics in the classroom.
SD–430

9:30 a.m.
Governmental Affairs
To hold hearings to examine the nomination of Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine recent developments in Hedge Funds.
SD–538

Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center.
SD–116

APRIL 29

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

APRIL 30

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

MAY 1

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.
SD–124

MAY 8

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimate for the Secretary of the Senate and the Architect of the Capitol.
SD–124

CANCELLATIONS

APRIL 2

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

APRIL 3

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD–366

HOUSE OF REPRESENTATIVES—*Tuesday, April 1, 2003*

The House met at 10:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 84. Concurrent Resolution providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 318. An act to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

KEEP SUPPLEMENTAL APPROPRIATIONS NARROWLY FOCUSED

Mr. DELAY. Mr. Speaker, the President of the United States has no greater responsibility than to protect and defend the American people. While defending our freedoms half a world away, this administration is just as focused on the security needs right here in our homeland. These dual priorities are expressed in the President's supplemental budget request.

This war budget will meet America's needs directly arising from Operation Iraqi Freedom and our ongoing war against terror, including $63 billion for military operations, $5 billion in assistance to help our brave coalition partners and $4 billion for the Departments of Justice and Homeland Security to address the immediate and emerging threats to American soil.

Predictably, detractors are surfacing to criticize the President's request. It should come as no surprise that many of the people criticizing this war budget are the same ones who have criticized all along the bold policies it would pay for.

The war in Iraq and the war on terror are vital to the national security of the United States. The Secretaries of Defense, State and Homeland Security and the Attorney General have assessed their needs and asked the President for the funds necessary to meet those needs. This supplemental then reflects the informed opinions of the experts on President Bush's national security and homeland security teams. Yet the pseudo-experts say it is not enough.

The ballooning of spending bills seems to be an annual ritual here in Washington, D.C., but before we are tempted to spend money for projects unrelated to our pressing security needs, we should all remember what it is we are doing here. This is not a normal appropriations bill. Its purpose is to fight and win the war in Iraq, to liberate an oppressed people from a brutal dictator. Its purpose is to fight and win the war on terror and defend our Nation from those who would revisit on us the horrors of 9/11.

Let us keep in mind the seriousness of the times and the cool deliberation required of our homeland security experts to determine our needs. We must give our national and homeland security agencies the money that they need to protect us, and we must make sure every dime we spend in the supplemental goes to that purpose, and that purpose alone.

VETERANS' NEEDS GOING UNMET

The SPEAKER pro tempore (Mr. SHUSTER). Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the good news is that we can afford to meet the funding needs of the Veterans Administration. We have the money. But the Republicans, in spite of the comments from my colleague from Texas, have other priorities. They are going to award the wealthiest 1 percent of Americans a tax cut. The top 1 percent of Americans are people who make an average of $968,000 a year. Half the tax cut goes to that 1 percent.

The total cost of that tax cut for the top 1 percent, those making on the average $968,000 a year, the total cost of that tax cut is larger than the entire budget of the Department of Veterans Affairs.

Most veterans are not millionaires, but their contributions to this country are immeasurable. If they do not qualify for the President's tax cut, then they must sacrifice. That is the way that people around here are thinking.

We cannot begin to place a value on the sacrifices they have made. But apparently President Bush and House Republicans are putting a value than their contribution, and, under the budget my friend from Texas just mentioned, they think that veterans can stand to lose $28 billion in services. Republicans believe it is more important to focus on millionaires who qualify for tax cuts than on the men and women who served this country and qualified for veterans benefits.

Tax cuts for millionaires; $28 billion in cuts for veterans benefits. It is outrageous. Veterans have been asked already to shoulder the burden of costs that the Bush administration has failed to provide. Last year funding provided under the continuing resolution represented a cut of $659 million from the amount needed simply to keep pace with veterans benefits in the 2002 budget. We all know that 2002 funding was inadequate. Undercutting it is devastating.

Republicans have a new policy when it comes to veterans health care. It is called abandonment. Let me give you some examples.

First, the President and House Republicans are cutting Veterans Administration outreach. The VA already has halted outreach typically done to alert veterans to the services they are eligible for. It is the Republicans' way to save money. If you do not tell veterans about the benefits, then you do not have to provide benefits and services they were promised in gratitude for serving our country.

Second, President Bush proposed raising the prescription drug copay. Last year, veterans paid $2 per month per drug. Living on $1,100 or $1,200 per month for a retired veteran is not an easy thing, so that $2 copay per drug per month was very important. Come January, the President raised that to $7 per drug per month for veterans. Now the President proposes raising it to $15 per drug per prescription per month for every veteran.

Veterans live on fixed incomes and simply cannot afford the 250 percent increase in the cost of their medications, and now the President wants to even

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

more than double it. Ignoring that burden, doubling their copay, is insulting to veterans, especially in a time of war.

The Department of Veterans Affairs estimates that 700,000 more veterans will receive VA care in 2003 than had been projected. They may be eligible for health care services, but $1.5 billion in cuts will undermine the VA's ability to deliver this care.

The Republicans in this body should be ashamed of those budget cuts to veterans. But it is not just this body. In the other body, the leader of the other body earlier this month pledged to support veterans concerned about President Bush's health care proposal, but he also said veterans and others will have to make sacrifices.

Here is what the leader of the other body said. "It applies to me in terms of domestic priorities and it applies to groups like the veterans today as they lobby."

In other words, we are going to go to war, but we are saying to veterans, so we can pay for the Bush $726 billion tax cut, half of which goes to people making on the average $968,000, the leader of the other body, the Republican leader of the other body is saying what the Republican leaders in this body are saying, and that is that we need the tax cut more than we need the veterans benefits.

Tax cuts for people making $968,000 a year; $28 billion in cuts in veterans services. What message does that send to our troops fighting in Iraq? Let us hope when it is their time to claim VA services that they have a different Congress, that they have a Congress that keeps its commitments to those who served this country. Let us hope that when it is their time, they are told "thank you" by a future Congress; not that it is your turn to sacrifice so we can pay for a tax cut, which is what the leaders in this Congress are telling them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to avoid improper references to the Senate or its Members.

STOP THIS WAR NOW

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. KUCINICH) is recognized during morning hour debates for 5 minutes.

Mr. KUCINICH. Mr. Speaker, stop the war now. As Baghdad will be encircled, this is the time to get the UN back in to inspect Baghdad and the rest of Iraq for biological and chemical weapons. Our troops should not have to be the ones who will find out in combat whether Iraq has such weapons. Why put our troops at greater risk? We can get the United Nations inspectors back in.

Stop the war now, before we send our troops into house-to-house combat in Baghdad, a city of 5 million people; before we ask our troops to take up the burden of shooting innocent civilians in the fog of war.

Stop the war now. This war has been advanced on lie upon lie. Iraq was not responsible for 9/11. Iraq was not responsible for any role al Qaeda may have had in 9/11. Iraq was not responsible for the anthrax attacks on this country. Iraq did not try to acquire nuclear weapon technologies from Niger. This war is built on falsehoods.

Stop the war now. We are not defending America in Iraq. Iraq did not attack this Nation. Iraq has no ability to attack this Nation. Each innocent civilian casualty represents a threat to America for years to come and will end up making our Nation less safe.

The $75 billion supplemental needs to be challenged, because each dime we spend on this war makes America less safe. Only international cooperation will help us win the war on terror.

After 9/11, all Americans remember that we had the support and the sympathy of the world. Every nation was ready to be of assistance to the United States in meeting the challenge of terrorism, and yet with this war we have squandered the sympathy of the world. We have brought upon this Nation the anger of the world. We need the cooperation of the world to find the terrorists before they come to our shores.

Stop this war now. $75 billion more for war, three-quarters of a trillion dollars for tax cuts, but no money for veterans' benefits. Money for war, but no money for health care in America. Money for war, but no money for Social Security. But money for war.

We have money to blow up bridges over the Tigris and the Euphrates, but no money to build bridges in our own cities. We have money to ruin the health of the Iraqi children, but no money to repair the health of our own children and our educational programs.

Stop this war now. It is wrong, it is illegal, it is unjust, and it will come to no good for this country.

Stop this war now. Show our wisdom and our humanity to be able to stop it. Bring back the United Nations into the process. Rescue this moment. Rescue this Nation from a war which is wrong, which is unjust, which is immoral.

Stop this war now.

SUPPORTING OUR NATION'S VETERANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Guam (Ms. BORDALLO) is recognized during morning hour debates for 5 minutes.

Ms. BORDALLO. Mr. Speaker, I come to the floor this morning to pay tribute to our Nation's veterans and to talk about what the budget resolution of this House would mean for their quality of life and their health care over the course of the next 10 years.

I am sad to say that 2 weeks ago this House barely passed a budget resolution that would severely cut veterans' benefits, including cuts to health care, disability compensation, pensions and other important benefits.

I would not be here today, Mr. Speaker, if not for those brave veterans that liberated Guam in 1944. Therefore, I must speak out when I see our government being derelict in its duty to veterans. It is unthinkable that this House would even take such drastic action against our veterans during a time of war. This is the wrong time and the wrong message to be sending to our country.

This budget cuts $14.6 billion in funding from mandatory veterans programs over 10 years to help pay for the $1.35 of trillion of tax cuts in the budget. Over a 10-year period, the budget resolution that this House passed would cut almost $9 billion alone in veterans' health care, an average of more than $900 million less than the President has proposed per year.

Make no mistake about it, Mr. Speaker: Should these cuts prevail in conference, and we should not let that happen, this budget would mean serious problems for veterans' health care. New copayments and enrollment fees would no doubt be on the table and under consideration to keep the entire system afloat in the next fiscal year.

This House has a chance to correct that, to reverse course, to honor our Nation's veterans and to recognize their service, their sacrifice, and their patriotism. We can correct the harmful reconciliation instruction to the Committee on Veterans' Affairs and we can restore these cuts by supporting the motion to instruct conferees that will be offered later today by our colleague, the gentleman from South Carolina (Mr. SPRATT).

Quite frankly, we should be increasing, rather than cutting, health and other benefits to our veterans. Let us not turn our back on our veterans. We should instead salute them.

Vote for the Spratt motion to instruct conferees today when it comes to the floor. Vote to honor our veterans, and vote for a better budget.

PRESERVING THE DIGNITY OF OUR NATION'S VETERANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Indiana (Ms. CARSON) is recognized during morning hour debates for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I know there is a hard and fast rule that we cannot refer to someone in the other body, but since this person is no longer a Member of the United States Senate, let me dedicate my remarks to the Honorable Max Cleland, who became a triple amputee in the Vietnam War and who is no longer in service in the United States Senate.

I rise today to speak about the dignity of our Nation's veterans. Last week, Mr. Speaker, we offered and passed a resolution asking for the country to pray and to fast. I did not realize that at that time, according to what I am told, many of our troops in harm's way were down to one meal a day. I did not realize at the time that it was them that we were asking to fast.

As General Omar Bradley once stated, "We are dealing with veterans, not with procedures. We are dealing with their problems, and not ours."

I have a constituent who served his country in Vietnam, Mr. Bob Creasy. He was exposed to Agent Orange, the defoliant used to fight the war. Mr. Creasy did not realize at the time how deadly and poisonous the chemical was. Actually, none of us did. Many years later he experienced symptoms and illnesses that can now be validated and linked to his exposure to Agent Orange.

The Department of Veterans' Affairs claims that Bob is not eligible for compensation because he did not come forward when the symptoms first occurred. The symptoms, however, were not recognized as being caused by Agent Orange until very recently.

Why can we not validate the disability and compensate accordingly at this time? Is it that the Veterans' Administration is very restricted and limited in resources and will escape obligations any way and however they can?

What of our brave women and men who served in the first Gulf War? What of the Gulf War Syndrome? We are sending hundreds of thousands of young women and men into harm's way at this very moment, and at the same time we are cutting benefits for those who served in previous wars.

My observation, Mr. Speaker, is not extracted from a comic book. My name is JULIA CARSON, married to Sam Carson, a veteran of the Korean conflict, United States Marine Corps, who is now 100 percent service-connected disabled. My son, Sam Carson, United States Marine, served his country well, fortunately during peacetime.

It is not that I do not understand the plight of veterans, Mr. Speaker; I know the plight of veterans. There are over 25 million veterans in this great Nation of ours, and in Indiana alone there are 562,000. Are we supposed to tell them after serving in the military, defending our country, preserving our freedom, that the services that they need are unavailable in order to pay for a tax cut?

I heard another rumor emanating from the administration about "shared sacrifices." I suppose those "shared sacrifices" are relegated to the have-nots and the have-even-less. To pass a budget that cuts mandatory spending from the President's budget by $15 billion is unconscionable. Even that budget was $3 billion too low to fully fund the needs of those who have served this country so ably.

As our distinguished ranking member of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS) recently stated, "Our Nation must not require those who serve in uniform to bear the financial costs of their service-connected disabilities."

Give me a break. A tax break for those who need no tax break, who earned their wealth off of the United States of America, and now we are asking them to take more; and we give less to the people who are responsible for our well-being, for the most part, the veterans of this Nation?

There is no excuse to delay the needed medical care for our veterans. We need to show them with deeds and not with words that, regardless of their mission, we support their dedication to their jobs and that we are for them in their time of need.

Last week, Mr. Speaker, I recited the words of the first President of the United States, George Washington, whose words are worth repeating at this time:

"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

Mr. Speaker, we must not fail our veterans.

OPPOSING PROPOSED CUTS IN VETERAN PROGRAMS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Arizona (Mr. GRIJALVA) is recognized during morning hour debates for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, I, too, rise today to add my comments to the chorus of dismay and opposition to the proposed cuts in veteran programs and benefits that we are currently hearing about in this country proposed by the President and approved by the Republican majority of this House.

Many families in my district have sons and daughters, husbands and wives, family members, that are in the military and in this current conflict that this country finds itself in. Presently I have the responsibility to communicate to some of these families about the death, the serious life-threatening injuries and the missing-in-action status of some of their family members. I relate to them my personal respect, gratitude and sorrow at their anguish and at their sacrifice.

Yet, while I am doing that, I find it unconscionable that while our men and women are fighting overseas, following the orders of their Commander-in-Chief, we at home are reducing the health care benefits that our veterans have earned while risking and giving their lives in the service of this country, in the protection of our freedoms and in the extension of the liberties that we all enjoy.

How can we possibly justify the budget as passed by this House that contains almost $29 billion in cuts in veterans' programs over a 10 year period, primarily in veterans benefits and health care. What are we going to tell the men and women presently in uniform and their families: that their service is honorable, needed, and respected, but not worth the cost of full benefits for them and their future?

Mr. Speaker, today I would urge all of my colleagues to restore and enhance the benefits and programs that have been earned by our veterans and cut by the President and this Congress. To do otherwise would be an appalling betrayal of America's commitments to our veterans.

At a time of war, let us not be hypocritical. Let us respect and enhance the benefits of our veterans, so as they sacrifice for us, as they follow the orders of their Commander-in-Chief, they will earn not only our respect, but entitlement to benefits and protection of programs that will extend and support their quality of life.

VETERANS CUTS DEPLORED BY VETERAN LEADERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, while American troops are fighting over in Iraq, veterans of past wars are fighting a different battle here in the United States. These veterans, who sacrificed a great deal to serve their Nation with great distinction, are now essentially being told by the House Republicans, "thanks for your service, but we are going to have to make major cuts in your health care and other services to pay for our huge tax cut for the wealthiest few."

Last month, House Republicans approved a budget by the slimmest of margins that cuts $14.2 billion in veterans programs over the next 10 years. Upon hearing that veterans were not a priority of the Republican majority, several leaders of veterans groups sent letters to Republican leaders.

Mr. Speaker, I just want to read some excerpts from some of the letters sent to the Speaker, because I think they are so much on point.

The first one is from Edward Heath, the National Commander of Disabled

American Veterans. If I could just quote some sections, Mr. Heath writes:

"I write today on behalf of the 2.3 million disabled veterans, including the more than 1.2 million members of the Disabled American Veterans (DAV) to communicate our deep-seated outrage regarding the fiscal year 2004 budget adopted by the House Budget Committee which would cut veterans programs by more than $15 billion during the next 10 years.

"Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemen are in harm's way fighting terrorists around the world and thousands more of our sons and daughters are preparing for war against Iraq.

"If you, in your leadership role in your House, allow this budget proposal to pass the House without exempting VA programs from the massive cuts, it could mean the loss of 19,000 nurses, equating to the loss of 6.6 million outpatient visits or more than three-quarters of a million hospital bed days. But that is not all of the devastation that will be caused by the proposed cuts. You will be reaching into the pockets of our Nation's service-connected veterans, including combat disabled veterans, and robbing them and their survivors of a portion of their compensation.

"Mr. Speaker, this budget dishonors the service of millions of service-connected disabled veterans, including combat disabled veterans, and seriously erodes the Nation's commitment to care for its defenders."

Mr. Edward Heath, the National Commander of Disabled American Veterans, goes on to talk about the really negative impacts that these cuts will have.

Mr. Speaker, I also want to read sections from a letter that was sent to the chairman of the Committee on the Budget by Steve Robertson, Director, National Legislative Commission for the American Legion.

He says, "Dear Mr. Chairman: The American Legion is deeply troubled by the impact H. Con. Res. 95, the Concurrent Resolution on the Budget, would have on veterans, especially severely service-connected disabled veterans and their families.

"Veterans did not cause the budgetary shortfalls and should not be financially penalized in the name of fiscal responsibility. Much has been said that all Americans must be willing to make sacrifices to eliminate the budget deficit. Severely service-connected disabled veterans have already made significant personal sacrifices for their earned entitlements."

Mr. Speaker, last is a letter to Speaker HASTERT from Joseph L. Fox, Sr., National President of the Paralyzed Veterans of America.

He says in part, "Dear Mr. Speaker: The proposal, if implemented, would have a shocking effect on VA health care services and would be an affront to millions of veterans facing reductions in their health care, compensation, pension and education benefits.

"The House Budget Committee proposal also calls for cutting $15 billion over 10 years, $463 million in fiscal year 2004 alone, in VA mandatory spending under the guise of eliminating fraud, waste and abuse. We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans and GI Bill benefits for soldiers returning from Afghanistan to be "fraud, waste and abuse." Ninety percent of the spending for VA entitlements goes in monthly payments to these veterans and their survivors. The House Budget Committee plan, if approved, would force cuts in each of these programs."

Mr. Speaker, I am only mentioning these letters because I think it is much better to quote from some of the people who are involved as veterans, from veterans organizations, rather than speaking myself, in terms of the real impact of the cuts in the budgets on veterans programs.

I think the Republicans clearly were not listening to veterans last month when they approved the fiscal year 2004 budget. I hope today they will keep veterans' voices in when they have a chance to instruct budget conferees to restore the funds that they so callously took away last month.

Mr. Speaker, the bottom line is, we are in the middle of a war, and to cut veterans' programs at this time is definitely not the way we should go.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 4 minutes a.m.), the House stood in recess until noon today.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

I am grateful to the Members of the House of Representatives and all those who work here on Capitol Hill because they exist and because they are who they are. They do what they do and try as they may to make a difference in this place, in this Nation, and in this world.

I am grateful to You, O God, for having placed me among them and for having told me to be their father, their minister, their rabbi, a spiritual seeker with them in troublesome times.

Finally, I am grateful to You, O Lord, because in the midst of such public hearing and so much activity, I can find the solitude of prayer that shuts off the TV wars and simply questions the times in which we live and the priorities which set our motion.

In this most significant place, I find myself in them and with them, wondering what is the human dimension to government, to power, to war, and to life. I wonder, and I wonder further, and I wonder, until I come to You, our wonderful God. I wonder if You still recognize Yourself in us, for we were once made in Your image and likeness.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

U.S. WILL NOT EXCUSE WAR CRIMES OF IRAQI REGIME

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Madam Speaker, some of Saddam Hussein's paramilitary monsters hanged a teenage girl last week for waving at coalition troops. In the same week, Iraqi military, pretending to surrender, fired upon our people who had offered them safety. This week we learned Saddam's desperate soldiers have taken to shielding themselves with women and children when confronting our advancing troops. His paramilitary forces rule by terror, lodging military stockpiles in schools and hospitals, firing at villagers who try to flee, and exterminating townspeople who refuse to fight for Saddam's terrorist state.

Perhaps the signature statement of the abhorrent and despicable nature of the enemy is its treatment of our young people in uniform taken captive. Some have been humiliated and paraded in front of television cameras. Others, we now know, were brutally executed or, should I say murdered, by Iraqi soldiers.

Can there be any doubt about the vile and inhumane character of Saddam's dying regime?

As President Bush has correctly noted, "Given the nature of this regime, we expect such war crimes, but we will not excuse them." Our brave men and women in uniform deserve our support, both for what they are doing and for why they are there.

OPPOSING BUDGET CUTS FOR VETERANS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to call attention to the actions taken by the Republicans in this House to drastically cut the funding for veterans programs.

While thousands of brave men and women are fighting for our country and risking their lives every single day, the House majority party voted for the GOP budget resolution which would cut veterans programs by $28.8 billion. This cut in programs includes money for health care, for disability compensation, pensions, and other benefits. The Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion have all issued statements opposing this budget.

We cannot in good conscience commit men and women to defend this Nation while at the same time reducing the benefits they are entitled to and deserve, because after all, what message, what message does this send to those that have and those that are serving our country?

I am appalled at the actions of the Republican House. While brave men and women are defending our freedom, we must defend their right to receive their benefits.

HONORING AND SUPPORTING OUR TROOPS IN IRAQ

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today in strong support of our brave military men and women fighting for our freedom here at home and to take the yoke of oppression off the Iraqi people.

I also want to thank the military families and let them know that these soldiers are doing the best job in the world.

Madam Speaker, there are some awful stories out there. Iraqis were shown on TV voicing support for Saddam Hussein. When asked why they were doing that, they replied that they were afraid if they did not show support for Saddam and he did win, then he would remember them as enemies, and he would kill or torture their family members. That is just wrong.

Now our servicemen and women are implementing a precise military plan that will put an end to Saddam Hussein's reign of terror and his ruthless regime forever. We in the Congress are going to do all in our power to make sure that our troops remain the best trained and equipped in the world and are paid as veterans. To the brave men and women in uniform, I thank you and we salute you.

TRIBUTE TO PAUL WALDEN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, I am sad to report to the House today the passing of Paul Walden of Hood River, Oregon, the father of our colleague, the gentleman from Oregon (Mr. WALDEN).

It was my pleasure to serve in the Oregon House of Representatives with Paul where he was a distinguished member in the 1970s. By the time he became a legislator, he was already an established community leader, active in his church and many civic organizations.

Paul was a successful businessman whose ready wit and deep melodious voice made him a natural for a career in radio. He served a half century in the broadcast industry, ultimately owning his own radio stations.

This Oregonian of pioneer stock made his community better as he brightened people's lives. He was the obvious choice for the community for major responsibilities, like serving as chair and master of ceremonies for the opening of the massive Dallas's Dam featuring Vice President Richard Nixon.

I will remember him as a friend who served his community with honor, with humor, and with insight.

Our thoughts are with our colleague, the gentleman from Oregon (Mr. WALDEN); his wife, Maylene; son, Anthony; and the entire Walden family.

APRIL IS THE MONTH OF THE MILITARY CHILD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Department of Defense has designated April as the Month of the Military Child.

Today, thousands of fathers and mothers are halfway around the world from their children making tremendous sacrifices to defend freedom and liberty. Some sons and daughters will see their parent come home wounded and, in some cases, the military parent will not return at all.

Military families make enormous sacrifices on a daily basis so that our soldiers have the support they need. It is up to Americans and communities throughout our great Nation to support these families, even by simple food, clothes and toy donations for the children.

I urge all Americans to reach out to military families in their communities by contacting their local military base, National Guard and Reserve armory, and public affairs offices to find out how they can best help.

In conclusion, God bless our troops.

OPPOSING BUDGET CUTS TO VETERANS PROGRAMS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Madam Speaker, I rise today out of deep concern about the budget that was passed last week. The Committee on the Budget resolution cut mandatory spending in many areas, but one of the most unconscionable cuts is the $15 billion reduction for veterans programs like service disability compensation, pension for low-income wartime veterans, and veterans housing programs. At a time of war, how can we vote to neglect our veterans like this?

In recent days we have heard from the American Legion, Paralyzed Veterans of America, AMVETS, the Veterans of Foreign Wars, and Disabled American Veterans, all strongly opposed to these cuts.

I will continue to stand with them and to oppose this dishonorable treatment of our most honorable men and women. I urge my colleagues to do the same.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to support the Higher Education Relief Act, the HEROES Act, as it is called.

Since September 11 and now with the activities of the war in Iraq, this Nation is sending our men and women, our young sons and daughters, into harm's way, into a conflict the likes of which this Nation has never seen before. And they do so in the name of America, in the name of liberty, freedom and dignity, which the United States stands for.

But during this time, this legislation will now grant to the Secretary of Education the authority and the power to grant to the students who are overseas now the relief that they need. It does that in three ways. First of all, it provides to the Reservists who are leaving from their jobs to go overseas right now relief from making student loan payments for a period of time while they are away.

Secondly, it provides to the borrowers and to the families who are back here at home relief from receiving letters and phone calls from the lenders while they are in service. And, thirdly, this legislation provides relief through consecutive service requirements to be considered uninterrupted while they are overseas.

Madam Speaker, I urge all of my colleagues to support the HEROES Act and to support our troops as well.

TRIBUTE TO CESAR CHAVEZ

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Madam Speaker, Cesar Chavez was a champion for the poor and underserved people in America. He did not care about politics, money, or votes; he cared about people and their children. He sacrificed so they may have a better life.

Cesar gave Latinos in this country a voice. He touched the lives of millions with nonviolent struggle for justice, education, equality, and hope.

His life is a testament to the notion that victory can be won without violent confrontation. He used boycotts, pickets, strikes, and fasts to achieve this goal. But he never raised his hand or encouraged his followers to raise their hands in anger or hate or violence. This is a lesson that the world should be reminded of right now.

Cesar was committed so that he would be willing to sacrifice his own life so that violence was not used. He fasted many times. He proved that his commitment through his persistence, hard work, faith, and willingness to sacrifice for La Causa.

The terrible suffering of the farm workers and their children by crushing farm workers' rights, the dangers of pesticides, the denial of fair and Federal elections, Cesar's fast was a heartfelt prayer for purification and strength for all of those who worked beside him in this movement. His words will always be true in our lives that say: Si, se puede.

Yesterday was Cesar Chavez's birthday. This would be a great day to honor him in the Nation every year. I urge my colleagues to cosponsor H. Res. 112 calling for a National Cesar Chavez holiday.

☐ 1215

IRAQ

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, our forces have been in action in Iraq for 2 weeks. In that time, they have achieved great success. They have moved hundreds of miles and are beginning to encircle Baghdad and the regime of Saddam Hussein.

They have begun to distribute humanitarian aid to the long-suffering people of Iraq. They have weakened the enemy forces significantly. They have fought off groups of Saddam's thugs who are desperate to hold on to power. In short, the plan is going forward in an undaunted fashion.

As President Bush had stated time and time again, we may not know the duration of this war, but we do know its outcome: Our forces will disarm Iraq and will force the tyrannical regime of Saddam Hussein from power. The day of liberation for the people of Iraq is near, and they will be free. We will not tire, and we will not stop until we achieve our goals. I have no doubt that our forces are up to the task.

I urge every American to keep the men and women of our Armed Forces in their thoughts and in their prayers. We must support our troops as they fight to protect freedom and to defeat the forces of terror.

IN SUPPORT OF VETERANS

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I stand before Members today outraged at the disgraceful treatment of our Nation's veterans. While some may disagree with the United States' decision to lead the charge against Iraq, all would agree that the men and women putting their lives on the line deserve our unwavering support. These volunteers deserve respect not only during times of war, but also when they return home.

The administration has spent a great deal of time showcasing our proud troops, but that same administration is attempting to make cuts to health care and other benefits that impact our veterans. Unless this body takes action, many veterans will be financially responsible for paying for the injuries they receive as a direct result of their sacrifice in defending us and our values.

This is hypocrisy at its best. What kind of message does this send to our troops? It says that we appreciate them putting their lives on the line when we need them, but we cannot offer them that same assistance when they need us.

House Concurrent Resolution 95, the budget resolution that recently passed the House, would require an across-the-board cut of 1 percent in mandatory appropriations for veterans programs. This budget would cut compensation for service-connected disabilities and education benefits and other health care funding by $14 billion over the next 10 years.

In addition, while the Bush budget anticipates an increase in the number of veterans eligible for compensation due to service-connected disabilities, the budget does not add one dime for benefits for additional disabilities and deaths.

As an American, as a patriot, and as a Member of this esteemed body, I encourage all Members to support the efforts to restore the funding cuts in mandatory spending for veterans benefits. Our past and future veterans deserve the respect and gratitude of this Nation. The least we can do is take care of them when they return home from defending our American values.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

Mr. KLINE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1412) to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.

The Clerk read as follows:

H.R. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Relief Opportunities for Students Act of 2003".

(b) FINDINGS.—The Congress finds the following:

(1) There is no more important cause than that of our nation's defense.

(2) The United States will protect the freedom and secure the safety of its citizens.

(3) The United States military is the finest in the world and its personnel are determined to lead the world in pursuit of peace.

(4) Hundreds of thousands of Army, Air Force, Marine Corps, Navy, and Coast Guard reservists and members of the National Guard have been called to active duty or active service.

(5) The men and women of the United States military put their lives on hold, leave

their families, jobs, and postsecondary education in order to serve their country and do so with distinction.

(6) There is no more important cause for this Congress than to support the members of the United States military and provide assistance with their transition into and out of active duty and active service.

(c) REFERENCE.—References in this Act to "the Act" are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 5. DEFINITIONS.

In this Act:

(1) ACTIVE DUTY.—The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term "affected individual" means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term "military operation" means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term "national emergency" means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term "serving on active duty during a war or other military operation or national emergency" shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term "qualifying National Guard duty during a war or other military operation or national emergency" means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective at the close of September 30, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 1412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I am pleased to bring forward, along with several of my colleagues, the Higher Education Relief Opportunities for Students, or HEROES, Act of 2003. This is a bill that expresses the support and commitment of the United States House of Representatives to the troops who protect and defend the United States.

Throughout our involvement in the war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard of the Armed Forces, whether the Army, Navy, Air Force, Marine Corps, other than Coast Guard, have been called to active duty or active service. Many of these men and women are also college and university students who are called away from their families, class work and studies to defend our Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance and/or educational credit as a result of their service.

Such a scenario is clearly not acceptable. The HEROES Act provides assurance to our men and women in uniform that they will not face education-related financial or administrative difficulties while they defend our Nation. The HEROES Act achieves this by granting the Secretary of Education the authority to address the specific needs of each student whose education is interrupted when they are called to service.

This bill is specific in its intent to ensure that as a result of a war, military contingency operation, or national emergency our men and women are protected. By granting flexibility to the Secretary of Education, the HEROES Act will protect recipients of student financial assistance from further financial difficulty generated when they are called to serve, minimize administrative requirements without affecting the integrity of the programs, adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family, and provide the Secretary with the authority to address issues not yet foreseen.

Following the September 11, 2001, attacks on our Nation, Members of this House united to unanimously pass similar legislation which helped ease the burden on students, institutions, and families affected by the attacks on our Nation. Today, the men and women serving in Operation Iraqi Freedom and in other parts of the world deserve the same support.

I am pleased that a number of my colleagues have signed on as cosponsors of this legislation. This is an indication of Congress' commitment to our military, our students, our families, and our schools. I urge my colleagues to stand in strong support of the Higher Education Relief Opportunities for Students Act and join me in voting yes on H.R. 1412.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the HEROES Act introduced by my colleague, the gentleman from Minnesota (Mr. KLINE), and thank him for doing so. This HEROES Act is appropriate at this time, as we have become very familiar over the past few weeks, watching the war unlike we have ever watched a war before. To address this very serious issue of the student loan repayment, this is altogether fitting and proper.

This is a great first step for this Chamber to make; but Madam Speaker, I believe that as we continue to watch and become aware that this war is not going to be as quick as we thought it was going to be, as this war begins to extend, and as our troops who were activated for possibly months or a year, this conflict now may stretch to 2 years or to 3 years, specifically dealing with the student loans, as we talk about forbearance in that the Secretary will have the opportunity to forbear a loan as our servicemen and servicewomen are activated, this will allow them not to pay on their student loans for the time that they are active.

Unfortunately, while they are still serving our country, making great sacrifices, the interest on their loan will still be accruing; so this is a great first step, but I think we can do much better. I think we in the Chamber, as we go forward in the next few weeks, should continue to try to extend these benefits, possibly allow these soldiers to defer their loans, and to subsidize the interest, so when they get back after serving this country, they will not owe more than when they left. I think that is a small step that we should make in order to support our troops as we should.

I have a bill that is the Active Reservists and National Guard Student Loan Relief Act which would do this, and I think we should look into it. Some soldiers who have $50,000 in student loans will accrue $2,600 in interest if they are serving for only 1 year. When they come back, they will owe $2,600 more.

Madam Speaker, I urge us to vote in support of the HEROES Act, but continue to be open-minded with other options in which we can show support for our troops.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for his remarks, and appreciate his commitment to the troops and his desire to extend additional benefits to those now serving. I look forward to work with the gentleman on that.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I want to thank the gentleman from Minnesota (Mr. KLINE) for introducing this important piece of legislation. Last Friday in Atlanta, Georgia, at our State Capitol, and along with the gentlemen from Georgia, Mr. GINGREY and Mr. LINDER, and our Governor, I signed a proclamation commending the employers of our men and women who have been called up to active duty from the Reserves, to commend them for the sacrifice those companies are giving, and to commend them on their commitment to reemploy and keep those jobs for those troops when they come home.

It is only appropriate that we in Congress today do exactly what we are doing with regard to student loans. I support the HEROES Act of 2003, which gives the Secretary the authority under title IV of the Higher Education Act to make those waivers and deferrals that are necessary to ensure that our troops whose lives have been disrupted suddenly, and now serve us in the Middle East and in Iraq, to make sure that their families are not harassed by collectors and that their loan payments are deferred until they return; and also encourage those institutions of higher learning that have accepted tuition for semesters or quarters that now cannot be fulfilled because that Reservist has been activated to refund the tuition back to those Reservists. So when they return home they can enjoy a full quarter or semester, and they can get every dollar that they have invested in every bit of education they have paid for.

The gentleman from Minnesota (Mr. KLINE) is doing what all of us in Congress want to do: showing in every way and every facet every appreciation for those brave men and women who serve in our Reserves, and at a moment's notice, go in harm's way on behalf of the defense of everything we do in this country.

I commend the gentleman for his introduction, and I urge every Member of the House to support the HEROES Act of 2003.

Mr. KLINE. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I thank my colleague for yielding time to me, and congratulate the gentleman from Minnesota (Mr. KLINE), one of our freshman members of the committee, for the introduction of this bill.

Let me also thank my colleague, the gentleman from Ohio (Mr. RYAN), another freshman member of our committee, for his contributions to this effort.

None of us believe that our active duty soldiers should be in a position where they are going to have to make payments on their student loans while in fact they are not here. This discretion has been given to the Secretary under the Higher Education Act Amendments, the recent reauthorization.

What we want to do here is to make it clear to the Secretary that not only does he have that authority and we expect that he will work with it, but also to give him a more permanent authority in the case of a national emergency that he can, in fact, defer these payments.

Members of our committee have a very good relationship with the Secretary of Education. He is working with those institutions and agencies today to ensure that our active duty soldiers, sailors, airmen, and the rest have this protection. I do think the passage of this will give him clear authority to make sure that they and their families do not have this in this time of war.

□ 1230

Again, I wanted to congratulate both of my colleagues for their efforts on this bill and urge all of my colleagues in the House to support the HEROES Act of 2003.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I would also like to thank the chairman of the committee for all of his work also on this effort. He has been great to work with; and I think, again, this is a good first step for us to take. And while he is here, I just wanted to mention a couple of people, one who is from my district in Ohio, Krista Rosado, Madam Speaker. She is a Reservist in my district. She has been called to duty for up to 2 years for the war on terror. She is a technical sergeant, and she has student loans in the amount of $11,400 with a 7 percent interest rate.

Now, under the current legislation that we are dealing with, she will accrue over $1,400 in additional interest on her loan. So when she does get back from service, she will owe this money. And I think the natural next step for us to take is to say to Krista, thank you for your service, thank you for your sacrifice, and we will take care of the interest on your loan while you were over serving your country.

Mr. BOEHNER. Madam Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker, as I have mentioned to the gentleman and staff, we have worked on his important addition to this bill, but under the 1973 Budget Act we are required to find offsets. As the gentleman is aware, there is about a $10 million cost estimate from the CBO on this bill. But I commit to the gentleman we will continue to work with you to try to find these offsets under the Budget Act so that we can, in fact, bring this bill to the floor.

Mr. RYAN of Ohio. Reclaiming my time, I thank the gentleman, and I look forward to working with him.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. McKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. McKEON. Madam Speaker, I rise in strong support of H.R. 1412, the Higher Education Relief Opportunity for Student Act of 2003, or more appropriately called the HEROES Act. I want to thank my colleague from Minnesota (Mr. KLINE) and the gentleman from Ohio (Mr. RYAN) for their leadership in bringing this bill to the floor, especially the gentleman from Minnesota (Mr. KLINE), who spent 25 years as a Marine and learned great leadership skills with that great body and now is bringing those great leadership skills here to Congress which are exemplified by him bringing this bill to the floor.

The HEROES Act provides the Secretary of Education with specific waiver authority under title IV of the Higher Education Act, which governs student financial assistance programs. The Secretary would be able to provide relief to those students with student loans and other title IV assistance who have been called to active duty and those active duty military being reassigned to different duty stations. We are asking a great deal of our men and women in the military. They are going forward to fight in Operation Iraqi Freedom, and they are doing so with great distinction. Their lives are being disrupted, and we need to give them our full support. The last thing these men and women need to worry about is making a student loan payment or worry about how they will reenroll in schooling when they return.

H.R. 1412 will provide the Secretary of Education with the opportunity to relieve those concerns and allow them to focus on the difficult and dangerous jobs that they have been assigned to do. This bill will also relieve the burdens on the families here at home because they will not have to deal with loan collectors hounding them for students loan payments, among other things.

Another important aspect of the HEROES Act is that it allows the Secretary of Education to act quickly should a situation arise that has not been considered. It allows him to protect the interests of our military personnel while at the same time ensuring the integrity of the Federal Student Assistance Programs. The Secretary of Education is in a unique position to act as ambassador between the students, institutions of higher education, and the student aid community to ensure the necessary accommodations are provided to those who are affected by the conflict before us.

I want to applaud the Secretary and his staff for the work they have done since the tragedy of September 11 to provide the relief and flexibility to our military and others. I also want to acknowledge the efforts put forward by the postsecondary education community, lenders, loan servicers, secondary markets and students loan guarantee agencies in the student loan programs who work with all of those affected by the events that have confronted us.

The bipartisan HEROES Act will go a long way in reducing some of the burdens facing our military. While it will not solve every issue that will arise, the HEROES Act will alleviate concerns around student financial assistance and postsecondary education. It also stands as a clear indication of the commitment of this Congress to the men and women fighting to protect the freedoms of this great Nation.

I urge my colleagues to unite in their support for the brave men and women fighting in Operation Iraqi Freedom and elsewhere and strongly support the bipartisan HEROES Act. I look forward to swift passage of this legislation.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS), a member of the Committee on Education and the Workforce, a man with extensive experience in higher education.

Mr. BURNS. Madam Speaker, we have before us today a sensible piece of legislation that will support our troops in completing their education, a bill that will help our troops participate in the Federal financial aid program by cutting through the administrative hurdles upon their return from active duty.

H.R. 1412 would ask postsecondary institutions to provide a full refund of tuitions and fees to students for the period that they are not able to complete because of their service to America. It would also minimize difficult enrollments or reapplication requirements making it easier for military personnel to reenter the postsecondary education environment when they return from serving their Nation. The HEROES bill would excuse military personnel from their Federal student loan obligations while they are on active duty in service to the United States. While these men and women are fighting for our freedom overseas, they should not be worrying about repaying their student loans.

Our military Reservists are called to serve the Nation. It is our duty to provide them with the support and flexibility they need to avoid financial hardship as they defend freedom and protect our safety.

Madam Speaker, this is a good bill for the men and women who are fighting for our future. I am proud to be a co-sponsor of this legislation, and I urge the support of its passage from my colleagues.

Mr. RYAN of Ohio. Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), my colleague on the Committee on Education and the Workforce.

Mr. OSBORNE. Madam Speaker, I would like to join those congratulating the gentleman from Minnesota (Mr. KLINE) for his introduction of H.R. 1412.

Madam Speaker, a high percentage of our military personnel are Reservists and National Guardsmen. These are ordinary citizens; they have families. Many of them are in school. Many are in higher education.

I would like to call attention to a couple of aspects of H.R. 1412 which have heretofore been somewhat ignored. Number one, this particular legislation allows Reservists who leave college and universities for military service to return with the same academic standing as they had when they left. And this may seem kind of minor, but it is very important because in many graduate programs if you are not there for consecutive semesters, you lose your standing. You are no longer in the graduate college. Also sometimes after a period of absence, a student will lose credits and so this legislation prevents that from happening. I think that is very important. Also this legislation urges full refunds of tuition and fees for those who are called to active duty. Often times this happens in the middle of the semester, and the student may have already paid thousands of dollars in tuition and fees and normally the universities, when you drop out, do not refund these, so this does call for a full refund. And of course we have already discussed the fact that this does relieve Reservists from payments of student loans while on duty, which is very, very important.

On April 15, 2002, the State of Nebraska enacted the above provisions for those called to active duty through a memorandum agreement between the Governor and the colleges and universities. This was certainly a very good step for the State of Nebraska and, of course, this legislation to make these provisions applicable nationwide. So I urge its support and, again, want to thank the gentleman from Minnesota (Mr. KLINE) for his introduction of this bill. It is a good bill and something we can all be proud of in a bipartisan manner in this House of Representatives.

Mr. RYAN of Ohio. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I also want to thank the gentleman from Nebraska (Mr. OSBORNE), who is also a colleague of mine on the Committee on Education and the Workforce. I do not think there is a Member of this Congress who has more experience dealing with some of the hardships that young people deal with when in college. He mentioned that some of the Reservists who are on active duty and who have been activated that the HEROES Act is going to help. Sixty-seven percent of the Reservists have some college education with which this bill will be able to assist them, some college education or more; 25.8 percent have some college education but not yet have received a degree; and then of which the HEROES Act will also help 12.1 percent have an associate's degree; 20 percent have a bachelor's degree; 7 percent have a master's degree; and 2 percent have a doctoral or some professional degree. So this HEROES Act is going to address a significant number of people who are currently serving their country. Again, I commend the gentleman for introducing this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), another of my colleagues on the Committee on Education and the Workforce.

Mr. GINGREY. Madam Speaker, I thank the gentleman from Minnesota (Mr. KLINE) for yielding me time.

When we have legislation in this body, often times we come up with an acronym. In this particular bill, the HEROES Act, Higher Education Relief Opportunity Act for Students, what a great acronym for H.R. 1412, because truly we are talking about doing something for our young men and women who are indeed our heroes.

We emphasize so much to young people that there is nothing more valuable to them in life than an education; and we want them, indeed, all of us, to be lifelong learners, and there is no more noble calling, of course, then service to one's country and putting one's life, indeed, in harm's way for this country as these students are now doing. So I commend the gentleman from Minnesota (Mr. KLINE), my colleague on the Committee on Education and the Workforce. I commend the gentleman from Ohio (Mr. RYAN), my colleague also on this committee. In listening to his testimony, it is obvious where his heart is in regards to wanting to actually extend relief even more than this bill will do in regard to mitigating the accrual of interest during the time that these young men and women are serving our country.

And as the chairman of our committee, the gentleman from Ohio (Mr. BOEHNER), indicated, when we can figure out an opportunity to offset some of the costs of that, certainly we want to work very closely with the gentleman from Ohio. But it is indeed a wonderful bill and it is saying to these students, you can go right back to school as soon as your duty to this country is over with. The families will not be put upon during that interim for payment of interest; and I am a very proud, proud supporter of H.R. 1412, the HEROES Act.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman for his fine work on the committee and his pledge of support to work with us. I think given the intellect of this body, we should be should be able to figure out a way to make this happen and to make sure that the soldiers over there who are sacrificing and risking life and limb for our own freedoms in this country, we should be able to work it out.

In closing, Madam Speaker, again, this HEROES Act is a great first step for us. As we said earlier, this addresses a number of people who are soldiers, who are making sacrifice for this country and really for freedom around the world.

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Again, just to reiterate, the forbearance is a great first step. I think the intention of forbearing a loan, again, is for more of the shorter conflicts where our soldiers are just going to be activated for maybe a few months, where the accrual of interest would not be that significant. But as we see this conflict start to extend from a year to 2 years, or how long the President decides, we need to understand that the accrual of that interest needs to be taken care of, because these soldiers who, many as we know are making great sacrifices not only physically, but economically at home, and many of these soldiers who are over there are not earning nearly the amount that they would be earning if they were working here in this country.

They are taking significant pay cuts, taking enormous physical risks, and so the forbearance for a short conflict, the subsidies and deferment for longer conflicts where there is an opportunity to have significant accrual of the interest, I think that is a next logical step.

We are here to support these young men and young women who are fighting for this country, not just the soldiers on the front lines, but also those following whom we have seen become prisoners of war and missing in action. This is a very dangerous endeavor that we have taken.

I thank the gentleman again and very much look forward to working with him to take this to the next step and to the next level. I very much look forward to working with the gentleman and the chairman of the committee to do that.

Madam Speaker, I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume.

I would like to start by saying thanks again to my colleague, the gentleman from Ohio, for his passionate interest in this bill, for his support of the bill; and I, too, look forward to working with him in the days and weeks that come ahead to make sure that we are doing the very best that we can for our men and women who have been called to active duty.

I appreciate very much the many remarks of my colleagues here today. We have had remarks from a college professor and from a college coach and from people with years of experience on this committee. I very much appreciate the work they have done on this.

I am grateful for the credit that has been given to me for bringing this bill forward, but the truth is, I am following the steps of some people who have blazed the trail ahead of me.

This is a very, very important bill. It is important for our colleagues, for families and for the men and women in uniform, and I urge my colleagues to stand in strong support of the Heroes Act and vote yes on H.R. 1412.

Mr. REYES. Madam Speaker, I rise today in support of H.R. 1412, the Higher Education Relief Opportunities for Students Act of 2003, which would assist students who have answered the call to serve our nation and students whose lives may be disrupted by a national disaster connected to the current war effort.

The Higher Education Relief Opportunities for Students Act would waive or modify any provisions applicable to federal student financial aid programs in order to assist students who are honorably serving in the Persian Gulf. These young men and women are risking their lives today to protect our nation's freedom and liberty. This bill will ensure that those members of our Armed Services who have put their studies on hold are not placed in a worse financial position as a result of their service to our nation. This is the least we can do.

In keeping with this objective, this bill will assure that administrative requirements for these armed service members are minimized. Not only will this bill prevent any financial burden that these troops may otherwise experience as a result of serving our country, but by extension will serve to facilitate their transition into and out of active service.

In addition to protecting students who today find themselves defending our nation, one of the provisions in the bill grants institutions of higher education, eligible lenders, and guaranty agencies located in any area declared a disaster temporary relief from infeasible and unreasonable requirements.

We must make sure that all of our students are protected against any burden they may face as a result of the current war. I am proud to support of H.R. 1412, the Higher Education Relief Opportunities for Students Act of 2003 and strongly urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 1412.

I support H.R. 1412 because the Higher Education Relief Opportunities for Students Act of 2003 ensures that the brave young men and women of our armed services will not have their educations compromised when they answer the call to active duty.

H.R. 1412 grants the Secretary of Education the discretion to provide financial aid relief, tuition refunds, or credits to members of our Armed Forces when they respond to military operations or national emergencies.

When enlisted men and women, who are also students at colleges and universities, are called to active duty, H.R. 1412 will allow the Secretary of Education to grant waivers and statutory exceptions to protect their enrollment and financial aid status.

It will also empower the Secretary of Education with the discretion to grant a full tuition refund to members of our Armed Services who are called to active duty.

This discretion will empower the Secretary to drastically reduce the likelihood that enlisted men's and women's educations will be jeopardized by inadvertent, technical violations or defaults when they are called to service. It also ensures that members of our Armed Forces do not forfeit their tuition payments when they answer the call to service.

Hundreds of thousands of young men and women have been called to active duty in our Army, Navy, Air Force, Marine Corps, and Coast Guard.

These heroes put the safety of every American citizen before themselves. They risk their lives, and their educations, so that we can be safe.

H.R. 1412 protects the members of our Armed Forces. It ensures that they will not be in a worse position financially or in their education as a result of their status as students and soldiers.

I support H.R. 1412, Madam Speaker, because we must support the members of our Armed Forces in every way that we can, including in their educations.

Mr. HOLT. Madam Speaker, as our nation is at war in the Persian Gulf, many men and women who serve in our nation's armed forces have been called up to active duty, including many college and university students.

Many of these students participate in federal financial aid programs, and in order to ensure the utmost flexibility during the time that they are engaged in military service, it is essential that the Department of Education be given extended waiver authority to accommodate the needs of our troops.

This is why I support H.R. 1412 Higher Education Relief Opportunities for Students (HEROES) Act of 2003.

The bill will extend the waive authority granted to the Secretary of Education to allow him to provide the appropriate assistance and flexibility to our men and women in uniform as they transfer in and out of postsecondary education during a time of war.

The extended waiver authority provided for in the HEROES bill addresses the need to assist students who are being asked to disrupt their lives in the defense of the freedoms we all hold so precious.

It will also allow the Secretary to address events now unforeseen. It also urges all postsecondary institutions to provide a full refund of tuition, fees and other charges to students who are members of the Armed Forces or are serving on active duty, including the Reserves and National Guard.

What a positive message it would send to the hundreds of thousands of American men and women in uniform currently risking their lives to help them with their student loans. Recall the fine, positive effect of the GI education bills.

Our men and women deserve our help. As the brave men and women of the United States are engaged in this difficult and dangerous war we should limit the negative impacts on them and their families here at home.

I ask my colleagues to support H.R. 1412 Higher Education Relief Opportunities for Students Act.

Mr. EMANUEL. Madam Speaker, I rise today in support of H.R. 1412, the Higher Education Relief Opportunities for Students Act. This is timely, essential legislation which ensures that those brave men and women who make enormous sacrifices for our nation do not forfeit their right to an affordable and accessible education.

Members of the armed forces often spend considerable time away from their families, stall other career and educational goals, and, most significantly, expose themselves to the risk of serious injury or death. These individuals and their families deserve our greatest respect, and certainly deserve the assurance that they will not be unfairly penalized for their time spent in military service.

The promise of higher education, and the availability of federal financial assistance to make this opportunity a reality, represent key components of the American experience. It is only right that we ensure access to higher education for those who work to protect the values and privileges that we enjoy as Americans.

I applaud Congressman KLINE and the other Members of the Committee on Education and Workforce for introducing this critical legislation and bringing it to the floor today. It is a symbol of support for the brave men and women involved in Operation Iraqi Freedom and for all of those who selflessly devote their lives to protecting our nation and our freedom.

Mr. KLINE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 1412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KLINE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUSINESS CHECKING FREEDOM ACT OF 2003

Mr. BACHUS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 758) to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at federal reserve banks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Checking Freedom Act of 2003".

SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

(a) Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.".

(b) Effective at the end of the 2-year period beginning on the date of the enactment of this Act, section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) in subsection (a)(1), by striking "but subject to paragraph (2)";

(2) by striking paragraph (2) of subsection (a) and inserting the following new paragraph:

"(2) No provision of this section may be construed as conferring the authority to offer demand deposit accounts to any institution that is prohibited by law from offering demand deposit accounts."; and

(3) in subsection (b) (as added by subsection (a) of this section) by striking "and is not a deposit or account described in subsection (a)(2)".

SEC. 3. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

"(i) [Repealed]".

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any" and inserting "savings association may not permit any".

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) [Repealed]".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 4. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

"(12) EARNINGS ON RESERVES.—

"(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

"(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

"(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).".

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

(c) CONSUMER BANKING COSTS ASSESSMENT.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(A) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(B) by inserting after section 29 the following new section:

"SEC. 30. SURVEY OF BANK FEES AND SERVICES.

"(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

"(1) Checking and other transaction accounts.

"(2) Negotiable order of withdrawal and savings accounts.

"(3) Automated teller machine transactions.

"(4) Other electronic transactions.

"(b) MINIMUM SURVEY REQUIREMENT.—The annual survey described in subsection (a) shall meet the following minimum requirements:

"(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Check processing fees.

"(D) Check printing fees.

"(E) Balance inquiry fees.

"(F) Fees imposed for using a teller or other institution employee.

"(G) Stop payment order fees.

"(H) Nonsufficient fund fees.

"(I) Overdraft fees.

"(J) Deposit items returned fees.

"(K) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Rate at which interest is paid to consumers.

"(D) Check processing fees for negotiable order of withdrawal accounts.

"(E) Fees imposed for using a teller or other institution employee.

"(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

"(A) Monthly and annual fees.

"(B) Card fees.

"(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

"(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(F) Point-of-sale transaction fees.

"(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

"(A) Wire transfer fees.

"(B) Fees related to payments made over the Internet or through other electronic means.

"(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

"(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

"(c) ANNUAL REPORT TO CONGRESS REQUIRED.—

"(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

"(2) CONTENTS OF THE REPORT.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

"(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2005, and not later than June 1 of each subsequent year.

"(d) DEFINITIONS.—For purposes of this section, the term 'insured depository institution' has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term 'insured credit union' has the meaning given such term in section 101 of the Federal Credit Union Act.".

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

"(1) COLLECTION REQUIRED.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

"(A) the information required to be disclosed under section 127(c) of this chapter;

"(B) the average total amount of finance charges paid by consumers; and

"(C) the following credit card rates and fees:

"(i) Application fees.

"(ii) Annual percentage rates for cash advances and balance transfers.

"(iii) Maximum annual percentage rate that may be charged when an account is in default.

"(iv) Fees for the use of convenience checks.

"(v) Fees for balance transfers.

"(vi) Fees for foreign currency conversions.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2004.

(3) REPEAL OF OTHER REPORT PROVISIONS.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 5. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking "the ratio of 3 per centum" and inserting "a ratio not greater than 3 percent (and which may be zero)"; and

(2) in clause (ii), by striking "and not less than 8 per centum," and inserting "(and which may be zero),".

SEC. 6. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL TRANSFERS TO COVER INTEREST PAYMENTS FOR FISCAL YEARS 2003 THROUGH 2007.—

"(A) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2003 through 2007.

"(B) ALLOCATION BY FEDERAL RESERVE BOARD.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2003 through 2007, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

"(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2003 through 2007, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

"(3) PAYMENT TO TREASURY.—During fiscal years 2003 through 2007, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.".

SEC. 7. RULE OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action,

shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93–100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions, provided, however, that nothing herein shall be construed so as to require a depository institution that maintains an escrow account in connection with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. Nor shall anything herein be construed to preempt the provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 758.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Madam Speaker, I yield myself 3 minutes.

The legislation before us today, H.R. 758, the Business Checking Freedom Act, is a result of two things. In 1996, in a joint report called Streamlining Regulatory Requirements, the board of governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Comptroller of the Currency and the OTS determined that the 1933 statutory prohibition against paying of interest on business checking accounts no longer serves a public purpose.

Last year, President Bush joined many others in saying that small banks should be allowed to pay interest on their small business checking accounts. The reasons for this are basically two- or threefold.

One is, it is a free-market approach. More than that, though, there is an advantage now in the present prohibition against small banks. Large banks can offer complex sweep accounts or other sophisticated ways of offering implicit interest on checking accounts. Small banks simply do not have the resources to do this.

Secondly, large corporations today have several alternatives with what they can do with their funds to get interest. Small businesses, more often than not, have to rely on checking accounts and are denied equal treatment. So this will level the playing field between small banks and larger financial institutions. It will also level the playing field between small and large businesses.

I want to commend the gentleman from Pennsylvania (Mr. TOOMEY), the gentlewoman from New York (Mrs. KELLY), the cosponsors of this legislation. I want to particularly commend the gentleman from Ohio (Mr. OXLEY) for making this a priority.

In closing, I want to say that this legislation has passed the House twice in the 107th Congress. It has wide bipartisan support. It came out of the Committee on Financial Services on a large, one-sided vote. It has the endorsement of certain groups, of the Chamber of Commerce, NFIB, Independent Insurance Agents, American Community Banks, and I could go on and on.

Finally, I simply want to say there is another provision in this, and this offers the Federal Reserve the right to pay interest on sterile reserves. Recently, they testified before our committee that by being allowed to pay interest, it would both increase the amount of interest that small depositors could make or a depositor could make on their deposits in financial institutions, and it would also lower the cost of consumer credit.

Madam Speaker, I reserve the balance of my time.

Mr. MATHESON. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 758, the Business Checking Freedom Act of 2003. By repealing the prohibition on the payment of interest on demand deposits, this bill will repeal the last vestige of interest rate controls enacted in the 1930s during the Depression. This prohibition long ago ceased to serve any useful purpose and has imposed unnecessary costs on banks and their business customers, particularly small banks and businesses that cannot afford sophisticated cash management products. The repeal of this prohibition is long overdue.

For institutions that cannot offer demand deposits, however, the bill includes a provision added as a result of an amendment that I cosponsored with the gentleman from California (Mr. ROYCE), the gentleman from Massachusetts (Mr. FRANK), the ranking member, and others that permits depository institutions to offer interest-bearing negotiable order of withdrawal, or NOW, accounts to their commercial customers. This provision will allow institutions such as industrial loan companies to offer the same type of interest-bearing account to business customers that they have long been able to offer to individuals, nonprofit organizations and public entities.

I think it is important to note this provision does not permit industrial companies to offer demand deposits. As has been the case since the enactment of the Competitive Banking Equality Act of 1987, ILCs would continue to be prohibited from offering demand deposits. Moreover, ILCs will continue to be subject to the same safety and soundness regulations by the FDIC and by their State regulators as under current law.

There is no indication that State regulators will allow their chartering authority to be used in an inappropriate manner. I note, for example, that State authorities in the past have rejected applications by some commercial companies to establish ILCs where there were concerns about how the charter would be used.

H.R. 758 also will permit the Federal Reserve Board to lower the reserves it currently requires on transaction accounts, such as demand deposits and NOW accounts, and to pay interest on the reserve balances that depository institutions are required to maintain. While providing these cost savings for banks, the bill will require the board to conduct an annual survey on a broad range of bank fees and services and to report to Congress on trends in the cost and availability of retail banking services. This survey will provide Congress the information we need to determine the extent to which retail customers receive the benefit from the cost savings we are creating with this bill.

H.R. 758 is a good, balanced bill that resulted in benefits for both banks and their customers. I recommend passage of this bill.

I want to thank the gentleman from Alabama (Mr. BACHUS), the subcommittee chairman, and the gentleman from Vermont (Mr. SANDERS), the ranking member, for this bill. I want to recognize that the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, and the gentleman from Massachusetts (Mr. FRANK) for their support of this, as well; and I want to acknowledge the lead sponsors of this bill, which are the gentlewoman from New York (Mrs. KELLY), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from West Virginia (Mrs. CAPITO), the gentleman from California (Mr. SHERMAN), and the gentleman from Kansas (Mr. MOORE).

Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, it is with a great deal of reluctance that I rise in opposition to this bill. It contains many reasonable provisions, most importantly, the payment of interest on business checking, with my only concern on that point being that it does not immediately go into effect, but rather is put off for several years.

It also contains a very reasonable provision that interest be paid by the Fed on sterile reserves held by institutions.

But deeply embedded in this bill is a philosophical umbrage of very profound proportions. There is a small charter, as referred to by the gentleman from Utah, called the industrial loan corporation (ILC) charter. For the first time, the Congress is moving in the direction of giving this kind of charter the powers that make it the functional equivalent of banks. While the gentleman from Utah is correct that there is no effort to offer demand deposits, there is the authorization of business checking accounts which are their functional equivalent.

This particular charter countenances, and indeed there are a number today, the merger of commerce and banking; that is, nonfinancial institutions may own ILC charters. There is also no prohibition about new charters being granted, so new charters presumably can be offered on passage of this act.

What this does is move the American financial system in the direction of the Japanese financial system where they have financial firms intertwined with commercial enterprises and with obvious conflicts of interest.

I would alert this body to the fact that Chairman Greenspan and the Federal Reserve of the United States strongly have come out against this provision, and despite my request, there has not been allowance on the House floor for an amendment relating to this amendment to be proffered. I personally consider it a philosophically difficult circumstance that no amendment was allowed to be offered and that this bill, instead, is being brought up under the Suspension Calendar with exceedingly brief notice.

Having stated that, the big issue is whether or not we want to change the nature of American finance, and I would again alert this body, Chairman Greenspan has written that this will change the structure of American banking in ways that would have allowed, for example, Enron or Tyco to own an ILC with expanded powers. In fact, Tyco does own an ILC. It would have allowed the prospect, with ILCs now becoming the functional equivalent of banks, for such companies to take over enormous sectors of the American banking community.

□ 1300

I think this would be a mistake. I think this Congress ought to be deeply skeptical of this kind of circumstance, particularly given the history of the last few years in this country and the last several decades in other countries.

So despite the fact that this bill is reasonable in many respects, this particular provision outweighs the entirety of the bill and, in my view, should cause the bill to be defeated.

Mr. MATHESON. Mr. Speaker, I yield myself 1 minute to address a couple of the concerns that have been raised.

First of all, there is nothing in this bill that creates new authority to offer accounts to businesses. So while the Federal Reserve did suggest that we are altering the structure of banking in the United States, the institutions raised already can offer ILCs. Tyco already has one. So this bill talks about parity. It talks about banks and industrial corporations both offering interest on business checking accounts. That is all this bill does.

There is a broader discussion about the validity of the ILCs. That is not what this bill is about. It is about offering two entities to have parity in terms of offering the same service.

And let me mention one other point in this regard, and that is in terms of the concern about mixing of banking and commerce. FDIC Chairman Powell has stated that he does not have any safety or soundness concerns relating to this provision of the bill.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership and for yielding me this time.

Mr. Speaker, I rise in support of H.R. 758, the Business Checking Freedom Act, which the gentlewoman from New York (Mrs. KELLY) introduced and which I am pleased to cosponsor. My friend and colleague from New York was a former small business owner, and she has been a great advocate for small businesses and has worked through several Congresses and several twists and turns on this legislation. I congratulate her on her hard work.

While other speakers have described the bill, I will simply add that this legislation builds on the important modernization of financial services that Congress has worked on in recent years. This legislation lifts the prohibition on the payment of interest on business checking accounts after a 2-year phase-in. During the phase-in, banks may increase sweeps to interest paying accounts to four intervals per month.

The prohibition on interest on both consumer and business accounts was enacted during the Great Depression. At the time, it was enacted to limit competitive pressures to pay higher interests that were feared would lead to bank failures. Today, given the global nature of financial services, interstate banking, and advances in technology, interest payment limits only distort competition and force businesses to seek out alternative interest-bearing opportunities.

The prohibition on paying interest on consumer checking accounts was repealed by Congress more than 20 years ago and has not increased concern about safety and soundness. Today, the House takes an important step forward in offering this same benefit to the business community.

Importantly, this legislation will disproportionately benefit small businesses. Small businesses must keep money in checking accounts to meet payrolls and pay expenses. They are less likely to have complex financial arrangements that allow them to get around interest restrictions. From restaurants in Astoria, Queens, to high-tech startups in Manhattan, this legislation will benefit small businesses across New York City, State, and the Nation.

The legislation also allows the Federal Reserve to pay interest on sterile reserves. These are reserves private banks hold at the Federal Reserve which the Fed can use as a tool of monetary policy. This provision is endorsed by Federal Reserve Chairman Alan Greenspan.

Mr. Speaker, I want to thank the gentleman from Utah (Mr. MATHESON), certainly the gentleman from Pennsylvania (Mr. TOOMEY), and the gentleman from Pennsylvania (Mr. KANJORSKI), and certainly the gentleman from Massachusetts (Mr. FRANK) for his leadership on these issues.

Finally, I want to remind my colleagues that this legislation passed the House by a voice vote in two different forms last Congress, and it is my hope that this legislation is enacted this year and we continue the important work of modernizing financial services.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. Kelley), the sponsor of the bill.

Mrs. KELLY. Mr. Speaker, I want to thank the gentleman from Alabama for both yielding me this time and for his work to move this legislation forward. In addition, I want to thank the gentleman from Ohio (Mr. OXLEY) for his support, as well as the gentleman from Pennsylvania (Mr. TOOMEY) for the contribution that he has made to this legislation with his bill H.R. 859, which was merged into this bill during committee consideration.

My bill addresses an issue which has been pending before Congress for some time now. This body actually passed a similar measure by voice vote not once but twice during the 107th Congress, but the job is still not done. So we come to the floor once again with a strong hope that the enactment of this bill will finally be realized this Congress. The legislation will go a long way in helping our Main Street banks and small businesses which are so essential to our communities.

The Business Checking Freedom Act contains a number of important provisions. First, it repeals the 70-year-old law prohibiting banks from paying interest on business checking accounts after a transition period. While I believe it should be repealed, I believe a proper transition period is critical. The 2-year transition period contained in the bill is certainly better than the 1-year transition period which was in the original bill, although my preference is for an even longer period to allow the banks and businesses to disengage from each other.

Nevertheless, I believe it is time to move forward with this legislation. The legislation also allows banks to increase money market deposits and savings account sweeps from the current 6 to 24 times a month. This gives the banks an increase in their sweep activities, enabling them to sweep every night, increasing the interest which businesses can make on their accounts.

The bill also gives the Federal Reserve the opportunity to pay interest on reserves that the banks keep with the Federal Reserve System, and gives the Federal Reserve the additional flexibility to lower reserve requirements. This will give the Federal Reserve greater control at maintaining reserves at a specific and consistent level. That will help foster healthy reserve balances, thereby reducing the potential for volatility within the Federal funds rate and protecting the Federal Reserve's ability to conduct monetary policy.

Quite simply, this legislation is about creating new and broader market options. We allow banks to pay interest on business checking accounts, we allow banks to increase sweep activities, and we allow the Fed to pay interest on the sterile reserves that all banks are required to keep with them. We also allow the Fed to lower reserve requirements. We do not require or mandate anything. This way we can allow the market to create change and not the government.

I again thank the gentleman from Ohio for his strong leadership on this issue and for the swift consideration of this legislation, and I ask my colleagues on both sides of the aisle to join me in strong support for this commonsense bipartisan legislation.

Mr. MATHESON. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), who, along with the gentlewoman from New York (Mrs. KELLY), is one of the two primary cosponsors of the legislation and both drafted legislation.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) and appreciate all his help on this legislation as well as the time he has yielded to me. I would also like to thank (Mr. KANJORSKI), an original cosponsor of my bill, which is part of this one, as well as the gentlewoman from New York (Mrs. KELLY) for her work.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. TOOMEY. Mr. Speaker, I yield to the gentleman from Iowa, with whom I actually have a disagreement on this particular issue, but I have enormous respect for his opinion and would like to give him an opportunity to rebut a point made earlier.

Mr. LEACH. Mr. Speaker, I appreciate this. And let me say that the brunt of this bill is a wonderfully thoughtful approach, and I congratulate the gentleman and the gentlewoman from New York (Mrs. KELLY) on this.

I would only come back to the one provision which I would like to have changed, and that is the industrial loan corporation provision, and to point out to this body that only a handful of States are authorized, such as the State of Utah, to have industrial loan corporations. They are not trivial institutions. In the State of Utah, for example, their assets are double that of banks, S&Ls and credit unions combined.

If this bill passes with this provision and becomes law, the vast majority of States will see deposits swept from their States to this handful of States. That alone is a philosophical circumstance that in my mind should lead people to raise serious doubts about this particular provision of this particular bill.

Mr. TOOMEY. Mr. Speaker, reclaiming the balance of my time, I would just say that I appreciate the thoughtful remarks of the gentleman from Iowa but respectfully disagree, and I think that the merits of this bill are really quite strong.

In fact, the combination of the bill that I introduced, H.R. 859, and the bill that the gentlewoman from New York (Mrs. KELLY) introduced, H.R. 758, really are a modernizing effort here. It is going to help small businesses and their employees. It is going to help small banks and their employees and their customers. It is pro-free market legislation. It is bipartisan. It is really a commonsense repeal.

Frankly, it was hard for me to believe when I first discovered that we have a law in the United States of America that says it is illegal for a bank to pay interest on a business checking account. I thought that was the business banks were in, as a matter of fact. But in fact it is hard to repeal a bad law in this country, and we have had this one on the books for about 70 years. Its repeal is long overdue. Today is our chance to do what we can do in the House to abolish this bill.

Now, if it goes into effect and is signed into law, the actual repeal happens 2 years from now. I would prefer it happen sooner than that, but this is the compromise that was arrived at. So that is certainly better than continuing with the legislation. But I would like to be precise about the net effect of this. Because it is not precisely that businesses will now start earning interest which heretofore they have not. In fact, what happens now is that banks have found these cumbersome and very inefficient ways to circumvent this prohibition. So they pay the economic equivalent of most of the interest that a business would earn, but because of the expense of administering these bureaucratic programs, the businesses do not get the full value of the deposits they have.

At the end of the day, we should not force banks and their customers to go through a lot of expensive and inefficient and economically unproductive hurdles to avoid a regulation that has no merit in the first place. So that is why we are here, to repeal this.

Mr. Speaker, I thank everybody who has been involved in supporting this legislation, and I urge my colleagues to vote "yes."

H.R. 758 contains a provision, section 7, entitled Rule of Construction, regarding escrow accounts maintained for purposes of settling real estate transactions. This provision is similar to section 7 of H.R. 1009, the Business Checking Freedom Act of 2002, a bill I sponsored that the House passed last year. Section 7 of H.R. 758 makes clear that the current legal treatment of certain services and benefits provided by banks in lieu of interest in connection with such escrow accounts remains the same. There are some minor changes to this section from section 7 of H.R. 1009, which clarify that the provision does not prohibit or require the payment of interest on such accounts and that it does not affect State laws regrading the payment of interest on escrow accounts. I understand the latter is intended to ensure that State laws governing mortgage servicing escrow accounts for the monthly collection and payment of taxes and insurance are maintained. In brief, section 7 does not alter the current legal definition of interest or the legal treatment of real estate settlement escrow transactions.

Under section 7, current Federal legal standards, including regulatory interpretations, regarding the definition of interest on deposits will continue to stand. For example, the Federal Reserve's Regulation Q currently provides that services and benefits can be given by banks in lieu of interest to depositors and that the provision or the receipt of such services and benefits does not constitute interest. This has been the Federal Reserve's consistent regulatory and interpretive view for decades. For example, a Federal Reserve staff opinion in 1978 stated that the "absorption or reduction" of banking service changes did not constitute the payment of interest (Fed. Res. Bd. Staff Op., October 27, 1978), a view also reflected in a 1964 Fed. interpretative letter (1964 Fed. Res. Interp., July 17, 1964). Under these regulatory principles, title companies and agents receive bank services, such as free printed checks, overnight float and safe deposit and night depository facilities, armored car services, as well as low-interest loans, that help defray their cost of maintaining real estate settlement escrows, ultimately lowering the cost of these services to the public. Such accounts often times last only a few days, the time necessary for settlement payments and other disbursements to be made after the closing of a real estate transaction.

In our Nation's highly developed financial system, Federal banking law and regulations have operated to facilitate the smooth and efficient flow of real estate transactions and promoted American homeownership. I am optimistic that these services will continue to be provided in the current efficient manner when H.R. 758 becomes law.

Mr. MATHESON. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE) to speak in favor of the legislation.

Mr. ROYCE. Mr. Speaker, I rise in support of this bill, which is called the Business Checking Freedom Act; and I think giving banks the ability to pay interest on business checking accounts is a good concept. It has been endorsed by the President of the United States as part of his small business agenda, but it has also been endorsed by Federal regulators.

Federal regulators have long supported the effort to allow banks to offer interest on demand accounts, and this particular measure enjoys a broad base of support in the industry, including the National Federation of Independent Businesses, America's Community Bankers, the National Association of Federal Credit Unions, the Association of Financial Professionals, and the Financial Services Roundtable.

The inability of depository institutions to pay interest on business accounts, I think, hurts all sectors of the economy; and I think it decreases the overall competitiveness of the American markets. This legislation gives small businesses the jump-start that they need to create new jobs and improve the economy while removing burdensome regulations from small banks and, basically, while allowing the market to work.

In my view, this legislation is solely about business checking. In my view, it is not about the legal status of ILCs. I think contrary to the concerns raised by the Federal Reserve, the FDIC Chairman Don Powell, recently testified before our committee, testified that there are no safety and soundness concerns with this amendment and that the FDIC has no objection to an authorization for ILCs, or industrial loan banks, to pay interest on NOW accounts held by businesses.

Mr. Speaker, I just thought I would quote Chairman Powell. He said, "The FDIC would not object to paying interest by these financial institutions on NOW accounts held by businesses. We do not really perceive those any different from any other business accounts, and we do not see it as a safety and soundness issue."

Further, with respect to any concern regarding the relationship between industrial loan banks and the few commercial companies that own them in four States, Chairman Powell stated in a speech to the American Bankers Association on October 8, 2002, that "Congress has given us good tools to manage the relationship between parents and insured subsidiaries.

□ 1315

"Indeed, the FDIC manages these relationships every day in the industrial loan company model with little or no risk to the deposit insurance funds, and no subsidy transferred to the nonbank parent."

Again, in my view, this bill is about business checking for depository institutions, not the legal status of ILCs. I want to commend the authors of this legislation, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. MATHESON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a piece of legislation that is overdue. The notion of eliminating interest on business checking accounts is something that seems like common sense. I was a small businessman before I came to Congress, and it never seemed to make sense to me is that this prohibition existed. We are talking about removing some inefficiencies that exist in our financial marketplace. That is why this legislation has such strong bipartisan support. I encourage Members to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to address the issue of what this bill does and what it does not do. The bill authorizes the Federal Reserve to pay interest on sterile reserves, and as has been testified before our committee, that should result in depositors in banks, thrifts, credit unions, receiving higher interest on their deposits. It should also result in lower interest rates for consumers.

The second thing that this legislation does, it allows banks to pay interest on accounts established by businesses in those banks. It does not authorize any new types of accounts. It does not in any way change who can own a bank and who cannot own a bank. It does not in any way allow these industrial loan companies to offer accounts which they are prohibited from offering now. And they are prohibited at the present time from offering demand deposit checking accounts; there is nothing in this legislation that allows them to offer those accounts.

The Bank Holding Company Act establishes the rules for who can own a bank and who cannot. We do not amend that legislation in any regard. The bill does not, with respect to the gentleman from Iowa, authorize Wal-Mart, WorldCom, Enron or any other company to own a bank or expand the authority that they might have under existing law. They already have authority under existing laws and under the Bank Holding Company Act, which specifically permits them to own certain limited-purpose banks, including credit card banks, industrial loan banks, grandfathered unitary thrifts, grandfathered nonbank banks, and trust banks. That is the present law.

There is nothing in this legislation that expands their right to own an institution. So WorldCom presently, Wal-Mart presently, they could own an industrial loan company or a unitary thrift, or some of these grandfathered institutions. We do not expand that authority at all.

The gentleman from Iowa (Mr. LEACH) has a fear, first of all, that we are mixing banking and commerce. Well, we are already mixing them. Present law already allows them to mix. We do not expand that in any way under this legislation.

Mr. Speaker, we addressed the amendments of the gentleman from Iowa (Mr. LEACH); he offered two amendments in committee. And I have great respect for the former chairman of the committee. He offered two amendments to strip the ILC language from the bill. They were overwhelmingly rejected, 55 nays, 8 yeses; the other amendment, 55 nays, 8 yeses. The gentleman from Iowa (Mr. LEACH) has legitimate concern with certain types of commerce and financial institutions and the mixing of them. However, this legislation does not do that. That will have to be addressed in the Bank Holding Act.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, I have great respect for the gentleman, and he is right about what companies can now do. However, what is not fully described is that they will now be able to buy a charter with an enhanced set of powers, which has not been offered before. It is the enhanced power of this obscure charter that makes this legislation difficult, and that is my concern.

Mr. BACHUS. Mr. Speaker, does the gentleman agree that an industrial loan company can already offer a NOW account?

Mr. LEACH. If the gentleman will continue to yield, for the first time, they will be allowed to offer business checking accounts, which has never been done before. Chairman Greenspan has noted this will cause an ILC to become the functional equivalent of a bank, and such charters will only be authorized in a handful of States, and thus will cause the movement of assets to those States.

Mr. BACHUS. Mr. Speaker, what Chairman Greenspan has said is, these institutions are not regulated by the Federal Reserve. There is nothing in this that takes any regulation or adds any regulation.

Mr. LEACH. That is true. My amendment did not suggest that it be regulated by the Federal Reserve, although other amendments I offered did suggest that.

Mr. BACHUS. Mr. Speaker, reclaiming my time, this does not authorize them to offer any accounts which they presently cannot offer nor expand the rights of corporations to own these industrial companies.

Mr. GONZALEZ. Mr. Speaker, as a co-sponsor of H.R. 758, I want to express my strong support for this legislation, the Business Checking Freedom Act of 2003, legislation designed to help small businesses obtain a better return on their checking account deposits and to permit banks to receive interest on the reserves they must maintain at Federal Reserve Banks. The House has passed similar legislation in the past few years and it should take the same action regarding this bill.

In addition to expressing my support for the bill as a whole, I also want to express specific support for section 7, entitled Rule of Construction, which will help maintain the legal status quo of the treatment of real estate escrow accounts maintained for the purpose of settling real estate transactions. These accounts, which often last only a matter of days, are usually established by title companies and their agents to collect and disburse funds after the closing of a real estate transaction. This Rule of Construction provision, similar to language in H.R. 1009 passed by the House in April 2002, ensures that neither this legislation nor other laws will affect the current regulatory treatment of certain services and benefits provided by banks in lieu of interest on escrow accounts maintained by title insurance companies and title agents in connection with real estate closing transactions. The inclusion of section 7 in H.R. 758 preserves beneficial financial practices for escrow accounts at the same time that we are eliminating an outdated prohibition against the payment of interest on business checking accounts.

As a co-sponsor of this legislation, I wholeheartedly endorse and support its passage.

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 758, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COCONINO AND TONTO NATIONAL FOREST LAND EXCHANGE ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

The Clerk read as follows:

H.R. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this Act.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DPSHA.—The term "DPSHA" means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) FEDERAL LAND.—The term "Federal land" means land to be conveyed into non-Federal ownership under this Act.

(3) FLPMA.—The term "FLPMA" means the Federal Land Policy Management Act of 1976.

(4) MCJV.—The term "MCJV" means the Montezuma Castle Land Exchange Joint

Venture Partnership, an Arizona Partnership.

(5) Non-federal land.—The term "non-Federal land" means land to be conveyed to the Secretary of Agriculture under this Act.

(6) Secretary.—The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.

(a) Land Exchange.—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) Non-Federal.—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled "Montezuma Castle Contiguous Lands", dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled "Double Cabin Park Lands", dated September 2002.

(c) Federal Land.—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) Equal Value Exchange.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of 206(b) of FLPMA:

(1) Lot 3.
(2) Lot 4.
(3) Lot 9.
(4) Lot 10.
(5) Lot 11.
(6) Lot 8.

(e) Cash Equalization.—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) In General.—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) Non-Federal Land.—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled "Diamond Point Exchange—Q Ranch Non-Federal Lands", dated May 2002.

(c) Federal Land.—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on a map entitled "Diamond Point Exchange—Federal Land", dated May 2002.

(d) Equal Value Exchange.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(e) Special Use Permit Termination.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) Exchange Timetable.—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

(b) Exchange Processing.—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) Federal Land Reservations and Encumbrances.—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) Administration of Acquired Land.—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) Transfer of Land to Park Service.—Upon their acquisition by the United States, the "Montezuma Castle Contiguous Lands" identified in section 3(d)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. Renzi) and the gentlewoman from Guam (Ms. Bordallo) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Renzi).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 622 would require the Secretary of Agriculture to perform two land exchanges in the Tonto and Coconino National Forests in Arizona, the Montezuma Castle Land Exchange and the Diamond Point Land Exchange. With the help of the gentleman from Arizona (Mr. Hayworth), I introduced this legislation on February 5, 2003.

First, under the Montezuma Castle Land Exchange, the Forest Service would acquire a 157-acre parcel of private land adjacent to Montezuma Castle National Monument, which it may reconvey to the National Park Service, and the 143-acre Double Cabin Park parcel, both in the Coconino National Forest. In the exchange, the Montezuma Castle Land Exchange Joint Venture, an Arizona partnership, will receive approximately 122 acres of National Forest system land adjacent to the Town of Payson municipal airport. The Town of Payson has entered into an agreement to purchase a portion of the property to create a private-sector business development and job opportunities. This exchange will protect riparian areas around Beaver Creek, the view-shed for the National Monument, and it will transfer Double Cabin Park to Federal ownership.

Second, under the Diamond Point Land Exchange, the Forest Service will receive a 495-acre parcel known as the "Q Ranch" in an area which has completed previous acquisitions and consolidated Federal land. In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land which have been occupied by the association's 45 residential cabins since the 1950s. The Tonto National Forest Plan specifically recommends conveyance of the Federal land to the cabin owners.

The exchange will transfer public land of limited public use to the association in exchange for private lands that will greatly increase the management efficiency and enhance public use, access and the enjoyment of the surrounding National Forest lands. Both exchanges have multiple benefits, enhancing environmental protection and recreation, while also increasing economic opportunities for the community.

H.R. 622 is the result of almost a decade of cooperative efforts between local officials and the Forest Service and is based on a balanced solution to responsibly use the land and conserve this area. I urge adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Ms. BORDALLO. Mr. Speaker, H.R. 622, the Tonto and Coconino National Forest Land Exchange Act, would direct the Secretary of Agriculture to complete two separate land exchanges, Diamond Point and Montezuma Castle in Arizona. The Secretary already has the authority to consummate the land exchanges, but the amendment would expedite the transactions and make them a priority for the Secretary. I support the bill and urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 622.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REASONABLE RIGHT-OF-WAY FEES ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

The Clerk read as follows:

H.R. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reasonable Right-of-Way Fees Act of 2003".

SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following new subsection:

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) Not later than one year after the date of enactment of the Reasonable Right-of-Way Fees Act of 2003, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1–2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of such Act, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.

"(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

"(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly.".

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: "using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 762, the Reasonable Right-of-Way Fees Act of 2003, which I introduced February 13, 2003.

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This bill will help to facilitate the deployment of critical infrastructure to States that are made up largely of Federal lands, such as Wyoming and almost every western State. While exploring ways to bring advanced telecommunications services and pipeline infrastructure to Wyoming, I found that Federal land management agencies were considering ways which would actually discourage deployment of critical infrastructure. The Bureau of Land Management and the U.S. Forest Service had started down a road to abandon a commonsense right-of-way fee schedule that had been in place for many years by charging a per-line fee for fiberoptic deployment instead of a fee based on linear footage of the pipe. In other words, when fiberoptics were being deployed to rural areas, the agencies wanted to charge a right-of-way fee for every single line that went down the pipe which would obviously make it financially impossible to deploy fiberoptics to rural areas. My bill ensures that rights-of-way fees are reasonable and that private users of public lands pay a fair price for that privilege.

This bill creates a policy that protects the value of our Federal lands and at the same time helps to ensure that these Federal lands continue to be available to a multitude of compatible uses. This bill will not increase the environmental impact of the rights-of-way corridors, nor will it reduce any environmental monitoring. I am confident as we work to place the Reasonable Right-of-Way Fee Act into law that there is little public interest in turning our Federal lands into roadblocks on the information superhighway or along the path of any of our Nation's critical infrastructures.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Ms. BORDALLO. Mr. Speaker, investigations conducted by the Department of the Interior's Inspector General and the General Accounting Office have provided ample evidence that the right-of-way fees currently being charged by the Federal land management agencies are far below fair market values. States, local governments, and private individuals all charge significantly more than the Federal Government for rights-of-way across lands that they own. This undercharging for the use of Federal public lands means that large corporations, who stand to make vast profits from the use of those lands, are not being required to pay the American people a fair rate of return for that privilege.

As a result, we share, the gentlewoman from Wyoming's desire to correct this problem. This legislation will require the agencies to review their existing fee schedules and the land valuations which underlie them to ensure that they represent current values. In addition, Mr. Speaker, this measure will ensure that once these new fees have been promulgated, they will be adjusted annually for inflation. This approach is a significant improvement over the status quo and should move us closer to a system that adequately compensates the taxpayers for the use of their lands.

We would like to thank the gentlewoman from Wyoming (Mrs. CUBIN) for her willingness to work together on this legislation, and we do support H.R. 762.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 762.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION AND DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the western basin of Lake Erie, as part of the Great Lakes ecosystem—

(A) is the largest freshwater ecosystem in the world; and

(B) is vitally important to the economic and environmental future of the United States;

(2) over the 30-year period preceding the date of enactment of this Act, the citizens and governmental institutions of the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and fisheries of the Great Lakes, including the western basin;

(3) that increased awareness has been accompanied by a gradual shift toward a holistic ecosystem approach that highlights a growing recognition that shoreline areas, commonly referred to as nearshore terrestrial ecosystems, are an integral part of the western basin and the Great Lakes ecosystem;

(4) the Great Lakes account for more than 90 percent of the surface freshwater in the United States;

(5) the western basin receives approximately 90 percent of its flow from the Detroit River and only approximately 10 percent from tributaries;

(6) the western basin is an important ecosystem that includes a number of distinct islands, channels, rivers, and shoals that support dense populations of fish, wildlife, and aquatic plants;

(7) coastal wetland of Lake Erie supports the largest diversity of plant and wildlife species in the Great Lakes;

(8) because Lake Erie is located at a more southern latitude than other Great Lakes, the moderate climate of Lake Erie is appropriate for many species that are not found in or along the northern Great Lakes;

(9) more than 300 species of plants, including 37 significant species, have been identified in the aquatic and wetland habitats of the western basin;

(10) the shallow western basin of Lake Erie, extending from the Lower Detroit River to Sandusky Bay, is home to the greatest concentration of marshes in Lake Erie, including—

(A) Mouille, Metzger, and Magee marshes;

(B) the Maumee Bay wetland complex;

(C) the wetland complexes flanking Locust Point; and

(D) the wetland in Sandusky Bay;

(11) the larger islands of the United States in western Lake Erie have wetland in small embayments;

(12) the wetland in the western basin comprises some of the most important waterfowl habitat in the Great Lakes;

(13) waterfowl, wading birds, shore birds, gulls and terns, raptors, and perching birds use the wetland in the western basin for migration, nesting, and feeding;

(14) hundreds of thousands of diving ducks stop to rest in the Lake Erie area during autumn migration from Canada to points east and south;

(15) the wetland of the western basin provides a major stopover for ducks, such as migrating bufflehead, common goldeneye, common mergansers, and ruddy duck;

(16) the international importance of Lake Erie is indicated in the United States by congressional designation of the Ottawa and Cedar Point National Wildlife Refuges;

(17)(A) Lake Erie has an international reputation for walleye, perch, and bass fishing, recreational boating, birding, photography, and duck hunting; and

(B) on an economic basis, tourism in the Lake Erie area accounts for an estimated $1,500,000,000 in retail sales and more than 50,000 jobs;

(18)(A) many of the 417,000 boats that are registered in the State of Ohio are used in the western basin, in part to fish for the estimated 10,000,000 walleye that migrate from the lake to spawn; and

(B) that internationally renowned walleye fishery drives much of the $2,000,000,000 sport fishing industry in the State of Ohio;

(19) coastal wetland in the western basin has been subjected to intense pressure for 150 years;

(20) prior to 1850, the western basin was part of an extensive coastal marsh and swamp system consisting of approximately 122,000 hectares that comprised a portion of the Great Black Swamp;

(21) by 1951, only 12,407 wetland hectares remained in the western basin;

(22) 50 percent of that acreage was destroyed between 1972 and 1987, leaving only approximately 5,000 hectares in existence today;

(23) along the Michigan shoreline, coastal wetland was reduced by 62 percent between 1916 and the early 1970s;

(24) the development of the city of Monroe, Michigan, has had a particularly significant impact on the coastal wetland at the mouth of the Raisin River;

(25) only approximately 100 hectares remain physically unaltered today in an area in which, 70 years ago, marshes were 10 times more extensive;

(26) in addition to the actual loss of coastal wetland acreage along the shores of Lake Erie, the quality of much remaining dike wetland has been degraded by numerous stressors, especially excessive loadings of sediments and nutrients, contaminants, shoreline modification, exotic species, and the diking of wetland; and

(27) protective peninsula beach systems, such as the former Bay Point and Woodtick, at the border of Ohio and Michigan near the mouth of the Ottawa River and Maumee Bay, have been eroded over the years, exacerbating erosion along the shorelines and negatively affecting breeding and spawning grounds.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL REFUGE.—The term "International Refuge" means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term "Refuge Complex" means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled "The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex" and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term "western basin" means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 4. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled "Ottawa National

Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act" and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate to facilitate the acquisition of property within the Refuge Complex.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) MANNER OF ACQUISITION.—Any and all acquisitions of land or waters under the provisions of this Act shall be made in a voluntary manner and shall not be the result of forced takings.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this Act.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as "Port Authority Facility Number Three" and "Grassy Island", respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of the Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 4(a)(1).

SEC. 6. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this Act.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this Act.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled "Great Lakes Strategy 2002—A Plan for the New Millennium", developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this Act, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 4(c);

(2) to carry out the study under section 4(e); and

(3) to develop, operate, and maintain the Refuge Complex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes..

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume. H.R. 289, introduced by the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. DINGELL), would expand the boundaries of two refuges in Ohio and Michigan. This measure has been thoroughly reviewed; and it has been endorsed by the Ohio Department of Natural Resources, the Toledo Chamber of Commerce, the local port authorities, and Ducks Unlimited. Once enacted, this expansion should help to conserve wintering habitat for migratory birds, enhance the natural resources of Lake Erie, and ensure that thousands of sportsmen will have an opportunity to enjoy wildlife-dependent recreation, including fishing, hunting, trapping and wildlife observation. All land acquired by the Federal Government must be obtained in a voluntary manner and absolutely no private property can be added to either refuge as a result of a forced taking.

I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as noted by the previous speaker, the overall purpose of this legislation is to authorize the expansion of the existing Ottawa National Wildlife Refuge complex in Ohio and to extend the southern boundary of the Detroit River International Wildlife Refuge in Michigan. The overarching goal is to protect and, where possible, to enhance the remaining wetlands and other aquatic habitats within the western basin of Lake Erie. This region provides critical migratory waterfowl habitat and supports the most significant recreational fishery in the entire Great Lakes.

I commend the bill's sponsors, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. DINGELL), for their ingenuity in developing a long-term conservation strategy to protect this regional treasure. They have worked tirelessly to adjust the acquisition boundaries set forth by this legislation so that they meet the priorities of the other body, the States of Ohio and Michigan, and the interests of local stakeholders. The U.S. Fish and Wildlife Service has expressed some concern regarding the scope of the proposed boundaries and about possible impingement on existing management activities. However, considering that the service has proposed its own 5,000-acre expansion of the Ottawa Refuge and also, Mr. Speaker, recognizing that any future acquisition at either refuge will be done on a voluntary basis, H.R. 289 will ensure that future expansion is undertaken to enhance existing refuge resources, to complement operations, and to protect critical habitat areas.

In closing, Mr. Speaker, the fish and wildlife resources found in the western basin of Lake Erie are cherished by millions of sportsmen and women. H.R. 289 is innovative legislation necessary to protect this heritage, and it deserves our support.

Mr. Speaker, it is my privilege to yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the agriculture appropriations subcommittee who has worked so diligently on this legislation on behalf of her district and the entire Lake Erie region.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Arizona (Mr. RENZI) for allocating time so that I might speak on behalf of H.R. 289, which would expand the boundaries, as they have said, of two national wildlife refuges along the north coast, the Ottawa National Wildlife Refuge in Ohio and the Lower Detroit River International Wildlife Refuge in Michigan. Obviously, we are one of the few American flyways that remain.

The bill that is before us today is identical to a measure that passed by unanimous consent here on the House floor late in the 107th Congress. But because of inaction by the other body it was unable to be sent to the President for signature. I would like to thank the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Jersey (Mr. PALLONE), chairman and ranking member of the Fisheries Subcommittee, for their assistance, and also chairman and ranking member of the Committee on Resources, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), for their efforts as well. We deeply appreciate the support they have given on a bipartisan basis throughout.

This bill is modeled on the legislation of the gentleman from Michigan (Mr. DINGELL) to create the Lower Detroit River International Wildlife Refuge. Obviously, our region is right next to Canada, and it builds on the remarkable success of that effort. Let me emphasize that this bill facilitates only voluntary actions. Voluntary cooperation is the byword. Our bill explicitly prohibits any forced takings. It does not force any private landowner or the Federal Government to do anything that both parties are not willing to do. What it does do is create a mechanism and a boundary, again drawing upon the success of the Lower Detroit River International Wildlife Refuge, to foster cooperation and teamwork to promote conservation and the national wildlife refuge system.

The bill facilitates a process by which our U.S. Fish and Wildlife Service can either purchase land or accept donations of land and conservation easements from willing parties, corporations, nonprofit organizations and individuals. That is well under way in the lower Detroit as I speak. In fact, Mr. Speaker, the Ottawa National Wildlife Refuge, which is a part of this, was created in 1961 originally when local conservation and hunting clubs donated pristine Lake Erie marshland to the Federal Government and the U.S. Fish and Wildlife Service. The bill enjoys broad and deep support in northern Ohio along the north coast from conservation groups, wildlife groups, and as the gentleman from Arizona mentioned Ducks Unlimited, and local governments. It is supported by the State of Ohio and the Ohio Department of Natural Resources.

Mr. Speaker, this year we are celebrating as a Nation the 100th anniversary of the national wildlife refuge system that was created by the vision of President Theodore Roosevelt. During this centennial year, obviously the north coast is very grateful to be included. H.R. 289 will help us raise the profile of the Ottawa National Wildlife Refuge, the Lake Erie marshlands and also the Lake Erie islands so that more Americans and people from throughout the world can enjoy their natural splendor.

The refuge now attracts over 130,000 visitors a year, hunters, fishermen, photographers, birders, hikers, artists and schoolchildren. We expect that number to increase dramatically. I might say as a result of our recognition of our dependence on our natural system, when we first began work in this region of our country, we had but two or three nesting pairs of eagles that were left in our region of the country. That is now up over 84 nesting pairs of eagles. We expect those numbers to increase in ensuing years as well.

We see the natural wonders of the Lake Erie marshlands as an economic boon to our north coast region through ecotourism, which is expanding. We want families to enjoy the roller coasters at Cedar Point in Sandusky and then drive a few miles west to see the bald eagles at the Ottawa National Wildlife Refuge. We want tourists to enjoy some of the greatest fishing on Earth. I would like to say that I represent the bathtub of the Great Lakes. We have more fish and more swimmers than any other part of the region, or anyplace in the world, in the central and western basins of Lake Erie and also some of the greatest bird watching in the world as well.

H.R. 289 will help us build on this momentum, not only for Ottawa but also for the Lower Detroit International Wildlife Refuge. I want to personally express my deep gratitude to the gentleman from Michigan (Mr. DINGELL), seniority number one here in the House, for his leadership for our entire region.

Mr. Speaker, I urge the Members to vote "yes" on H.R. 289.

Mr. GILCHREST. Mr. Speaker, I rise in support of H.R. 289.

This proposal has been the subject of two congressional hearings. We have heard from a diverse group of witnesses testifying in strong support of expanding the boundaries of these two existing refuges. One of those witnesses is the director of the Ohio Department of Natural Resources. In his statement, Mr. Samuel Speck noted that this measure will "ensure an abundance of ecological and conservation improvements that will truly benefit this 'Great Lake' and the millions of Americans who benefit from it."

The fundamental goal of H.R. 289 is to conserve the wetland resources of the western basin of Lake Erie. This shallow body of water is, according to the U.S. Geological Survey, the 11th largest fresh water lake in the world and it has the most productive fishing habitat in all of the Great Lakes.

While sadly more than 98 percent of the original wetlands in Northwest Ohio have been lost, the remaining 12,500 acres provide irreplaceable habitat for 325 species of birds, 300 species of plants and 43 fish species. In fact, the western basin is used by 70 percent of the black ducks that migrate in the Mississippi flyway and it provides nesting habit for 79 breeding pairs of bald eagles.

The remaining wetlands should be protected and the most effective way to accomplish that goal is to include available habitat within the National Wildlife Refuge System.

Furthermore, it is my hope that by expanding these refuges, all interested parties will work together to devise a comprehensive strategy to protect and restore the physical and biological integrity of the Lake Erie western basin ecosystem.

I urge an "aye" vote and I compliment my colleagues MARCY KAPTUR and JOHN DINGELL for proposing this innovative legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 289, legislation that I co-authored with the distinguished gentlewoman from Toledo, Ms. KAPTUR. This important fish and wildlife conservation measure will expand the boundaries of the Detroit River International Wildlife Refuge to encompass important lands in Southeastern Michigan and Northern Ohio. It is of immense importance to the people of Southeast Michigan and our neighbors to the South in Ohio.

I would like to thank Chairman GILCHREST and Ranking Member PALLONE for their leadership and their assistance. I would also like to thank the Chairman of the full Committee, RICHARD POMBO, and Ranking Member NICK RAHALL, for their assistance is shepherding this bill to the floor. Your efforts are greatly appreciated.

Mr. Speaker, in 2001, thanks to the leadership of the Resources Committee and the support from local grassroots organizations, conservation groups, state and local governments, as well as our Canadian neighbors, we were able to create the Detroit River International Wildlife Refuge. Our refuge on the Detroit River is already demonstrating how—working as a team—federal, state, and local officials in the United States and Canada, can work with businesses, conservationists and private citizens to preserve our remaining wildlife habitat along the River and improve the quality of life. H.R. 289 builds on that success, expanding the refuge south into Ohio, to protect the Lake Erie shoreline.

The lands we are talking about encompass an area of tremendous bio-diversity, with unique geological features and a wide variety of plant life that attracts numerous species of fish, birds, and waterfowl.

In the Great Lakes region, there is a tremendous urgency to protect our remaining high-quality habitats before they are lost to further development. We must also do our utmost to rehabilitate and enhance degraded habitat. This is essential to sustain the quality of life enjoyed by the people living along the Detroit River and the Lake Erie corridor.

The Western basin of Lake Erie is vitally important to the economic and environmental future of the United States. In the 1970s and 1980s, the ecological health of Lake Erie was a running joke—fishermen derisively renamed Lake Erie "The Dead Sea." Water quality was poor, and fish and wildlife suffered as a result.

But in the past two decades, the citizens and governmental institutions of both the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and the fisheries of the Great Lakes, including the Western basin. Numerous grassroots environmental and conservation organizations have worked dutifully to address environmental degradation in the region. I am happy to say that these efforts have been successful, though there is still much more that must be done.

The coastal wetlands of Lake Erie support the largest diversity of plant and wildlife species in the Great Lakes. More than 320 species of birds and 43 species of fish have been identified in the aquatic and wetland habitats of the Western basin. The shallow Western basin is home to the largest concentration of marshes in Lake Erie, which makes it a major migratory bird corridor. Seventy percent of the Mississippi Flyway population of black ducks is concentrated in the Lake Erie marshes during fall migration.

The importance of Lake Erie is manifested in the United States congressional designation of the Ottawa and Cedar Point National Wildlife Refuges. Lake Erie has an international reputation for walleye, perch, and bass fishing, as well as duck hunting. On an economic basis, Lake Erie tourism accounts for an estimated $1.5 billion in retail sales and more than 50,000 jobs.

In Michigan, the Refuge will run from the southern boundary of Sterling State Park to the eastern edge of Sandusky Bay, Ohio. The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or grant conservation easements with the boundaries of the Refuge. Any and all acquisitions of lands are voluntary, and federal takings are strictly prohibited. I would note that the Secretary shall administer all federally owned lands, waters, and interests within the Refuge in accordance with the National Wildlife Refuge System Administration Act. Thus, the rights of sportsmen and waterfowlers like myself to hunt and fish in accordance with state law will be protected.

Mr. Speaker, I again thank the Resources Committee for their assistance. Ms. KAPTUR's bill is an important piece of legislation which will be of great benefit to the people of Michigan, Ohio, and Ontario, and represents a sound approach to protecting, preserving, and restoring the wildlife habitat of the Great Lakes. I urge its adoption.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 289, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 622, H.R. 762, and H.R. 289, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING THE BLUE STAR BANNER AND THE GOLD STAR

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star, as amended.

The Clerk read as follows:

H. CON. RES. 109

Whereas the Blue Star Flag (commonly referred to as the "Blue Star Banner") was patented and designed in 1917, during the height of the World War I, by Army Captain Robert L. Queissner of the 5th Ohio Infantry, who had two sons serving on the front lines;

Whereas the Blue Star Flag quickly became the symbol for a family member serving the Nation in the Armed Forces, and families began proudly displaying these flags in their front windows during World War I;

Whereas each Blue Star on the flag represents a family member serving in the Armed Forces and symbolizes hope and pride;

Whereas beginning in 1918, the Blue Star would signify the living, and a smaller Gold Star would be placed on top of the Blue Star, forming a blue border, if the family member was killed or died while on active duty, to symbolize the family member's sacrifice for the cause of freedom;

Whereas Blue Star Flags were displayed widely during World War II;

Whereas many of the flags displayed during those wars were hand-made by the mothers of those serving in the Armed Forces;

Whereas the legacy of the Blue Star Flag continued during the Korean, Vietnam, and Persian Gulf Wars and other periods of conflict, as well as in times of peace;

Whereas the Blue Star Flag is the official flag authorized by law, at section 901 of title 36, United States Code, to be displayed in honor of a family member serving the United States on active duty in the Armed Forces during a period of war or hostilities, while the Gold Star may be displayed in honor of a family member who has made the ultimate sacrifice for the Nation;

Whereas for over 85 years, families have proudly displayed the Blue Star Flag showing United States service personnel the honor and pride that is taken in their sacrifices for freedom;

Whereas the flag may be displayed by members of the immediate family of a loved one serving in the Armed Forces;

Whereas the flag may be flown by families with a service member stationed either domestically or overseas;

Whereas the display of the flag in the front window of a home shows a family's pride in their loved one and is a reminder that preserving America's freedom demands great sacrifice; and

Whereas such a reminder is especially timely during the current conflict with Iraq and the global war on terrorism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors members of the United States Armed Forces and their families;

(2) calls on all Americans to honor the members of the United States Armed Forces and their families, to recognize the importance of the Blue Star Flag and the Gold Star and their symbolism of the devotion and service of the members of the United States Armed Forces, and to advance awareness of the Blue Star Flag and the Gold Star through all appropriate information and media channels; and

(3) encourages the families of members of the Armed Forces to proudly display the Blue Star Flag or, if their loved one has made the ultimate sacrifice, the Gold Star.

SEC. 2. The authority on which this resolution rests is the authority of Congress to make all laws which shall be necessary and proper as provided in Article I, section 8 of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 109, the concurrent resolution under consideration.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. SHADEGG), the author of this resolution.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the resolution. This is a grand tradition of our Nation, and this resolution encourages all Americans to honor the Blue Star Banner and the Gold Star as patriotic symbols of the proud tradition of the families of our fighting men.

This tradition was started in World War I when, in 1917, the Blue Star Banner was designed by an Army veteran Captain Robert L. Queissner, who had two sons serving on the front lines during World War I. The design is to symbolize the number of members of the family from that household who are currently serving in our armed services; and the intent of the resolution is to simply encourage American families with service personnel currently serving in our Armed Forces to proudly display this banner.

The banner became a particularly strong symbol. Mothers across the country embraced it as a symbol of devotion and their pride for family members who were serving in the war, and it came to its pinnacle of recognition during World War II. As a matter of fact, I would remind my colleagues that in the movie Saving Private Ryan, they may recall that as the Army sedan pulls up to the home of the Ryans, we can see a Blue Star Banner in the window of their home, acknowledging that a member of their family was serving in the war.

If more than one member of the family is serving in the armed services at the time of the combat, then there are as many blue stars as there are members of the family currently serving.

This symbol, as I said, reached its pinnacle during World War II when great pride was exhibited by our American families for the service men and women from their families who were currently serving. It has fallen into some disuse since then, and this resolution simply calls upon all American service families to proudly display the Blue Star Banner, acknowledging that a member of that household's family is currently serving in our armed services somewhere around the world.

Clearly, we are at war. We are at war not only to liberate Iraq, but we are also at war across the globe in our war against terrorism, in Afghanistan but elsewhere around the world; and we all, every single one of us, are tremendously proud of our Armed Forces and the battle that they are carrying forward both to liberate Iraq but also to battle and fight terrorism wherever it appears around the globe.

Our hope, my hope as a sponsor of this resolution, is that all families with service personnel currently serving in our Armed Forces will proudly display the Blue Star Banner, and that all Americans across the Nation will recognize the Blue Star Banner as a symbol of pride and dedication, recognizing not just the sacrifice of the individual service member, man or woman, in our armed services at this critical point in our Nation's history, but also the sacrifice made by that family.

It seems to me that this is a particularly important time, and my hope is that across the country these banners will spring up, hanging in the windows of families with service personnel and that all of us, as a Nation, all of us who do not have a family member serving in the armed services, will step forward and tell those families how much we appreciate not only the sacrifice that the individual serviceman or servicewoman is making to serve our Nation at this critical point in time, but also that the family is making. It seems to me that this is indeed a grand tradition and one that is very important.

I need to go on and explain, however, the tradition of the Gold Star because the Gold Star carries this tradition one step further. As we know as Americans, as the world knows, freedom is not free. It comes at a very heavy price. Not far from here, at Bethesda Naval Hospital, there are many injured servicemen who have come back from the war to liberate Iraq and who are there being healed. But we also know that some service members already in this war have lost their lives.

The tradition of the Gold Star shortly followed the Blue Star Banner, and the Gold Star is a star which is displayed by a family when they have lost a family member, that is, when a member of the service has made the ultimate sacrifice. Tragically, that has happened in this war. Tragically, we have lost all too many soldiers in this war, and the tradition is that when a family member is lost, when a family member has made the final sacrifice, that the Gold Star is placed over the Blue Star, acknowledging that someone from that home has made the ultimate sacrifice.

This concurrent resolution, the Blue Star Banner and the Gold Star, is supported by many groups across the country, the American Legion and its efforts all across the country. The Blue Star Mothers of America, the American Gold Star Mothers and the Gold Star Wives of America, as well as the Veterans of Foreign Wars, are all supporting these banners. Indeed, this is the official banner recognized by Congress in 1967 and by the Department of Defense as the official acknowledgment of the fact that there is a family member in the services.

This morning at the press conference we held on this topic, a representative of the Gold Star Mothers came forward, and she made it very clear, along with a representative of the Gold Star Wives, that they did not want their group to expand, that indeed because the Blue Star Banner is a moment of pride for a service member serving, the Gold Star Banner, of course, is an acknowledgment of a lost life; and the women from the Gold Star Wives and the American Gold Star Mothers came forward and said they do not want their groups to expand, of course because the only way one gains membership in the group of Gold Star Mothers or Gold Star Wives is to lose a family member. I think every member of the Nation hopes that the Gold Star does not expand, but each day as this war goes forward there is the risk of that.

I think it is time for America to passionately thank our armed services personnel. The Blue Star Banner and the Gold Star are a great tradition for doing that.

I urge my colleagues not to just embrace this resolution and vote for it, but go home and talk about it in their districts, tell their constituents, let them know of this grand tradition, encourage every single family with a member in our armed services to fly the Blue Star Banner with great pride and let every other American express their gratitude and their thanks to those service personnel serving.

Mr. GIBBONS. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

First, let me compliment the gentleman from Arizona (Mr. SHADEGG) for offering this resolution before the Congress, the sense of Congress regarding the Blue Star Banner and the Gold Star. I think this is certainly fitting and proper considering the fact that we today are at war in Iraq, considering the fact that we already have lost American lives in that conflict.

I remember as a young boy growing up in my hometown of Lexington, Missouri, and seeing these banners with Blue Stars and some with two Blue Stars and some with Gold Stars, knowing the fact that members of the family, either a sailor or sometimes brothers; or sometimes a soldier would lose his life on the battlefield and the Gold Star would hang in the window of that family's home. And I think it is certainly fitting that we, in our own way, express our sense that this is the right thing to do now, to bring it home to America that these young men and women who literally put their lives on the line should be remembered in such a visible and fine way.

Cicero, the great Roman orator, once said that gratitude is the greatest of all virtues, and this is one way, a small way, be that as it may, to express the gratitude of not just the Congress but of the American people for the young people who risk their lives on the battlefield.

So, as a cosponsor of this House concurrent resolution, I support this measure. It is a timely resolution recognizing the importance of Blue Stars and Gold Star banners. The Blue Star Banner actually emerged during the

First World War when Army Captain Robert Queissner designed a Blue Star to honor his two sons who were serving on the front lines during that conflict. The patented star soon became the country's unofficial symbol which families used to recognize a child serving in our Armed Forces.

In 1918, President Woodrow Wilson approved a recommendation by the Women's Committee of the Council of National Defenses that mothers who had lost a child in conflict wear a Gold Star on the traditional black mourning arm-band. Thus began the tradition of covering a Blue Star with a Gold Star when a family lost such a loved one.

The Department of Defense has recognized the banner as an official service flag for immediate family members of servicemen and women to display during any period of war or hostilities in which the American Armed Forces are engaged.

As I mentioned, when I was a boy growing up in my hometown of Lexington, I still recall those Blue Stars, those banners, hanging in the windows of homes as fathers or mothers, husbands, wives and sons and daughters left to serve our Nation in that Second World War. As men and women were called upon to serve our Nation, the prevalence of the Blue and the Gold Star Banners became a familiar sight wherever we went in my hometown. It was during the Second World War that organizations also displayed the banner to recognize their members who were serving in uniform.

Today, Mr. Speaker, as one travels across our wonderful land, one can still find these traditional symbols being proudly displayed. However, while we have more than a million service members in uniform as we speak, the use of the banner has steadily declined and, sadly, this American tradition has faded. Many Americans no longer recognize this banner for the important part it has played in the history of our country, particularly the military history of our country, and yet American men and women are still called upon to defend our freedoms. Korea, Vietnam, Operation Desert Storm, the Balkans, Afghanistan, and now Operation Iraqi Freedom are just a few of the conflicts which our Armed Forces have served.

This last September, as American forces continued the fight against terrorists, this House of Representatives passed a similar resolution that called upon the President to issue a proclamation in support of the Blue and the Gold Star Banners. As our forces continue to engage in battle in the Middle East, I urge the President to issue a proclamation that calls upon families of service members to display the Blue Star Banner in patriotic support of our loved ones.

As our men and women in uniform fight to bring democracy and stability to the people of Iraq, I hope that we will restore this proud tradition. And it is a proud tradition. I urge all Americans to restore the display of a star for their loved ones who are defending the freedoms that this body was founded upon.

So it is with pleasure, Mr. Speaker, that I endorse and urge this House of Representatives to pass this resolution and that we have a unanimous vote in favor of the Blue Stars and the Gold Stars to be displayed on the banners in our windows of our homes.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, this resolution is powerful. It is powerful because it says that if one has a loved one in the armed services, we encourage them to fly a Blue Star Banner. It is powerful because it encourages those families who have lost a loved one in the service of his or her country to display a Gold Star on that same banner. The Blue Star Banner and the Gold Star are symbols not only of our men and women in uniform and the sacrifices that they make for our freedoms, but they are also symbols of hope, symbols of love, and symbols of sacrifice of families who give so much for our troops.

Mr. Speaker, this resolution is particularly significant to me because many of the troops who are leading the charge of our military in Iraq come from the Third Infantry Division out of Fort Stewart, Georgia. These fine young men and women have gone to Iraq. Some, sadly, will make the ultimate sacrifice for freedom and not return. But this legislation is a visible symbol of our support for our troops, their families, and their collective sacrifices for all of our freedoms.

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I am proud to be a cosponsor of this resolution, and I urge its immediate passage.

Mr. GIBBONS. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would also like to thank the gentleman from Missouri (Mr. SKELTON) for conducting this discussion and our friends on the other side of the aisle.

I rise today also to strongly support this resolution. Popular during World War II, we are seeing the Blue Star Banners flown again. I brought a copy of one, because these are being proudly flown in my own district in the cities of El Monte and West Covina, and they are being displayed by families who have loved ones serving in the Armed Forces, whether their family member is a son, daughter, brother, sister, wife, husband, or even a grandchild.

The banner shows a family's pride in their loved one serving in the military. It also reminds us that we are preserving America's freedom and that demands so much.

Blue Star Mothers and Gold Star Mothers organizations were established back in World War I and remain active even today. There are Blue Star Moms that are popping up in my district where I live in the city of El Monte. Unfortunately, we are also seeing more families displaying Gold Stars on their banners. Families like the Flores family in my district who just learned that they lost their son, Francisco A. Martinez Flores, who was killed in Iraq.

We must honor the United States Armed Forces and their families because they are all heroes. I encourage these families to proudly display the Blue Star Banner.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution offered by the gentleman from Arizona (Mr. SHADEGG), and I commend the gentleman for bringing this important resolution to the attention of the House.

House Concurrent Resolution 109 reminds the Nation of one of our most cherished wartime traditions, having the families of military servicemembers display the Blue Star Service Flag and wear a service lapel pin.

The daily lives of most Americans remain unchanged by the conflict in Iraq and the war on terrorism. Aside from the television news coverage, many Americans do not think about these very challenging conflicts during the rush of their busy days. However, there are hundreds of thousands of Americans whose family members are fighting on the front lines of these 21st century wars and enduring all the same dangers and hardships that confronted our warriors during previous conflicts.

Mr. Speaker, all of us need to remember that these Americans are experiencing this war in a very personal manner and with a level of fear and uncertainty for loved ones in uniform that only they can understand.

Mr. Speaker, that is why the Blue Star Service Flag and its accompanying service lapel pin are so important. They will be an eloquent reminder for friends and neighbors that our soldiers, sailors, airmen, and Marines are fighting and sacrificing their lives to keep us safe and to keep us free.

We can all benefit from a short, somber moment every day to remember those brave Americans and pledge to do more during our day to support our troops and the families they leave behind.

At this point, Mr. Speaker, I would like to thank my colleague and friend, the gentleman from Missouri (Mr. SKELTON), for his lifelong dedication to the service and our troops. It is a pleasure to serve on the committee with him as the ranking member. Again, I want to commend the gentleman from Arizona (Mr. SHADEGG), and I urge strong support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Let me first compliment the gentleman from Nevada (Mr. GIBBONS) for bringing this important resolution to the floor. Let me share, if I may, Mr. Speaker, an experience I had yesterday.

I went out to Bethesda Naval Hospital, and I had the opportunity to visit with seven of the 10 young Marines and one sailor who were injured in the Iraqi war, the Iraqi conflict, and some of them were injured rather severely. I have to tell my colleagues that of the seven I visited, all seven were extremely strong in morale, they backed the purpose of our being in Iraq, and were just proud to be United States Marines. I met some of their families too, and what great American families they were. And these families, I know full well, will display with great pride and affection the Blue Star Banner that we are speaking of, which the gentleman from Arizona (Mr. SHADEGG) was good enough to endorse through his resolution.

So let us hope that every member of our military's families will display this banner with pride and exhibit the pride of the families I saw yesterday with those injured Marines at the Bethesda Naval Hospital. I am proud of them. I am proud of everyone who wears the American uniform.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I commend both sides for the bipartisan effort they have made here to restore a proud, proud tradition. I am just old enough to remember the Gold Star and Blue Star Banners. I am a war baby born in 1942. But I still have a dim recollection of that and a warm feeling of the pride that those who displayed these banners had, to let all the community know that they had a loved one who was serving abroad or serving in service at some place in time.

I spent this past weekend, Sunday afternoon, in the little town of Jefferson, South Carolina, where we had a memorial service for a staff sergeant in the Air Force, Jason Higgs, whose helicopter was on a rescue mission to pick up two Afghan girls, both of whom were in need of medical care, to bring them back and have them attended to by Air Force doctors. He did not make it back. The next day they sent for the girls, they had their surgery, that was successful. Sunday afternoon we laid him to rest.

All over America there are countless stories like this, about these folks who are laying their lives on the line for us and our freedom. This is a wonderful tradition to restore, and I wholeheartedly support this legislation.

Mr. SKELTON. Mr. Speaker, I have no additional speakers, except to thank the gentleman from Arizona (Mr. SHADEGG) for this resolution and to thank the gentleman from Nevada (Mr. GIBBONS) for sponsoring this resolution. I think it is very, very important that every American family have the opportunity to display a banner such as this resolution endorses, that every American family that does not have a loved one in uniform understands, recognizes, and appreciates those families that do.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, with the eloquent words of my friend, the gentleman from Missouri, I would also urge each and every one of our colleagues to support this resolution.

Mr. FOSSELLA. Mr. Speaker, it is my great pleasure to take a moment to speak about the Blue Star Banner and the Gold Star.

As we continue to battle the enemy of freedom, each day many Americans bid farewell to a loved one that is a member of our Armed Forces, not knowing where they will go or when they will return, these families only have symbols of their loved ones.

These brave men and women who proudly wear our military's uniforms leave behind equally brave friends and relations who look for some way to remain connected to their loved ones abroad. Those on the homefront are eager to show their support for our troops, their hope for a safe return, and their pride in the actions and bravery of their loved ones. The Blue and Gold Star Banner emphasizes the special and difficult role of the family left behind in time of war.

Recognizing this desire to show support and pride for our family members who are off to battle, Army Captain Robert L. Queissner designed the Blue Star Banner in 1917, initially in support of his two sons who were serving on the front lines in World War I. The popularity of this banner spread quickly among those whose family members were also fighting in the War, and continued through many years and many battles to be displayed by families nationwide who anxiously awaited their loved ones' return.

The families of those who did not make it back home displayed a Gold Star over the Blue Star Banner, to symbolize the honor with which their loved ones perished in the name of freedom. This practice continues today, as a way for families to show their pride in the valiant actions of their loved ones in service to our country, who have made the ultimate sacrifice on our behalf.

I therefore encourage the families of all American servicemembers to display the Blue Star Banner and, as necessary, the Gold Star, in show of unconditional support for and pride in our nation's Armed Forces.

Mr. GILLMOR. Mr. Speaker, I proudly rise today in support of H. Con. Res. 109. The Blue Star Banner was originally patented and designed in 1917, by Spanish-American War Veteran and World War I Army Captain Robert L. Queissner of the 5th Ohio Infantry, who at that time had two sons serving on the frontlines. Since its unofficial adoption back in the early 20th century, it has grown to become the official symbol of all mothers who have children proudly serving their country in the Armed Forces. As our history shows, many of the brave men and women who have so honorably served this country in battle have indeed made the ultimate sacrifice to ensure that the United States of America remains the beacon of freedom and prosperity throughout the world. To honor these fallen heroes family members who lost loved ones in the defense of liberty began placing a gold star over the blue star to symbolize their sacrifice. As we speak, our courageous service men and women continue to secure the safety of the world and bring freedom to oppressed peoples. Therefore, it is only appropriate that we pass this resolution today and show our solidarity and resolve not only to those who serve, but to their family members that they have left behind here on the home-front. Mr. Speaker, I would urge all my colleagues to pass this resolution and show that the steadfastness of the American spirit starts here in the United States Congress.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for the fiscal year 2004, and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, with the Senate amendment thereto, disagree to the Senate amendment, and agree to a conference asked by the Senate on the disagreeing votes of the two Houses.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SPRATT moves that within the scope of the conference (1) the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the concurrent resolution H. Con. Res. 95 be instructed to eliminate the reconciliation instruction to the Committee on Agriculture, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means contained in section 201(b) of the House resolution; that (2) such managers be instructed to recede to the Senate on section 319 (entitled "Reserve Fund to Strengthen Social Security") of the Senate amendment; and that (3) such managers be instructed to adjust the revenue levels by the amounts needed to offset the cost of the instructions set forth in paragraphs (1) and (2), without resulting in any increase in the deficit or reduction in surplus for any fiscal year covered by the resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, but for one vote, the budget resolution that we now seem to send to conference would have gone down. Fortunately, there is still a way out for this budget with its massive deficits and its misguided priorities: we can rewrite it in conference. If we cut through all the words, all the legislative language and the motion that was just read, that is what the motion to instruct calls for.

Now, we do not cover the waterfront and take out every change that we find objectionable and make every change that we feel needs to be made, but we do send the conferees a strong message, and that is to get rid of the worst of the entitlement reconciliation directives in this budget resolution.

First of all, Medicare. Originally, our Republican colleagues on the Committee on the Budget sought to cut Medicare by $262 billion and Medicaid by $110 billion. That was to offset the cost of their prescription drug benefit under Medicare. We tried to knock out these cuts in markup, but failed. The chairman, however, did change his mark twice. After these modifications were made, however, the Committee on Ways and Means is still directed to cut $62 billion out of entitlement programs in its jurisdiction. This sort of saving can only come from two sources under the Committee on Ways and Means jurisdiction: Medicare or programs for the poor, the earned income tax credit, temporary assistance to needy families, or supplemental security income. It will have to come out of these programs, $62 billion; and these could be critical cuts in critically important programs.

The chairman's amendment, the manager's amendment also shaved the reconciliation directions just slightly to the Committee on Energy and Commerce from $110 billion to $107 billion.

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But of this amount, $94 billion must still come from Medicaid, or SCHIP, the children's health insurance program. Contrast that, Mr. Speaker, to what we do in our budget resolution, or would have done had it passed. Given the struggle that all the States are having with Medicaid, we sought to increase the Federal share and lighten the States' burden by adding $10 billion at the Federal level to the cost of Medicaid this year.

If the rule had allowed during consideration of the budget, we would have offered amendments when the budget was on the floor to strike all of these cuts. Since everyone knows that they would have emasculated Medicare and Medicaid, I think they would have passed; but we were not allowed to make such an amendment.

Next, veterans. Originally, the Republicans on the Committee on the Budget set out to cut $30 billion from the budget for the veterans. They say that veterans benefits actually increase in their budget, and they may in nominal dollars. But this is the fact of the matter: Their budget resolution, as brought to the floor, provided $15 billion less for veterans health care than the President requested, and it still provides less for veterans disability benefits.

Next, education. The Republican resolution not only cuts appropriations for education below the President's already-low level, it saves none of the 47 programs that the President wiped out or would kill. It goes a step further: It whacks $9.4 billion out of mandatory spending. What does the Committee on Education and the Workforce have in its jurisdiction? Student loans and school lunches. Do we really want to cut student loans and school lunches to pay for a dividend tax exclusion?

Next, railroad retirees. Looking everywhere for programs they could cut to offset a big tax cut of another $1.35 trillion, our colleagues on the Committee on the Budget even called on the Committee on Transportation and Infrastructure to come up with some reconciliation savings, namely, $3.7 billion out of its mandatory or entitlement programs.

The only source that can produce such a cut under the jurisdiction of that committee is railroad retirement, a vested benefit on which 700,000 retirees depend. Surely we are not going to cut $3.7 billion out of that.

Finally, in the same vein, is agriculture. The budget, as it now stands, requires the Committee on Agriculture to cut $18.6 billion of direct spending over the next 10 years, but as in all of the other cases, it fails to mention which programs and fails to say how much.

Where does the Committee on Agriculture go? It can turn to the conservation reserve program, $18.6 billion, roughly what it costs to run that program for 10 years; or the Committee on Agriculture could turn to food stamps and take 12 percent out of food stamps for the next 10 years to produce $18.6 billion. But do we want to take 34 million acres of environmentally sensitive land out of reserves? Do we want to cut food stamps when unemployment is 6 percent nationwide, in double digits in places like my district?

These are a few of the reasons, Mr. Speaker, that we should tell the conferees and tell them emphatically to recede to the Senate and drop these reconciliation directives. They should not be in here. First of all, these cuts are not in the President's budget, they are not in the Senate's budget, and except for the House budget, they are not on anybody's agenda.

Second, they are wrapped up in ambiguity, written in language so evasive that no one can know where the cuts may fall. They were clouded further by colloquies here on the House floor when we had the budget on the floor, in which the chairman of the committee, the Committee on the Budget, assured chairman after chairman of committees of jurisdiction that, no, they would not have to do what the black letter provisions of this resolution plainly say they must do, and that is cut Medicare, cut Medicaid and cut veterans benefits.

All, in effect, that this motion does is say to the conferees, conform the budget resolution to legislative history as recorded right here on the House floor the night we had the budget up.

Finally, these cuts, Mr. Speaker, would be questionable at any time, but cutting veterans when we are at war and Medicaid when the States are struggling just to sustain it and student loans for no good reason it is just wrong, callous and wrong.

In the end, I will be frank to say that I do not think most of these cuts will ever come to pass, not this year, anyway. But another huge tax cut may be passed. Its impact on the deficit may be obscured by pretending that these spending cuts will be enacted later as offsets. Most of these cuts may not be enacted later for the same political reasons, but as deficits swell, as they surely will if these tax cuts proposed are passed, the cuts will come in time, and this budget resolution is our forewarning of where they will have to fall.

We can ask fairly, what would happen to the budget's bottom line if these spending cuts we are calling for deletion are not enacted? The answer is that these proposed spending cuts are made necessary by the proposed tax cuts. If we forgo the tax cuts, we can forgo the deep cuts in Medicare, Medicaid, veterans benefits, student loans, agriculture, and railroad retirees.

As for the bottom line, if we just leave spending and revenues at current service levels, the Congressional Budget Office tells us the budget will be in balance by the year 2008. That is 4 years sooner and a couple of trillion less debt than this resolution promises. So if Members are for a budget that balances priorities as well as the bottom line, they should vote for this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are again. We are on the floor discussing the fact that the Federal Government does not have even one penny of waste. Do Members believe that? It is hard to believe that somebody would come to the floor of the House, or that an entire party would come to the floor of the House today and suggest that the United States Government does not have any waste.

I will admit, as the gentleman from South Carolina (Mr. SPRATT) very eloquently stated, that there is no way, as we go to the conference between the House and Senate over the budget, that possibly the House-passed numbers of savings might be difficult to attain, and certainly might be difficult to reach a negotiation between the House and Senate.

But they come to the floor today and basically say that we are going to eliminate the instructions in order to get waste and abuse in this government, and that none of the instructions, not one of the years over the next 10 years can we even find a penny.

Is it going to be hard to find the $300 billion? Okay, let us suggest it is. We made an attempt on our side in good faith to try and look at our programs called entitlements, which are nothing more than automatic spending, which has now basically engulfed the budget to the tune of about 60 percent of all our expenditures are automatic. We have nothing to say about them. We get sent to Washington to make judgments and choices, and those choices were made before us, a long time before us, in many instances.

As we do research on those programs, as we look and examine the programs, where we find challenges, where we find waste, where we find abuse, where we find problems, we even hire an agency called the General Accounting Office to do reports for us, and when we find those, we are not to challenge ourselves to reform those programs. We are not to challenge ourselves to find savings in those programs. We are not to challenge ourselves to look in every nook and cranny of the budget, or every nook and cranny of the Federal Government in order, at a time of challenge for our country, to find savings, so we can save taxpayers a little bit of money.

I do not know about the Members, but I just had to send in my taxes. That is not a fun experience for me, and I am sure it is not for any of my colleagues. I guarantee, Members, it is not for my friends back home in Iowa as they go visit the tax people.

So looking for a little bit of savings, looking for a little bit of waste and fraud and abuse, I thought would be a pretty worthy endeavor. We even put into our budget a couple of different items that we found kind of interesting.

We said that the Inspector General for the Department of Education has found that nearly 23 percent of the recipients whose loans were discharged due to disability claims were gainfully employed. Now, think about this a second. What the Democrats are coming here today and saying is, we cannot find any waste. But the Inspector General who works for the Department of Education has found 23 percent of the claims for disability benefits for education were actually employed, 23 percent.

Can we do anything about that? No, we cannot do anything about that. Heaven forbid we challenge the Committee on Education and the Workforce to go looking for that, so let us eliminate that instruction. Not the amount in the budget, not even a penny, we cannot even find a penny of waste in the Education Department is what the Democrats are saying.

Based on the data provided by the Office of Management and Budget, the Committee on the Budget estimates more than $8 billion in erroneous earned income tax payments are made every year, $8 billion of checks that go out to recipients in the United States, $8 billion.

Can we do anything about that? No, no, we cannot do anything about that. We do not want to challenge that. That is going to be real heavy lifting; we cannot do anything about that.

The Office of Management and Budget estimates there are erroneous payments for food stamps that account for almost 9 percent, 9 percent. With almost one out of every 10 people who get food stamps, something was erroneous about those accounts and those benefits. Can we challenge the Committee on Agriculture to go look at that? No, we cannot do that. Heaven forbid we will come down to the floor and scream that it is going to farmers, when we know full well that it is not.

We put in here that mismanagement of almost more than $3 billion in trust funds controlled by the Bureau of Indian Affairs led the Congress to take extraordinary measures to regain control of the funds because $3 billion were being mismanaged.

Can we find that? No, do not look there. There is no waste over there. Do not look over there. We cannot find any waste over there, not this year, not next year, not for the next 10 years, no waste.

There is no waste in Washington, that is what the Democrats are coming to the floor today to tell us. We cannot do any of that, too heavy. That is too heavy lifting.

Inspector General, Personnel Management, has documented numerous instances of the government continuing to make electronic payments for retirement benefits for the Civil Service Retirement system after the person died, meaning that people who work for our Federal Government, we give them a pension, and after they die, we care so much about the work they did for the United States Government we keep paying them.

But can we ask anybody to go look for that? No, we cannot do that. The motion to instruct says no, we are not going to do that. There is no waste in Washington. That is what the Democrats say, no waste in Washington. Eliminate that instruction. That is too hard. In fact, if it really gets hard, we will come down here and tell people that we are throwing seniors out of nursing homes, or that we are eliminating Medicare benefits, or that we are going to do a disservice to veterans.

In fact, we do such a service to veterans that last year 5,500 veterans received benefits from the Veterans Administration after they died. But can we go to the Veterans Administration? No, we cannot touch them. We do not want to do anything in that department. That is too heavy, that is too hard. Let us just keep paying them, because it is easier to send out the press release today saying, I supported the veterans, or I supported Medicare, or I supported Medicaid, or I supported farmers.

I do not think Members are supporting veterans when they pay them when they die. That does not make much sense. Pay them when they are alive, pay them for their service; there is not anybody who disagrees with that. We all agree with that. But to say there is not at least even a penny of savings over the next 10 years, I would like Members to go home and explain that to Members' constituents in a town meeting. I want Members to explain that they do not believe there is any waste in Washington, no waste at all in Washington.

What we are asking our committees to do is to go look for it and go find it. Is that going to be hard to do? Sure. Some of these are very politically sensitive areas, very politically sensitive, which is why today, for political intrigue and fodder, the Democrats rushed to the floor saying, we are supporting all of these constituent groups, and we are supporting them so much we will support them when there is mismanagement, when there is waste, when there is fraud within the system. We are not willing to challenge our committees to go and get that job done.

The second thing they say is that, what we are going to do about this is we are going to trim back the tax cut. The tax relief in the House-passed budget estimates it will create about 1.4 million jobs. How many jobs do Members want to create? Obviously, not 1.4 million. About half that? It is 1.4 million jobs. Why is it that they want to eliminate the opportunities under this growth package?

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And what is more important, going to your second point here about the Social Security trust fund, is that the best way to create money in the Social Security trust fund is to create workers. That is who pays the bills, who pays the Social Security money in the first place, the people who are working. The more people you create, the more jobs you create, the more people you have working, the more money that goes into the trust fund. And so by eliminating jobs by suggesting that you do not want to create these jobs at a time when our economy is struggling does the biggest disservice to the Social Security trust fund.

So I would rather you come here today and basically say that the General Accounting Office, which does all of these reports on the defense, food stamps, here is one on debt collection, here is one on the Defense Department again, public housing, here is a good one on the post office, Federal loans, defense again, foreign assistance, we have got travel cards in the Defense Department and across the country or across the government that are being abused. You do not want to do anything about that. You do not want to do anything about waste, fraud and abuse. That is what we are asking for. And so you come down here today, and you want to basically tie the hands of the conferees and say you do not want to instruct any of the committees to do this job.

Well, we reject that. We are not going to get, we know, all of the waste, fraud and abuse in the first budget, maybe not in the second budget. We may not get much at all, but you have got to start somewhere. And to suggest there is not even a penny, to basically say eliminate it all, eliminate any attempt to go find wasteful Washington spending, to me I think is a disservice. And so even though this is a nonbinding motion to instruct conferees and certainly the minority has an opportunity to come down here and make this motion, it really shows your cards.

It shows that you do not really have a concern about some of these programs and their usefulness, finding the waste and the fraud and abuse within our Federal Government. That is what it shows to me, and I think it shows that to the American people. There is not a person in America that does not believe there is waste in Washington. There is not a person, certainly not a person I have ever run into. I hope if there is somebody, you would let me know because I have not met one yet who does not think there is some waste in Washington.

But your motion to instruct conferees says no there is no waste in Washington. We do not have to do our work. Let us just keep this automatic spending going right on automatically down the line. Let us not worry about it at all. Let us not create those jobs. Let us back down the tax relief. Let us not create taxpayers so we can replenish the Social Security trust fund. Let us not do that, and let us continue on business as usual in Washington.

Well, we do not want to do that. We want to make sure that the conferees, I hope to be one of them, of course, continues to work for waste, fraud and abuse; and that is why we are going to continue that job even in the face of the Democrats coming here today suggesting that there is no waste in Washington.

Mr. Speaker, I reserve the balance of my time. I believe the gentleman has quite a bit of time remaining on his side for debate.

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time, and I yield to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, we are as concerned as any Member of this Congress about squeezing out waste, fraud and abuse. But we sincerely doubt that you can squeeze, ferret out $265 billion in waste, fraud and abuse. If you can, I would say to my colleague, where has the Republican majority been for the last 8 years during which you have controlled the House. Instead of having oversight, we have had overlook, if there is that much waste being accumulated in the Federal operation at this time.

Here are the cuts that are entailed by this resolution as it goes to conference: Agriculture, $18 billion. Waste, fraud and abuse, where is it? Education and the Workforce, Energy and Commerce, 107; most of that is Medicaid. Medicare, $62 billion. The total amount, $265 billion.

If you required these reconciliation savings to be accomplished and laid on the table before you passed your budget resolution, before you passed your tax cuts, they would have more credibility. But they lack credibility with me because if you are going to go ahead and have the tax cuts premised on adopting all of these $265 billion in savings just a few months afterwards, I do not think they will ever come to pass.

Mr. HOYER. Mr. Speaker, there is not anybody in here who is not against waste, fraud and abuse. Ronald Reagan ran in 1980, and he said he was going to save a lot of money by eliminating waste, fraud and abuse. The Republicans were in charge of the Senate. Ronald Reagan was President of the United States. Not once, not ever did Ronald Reagan have a veto of any appropriation bill overridden, not once that asked to spend more money.

He was in charge of the executive department. George Bush was in charge of the executive department for the 4 years following, for 12 years in a row. And, Mr. NUSSLE, you know what happened to waste, fraud and abuse? You quadrupled the national debt, I say to my friend who is trying to ignore me. You quadrupled the national debt from $985 billion to $4 trillion. Why did Mr. Reagan and Mr. Bush not eliminate waste, fraud and abuse?

And then what happened? Bill Clinton came to town, elected President of the United States, and what happened in those 8 years? For 8 years in a row the deficit came down, for 4 years; and then the surplus started going up until 2001. We had 4 years of surpluses for the first time in 80 years. And then what happened? President Bush came to office. Mr. NUSSLE became the chairman of the Committee on the Budget, and we have reescalated the debt.

This budget proposes the largest debt in the history of this country. This budget is an April fool, a cruel hoax and joke on the American public. And what does the chairman of the Committee on the Budget do? He brings these little blue books. They are important books. The question I wanted to ask you, Mr. NUSSLE, and just an answer, is I am sure your committee staff has added up how would the savings if every piece of waste in those blue books was effected would it provide us. How much, Mr. NUSSLE?

Would it provide the 18 billion you want to take away from farmers who are attacked by drought? Would it take away the money that you are going to reduce school lunches by? Student loans by? Would it provide for the Medicaid that you want the Committee on Energy and Commerce to cut? Would it provide for the Medicare that your own committee has jurisdiction over?

Now, Mr. NUSSLE, it is April Fool's Day but do not take us for fools, because with all due respect, you offered a budget last year. Now you complained it did not pass, but in years past we have deemed adopted the House-passed budget and passed bills.

Again, the chairman of the Committee on the Budget ignores me. It is a shame because, my friends, 11 of the appropriations bills did not pass this

House last year. Why? Because they could not get them within the budget. The budget that Mr. NUSSLE offered is not a real document. It is an April fool's joke. It will never be adopted. Never. And, Mr. NUSSLE, I believe you know it. I believe you know that the document that you have provided is unsustainable politically because the American public will reject it out of hand because they do not believe that that railroad retirement and people who work hard for their retirement should be cut. They do not believe that Social Security should be cut. They do not believe that Medicaid should be cut. They do not believe that Medicare should be cut.

The motion to instruct will make it a real budget and turn an April fool's joke into a real document for America.

Mr. Speaker, it is indeed fitting that on this, April Fool's Day, we're voting on this motion to instruct on the House GOP's phony and foolhardy budget.

Why?

Because the fact of the matter is: This GOP budget is a dishonest document designed solely to fool the American people.

To fool them into believing that this Republican Party really does care about balancing the budget, controlling deficits and reducing debt.

To fool them into believing that our nation—which is now prosecuting a war of unknown duration and undetermined costs—really can afford the President's $1.4 trillion tax plan.

And, to fool them into believing that the Members who sit on the Republican side of the aisle really have the courage of their convictions.

Let me ask you: will you really vote to cut Medicaid funding and the Children's Health Insurance Program by $94 billion?

Will you really vote to cut school lunches for poor children and student loans by $9.4 billion?

Will you really vote to cut railroad retirees' pensions and Agriculture programs such as Food Stamps and Farm Support Payments?

And, with our brave armed forces now on the field of battle risking their lives to defend freedom and combat tyranny, will you really vote to cut veterans' benefits by $14.6 billion?

Some of you actually might.

But we all know that most of you have absolutely no intention of walking the plank and voting for legislation that would implement these draconian funding cuts.

Thus, today, we're engaged in nothing more than a cynical charade.

You get to pretend that you're for balanced budgets and enormous tax cuts, too.

That's not leadership. That's a conscious evasion of the responsibility to level with the American people—to tell them that we cannot afford everything—and a deliberate decision to pass the costs of this reckless tax plan onto the next generation.

I urge all of my colleagues—including those on the Republican side of the aisle who are still nursing sore arms after the vote on the budget resolution two weeks ago—to vote for the Spratt motion to instruct.

That motion—which instructs conferees to reject these proposed and clearly unpassable and untenable funding cuts—is an honest one and based in reality.

Everyone of us knows that this GOP budget is not.

Mr. NUSSLE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I was watching this debate, and I was very intrigued by the Democrat's motion to instruct. And as I look at this motion to instruct and I want to yield to the chairman of the Committee on the Budget to answer, if he sees this as what I see this. This looks like to me that the Democrats are suggesting that we have attacked an economic growth package that sets out a number of about $514 billion. Is that correct, Mr. Chairman?

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the gentleman from Texas (Mr. DELAY) is correct. If you take the tax number in the bill in the resolution at 726 and what the gentleman from South Carolina's (Mr. SPRATT) motion to instruct conferees backs out, which is $212 billion of what they say, you know, there is no waste in Washington, yes, you would arrive at a tax number of about $514 billion.

Mr. DELAY. So from what the chairman is saying, Mr. Speaker, is that the Democrats of this House are suggesting that the tax number be $514 billion. I might be able to take that, Mr. Chairman. I am a little concerned that in the motion to instruct to continue spending, and I know that the minority loves to spend and they want to continue to spend; and we tried to as we pointed out in the House budget, that it was important not only to get the economy going again but also to show some fiscal restraint in the way the Federal Government spends money around here, and we wanted to go after waste, fraud and abuse and efficiencies and reforms, not cutting programs, but trying to squeeze out, out of this bureaucracy in Washington, D.C. the kind of savings we could find, anywhere we could find them, so that we could show some spending restraint and at the same time have an economic growth package.

So if the minority is suggesting that we go to conference and we go to conference with a number that seems to me to be a floor on the tax bill of $514 billion, having faced in conference that the House has a number of 726 and the Senate has a number of 350 billion, I might take that. I might take that right now. I think we could do some really good stimulative effect with $514 billion. We could go in there and make sure that the accelerated experiencing for small business people to be able to go out and buy equipment and start people making equipment would be there. We might be able to do something on capital gains. We all know through history that lowering capital gains rates always stimulates the economy and provides for long-term growth. And frankly, at 514 billion we could probably fool around a little bit with the double taxation dividends and even get something like that in there.

So I just might vote for this. I am going to look at it a little closer, but I just might vote for this motion to instruct because I for the first time am noticing that the Democrats are suggesting that we have a $514 billion tax relief package, and I think we could do a lot with that.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, I want to make sure I understand what you are saying because I certainly want to defend the budget that I helped pass. While this technically is a nonbinding motion, I want to understand what we are suggesting here.

The Democrats are coming here and basically suggesting that even though we do not want to reduce the tax number, that they would be willing to go to $514 billion. I do not like that number. I would rather stay at 726. I met very briefly with the chairman of the Senate budget committee today, and I told him that is what I am still interested in doing. But if we can get some agreement here, if the Democrats are willing to come to the floor today and support a number in the tax bill of $514 billion, at least that would be a more positive signal than what came out of the Senate.

So I still believe there is waste in Washington. I hate the first instruction in here that says that over the next 10 years we cannot even find a penny of waste, is what the Democrats said, not a penny. Nowhere is there waste in Washington. I hate that instruction. Of all of the instructions, that is the one that probably turns my stomach more than any of them. But if the majority leader is interested in this, I certainly would be willing to consider agreeing to the motion and urging my colleagues on both sides of the aisle to agree to a number of about $514 billion.

Certainly at a time when Americans across the country are looking to get back to work and we are looking to try and create jobs, a tax number of $514 billion is certainly, probably a good day's work. So I appreciate the gentleman analyzing the amendment and coming to that very interesting conclusion.

You know what will be interesting now, to see whether or not the Democrats even support their own motion.

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I have a suspicion that the Democrats do not even support $514 billion.

Mr. DELAY. Mr. Speaker, reclaiming my time, obviously we are going to have to give them the opportunity to express themselves, but the chairman knows that I want to restrain spending, too, and I want to find that waste, fraud and abuse myself. Just because we have a motion to instruct that says we want to do that does not mean the chairman has to negotiate that way on that particular portion.

But to have the Democrats support a $514 billion tax cut, I think that strengthens us in conference because all throughout the debate, all I heard is, they did not want any of it, they wanted to spend it all. In fact, in their proposal, they wanted to raise taxes in order to bring down the deficit, which I think is a flawed way to go, because we have seen in the past that when we raise taxes and keep spending, the deficits keep going.

The point is, now we have a revelation here where the Democrats want $514 billion. We could do that and we can still fight, or the chairman could fight in the conference committee for those spending restraints that we all want and come out of conference with a $514 billion tax number and still have the spending.

I think the Democrats may have something, and I am going to think real hard about this.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 1½ minutes to make a few things clear before I yield to the gentlewoman from California (Mrs. CAPPS).

First of all, as to the tax cut level sought by the resolution that is now going to conference, this resolution has two different provisions with respect to tax cuts.

First, they say, reconcile the passage by a date certain of the President's request for $726 billion of additional tax cuts. Second, in their revenue assumptions and elsewhere, they assume that we will pass and permanently enact the tax cuts that were enacted by the House in June of 2001. When we add those two together, the total amount of tax reduction called for by this resolution is $1.35 trillion, not $726 billion. That should be made clear.

Secondly, we have proposed tax cuts. We would like to have some tax cuts to go to the pockets and hands of people who are likely to spend it and give this economy a boost. On January 6, we proposed just such a rebate, along with some business tax cuts, accelerated appreciation, immediate expensing in order to give this economy a kick.

Thirdly, let me say with respect to these spending levels, Agriculture, Education, Energy and Commerce, which is Medicaid, Transportation, Veterans Affairs, Ways and Means, which is Medicare, as with respect to all of those, Mr. Speaker, we simply seek to restore the level of spending in these programs to the level sought by the President for the veterans and for Medicare beneficiaries.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my distinguished ranking member for yielding me the time, and Mr. Speaker, I rise to support the Democratic motion to instruct conferees so that we can fix the budget so narrowly passed by the House of Representatives, a Federal budget that is supposed to reflect our values and our priorities, but this House budget resolution does not do that and so we need to change it.

The Republican budget resolution embraces the administration's irresponsible tax cut package at the expense of our Nation's health care needs. This is part of our national security, our health care security, and despite the protests of many Members of this Chamber, the majority resolution still requires Medicare and Medicaid to be cut, Medicaid to be cut by $93 billion, and the appropriating committees are charged to either cut Medicare by almost $200 billion or to shortchange an already weak prescription drug coverage benefit. Terrible choices.

These cuts endanger health care for almost 90 million Americans, among them the most vulnerable members of our society. This is unconscionable. This does not reflect American values.

As we move toward conference, we need to eliminate these terrible cuts, and among them, these health care cuts include cuts to our veterans, even as we are sending our young men and women off to war, and they will one day come back to be our Nation's veterans. We are cutting health care benefits to today's veterans, wheelchair bound, frail, elderly. Promises made should be promises kept.

We need to reflect America's values in our budget, in our budget resolution, and we need to support the Democratic motion to instruct conferees so that we can do that.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of our time on this motion to instruct conferees on a $514 billion tax cut.

Mr. SPRATT. Mr. Speaker, once again, I yield myself 30 seconds just to make it clear.

We do not propose and would not have our motion construed to say that we are adopting a $514 billion tax cut or any level of tax reduction. We are saying that the tax cut ought to be adjusted accordingly after restoring these entitlement cuts that we have proposed in the motion to recommit.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time.

We are watching quite a performance on the other side this afternoon. First, we had the Budget chairman trying to explain away the vicious cuts they have made to programs as vital as veterans services. Imagine that, passing a budget that cuts veterans services, right in the middle of the Iraq war. It was unconscionable and unthinkable. Small wonder he tried to talk all around what they have done without ever really owning up to what is the issue before us.

Then the majority leader comes to the floor. He tries to totally redefine the motion that is advanced and before us. It looked a little to me like they are waving the white flag, that they do not have the votes to beat this motion because who, in the light of day, can vote for the cuts to veterans services, to Medicare, to Medicaid and to our Nation's farmers in the agricultural account.

There was no other budget advanced, not the administration's, not the Republican-controlled Senate's, that had this measure of cuts. It was a phenomenon of the House Committee on the Budget, led by the chairman and endorsed by majority leadership.

I view always as one of the darker moments of my time in the House the vote to support our troops taken at 2:30 in the morning followed by, 15 minutes later, the passage of the budget which cut the funding of veterans services. Frankly, it was a high water of hypocrisy in a Chamber that sees a good bit of hypocrisy.

We have got to reject these cuts, and this is what this motion before us does today. Reject the cuts to veterans services. Reject the cuts to agriculture. Reject the cuts to education. Reject the cuts to Medicare. That is the issue before us, and I will be very pleased if we can have a strong bipartisan vote overturning the really ill-advised direction the House budget would take us down.

Let us have a bipartisan vote on the motion to instruct.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of our time on the Democrat motion to cut taxes by $514 billion.

The SPEAKER pro tempore (Mr. ISAKSON). For the benefit of the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT), the gentleman from Iowa reserves the balance of his time, which is 12½ minutes. The gentleman from South Carolina has 12 minutes remaining.

Mr. SPRATT. Mr. Speaker, once again, I yield 30 seconds to myself to say that in no way can this resolution be construed to support a tax cut of $514 billion. If the gentleman wishes to put that construction upon it, I am here to say, as the author of it, it does not apply. We do not support such a tax cut. We have supported tax cuts to boost the economy, but not the tax cuts that this budget resolution proposes because it would drive a deficit deeper and deeper into debt.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, it is interesting when we talk about people saying they are against cutting waste, fraud and abuse. We are all for doing everything we can to cut waste, fraud and abuse, and I would suggest to my colleagues on the other side that possibly we should look at waste, fraud and abuse and use those dollars for tax cuts that we find.

Again, I want to reiterate, the maker of this motion is not talking about tax cuts. What he is talking about is restoring funds to some of those programs that are vital to the United States.

Here we are 2 years after Members from both sides of the aisle pledged to leave no child behind, and yet the House majority has approved budget cuts of over $9 billion from Leave No Child Behind. The budget passed by this House proposes cuts in so many vital education programs I do not even know where to begin.

After-school programs: After-school programs have been one of those programs that have done more to help keep children getting into our juvenile system than anything else. It has cut higher education funding. It cuts teacher quality training. It cuts rural education. This budget cuts money from everywhere in education.

When we passed Leave No Child Behind, we demanded more from teachers and students, but this budget would cut billions that would help teachers and students prepare to meet the new tougher standards imposed by the Federal Government. If we are going to demand more from our education system, we need to provide schools with adequate resources to meet those demands. We fool ourselves and cheat our students when we impose higher standards without providing the money necessary to achieve those standards.

Our schools are in dire straits right now. I do not know about the rest of my colleagues, but I know Oregon schools are. I visited a lot of schools throughout my district and the State, and there are schools that are literally falling down. Teachers are using closets as extra classroom space. Kids are sitting on heaters for lack of room.

At a time when State budget crises are forcing schools to lay off staff, increase class sizes and cut days off the school year, the Federal Government is once again failing to live up to its commitment and fund the laws that we have passed.

I do not understand why Congress would spend a year reforming our education system only to turn around and fail to provide States with the money needed for those reforms. We need to fund the No Child Left Behind Act. We need to fund the Individuals With Disabilities Act. Twenty-eight years ago, we promised we would fund 40 percent of that program; we do not even fund half of that. To my State, it would mean $120 million more a year. That is a lot of money to our State.

We need to fund student financial aid. Instead, this budget cuts school lunches, student loan programs, after-school programs, increases class size and diverts public funds to private schools. This is not what we need to improve the education of our students.

Mr. Speaker, I urge my colleagues to vote in favor of the motion to instruct and in favor of increasing education funding and living up to its commitment and living up to its promises.

Mr. NUSSLE. Mr. Speaker, I reserve the time on the Democrat motion to cut taxes by $514 billion.

Mr. SPRATT. Mr. Speaker, I yield myself 45 seconds to say the gentleman is willfully misconstruing this resolution, and if he will simply read his black letter language, he will find out not only do we restore $214 billion of programs like Medicare and Medicaid to be at the level the President requested, we also provide for the Breaux amendment to be adopted and incorporated so that $396 billion can be taken out of the tax cuts and assigned to the solvency of Social Security. That is Section 319 of the Senate budget resolution which we are asking the House to accede to.

Add those two together, it is about $700 billion. That is about the size of the tax cut. This is not an endorsement of that tax cut in any way, shape or form.

Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT).

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Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time and would just want to point out, Mr. Speaker, this chart, which shows in stark terms what the budget deficit looked like over the years, until 1993, when this green box right here shows the Democratic plan to a surplus, and in 1 year we are back to worse than where we were. I would point out that this chart was done before the supplemental war budget, which has no way to pay for itself, so the red ink would go even $70 billion further down than this chart.

Mr. Speaker, because of the tax cuts that caused this drop, we are having to do spending cuts; spending cuts like cuts in school lunches, Pell Grants, student loans, health care, and veterans benefits. That is right, over $14 billion in veterans benefit cuts will be restored if the motion to instruct is adopted.

Mr. Speaker, what are some of those cuts? Fraud, waste and abuse? No, they are cuts in disability compensation, pensions, GI bill benefits, housing subsidies, and burial funds. This is an unconscionable attack against our military personnel at a time when they are deployed in Iraq.

And Mr. Speaker, some say that we could get this through eliminating waste, but the President of the United States does not need funding cuts to stop paying benefits to people that are ineligible for benefits. This budget will cut benefits for eligible veterans.

Now, what do some of the veterans groups say? Letters to the Speaker from the American Legion, Veterans of Foreign Wars, and Disabled American Veterans say that "we recognize that our country has serious budget problems, but cutting already underfunded veterans programs to offset the cost of tax cuts is indefensible and callous."

The Disabled American Veterans wrote, "Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care, and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemen are in harm's way fighting terrorists around the world, and thousands more of our sons and daughters are preparing for war against Iraq."

And what do the Paralyzed Veterans of America say? They say, in a letter to the Speaker, "The House Committee on the Budget proposal also calls for cutting $15 billion over 10 years, $463 million in fiscal year 2004 alone, in VA mandatory spending under the guise of eliminating 'fraud waste and abuse.' We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans, and GI benefits for soldiers returning from Afghanistan to be fraud, waste, and abuse. Fifty percent of the spending in VA entitlement goes to monthly payments to those veterans and their survivors. The House Committee on the Budget plan, if approved, would force cuts in each of these programs."

Mr. Speaker, listen to our veterans, support our troops, and pass the motion to instruct conferees.

Mr. Speaker, I submit for the RECORD the letters I just referred to.

MARCH 17, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVE PELOSI: As so many of our nation's finest men and women are poised for possible war in the Persian Gulf region, fighting a global war on terror and defending our ideals at home and abroad, Congress is considering budget cuts that would deny sick and disabled veterans much-needed medical care and other earned benefits.

The House budget resolution proposes reducing both mandatory and discretionary spending for veterans programs and services by $15 billion over the next 10 years. Especially appalling is a proposed 1 percent cut in mandatory spending, including veterans disability compensation and pensions, which is the main source of income for many veterans.

We point out that the monthly compensation for 3.3 million veterans and survivors increased just 1.4% this year. That is the smallest cost-of-living adjustment in three years. Now, with soaring energy costs driving up prices for other goods and services, it is callous and indefensible to propose slashing these benefits.

We recognize that our country has serious budget problems, but cutting already under funded veterans' programs to offset the costs of tax cuts is indefensible and callous.

Congress must rethink drastic cuts in benefits and services for disabled veterans at a time when we have thousands of our service members in harm's way fighting terrorism around the world and when we are sending thousands more of our sons and daughters to fight a war against Iraq.

RONALD F. CONLEY,
National Commander, The American Legion.
RAY C. SISK,
Commander in Chief, Veterans of Foreign Wars.
EDWARD R. HEATH, SR.,
National Commander, Disabled American Veterans.

DISABLED AMERICAN VETERANS,
March 17, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write today on behalf of the 2.3 million disabled veterans, including the more than 1.2 million members of the Disabled American Veterans (DAV), to communicate our deep-seated outrage regarding the fiscal year 2004 budget adopted by the House Budget Committee, which would cut veterans programs by more than $15 billion during the next 10 years.

Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our nation's heroes and rob our programs—health care and disability compensation—to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemembers are in harm's way fighting terrorists around the world and thousands more of our sons and daughters are preparing for war against Iraq.

The budget adopted by the Committee, on a nearly party-line vote, would reduce funding for veterans health care by $844 million below the President's recommendation for next year. It also proposes to cut $463 million from benefit programs, such as disability compensation, pension, vocational rehabilitation, education and survivors' benefits, next year and $15 billion over the next 10 years. The budget proposal is in distinct contract to the recommendations made by the Committee on Veterans' Affairs to increase discretionary programs, such as yeterans health care, by $3 billion to help ensure that our nation's sick and disabled veterans can be cared for properly.

Mr. Speaker, you are personally aware of the crisis in veterans health care and the urgent need to adequately fund the Department of Veterans Affairs (VA) health care system. If you, in your leadership role in the House, allow this budget proposal to pass the House without exempting VA programs from the massive cuts, it could mean the loss of 19,000 nurses, equating to the loss of 6.6 million outpatient visits or more than three-quarters of a million hospital bed days. But that is not all of the devastation that will be caused by the proposed cuts. You will be reaching into the pockets of our nation's service-connected veterans, including combat disabled veterans, and robbing them and their survivors of a portion of their compensation. Ninety percent of VA's mandatory spending is from cash payments to service-connected disabled veterans, low-income wartime veterans, and their survivors.

As hundreds of thousands of America's brave young men and women await the uncertainties brought on by war, including the potential of biological and chemical attacks at the hand of a fanatical tyrant, they should not have to also be concerned about the discouraging possibilities of a Department of Veterans Affairs that cannot provide either the necessary services or benefits they have earned and might need. Nor should World War II veterans, the "Greatest Generation," now in their twilight years, who are directly responsible for the freedom and prosperity of our nation, be forced out of a system designed specifically to provide for their needs.

All eyes will be on the critical action of the House this week as you vote on the budget. With America's sons and daughters prepared to do battle with the enemies of our country, and our veterans locked in battles over the crisis in VA health care and drastic cuts to our programs, the American public will want to know whether our government will honor its commitment to our veterans and to their children—our future veteans—serving in harm's way.

There is no question that the vote on the proposed budget is an important vote, one that will set the tone for the remainder of this Congress, and likely the next Congress.

Mr. Speaker, this budget dishonors the service of millions of service-connected disabled veterans, including combat disabled veterans, and seriously erodes the nation's commitment to care for its defenders. If this budget resolution retains provisions to cut veteran's programs, I will use all the resources at my disposal to take our case to the American people and call upon members of Congress to oppose and vote against the budget resolution. I urge you to reconsider the inequitable and ill-advised course proposed in the Committee's partisan budget proposal. I look to you, in your leadership position, to ensure that this Congress honors our government's commitment to its veterans.

Sincerely,

EDWARD R. HEATH, Sr.
National Commander.

PARALYZED VETERANS OF AMERICA,
Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: On behalf of the members of Paralyzed Veterans of America (PVA) I am writing to express our profound objection to the provisions contained in the FY 2004 Budget Resolution as approved by the House Committee on the Budget that would cut veterans health care and benefit programs by nearly $25 billion. The proposal, if implemented, would have a shocking effect on VA health care services and would be an affront to millions of veterans facing reductions in their health care, compensation, pension and education benefits.

The FY 2004 budget proposed by the Administration is already inadequate to meet the health care needs of veterans. The proposal, approximately $1.3 billion above the FY 2003 appropriation, would not even cover inflationary impact and anticipated salary increases for VA health care workers. That budget proposal already relies too much on unrealistic management efficiencies, increased copayments, a new annual enrollment tax on certain veterans using the VA health care system and other "efficiencies" such as eliminating 5,000 VA nursing home beds. If the House Budget Committee plan is approved, Congress would have to vote to further block health care eligibility for hundreds of thousands currently eligible veterans, and drastically increase waiting times for health care and benefits adjudication. A cut of this size would force the House of Representatives to vote for a budget that would call for a loss of 9,000 VA physicians equating to a loss of nearly 900,000 days of hospital care.

The House Budget Committee proposal also calls for cutting $15 billion over ten years, $463 million in FY 2004 alone, in VA mandatory spending under the guise of eliminating "fraud, waste and abuse." We do not consider payments to war-disabled veterans pensions for the poorest disabled veterans and G.I. Bill benefits for soldiers returning from Afghanistan to be "fraud, waste and abuse." Ninety percent of the spending for VA entitlements goes in monthly payments to these veterans and their survivors. The House Budget Committee plan, if approved, would force cuts in each of these programs.

Mr. Speaker, budget resolutions set spending priorities. We find it hard to fathom that veterans would not be a priority to the Budget Committee, or the leadership of the House of Representatives. We know that forcing spending cuts on veterans in order to pay for other priorities, such as large tax cuts, would not be the priority of the American people. Hundreds of thousands of this country's men and women in the Armed Forces are poised to invade the country of Iraq in defense of the United States. In defense of them and their best interest, we must strongly object to this Budget Resolution in its entirety if the magnitude of these cuts in veterans benefits and services is sustained in any fashion. The vote on this budget resolution will be closely watched by our members and all veterans.

Sincerely,

JOSEPH L. FOX, Sr.,
National President.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. THOMAS), the very distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in part because I have just now read the motion to instruct conferees. The ranking member on the Committee on the Budget had indicated that perhaps there were some misrepresentations by a description of what some of the black letter language was. If the gentleman would be willing to respond to some questions that I have, it might assist us in understanding, or at least it will assist this gentleman from California in understanding.

When, for example, on page 5 the gentleman indicates that we be instructed to eliminate the reconciliation instruction, that means to remove the 1 percent across-the-board cut; is that correct?

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, it means it is to remove, in the case of agriculture, a reduction of $18 billion.

Mr. THOMAS. That is 1 percent across the board.

Mr. SPRATT. If the gentleman would be so kind as to let me finish answering his question.

Mr. THOMAS. Reclaiming my time, Mr. Speaker, if we are going to go through each of the committees, that will eat up my entire time.

The instruction was a 1 percent.

Mr. SPRATT. We are seeking to restore to the level the President requested Medicare, Medicaid, education.

Mr. THOMAS. Reclaiming my time, it does not say restore to. Reading the black letters in front of me, it does not say restore to the President's request. It says eliminate the reconciliation instruction, not restore to the President's request.

So it is clear, then, it is the removal of the 1 percent no matter what they may say they mean based upon that language.

Then when we drop down further and the gentleman talks about the managers receding to the Senate on section 319. It was described, I understand, as the Breaux amendment. The Breaux amendment is in two sections. One section is to cut by $396 billion, the other is to create a reserve fund to strengthen Social Security.

My assumption is that when the gentleman refers to 319, not tying it to the money number that was included in the Breaux amendment, he is referring only to the creation of a reserve fund or a lockbox for Social Security; is that correct?

Mr. SPRATT. In the amount of $396 billion, which would be deducted from the gentleman's tax cut. We would instead invest it in the insolvency of Social Security.

Mr. THOMAS. Does that language include the $396 billion which was included in the Breaux amendment?

Mr. SPRATT. If the gentleman will continue to yield, section 319 reads, "If legislation is reported by the Senate Committee on Finance, or if an amendment is offered or conference report is submitted to extend the solvency of the Social Security trust funds, the chairman of the sitting Committee on the Budget may revise the aggregates, the functional totals, the allocations and limits by up to $396 billion in budget authority.

Mr. THOMAS. In other words, Mr. Speaker, this is an attempt to create a lockbox to preserve Social Security.

And then, no matter how much the gentleman may not like the explanation, when we read the black letter language, what it says is that instead of a $1.3 billion reduction in taxes, there will be a $1.1 billion reduction in taxes, and it in no way addresses the $726 billion amount that was included in the House budget resolution.

That is not discussed, nor is it altered by this motion to instruct. There may be an attempt through language on the floor to convey that that is the intent; but as the gentleman requested, if we read the black letter language in front of us, the $726 billion budget cut for taxes is retained. It is a removal of the 1 percent cut across the board, and it is to create a Social Security lockbox. That is what they are attempting to do.

Mr. SPRATT. Mr. Speaker, I yield myself 1 minute to correct the gross misstatement the gentleman just made as to the construction of this motion.

If he will read on, the last sentence says, "and that such managers be instructed to address the revenue levels by the amounts needed." "To adjust the revenue levels by the amounts needed to offset the cost of the instructions in paragraphs 1." Those are the entitlement reclamations. "The restoration of the entitlement expenditures." And two, that is the Breaux reserve fund. To adjust the levels of revenues in this resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this is a most extraordinary debate. Where I come from they mean what they say and they say what they mean.

Let us look at this debate. In the first 10 minutes, the chairman of the Committee on the Budget talks against the resolution. He is surprised by the majority leader, who comes to the floor and says, you know, I think we can go for this, even while the chairman of the Committee on Ways and Means tries to parse the language.

It is quite clear they are a little uncertain of what to do. What is this all about? It is because cuts to veterans services do not stand the light of day. And this is not 2:30 in the morning. This is in the afternoon, with America watching and our country at war. So it is time we pass this resolution and reject the cuts to veterans services contained in the majority budget.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to say, no, that is not what it says. It says cut taxes $1.1 billion and freeze veterans benefits. That is what the other side's motion to instruct says.

You have to read it. You wrote it; you read it. I do not like it, because, quite honestly, I think our budget was better. But if the other side is going to instruct us, at least know what you are instructing us. You are instructing us to freeze on spending at 2003 levels, and you are saying cut taxes by at least $1.1 trillion. That is what the letter of the law in the instruction says.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I believe we have the right to close.

The SPEAKER pro tempore (Mr. LATOURETTE). That is correct.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the vice chairman of the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I did not think that the last speaker, a colleague who used to be for controlling the growth in spending, would be advocating spending so much.

When we were in the Committee on the Budget voting out this bill, my Democratic colleagues came out with a total of $982 billion of new spending over the next 10 years. That is far more than the amount of the tax cut. It would not have helped reduce the deficit. It was simply more government spending.

Only in Washington when we spend more money do people call it a cut. The total budget is going to go up 3 percent. Medicare is going to go up 7.9 percent. Veterans spending is going to go up 6.9 percent, but they called it a cut. They call a $3.97 billion increase a cut when it is actually an increase of 6.9 percent.

I believe that during the time I was on the Committee on the Budget we had some clear delineation. We wanted to cut taxes. Our Democratic colleagues did not want a cut in taxes; they wanted to spend more. We never had a debate with President Clinton in which he thought we were spending too much. It was always that we needed to spend more, and that is the dialogue that is happening now. Then some of my conservative colleagues on the other side of the aisle are saying they cannot, in some areas, have a 1 percent cut in the budget for 1 year and then allow it to go back on its trail of new spending.

I was proud of what the Committee on the Budget did. I would have liked for us to stay on that issue. I would have liked for us, for 1 year, to take a deep breath and show at least some of what local communities are doing, where Governor Richardson in New Mexico is cutting spending and cutting taxes. He happens to be a Democrat doing what Republicans usually do.

In my judgment, we should control the growth of spending, take a breath for a year, cut taxes and grow this economy. But instead, what we are seeing once again are my Democratic colleagues saying we are not spending enough. We need to spend more and more and more. I think we need to do what they are doing on the State and local levels: suck it in a little bit, control, and spend 1 percent less on nondefense, non-homeland security and get our country's financial house in order. That is what I believe we should be doing.

Whether or not my colleague on the other side of the aisle is supporting a $514 billion tax cut or a $700 billion-plus tax cut, the bottom line is we need a tax cut to grow this economy. This side of the aisle is not going to be like President Hoover. We need to move this economy forward. That is absolutely essential.

Mr. SPRATT. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 5 minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 3¼ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of our caucus.

Mr. MENENDEZ. Mr. Speaker, today must be April Fool's Day, because what I hear in this debate is our Republican colleagues renouncing their budget and, in essence, accepting ours.

This motion to recommit is about values. Mr. Speaker, what message is the Republican majority sending our brave men and women fighting in Iraq even as we speak when it cuts $14.6 billion in veterans benefits in the budget resolution; when it cuts the health care and disability compensation even as hundreds of thousands of men and women are deployed in the Middle East risking their lives for America, even as dozens of our wounded troops are airlifted back to hospitals in Germany and the United States?

The Republican value is very clear, as is their message: fight for us today, but we cannot make any promises to you about tomorrow. And that is exactly what their budget does. In fact, the Disabled American Veterans described the House Republican approach in the following terms by asking, "Has the Congress no shame"?

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Mr. Speaker, Republicans choose to dishonor the sacrifices of our Nation's heroes and rob our programs to pay for tax cuts for the wealthy, and it is a real shame. These young men and women may well depend upon the benefits they are seeking to cut.

This weekend, I was fortunate enough to visit 7,000 troops at Fort Dix, New Jersey, 7,000 men and women, 7,000 sons and daughters, 7,000 mothers and fathers about to be deployed to Iraq. They were unanimous in their dedication and selflessness, and they are ready to perform and perform proudly. But soldiers do not pick the battle or the place or the time. They just respond to the call. We should respond to the call by rallying behind them and those that served before them, our veterans.

Mr. Speaker, this motion to recommit is that opportunity. Try telling them that they are part of waste, fraud and abuse. The other side had 8 years of Republican control to root out that waste, fraud and abuse, and Republicans did nothing. Do not do it on the backs of veterans today. Vote for the motion to recommit.

Mr. Speaker, I thank the distinguished gentleman for not only yielding time, but for offering this most important motion to instruct conferees on the Fiscal Year 2004 Budget Resolution.

What message is the Republican Majority sending our brave men and women fighting in Iraq even as we speak, when it cuts 14.6 billion dollars in Veterans' Benefits in the Budget Resolution?

Cuts to health care and disability compensation, even as hundreds of thousands of men and women are deployed in the Middle East, risking their lives for freedom and democracy?

Cuts to health care and disability compensation, even as dozens of our wounded troops are airlifted back to hospitals in Germany and the United States?

The Republican Budget's message is clear: Fight for us today, but we can't make any promises for tomorrow.

And that's exactly what their budget does—in fact, the Disabled American Veterans described the House Republican approach in the following terms:

"Has the Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our nation's heroes and rob our programs . . . to pay for tax cuts for the wealthy?"

It is a real shame. Our men and women in uniform are fighting in Iraq or are about to be shipped out to the Middle East, and Republicans are suggesting cutting benefits many of these young men and women may depend on upon their return.

This weekend I was fortunate enough to visit 7,000 troops at Fort Dix in New Jersey; 7,000 men and women; 7,000 sons and daughters, mothers and fathers, about to be deployed to Iraq.

They were unanimous in their dedication and selflessness—they told me that, no matter what their personal views may be on this war, they will fight honorably and will make us proud.

I wish the Republican Leadership had even an iota of their bravery, selflessness and dedication. But instead, it turns its back on these troops, their families, our communities, and, worst of all, our veterans.

Soldiers don't pick the battle. They don't pick the place. They don't pick the time. they just respond to the call, and we should respond to the call by rallying behind them, and those that served before them, our veterans.

Mr. Speaker, I believe all of us who say we support our troops and veterans should be on this floor supporting this motion when the time comes. I urge my colleagues to vote for the gentleman's motion to instruct.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, the previous speaker should have saved that debate for the debate on the budget. We are debating a motion to instruct conferees.

I have to admit to the gentleman from South Carolina I did misread this. I thought he was eliminating all the cuts, 1 percent across the board. Indeed, what he is doing is freezing. I am willing to accept that. I will take a freeze over the cut. It is still spending restraint, and I will do that.

Secondly, in the provision, the gentleman is right. I thought it was $212 billion out of the $726 billion tax relief, but as I read it and analyze it, it is $212 billion from $1.4 trillion that is in the budget. So we lower the tax number down to $1.2 trillion, more than enough to accommodate the President's economic growth package. I am going to support this motion to instruct, and I ask the gentleman from South Carolina (Mr. SPRATT) in the interest of bipartisanship, I am willing to work with the gentleman on this motion to instruct and ask the gentleman if he is going to call a voice vote on the motion.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I intend to ask for a recorded vote.

Mr. DELAY. Then it is obvious this is nothing but a political operation. If the gentleman calls for a recorded vote on this, it is all politics on the other side. The problem is, they so poorly wrote this that now the Democrats are going to support freezing the budget to 2003 levels of all these committees, and give us enough of a tax number to accommodate the President's package.

I am all for it, and I am going to vote with the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for his tremendous leadership once again in putting forth a proposal that reflects the values of our country. Even the gentleman from Texas (Mr. DELAY), the majority leader, has to admit the gentleman is right on his motion to instruct.

Mr. Speaker, I rise in strong support of this motion to instruct the budget resolution conferees to reject some of the most harmful cuts in the Republican budget.

Mr. Speaker, the Federal budget should be a statement of our shared national values. We should allocate our resources to those proposals and initiatives that are important to our country. The budget passed by the Republicans in the House certainly does not meet that standard. I am not even sure they understand what they passed in the House.

But what we do know is that when the President sent his budget to Congress, we thought we had seen the worst of it. The Bush budget shortchanges veterans, seniors, children and the environment to pay for his tax cut. But the worst was yet to come. The House Republicans did the President's budget one better, or one worse as the case may be, and made even deeper cuts in education and issues relating to seniors. The difference is significant.

President Bush's budget is not balanced. He pays for his tax cut by adding more than $2 trillion to the deficit. It is reckless and irresponsible.

House Republicans have shown us that the only way they can pay for the President's reckless and irresponsible tax cut and balance the budget by 2012 is to slash veterans benefits, slash student loans, slash the school lunch program, and slash Medicaid. Slashing those priorities in order to give every millionaire in this country a $90,000 tax cut, that does not reflect our values.

Americans value our veterans. We value education. We value access to quality health care. Passing a budget that cuts those priorities to pay for a huge tax cut that will not benefit most Americans is simply wrong.

The Democratic motion instructs conferees to do the right thing. A vote for the Democratic motion is to reject the cuts to veterans benefits, education and health care currently in the bill passed by the Republicans. The announcement by the distinguished majority leader that he would accept the Spratt motion to instruct is an admission that the Republican budget is wrong.

We must not shortchange the veterans who have so courageously defended our country and the thousands of future veterans who are risking their lives in Iraq as we speak. A vote for the Spratt amendment supports our veterans. It is ironic that on the same night that this House properly passed a resolution to honor the troops, the Republican majority passed this budget that dishonors the troops by making deep cuts in veterans benefits.

The conferees should accept the other body's language that provides $14.6 billion more than the House Republican bill for veterans disability and education benefits. We must not shortchange students who rely on student loans and other education programs that expand opportunities and promote excellence.

A vote for the Spratt motion to instruct expands opportunity and promotes excellence. It rejects $9 billion in cuts to student loans and the school lunch program. We must do the right thing for millions of seniors, children and disabled Americans who rely on Medicare for their health care coverage.

We should accept the other body's language that rejects $94 billion in cuts in Medicaid. These cuts threaten access to nursing home care, hospital services and prescription drugs for some of our most vulnerable citizens. A vote for the Spratt motion to instruct would remove that threat from the budget.

It is simply wrong to pass a budget that fails veterans, fails students, fails seniors, fails children and fails the disabled. The American people deserve better. I urge my colleagues to support the Democratic motion to instruct.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman is recognized for 4 minutes.

Mr. NUSSLE. Mr. Speaker, the distinguished minority leader, the gentlewoman from California (Ms. PELOSI) has a great speech writer, but the speech writer failed to read the budget. Great speech, but the speech writer did not read the budget.

School lunches are not mentioned in the budget. It is not in there. Education, not even mentioned. There are no cuts in education. There are no cuts to seniors. We cannot find farmers in here. Hospitals, we will not find the word "hospital" in the budget. No, that is not what a budget is about. The gentlewoman knows that. Student loans, that is not mentioned in the budget. Cuts to the school lunch program, she claims. School lunch program is not in here.

See, the interesting thing about it is that Democrats come running to the floor claiming there is no waste in Washington. So very hastily they draw up a motion to instruct conferees. And what does that motion say? It says there is no waste in Washington. The Democrats cannot find one penny of waste in Washington. So instead of finding waste and instead of adopting the Republican-passed budget, what should we do?

Well, it says right here in black and white, let us reduce those instructions so what we end up with is a freeze in spending. So they are freezing school lunches and veterans benefits, freezing hospitals, freezing student loans, freezing all these things that they are talking about. They come running to the floor breathlessly to discuss this and send their press releases and play political games about a motion to instruct.

That is not what this is about. But that is what the other side of the aisle is saying. What do they do with the so-called "savings" of just freezing spending? They want to reduce the tax cut. We happen to support a $1.3 trillion tax cut. By reducing this, what the Democrats come running here to the floor today to support is a $1.1 trillion tax cut.

Well, we have considered it. It is not what we passed. We would rather find waste in Washington. We do not want to just freeze spending. We would rather go through each and every program and find the savings, find the waste and the abuse, so the money and the programs go to the intended purpose. But instead, what the Democrats want to do is freeze spending. All right, I guess we can consider doing that when we get to conference.

So I would encourage my Republican colleagues to vote for the Spratt motion to instruct conferees that freezes spending. That is at least a good start. I think we could do better, but I think this is at least a good start to freeze spending. Of course, freezing spending at the 2003 level is a cut, is a cut from the increase that was anticipated, the anticipated increase that the other side of the aisle sometimes comes to the floor and claims that we provide cuts in.

So 2003 levels in a 2004 budget is what the other side of the aisle is supporting.

The second thing they say is, reduce the tax cut by that amount. We have done the math. We have read the black and white letters of the motion to instruct conferees, and the math is very simple. We come up with $1.1 trillion worth of tax relief. That is far and above where the Senate was. That is not where the House wanted to be, but we think it is at least worthy of taking into consideration in the conference.

So I believe even though we can find more waste in Washington than what the Democrats are suggesting, and we can have more tax reform and more simplification and more reduction in taxes to create jobs, even though I believe those things, I believe we should support this motion to instruct conferees. It is nonbinding, it is political, but I think they have been hoisted by their own petard.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 15 seconds remaining.

Mr. SPRATT. Mr. Speaker, this restores spending to the present levels for Medicaid, Medicare, school lunches. In addition, this does not endorse any particular level of tax cut. It simply says it adjusts the revenues accordingly after restoring these amounts to the budgets.

It is a good motion. Members should vote for it if they want to vote for Medicaid, Medicare, student loans and other programs which are so vitally important to our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Spratt/Pomeroy motion to instruct conferees on the budget resolution. This motion rejects the House's mandatory spending cuts to education, health care, and veterans' programs by calling on the conferees, on a deficit-neutral basis, to restore these cuts. These cuts are included in the Republican budget—which I voted against—but not in the Senate resolution, or the President's budget.

As our county is engaged in a war with Iraq that will require additional spending, we must not overlook our domestic priorities.

This motion calls on the conferees to reject the budget cuts to Medicaid and Medicare; cuts to key education programs like school lunches and student loans; cuts in veterans' benefits; cuts to railroad retirees' pensions; cuts in aid for working families and the disabled; and cuts to the food stamp program.

It is astonishing that in this time of conflict, we could cut benefits to our nation's veterans. The House-passed resolution cuts direct spending for veterans' benefits by a total of $14.6 billion over ten years. Veterans all across the Nation will be hurt if these cuts are not restored. Our Nation's veterans have risked their lives for our country and they served on the front lines. We cannot deny them basic benefits like housing, medical care, and other services that civilians receive.

I offered an amendment in the Rules Committee to restore these cuts. Specifically, my amendment would have stricken the reconciliation instructions to the Committee on Veterans' Affairs in section 201(b)(2)(M) and increased mandatory budget authority and outlays for Function 700. Unfortunately, the committee rejected my amendment.

The House resolution's cuts are supposed to be unspecified reductions in veterans' benefits that eliminate so-called "waste, fraud, and abuse." We are robbing from our veterans' programs—health care and disability compensation—to pay for tax cuts for the wealthy.

According to Amvets, a veterans organization, more than 200,000 veterans seeking health care in January waited more than six months. VA officials say they are working on improving the wait time. The national goal for a doctor's visit is a 30-day wait. Waits at Texas hospitals and clinics abound.

Hospitalized veterans also are vying for too few doctors and nurses. And the VA system has started drastically rationing its health care, deciding some veterans get care while others don't.

It is still unclear how budget cuts will affect post-war health benefits for troops returning from Iraq, Afghanistan and elsewhere.

A 1998 law compels the VA to provide free medical care to those newly returned from a combat zone, whether or not they have a military service-related disability, for up to two years. After that, only those with medical problems related to military service qualify for lifelong medical benefits.

We wonder how a system that cannot afford to treat the veterans it already serves will be able to handle new ones, especially if some of those new patients may be exposed to chemical or biological weapons in this war. It is unconscionable that we will not provide additional benefits to those who have suffered from Agent Orange while serving in the Vietnam Conflict, and we do not know all the ills that possibly face our troops now deployed in Iraq.

More than 6.5 million veterans are enrolled in the VA health system, but the VA is budgeted to provide care for only 4.8 million patients in 2004.

Will support for our troops evaporate once war ends? We must fund critical programs for veterans. I urge my colleagues to support the Spratt/Pomeroy motion.

Mr. GREEN of Texas. Mr. Speaker, the Budget Resolution approved last month by this body contains cuts to domestic programs that millions of Americans depend on, day in and day out.

The victims of these funding cuts include Medicaid, children's health care, student loan, and veterans programs. To slash programs that provide health care to our seniors and children, educate our students and honor the commitments made to the veterans who have bravely protected our freedom flies in the face of the American values that we hold so dearly.

Mr. Speaker, the President didn't request cuts for these programs. Furthermore, the Senate's budget did not contain these cuts. Yet, this chamber cut these programs in order to fund a tax cut.

Ask any group of senior citizens if they'd trade Medicare funding for a tax cut on their dividends, and I guarantee you they'd choose Medicare. Ask any high school senior what's more important to him, a tax cut or a student loan program that will make his education more affordable. The answer is clear.

Ask any of our troops who are fighting so valiantly to bring freedom to Iraq whether they'd rather have a tax cut or adequately funded veterans programs. I bet you they'd want this country to honor their military service and restore the $14.6 billion this budget cuts from veterans programs over the next 10 years.

We cannot afford this tax cut on economic grounds alone. But to pay for it by taking away from our seniors, students, veterans and farmers is particularly shameful. I urge my colleagues to support this motion and instruct the budget conferees to restore funding for these crucial domestic programs.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of the gentleman from South Carolina's motion to instruct conferees on the budget resolution. This common sense, non-binding motion will restore some sanity to this budget.

Put simply, Mr. SPRATT's resolution rejects cuts to education, health care, and veterans' programs by urging the House and Senate conferees, on a deficit-neutral basis, to restore these cuts. The House budget is so extreme that these cuts are not included in the Senate-passed budget or even the Bush distraction's budget blueprint.

It is sadly ironic that at the same time we send our young people abroad to fight a war, the majority is advancing a budget that will force those same young people to pay the bill for their recklessness. By showering the most privileged among us with hundreds of billions of dollars in tax breaks and running up more than a trillion dollars in debt, this budget poses a serious threat to the long-term economic well-being of the nation.

Month after month, more American families are suffering from the failure of this Administration's irresponsible economic strategy. With the economy hemorrhaging jobs for every sector, an increasing number of Americans are losing faith that they will ever find a job. With this budget, the majority has turned their backs on the problems of American families. Instead of offering new ideas and fresh solutions, the Administration continues to push a tired ideology that has turned our once-robust economy into a job-destroying machine.

I believe we are obligated to help our States, counties and cities meet the ever-increasing burdens of skyrocketing programs. I believe we are obligated to reject the drastic cuts to Medicare and Medicaid. I believe we are obligated to reject the cuts to education funding, including school lunches and student loans. I believe we are obligated to reject the majority's cuts to the critical programs that benefit our veterans. I believe we are obligated to reject the cuts to assistance programs for the working poor—especially important during this economic downturn.

Most important though, this budget will hang more than a trillion dollars of debt around the necks of our children and grandchildren. They will be paying for this mistake for decades to come. The President's own chief economist, in his academic writings, agrees that the chronic deficits perpetuated by this budget will raise interest rates, and cut off economic growth for the future.

I will continue to fight for a budget that contains a fiscally responsible stimulus plan that cuts taxes today, while meeting our obligation to prepare for the future. this is not a time to shrink from our responsibilities to one another. We need to meet the test of this demanding movement in our history.

I thank Ranking Member SPRATT, for offering this reasonable motion to instruct and I urge my colleagues to vote for it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees on the budget resolution will be followed by two 5-minute votes on motions to suspend the rules that were debated earlier today.

The vote was taken by electronic device, and there were—yeas 399, nays 22, not voting 13, as follows:

[Roll No. 95]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano

Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Burgess
Cannon
Culberson
Deal (GA)
Flake
Franks (AZ)
Hart
Hefley
Hostettler
Istook
Kingston
Kolbe
Miller (FL)
Norwood
Otter
Paul
Royce
Shadegg
Taylor (NC)
Thomas
Toomey
Weldon (FL)

NOT VOTING—13

Combest
Crowley
Foley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Mica
Oberstar
Simmons
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that approximately 2 minutes remain in this vote.

☐ 1551

Messrs. KOLBE, SHADEGG, CANNON, PAUL, MILLER of Florida, DEAL of Georgia, NORWOOD, CULBERSON, ROYCE, KINGSTON, TAYLOR of North Carolina, FRANKS of Arizona, WELDON of Florida, HEFLEY, and BURGESS, and Ms. HART changed their vote from "yea" to "nay."

Mr. PENCE changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 95, had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the Chair appoints the following conferees:

For consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1412.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 1412, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 12, as follows:

[Roll No. 96]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)

Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Miller, George

NOT VOTING—12

Combest
Crowley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Oberstar
Quinn
Simmons
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will advise all Members there are 2 minutes left in this vote.

□ 1559

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING THE BLUE STAR BANNER AND THE GOLD STAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 109, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 97]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Combest
Crowley
Frank (MA)
Gephardt
Hulshof
Hyde
Jones (OH)
Kleczka
Lynch
McCarthy (MO)
McInnis
Oberstar
Simmons
Souder
Tiahrt
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

□ 1606

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.".

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1006, THE CAPTIVE WILDLIFE SAFETY ACT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. ALEXANDER) be removed as a cosponsor of H.R. 1006, the Captive Wildlife Safety Act, as he was mistakenly added as a cosponsor to this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–54) on the resolution (H. Res. 168) providing for consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 735, POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 735, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

After general debate, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill.

The committee amendment in the nature of a substitute shall be considered as read.

All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments, which may be offered only in the order specified, may be offered only by the Member designated or his designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) the amendment numbered 1 in the CONGRESSIONAL RECORD by Representative WAXMAN of California; and, (2) the amendment numbered 2 in the CONGRESSIONAL RECORD by Representative TOM DAVIS of Virginia.

All points of order against such amendments are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be ordered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 522, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House for the state of the Union for consideration of H.R. 522, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

After general debate, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill.

The committee amendment in the nature of a substitute shall be considered as read.

All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments printed in the CONGRESSIONAL RECORD pursuant to clause 8 of rule XVIII, which may be offered only in the order specified, may be offered only by the Member designated or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) by Representative OSE of California; and, (2) by Representative ROHRABACHER of California.

All points of order against such amendments are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PUT VETERANS BENEFITS FUNDS BACK IN THE BUDGET

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, the leadership of the House of Representatives narrowly passed a budget resolution on March 20 that would severely cut veterans benefits, including health care, disability compensation, pensions, and other benefits.

Now, 211 of my colleagues and I opposed this budget resolution and many of us voted instead for an alternative budget resolution preferred by the American Legion and other veterans groups that would have increased veterans benefits. I am sad to say it did not pass.

Now today, the majority party voted for a motion to instruct conferees presented by the Democrats. I must question the seriousness of this vote. Maybe it is April Fool's Day, but cutting veterans benefits does not seem very funny to me.

How can Congress even consider cutting veterans benefits during a time of war?

I must question the seriousness of it because only a week ago when my Republican friend and colleague, the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs, expressed his own outrage at the leadership's budget proposal, he was severely rebuked by his own party. Now, no American should be rebuked for standing up for veterans.

The promise that the gentleman from New Jersey (Mr. SMITH) got and this motion to instruct today should not have been necessary. It should have been in the original budget resolution that the veterans were looked after, that their disability payments would be taken care of. Certainly at a time of war and great sacrifice by our Nation's armed services, we cannot let these cuts stand.

□ 1615

VETERAN BUDGET CUTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, I rise today with much disappointment. I am disappointed that the Republican-driven budget resolution that passed cuts, over 10 years, $14.6 in direct spending for our veterans benefits and $14.2 billion in veterans health care.

How can the Congress even consider cutting benefits to our veterans when hundreds of thousands of American men and women in uniform are currently risking their lives overseas? What will it tell them upon their return? Thanks for your service, but you are on your own?

Our veterans and our future veterans deserve a lot better. Every day I pray for the safe return of our troops, realizing that some may not come back at all. Lance Corporal Jesus Alberto Suarez del Solar is one of our heroes who was killed recently in action, last Thursday. Suarez, although not even a U.S. citizen, chose to serve our country as a Marine.

Suarez' father is a U.S. citizen, and feels, and I quote, "both betrayed and proud." In the Los Angeles Times article Mr. Suarez says, "President Bush has not demonstrated to me or to thousands of other people that this war is justified." These are the words of his father.

How can we send our sons and daughters off when we cannot promise them support back home? I urge my colleagues on the other side of the aisle to reconsider these cuts.

ON THE NEED TO REVITALIZE AMERICA'S ECONOMY AND TELECOMMUNICATIONS SECTOR

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, I rise today to speak on the need to revitalize our economy, and particularly the telecommunications sector.

The telecommunications industry has been in a severe decline. Part of it was an investment bubble, but a big part of the decline was due to regulatory uncertainty. The Federal Communications Commission had a chance to give the industry some certainty, and instead, created even more chaos. They avoided making the tough decisions and have punted the responsibility to our States.

In fact, they have succeeded in pleasing no one and punishing every sector of the telecommunications industry. Unlike Solomon in the Old Testament, the SEC actually did cut the telecom baby in half.

This chaos immediately struck Wall Street as the telecom stocks plummeted, wiping out over $15 billion in market capital. When the telecommunications companies are already hurting, devaluing their stock makes matters much worse because they do not have that money to invest in upgrades.

Madam Speaker, it has been more than a month since the FCC released their decision on the Triennial Review, and we still have not seen the details. The FCC needs to take actions that foster investments by all parties, not create artificial competition.

I hope their final order accomplishes its goals, but I am concerned that it may fall far short.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Madam Speaker, an issue that concerns me a great deal has come before us here this evening. That subject matter is partial birth abortion.

Given that the Committee on the Judiciary marked up the Partial Birth Abortion Act last week and that it will be debated on the floor soon, I would like to bring our attention back to the fundamental principles and facts of the issue.

I have here a picture of an unborn baby 19 weeks old. Unborn 19- and 20-week-old boys and girls are often victims of partial birth abortion, though many abortionists will abort unborn babies up to 24 weeks old and older.

At 20 weeks old, this baby's body does not need to form new parts or develop new body systems. Instead, she will use the remaining time in her mother's womb to grow over the next 4½ months. She can dream, and she has REM sleep, just like you or me. At 20 weeks, she recognizes her mother's voice. Unborn babies, born prematurely at 21 or 22 weeks, can routinely be saved. Sometimes they can be saved even younger.

If we open up the phone book, we will find in the Yellow Pages, and particularly here in Washington, D.C., advertisements offering to abort unborn babies up to 24 weeks.

Many people recognize that this unborn baby's life should be protected. States have tried to outlaw these abortions, and many States have banned late-term abortion. But the Supreme Court in Doe v. Bolton created a mandatory loophole in all State laws that protect unborn children from abortion that allows abortionists to drive a truck through. The Supreme Court added an exception for the health of the mother to Georgia's law protecting unborn children that went far beyond an abortion necessary to save the life of the mother.

Here is what they said: "We agree with the District Court that the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and a woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman." That is a quote from the case.

Abortionists continue to get around State bans on late-term abortions by finding excuses and justifications relating to emotional, psychological, and familial health. However, they neglect entirely the health of the unborn baby and his or her physical, emotional, psychological, and familial well-being.

Dr. Warren Hern of Colorado, the author of the standard textbook on abortion procedures, who also performs many third-trimester abortions, has stated: "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health." Any pregnancy is a threat to a woman's life, according to Dr. Hern.

Statements like those of Dr. Hern's that any pregnancy injures a woman's health underscore the need for a partial birth abortion ban at the Federal level. I hope Members will take my words to heart as we consider partial birth abortion and the right to life for all human beings, born and unborn.

TRIBUTE TO ADOLPH REED, SR., 1921–2003, PROFESSOR, UNIVERSITY OF ARKANSAS, PINE BLUFF; SOUTHERN UNIVERSITY, BATON ROUGE, LOUISIANA; UNIVERSITY OF ARKANSAS, FAYETTEVILLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I was indeed fortunate as a teenager to attend the Arkansas Mechanical and Normal College, which is now the University of Arkansas at Pine Bluff. While this was one of the historically black colleges and universities, it did not have a great deal in the way of material supplies and resources. However, it had some of the most profound educators and education administrators this country has ever known.

I could cite any number of them, but today I will mention three and highlight one. Prexy, President Lawrence A. Davis, Sr., had no peer as an administrator and was beloved by generations of individuals who are connected to the University of Arkansas at Pine Bluff.

Mr. Ray Russell, chairman of the History Department, was one of the most exciting professors that I have ever known. I was a history major, and he was my friend, mentor, and a father figure.

However, the man that I would highlight and the man whose thinking helped to shape my own passion for democratic principles and social activism, Professor Adolph Reed, Sr., was my political science professor. I remember Mr. REED so well, as his other students have described him, slender, suave, in constant motion, talking incessantly, keeping us in rapt attention as he waxed eloquently about Locke, Rousseau, Abraham Lincoln, Frederick Douglass, Sojourner Truth, Daisy Bates, Martin Luther King, and the nameless sharecroppers, common, ordinary people, everyday people who would march, demonstrate, picket, boycott, and do whatever they could to try and obtain justice.

Professor Reed, like so many others of his generation, migrated from Arkansas to Chicago, where he worked as a railroad dining car waiter and sat in on classes at the University of Chicago. His experiences in the hustle and bustle in the predominantly black South Side of Chicago remained a central part of his being as he continued on the path to greatness.

He was drafted into the Army, was part of the Normandy invasion, and saw action at the Battle of the Bulge. He was involved in protests by black troops in Charleston, South Carolina, and in Manchester, England. He often remarked about the contradiction of having been sent to fight the racist Nazis in a racially segregated United States Army.

After the war, Professor Reed, like many other veterans, especially African American males who had never before had the opportunity to attend college in large numbers, enrolled at Fiske University in Nashville, Tennessee. He pursued postgraduate studies at New York University and American University.

Mr. REED taught at Arkansas A.M. and N. College, where he was my instructor. He then moved on to Southern University, where he resigned as the result of a clash with the university's president over his expulsion of student protestors who were demonstrating for civil rights, equal opportunity, and an end to segregation. He held visiting professorships at the University of North Carolina at Chapel Hill and the University of California at San Diego.

At Arkansas A.M. and N., we knew Mr. REED was spellbinding, but we did not know that while at Fiske he had been editor of an independent radical newspaper called "Give Me a Name," or that during the 1940s had been active in the American Labor Party. In 1948, he was a delegate to the Progressive Party convention that launched Henry Wallace's Presidential campaign.

We did not know that he had been at Peekskill, New York, in 1949 to show support for our hero, Paul Robeson; or that he had been a reporter for the New York Compass.

After getting to know Dr. Adolph Reed, Jr., a well-known college professor who teaches political science at the New School for Social Research in New York City, and to know that Mr. REED's grandson, Toure F. Reed is a history professor at Illinois State University in Bloomington, Illinois, it reinforces for me the kind of legacy that he left.

Mr. REED taught at the University of Arkansas at Fayetteville from 1971 to 1994, when he retired with the title "professor emeritus."

Madam Speaker, it is good to have known one who lived what he taught, who practiced what he preached, who understood that you cannot lead where you are unwilling to go, and that you cannot teach what you do not know.

I want to end this with Dr. Reed, Jr.'s, characterization of his father. "Professor Reed as a political scientist remained convinced that both major political parties are too beholden to corporate interests, which he frequently described as the basis for the perverted priorities of American politics."

In recent years, he became an active supporter of the New Labor Party, created in 1996, and its project of building a politics in this country based on a working-class economic agenda. He was a man for many seasons, and oftentimes thought of as a man before his time.

I am proud to have known him, and appreciate the tremendous contribution that he made to all of America.

Madam Speaker, it is so good to have known one who lived what he taught, who practiced what he preached, who understood that you cannot lead where you are unwilling to go and that you cannot teach what you do not know.

I want to end this with Dr. Adolph Reed Jr.'s characterization of his father. Professor Reed as a political scientist:

> . . . remained convinced that both major political parties are too beholden to corporate interests, which he frequently described as the basis for the "perverted priorities" of American politics. In recent years, he became an active supporter of the New Labor Party, created in 1996, and its project of building a politics in this country based on a working class economic agenda that cuts across other potential social divisions. All his life he lamented what he perceived as the ruling class's success in inducing too many poor and working people to identify the wrong enemies.

He stressed the roles of the news media, education system and organized religion in perpetuating that situation:

> These convictions shaped his approach to intellectual and political life. He was widely known among colleagues and in the political science profession as a person of uncommon honesty and integrity, a witty and engaging raconteur, big ban jazz aficionado, a biting critic and a generous friend. Although he never shied away from expressing intellectual and political disagreements, he refused to take differences personally and could maintain friendships with those with who he differed sharply. His teaching philosophy was simply to encourage students to think independently.

Professor Reed was an important force in the development of a generation of Black Political scientists and a prominent voice in the organization throughout its formative years. He was also a founding member of the American Political Science Association's Caucus for a New Political Science.

When I learned that Mr. Reed and his family had lived in Dumas, Eudora and Reed, Arkansas, his being became even more meaningful to me, given the fact that this is the largely rural, impoverished area where I grew up. This has provided me with even more affinity for this great scholar and tremendous teacher.

Adolph Reed Sr. 1921–2003, a man with exceptional insight, common experiences, menial work, a soldier, activist, uncompromising philosopher, served on State Constitution Committees in Arkansas and Louisiana, inspiration to Dr. Martin Luther King Jr., acknowledged prominently in Race and Democracy, a book by Adam Fairclough depicting the Civil Rights Struggle in Louisiana from 1915 to 1972, heralded by activists like Stokley Carmichael, featured in the Black Press for being at the core of student unrest and activism on black college campuses, intellectual giant. Mr. Reed, when your family and friends gather in Fayetteville, Arkansas to pay tribute, please know that there are thousands of us across the country who are there in spirit and of course, you will always be with us. "Sante Sana" "The Struggle will Continue."

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SALUTING A GREAT AMERICAN, THE LATE PRIVATE MICHAEL RUSSELL CREIGHTON-WELDON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Madam Speaker, I rise this afternoon to salute a great American, Private Michael Russell Creighton-Weldon. Private Creighton-Weldon of Palm Bay, Florida, was killed this past weekend while serving in Iraq as part of Operation Iraqi Freedom. He was one of the soldiers killed by the suicide bomber driving the taxi.

Private Creighton-Weldon was in Company A, the 27th Infantry, Third Division, out of Fort Stewart, Georgia. My prayers and condolences are with Michael's family during this hour of loss. My family and my staff grieve with them in honor of Michael.

President Lincoln was once quoted saying that we as a nation "should have faith that right makes might, and in that faith let us, to the end, dare to do our duty." Michael dared to do his duty, and in so doing, he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that we can never repay.

□ 1630

This morning, I had the honor of speaking to Michael's mother, retired U.S. Army Sergeant Major Jean Weldon. She said that Michael, or Big Mike as his family affectionately called him, was a hero to his family and now he is a hero for America.

Mrs. Weldon also had great praise for the Palm Bay Police Department and the mayor for the support that they have provided her during this time of grieving. Specifically, they have had to deploy officers to her house to keep the press away from her and her family who have been very grieved by the constant approaches of the press. And I think America's press should be aware of this that one grieving mom would like some space and that they should be sensitive to this all across the Nation because I am sure her experience is not unique.

While sadness comes with the loss of each soldier, we can have faith in our military commanders and in our Commander in Chief. Coalition forces continue to make good progress towards our objective of ending the Iraqi regime, freeing the Iraqi people, and disarming the country of weapons of mass destruction. It was in this cause that Michael gave his life, and it is a worthy cause.

Secretary Rumsfeld said this past weekend that there are difficult days ahead. We know this in Palm Bay, as we are experiencing it firsthand. To the extent that the Republican Guard poses difficulties, which we expect them to, there will be dangerous days ahead, Mr. Rumsfeld went on to say. Baghdad may not be easy, but the outcome is certain and at some point the Iraqi people will end up fearing Saddam Hussein and his regime less and they will end up anticipating liberation and freedom more; and it will end and it will end successfully.

The true nature of the Iraqi regime is being revealed by what we see. Brutal treatment of POWs; use of human shields to protect military assets from attack; the torching of oil fields which are the future of the Iraqi people; false reports about coalition attacks on civilians, mosques and cultural centers; lies about Iraqi adherence to Geneva Conventions which they have blatantly violated; Feyadeen infiltration of regular Iraqi forces to prevent surrender and defection; using false acts of surrender in flagrant violation of the laws of war, and using them to attack coalition forces; and, yes, the use of suicide bombers, one of whom took the life of a great American, Michael Russell Creighton-Weldon.

We all in the 15th congressional district and in our Nation salute Michael for the service he provided our Nation and the sacrifice he made. We join with his mother, his father, his entire extended family in extending our condolences, and our prayers are with them and our Nation and our troops in the field as we continue in this cause.

CHURCH PENSION PLAN FAIRNESS ACT

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to introduce legislation that amends our Nation's security laws in order to end discrimination against church pension programs.

One thing most Americans understand is the importance of saving money to ensure financial security after they retire. Just as important, they understand that investing in an employer-sponsored pension plan is a great way to help achieve this goal. America's clergy are no less interested in their retirement. In fact, for thousands of dedicated men and women of our clergy, pension plans are just as important, if not more so, as they are to members of the laity.

Yet for far too long, Congress has unintentionally failed to update church pension laws making it more difficult for clergy and other church employees to maximize their retirement savings.

Madam Speaker, one arcane, yet important, provision of our security laws allows corporate and other secular pension plans to band together into what are called collective trusts. These trusts allow pension plans to pool their assets for investment purposes in various stock and nonstock interests. For example, some collective trusts invest in real estate or private investment opportunities. They represent a way for pension plans to diversify their investments and to share the risks and transaction costs with other pension plans.

Collective trusts are not the problem. The problem is current law prohibits the Christian Brothers Church in Romeoville, Illinois, along with thousands of other church pension plans across the country, from participating in collective trusts. As a result, church pension plans cannot pool their assets and reap the benefits of collecting buying power. My bill is intended to correct this inequity.

There are three other points that are important for me to make: first, the SEC requires that collective trusts have sole management and control over the assets that are invested; second, nothing in this legislation is intended to alter the traditional SEC interpretation that the financial institution is responsible for exercising hands-on control over the collective trust; and, third, this measure does not in any way effect Tax Code provisions governing the treatment of pension plans, including the requirement that a church plan must be maintained by a church or eligible church-affiliated organization.

My bill allows church plan assets to be included in collective trust funds that also include assets of private employee and governmental plans.

Madam Speaker, there is no sound policy reason for our security laws to exclude church plan participation in specifically tailored pension plan investments. The Church Pension Plan Fairness Act is a reasonable, measured, and fair response to many of the concerns raised by clergy and other church employees around the country.

I want to thank my distinguished colleague and friend from Tennessee (Mr. FORD) for his strong support in cosponsorship of this legislation, and I urge my colleagues to join us in supporting this bill. Our clergy deserves no less than the millions of other working men and women of America.

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to take the time allocated to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

FIGHT FOR OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, in Iraq our Nation is creating 300,000 new war veterans. As these future veterans are fulfilling their duty to America in time of war, we must commit to fulfill our responsibilities to them in times of peace. But instead, the Bush administration recently saved $388 million by eliminating 174,000 veterans from eligibility in the VA health care systems. Some might say that that is fiscally responsible; but I say it is absolutely dishonorable.

While we are warring in Iraq, this House is engaged in a debate on whether to give Americans who earn more than $1 million a year a tax cut of almost $90,000 each, while just two months ago President Bush decided that veterans earning more than $29,000 a year do not need America's help getting health care.

Where are our priorities? Giving money to the richest of the rich while taking services from the bravest and sometimes the poorest is unacceptable. Giving the wealthiest Americans extra spending money should not be the first priority of this House. But making sure we give every veteran health coverage must be. It seems like the priorities of this Congress are all wrong.

We have forgotten about responsibility, morality, and justice. We have forgotten our commitment to our men and women in uniform. We have forgotten about human dignity. Finding money for veterans programs is not impossible. It is a matter of priorities. We can pay for concurrent receipt, but not if we pass a huge tax cut for the wealthiest of the wealthy.

Families are the glue that make America strong. We cannot forget the sacrifices of those family members who have supported veterans from the homefront. America owes them a debt of gratitude as well. That is why it is so important to fix the survivor benefit plan which ensures that veterans' families have the resources needed to deal with the death of a loved one.

I am proud to co-sponsor H.R. 548, which would fix the problems with our current system and ensure that survivors get the assistance that they deserve. But, Madam Speaker, the Republican budget resolution is also a slap to America's veterans. It cuts over $14.5 billion from mandatory veterans benefits and another $14 billion in discretionary programs: $14.6 billion that veterans could spend on health care, on housing, and feeding their families.

Every American owes veterans a debt of gratitude. We must do more than give speeches on Memorial Day. The rhetoric of patriotism is absolutely not enough. We must ensure that veterans get the services and the resources they have earned and the resources and the services that they deserve. Let us also make sure that disabled veterans receive the retirement pay along with disability compensation. It is an issue of fairness and our veterans deserve better than what we are giving them. This is money that should serve those that have served America. This is money that would go to our soldiers fighting today in Iraq and Afghanistan. This is money that veterans have been promised and that veterans deserve.

Unfortunately, this money is being denied to veterans so that the wealthiest Americans can get an obscenely large tax cut. If we cut money for veterans, we should be ashamed, all of America should be ashamed. Veterans deserve to be one of this Nation's number one priorities. I urge my Republican colleagues in this House to remember that. Veterans are fighting for us. We must fight for them.

AMERICA MUST NOT ALIENATE ITSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, this week we will be working on the $75 billion supplemental appropriations to pay for the war. Financing the war is not as simple as it appears. It involves more than just passing a piece of legislation labeled as support for the troops.

It has now been fashionable to bash France and Germany and other friends if they are less enthusiastic for the war than we think they should be. Yet foreign corporations provide millions of jobs for American citizens. French companies alone employ over 400,000. There is a practical reason why offending the French and others may backfire on us.

In 2002 we earned $11.9 billion less from our investments overseas than foreigners did here. This is not a sign of financial strength. A negative balance on the income account contributes to the $500 billion annual current account deficit. Since 1985 when we became a deficit NATION, we have acquired a foreign debt of approximately $2.8 trillion, the world's largest. No nation can long sustain a debt that continues to expand at a rate greater than 5 percent of the GDP. This means we borrowed more than $1.4 billion every day to keep the borrowing binge going. This only can be maintained until foreigners get tired of taking and holding our dollars and buying our debt. Bashing the French and others will only hasten the day that sets off the train of economic events that will please no one.

In thinking about providing funds for the war and overall military expenditures, not only must every dollar be borrowed from overseas, but an additional $150 billion each year as well. The current account deficit is now 44 percent greater than the military budget and represents the amount we must borrow to balance the accounts. The bottom line is that our international financial condition is dire and being made worse by current international events.

It is true that military might gives a boost to a nation's currency; but this is not permanent if fiscal and monetary policies are abused. Currently, our budget deficits are exploding, as there is no restraint on spending.

□ 1645

No one can guarantee permanent military superiority.

The dollar has already significantly weakened this past year, and this trend will surely continue. A weaker dollar requires that we pay more for everything we buy overseas. Foreign borrowing will eventually become more difficult, and this will in time cause interest rates to rise. Be assured that domestic price inflation will accelerate. Economic law dictates that these events will cause the recession to linger and deepen.

My humble advice, consider being nicer to our friends and allies. We need them more than we can imagine to finance our war efforts. There is more to it than passing the supplemental appropriation. Besides, we need time to get our financial house in order. Antagonizing our trading partners can only make that task that much more complicated.

The day will come when true monetary reform will be required. Printing money to finance war and welfare can never be a panacea.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MILLER of North Carolina. Madam Speaker, I ask unanimous consent to claim the time of the gentlewoman from Indiana (Ms. CARSON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REPUBLICAN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Madam Speaker, we speak of the generation that fought the Second World War as our greatest generation. The men and women now serving our Armed Forces, the soldiers now in harm's way in Iraq and Afghanistan, are pretty great, too. They are dedicated and courageous, and I am proud of them.

I am not proud of the budget that this House passed less than 2 weeks ago in the dead of night, however. The budget makes severe cuts in benefits for our veterans, benefits that our Nation has seen as simple gratitude for more than a century, as the least that we could do for those Americans who defend our freedom at the risk of their own lives.

The House budget cuts veterans benefits across the board, health care benefits, disability benefits, survivor benefits, pensions, everything, a total of $28 billion in cuts over the next decade. In my State, in North Carolina, more than 30,000 veterans will be pushed out, forced out of the VA system. Tens of thousands more North Carolina veterans would face sharply higher costs.

The budget cuts benefits when needs are increasing. World War II veterans and Korean War veterans are aging. Their health care needs are pressing, and Vietnam veterans are just behind them. There are already waiting lists, and those lists will only grow longer, if the benefits are available at all.

The men and women in uniform in Iraq and Afghanistan must see this budget and wonder if our praise for them today is simply hollow rhetoric intended to score political points, not a sincere appreciation for their service. The House budget walks away from our debt to veterans so we can cut taxes.

I know that I am not the first today to point out on this floor how lopsided that tax cut favors the richest Americans. I know that I am not the first to point out that Americans making more than a million dollars a year get a tax cut of $90,000, but ordinary Americans fare much less well. Half of North Carolina families get less than $100 a year. One-third of North Carolina families get nothing at all.

Madam Speaker, the Americans who would benefit the most from proposed tax cuts owe the most to our veterans, and the veterans who need their veterans benefits the most would benefit least from the proposed tax cut.

The majority party is now saying that they did not really mean it, they had their fingers crossed behind their backs the whole time. They knew the Senate would put veterans benefits back into the budget and that they would go along. Just minutes ago, the majority party voted to repudiate the very budget that they adopted less than 2 weeks ago.

Veterans deserve better than that kind of political double talk. There should not be bargaining chips and back-room budget deals between the House and Senate. They have earned better than that.

Madam Speaker, I do not believe that the House budget adopted less than 2 weeks ago reflects our Nation's values. I do not believe that we have become a Nation of ingrates.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, I would urge my colleagues to consider and to just picture something with me, and that is, picture a life in rural Arizona, a life that is in the one of the most bucolic settings one can possibly imagine, the beautiful desert, a life where a family has been operating a ranch for generations, as a matter of fact, six generations.

Imagine waking up every morning to that kind of an environment and going out to do what is necessary to keep that ranch going, as it has been going and has been running for someone's parents, grandparents, and generations on back. It is a beautiful life, as they say, and as the movie title goes.

Then one day, picture this. One day a person gets up, but their whole life is completely turned around because of something that has happened, a change in the environment I guess one might say. Imagine finding that across the land people are coming, and people are coming in very large numbers. People are coming by the hundreds, by the thousands. People are cutting the fences in order to get on the land. People, once they get on to the land, are defecating in the water supply and/or breaking the water valves. This is, remember, the middle of the desert, and the water there is the most precious commodity imaginable.

Imagine them strewing trash all over the ranch so that the cattle begin eating some of this trash and eventually die.

Imagine being threatened by these people who are crossing the land. Land, remember again, land on which you have been for six generations, but your children all of a sudden are afraid to go to their grandmother's house because of the danger that exists in moving just a few miles across the land.

This is the situation that Steven and Tammy Sue Smith are facing. The Smiths own and operate a cattle ranch located only 30 miles north of the U.S.-Mexico border. This is their family. There are, as I say, six generations of owners of this particular property. Like many other ranch families in Arizona, their family has been there longer than Arizona has been a State.

The Smiths have three children: two sons, Chance, 17, and Will, 15, and one daughter, Shaye, Shaye Lynn, that is to say, 14. All three children live and work on the ranch while attending school.

Over the past several years, the Smith family has had to deal with an invasion of thousands of illegal aliens trespassing over their ranchland. Not surprising when we consider that in one month alone the Tucson sector, which is the area in which this particular ranch exists, reported that they had, in fact, stopped or identified or collected 23,000 illegal aliens. That was in the month of November, last.

Also, remember that they even admit that they get one in five. So, in the Tucson sector, where this ranch exists, 100,000 people came across that border from Mexico and into the United States illegally, and many of them came across this ranch.

Since September 11, as security at ports of entry in and around cities has stepped up, the flow of illegal aliens has shifted to the public and private rangeland where countless miles of border are marked by barbed-wire fences and little else. There this open rangeland is rapidly becoming one of America's most dangerous doorsteps.

Steven and Tammy Sue Smith have concern for their property and for their children and for the safety of their family. This concern is not misplaced nor is it exaggerated.

I will cite a few examples of the very direct and dangerous encounters that the Smiths and their children have had on their own land. Remember, that this has only really happened to them in the last several years.

The Smith ranch is a popular travel route for people smuggling and drug smuggling because of the very mountainous terrain. The hilly and rocky terrain makes it harder to track the trespassers and harder to see them and apprehend them. Thus, the Smith family finds itself a major thoroughfare for hundreds of illegal aliens and drug smugglers every month.

Shaye Lynn, when she was 12 years old, was driving with her grandmother across their own ranch to feed some cattle. They were confronted on the road by a car with two illegal aliens who subjected them to threats of violence. Fortunately, they were able to essentially outrun the pursuers. Their vehicle made it to safety.

Steven, the dad, almost died 2 years after he contracted a very serious illness after coming in contact with a cadaver on his land, and the doctors asked him if he had, in fact, done that, if he had come across something like that, because they told him that they were encountering many strange diseases for which they did not have any sort of treatment, and they did not know essentially what to do.

Their son Will rolled his pickup truck in avoiding hitting two illegal aliens who tried to hijack him by placing large boulders in the middle of the road. I have seen this out there. They, in fact, will use either boulders on the road or sometimes they will cut down a tree, cut down a large saguaro cactus laid across the road, and then when people stopped, they are hijacked. This is on a little, tiny, dirt road in the middle of nowhere.

Will and Shaye were able to identify a man on America's Most Wanted one night based on the appearance on their property a few weeks earlier. He had demanded food and then tried to steal two horses. America's Most Wanted described this man as one of Mexico's most dangerous coyotes, the thugs who smuggle people across the border for money.

On another occasion, the Smith family observed a group of 32 aliens crossing their lands very near their house. They tracked them and were able to stop 27 of them and were able to detain them until the Border Patrol arrived. One, who appeared to be of Middle Eastern descent, was later found to have been from Guatemala. This is also very typical.

These people are homeland heroes, and we should not forget them, and we should hold them up in high regard because they truly are on the front line of an invasion.

EXCHANGE OF SPECIAL ORDER TIME

Ms. HARMAN. Madam Speaker, I ask unanimous consent to claim the time of the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. HARMAN) is recognized for 5 minutes.

Ms. HARMAN. Madam Speaker, "let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan," so Abraham Lincoln reminded the Nation at his second inaugural.

Regrettably, Congress is poised to forget those who bore the battle, the widow, the widower and the orphan.

To finance a huge and ill-timed tax cut, the House recently passed a budget resolution that calls for cutting the Veterans Affairs budget by $15 billion in benefits and health care. It also calls for huge cuts to Medicare and Medicaid, two health programs critical to the well-being of many veterans and their spouses.

This is not the appropriate way to honor the men and women who bravely defended our freedom nor is it the way to honor the men and women currently in Operation Iraqi Freedom, nor those like 22-year-old Marine Lance Corporal Jose Gutierrez from the small town of Lomita in my district who was killed in action there.

Madam Speaker, honoring our veterans is a lifelong commitment, beginning with the warm welcome upon their return from war. It continues when we fly the POW-MIA flag, when we care for our veterans and their families and, ultimately, when we lay them to rest with appropriate remembrance and tribute.

Madam Speaker, deeds must match words. Our budget resolution must restore funding for valued veterans programs. To honor these veterans, our deeds must fund their services.

□ 1700

TREATMENT OF VETERANS IN FY 2004 BUDGET RESOLUTION

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I rise today as a proud American and member of the House Committee on Armed Services to strongly condemn the cuts to our veterans health care that were pushed through in the House budget proposal for fiscal year 2004, and that we thankfully restored today when we voted overwhelmingly to instruct conferees to prevent those cuts from being considered by the conference committee.

It is outrageous that upwards of 90 percent of the mandatory spending that would have been cut came directly from programs that provide service-connected disability and education benefits to our Nation's bravest citizens. These programs are the heart of the Veterans Administration, and in fact they are the very reason the VA was created.

The across-the-board cuts did not stop there. Discretionary funding, which includes veterans health care, was also grievously cut by $14.2 billion over the next 10 years. Health care takes up 96 percent of that spending, meaning we were slashing at least $1.63 billion per year in health funding. At a time when this Congress is searching for ways to provide better health programs, like a prescription drug benefit to seniors, how could we have justified cutting into successful programs veterans currently receive? Many of these men and women would have no choice but to turn to Medicare because of our actions; and until the Spratt amendment, which was passed today, and spearheaded by so many of my colleagues on the Democratic side of the aisle, Medicare itself would have been cut as well.

The path this House almost chose to embark upon is even more troubling given the action our military is now engaged in overseas. Our courageous servicemembers are engaged in dangerous combat, and a number of them will inevitably sustain injuries. Madam Speaker, I will not return home and tell the brave men and women and families of those deployed overseas that we are not doing everything in our power to support them when they return. We have promised these benefits again and again as the very least we can do to repay the risk and sacrifice the men and women of our Armed Forces make on a daily basis. We must not break that promise now.

I choose to show our servicemembers that I support them and will continue to support them when they return home from combat. I want them to remain confident that they will be cared for should they be injured. I want the families to know that they will not be abandoned should, God forbid, their loved ones not return home to them.

Madam Speaker, the Republican budget resolution did none of these things and must be improved. We took that step today. Earlier today I voted for the Spratt motion to instruct conferees to eliminate proposed cuts in so many programs vital to veterans to show our Armed Forces and veterans that they are not second-class citizens and that we value their efforts and sacrifice. This motion to instruct passed today, and I will continue to fight for our veterans just as hard as they have fought for us. It is the very least that they deserve.

VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I rise this evening to talk about our veterans, the way we are treating our veterans; and I would like to give a little history of what has happened in the recent past.

Until about 1 year ago, the veteran that went to one of our VA hospitals or our clinics to get medication was expected to pay $2 in copayment for a prescription. That, unfortunately, was raised; and veterans across this country are aware of the fact that they are now required not to pay $2 per prescription copayment, but they are required to pay $7 per prescription. I thought that was an unwise decision on the part of the VA, and I introduced legislation to repeal that increase and to return it back to the $2 per prescription level.

I was absolutely shocked when the President sent his budget to this House and in the President's budget he requested that that copayment not be $7 a prescription but increased to $15 per prescription. Think of that. At a time of war, when we are creating more veterans, when we mouth the words in this Chamber about how thankful we are for those who have fought past battles, that we would actually take an action that could increase the cost of medicines for veterans who need those medicines, veterans who have served this country with honor, veterans who may be on fixed incomes.

Now, perhaps if a veteran only has one prescription, a $15 copay would be tolerable. But many of our veterans get 10 or more prescriptions per month. Fifteen times 10 is $150. I am shocked that this administration, that this President, at a time when he and the leadership of the other party are trying to give a $726 billion tax cut that will mostly go to people who are already reasonably wealthy, that we would at the same time want to place an additional burden on our veterans in terms of the cost of their prescription medications. It does not make sense.

But, Madam Speaker, it gets worse. The President, in his budget, also asks that we impose a $250 annual enrollment fee on many of our veterans just to participate in the VA health care system. Think of that, an increase in cost for prescription drugs from $7 to $15 and an imposition of an annual $250 enrollment fee. But it gets worse. The VA also, under the direction of the President and the Secretary of Veterans Affairs, has imposed what is, for all practical purposes, a gag order on the VA health care providers. They are no longer able to market VA services to our veterans.

In other words, this Congress has passed legislation guaranteeing certain benefits to our veterans. Some of those veterans may not be aware of what they are legally entitled to receive, but the VA is prohibiting the health care providers from proactively spreading the word informing veterans as to what they are entitled to receive. Very specifically, they have been told they cannot make public service announcements about VA health benefits programs. They cannot send out newsletters describing benefits and encouraging veterans to participate. And, quite frankly, most participation in health fairs has been prohibited.

I think these actions are shameless and shameful. I just simply do not understand. We are a wealthy country. We are so wealthy that we are taking our Federal resources and we have decided to give those resources in the form of tax breaks to some of the richest people in this country. Millionaires and billionaires will get up to a $90,000 per-year tax cut; but at the same time, we are asking our veterans to pay more for medicine, to pay an annual enrollment fee, and we are prohibiting the marketing of veterans services.

This is just shameful. I do not understand it. I simply find it incredulous that we would be pursuing these policies at this time, especially at this time, when we have so many of our young men and women in harm's way. I believe the best way to honor those who are fighting for us today is to show deep respect and to keep our promises to those who have fought our past wars, the people that Tom Brokaw and others have referred to as the Greatest Generation.

I think the American people need to be aware of some of the things that I have talked about this afternoon. I could go on, because the shortchanging of our veterans is something that is a deep problem. It is contradictory to much of what is spoken in this Chamber.

VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise to address the vital needs of America's veterans, both of past wars and of our future veterans from the current war.

I voted to give our President the authorization to use force against Saddam Hussein, recognizing Saddam's threat to both global and international security, his support of global terrorism, and his mad desire to create and undoubtedly use weapons of mass destruction. That said, whether we voted to approve military force against Iraq or not, the time for that discussion has passed. Our troops are abroad, they are fighting as we speak, and we support them there and hope that they will return home quickly and safely.

My Republican colleagues have tried to use this conflict to paint Democrats as unpatriotic, trying to say if we oppose the war, we are against the cause of America. They forget that many of those who oppose this war are veterans themselves, veterans who know the pains of war better than many of those who would malign them. And just as importantly, these people, our veterans, understand what it is like when one returns home from battle. What we have seen from my colleagues on the other side of the aisle and from this White House with respect to veterans, in my opinion, is appalling.

Our President cautions the loyalty of those who do not walk lockstep with him on the issue of war but then turns his back on our military as soon as they return to our shores as veterans. Our President has dismissed centuries-old health care entitlements to veterans with the stroke of a pen, while simultaneously hitting them with increased taxes on their prescription drug benefits.

With respect to the care and treatment of America's veterans, the President's rhetoric does not match reality. It was offensive enough when our Secretary of Defense Donald Rumsfeld stated that, and I quote, "The drafted veterans of Vietnam added 'no value,' no advantage, really, to the United States Armed Services," a comment to which this President and my Republican colleagues remain silent on, as if to give credence to these ludicrous and untrue remarks. Unfortunately, these comments were less a slip of the tongue and more a precursor of this administration's attitude towards America's veterans.

For example, on January 16 of this year, the VA announced it was cutting health benefits for 174,000 veterans, including 13,000 veterans in my home State of New York, citing the high cost of care. They said this would affect only those 174,000 veterans in the highest income brackets, usually considered between $30,000 and $35,000 annually. Just days later, though, the administration released its budget, promoting an elimination in the tax dividend that would benefit mostly America's richest 5 percent, those making in excess of several hundred thousand dollars a year, well above the threshold for rich veterans of $30,000 to $35,000 a year.

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This follows a 350 percent tax increase levied by the Bush administration against the veterans in the 2003 fiscal year budget.

In the President's 2003 budget, our President more than tripled the prescription drug copayment for veterans while also demanding the authority to raise it again if he deems it necessary. But this attack on our veterans hit a crescendo 2 weeks ago with a Republican budget that was to cut $15 billion from veterans disability payments and pensions and almost $900 million from VA hospitals.

The Disabled American Veterans organization stated it best by asking the gentleman from Illinois (Mr. HASTERT), "Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy?"

Again, after much pressure from Democrats and veterans service organizations, the Republicans redrafted their budget to paper over these cuts, waiting for action from the Senate. They did not remedy these cuts to provide new money for veterans; they just said they would wait for the Senate to take action. In fact, this afternoon the Republicans repudiated their own budget by voting on a Democratic motion to strip out all $14.6 million of Republican cuts from veterans programs regardless of what action the Senate may or may not take.

It is my hope that this new-found religion by the Republicans is a serious commitment and not just a cheap April Fool's joke.

But there is little reason to be optimistic about the Republican actions today. America has seen Republicans drop veterans from what was once a guaranteed health care system, increase veterans prescription drug copayments, and propose massive cuts to veterans pensions and health care. In fact, there has been no outrage by the Republicans over these actions against our veterans, but cut their tax in half, and we can hear their scream of pain.

Actions speak louder than words, and so far, this Congress has shown regardless of what they say, in fact they have no shame. Unfortunately, it appears that the Republicans are once again playing an April Fool's joke on our veterans, and this is not a laughing matter.

CONDITION OF THE U.S. ECONOMY

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Madam Speaker, we have been talking about the budget in this body for several weeks now. As I visit back in the district, I find it instructive to deal with the questions that the voters are bringing to me, and so I have brought a series of slides tonight where we can discuss the budget, take a calm look at it, look at some of the factors that surround it and help voters make an assessment of the truth on the budget and the condition of the U.S. economy.

First of all, one of the most pressing questions is a concern of exactly what is the state of the economy today. I have got a chart here that shows the last 10 years of gross domestic product in the U.S., and we see a fairly consistent line of, generally, a 4.9 percent average. We had a slight recession in the period that I have marked here, 2001. It does not show up on the chart, but if we had an expanded chart, we would see that the recession flattened out and caused a depression in the receipts into the treasuries of the United States.

So basically, we can say overall that the economy in the United States is solid, it is in good shape. But people want to know exactly why did we go through this period in the last couple of years.

First of all, the stock market back with the dot-com expansions, we found stocks that were overvalued. They were based not on recognized profit or recognized product, but on the hopes and on some speculation. The stocks were overvalued, and it was necessary at some point for those stocks to collapse back down. They did that and put us into a mild recession that would not have lasted very long, except 9/11 came along.

We had a pretty big shock to our economy on 9/11. Forgetting the human impact, just talking about the impact financially on the country, the estimates range anywhere from a hundred billion to several hundred billion, depending on how it is evaluated.

So first we had the collapse of the dot-coms and the stock market, and then we had 9/11.

Just about the time we were to come into a recovery, then the corporate scandals, the governance issues of Global Crossing and Enron and other corporations that had misused their accounting methods did not actually cause that much financial difficulty in the market, but actually did affect the confidence. So we found that our economy went into slight recession that was accentuated by later factors. Those factors are the reasons that we are running deficits today.

If we look at the next chart, Members can see the revenue line. This is revenue and taxes, and we see the bulge there in 2000–2001. It is interesting to note, if we were able to extend this line directly up, we would find that in fact our tax revenues are actually very stable, but our capital gains in that period where it deviates upward, were creating an anomaly, a bubble in revenues, that could not be sustained; and when the market collapsed back down, then our revenues fell right back in line with the predetermined historic perspective that we had established.

That is an interesting note because people want to assume that our economy is in bad shape, and our friends on the other side of the aisle talk in horrific, frightening terms to people, who are just paying their rent every month, about how desperate our economy is and the reasons for it. I think this chart begins to show that we have been quite predictable except for a little bit of a bubble that was on the positive side, frankly.

People want to know why are we running deficits. The deficits are caused because we oriented our spending to an increased revenue that could not be sustained, and now that our revenue has collapsed back down, we have got a problem with our spending exceeding the revenues that we are bringing in. That is the short answer to why we have a deficit.

People want to know, are we running historic high deficits. They are hearing the talk coming from Washington, and it causes fear among people who do not watch these figures closely. If the postwar average of 1.5 percent, the red line across here, is looked at, we can see that our deficits right now are nowhere near historic highs.

We also see that our surpluses in the period that just preceded us, our surpluses actually reached a very high level, but they were artificial, created by the capital gains on that overinflated stock market.

So again, as we take a patient, honest look, we see that deficits are existing, but they do not necessarily mean that our economy is in horrific shape or that there is reason for fear and concern. There is reason for fiscal discipline.

A lot of people wonder that with deficits, then we create debt; that is, we do not have the money to pay for the bills today, we spend negatively, we borrow money and we create longer-lasting debt. A lot of Americans ask, are we facing a skyrocketing debt. That again is an interesting question that deserves an answer.

Looking at the next chart, we again see the median line of 42.9 since World War II, and we find that our debt is actually quite low, somewhere around 36 percent. The projections there from 2002–2007 would show that if the projections are right that come from the economists, if we do in fact pass the tax relief, if we do in fact cause the economy to grow, that we can hold our debt at the level of 36 percent.

After World War II, our debt was almost 100 percent. Japan today has a debt of almost 160 percent. Our debt is approximately $3.8 trillion. If we had the same percent of debt as Japan, then we would have $17 trillion. As we look at some of these numbers that come from other developed economies, then we begin to put our numbers into perspective.

Madam Speaker, I would say that, so far, the discussions that come from our colleagues on the other side of the aisle are intended mostly to cause alarm rather than to cause understanding. I would say that right now our debt service, that amount that we pay for the debt is at an historic low. It is approximately 3 percent of our budget.

So if we have a period of deficits and we have a period of debt, why are Republicans calling for spending cuts? The next chart would show us that one of the critical elements, one of the critical measures that most economists agree on is that the level of growth in the private economy is going to be created by the level of spending as a percent of our gross domestic product, that is, how much the government spends as a percent of the overall economy in the United States should fall in a target of anywhere from 16 to 22 percent. As it exceeds above that, we find stagnation. We find that capital is not available for reinvestment by private firms because they are having to compete with the Federal Government, and we find that new jobs are not created.

We in this body have opted to keep our spending within restraints, understanding that if we just continue to spend without the tax revenues, that we will actually cause a dampening effect in our economy. And so a lot of people ask that question, and it is justified to ask why we would be seeking budget cuts at a time like this, and it is because we need to maintain that target in the range of 20–22 percent. We can see from this chart, we have had, historically, far less amounts and far greater amounts, but right now we do not have a situation in our economy that is due alarm.

There are those who complain that this Congress is cutting budgets tremendously, that we do not feel the needs of those people in society, and I have a series of charts all of which are going to show about the same thing, that under Republican rule the actual amount spent on many budgets have increased dramatically from what it was previous to Republican control.

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I will simply go through these charts and take a brief look at them to get an understanding of some of the historic perspectives in our spending to date.

We have complaints that we have cut in the agriculture sector, but we see the spending in 1996 versus 2003. Who among us would say that we are actually penalizing the agriculture market? I think reasonable people would assure themselves that we do need fiscal discipline and we need to be careful how we spend our money, but to say that we have not adequately invested in this program is lacking in full truth.

Similar arguments have been made about Medicaid and Medicare, that we have restricted spending, that we have given deep cuts. Again since 1995, about the time that Republicans took over, we can see the tremendous increase in spending in Medicaid and likewise in Medicare. We again find that we have had abrupt increases in the level of investment in these programs. If we are not getting the output in the programs that we need, it is because the programs themselves have flaws in their design, that the processes in which they choose how much and to whom to pay are the problems rather than the level of spending by the Republican Congress.

Much has been made of the situation of veterans. Again we would see that in 1995 we had $20 billion and today we have $30.6 billion. The slope of the line simply tells us that we have increased spending dramatically. This one abrupt drop here is simply due to an accounting anomaly where we had 13 payments in this period and 11 payments in the other period, and so those would even themselves out to show a fairly steady increase of almost 5.1 percent per year. President Clinton before he left office expanded the number of people who are able to tap into the veterans system. Prior to his regulatory change, veterans who were disabled in the line of duty were able to collect benefits, but those who were disabled in some other way were not allowed to collect benefits. That one change has created a tremendous demand for services that did not previously exist and so you can see that we are investing almost one-third more in the past 6 years, but the drains on it have kept the incremental amounts going to individuals, the amounts that people feel have been kept at a low level because of the increased demand by regulation change. If we have problems with veterans and if we have problems with other programs, the problems are problems of process. They are not problems of a failure to invest.

Many people wonder why we are asking for tax cuts at this time when we have deficits. Tax cuts are the way that we grow our economy. Tax cuts become money that are placed back into the hands of investors. They allow businesses to increase their production, to increase their employment. The estimates if we pass the tax plans that the President has submitted are that we would create 500,000 jobs per year. Those are not insignificant in times of higher unemployment. We must cut taxes in order to reinvest in our economy to create growth. We are finding at this point that because of taxes, many of our corporations are not competitive in the international market. We are losing jobs because of our tax plans which penalize companies located in this country.

One of the things that our colleagues often talk about is the fact that we had corporations that have misused their accounting methods. Enron would be the example used most often. I would bring Global Crossing up as an extreme example. One of the things that happens when we cause companies to keep cash and not pay out dividends is that that cash builds up and there is stimulation to try to spend it, there is stimulation to try to create different sections of the company that would shelter and hide that cash from taxation.

It would be much easier if we simply gave the money back to stockholders in the form of dividends. That particular tax cut, which has been accused of being only for the extremely wealthy, needs closer inspection. Almost half of the savings of the dividend taxes would go to seniors 65 and older. The average tax saving for seniors receiving dividends would be $936 per year. More than half of all American families today own stock. Eighty-four million Americans are invested in the stock market. Over half receive dividends. Over half of the ones who receive dividends have an income level of less than $50,000, but that story is not told in this body, Mr. Speaker.

That story is not told because we are not always after the truth in this body, that we want to create fear and that we want to create illusions. But the truth is that many, many Americans would benefit from this dividend tax cut, the creation of jobs, the return of dollars to Americans. The fact that we are one of the last three countries in the world that causes double taxation of dividends cannot be overlooked.

Mr. Speaker, I stand fully in support of the President's tax cuts that would give 46 million married couples an immediate check for $1,500 and continue it every year from now on. Mr. Speaker, I stand fully in favor of the President's tax plan which says just repeal the estate tax. Ben Franklin said that the only two things in life that are certain are death and taxes. He never envisioned the American Tax Code that would cause them to occur simultaneously. Mr. Speaker, we hear tremendous comments that this is just a tax cut for the wealthy. It is never explained that the top 25 percent of taxpayers, those people who have incomes $55,000 and over, pay 84 percent of the taxes, that if we are going to give a tax cut that is large enough to create economic growth and economic stimulus, that we must give it to the wealthy because we are describing as wealthy those households of $55,000 and over.

Mr. Speaker, one of the best examples of the tax cut will occur with small businesses where they will be able to write off expense, up to $75,000 of new equipment. As a small business owner, I know that that single tax cut would create jobs. Mr. Speaker, I think I will close with a quote from the Governor of New Mexico. Governor Bill Richardson, a Democrat who served in this body, now Governor of New Mexico, says that reducing taxes puts us on the road to economic growth.

Mr. Speaker, the other side knows the truth. They use it when it is important for them, but they refuse to discuss it on the floor of this House in this budget. Bill Richardson's plan this year passed in New Mexico's legislature reduced New Mexico's income tax rate by 40 percent from the current 8.2 percent to 4.9 percent by 2008. It cuts the State capital gains tax in half, to 10 percent. It offers tax credits to companies opening new facilities in the State. Richardson agrees that his plan sounds sort of like Bush's tax-cutting agenda, and he argues that Democrats nationwide should consider tax cutting a viable strategy. "We need to stop talking about class warfare and the distribution of wealth," he said. "Economic growth and reducing taxes puts us on the road to economic recovery."

Madam Speaker, we do not always get a full and honest discussion in this body. I wanted to share these comments on the budget today.

Madam Speaker, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I wanted to come down to congratulate the gentleman from New Mexico for his advocacy for fiscal responsibility and his advocacy for taxpayers throughout America. I have been struck by the same sort of surreal, almost bizarre, arguments against this budget that the House has put together at this point and they seem to be in two categories that the gentleman has identified: number one, that we are having Draconian cuts in the budget; and, secondly, that somehow this tax cut proposal, the stimulus package, is designed to help the wealthy in America.

With respect to the first provision, I would suggest, Mr. Speaker, that the Chicken Littles are out in big-time form these days. The sky is falling, the sky is falling, Draconian cuts, et cetera, when the fact of the matter is I have been hearing this argument for about 30, 40 years. I remember watching TV as a small boy when President Ford was a Republican leader in this House of Representatives, and he was accused of cutting the school lunch program. Thirty-five, 40 years later, Mr. Speaker, actually we have an obesity epidemic in America's school grounds, unfortunately all too often, and so the truth of the matter is that whatever Republicans have been cutting in terms of school lunch programs has not done a very effective job if we have been trying to cut off the food supply. I would suggest that scaring teachers, scaring parents, scaring children, scaring veterans, scaring farmers is the wrong thing to do as a moral political policy; but more importantly it is empirically ignoring all of the facts.

As the gentleman suggested, agriculture spending in America as a consequence of Republican leadership has increased from 1996 to the year 2003 from $6 billion to over $24 billion. Veterans medical care from 1998 to 2003 has increased from $17 billion to $24 billion. Education spending at the Federal level from 1998 to the year 2003, under President Bush especially, has increased from $30 billion to $58 billion. Medicare spending has increased in America from 1996 to the year 2003 from $175 billion to roughly $240 billion.

Mr. Speaker, I am new to Washington; but this is the only place where you can increase your budget an average of 5, 6, 8 percent a year and people will call it a Draconian cut to punish seniors. As a matter of fact, total discretionary spending since 1996 when Republicans took the leadership here has increased from $501 billion in programs throughout the budget to over $740 billion. Those are hardly cuts. As everybody that can do math knows, this is an increase, the overall spending proposed by House leadership and the House of Representatives as a whole, of over 3.1 percent during tough economic times. It comes in the aftermath of really what is soaring spending.

Indeed, the truth of the matter is spending other people's money is an intoxicating experience, but it has consequences. It has effects on the average family. In fact, the Federal Government bites out of every family's budget on average $16,000 per year. That is for every household budget in America. That has huge effects. That is $16,000 worth of spending that families do not get to cut out for their own purposes. Much of this is in duplicative or superfluous spending, unnecessary. There is this appetite of the Federal Government and bureaucrats and politicians to be indiscriminately meddlesome in trying to organize our life's affairs; and unfortunately, that stifles all sorts of economic growth, family planning, business planning, and I could go on.

I have got about five pages of incredibly wasteful spending I could go through; but in the interest of time, I know I have some distinguished colleagues who would like to address this matter, I will skip the details. I will say that for example, however, the Federal Government cannot account, last year alone, for $17.3 billion worth of spending according to our own records. $17 billion just lost somewhere in the system. The Federal Government made $20 billion in overpayments in the year 2001 alone. The truth of the matter is that we are woefully irresponsible and inefficient.

On top of that, what the gentleman from New Mexico knows and that is never pointed out by the opponents of the President of the United States and his fiscally responsible budget is that our cuts, the only cuts that we have asked for in this budget, come out of waste, abuse and fraud. We have instructed all of the budget draft persons to emphasize and never touch any of the important services provided to our military veterans, to the education system, to the farm system, certainly not to homeland security and defense that each see significant increases.

We have instructed them to cut 1 percent out of abusive, wasteful and fraudulent spending. I would submit, Mr. Speaker, that not one person in my district does not believe that we could not cut one cent out of every dollar spent at the Federal level. The truth of the matter is that only one in 4,000 Federal employees is ever laid off because of bad performance. People in my district just do not believe you cannot find more bad performance than that, and they just do not believe that we cannot find one cent out of every dollar in terribly wasteful and abusive spending.

I think the gentleman did a wonderful job talking about the importance. If we want to get this economy moving again, we have got to support the President's tax proposal and stop all of this demagoguery. I applaud the gentleman. I do not know how he and other Republican leaders were able to convince a Democratic policymaker, the distinguished Governor of New Mexico who happens to be a Democrat, how you were able to educate him in terms of the reality of job creation, wealth creation, prosperity and investment; but the quote from him, we need to stop talking about class warfare and the distribution of wealth, we need to start talking about economic growth, and reducing taxes puts us on the road to economic growth.

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I want to endorse the comments of the governor of New Mexico, and I am thrilled with the very notion that we can go back home to Florida and convince some of my friends and colleagues on the Democratic side that we can cut taxes and spur economic growth, spur job creation.

Here is the bottom-line truth. If we want employment, we cannot punish all the employers in our State or in our country. If we want job growth, we cannot punish the people who are creating jobs. If we want wealth, we cannot punish those that are busy creating wealth for all of us, and if we want savings, we cannot punish those that save and invest.

I will leave you with this. I am a big proponent of the President's dividend tax cut. The fact of the matter is that dividends in America today are taxed in a very punitive matter. The highest rate at the corporate level is some 36.5 percent, but even after the corporation pays tax, it has only got about 65 cents or so left, and it pays that out in dividends to individual shareholders. Those shareholders may be subject to taxation rates of up to 39 percent. The effective rate of taxation therefore is that the Federal Government takes 70 percent of every dollar earned by corporate investments. No wonder we are having trouble creating new jobs, new economic prosperity, and new wealth.

On top of that, of course, there is a hodgepodge of other Federal taxes that are owed, State property taxes, State income taxes, State sales taxes that are collected by these corporations. It is a very punitive system that has effectively stifled much of the potential growth.

But I will leave the Members with this last thought. The notion that job creation should be continually punished in America, forever, I think hurts every family, but I will tell the Members that especially in Florida there are other portions of the President's tax cut program that make dramatic differences.

We have got some 92 million Americans that earn dividend income. We have got millions of families that will receive a huge benefit from the increase in the child credit. We have got small businesses that, as we expand the deduction for buying new equipment, will be huge beneficiaries. As we phase in the 10-year tax cuts on marginal rates, all sorts of families will save thousands of dollars.

The final thing I will leave the Members with is that the Democratic so-called tax cut proposal allows the average family to go out and buy a used television set on a one-time-only basis. The President's proposal puts an average of between $1,000 and $2,000 in every working family's pocket forever, every year. It will create jobs, it is will free families, and it is the right thing to do.

I thank the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

I have been intrigued by this dialogue about the budget and especially the economic growth package, so-called, and there are a lot of ideas going around on this Hill. I want to focus for just a minute on something very near and dear to my heart, job creation.

I have been in the private sector all my life and only a brief while in this distinguished body as a Member of Congress. So my mind and perhaps a good share of my heart is still back home with the folks that actually are creating jobs and doing the work around this country.

In fact, just this afternoon I had an electric contractor, electrician, in my office and he was lamenting with me the state of things back home, that he is actually for the first time in many years faced with laying people off, with eliminating jobs. And that is a tragedy because these people that work for him, he is a small business owner again, they become more than just employees, they become friends; and he knows that laying them off, especially in times like this, is a bad situation and it becomes a very personal situation.

So I think a concept that has tragically been lost in a great deal of this dialogue is the one of job creation and something that we really ought to be committed to. And I submit that all of us from either side of the aisle, all of us that run for public office say, we are for job creation, we are going to do that when we get to Congress. If we are ever going to do that, if we are wherever going to really mean it, what better time to mean it than right now when we see unemployment up, when we see people like my friend from back home in my home district saying he is going to have to lay people off, that we be serious about it?

Let me share a couple of statistics with the Members. Relative to this much-debated dividend tax elimination, the compelling part of that argument, the big part of it for me at least, is the number of jobs that it will create. Why would it create jobs? In our society, we typically get what we incentivize, and when we incent capital formation, capital which is critical to the creation of opportunity, the creation of an expanding economy, the creation of jobs, that is what we will get. When we incent it, we will get it. So when we incent the investment in capital, the equity side of business, it only stands to reason that we are going to get an expanding economy and jobs as a result.

Point of reference: It is estimated in this economic growth package that has passed this body that, on average, for the next 5 years, almost 1 million new jobs a year will be created. Some have suggested that this dividend tax elimination is not a good idea, that it just benefits the rich, and I will return to that, that it really will not benefit the average guy. The average guy is exactly who we are talking about here who needs a job.

If we eliminate that, we lose almost 60 percent of the job creation of the economic growth package that we are talking about here. We reduce from that almost 1 million new jobs a year, on average, for 5 years to less than 400,000. That is tragic. That hits people right where they live, in their pocketbook, at home, and that will cost us jobs which we need. Again, it defies logic why we do that.

Another critical piece of this economic growth package, if I might, is the increase in the investment credit tax deduction for small businesses from 25,000 to 75,000. Why is that such a big deal? My electrical contractor again, I asked him, If you had the option, would you use that? Yes, he would. What would you do? Well, he would buy some new equipment. He would buy a badly needed new van. He would buy some shop equipment; they fabricate a little bit.

I submit to the gentleman the simple facts of life. If somebody is going to buy something, a washing machine, a drill press, a new computer, that means somebody has to design it. Somebody has to fabricate it. Somebody has to assemble it. Somebody has to ship it. Somebody has to make a box to ship it in. Somebody has to put it on a shelf. Somebody retails it. Somebody delivers it. Somebody installs it. Somebody services it. That creates jobs. That is how America works, and that is what we ought to be about in this body.

And we have got an opportunity not to just stimulate, and I do not like that word, not to just stimulate this economy because typically we poke it here and it comes out there, and then we will poke back later. We ought to do some sound, long-term economic planning. That is what we have an opportunity to do here, to incent job creation.

I submit to the gentleman from New Mexico (Mr. PEARCE) this is a great package. I applaud him for taking leadership on the floor of this House tonight, and I pledge to him my support to seeing this economic package pass this body and, hopefully, become the law of the land. I thank him for yielding.

Mr. PEARCE. Mr. Speaker, I recognize the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from New Mexico. We have been standing here for some time listening to some of our friends on the other side of the aisle talk about what they saw as the doom and gloom of the tax package of a budget really that allows people to actually begin to operate, begin to do things that will bring this economy back.

It is amazing. If we had listened for any length of time to our friends on the other side of the aisle, we would have heard time and time and time again that the following rhetoric: we would have heard something like this: Oh, my God, they are going to take money from the people who are veterans and children and old people and everybody we can think of to cast in a sympathetic light, and they are going to give it to the rich.

Give it to the rich, this is a fascinating way of talking about letting people keep some of their money, but it is exactly what distinguishes the two sides in this debate. It really is a great way of explaining how one side of this debate looks at the whole issue of taxation and the whole issue of private development, the development of one's own resources and talents. To think that the Government of the United States or any government owns the money to begin with and that they, if they are nice, we are going to let them keep some. But if they are not very nice, and even if they are wealthy, if they made a few bucks in the process, all of a sudden they are the bad guy and we are going to either keep money from them, but if we are going to pass a tax break, we are "going to give them money."

It is not giving anybody money to say that they can keep some of the money they earn, but it is only that if we think of it as being all the government's money to begin with, and that is exactly what the other side does, that is how they think about government: It is all government money. We will let them keep some if they are good. That is what really separates these two sides in this debate, and I hope that the people that listen to this debate understand and really are able to see that.

Mr. Speaker, there was a time when the leadership in the Democratic Party, not just a single governor like Governor Richardson today, but the leadership of that party could actually look beyond the whole concept of class warfare and did not try to incorporate that into the philosophy of the Democratic Party.

And there was a time that the leader of the Democratic Party actually came to the Congress of the United States, came to the people of the United States and said, You know what we need? You know what we have to have? We have to have a tax cut. Even though we have got deficits, huge deficits, the way to get us out of those deficits and back into a surplus is to let the economy begin to move again, and we have to do that by giving people tax cuts.

The Members know who that was, of course. It was John F. Kennedy, and he put through a huge tax cut in the face, by the way, of large deficits that were running at the time; and he did not talk about letting rich people keep some of their money. What he said is, we have to allow people to keep some of the money that they are laboring for because that is truly what makes an economy hum. And he was right.

There is another thing that we should pay special attention to, Mr. Speaker and my colleagues, especially my colleague from New Mexico, who I know understands this issue far better than most of us, and that is the importance of energy production and the importance of getting an energy bill through this Congress, the importance of getting the President's energy package through. This will do more to "stimulate" this economy than almost anything else we can doing aside from letting people keep more of their own tax dollars.

We have to allow for the development of the economy and the stimulation of the economy to occur as the result of the production of energy resources in this country. No one, no one, believes that we should continue to rely upon foreign sources for our energy needs. That is why it is incumbent upon every single one of us in this body to do everything we can to put an energy bill in front of the President, let him sign it, an energy bill that will begin to explore the resources that are available in the United States, the coal, the gas, the oil resources available to us here while simultaneously researching what is available to us in alternative resources and the use of alternative energy supplies.

That is what is desperately needed, and I hope we will begin to focus here, even for the remainder of the time we have available to us, on this issue of energy, because it is an extremely important part of this whole discussion of how we get an economy going again.

Mr. PEARCE. Mr. Speaker, in summary, I just would say that, in perspective, people in this city are saying that the tax cut is just too large, that the original figure of $726 billion over a 10-year period, that compares to $120 trillion. Mr. Speaker, we are asking for seven-tenths of 1 cent back in taxes. Economists on both sides of the aisle declare that this tax cut, this tax relief package by the President of the United States to be the boldest tax plan ever presented, that if the dividend tax is repealed, it can surge our economy upward for a 50-year period with an immediate 10 to 15 percent increase in stock prices.

□ 1800

Mr. Speaker, again, I am going to close with the comments on March 31 of this year from Democrat Governor Bill Richardson from New Mexico when he passed a tax cut in New Mexico: "We need to stop talking about class warfare and the distribution of wealth," he said. "We need to start talking about economic growth, and reducing taxes puts us on the road to economic growth."

Mr. Speaker, I cannot say it better.

ENERGY POLICY

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.) Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for the remainder of the leadership hour, which is now 20 minutes.

Mr. CANNON. Mr. Speaker, I appreciate the gentleman from New Mexico yielding his time back so that we can take a few minutes to talk about energy policy issues. I would like to immediately turn the time over to our colleague, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, I thank the gentleman from Utah for yielding to me on an issue that is so very important.

There is an old Chinese proverb that says, the best time to plant a tree was 20 years ago. The second best time is today. Just think back to 1979 when we were standing in line to buy gasoline, and some of us from energy-producing States said, what happened? Will this ever happen again? It happened again in the 1980s. We continually find that energy prices are going up. We find that OPEC ministers are holding us hostage, and yet this Congress and this country does not have an energy policy. Oh, it may not be the most sexy of issues, because every time the gasoline price in this country goes down, people go, whew, we solved the problem; now we do not have to deal with it.

But we do. Because there is one thing that will create a problem more than any other problem in this world in the future, and it is not the national debt that we talk about, and that is very serious; the national debt can either be solved through increasing revenue or decreasing expenditures. No, the most serious problem this Nation faces is an energy shortage. One day we will not have an opportunity to drill one more well or dig one more shovel full of coal. If we have not done the things, if we have not put in place the environment to create the next generation of energy production, then we have done more damage to the next generation, far surpassing anything else that we could have done with our financial debt.

Montana, my home State, is known as the Treasure State. Why? Because of the natural beauty, but also the natural resources that we can provide to the rest of this Nation under an energy policy. "Oro y Plata" is our motto: Gold and Silver. We have gold and silver, but beyond that, we have many of the things that this energy policy that we are discussing in this Congress have to offer.

A couple of the ones that are most important to my State are clean coal and clean coal technology. The energy policy talks about the opportunities. Think about the native Americans in our country. We have reservations in Montana that need economic development. Just in the Crow reservation alone, they have the potential for 1 billion tons of coal, or the Cheyenne reservation, 1 billion tons of coal.

One of the President's priorities was hydrogen fuel cell technology. We need electricity to put through the hydrogen fuel cells. How can it be created in America? Through coal. I traveled to Iceland last year. I watched them want to become the first nation to be entirely fossil-fuel free. How do they create the electricity for their hydrogen fuel cell technology? They use water, hydro, their dams. We certainly cannot do that. We need a source, whether it is natural gas or coal. Montana can fit into that, but we cannot without the incentives that are created in this energy policy. We need this bill.

Marginal well tax credit. Mr. Speaker, in Montana alone, we have 2,700 shut-in marginal wells. Why? Because they cannot afford to open them because the price of oil is so unstable that they do not know that if they open it, they will have to shut it down immediately or they will lose them. We are not talking about the major oil companies here. We are talking about independents; we are talking about Montanans, individuals who pay their income taxes that need the help. Within the energy policy there is a tax credit for marginally producing wells. It could replace as many as 140,000 barrels of oil a day, oil that we will not have to bring in from places like Iraq.

Energy debt. That is what we are looking at in this country. I brought along a picture that I want to show my colleagues real quickly. This is my home State of Montana in the year 2000. These were the fires that burned a million acres of properties, a lot on Federal ground. Unfortunately, along with that, animals burned, pastures burned. We created an unhealthy environment and rather than doing that, we ought to do what other countries and, in some cases, States that are so far ahead of this Nation are doing.

I took a delegation over to Sweden last year to look at biomass. They have cogeneration facilities where they put wood products through those generation facilities to create energy for schools and hospitals. It can be done in America. It is not being done to the extent that it could be, because we do not have an energy policy.

When is America going to wake up? When are we going to say we are not going to let the opponents stop this plan because of one issue or another? And energy policy has a never-ending, expansive environment of creating an opportunity to become energy independent to fuel the economy and to fuel ourselves into the 21st century and beyond. Without it, we are creating an energy debt, and that is not fair to the next generation; and shame on us if we do not solve the problem.

I thank the gentleman from Utah for his leadership in the Western Caucus and for giving me an opportunity to speak today.

Mr. CANNON. Mr. Speaker, I thank the gentleman from Montana for his interest, intensity, and clarity on this issue that is so important to the American people right now.

I could not help but think as he spoke that, in fact, in America, the cost of energy is as regressive as any tax could be. That is that poor people drive cars and rich people drive cars. Sometimes the cars that are driven by the rich, though the car may cost more, uses the same kind of gas or even less gas than an old beater uses. The fact is, the cost of energy is significant to the people, even in a regressive way, to all segments of our society.

We are speaking today as the Western Caucus. I want to thank the gentleman from Colorado (Mr. TANCREDO), a member of the caucus who spoke earlier, and the gentleman from New Mexico (Mr. PEARCE). I hope we can get back to him. We also are joined by the gentleman from Pennsylvania (Mr. PETERSON), who is the communications Chair for the Western Caucus and also by the gentleman from Utah (Mr. BISHOP), who is the secretary of the Western Caucus. I would like to yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is great to join my friends from the West. I come from western Pennsylvania where the energy crisis started. I live 5 miles from Drake's Well, the first oil well ever drilled.

The question is, do we need an energy policy? In my view, it is the number one need of this country. There is no issue that makes this country more fragile economically or in our defense than availability of energy.

Why do we need to have a policy? We need a policy that will provide us with ample sources of all types of energy. There is no silver bullet in the energy issue. Every time we have an energy spike in this country, we then have a downturn in the economy because of the cost that takes out of our economy.

I want to share with my colleagues some numbers that are a little surprising. These are world numbers. We all think that we are just days away from new energy sources that are going to replace fossil fuels. Currently in the world, we consume 39 percent, which is oil, 23 percent of energy that is natural gas, and 23 percent that is coal. Now, when we add those three together, that is 85 percent of our energy is fossil fuel.

We have 8 percent nuclear and 7 percent renewable. Now, renewables are the ones we all hope and support and hope will be the supply of the future. But let us look at those numbers. Hydro is almost half of that 7 percent, or 3.22 percent. Wood is .0266 percent, or just under 3 percent. Wood waste is about a half a percent. When we add wind and solar together, we have just over a half a percent of the energy consumed in this country. Yet, we have a lot of people who keep talking like if we would just stop holding back wind and solar. Folks, nobody is holding back wind and solar. When the wind does not blow, we have to have a redundant source. When the sun does not shine, we have to have a redundant source. And it only blows about 38 percent of the time in the areas where wind power works. So those are not as quick a solution as many people would like to think.

Now, transportation is where we use our oil. Thirty-nine percent of our energy is oil, and the vast majority of that is an oil-based economy: our transportation system. We have a little bit of ethanol which is growing, and we have a little bit of natural gas in there. Sixty percent of the oil we purchase will soon come from foreign countries, unstable parts of the world.

Hydrogen fuel cells, I applaud the President. I have been supporting hydrogen for all of my 6 years in Congress. Hybrid cars is another one that has hope. But they are a long ways from solving the energy problems in this country.

If we quickly look at natural gas, which is 23 percent of our energy, that is home heating, commercial, industrial, and mass transit. Eighty-five percent of that is produced in this country and creates wealth from the ground to the source of use. Many of our best fields, though, in this country, and we were really putting a lot of horses on natural gas because we have added it to electric generation, are locked up. Most of the west coast shoreline is locked up, most of the east coast shoreline is locked up. Under the Great Lakes where we drilled down, do not even drill down through the lakes is locked up. Canada drills under the lakes and sells gas to us, and many of our best fields in the Midwest and all around Florida are locked up.

Electric generation is today 52 percent coal, 20 percent nuclear, 60 percent natural gas, 7 percent hydro, and 3 percent oil. So the electric that we supply in this country has basically, in recent years, all the new electric plants have been natural gas. Now, I have never been a fan of that, because we have always kind of held natural gas back for home heating, for commercial and for industrial. And we found this winter what has happened. Now that we are hooking up these big generating plants, we had natural gas prices just a month or two ago that reached $9 and $10 a thousand, which is devastating to those who depend on it for home heating.

We should be using natural gas for mass transit and short-term transportation, in my view, not for future electric generation.

I will conclude my comments with the following: every downturn in our economy has been preceded by high energy prices. Home heating and transportation, when those two costs spike, it comes right out of the family budget. Seventy percent of our economy is from commerce, and that is the same family budget. When we have energy spikes for driving our cars and for heating our homes, it will hurt our economy every time. We must have an energy policy so that we have ample energy supply in this country.

Mr. CANNON. Mr. Speaker, I thank the gentleman. I could not help but think today about some of the things that the gentleman from Pennsylvania just pointed out. When one of my staffers came in and told me that gas prices today are up to $5.70 per therm, this is an amazing amount and an amazing jump in the springtime when energy demand is down for households, but forced up by this steady demand from large production, energy production facilities.

Mr. PETERSON of Pennsylvania. Mr. Speaker, there is not ample wells being drilled in this country to continue to hook up power plants to be produced by natural gas, from all of the experts I have talked to.

Mr. CANNON. Mr. Speaker, that appears to me to be the fact of our life today, that we do not have the gas coming out of the ground.

Now, the fact is, we have lots of gas. I mean, we could probably drill 50,000 gas wells in Wyoming alone today on where we know those reserves are; and between Wyoming, Colorado, and Utah, in known reserves, we could probably drill a total of 100,000 wells that would make gas available to everybody and reduce that cost so we are not at $5.70, but back to $2 or so per therm that has been typical of the last 10 years.

Mr. PETERSON of Pennsylvania. But so much of those best gas fields are locked up.

Mr. CANNON. Yes. They are locked up by policy. I might just point out that the Constitution gives this body the control of policy. Anything the administration does is based on delegation from this body to the administration; and that is what we need to look at, and that is what this bill does. It takes great strides in turning that around so that we get that locked-up gas flowing to the homes of people who only should be paying $2 per therm instead of $5.70 per therm.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we only can import gas from Mexico and Canada. We can import it from ships, but we only have two ports that can take liquefied natural gas, so we are really limited. We are dependent on what we can drill.

Mr. CANNON. Mr. Speaker, I think we are in fact dependent for heating our homes with gas on the gas we produce here incrementally in America.

Mr. Speaker, I yield to the gentleman from Utah (Mr. BISHOP).

□ 1815

Mr. BISHOP of Utah. Mr. Speaker, I thank my senior colleague from my home State of Utah for yielding to me.

Mr. Speaker, the gentleman and I have been here 3 months. In that time, I have found nothing more exciting than what I wish to speak about today, the potential of an Energy Security Act of 2003.

This country has been for far too long without a comprehensive energy program. With energy prices rising and our dependence on foreign oil, we need to find a domestic source of our potential future energy. What this Congress needs to do to solve this problem and also to eliminate a future crisis is to look to the lands that are already controlled by the Federal Government.

In the coming days, Congress will have the opportunity to debate the Energy Security Act of 2003. Within this critical bill is the authorization allowing drilling in Section 1002 of the Alaska National Wildlife Refuge.

Now, contrary to popular belief, this is not the pristine cathedral of the wilderness or the last great unexplored frontier; it is thousands of acres of frozen tundra, uninhabitable, with its greatest summer crop being mosquitoes.

More importantly, when Congress created this ANWR, we realized that within that there was the great potential for oil. We specifically put a portion of it, the portion in green on this map, aside for future oil exploration for the needs of this particular country.

This section, known as 1002, it is noted, is not all to be used for oil development, only 2,000 acres within it. Let me try and explain what that means.

ANWR is approximately the size of the State of South Carolina, yet, within the northern portion of that, the area in red is the only portion we are talking about, a grand total of 2,000 acres, about the size of the footprint left by the airport in this city.

If we did another analogy, if we can consider a large conference table, we are talking about drilling in an area the size of a postage stamp. That is not, that is not an area that is going to despoil the future. Its disturbance is negligible.

This area does not have, as some critics have said, only 6 months' worth of oil. We are looking at an area that has between 5.7 billion and 16 billion, B, with a B, billion barrels of recoverable oil within ANWR. If Members consider that within every day we import 10 million barrels, we can recognize that clearly this would go a long way as we compare the potential of ANWR to our other sources of foreign oil in providing the kind of natural domestic security that we desperately need.

This cannot be minimized, it cannot be brushed aside. This is a crucial element of the puzzle. It is a crucial element for the long-term viability of our Nation and our energy.

One last point, very quickly. In addition to oil for the future energy needs of this country, we are producing spin-off jobs in almost every State of this Nation. These statistics are somewhat old, I have seen them elevated by as much as 20 percent, but we could produce between 500,000 and 700,000 jobs in this country. Can Members imagine what 500,000 to 700,000 jobs would do to spur this economy, well-paying jobs, in addition to the energy independence?

There are two elements we need, stability and predictability of our source of energy. That is what will spur the future. That is what will give us our independence, our independence from foreign oil and our security at home.

Mr. CANNON. Mr. Speaker, I thank my friend, the gentleman from Utah, and I would like to thank all my colleagues from the Western Caucus for the relatively short time we have taken on the floor today. I can assure my colleagues we will be back in future special orders, trying to flesh out for the people of America these issues and how important they are to the future of America, to the future of jobs, half a million jobs based on a decision made by this body whether or not we will open up a small area in Alaska for drilling. I think that is an important issue.

The gentleman from Utah did a little magic trick with the chart and made it disappear for a moment. There is no magic, there is no magic for solving this problem of energy in America. We need to deal with the realities of these policy issues. We need to get away from demagoguery and toward the very important issue of the price of gasoline for our cars, the price of gas for heating our homes, the price of energy for running our factories and creating jobs for the American people.

VETERANS AFFAIRS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I rise today to address an issue that some of us started to talk about last week. Mr. Speaker, last week 11 Members came to the floor to speak about the deep cuts in the President's budget. After we made our presentations on the floor, we were inundated with calls by veterans from all over America. They called us, they wrote us, and they are asking Members to join us. They want us to make a special appeal to our Republican friends, to the President, not to cut veterans services.

We are back here tonight. I have more Democratic Members who have joined me. They have come to the floor this evening to appeal to our Republican colleagues and to the President not to cut the veterans budget.

The budget is supposed to outline the Federal Government's priorities for the next year. Apparently, some of our colleagues have decided that their priorities are massive deficits, huge tax cuts that benefit only the most privileged, and drastic cuts to government programs that millions of people depend on. While the Republican budget did not include a dime in funding for the war in Iraq, it did cut the Department of Veterans Affairs by $25 billion.

Mr. Speaker, on the same day that the President of the United States sent our soldiers into war, the Republicans in Congress pushed through a budget that slashed the very programs that our soldiers will count on when they return from their mission. This is unacceptable. I believe that we must live up to our duty and support the men and women who fought throughout our Nation's history to protect our freedom.

However, it seems that many of our colleagues have forgotten the promises we made to our veterans when we sent them to war. This budget, the President's budget, has slashed government spending so that veterans are being impacted in the most unusual and negative way.

The cuts that the veterans are being forced to take are simply unkind and unfair. For example, in January of 2003, Mr. Bush cut off access to the VA health care system for approximately 174,000 veterans. Specifically, the President announced that new VA care would no longer be available to so-called "Priority 8" veterans who are not already enrolled in the VA system; that simply means veterans who earn about $24,000.

It is ironic that the President announced this cut on the same day he did a photo op at the Walter Reed Army Medical Center, touting veterans care for vets of the Afghanistan conflict.

It is also ironic that the President was touting care for the veterans of the Afghanistan conflict when we are still, in our districts on a daily basis, responding to the cries of veterans who served in the Vietnam-era War and who served in the Persian Gulf War, veterans who still are not able to access their benefits. We are still dealing with veterans who have been inflicted with all of the diseases that come from the exposure to Agent Orange and other kinds of exposures.

In July of 2002, the President had the Veterans Affairs Department direct all VA regional directors to stop, stop, all marketing activities to enroll new vets in the VA system. This was an effort to curb VA expenditures by not letting the public know about available services. According to several major veterans groups, the President's budget last year fell $1.5 billion short of the inadequate funding that was exhibited in that budget.

THIS YEAR'S BUDGET

So it should not come as a surprise when our President or his party short-changes our veterans, yet again. History has shown that they will.

But Republicans decided that what they have done over the past couple of years was not enough. So when they drew up the Fiscal Year 2004 budget they called for even greater cuts to the Department of Veterans' Affairs. The budget will cut $844 million from health programs next year.

In addition, the budget called for increased co-payments for pharmaceutical drugs and primary care that veterans need—something that used to be provided for free.

And mandatory spending would be cut by 463 million—this year alone. This means that the Montgomery GI Bill education benefits, vocational rehabilitation, and subsidies for VA home loans will be cut.

The Republicans even cut funding for headstones, markers and flag for deceased veterans.

Nor does the Republican's budget provide additional funding for the Homeless Veterans Comprehensive Assistance Act which is a comprehensive effort to eliminate chronic homelessness among veterans within a decade.

I would like to share with you two quotes that I think highlight the anger that many veterans felt after they saw the Republican Veterans' budget.

The first is from John Keaveney of New Directions, Inc, a veterans group located in Los Angeles. He says: "To propose cuts in VA nurses, doctors, hospitals and other important services to veterans at a time of war feels to many veterans like an act of treason. . . . It seems inexcusable at a time like this to virtually tear up the agreement America has had with veterans for more than 100 years which is to care for those who have borne the brunt of battle."

And the other is from Dwight Radcliff of US Vets also located in Los Angeles. He said: ". . . the men and women who fought for this country are still struggling to obtain the benefits and services to which they are entitled. In being pro-active, it is imperative that during this time of war, we begin to prepare to address the needs of those who are currently in service as well as the forgotten heroes who still sleep in the streets. It is extremely unfair to tell those who have waited so long and also those who will return shortly that their effort for this country was unappreciated."

Mr. Speaker, I call on the President and the Republican leadership to restore the funding to the Department of Veterans' Affairs and to restore our veterans' confidence in their government which they so bravely defended.

Mr. Speaker, I am going to call on some of my colleagues who are here to make their presentations this evening. I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding to me, and commend her for taking this time in a special order on such a timely matter, while our troops are in the deserts of Afghanistan and Iraq fighting for their lives and while this administration is attempting to cut the budget of the VA.

Mr. Speaker, I rise to voice my opposition to cuts in benefits due our Nation's veterans. I urge my Republican colleagues to reconsider the drastic cuts made to the Department of Veterans Affairs. I oppose these cuts, this mistreatment, and believe our Nation's heroes deserve better. I sincerely urge my colleagues and all Americans to consider just what a vote to reduce the budget to our veterans, both on and off the battlefield, really means.

Today, I submit, there is politics and then there is the presumption of politics; there is patriotism, and then there is the presumption of patriotism; there is support for our troops, and there is the presumption of support for our troops, all the contradictions involving the politics of war and peace.

The notion of who is a true patriot and who is not and the welfare of our troops in combat all have been played out recently in this very Chamber. For my part, I have opposed the war, supported our troops in combat, and now stand to support our troops upon their return.

For those who follow my votes, they may be confused. Do not be, because certainly I am not. Recently, on March 20, 2003, I placed into the CONGRESSIONAL RECORD a statement that noted my long-standing opposition to the war in Iraq. Yet, with the fighting having begun, I offer my support and prayers for the men and women who, out of duty to their Nation, find themselves in harm's way.

On top of this budget, the current administration has also submitted a budget to pay for the war we are currently engaged in. That supplemental budget request is for $75 billion to fight the war in Iraq for 6 months. With the prospect of a long and arduous campaign and occupation of Iraq, the costs will likely soar even higher.

We have 2.3 million disabled veterans who demand our patriotism, just as we demanded theirs in time of war. I echo the appeal of honor and dignity made on March 17, 2003, by some of the veterans groups in response to the GOP budget.

I quote: "Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care, and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled vets at a time when thousands of our service members are in harm's way, fighting terrorists around the world, and thousands more of our sons and daughters are preparing for war against Iraq."

Needless to say, the shooting war started in earnest 2 days later.

I submit to Members, there is politics and then there is the presumption of politics; there is patriotism, and then there is the presumption of patriotism; and there is support for our troops, both on and off the battlefield, and there is the presumption of support for our troops.

In a world where the cost of everything, even our Federal budget, is increasing at breakneck speed, does it make sense to cut benefits to the very people who we promised to take care of if they stood at a post and took care of us in some foreign land, often under an obscure objective that only our highest leaders know about and understand?

In today's world, with the threat of international terrorism in our own backyard, war has come to us all. However, for those men and women who stand up, swear an oath of allegiance to defend our Nation at all costs, and do the bidding of Congress and our President, we are now being asked to turn our backs on them.

☐ 1830

How can Congress, in the span of a few days, vote support for the troops fighting in Iraq and then seriously consider revoking by nearly a billion dollars the benefits we promised our warriors past, present, and future for the sacrifices they have sworn and continue to swear to make for the good of our Nation. This is an insult. This is an abomination. We know it. America knows it, and our veterans know it.

It is more patriotic to send our troops into battle with our congressional blessing but upon their return tell them their sacrifices are not deserving of benefits this Nation has traditionally offered those who risk injury, emotional stability and even their lives to keep this Nation secure.

I urge Congress to reject any reduction in benefits to our fighting men and women and support the Democratic alternative. At a time of war and sacrifice by the men and women of our Armed Forces, Congress cannot and must not let these cuts stand. The alternative offered by the gentleman from South Carolina (Mr. SPRATT), the ranking member of the House Committee on the Budget, provides for $1.1 billion in additional discretionary spending in FY 2004 and $17 billion more over the course of 10 years to the Veterans department budget.

If we want their full measure on the battle fields, they deserve a full measure of benefits upon their return. I thank the gentlewoman for yielding to me.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for taking the leadership on behalf of veterans.

As a veteran who has served in the 101st and 82nd Airborne Division in 1966 to 1968, I am outraged, I am outraged regarding the 2004 budget adopted by this House committee, $28.8 billion cuts in veterans programs over 10 years; $14.6 million in veterans benefits cut in mandatory veterans programs; $14.2 billion cuts in discretionary veterans health care. I speak on behalf of the 2.3 million disabled veterans including more than 1.2 million members of Disabled Veterans of America.

Is there no honor left in the halls of government? Is there no honor left in the halls of government that you would choose to dishonor the sacrifice of our Nation's heroes and rob them of their programs, health care and disability compensation? During this time of war it is crucial to let our soldiers know that they will be taken care of once they return home. I state once they return home that they will be taken care of. Unfortunately, I am ashamed by what the Republican Congress and President Bush have done to our veterans lately.

Since the troops have been deployed to the Persian Gulf, veterans benefits have been shipped away. Shame on you. Shame on you. They are fighting and dying for us. They are fighting and dying for us. And what are we doing? We are pulling the rug out from underneath them. The Republican budget resolution that passed last week cuts $449 million from veterans health care programs. What kind of message does it send to the hundreds and thousands of American men and women in uniform currently risking their lives overseas? Is this the kind of message that we want to send to our young soldiers fighting for freedom and democracy?

Remember that we enjoy today the freedoms because of the sacrifices that many of our veterans made who have served this country, our country before. Is this the best way that we can do for the families of those who have died for this country?

Just recently, Corporal Jorge Gonzalez, a U.S. Marine from my district in Rialto that I happened to visit the parents this week was killed in Iraq. His heroism is found in the battle field and at home. This occurs daily through this land and the homes of families of American men and women who are serving us, like those of my legislative field representative's husband who is now serving in Iraq. Our men and women in uniform should not have to come back and learn that the government they fought for refused to take care of them, and I state, refused to take care of them.

During the time of war, we all say to our troops, we support you, our thoughts and prayers are with you. And we do, and we do. We display the American flag on our cars, in our homes, and clothing with pride. While this display of patriotism is important, I say we have to do more than that.

We have a moral obligation to provide veterans with benefits and services that they have earned, and I state that they have earned through their honorable service to this country. We have a moral obligation to provide them with prescription drugs and access to care. Is that too much to ask? I ask, is that too much to ask?

I am here to tell the administration and my fellow Members of Congress not to forget those men and women who have served this country. Remember, the freedoms we have today are because the men and women were willing to step up and fight for those freedoms, the freedoms we enjoy every day. Let us not forget them. Let us not forget them. Let us restore the benefits to our veterans. Let them know we will take care of them today and tomorrow, and I state today and tomorrow. I say God bless America. Let us restore our veterans. God bless our veterans.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from California for yielding and for organizing this chance for us to come to the floor and speak tonight.

Once a year in my district a group of people gather in the middle of a dusty field and they line up trucks and tents on either side of the field, and over the course of a weekend veterans from all over our area come to this field to receive counseling, health care services, clean clothes, a shower, a meal. This is called a Veterans Stand Down. Most of the veterans who come to the stand down are homeless or living on the street, battered by a mental illness.

Once a month in my district and in districts across the country, veterans look at the calendar as it heads toward the end of the month, and they look at their checkbook and they see nothing left in their checking account because the meager pensions and benefits that we pay veterans have run out before the end of the month.

Once a day in my district and in districts around this country, veterans call health clinics and health care facilities and hear that the waiting list for an appointment is a month, 3 months, 6 months, 7 months to see a doctor that they were promised they would be able to see when they agreed to serve their country.

A few months ago, this Congress debated the use of force in Iraq. I am one who as a matter of deep personal conviction feels that the use of force in Iraq was justified and I voted "yes." I feel equal conviction tonight of a sense of shame that my country is disregarding the needs of men and women who served our country in the past and who serve it today.

Governing is choosing. And this body has already made a choice, which it is not too late to reverse, about honoring the men and women who have worn the uniform of this country. Veterans benefits and services are already insufficient to meet the needs of the veterans of this country. They are not good enough today to do what needs to be done. But just to restore this level of services for the next 10 years, we would need $28 billion more than the majority has provided in the budget that it rammed through this Chamber just a few days ago. So we are going to do $28 billion less in health care, in education, in disability benefits, in counseling, in housing, in burial benefits; $28 billion dollars less than we are doing right now over the course of the next 10 years.

Now, there are only four ways that we can deal with this problem. The first way we can say is, that is just too bad. That is the way it is going to be. And despite all of the ceremonies they will attend at home, despite all of the speeches they will make this Memorial Day, that is the position that a majority of this House took when it voted to cut veterans benefits by $28 billion.

The second choice we could take is to find the $28 billion somewhere else, cut waste, fraud and abuse and come up with the money. Well, it was the majority's budget resolution that could have found that $28 billion in waste, fraud and abuse. I remember the Committee on the Budget chairman came to the floor and stacked up reports from the General Accounting Office that purported to show waste, fraud and abuse and expressed his frustration that we were not cutting that. With all due respect, he was expressing frustration with himself because they wrote the resolution and they wrote the budget that could have cut $28 billion from somewhere else in the budget other than in veterans benefits, and they chose not to do.

The third way to restore these cuts is to borrow the money from our children, which is what the majority chooses to do when it has a higher priority. That is the way they propose to pay for the war in Iraq. I support the effort in Iraq. I voted for it. I certainly support paying for it, but I do not think we should borrow the money from our children to pay for it. I do not think that is a very justifiable response; but when it comes to higher priorities for the majority, that is what they do.

And the fourth way to pay for restoring these benefits is to choose veterans benefits over tax cuts. We are here tonight to say no vets cuts for tax cuts. No cuts in veterans services that are used to finance yet another drain on the Federal Treasury so the favored supporters of the majority can enjoy yet another tax break at the expense of the rest of the budget.

President Kennedy said, governing is choosing. Every Member of this House has a choice to make when it comes to veterans services. You can choose to let this $28 billion in cuts stay in the budget and explain to your constituents why the American Legion, why the Disabled American Veterans, why veterans groups around this country oppose that budget. My colleagues can make that choice. Or my colleagues can choose to identify some other area in the budget that could be cut to pay for this. But it is a little late for that because the budget has already been passed. The third choice is to advocate borrowing more money to cover these benefits, which I think is an irresponsible fiscal position. Or just a few more on the majority side could join the 215 of us who voted to choose veterans benefits over tax cuts, who resolved to say we do not want veterans cuts to pay for tax cuts; and we believe that is the right choice.

So when we all go home, Mr. Speaker, to the American Legion and the VFW for the Memorial Day services this year and tell the veterans how much we appreciate what they have done, I would say to you that with all due respect talk is cheap. And the $28 billion in cuts that are in the majority's budget are an affront and an insult to the people who have worn the uniform of this country. It is not too late to reverse this mistake.

The right thing to do is to repeal a part of the President's tax cut, to choose veterans benefits over this endless stream of worship at the idolatrous alter of tax cuts the majority seems to be engaged in.

So the next time there is a Veterans Stand Down in my district, I want to see doctors and nurses and counselors and therapists there to help the vets. And I want to see the pensions increased and broadened and enriched so veterans can make it to the end of the month and pay their bills. And I want to see the 90-day waiting list cut back to 9 days or 9 hours by hiring more nurses and clinicians and doctors at VA health care facilities across this country.

Governing is choosing. We choose not simply to honor the veterans of this country with our hollow words, a false honor indeed. We choose to honor the veterans of this country with our actions and our votes and to fulfill the promises we have made to them.

□ 1845

I would urge the majority, redress this wrong that you have committed in your budget. Fix this budget. Restore these veterans cuts and take it out of the tax cut you so unwisely passed.

Ms. WATERS. Mr. Speaker, I now yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman, not only for yielding to me, but for organizing this opportunity for us to come to the floor.

Last Friday, I spoke to a group of veterans in my district. They were mostly World War II and Korean War veterans, and of course, I thanked them profusely for their service to our country. And they appreciated it, but what they wanted to know and where most of the questions were was, what is happening to our benefits? I told them about the President's budget proposal, and they did not appreciate that.

We have all been making a lot of speeches lately and offering resolutions, and they are eloquent and they are flowery, and yes, they are heartfelt speeches and resolutions, expressing support for our troops; and I am not denying the sincerity or even the importance of making those supportive gestures. Speeches and resolutions do not provide health care, and they do not provide education, and they do not provide pensions, and they do not provide burial benefits.

Budgets are a statement of values and priorities, and what the veterans are finding out is that they are not a priority in the President's budget and they are not a priority of the Republican leadership. And not only that, despite all the sacrifices that they have made and, as we speak, the sacrifices that are being made, they are being asked to sacrifice yet again in the form of a $28 billion cut in benefits and in health care.

What we know when it comes to dollars and cents is that veterans across Illinois are going to suffer from President Bush's proposed budget. A report that was released by the Democratic staff of the Committee on Government Reform concluded that the changes, that is, the $28 billion in cuts, would cause over 65,000 Illinois veterans, including an estimated 36,000 veterans enrolled at VA facilities in the Chicago area, to be denied VA health care or to drop out of the VA system while increasing costs for thousands more.

First, President Bush would halt enrollment to Priority 8 veterans, denying them access to VA care. The report found that as a result of this proposed suspension, 173,000 veterans nationwide would be denied care, including 7,160 in Illinois, of which 4,000 are in the Chicago area.

Second, President Bush would require the VA to charge all Priority 7 and Priority 8 veterans currently in the system a $250 annual enrollment fee in order to receive service. As a result of the fee, the VA estimates that 55 percent of enrolled Priority 7 and 8 veterans would be forced to drop out of the VA system nationwide, including 32,000 veterans in the Chicago area.

Finally, a third set of provisions would increase copayments for Priority 7 and 8 veterans who do stay enrolled in the VA program. The copayments for primary care payments would increase by 33 percent from $15 per visit to $20 per visit. The copayments for prescription drugs would more than double, increasing from $7 to $15 for 30-day prescriptions. On average, the report concluded, veterans would have to pay a $97 a year increase in copayments, plus the new enrollment fee of $250. However, many veterans can see an increase of almost $600 a year.

I did not support the Republican budget resolution and instead supported the Democratic substitute which would have restored funding for mandatory veterans benefits, including compensation for service-connected disabilities, burial benefits, pensions for permanently disabled, low-income veterans, education benefits, rehabilitation benefits and housing loan programs. Unfortunately, for our veterans and our soldiers currently in the U.S. Armed Forces, the Democratic substitute was voted down.

While our veterans suffer, the administration continues to cut taxes that only favor the rich. While our veterans endure hardship, the administration continues to send our men and women into battle with no guarantees of a safe and healthy life for them and their families when they return home.

Speeches and resolutions are fine, but they are woefully insufficient. Our veterans, those who have served in the past and the veterans of the future, who are risking their lives right now, as we speak, deserve better. It is time for the Republican leadership to put its money where its mouth is.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to thank the gentlewoman from California for organizing this time.

Mr. Speaker, our Armed Forces have now been at war for almost 2 weeks. Over 40 members of the coalition have paid the ultimate sacrifice. Scores of others have been injured. Sadly, there is no doubt in our minds that U.S. casualties of war will rise, even as we all pray for their swift and safe return.

Later this week, each of us will be asked to support a $75 billion supplemental appropriation. In part, it will pay for the war effort. A few weeks ago, we were asked to support a budget, minus money for the war effort, that drastically reduced funding for the veterans health care and other benefit programs, a cut of $28.8 billion over 10 years; and today, we have been asked to support a motion to send to conference the same flawed Republican budget that slashes veterans benefits in order to preserve President Bush's tax cuts for wealthy Americans.

In effect, we have been asked by President Bush and the Republican leadership to support funding for the war, support tax cuts for the wealthy and, at the same time, to drastically cut back our soldiers' benefits once they return from the battlefield in Iraq. And even more cruel, we have been asked by the President and Republican leadership to reduce survivor benefits, those that go to the spouses and the children of our service people who have made the ultimate sacrifice.

Mr. Speaker, as others have said, there is no honor in this approach. It is shameful at a time when our dedicated men and women of the Armed Forces are in the field fighting, perhaps to be subjected to attack with chemical or biological weapons, that the President and the Republican leadership have made the choice to underfund our veterans programs.

How can this Congress even consider cutting benefits to our veterans during a time of war? What kind of message are we sending to American men and women in uniform overseas? When they come home, what do we tell them, Thanks for your service to our Nation, but now you are on your own, no thanks?

Mr. Speaker, our veterans deserve better than this. They deserve better than to come home and find that their health care coverage has been reduced, but their enrollment fees and copayments have been increased. They deserve better than to come home to discover that the President and the Republican leadership have decreased spending for Montgomery GI educational benefits and subsidies for VA home loans.

Mr. Speaker, the Republican budget simply disregards the needs of our veterans. It is so shameful in its disregard of their needs that the Disabled American Veterans asked the following question, and we have heard it quoted this evening: "Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation, to pay," to pay for what, to pay for tax cuts for the wealthy, those who lie back and say send them while I enjoy my luxury here at home?

That is reprehensible, Mr. Speaker, and I ask that we preserve the honor of this hallowed institution by restoring cuts to the veterans programs and do it now.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California for her comments, and I yield to the gentleman from Ohio (Mr. STRICKLAND), who has been spending every waking moment trying to get these cuts restored to veterans of his district. And the State of Ohio can be very proud of him; he helped to organize this time on the floor last week and tonight.

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend from California for yielding to me.

Mr. Speaker, we are here tonight talking about something that is close to all of our hearts. I happen to be the youngest son in a family of nine children. My oldest brother was a World War II veteran. My brother-in-law, who is now deceased, lost his leg by stepping on a land mine in Germany during World War II, worked his final years in a Wal-Mart, walking around on an artificial limb; much of the time it was sore. And I just stand here tonight, and I think that we are able to enjoy the kind of freedoms that we all enjoy because of the sacrifices of those who have gone before us, who have suffered immensely.

I think of the mothers who grieved. I think of my own mother. Some of my earliest memories as a child were of my mother weeping as she worried about whether or not my brother was safe as he participated in that great war. We ought to honor those who went before us, who have fought for us, who have sacrificed their time and have lost their health, and that is not what we are doing.

It is almost beyond belief to me that we, at this time when we have young Americans engaged in a battle, even now risking their lives, that we would be so callous, so callous in our decision-making here in this Chamber that we would pass a budget, and I used the word "we." It certainly did not include most of my Democratic colleagues, but a budget was passed in this House by the majority party, supported by the administration, that cuts benefits, health care benefits and other benefits, to our Nation's veterans by $28 billion. Think of that, $28 billion at the same time that the President and majority party is pushing to pass a $726 billion tax cut, and most of that money is going to go to the richest people in this country.

□ 1900

The President has a choice to make. He can either fully fund veterans health care and veterans benefits, or he can ask for his complete $726 billion tax cut. It is a fairly clear choice. We have a unified budget. There is only so much money. If we use the resources we have for this big tax cut, there is going to be an insufficient amount of resources to take care of our other needs, including the needs of our veterans.

I have talked on this House floor before about the outrageous things that are being done: increasing the cost of prescription drugs. It went from $2 to $7 a prescription. Now the President is saying we want to charge veterans, many of them, $15 a prescription. Many veterans in my district get 10 or more prescriptions a month. If we take 10 times 15, that is $150 a month. A lot of these veterans are living on fixed incomes. This is simply outrageous.

And then they created an entirely new priority group of veterans. They call them priority group 8. These are high-income veterans. Of course, you can be one of those priority group 8 veterans and make as little as $24,000 a year. Now, maybe a lot of my colleagues do not want people watching to know that those of us in this Chamber make about $150,000 or so a year. So maybe a $15 copay would not hurt us. It would not hurt me. I could pay $15 if I was going to have to take medication. I can do that. I make $150,000 a year. But what about the veteran who makes $24,000 a year? And we have the gall to suggest that they are high income and so they just can no longer enroll in the VA health care system. They are priority group 8.

And then others who may make a little more than that are priority group 7. Those veterans, those men and women who have honorably served our country, are being told, well, you are in priority group 7 so you can enroll in the VA health care system and continue to participate, but in order to do so you have to pay an annual enrollment fee of $250. And then if you go for a doctor visit, we will increase the cost of that.

It is as if we are singling out our veterans for a disproportionate share of the burden for caring for this country. I just find it amazing, amazing that at a time when nearly all of us in here find that we want to associate with the military, we want to show our support for our fighting men and women, that we would take these actions that would be so harmful to our veterans.

I have talked before about the gag order. I mean, it is unbelievable that the VA decides that too many veterans are coming in for health care. We just do not have the resources to provide that health care, with having long waiting lists and many veterans waiting 6 months or more just to see a doctor. In order to correct that, we should just say we need more money. We need more resources. But the VA has a different approach. They say, well, in order to correct that problem, we will just limit information that is being given to veterans so that fewer veterans will understand what they are entitled to and fewer will come in for services. That is how we are going to solve this problem.

It is almost unbelievable. When is it going to stop? When are we going to have our actions match our words? A couple of Fridays ago, about 3 a.m. in the morning, 3 a.m. in the morning, when most of the country was asleep, we were here in this Chamber and we voted a resolution of thankfulness and support for our fighting men and women who are currently risking their lives in Iraq and Afghanistan and elsewhere around the world. Within minutes of casting that vote, we cast another vote for the budget. And in that budget we voted to cut veterans benefits and health care by $28 billion.

With one hand we saluted the veterans and said thanks, thanks to our servicemen and women. And with the other hand we took our voting card, and we put it in this little gizmo on the back of our chairs here and cast a vote to cut veterans benefits by $28 billion. In my judgment that is sheer hypocrisy. How can we justify those two actions? How can we say on the one hand we honor and appreciate the service of our military men and women and on the other hand cast a vote that cuts benefits to those who have already served?

I think the veterans in this country are coming to understand what is going on. I think they are coming to realize that they have to listen not only to the words but they have to watch the actions of those of us who serve in this Chamber.

Mr. Speaker, I will finish by telling my colleagues this. Talk is cheap. And we do a lot of talking in this Chamber. Talk is cheap, but health care for veterans costs money. And unless we are willing to spend the money, our words are empty.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Ohio for all of the work he is doing on this issue, and I now yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I speak this evening from the Republican side of the aisle in the hope that my words, and the words of all my colleagues here tonight, will nestle in the empty seats that are here this evening and, by osmosis, maybe change the hearts and the minds of those who, as the gentleman from Ohio (Mr. STRICKLAND) just said, just last week in one minute voted to support the troops in Iraq, and in the very next vote voting to cut veterans benefits by the $28 billion he mentioned. What sheer hypocrisy, my colleague said; and I think the American people must understand this.

We say they have cut this $28 billion over 10 years. That means $2 billion or $3 billion every year from the budget from what it should have been. Now, $2 billion or $3 billion around here sounds like a little bit of money, but $2 billion or $3 billion out in the countryside sounds like some unimaginable figure. And it really is.

What could we do with that $2 billion or $3 billion every year for our veterans? What should we do with that which is going to be cut by the Republican budget? Here is what we could do with that. Right now there are a quarter million veterans waiting for their first appointment, their first appointment with the VA. They have been waiting for over 6 months. Some of these veterans will die before they have their first appointment the way our system works right now.

There are almost a half million veterans who have made claims for disability to the Veterans Administration that are pending. They may be pending for 2, 3, 4, some even 5 years; 125,000 appeals are pending for years. Why is that the case? Because the VA does not have enough resources to solve those cases within the 30, 60, or 90 days, the way they should be solved. Why is a veteran kept waiting for years? There are veterans in my district who have died while waiting for their appeals to be adjudicated, as we said. That is what the $2 billion will buy. It will get the veterans the service they need, get them the disability justice that they deserve. That is what the $2 billion will buy.

It will buy full funding of the Montgomery GI bill. For many young people that bill is the only entrance into the economy of today, to get an education. We have the Montgomery GI bill to do it, except we do not fund it. We fund it at a few hundred bucks a month. We need to have the full funding of that so our veterans can get funding.

I could go on with what this $2 billion will buy, and we will be doing that for the next few weeks. We will have colloquies on this. But I will just end by saying that our veterans are being mistreated by this Nation. The folks in Iraq will come home as veterans. What do my colleagues think their morale will be when they know they have to wait years before they can ever get their claim adjudicated? It is time for veterans around the Nation to watch what we do, not what we say. I believe they should be here when the appropriations process occurs. I have suggested they should surround the Capitol while we do that bill until we do the right thing. They should set up tents, bivouacs. Be here so their representatives do the right thing. Let us support our veterans the way we should.

Ms. WATERS. Mr. Speaker, I thank the gentleman very much. I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank the gentlewoman from California. I know that many of my colleagues are aware of her long years of work on the issue of veterans, and I am delighted to be able to join my colleagues. With the sound of my voice, I will be hopefully as potent and as brief as I possibly can be, but one cannot look into the midst of this storm of water and not come to the floor to speak about those who are actually putting their lives on the line and sacrificing so that I might be here today to acknowledge the truth of their predicament.

Mr. Speaker, I come from a State that is noted as one of the States with the largest number of veterans in the Nation. I happen to come from Harris County, which has the largest number of veterans in the State of Texas. In the State of Texas we have almost 2 million veterans. Those that are 65 and older number about 65,000. We have about 100,000 women veterans. In Harris County, where I live, we have about 250,000 veterans. As I speak today, the hospital which is in my district, the Veterans Hospital, is de-enrolling, or closing the door to veterans who are seeking health care.

One of the most disturbing aspects of this is that there are reports that severely disabled veterans have to wait months, and in some cases more than a year, for basic health care and specialized services. A few weeks ago, Mr. Speaker, we passed a budget resolution of shame. And the reason why it was a budget resolution of shame is because it required the Department of Veterans Affairs to cut $14 million from the lives of our veterans. We did that, Mr. Speaker, in light of the fact that young men and women are now on the front lines of Iraq.

It is very clear, Mr. Speaker, that many of us did not vote for the war resolution in October, and we have persisted to press the case of peace; but at the same time we have acknowledged those who fight for us, fight for us because they believe in freedom. And so, Mr. Speaker, I have joined my colleagues today to say that the motion to instruct was not enough. Even though today we have added back the $14 million, what we must do as colleagues is to insist that we never come to this floor to commit an act of shame again.

I know it will happen again, because my colleagues on the other side of the aisle keep asking over and over again for these cuts, in light of or in support of a $726 billion tax cut. But as I close, Mr. Speaker, let me make a personal commitment. As I join my colleagues today, with this voice that is broken but a spirit that is strong, we will not allow a vote of shame to continue unexposed. We will continue to reinforce the values of this Nation; we will continue to support those young men and women, as we have through the years, my relatives and uncles in World War II, those in the Korean War, and Vietnam War and others. We will continue to stand on their side. There will be not one veteran who will have the dishonor to be dishonored if any of us are able to stand. We stand with the veterans and stand with the reinforcement of their resources, and we stand with those who fight for us in Iraq.

Mr. Speaker, as we debate the emergency supplemental request from the President to fund the war, the fiscal year 2004 budget resolution, and the appropriations' bills, and as Iraq war escalates and casualties mount, it is only fitting that we honor our nation's veterans. Their sacrifices on behalf of our civil liberties have too often been overlooked and forgotten.

It is astonishing that as we ask for even more sacrifices from our men and women in the Armed Forces, that this Congress would seek to cut veterans' benefits. America owes our nation's veterans so much.

There are more than 25.3 million veterans in our nation; family members and survivors of veterans total about 41 million. One-third of veterans live in 1 of 5 states: California, Florida, Texas, New York, and Pennsylvania.

The increasing average age of veterans means additional demands for medical services. As we know, the Department of Veterans Affairs operates the nation's largest health care system, with 172 hospitals, 137 nursing homes, 43 domiciliaries, 206 readjustment counseling centers, home health-care programs, and nearly 900 outpatient clinics.

So, as the need for services for our veterans increases it is disturbing that this Congress would consider cutting veterans benefits.

We must be committed to investing resources to improve the efficiency, quality and breadth of the VA medical care system, and to ensure that care is accessible to more veterans. I am particularly concerned about our nation's African-American veterans—African-Americans comprise a substantial percentage of our enlisted men and women. African-Americans comprise 20% of the enlisted in the Armed Forces.

They should be provided with the highest standard of care. African-Americans have served in the Civil War, World War I, World War II, the Korean War, the Vietnam Conflict, the Persian Gulf War, and now many African-Americans are on the frontlines in Iraq.

I have met with many veterans from Texas and what they want is so reasonable: They want our nation to honor the promises we made to our veterans to provide them with decent livelihoods for their sacrifices to our nation. We should not cut benefits to veterans, in order to provide tax cuts to the wealthy.

Many veterans who served in the Gulf War suffer from post-traumatic stress disorder and substance abuse. Our nation owes an obligation to veterans who incur injury, disease, or aggravating existing conditions while in service to the country. Not only must we provide health care to our nation's veterans but we must ensure that veterans have adequate access to education, housing, and other benefits.

Access to priority health care for our nation's service-connected disabled veterans have been seriously eroded over the years due to insufficient health care funding. The veterans health care system is in crisis.

Continued budget shortfalls, combined with rising costs for medical care and increased demand for VA health care, have resulted in unprecedented waiting times for routine and specialty care nationwide.

According to the VA, in December 2002, nearly 236,000 veterans are either waiting for their first appointment or waiting at least six months for care. Additionally, the VA reports that many of its facilities have reached capacity with closed enrollment at some hospitals and clinics.

But most disturbing are reports of severely disabled veterans having to wait months, and, in some cases, more than a year, for basic health care and specialized services.

I was honored to be joined by many veterans' groups, who supported legislation that I introduced, H. Con. Res. 2, to re-examine the issue of sending our troops to Iraq in a preemptive strike. Veterans who have served in foreign wars know the risks, the hazards, and the dangers of combat.

African-Americans have a rich history of serving in the Armed Forces. Today, the Supreme Court heard oral arguments in the University of Michigan affirmative action case. I have to note that the Armed Forces are a model of integration—the Armed Forces were one of the first areas of our society to be integrated.

In Houston, Texas, Dr. Michael Ellis DeBakey is an internationally recognized pioneer of modern medicine. He is an ingenious medical inventor and innovator, a gifted and dedicated teacher, a premier surgeon, and an international medical statesman. I have introduced legislation supported by veterans to rename the Department of Veterans' Affairs, the Michael E. DeBakey Department of Veterans Medical Center.

Last week, I received disturbing news. Corporal Brian Kennedy, a Houston native, lost his life on the battlefields. I want to pay a special tribute to this young man and his family. He bravely put his life on the line for the liberties we enjoy in this country. I salute Brian for the service and the sacrifice he made to our country. Our prayers go out to Brian, his family, and the troops stationed in Iraq.

The Origins of Veterans' Day:

In 1921, an unknown World War I American soldier was buried in Arlington National Cemetery. This site, on a hillside overlooking the Potomac River and the city of Washington, became the focal point of reverence for America's veterans.

Our troops embody the ideals of our country: Courage, valor and a sense of pride in country.

Dr. Martin Luther King once said, "The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy." Our men and women on the frontlines in Iraq truly deserve our support.

Our veterans and our active duty troops deserve our highest respect and our commitment as a nation to providing them the best in care and services—they have given us so much as a nation, that it is our moral obligation to return to them the benefits they have given to us. We call on our armed forces to protect us both here and abroad.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from Texas, and I now yield to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1915

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. STRICKLAND) for their leadership in bringing this important matter to the floor.

The last thing I thought there would be a bipartisan split on would be veterans benefits. We talk about unity around the troops. What about unity around the veterans? Members want to wave the flag. Let us begin with those who have already served.

Instead, we are talking about the great differences between the Democratic budget and the Republican budget. The Democratic budget was more than $30 billion over a 10-year period than the Republican budget. That tells Members something about the different priorities of the two parties in this Chamber, particularly today when what we are talking about is a volunteer Army. We should be going out of our way to make sure that every "t" is crossed and every "i" is dotted.

We have used all kinds of inducements to attract these men and women into the Army, and we have a class- and race-based Army. A lot of folks are going in there because there are not a lot of opportunities in society, and they are depending on those education and health benefits.

What have we done? We have spared no cost when it comes to the equipment that they have to go to war, but we are pinching pennies on the health consequences of their going to war. Shame on us. We enticed them into service. We make no sacrifice ourselves, and we ask them to sacrifice when they come home.

Who has made a sacrifice during this war? The only folks I can think about who has made a sacrifice since 9/11 are the people who died in the Twin Towers and at the Pentagon. None of us has been asked to make a sacrifice. Instead, we have been offered a big, fat tax cut.

In this way, we separate ourselves from our ancestors and our forefathers. When they went to war, they said, we are going to pay for war and our veterans, and they raised taxes. These were not folks that liked to raise taxes.

Indeed, we had our first Federal income tax during World War I, and nobody had even heard of taxes; but they said, if we are going to war, we are in for a dime, we are in for a dollar. We have raised taxes; and during every war, including the Persian Gulf War, we have never cut taxes in time of war.

We have not asked the other side of the aisle to raise taxes, but we have asked them not to sacrifice veterans benefits in order to offer tax cuts to the wealthy. The veterans who are most offended are veterans who live in the District of Columbia, who have gone to war since our first war, without having full representation in this House.

In their name, I ask that these cuts be restored.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS) to close.

Mr. OWENS. Mr. Speaker, we have heard a lot of statistics which show how grave the problem is. Last fall, I had a town meeting of veterans in my district, and those were some of the angriest people I have ever seen. These are members of our society who have been betrayed, and who are continuously betrayed. Those who are fortunate enough to come back, there are 58,000 who died in Vietnam, 300,000 were wounded, and some of the wounded were in that audience, and on and on it goes with the insults they have to endure, like the long waiting lists.

It is important for us to note that those of us who are against war are not against soldiers or veterans. Anybody who places his life at risk, whether as a volunteer or drafted, deserves to have the medal of greatness placed upon them. Out of the nearly 300 million people in our population, those few people become great people. There is no such thing as a greatest generation just because they fought World War II. All veterans, Vietnam, Korea, whoever was able to come back, deserves the maximum that we can do in terms of housing, education and certainly medical benefits.

It is a commentary, which I think has been pointed to several times here, on the heartlessness of this administration that at a time like this they would dare have a $28 billion cut in the benefits for veterans over a 10-year period. Veterans deserve all we can give them. They are all part of a great generation no matter which war they have fought in.

Ms. WATERS. Mr. Speaker, I include for the RECORD a communication from New Directions, signed by Mr. John Keaveney, who is head of this New Directions organization, a fine organization rehabilitating veterans in the greater Los Angeles area; a communication from Mr. Dwight Radcliff from United States Veterans Initiative, another organization providing drug rehabilitation services, providing job training services for our veterans from the Vietnam era and from the Persian Gulf; and a communication from the National Veterans Foundation that is signed by Shad Meshad.

UNITED STATES
VETERANS INITIATIVE, INC.,
Inglewood, CA, March 27, 2003.

MAXINE WATERS,
Member of Congress, 35th Congressional District, California.

DEAR CONGRESSWOMAN WATERS: I have reviewed the findings of Congressman Lane Evans, ranking Democratic member of the House Veterans' Affairs committee regarding the budget adopted by the house budget committee which results in drastic reductions in funding for veterans benefits and services. As the director of the largest veterans-specific program in the country, I am appalled that this administration would consider decreasing the amount of funding available to the Department of Veterans Affairs and the special programs and services provided by community based organizations such as ours.

United States Veterans Initiative provides outreach, housing, employment assistance, case management, counseling, legal assistance, and food services to over 2500 homeless veterans per year at our Inglewood site. At our other sites across the country, we provide services to an additional 3000 veterans annually. The majority of the veterans that we serve are Vietnam Veterans. Today, over thirty years after the war in Vietnam, the men and women who fought for this country are still struggling to obtain the benefits and services to which they are entitled. In being proactive, it is imperative that during this time of war, we begin to prepare to address the needs of those who are currently in service as well as the forgotten heroes who still sleep in the streets of this country each night. It is extremely unfair to tell those who have waited so long and also those who will return shortly that their effort for this country was unappreciated. This is our time to fight for them.

As our congressional representative I am requesting that you strongly oppose any effort to cut funding for the Department of Veterans Affairs. Without this crucial funding, those veterans that are in desperate need of benefits and assistance will not be able to access the needed resources such as medical, psychiatric, housing, and employment.

Sincerely,

DWIGHT RADCLIFF,
Los Angeles Services Director,
United States Veterans Initiative.

NEW DIRECTIONS, INC.,
Los Angeles, CA, March 26, 2003.

To: Representative Maxine Waters.
From: John Keaveney.
Subject: Department of Veterans Affairs Funding Cuts.

DEAR CONGRESSWOMAN WATERS: I am writing for your help Congresswoman Waters because you have always been a strong advocate for veterans, protecting veterans' benefits and defending veterans from special interests in Congress and here locally. I am pleading with you once again to help our Nation's veterans. It has come to our attention that the House Budget Committee chaired by Congressman Jim Nussle (R-IA) pushed through a bill to cut $25 billion from the Veterans' Administration over the next 10 years. I know you agree that if the government can consider funding tax breaks for the rich and businesses, then they certainly can make it a priority to help our Nation's veterans and homeless by not allowing a major cut in benefits to veterans.

The shame of this is that this was done on March 13, as America was asking hundreds of thousands of servicemen and women to lay their lives on the line as our country was making final preparations to go to war with Iraq. I find it difficult to describe my feelings about this development especially considering that this Nation is now engaged in a war and simultaneously enacting legislation making huge cuts in funding for veterans' services. To propose cuts in V.A. nurses, doctors, hospitals and other important services to veterans at a time of war feels to many veterans like an act of treason. I do not believe that the American public is informed properly about this issue. Just imagine, how would our troops in the Middle East feel about this? It seems inexcusable at a time like this to virtually tear up the agreement America has had with veterans for more than 100 years which is to care for those who have borne the brunt of battle.

Veterans expect the promises made to them to be honored as this should be considered a sacred agreement. Thank you for your time and devotion to serving our country in honor of our nation's servicemen and women.

God bless you.

JOHN KEAVENEY.

NATIONAL VETERANS FOUNDATION,
Los Angeles, CA, March 27, 2003.

Congresswoman MAXINE WATERS,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN WATERS: As author and founder of the National Vet Center program (Public Law 96-22), and founder and president of the National Veterans Foundation which has been operating since 1987, I want to express my extreme shock and dismay over the recent announcement concerning the House Veterans Affairs Committee decision to drastically cut Veterans' health-care benefits.

We have seen many disturbing things with past administrations concerning veterans support, but this present attempt to slash budgets supporting our nation's veterans is the most shameful. A $25 billion cut from the Veterans Administration over the next 10 years is a staggering amount to an already severely reduced and diminished program. Veterans comprise 30% of the nation's homeless, many of them are in desperate need of services . . . many more are at the brink of homelessness and what is probably worse, a crisis of hopelessness.

Where is the logic of cutting these programs precisely when we are sending our young men and women into the field to secure the peace and safety not just of our nation, but of the world?

Cuts in VA hospitals, in doctors and nurses, in rehabilitation and retraining, and in counseling to heal wounded psyches, seems cruel and treasonous. What kind of country asks its citizens to be prepared to make the ultimate sacrifice, and then penalizes those who rise to the challenge?

Lincoln's Address at Gettysburg dictates our responsibility to these brave men and women: to care for him who shall have borne the battle and for his widow and his orphan.

We are barely doing that now. How is it possible for our existing system to undergo these savings cuts and still offer services to the hundreds of thousands of troops now engaged in Iraq? Then there's Afghanistan, not to mention the countless thousands of military personnel in support positions all over the world. We are looking at a vast increase in the number of those we must serve. To cut funding for veterans services in a time of war while simultaneously offering a tax break that would have its greatest impact on the affluent and on business seems indefensible.

You have always been a strong advocate for veterans. You have protected veterans' benefits from special interests locally and in our Congress. Please help us now. We need your strong, clear voice.

Sincerely,

SHAD MESHAD,
President and Founder.

Mr. TOWNS. Mr. Speaker, today I rise to express my deep concern and stringent opposition to the proposed cuts in veterans health care contained in the President's 2004 Budget. While a tax cut may require us to discuss reductions in many vital programs, there are few cuts that are as unkind as the cuts the President wishes to visit upon those brave men and women who were willing to serve and if necessary die for this country.

Mr. Speaker, this House recently voted on a 2004 budget from the President which will cut funding for veterans health care and benefit programs by nearly $25 billion over the next ten years. These cuts would require the Veterans' Administration for the first time in its history to require monetary payment from those who have already paid with their service to this nation. According to the Veterans' Administration, approximately one out of every two veterans could lose their only source of medical care under the President's budget plan. What should the VA say to a veteran who needs treatment but cannot afford to pay? I cannot believe that we would honor their service by turning them away. And yet, under the President's plan, rejection may be the only response that a fiscally-strapped health care system can give.

Mr. Speaker, I believe that the veterans who served this country responded affirmatively to this nation's call to service. We cannot now respond negatively to their call for help.

Mr. ETHERIDGE. Mr. Speaker, as we stand here today in Washington, DC, thousands of our men and women in uniform are in harm's way, fighting for the freedom and the values that we hold dear.

They are in our thoughts and our prayers. They do not know what fate awaits them, but they know they are fulfilling their duty and serving their country.

When these brave Americans return home, they will join the ranks of over 26 million American veterans.

In my state of North Carolina, we are home to more than 150,000 veterans.

I served in the United States Army for two years. I never fought in combat or served overseas. And I'm certainly no hero, but I understand the sacrifices that our veterans have made.

Our troops fighting overseas today should know that when they come home the country that they have served will not turn its back on them.

Once the fighting is over, veterans should know that the government will fulfill its promises to take care of those injured in battle and to provide for health care and education assistance.

It is absolutely outrageous that the majority in the U.S. House of Representatives wants to push through a budget that severely cuts funding for our nation's veterans.

They passed this budget under the cover of darkness because they knew it could not stand the light of day.

That budget breaks the solemn promise made to the very men and women who fight for our freedom.

You've heard my colleagues tell you how the budget cuts would affect veterans' programs nationwide, but I want to tell you about one specific proposal that would significantly impact North Carolina's veterans.

The budget cuts mean that many North Carolina veterans won't be able to continue receiving VA health care because of new $250 enrollment fees.

The VA estimates that 1.25 million veterans who are already a part of the health care system will be forced out because of these steep new fees.

In North Carolina this could translate into over 27,000 veterans cut out of health care.

For those who can afford to stay in the VA health care system, many will be forced to pay significant new costs.

An estimated 22,000 North Carolina veterans, referred to as Priority 7 and Priority 8 veterans, will pay a new $250 enrollment fee, increased copays for physician benefits and prescription drug fees.

All in all, this will mean a total average increase of $347 each year. Others could be forced to pay even more, as much as $600 annually.

The budget passed by the House means that 4,100 veterans in North Carolina will not even have the opportunity to enroll in the VA health system.

These so-called Priority 8 veterans, who were not injured in service and who make above a level between $24,450 and $38,100 depending on location and situation, will be denied care.

Our country made a promise to the men and women in our armed forces. Our troops and our veterans have fulfilled their duty to their country. Now it is our turn to make good on our promises.

Congress should reject the Republican budget and honor our commitments to our veterans.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Is there objection to the request of the gentlewoman from California?

There was no objection.

DISTORTION OF BILL EMERSON HUMANITARIAN TRUST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 60 minutes.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to speak tonight on an issue that deals with American agriculture. Today, as a member of the Committee on Appropriations and the Subcommittee on Agriculture, the House full committee passed a supplemental appropriations bill to assist our soldiers and military folks with respect to the prosecution of the war in Iraq, and provide other humanitarian aid and other financial assistance to the region of the Middle East and assist in the war effort there, and recognize the importance of supporting our fighting men and women in that theater.

Also, as part of the appropriations measure that passed the House Committee on Appropriations today, there was a provision that relates to food assistance for the people of Iraq, and a preparation for the understanding that our country has committed itself to try to help the people of the Middle East region, and certainly the people in Iraq, who are the innocent victims of a tyrannical regime of Saddam Hussein.

I want to address a portion of the appropriations bill that deals with the agriculture commitment that the country has made in the supplemental appropriations bill.

It is a good measure. It is a supplemental that is supported by the President, by the majority party, by I think a unanimous vote in the Committee on Appropriations today, to provide assistance to the troops and make sure that our military receives all that it needs.

The section that I want to refer to in the appropriations bill that we will have a chance to debate and vote on later this week, and certainly in conference with the Senate, the other body, next week and hopefully to get this measure signed into law by the President before April 11, is a measure that has to do with the integrity of the Bill Emerson Humanitarian Trust.

Bill Emerson was a former Member, a wonderful man from Missouri, a dear friend and a colleague of many Members of Congress, who passed away; and the Bill Emerson Humanitarian Trust Fund was created in his memory, and properly so. That Bill Emerson Humanitarian Trust was created to provide food aid on an emergency basis to countries around the world who are struggling for food in times of emergency and dire straits and national consequence.

Our country has been very forthright in providing this assistance and making sure that the Bill Emerson Humanitarian Trust is not only stocked with adequate commodities, but also cash to purchase commodities when the need arises; and it has done millions and millions of people a world of good in making sure that they are able to eat. And it is out of the goodness of the American taxpayer and the American system that we provide that assistance.

What we have seen in the use of the Bill Emerson Humanitarian Trust, administered by the Department of Agriculture in our country, is what I perceive to be a distortion of the operation of the trust. About a year ago, last summer in fact, there was a determination made by USDA to sell onto the open market soft white wheat, which is manufactured, grown, produced in my part of the country, the State of Washington. In doing so, the actions by the U.S. Department of Agriculture depressed the price on the open market of soft white wheat. Over the course of the last few months, since November, additional efforts have been undertaken by USDA to sell wheat stocks, soft white wheat stocks, in anticipation of humanitarian needs around the world.

In the most recent activity in the trust, there has been a move by USDA to monetize soft white wheat in order to obtain cash, which would then be used to buy other commodities, rice and others, which may be useful in Iraq.

Now, I have no quarrel with the idea that we need to provide food aid to Iraq. This is a war-torn country with people starving at the hands of Saddam Hussein. America, as it has in the past, is ready at the present to provide assistance to the people of Iraq. So it is not an issue with me over how or whether we should provide food aid to the people of Iraq.

There is an issue as to the U.S. Department of Agriculture's operation, administration of the Bill Emerson Humanitarian Trust.

What we have seen is the monetization of soft white wheat at the expense of the farmers who grow soft white wheat and at the expense of the market which is driven by the amount of wheat that is on the market at any one time. The price of wheat, we have seen in my farm country, has gone from $4.80 cents a bushel in November to a range of about $3.15 cents to $3.25 cents per bushel currently. The market collapsed to a no-bid market on March 21, just a week or so ago, on the rumor that the Department of Agriculture was going to dump more wheat on the market and raise cash for other commodities.

What my admonition to the USDA has been is, do not monetize soft white wheat so you can buy other commodities. Let us make sure, as we face the needs of the people of Iraq and the humanitarian commitment that our country is willing and able to make, let us make sure this is a wartime cost which is necessary to assist people in other parts of the world who may be facing disasters, natural or otherwise.

So what we are trying to do is make sure that the USDA, number one, follows the intent of the Bill Emerson Humanitarian Trust, and that the process is in place to do so in a fair manner, commodity to commodity, around the country, and not place a monetization practice in place which then puts soft white wheat farmers, for example, at odds with rice growers in different parts of the country.

So the monetization prohibition, which I think is sensible for our government to operate and administer the food aid programs of our country, is part of the appropriations bill that passed in the Committee on Appropriations today and will be before the House of Representatives, most likely later this week. So that is one restriction that needs to be in place. And the Department of Agriculture must listen to this development which has been undertaken by the House, by the legislative branch of our government, and not do more monetization, not undertake more monetization of one commodity which places farmers which grow that commodity against farmers of another commodity that may be suitable for distribution in Iraq.

In addition, the House has put $69 million additional food aid money, unrestricted, able to have any commodity on the market be purchased, to meet the needs of the people of Iraq; and that is an acceptable and appropriate activity development on the part of the Committee on Appropriations and this House and the legislative branch.

□ 1930

It is likely to stay in the bill all the way through the process in dealing with the other body as well as the reconciliation with the House conferees to come up with a final supplemental appropriations package that will assist in the war effort, including humanitarian aid assistance.

I am here, Mr. Speaker, to emphasize most definitively that monetization of commodity that places one grower against another is bad agriculture policy in this country. It is a disservice to the agriculture community, which is struggling for price support and market price in any event; and it puts farmer against farmer, which is an unacceptable condition. In addition, the misuse, I would argue, of the Bill Emerson humanitarian trust to assist in Iraq when additional moneys are being poured into the war effort as part of the defense bill, as part of the supplemental appropriations bill to assist those good people of Iraq who need the assistance from food aid, there is no need to further monetize or further distort the market for soft white wheat or rice or any other commodity that is subject to administration under the Bill Emerson humanitarian trust.

The third point I want to raise is that in depressing the market by government action, which puts more commodities on the market and lowers the price of any commodity, what we are doing is then under the loan deficiency payment program of the farm bill, the agriculture policy in this country, what it is doing is subjecting the taxpayer to additional expense by virtue of that market price going down below the loan deficiency payment level that then kicks in so that there is more taxpayer assistance to farmers because of that low price. My strong point and my strong message to USDA is the U.S. Department of Agriculture should not be taking actions which depress the price which then expose the taxpayer to other liability in aid to the farmer. Instead, let the market decide what the commodities market price should be. And so when you monetize and sell one commodity to buy another, you distort the market, and that is what USDA in my opinion has been doing and doing improperly.

I come to the floor tonight to make this very strong message to USDA and any others of the eight government agencies who are involved in the decision to monetize soft white wheat. This is bad policy. We should not be doing it, especially in light of the prohibition on monetization that exists in the current House appropriations bill that passed the Appropriations Committee today and will likely come to this House floor sometime this week, hopefully, and then be reconciled with the other body's version of the supplemental appropriations bill and then be signed by the President most likely at the end of next week.

I am urging caution on the part of the USDA. I have had conversations with the agency. I have had conversations with USAID to try to make the point that help is on the way in terms of money and prohibition on monetization; and my great hope is that the agencies of government who are committed to helping the agriculture industry in this country, the farmers who grow the products that you and I consume, that there will be some restraint on the part of the USDA, that there will be a cancellation of any other notices to monetize soft white wheat so that rice can be purchased, because there is additional money in the pipeline that is going to be coming to the rice growers of the country or the wheat growers of the country to provide the commodity needs that will meet the expectations and the requirements of the people who are suffering in Iraq.

We have 69 million additional dollars. We have $250 million for PL–480 assistance. There is additional money that will help the poor, starving people of this war-torn region. We will do that and we should do that but not at the expense of the commodity growers in the eastern district of Washington State or other States around the country who are affected by a misuse or mismanagement or a distorting impact that comes with monetizing the Bill Emerson humanitarian trust.

I will be pursuing this issue in due course to make sure that the U.S. Department of Agriculture agencies understand the consequences of monetization, the impact on the markets and the impact on the taxpayer. Ultimately, the taxpayers when prices go way down in the soft white wheat market are going to have to bear the burden. That is not what the farmer wants. The farmer wants a market price. We had a market price of $4.80 a bushel some several months ago but because of, in part, additional dumping on the market of U.S. Government agency stocks, the price has gone down, and we now have a further crisis in farm country.

We cannot afford to lose the agriculture infrastructure in this Nation. If prices are so low that farmers are not going to grow commodities, we are going to find ourselves in days and months and years ahead, hopefully not, we are going to find ourselves facing the challenge of being independent agriculturally. We are going to be dependent on other countries of the world for our agriculture. That is unacceptable, and that is what we are trying to prevent by allowing market forces to have an important part in agriculture policy, not a distorting impact because of determinations made by USDA, our own Agriculture Department, which has the mission to help the farmers and the food needs of people in this country.

I would just say, too, as we look at the dependence that we have on fossil fuels, on oil from the Middle East countries, we are now in a war that has as a factor in it the issue of oil reserves and who is producing oil reserves. We are dependent on foreign countries. We cannot allow that to happen in America as it relates to our dependence on agriculture commodities from overseas. That is why we need a robust agriculture economy here and proper administration of the Bill Emerson trust, the humanitarian trust, proper administration of the food aid programs, proper respect for agriculture interests and the value of markets and the value of the movement of markets, prices go up and down; but let the markets operate what the prices are rather than have the government be involved in distorting the market. If we have a hands-off policy or a helpful policy, as opposed to a hurtful policy by our U.S. Department of Agriculture, we will be a lot better off.

I would say to the Speaker and my colleagues, be on the lookout for any market distortion that might be coming out of government agencies as it relates to agriculture, and I urge my colleagues to support this idea that monetization is not a good thing when you are trying to put farmer against farmer by our own Department of Agriculture, because the goal ultimately is to have a robust agriculture economy providing enough food so that we can continue to provide assistance to natural disaster consequences and the people who are subject to natural disasters or food shortages or drought or any other consequence that comes around this great world, that America can help solve by providing food aid.

COMMEMORATING THE BIRTH OF CESAR CHAVEZ, AMERICAN LABOR LEADER

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I want to take time tonight as chairman of the Congressional Hispanic Caucus to pay tribute to an inspiring and beloved man, Cesar Estrada Chavez. Cesar Chavez, 76 years ago this Monday, marked the beginning of his life dedicated to improving the quality of life for all Americans. We honor and pay respect to a man who brought awareness of the labor injustices to the national light and helped pave the path to educating people about the importance of the plight of the working individuals in the fields of this country. He cleared the way for progress and opportunity. Tonight, we have here members of the Congressional Hispanic Caucus; and I want to make tribute to one of our members, the gentleman from Arizona (Mr. GRIJALVA), and ask him to say a few words in behalf of Cesar Chavez.

Mr. GRIJALVA. Mr. Speaker, I want to thank the gentleman from Texas for the opportunity to come and speak today. It is my honor to rise today in this House to acknowledge the birth date of Cesar Chavez. Yesterday would have been his 76th birthday. Cesar Chavez, cofounder, along with Dolores Huerta, of the United Farm Workers' Union, led a historic struggle to give voice to the voiceless and empower the poor and powerless, inspiring a people beyond the limits and barriers that had been artificially placed before them.

Cesar Chavez was born and died in the district that I represent, in Yuma and San Luis, Arizona. It is vital that all Americans acknowledge the profound contributions that Cesar Chavez has made to our country. These contributions were not in the form of money, false praise, or the trappings of power. He reinforced the values of this Nation, values such as commitment and of purpose and strength of cause.

Allow me, Mr. Speaker, to quote directly from Cesar Chavez: "In this world, it is possible to achieve great material wealth, to live an opulent life. But a life built upon those things alone leaves a shallow legacy. In the end, we will be judged by other standards."

Another value that Cesar imparted and reinforced for our country is the value of struggle and perseverance. Again let me quote Cesar Chavez: "When we are really honest to ourselves, we must admit that our lives are all that really belong to us, so it is how we use our lives that determines what kind of men we are. It is my deepest belief that only by giving life do we find life, that the truest act of courage, the strongest act of manliness is to sacrifice ourselves for others in a totally nonviolent struggle for justice. To be a man or woman is to suffer for others. God help us be men and women."

But the legacy of Cesar Chavez is a legacy of change that he brought to this country, and we are all obligated in our own way to continue and finish a change that sought equality for all people and the opportunity to live without the yokes of poverty, racism and the domination of others. It is time that this great Nation formally declares support for Cesar Chavez through a holiday, a holiday that celebrates nonviolence, the rights of all workers and the strong spirit of all people to overcome. I am proud that in my community where I formerly served as a county supervisor we have a paid holiday for the employees, we have a livable wage for employees as an acknowledgment to the struggles and as an acknowledgment to the goals of Cesar Chavez. In this country, we face tough times, war, peace, our Nation's obligation to the poor and underrepresented in this country. These are issues that this Congress struggles with on a daily basis.

But let me speak for a second on one issue that intertwines what we are facing today in Iraq and what we are facing today on the question of immigration in this country. Even in this Chamber, we hear the shrill anti-immigrant babblings that Cesar Chavez fought so hard against his entire life. I want to pause and read a letter to the editor that appeared in our local newspaper, the Arizona Daily Star, today. The letter starts "Truly Ironic."

It is in reference to a March 26 article entitled "Immigrant Marine Pledged His Life as a Matter of Honor." The gentleman who wrote this letter goes on to say: "I found this story truly interesting. Lance Corporal Jose Gutierrez from Guatemala was an illegal immigrant, or criminal as the haters and vigilantes would call him, who instead of dying in the Arizona desert was able to find a foster family, go to school in America, then die in the Iraqi desert protecting these haters' and vigilantes' right to keep on hating the so-called illegals." Mr. Dennis Jones from Kearny, Arizona, wrote that letter. I think it fits well to the times, and it fits well to the dilemmas that this Congress must face and resolve.

By recognizing Cesar Chavez, we recognize ourselves. We extend to ourselves all the traditions and the realities of the faces in this country. Chavez once said, "It is possible to become discouraged about the injustice we see everywhere, but God did not promise us that this world would be humane and just. He gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity."

In this time when we anguish about the future and confront the present struggles, it is indeed a fitting time to pause and recommit ourselves to the legacy and the challenge that Cesar Chavez has given us, a legacy of hope, compassion and fairness, and a challenge before this Congress to act to help the people of this country, to act to stabilize our world, to act to assure that opportunity and fairness still is and will continue to be one of the cornerstone traditions of this country.

□ 1945

It has indeed been a pleasure for me to make these comments about someone who influenced my life, and I will be very frank. His motivation, his spirit, his tenacity to lead people that were never represented is a legacy and a tradition that should be part of the history of this country. It is indeed my pleasure.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Arizona (Mr. GRIJALVA).

Let me take this opportunity to thank the gentleman for his words and I want to thank him for his leadership. I know that, as a freshman, he has already made some great impacts here at the Congress, and it is great to see two Hispanics from the great State of Arizona representing that State.

As we talk about Cesar Chavez, he was a person who grew up in the fruit and vegetable fields and knew what it meant to work them from dawn to dusk. He knew the injustices that faced labor workers on a daily basis and he knew that something had to be done; and from those fields Cesar rose to head of the United Farm Workers of America, instilling the UFW, the principles of nonviolence practiced by Gandhi and Dr. Martin Luther King.

When the UFW began strikes in the 1960s to protest the treatment of farm workers, the strikers took a pledge of nonviolence, determined not to detract from the message of improving labor conditions; and I want to tell the Members this was a critical time in my life and in my wife's life, Carolina, because this was a time that we had an individual in our community who talked about nonviolence, one of the first. I had been involved in the civil rights movement during that time, and I was involved in Mexican-American youth organizations during that time, working to get single-member districts and getting Hispanics registered to vote.

My wife also, while in college, worked with Cesar Chavez in those efforts. So both of our lives met both as she struggled to help Cesar Chavez, and I worked with voter education and voter registration. And for those of us who have lived through this time period, we heard of the great odds Chavez faced as he led the successful 5-year strike, boycott. Through this boycott, Chavez was able to forge a national support coalition of unions, church groups, students, minorities, consumers. And everyone came together; everyone understood the struggle of the worker. By the end of the boycott, everyone knew the chant that unified all workers, Si se puede, yes, it can be done. It was a chant of encouragement, of pride and dignity.

Chavez continued to speak out in other areas and helped communities to mobilize by assisting them with voter registration efforts and voter registration drives and insisting that the minority communities had just as much a right to have equitable access to educational opportunities as anyone else.

Cesar Chavez's legacy continues to live on today. His influences can be seen in the legislation that comes to our floor, legislation that aims to provide for our children's education, legislation that aims to help improve our children's health care in our communities, legislation that helps and comes forward in the area of civil rights and liberties and respect for human beings.

We must also continue the fight to ensure that in today's world, the rights of workers are still protected, whether it is the workers in the fields, in the kitchens, or in our factories. The blue collar workers are invaluable to America and to the American economy. It is important that these Americans be treated with the respect and dignity that they deserve, and that all rights afforded to those working in air-conditioned offices be provided to those that work in the sun-heated fields and the like.

America has seen few leaders like Cesar Chavez. He is among a rare group who have left a lasting imprint in American history. We can only hope to fulfill this vision as we walk through the halls of Congress, to create a better tomorrow for the Hispanic community and all Americans.

I want to take this particular time and opportunity to also indicate that as Cesar Chavez struggled and worked, we could see the strength in the man's face as we saw his eyes. He was a man of nonviolence, a person who, as we met this humble individual, gave us strength; and I recall distinctly having the opportunity at various times to meet with him and, various times, to be able to share with him and take some pictures with him as well as helping those boycotts that he had as the struggle continued.

He was a unique individual that had a very strong sense of perseverance that was there and that just his presence, as humble as he was, gave us that strength. So that is why, when we look throughout America, if we look at any Hispanic community whether we are in Arizona or California or Texas, anywhere throughout the Southwest and beyond, we see the street names of Cesar Chavez. We see the building names. Especially, I know in my district in south Texas we have a school named after Cesar Chavez. We see the highways that are named after Cesar Chavez, one of the Hispanics who we can say, here is an individual that has really represented us well, an individual that has not only represented the Hispanic community, but the American community, with the strength of nonviolence and the strength to move forward.

As we celebrate his birthday on March 31 throughout this country, and I know like in San Antonio we have had marches and we had banquets that allow for the opportunity to continue the struggle, continue the education, that we still have people that are out there. We still have individuals that are working the fields. We still have individuals that need our respect and need the services and need to be treated in a dignified way; and it is important for us not to lose track of the fact that these individuals are the ones that either pick the strawberries or pick the fruits and the foods that we eat, and that we need to treat them in a dignified way. And he brought that to us and he brought that education.

And I know that people like President Kennedy had a great deal of respect and would come to him, and he was able to have those contacts during the time when few Hispanics were able to reach those levels.

Cesar Chavez will never be forgotten, mainly because of what he did and what he represents. So I wanted to take this opportunity tonight to talk about this man and talk a little bit about the things that he talked about, because as we talk about those things now, Cesar Chavez began this road of change, but it is up to those of us who come here after him to continue that struggle, to continue that work, and to continue that vision for a better tomorrow, that commitment to the community, that commitment to making sure that we make things better. And it is important as individuals and it is important as a community that we continue those efforts.

I want to ask every American, because I know Cesar Chavez would operate from the same perspective, that each one of us has a responsibility and an obligation. Just like he started without a formal education, he educated himself, and I know that he would want all Americans, both Hispanic and non-Hispanic, to continue that struggle of continuing to further their education, whether it be formal or informal, that effort of trying to better themselves and making sure that whether they are out there as janitors that they continue to move forward to become whatever they can in terms of either, if nothing else, head janitor of that school and then move forward in advancing themselves.

I know that Cesar Chavez valued education, and he stressed the importance of education, and he worked to try to get the migrant workers to get access to education. And as we talk about education, I know that right now we have those struggles that are going on in education. We know that our present budget, when it comes to Leave No Child Behind, is actually $9 billion behind; and I know that he would be talking about the importance of investing in our kids, the importance of investing in our country, and that education is key to fulfilling that American dream. And to him I know that that American dream would be just to fulfill their lives in a way that would allow them to move forward, whether it would be getting a better education, getting better protection, moving forward in obtaining a home, whatever it was.

He lived in humble ways even up to his death, but I know that as he talked about the importance of education, that we must continue. I know, as Latinos and Hispanics throughout this country, that he would argue about the fact that we still have a long way to go.

We still have too many youngsters that are dropping out of school. I know among the Mexican American community in the State of Texas, some districts have up to 50 percent of our kids that drop out. That is too many. Each one of us has a responsibility, starting with those parents, of making sure that their kids stay in school, starting also with the school system, making sure that they also do everything they can to keep those kids in school, starting with those communities that have an obligation and responsibility to also work with the school system and the teachers to help the teachers out in assuring that those kids remain in school.

Because our Nation is a powerful nation. It is a superpower, and the only reason it is a superpower is because we also have a super economy, and that is directly tied into our education. So it becomes really important. And I know that Cesar Chavez would say that education is key, whether it be a formal education or an education where one begins to educate oneself informally about what needs to happen and what needs to occur. That is important.

I know that Cesar Chavez would also feel very strongly when it comes to the issue of health care, and I know that in the area of health care, Cesar worked very hard to try to get access to health care for our young people; and I know as we look at that issue of health care and we look at the issue of the CHIP program that we have right now, the CHIP program is a program that responds to those kids that are out there, to those constituents and those Americans that are out there that are working, making $20,000, $30,000, maybe more, but find themselves without insurance. A lot of them are working for small companies. A lot of them are working individually and find themselves unable to get the coverage that they need. So that CHIP program that provides that health care is one that is extremely important, one that is critical. So at this point in time we need to be supportive of those kinds of programs.

In addition, I know that the administration is looking at taking the CHIP program, the Medicaid program, which is a program that helps our indigents, those that are the most vulnerable of this country, those that do not have access to resources, those that cannot afford to pay for their access to health care.

That Medicaid program is key. Both the Medicaid and the CHIP program are vital programs in this country, and I know the administration is looking at taking both the Medicaid and the CHIP, in addition to that, taking the disproportional share of moneys that go to our hospitals. Those are moneys that go directly to our hospitals, especially those hospitals that provide the indigent care, where they do not get compensated for the type of care that they provide. So these three programs, the proposal is to lump them up and send them to the State.

I know that it goes also with a cap, but it is important for us, and those programs have worked well independently, and we ask that we work hard to keep them independent. In fact, we need additional resources for Medicaid. We need initial resources for the CHIP program, and our hospitals are having difficulty, our trauma centers, in the type of care that they provide throughout this country.

This is the time for us, instead of looking at a tax cut, to move forward and provide access to care, and those three programs are the most vulnerable of this country.

□ 2000

Mr. Speaker, I know Chavez was always supportive of access to health care. In this country that has the best health care in the world, it makes no sense that that access to that health care is not affordable and not accessible to a lot of Americans. So as we celebrate and pay tribute to Cesar Chavez, it is important that we continue that struggle. And I ask all Americans out there and say that we need to zero in and continue those efforts as it deals with education and as it deals with health care.

In the area of education, one of the best programs that we have ever had that has reached out to the young people has been the program on Head Start. Head Start has been a program that was originally designed to meet a need, because States were not going out and reaching out to those young people, pre-schoolers. We knew that if the States were not doing that, that as a Federal Government we had a responsibility and an obligation to do that. So we started the Head Start program.

The studies that we have for the Head Start program reveal that it is a great program. It has great statistics, although it needs more resources. Right now it is only covering about 40 percent of the young people that are qualified for it. So we still have a large number of young people that could qualify for that. So Head Start is a great program. Of the early childhood programs, we only cover 2 percent of early childhood under Head Start. So it is a minimal program that could be expanded. It is under the Department of Health for a good reason, because it also reaches out to those families; it reaches out to the parents of those kids. The data shows that a Head Start baby, a Head Start youngster does a lot better in school and is able to go through, and the data shows and the statistics indicate that that youngster and those kids under Head Start can do a lot better.

So Cesar Chavez would be extremely supportive of those kinds of programs. As we once again take this time to pay tribute to the legacy of Cesar Chavez, we look at the struggles that he had in meeting the needs of those farm workers, in meeting the needs of those people that work out in the field. And those kids and those Head Start programs that are out there, meeting their needs is important, and it is one of the areas that we need to continue.

This administration is choosing to basically do away with Head Start. Right now it is locally controlled. It is a program that has been doing well and we will say, why mess with it? Well, I think they see the resources there, they are choosing to send out those monies to the State and do away with it. We are hoping that that does not happen. So I ask Americans, if we have a good thing and we have a good program, it is doing well, why mess with it? So as we look at programs such as Head Start, we know that we can improve on those programs and we need resources. So this is the time to look at investing in Americans, investing in the educational opportunities of individuals.

When I was elected, and I have been in public office now for 29 years, I see my responsibility is the responsibility of making things happen, of being able to fulfill and solve the problems that confront us both in our back yards, in our States, in our communities, and in our country as a whole. As we look at those problems, one of the things that we know is that we have to continue to enhance our educational capability as a Nation. It is important. A lot of people will talk about the fact that we have too much immigration coming, but we forget that immigration has also been healthy. And if we do cut immigration, then we better educate our people, because we have also been a brain drain on the rest of the world.

When we look at the figures from 9–11, Mr. Speaker, we had, on the average, we produced 12,000 to 13,000 doctors and bring in 5,000 doctors from abroad. Here we have five people that are qualified to go to our medical schools, and yet we tell two of them, two of those young people, I am sorry, we do not have room for you, we can only accept three to our medical schools; and yet we bring in on the average about 5,000 from abroad. And that is just in the medical field. In engineering and all of the others, it is the same. So if we decide to stop immigration, then we better start educating our own, we better start getting our own engineers, we better start building our medical schools to produce more doctors. I have not seen the will in the House. We have to create that vision of investing in ourselves. We have to be able to make sure that as we move forward we have the qualified people to be able to be our professors, to be able to be our doctors, and to be able to be our engineers in this country.

As we look in terms of our future, we know that in our universities, the expense of higher education, and we have to make sure that we provide that education that is needed.

So I would challenge all Americans out there, in the form of Cesar Chavez, to continue that struggle, to making sure that people can fulfill their American dream, whether they want to become an attorney, whether they want to get the job training to be able to get a better job, whatever it is, we have to make those programs available, we have to make those opportunities available. Sure, they have to be able to come up to the plate and be able to get the work done in order to make it happen. But it is important for us to make sure that we provide those opportunities and not to cut those opportunities. Because we have great people out there. We have youngsters that can be attorneys, but they need that help and that assistance at an early age. They need those programs such as Head Start that can be the basis for making something happen. They need those programs, those after-school programs that are required in order for them to be able to excel and be able to move forward.

I wanted to take this opportunity, as we pay tribute to Cesar Chavez, not only to talk about his work, but the work that also needs to take place now, the work that each one of us has an obligation, each one of us has a responsibility as Americans to make sure that our elected officials are held accountable, to make sure that our communities do the right thing, that our school boards do the right thing when it comes to education. As we move forward, each one of us has a responsibility to participate in the democratic process and to vote.

One of the things that concerns me is that as Americans we take our freedoms very lightly. It is not something that should be taken lightly. Just as we have a right right now, that right might not be there tomorrow. Freedom comes through struggle, and it is an endless process. It does not stop now; it continues. It is one that we have to be vigilant and be able to move forward, especially as we find ourselves now in war with terrorism, because a war with terrorism is also a war of ideologies. So we have to make sure that we move forward in a positive way and that we do not forget the reason why we have been a powerful country and that is that we have been a country of opportunities, we have been a country of immigrants, we have been a country that allows a person to fulfill their greatest potential individually.

So as we take this time, once again, to pay tribute to a great man, Cesar Chavez, who was there for the most needy of this country, those that work out in the fields, those that pick our foods, those individuals that have the least power as we foresee, here is a person who gave a great deal and gave his life to that struggle, a person who saw a problem and worked at it and was persistent about it. So I want to encourage each one of us to look at his life and see in what ways we can participate in our community and in what ways we can come forward and help.

One of the big things about Cesar Chavez is that he never spoke negatively against anyone. He always was an extremely polite individual, was always positive. One of the things that I noticed about him was that he always took personal responsibility for what he did. That personal responsibility is one thing of saying, we all have an obligation to making sure that everyone and every American has an opportunity for an education. We might say, well, they do, but in some cases the reality is that we still do not have that access for everyone. We still do not have that opportunity for where every American is able to go into the universities of this country. That is why we have programs such as the affirmative action or programs such as that that allows an opportunity for minorities to enter universities throughout this country.

Today, the Supreme Court began to hear the cases on affirmative action; and I know that as we look at those cases, as they look at those cases, it is going to be important, the results of what comes about. I know that President Bush basically, by deciding to go against the affirmative action and fighting those opportunities, is basically closing the doors on minority access to higher education. While saying that he supports diversity, his lawyers are working to outlaw affirmative action at the University of Michigan.

The President says that considering race and ethnic background is unfair. Let us look at a system that most of Americans in history silently penalized minority applicants and led the alarming disparity that we have now. Today, less than 10 percent of college-age Hispanics go to higher education. Only 16 percent of Hispanics between the age of 25 to 29 have a bachelor's degree. We have a serious education gap in this country, and we should not tolerate this disparity. We cannot accept excuses. We cannot justify smoke and mirrors. Affirmative action or taking affirmative steps to try to correct this situation in universities' admissions will not solve all the problems, but it is an important tool that is available to schools seeking that diversity, and we should not throw out a system until we have a fix.

The attempt now is to try to throw out a system without providing alternatives. Achieving racial diversity, at least until the vestiges of past racial discrimination are erased, is a legitimate and compelling goal. We know and everyone out there knows that we still do not have the appropriate numbers throughout our universities. In fact, things are getting worse. In Texas, since the Hopwood case, and I will talk to my colleagues briefly about that, but President Bush said that we should not be satisfied with our current numbers of minorities on American college campuses. He is right. But other than nice words, what does he offer? Allowing a set percentage of top high school graduates is better than nothing, but it is not certainly better than affirmative action. Percentage programs will not even begin to work unless we have States with large, highly segregated minority populations. And even then, it is still second best.

Hispanics will increase by 18 million in the next 25 years. We must ensure that the increase adds up to success, with an educated workforce and a growing economy that provides better lives for all our children and all our populations.

When we look at the issue of affirmative action, the purpose of affirmative action, and it was established during the Nixon years, was an attempt to basically come up with steps that allowed an opportunity to seek out qualified African Americans, qualified Hispanics, and, yes, qualified women. And because of the fact that we knew that there was disparities, and just like coaches went out and got qualified football players, that same effort could be done to get people to go into law school, those same efforts could be done to get people into medical school, and into other professions. So affirmative action, all it means is that we are going to make a sincere effort to taking steps to bringing up the numbers and to make sure that we have that variety of individuals that will be able to be representative of our Nation and have the African American and the Hispanic numbers that are key.

□ 2015

I know that since I have worked, when it came to the issues of injustice, when it came to the issues of equality, those are the issues that I know he fought for extremely strongly. He felt that everyone needed to be given an opportunity, that everyone had a responsibility to work on making sure that everyone was treated appropriately.

If we look at taking affirmative steps to get representation, I want to share a little bit about what the administration is talking about, a 10 percent bill. The only reason I mention that is because the administration mentioned that as an alternative to affirmative action.

I am here to tell the Members that I am the author of the 10 percent bill, although it was 15 percent when I was in the Texas House, before I came to the Congress. The reason why we came up then with 15 and 20 percent, and it became 10 percent, was because we knew we needed an alternative. They just wiped out under Hopwood the affirmative action efforts in the State of Texas. We needed to come up with something that would help out in assuring that Hispanics and minorities had an opportunity to further their education in Texas.

During a conference that I had, we came up with what we called the 20 percent piece of legislation. I filed it during that time I ran for Congress, and then turned over the piece of legislation to a State representative who just passed away. We were able to pass it under the 10 percent rule.

Let me give a little background what it does. It basically says if you graduate in the top 10 percent of your class, that the State of Texas has to bring you in and allow you to start school.

It is also based on the premise that it is also discriminatory. I will tell the Members right out, that is why we passed it, because if we have segregated schools with a concentration of Hispanic Americans, then we have an opportunity to get the top 10 percent to be able to go to those schools.

We were successful in doing that, and the program has been somewhat successful; but it is not as good as affirmative action. The data can show that. But it is a program that works in segregated areas. It is not a program that is going to be successful throughout this country; but it is also, once again, based on the negativism of segregation, and the fact that we have segregated schools in Texas, where there are a large concentration, 80 or 90 percent Hispanics in some of our schools.

The 10 percent has not been that good for African Americans in Texas. In fact, the numbers are a little lower. Yet, despite the gains, it also shows that, and I want to share that one of the other things that the 10 percent rule shows, and this is important to note, that the youngsters who do graduate at the top 10 percent, some of them come up with scores that are much lower, and they show about 1000 or 1100 on the SAT. They were able to get in, and are 200 to 300 points below some of the others, and do just as well as the other students.

If nothing else, the 10 percent has disapproved the test scores that show that even up to 300 points, that those youngsters can outperform those other youngsters that do better in those major tests when it comes to performing in those universities. If nothing else, this particular bill has helped to do away with that.

If Members really want to come up with a good affirmative action effort, we would do away with those test scores and do what we have always said: use a combination of things to really look at the youngster's performance. You look at the youngster's grades, you look at the youngster's tests, you look at his standing in the schools, and look, if you can, at the background of the individual. Because no one can really judge the motivation and the drive that someone has to be able to move forward. That will never show up on an instrument, on an exam or a test. It becomes important that we use multiple criteria for admission.

We have always argued that we should not use one test or another, that it should be multiple criteria that should be utilized for admissions, and that every effort ought to be made.

I have worked since I was in the seventh grade all through high school, and there is no way that we can compare someone who, in all honesty, did not work and had an opportunity to do their homework. Yet I can tell the Members, I sit here, and when I went to college I was able to eat their lunch when I started there. I mean that. Because other people have to do a variety of other things as they move forward, whether because of economics or whatever.

The reality is that we do have youngsters out there that do extremely well; yet they might be youngsters that have dropped out of school for one reason or another. If we look at the dropout rates, we see a lot of youngsters that drop out. It is not, a lot of times, for academic reasons. I can tell the Members that because I have also been responsible for some of the assessments on dropout rates, the reasons why youngsters drop out, especially Mexican Americans. We know that they do well.

My predecessor, Mr. Tejeda, had dropped out of school. Yet he later got a bachelor's and a master's and a law degree, and became the U.S. Congressman for this same district, and was in the military. Now, under these conditions, if he had dropped out now, he could not be even eligible to get into the military because the military does not accept individuals unless they have a high school diploma. They only accept GEDs up to 1 percent in the Air Force and 10 percent in the Army, so those are issues that need to be dealt with.

Education is key. We need to continue to emphasize the Federal role in education, the fact that we have a responsibility to make sure that our constituency throughout this country is well educated.

There is a direct correlation between education and our economy; and I would attest to the Members, there is a direct correlation between our economy and the fact that we are a superpower. If we want to continue to be a superpower, we have to continue to invest in our kids. We need to continue to invest in our people, in getting them opportunities to be able to advance themselves and be able to fulfill their American dream, whether it be getting a better job or being able to buy a home.

I think as we look at those issues, and as we pay tribute to Cesar Chavez, I know that he would be continuing the struggle for the workers in this country. That struggle is a continuation of making sure that everyone is treated in an equitable manner, that everyone will have opportunities to be able to advance themselves, either educationally or in terms of job training that might be offered. That becomes real important.

Let me take this opportunity also to indicate that Cesar Chavez was a humble individual who, as he worked in the fields, was able to organize, was able to educate not only the farm workers but our entire community. I would ask Americans to look at Cesar Chavez and the work that he did, because it is an inspiring work. It is an inspiring thing that we need to continue to come to and educate ourselves about.

Also, Members should ask ourselves in terms of our role as individuals, in terms of our role in the community, our role in the Nation as we continue our struggle on the war on terrorism and the war on Iraq, we need to make sure that we do not lose sight of the fact that we also have a struggle in this country. That is to make sure we turn the economy around. Part of that is a continuous effort in those areas of both education and health.

In the area of health, as I have indicated earlier, health is one of the areas where we continue to make inroads. Yet, it does not make any sense if our constituencies do not have access.

Right now, our seniors are having a great deal of difficulty being able to get access to prescription drug coverage. I have had seniors come to me and talk about the fact that we had a struggle in that area in that they have to sometimes not buy the food that they need in order to buy their prescriptions. That should not be happening in this country.

We argue about on the border we have a lot of problems, and we argue about people coming from abroad and from across the border to access the health care; but a lot of Americans also go across to get access to health care. A recent study revealed that half or 50 percent of those surveyed actually went into Mexico to get access to health care, buying prescriptions and getting medical treatment and dental treatment, because they could not afford it in this country.

So we need to make sure not only that we try to make it affordable but also accessible. That is important. So those specific issues of both education and health were two primary issues beyond the issues of worker rights that Cesar Chavez worked on.

Worker rights need to continue to be on the forefront. We need to understand, and it is unfortunate, yes, that we have to have a minimum wage; but we have a minimum wage because we also understand and recognize that there are still some people in this country that if they could get away with it, that they would pay fifty cents for someone to cut their yard instead of paying them appropriately in order to help them out, and being able to do the work that it entails.

Also, in closing, let me take this opportunity. I know we had some Democrats that were out here. One of the things they talked about was our veterans. I want to take this opportunity to shift, as we pay tribute to Cesar Chavez, to talk a little bit about our veterans.

Tonight we had an opportunity to hear some of our Members talk about the needs of our veterans. I sit on the Committee on Armed Services, and I also sit on the Committee on Veterans' Affairs. We must honor our veterans. We honor them by ensuring that they have access to quality benefits and services once they come home. That is so important and so key.

With our troops in the field, and sadly, with many Americans already experiencing war's devastating effects, it is shameful that the House passed a budget resolution on the same day, Mr. Speaker, on the same day that our soldiers began Operation Iraqi Freedom, cutting $15 billion from the veterans disability compensation programs and $9.7 billion from the veterans health care.

It is clear that this proposal will have a devastating effect on the veterans, the VA health care and the benefit programs, and would serve as a further insult to the millions of veterans already facing reductions in health care, in compensation, in pensions, and in education benefits.

The administration's budget was already inadequate to meet the health care needs of our veterans. Now the Republicans have gone further and cut $844 million above the President's request for veterans health care next year. The proposal, approximately $1.3 billion above 2003 appropriations, will not even begin to cover the inflationary impact and anticipated salary increases for VA health care workers.

That budget relies on unrealistic management efficiencies, increasing copayments. It also relies on new annual enrollment of veterans using the VA health care system when they are going to be taxed, and other efficiencies such as eliminating 5,000 VA nursing home beds. At the same time, we are asking our veterans to fight in Iraq and to continue the struggle in Afghanistan, to continue the difficulties that we encounter in Colombia, and we are eliminating 5,000 veteran nursing home beds.

The budget resolution also calls for cutting $15 billion over 10 years, $463 million in 2004 alone. The VA mandatory spending under the disguise of eliminating fraud, waste and abuse, is cut. Mr. Speaker, when we look at this disguise of fraud, waste and abuse, 90 percent of the spending for VA entitlement is paid out of monthly payments to disabled veterans. I do not consider payments to our disabled veterans and pensions for the poorest disabled veterans in the GI bill, benefits for soldiers returning from Afghanistan, to be fraud, waste, or abuse.

□ 2030

I recently joined my colleagues on the House Committee on Veterans' Affairs and I have a great deal of respect for our leader, the gentleman from New Jersey (Mr. SMITH), a Republican, in a bipartisan recommendation to the Committee on the Budget which would have added $3 billion. And I want to personally thank the gentleman from New Jersey (Mr. SMITH) for those efforts. But next year alone for veterans discretionary programs including Medicare and research construction and programs that fund the administration cost benefits such as compensation pensions and education programs, that is important. That is drastically needed.

I urge all of my colleagues to do the right thing and honor our commitment to our veterans. These cuts are shameful and unacceptable. We must do everything we can in a bipartisan way to make sure that our veterans get those services that they are entitled to.

Let me also just say that people argue, well, the budget is growing. It is growing because of the fact that our veterans are reaching, especially the World War II veterans, are reaching that age where they need us now. They are getting old. They are getting ill. They need our help. And, yes, our roles are increasing. But we have got to assume as those that fought World War II and fought in Korea and Vietnam begin to reach those levels, we have got to be there for them. This is not the time to cut. After that, the numbers are going to get smaller, but we have got to be there for them. And for us to argue, well, we are going to increase it and we have been increasing it and we ought to be comfortable that that is not sufficient, we are actually cutting priority 7 veterans. We are cutting priority 8 veterans. And we have got to be sure that we do the right thing when it comes to our veterans.

So I want to take this time to thank the veterans who have taken the time to come out here. I want to appeal to the Republicans when it goes to conference to do the right thing when this comes to our veterans. We have asked them to go to Afghanistan. We have asked them to go to the Gulf War. We have asked them to go to Vietnam and Korea; and now as they reach their twilight years, they need our help. And what are we saying? Our priority is a tax cut. That is not right. That is not right.

Every single war, we have the data, has shown that we have had a tax increase to pay for the war. But now we got on a tax cut. And I can understand those conservatives that feel that sometimes in order to stimulate the economy that you would need a tax cut. But after looking at that tax cut, Mr. Speaker, I saw that it was $674 billion initially. Thank God it has been cut now. I do not know where it is going to wind up, but it was $674 billion. Of that, if you would argue from a conservative perspective that it is going to go to business, the majority of it, and that would help stimulate the economy, you would also have to take into consideration the fact that 80 percent of new jobs are created in small businesses, not major corporations. So of that $674 billion, less than $18 billion actually goes to small businesses.

So even from a conservative perspective, it does not make any sense. It really dos not if you are trying to stimulate the economy. And that is if you believe in that way, which I personally do not, and I think we could really help stimulate the economy and solve problems. I really feel that I have been elected here to solve problems, and we are not doing that here.

One of the problems that we are encountering is that the States have difficulties with their budgets. For homeland defense, we could be providing resources to them. The VA, for example, just since 9-11 it has cost them close to 50, $55 million just from going to code orange every time with more security and other things that they have to do. So it is costing them money and so we have to help our States, and we could help them by addressing the issue of health care and providing resources to health care. Not only would it help the States, but it also would solve a problem in a very critical area, which is the area of health care that would allow an opportunity for consumers to have access to health care.

It would allow an opportunity for the industry, the hospitals and the doctors who are having a rough time, in trauma centers who are thinking of closing down, it would have that opportunity for them to be able to get access to those resources and do the job they are required to do and do the job that is needed, so we would solve a problem and provide that access to those individual consumers out there that need access to health care. But we would also help in solving the issue and the problem that the States are having with the budgets, which is one of the issues of health care.

So instead of that $675 billion in the form of a tax cut, we can utilize that in a much better way in the area of health care, in the area of education, in the area of meeting the needs of our veterans.

So tonight I take pride in coming up and talking about a variety of issues, but our most important issue once again to pay tribute to the visionary Cesar Chavez who helped to inspire a great number of Americans in this country in a nonviolent way.

I want to thank you, Mr. Speaker, for the opportunity in allowing me to be here tonight, and I want to take this opportunity to say thank you very much and good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SIMMONS (at the request of Mr. DELAY) for today on account of attending the funeral of a constituent who was a member of the Armed Forces who was killed while serving in Iraq.

Mr. MCINNIS (at the request of Mr. DELAY) for today on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOLT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 318. An act to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 2, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-10, on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

1614. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Homeownership Program [Docket No. FR-4504-F-02] (RIN: 2577-AC15) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1615. A letter from the Deputy Congressional Liaison, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1136] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1616. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities (RIN: 1601-AA05) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1617. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting notification regarding the Energy Information Administration's report entitled, "Performance Profiles of Major Energy Producers 2001"; to the Committee on Energy and Commerce.

1618. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Fleet Alternative Fuel Vehicle Acquisition Report For Fiscal Year 2001," pursuant to Public Law 105—388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals for the period of January 1 through September 30, 2002, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1620. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports and Reexports of Explosives Detection Equipment and Related Software and Technology; Imposition and Expansion of Foreign Policy Controls [Docket No. 030213032-3032-01] (RIN: 0694-AB87) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1621. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1622. A letter from the Acting Director, Congressional Budget Office, transmitting the report to waive deduction of pay requirement for two reemployed annuitants; to the Committee on Government Reform.

1623. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1624. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1625. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1626. A letter from the Secretary, Department of Education, transmitting the annual report concerning surplus Federal real property disposed of to educational institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

1627. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1628. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1629. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FY 2002; to the Committee on Government Reform.

1630. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1631. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees as of January 21, 2003; to the Committee on Government Reform.

1632. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Area Closure to Trawl, Pot, and Hook-and-Line Fishing in Waters off Cape Sarichef [Docket No. 03114012–3046–02; I.D. 121902F] (RIN: 0648–AQ46) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1633. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Notheastern United States; Northeast (NE) Multispecies Fishery; Commercial Haddock Harvest [Docket No. 000407096–01; I.D. 031003B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1634. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the 2002 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson- Stevens Fishery Conservation and Management Act; to the Committee on Resources.

1635. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 030703A] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Constructive Sales Treatment for Appreciated Financial Positions—received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1637. A letter from the Chairman, MedPac, transmitting the Commission's preliminary comments on the Department of Health and Human Services per diem prospective system for inpatient psychiatric facility care; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 168. Resolution providing for consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. 108–54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. Mica, Mr. Oberstar, and Mr. DeFazio):

H.R. 1527. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PORTMAN:

H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 1529. A bill to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases; to the Committee on the Judiciary.

By Mr. NUSSLE (for himself, Mr. Ramstad, Mr. Lucas of Kentucky, Mr. Green of Wisconsin, Mr. Graves, and Mr. Paul):

H.R. 1530. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. Andrews, Mrs. McCarthy of New York, Mr. Ackerman, Mr. Tancredo, and Mr. Blumenauer):

H.R. 1532. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture.

By Mrs. BIGGERT (for herself and Mr. Ford):

H.R. 1533. A bill to amend the securities laws to permit church pension plans to be invested in collective trusts; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. George Miller of California, Mr. Rangel, Mr. Stark, Mr. Levin, and Mr. McDermott):

H.R. 1534. A bill to improve the ability of the child welfare system to prevent and respond to child abuse and place children in safe, loving, and permanent homes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1535. A bill to amend the Internal Revenue Code of 1986 to repeal the mid-quarter convention for depreciable property; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. Jefferson, Mr. Crane, Mr. Hayworth, Mr. McInnis, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. Becerra, Mr. Houghton, and Mr. Foley):

H.R. 1536. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHN:

H.R. 1537. A bill to amend the Migratory Bird Treaty Act to clarify that restrictions on baiting of migratory game birds do not prohibit the taking of a migratory game bird on or over manipulated re-growth of a harvested rice crop; to the Committee on Resources.

By Mr. KING of New York (for himself, Mrs. Maloney, Mr. Engel, and Mr. Stearns):

H.R. 1538. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. KLECZKA (for himself and Mr. Stark):

H.R. 1539. A bill to amend title XVIII of the Social Security Act to limit the hospital ownership exception to physician self-referral restrictions to interests purchased on terms generally available to the public; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. Abercrombie, Ms. Corrine Brown of Florida, Mr. Case, Mr. Clay, Mr. Conyers, Ms. DeLauro, Mr. Frank of Massachusetts, Mr. Jackson of Illinois, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. McCarthy of New York, Ms. McCollum, Mr. Meehan, Mr. Moran of Virginia, Ms. Norton, Mr. Pascrell, Ms. Schakowsky, Mr. Serrano, Mr. Lantos, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 1540. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. Corrine Brown of Florida, Mr. Serrano, Mr. Bishop of Georgia, Ms. Woolsey, Mr. Brady of Pennsylvania, Mr. Jackson of Illinois, and Mr. Wynn):

H.R. 1541. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. Serrano, Mr. Hinchey, Mr. Towns, Mr. McNulty, Mr. Owens, Mr. Nadler, Mr. Israel, Mr. Crowley, and Mrs. Lowey):

H.R. 1542. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, to authorize assistance under that program for losses related to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. BAKER, Mr. PAUL, Mr. MOORE, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. ROYCE):

H.R. 1543. A bill to amend the Fair Credit Reporting Act to exempt certain communications from the definition of consumer report, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 1544. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1545. A bill to prohibit Federal officials from paying any Federal funds to any individual or entity that performs partial-birth abortions; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 1546. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1547. A bill to restore first amendment protections of religion and religious speech; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1548. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1549. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. MCINNIS, and Mr. RENZI):

H.R. 1550. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Ms. DELAURO):

H.R. 1551. A bill to amend the Richard B. Russell National School Lunch Act to ensure the safety of meals served under the school lunch program and the school breakfast program; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida (for himself and Mr. JOHN):

H.R. 1552. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Mr. LANTOS:

H. Con. Res. 133. Concurrent resolution expressing the concern of Congress over Russian and Syrian actions in support of Iraq; to the Committee on International Relations.

By Mr. ROYCE (for himself, Mr. PAYNE, Mr. FLAKE, and Mr. JEFFERSON):

H. Con. Res. 134. Concurrent resolution acknowledging the deepening relationship between the United States and the Republic of Djibouti and recognizing Djibouti's role in combating terrorism; to the Committee on International Relations.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. HOEFFEL, Mr. HOYER, Mr. KANJORSKI, Ms. WATERS, Mr. HOLT, Mr. WYNN, Mr. DOYLE, Mr. HOLDEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MOORE, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. HINCHEY, Ms. WATSON, Mr. MARKEY, Mr. DELAHUNT, Ms. BORDALLO, Mr. BALLANCE, Mr. WALSH, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. KILPATRICK, Mr. CUMMINGS, Mr. OWENS, Mr. LEWIS of Georgia, Mr. GERLACH, Mr. SCOTT of Virginia, Mr. CLAY, Ms. DELAURO, Mr. UDALL of Colorado, Ms. ROS-LEHTINEN, Ms. CARSON of Indiana, Mr. ENGLISH, Mr. BROWN of Ohio, Mr. GREENWOOD, Mrs. JONES of Ohio, Mr. FROST, Mr. MURTHA, Ms. HART, Mr. TOOMEY, Mr. PETERSON of Pennsylvania, Mr. MURPHY, Mr. SHERWOOD, Mr. WELDON of Pennsylvania, Mr. PASCRELL, Mr. BISHOP of Georgia, Mr. DINGELL, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Mr. JEFFERSON, Mr. GRIJALVA, Ms. SLAUGHTER, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. GEPHARDT, Mr. WATT, Mrs. LOWEY, Mr. SHUSTER, Mr. CROWLEY, Mr. CAPUANO, Mr. LARSON of Connecticut, Ms. KAPTUR, Mr. PALLONE, Mr. SKELTON, Mr. ACKERMAN, Mr. WEINER, Mr. FORD, Mr. NADLER, Mr. SPRATT, Ms. PELOSI, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. MENENDEZ, Ms. VELÁZQUEZ, Mr. SAXTON, Mr. TAYLOR of Mississippi, Mr. MEEHAN, Mr. ANDREWS, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. LOBIONDO, and Mr. GEORGE MILLER of California):

H. Res. 169. A resolution honoring the life and faithful service of former Congressman Lucien E. Blackwell of Pennsylvania; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mrs. MUSGRAVE.

H.R. 40: Mr. PAYNE.

H.R. 49: Mr. SHADEGG, Mr. DOOLEY of California, and Mr. FROST.

H.R. 109: Mr. FEENEY and Mr. ABERCROMBIE.

H.R. 126: Mrs. MALONEY and Mr. RYAN of Ohio.

H.R. 185: Mr. DOOLEY of California, Mr. FROST, and Mr. CARDOZA.

H.R. 218: Mr. TANCREDO.

H.R. 260: Mr. LANGEVIN.

H.R. 284: Mr. PAUL, Mr. NETHERCUTT, Mr. DOOLITTLE, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. THOMPSON of California, Mr. INSLEE, AND MS. CARSON of Indiana.

H.R. 343: Ms. DELAURO and Mr. MICHAUD.

H.R. 401: Mr. GERLACH, Mr. BURTON of Indiana, and Mr. BRADY of Pennsylvania.

H.R. 434: Mr. BOOZMAN, Mr. GREENWOOD, Mrs. CUBIN, Mr. MURPHY, Mr. SOUDER. MR. HERGER, Mr. SESSIONS, and Mr. BACHUS.

H.R. 440: Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, and Mr. MENENDEZ.

H.R. 442: Mr. LANTOS and Ms. SLAUGHTER.

H.R. 463: Mr. CARDOZA, Ms. ESHOO, Mr. SAM JOHNSON of Texas, Mr. GONZALEZ, Mr. HONDA, and Mr. FROST.

H.R. 466: Mr. TURNER of Ohio.

H.R. 490: Mr. MCHUGH and Mr. GONZALEZ.

H.R. 501: Ms. BERKLEY.

H.R. 577: Mr. MICHAUD.

H.R. 584: Mr. YOUNG of Alaska and Mr. ACKERMAN.

H.R. 594: Mr. MATHESON, Ms. KAPTUR, Mr. SCOTT of Virginia, and Mr. LARSON of Connecticut.

H.R. 614: Mr. DAVIS of Tennessee.

H.R. 643: Ms. BALDWIN and Mr. ANDREWS.

H.R. 648: Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. WICKER, Mr. SOUDER, and Mr. NETHERCUTT.

H.R. 660: Mr. KIRK, Mr. BURTON of Indiana, Mr. WICKER, Mr. WYNN, Mr. HEFLEY, and Mr. ROGERS of Alabama.

H.R. 664: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Mr. KILDEE.

H.R. 666: Mr. MCHUGH.

H.R. 685: Mr. FATTAH.

H.R. 707: Ms. BERKLEY and Mr. DOYLE.

H.R. 737: Mr. ORTIZ.

H.R. 745: Mr. HOEFFEL.

H.R. 761: Ms. BERKLEY.

H.R. 767: Mr. FEENEY, Mr. OTTER, Mr. OSE, and Mr. JENKINS.

H.R. 774: Mr. HINCHEY.

H.R. 776: Mr. LANTOS.

H.R. 785: Mr. LANTOS, Mr. JEFFERSON, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 786: Mr. MOORE, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALDEN of Oregon.

H.R. 804: Ms. GINNY BROWN-WAITE of Florida.

H.R. 806: Mr. WYNN and Mr. MENENDEZ.

H.R. 807: Mr. HULSHOF.

H.R. 808: Ms. DUNN.

H.R. 811: Ms. KAPTUR.

H.R. 813: Mr. CASE, Mr. RANGEL, Mr. MURTHA, and Mr. GILCHREST.

H.R. 816: Ms. CARSON of Indiana.

H.R. 817: Mr. PICKERING.

H.R. 854: Mr. LANTOS.

H.R. 871: Mr. BERRY and Mr. SHIMKUS.

H.R. 872: Mr. NORWOOD and Mr. HERGER.

H.R. 880: Mr. OWENS and Mr. STUPAK.

H.R. 882: Mr. KING of New York and Mr. GOODE.

H.R. 886: Mr. BISHOP of Georgia.

H.R. 898: Mr. MARKEY.

H.R. 927: Mr. BRADY of Texas, Mr. SMITH of Michigan, and Mr. HEFLEY.

H.R. 935: Ms. LINDA T. SÁNCHEZ of California.

H.R. 943: Mr. LYNCH and Mr. FEENEY.

H.R. 953: Mr. FRANK of Massachusetts and Mr. HILL.

H.R. 965: Mr. ISRAEL, Mr. BLUMENAUER, Mr. MICHAUD, and Mr. KLECZKA.

H.R. 966: Ms. BERKLEY.

H.R. 977: Mr. NUNES and Mr. RENZI.

H.R. 997: Mr. BROWN of South Carolina and Mr. JENKINS.

H.R. 1006: Mr. LEACH, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, and Mr. DOYLE.

H.R. 1039: Ms. SOLIS.

H.R. 1048: Ms. BERKLEY.

H.R. 1049: Mr. HOSTETTLER and Mr. KLINE.

H.R. 1057: Mr. BRADY of Texas, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. PUTNAM, and Mr. COOPER.

H.R. 1068: Mr. KIRK, Mr. STRICKLAND, Mr. DEUTSCH, Ms. WATSON, Mr. MCDERMOTT, and Ms. BERKLEY.

H.R. 1077: Mr. EMANUEL and Mr. ETHERIDGE.

H.R. 1097: Mr. UDALL of Colorado, Mr. KENNEDY of Rhode Island, and Mr. SCHIFF.

H.R. 1108: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.

H.R. 1122: Mr. STARK, Ms. SOLIS, Mr. HONDA, Ms. BORDALLO, Mr. BERMAN, and Mr. SCHIFF.

H.R. 1136: Mr. KOLBE.

H.R. 1154: Mr. BARRETT of South Carolina.

H.R. 1157: Mr. HONDA.

H.R. 1185: Mrs. JOHNSON of Connecticut and Mr. NEAL of Massachusetts.

H.R. 1196: Mr. MCDERMOTT.

H.R. 1205: Mr. JACKSON of Illinois.

H.R. 1210: Mr. LAMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, and Mr. DOYLE.

H.R. 1233: Mr. NORWOOD.

H.R. 1244: Mr. CARDOZA and Mr. GRAVES.

H.R. 1252: Mr. BARTLETT of Maryland.

H.R. 1267: Mr. HOLT, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. WATSON, Ms. HARMAN, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. COSTELLO, and Mr. BRADY of Pennsylvania.

H.R. 1276: Mr. MARIO DIAZ-BALART of Florida, Mr. OSE, Mr. QUINN, Mr. WELDON of Pennsylvania, and Mr. HOEFFEL.

H.R. 1279: Mr. GRAVES, Mr. TANNER, Mr. BOSWELL, and Mr. NORWOOD.

H.R. 1290: Ms. ESHOO.

H.R. 1291: Mr. HINCHEY and Mr. DAVIS of Alabama.

H.R. 1294: Ms. JACKSON-LEE of Texas and Mr. DEFAZIO.

H.R. 1340: Mr. HINCHEY and Ms. DELAURO.

H.R. 1348: Mr. PASCRELL.

H.R. 1358: Mr. WEXLER, Mr. MCNULTY, Mr. FROST, and Mr. RANGEL.

H.R. 1359: Ms. KAPTUR.

H.R. 1366: Mr. LUCAS of Kentucky.

H.R. 1374: Mr. DINGELL.

H.R. 1389: Ms. JACKSON-LEE of Texas.

H.R. 1412: Mr. DEMINT, Mr. WU, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. TERRY, Mr. MILLER of Florida, Mr. SOUDER, Mr. BURNS, Mr. GRIJALVA, Mr. ROSS, Mr. KENNEDY of Minnesota, Mr. NEY, Mr. BALLENGER, Mr. CASTLE, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. MURPHY, Mr. PORTER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mrs. BIGGERT, Ms. MCCOLLUM, Mr. VITTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1415: Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. CUMMINGS, Mr. ROGERS of Michigan, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. LEE, Mr. UPTON, and Mr. GREEN of Wisconsin.

H.R. 1422: Mr. MCINTYRE, Mr. PALLONE, Mr. MATSUI, Ms. DELAURO, Mr. GREEN of Texas, and Mr. MCNULTY.

H.R. 1425: Mr. MORAN of Virginia.

H.R. 1429: Mr. BROWN of Ohio and Ms. KAPTUR.

H.R. 1448: Mr. DEUTSCH.

H.R. 1451: Mr. SOUDER AND MR. BARRETT of South Carolina.

H.R. 1466: Ms. JACKSON-LEE of Texas and Mr. RANGEL.

H.R. 1467: Mr. BURGESS and Mr. SULLIVAN.

H.R. 1480: Mr. BERRY, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. DOOLEY of California, Mr. WAMP, and Mr. PAYNE.

H.R. 1483: Mr. KILDEE and Ms. CARSON of Indiana.

H.R. 1485: Mr. RANGEL.

H.R. 1499: Mr. ANDREWS and Mr. SNYDER.

H.R. 1508: Ms. MILLENDER-MCDONALD.

H.R. 1519: Mr. RADANOVICH and Mr. GORDON.

H.R. 1522: Mr. MCDERMOTT.

H.J. Res. 22: Mr. BALLENGER and Mr. BOSWELL.

H. Con. Res. 19: Mr. LUCAS of Kentucky, Mr. DOYLE, Mrs. CAPPS, Mr. COOPER, Mr. MICHAUD, and Mr. WATT.

H. Con. Res. 49: Mr. CROWLEY, Mr. RODRIGUEZ, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. SHERMAN, and Mr. KIRK.

H. Con. Res. 109: Ms. KAPTUR, Mr. PORTER, and Mr. GREENWOOD.

H. Con. Res. 119: Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. SOUDER, Mr. SHADEGG, and Mr. SULLIVAN.

H. Res. 121: Mr. SMITH of Michigan.

H. Res. 127: Mr. DAVIS of Alabama.

H. Res. 136: Mr. LEWIS of Kentucky.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1006: Mr. ALEXANDER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

5. The **SPEAKER** presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 707 petitioning the United States Congress to include a renewable energy requirement in the Energy Policy Act of 2002; to the Committee on Energy and Commerce.

6. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 816 petitioning the United States Congress to call for a flood damage reduction project along the Ramapo and Mahwah Rivers in the Village of Suffern in accordance with the original plan authorized by the Water Resources Development Act of 1986; to the Committee on Transportation and Infrastructure.

7. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 706 petitioning the United States Congress to restore the Medicare funding for skilled nursing care to the level approved by Congress in 1999 and 2000; jointly to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 522

OFFERED BY: MR. OSE

AMENDMENT NO. 1: Page 4, beginning on line 10, strike "means—" and all that follows through page 7, line 2, and insert "means \$100,000.'." (and conform any cross references appropriately).

Page 19, strike line 20 and all that follows through page 20, line 4, and insert "means \$100,000.'.".

H.R. 522

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 2: Page 3, strike line 19 and all that follows through page 20, line 13 [section 3 of the bill] (and redesignate subsequent sections and any cross reference to any such section, and conform the table of contents, accordingly).

H.R. 735

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 1: In section 8348(h)(1)(B)(i) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike "include" and insert "exclude".

In section 8348(h)(1)(B)(ii) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike "included shall not" and insert "excluded shall".

H.R. 735

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 2: Page 9, after line 15, insert the following:

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

Page 12, line 15, strike "the President and the Congress" and insert "the President, the Congress, and the General Accounting Office".

SENATE—*Tuesday, April 1, 2003*

The Senate met at 9 a.m., and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Almighty Father, terror and tyranny are our enemies. Disunity is our enemy too. But United States are States that endure! At this time of international stress we stand before You and wonder: Could there one day be worldwide tranquility? May we know peace? Will all Your people ever recognize their responsibilities to each other as the one human family?

Loving God, our countless personal freedoms distinguish us and allow us to fulfill our potential and Your plan. Help all Americans to count our blessings so that we will remain unified, especially so the war may end quickly, with evil suffering a singular defeat.

Lord, the Congress leads by serving, by representing and expressing the will of the people who are privileged to be Americans. Guide the Senate in the light of Truth. Give these men and women the support and the challenge of a united people who never let patriotism wane. A house divided against itself will fall. May this House never fall.

We make all our prayers with confidence in You who live and reign forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, this morning the Senate will be in a period for morning business until 10 a.m. Members who wish to make statements in support of our troops are encouraged to do so over the next hour.

At 10 a.m., the Senate will proceed to executive session to consider the nomination of Timothy Tymkovich, to be Circuit Judge for the Tenth Circuit. Under the previous order, there will be up to 6 hours for debate on the nomination. It is hoped that the nomination will not require all of the 6 hours and that we will be able to yield back time and have a vote a little bit earlier.

The Senate will recess at 12:30 p.m. for the weekly party luncheons.

We are also attempting to reach agreements on several other pieces of legislation, including the CARE Act, the FISA bill, and other bills relating to our Armed Forces personnel. We will also continue to process nominations, including judges, as they become available.

As a reminder, a fourth cloture vote will occur on the Estrada nomination during tomorrow's session.

Finally, I expect the Senate to begin the supplemental appropriations bill on Wednesday, if that bill becomes ready for floor action. I hope we can expedite the consideration of that bill this week so that we are able to continue the flow of resources to our troops in the field.

Therefore, all Senators should expect a very busy week with rollcall votes each day.

Madam President, I yield the floor. I wish to make a brief statement about our troops, but I will be happy to yield.

Mr. REID. I do not have anything.

HONORING OUR ARMED FORCES

Mr. FRIST. Madam President, we are now 12 days into Operation Iraqi Freedom. As I mentioned yesterday, I had the opportunity to visit the post of the 101st Airborne Division this weekend. It was a remarkable opportunity for me, and I wish to share with you a couple of my thoughts on that visit.

Our troops over the last 12 days have advanced 220 miles and now are sitting about 50 miles outside of Baghdad. We are all exposed, on the television and through our briefings, to the repetitive pounding of military targets day and night throughout Iraq. The key point, I believe, is that we do keep building our momentum both in Iraq and in America.

We have achieved many key objectives, and we will—there is no question—we will achieve our ultimate objective, and that is to disarm Saddam Hussein and to liberate the Iraqi people from his oppressive rule.

I am confident about that for so many reasons, but a lot of it has become real to me in a very personal sense after my visit to the 101st Airborne Division. For example, SP John G. Young is assigned to the A Company, 8th Battalion, 101st Airborne Division. He left Fort Campbell on March 1 of this year for Kuwait. He is crew chief on a CH-47 somewhere in the Iraqi desert. He is newly married. He is expecting a child in a few months and is doing an extraordinary job in Operation Iraqi Freedom. We thank him, we thank his mother, and we thank his wife for their courage.

At the 101st Airborne Division, Karyn, my wife, and Jonathan, my son, and I attended church services with the spouses and children of the Fort Campbell 101st Airborne Division. There are 50 chaplains as part of the 101st Airborne Division and 46 of those chaplains are overseas in Iraq and Kuwait. Seeing these families and the faces of these very young children as the pastor gathered them around the pulpit and came down and sat on the floor with the children asking them what their impressions were, what they pray for—the children were very young, 2, 3, 4, up to about 7 years of age.

One said: I pray for my daddy who is somewhere in the desert.

Another little girl raised her hand as they sat, about 20 of them, around the pastor, and said: I pray that Saddam Hussein quits doing bad things to other people.

The innocence, the understanding, and the wisdom of these young children was very apparent.

I also had a chance to talk to Michele Schumer, whose husband is a member of the Special Forces and is currently deployed in Iraq. Michele is the mother of a child in kindergarten and has another child on the way.

We talked to Adra Barna, a mother of 3-year-old twin girls, who clearly had her hands full as we watched her manage them during the church service. Her husband is deployed in Iraq as well.

I talked to Julie Sparkman. She and her husband are newlyweds. It is hard for anyone at any point to be separated, but to be separated shortly after marriage clearly introduces all sorts of feelings that we all can share with Julie and her husband. Having just been married, imagine the fear when there was that first grenade attack at Camp Pennsylvania: Was my husband involved in that or not? Was he injured or not? He was not, but again, we can personalize in many ways the experiences that result from the tremendous service of these young men and women.

Above all, these families are patriotic. I thought the atmosphere would be very somber. In truth, it was very

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

upbeat, optimistic, and energetic. These young spouses are so proud of their husbands being able to serve all of us and able to literally put their lives on the line for those causes of freedom, democracy, and peace.

In closing, the families of Fort Campbell did ask me to share with the President their support and their prayers for the tremendous job he is doing as Commander in Chief. They are concerned about their loved ones but proud they are able to serve the United States of America.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time to be equally divided between the Senator from Texas and the Democratic leader or their designees.

The Senator from Montana.

HONORING OUR ARMED FORCES

Mr. BURNS. Madam President, I rise to share another story that comes from the battlefield of Iraq. There are a thousand of these stories, but I think it is the way we start our day as a reminder of exactly what is going on at ground level—in other words, where the rubber hits the road.

In the last 12 or 13 days, we have seen how deeply committed our men and women in uniform are. They fight for a great cause of disarming Saddam Hussein's regime from its weapons of mass destruction, but also at the same time they understand that they are our brother's keeper.

What brought this home to me was a picture of this one marine carrying his injured comrade from the battlefield. It is as awe inspiring as any imagine that might come from the field of conflict. One man hurt his leg. His buddy slings him over his back and carries him safely, like a firefighter rescuing somebody from a burning building. Only in this case, it looks as though the enemy was not being cooperative or too helpful.

Men serving in battle form iron bonds. They have to because it is for the person next to them and for their country. Those bonds often forge the determination and the will to win. We can see the grim determination etched in the face of the marine who is doing the carrying. He seems to be thinking: It is all right, buddy. We will be out of here. You are in good hands.

Then perhaps when they reached the point where they were saved, the guy being carried likely responded: You do it for me, Semper Fi.

Some would say these two marines are heroes. But I would not put them in the hero class. They are America. They are the story of America. The marine who was hurt is from Oregon. The marine who saved him is from South Carolina. It does not matter what State one is from; their bond is in the unit in which they serve and in the miniature stars-and-stripe patch sewn on every shoulder of every sleeve.

For the marine from Oregon, his bond was his family heritage. His father was a career marine who rose to the top rank of sergeant major. His father was in Beirut, Lebanon, in 1983 when terrorists bombed the Marine barracks, losing 241 of his buddies. The father served in combat in 1991 during Operation Desert Storm. The day after the son shipped out for Kuwait, that marine's father died. The son returned home to the funeral, returned to the scene, and caught up with his unit.

The depth of commitment of our brave Americans is shown on the battlefields not only here but also in our history. It is a cause to them and one that inspires us. May we who are in the policy business learn our lesson to be that inspiring. We, too, should be where most of them are, where the rubber hits the road. This is where it is carried out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Ms. SNOWE. Madam President, I rise today to pay tribute to the more than 43 United States soldiers who have sacrificed their lives in the mission to liberate the Iraqi people and to disarm Saddam Hussein: The 16 who are missing, the 7 who have been captured, the 109 who have been injured, and all of those men and women on the ground, in the skies, and on the seas, who are so bravely supporting the cause of Operation Iraqi Freedom.

By now, we have all seen the images on our television screens, yet little can we truly comprehend the real nature of the dangers they face, and the courage they must summon. Let us then dedicate these days to the acknowledgment of their heroism, for how profoundly grateful and blessed we are that these men and women are committed to serving our Nation and the ideals for which it stands during this pivotal and tumultuous chapter in America's proud history.

In particular, I rise this morning to honor two Maine sons—Marine MAJ Jay Thomas Aubin and Marine CPL Brian Matthew Kennedy—who were among the twelve U.S. and British Marines killed Thursday, March 20 when their CH-46E Sea Helicopter crashed in Kuwait, just seven miles from the Iraq border. While I never had the opportunity to meet these two exceptional Marines in person, over the last week I feel I have come to know them, at least in some small but very meaningful way.

MAJ Aubin and CPL Kennedy embodied the Marine Corps values of honor, courage and dedication—no matter the odds, no matter the fight. They had the mental, moral and physical strength to follow the U.S. Marine decree to do the right thing, in the right way, for the right reasons. Both men willingly and knowingly laid their lives on the line to support and defend the U.S. Constitution and protect our national security. Both men believed in their mission.

Marines are often described as a family. They are initiated en masse by boot camps and extreme conditions many of us cannot even begin to imagine. They train together day in and day out and understand each other's struggles, fears, and feelings of pride. And they fight together, bound by a common code and a calling, gallantly facing any enemy whose goal is the destruction of our way of life.

Indeed, they live by one simple truth, that risking American lives is sometimes necessary to defending America's freedom. This realization and their willingness to act upon it is what makes the sacrifice of MAJ Aubin and CPL Kennedy all the more poignant.

So we must celebrate their lives and memories as the extraordinary people they truly were. I attended a service this past weekend in Winslow, ME, for MAJ Aubin. The day was made all the more special as CPL Kennedy's mother, Melissa Derbyshire, was also in attendance, and my heart goes out to both families brought together by sorrow in what for them is surely the most difficult of times. It is through remembrance that these two great Mainers will live on, so today and forevermore we will remember.

The eldest of three sons, MAJ Jay Thomas Aubin was a native of Skowhegan. As a young child, his undying first love was flight. His grandfather was an airplane mechanic and his father spent his spare time buying, selling and flying airplanes. His mother, Nancy Chamberlain, said Jay started flying when he was two years old. She recalls that his father, Thomas Aubin, had some two-seater planes and would take him flying from Norridgewock Airport. His brothers Joel and Jeffrey always considered him to be the "overachiever of the family", pointing out his "student of the month" and "student of the year" awards from Skowhegan Area High School and his participation in after-school activities, like band and wrestling. He even set up his own "boot camp" in his senior year so he would be in top physical shape.

Jay joined the Marines straight out of high school and was fortunate enough to meet the woman who would later become his wife, Rhonda who was also a Marine at the time. They were married and have two children, Alicia, 10 and Nathan, 7. Jay was in the Marines for 4 years, came home to Maine and enrolled in Southern Maine Technical College in 1989 and earned an associate's degree in applied science and, later, a bachelor's degree in business management from the University of Southern Maine.

His love and dedication to the Marines was so strong that upon graduation Jay re-enlisted as an officer. A true testimony to his skill and leadership, he was invited to join the elite corps that pilots the Presidential helicopter, Marine One. But before he was able to assume this new duty, he was asked to become a "Top Gun" instructor in night flight for helicopter pilots. He, Rhonda and their children moved to Yuma, AZ, in June, 2002 to complete his latest mission and he remained there until he was called to go to Kuwait.

After his tragic death, his mother received a letter Major Aubin had mailed two days before his helicopter went down. It said, "I want to thank you for everything over the years. You always tried your best to put us first at your expense." With that letter, it was as though his mother, Nancy, could hear her son's voice one last time—and what she heard was a message of undying gratitude and love.

In recent days, his friends and family have described him as "genuine and friendly and always smiling" and "passionate about his job and his country." His alma mater held a memorial service to honor him and has established a scholarship in his name. This is a man who was well loved and who touched the lives of everyone around him, especially his family. His aunt, Rella Collins, describes him as "the best of the best. He did us all proud." According to his mother in his last conversation before he departed, Jay was at peace with his mission, remarking "If anything happens to me, just remember I'm happy and I'm doing what I love to do."

The same has been said about Corporal Brian Matthew Kennedy, whose mother, Melissa Derbyshire, and stepfather, John Derbyshire, live in Port Clyde, Me. John's description of Brian gets to the heart of his character—"This man loved living and life itself. His greatest pleasures were cooking, eating lobster and mussels, his friends, lacrosse, rock climbing and doing his best at any task he was given to do—just as he did his job as a Marine crew chief aboard the CH-46 helicopter." Corporal Kennedy graduated from Glenbrook South High School in Glenview, IL with honors in 1995 and then attended Purdue University before transferring to Texas Tech. He enlisted in the Marines in 1999, according to his own words, "because he thought he could do the best job."

He had been a Marine for 3 years when he was lost to us in last weeks' helicopter crash. His family members speak of his sacrifice. His mother, Melissa, recalls him having to wait in line for 3 hours to just call home. Brian told his mother he would do his best to come home, but she says she "was lucky enough to know him for 25 years" and she remembers him "always laughing and having a good time." Brian's father, Mark Kennedy, speaks of his son's time in the Marines, saying Brian was "very pleased to be in Kuwait and was thrilled to have the assignment he had. He gave his life in an effort to contribute to the freedom of the Iraqi people."

We will all agree that these brave young men did not die in vain—indeed, in the words of Melissa Derbyshire, "they died for all of us." The loss of life is the ultimate tragedy of war, but from it, we can hope, will come peace. It is the Jay Aubin's and Brian Kennedy's of our unique history that have enabled America to become the greatest democracy civilization has ever known. They are a constant reminder of the sacrifice of one generation for the next. It has been said we are the land of the free precisely because we are the home of the brave.

At the first national Memorial Day service, in 1868, General James A. Garfield, the future President, addressed the difficulty in speaking of fallen Americans. During a ceremony at Arlington National Cemetery, Garfield said:

"With words," Garfield said, "we make promises, plight faith, praise virtue. Promises may not be kept; plighted faith may be broken; and vaunted virtue may be only the cunning mask of vice.

"We do not know one promise these men made, one pledge they gave, one word they spoke; but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country they accepted death and thus resolved all doubts, and made immortal their patriotism and virtue."

James A. Garfield could not have said it better. The enormity of the contribution made by our military men and women overwhelms the words we have within our grasp to honor that contribution. The entire nation will be forever indebted to Major Jay Thomas Aubin and Corporal Brian Matthew Kennedy. The Aubin, Chamberlain, Kennedy and Derbyshire families are in my thoughts and prayers, and I hope all of the Senate will join me in honoring these two outstanding, exceptional, extraordinary Marines today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, Senator LINCOLN has been coming here every morning on behalf of the Democratic side of the aisle, and I know Senator HUTCHISON and others have come on behalf of the Republican side. Senator LINCOLN asked me to come down here to pay tribute to our young men and women. It is an honor for me to do this.

Very sadly, this morning I come down to pay tribute to five young Americans who were killed in the Iraqi war, all of them from California or based in California. I have done this before. We have lost an additional 10 to whom I have payed tribute already, and that is a very large proportion of those who have been lost.

As we pray for all of those in harm's way, I think it is important to put a human face on war, and therefore I come down to discuss the great loss we feel in our State.

First is Navy Hospital Corpsman Third Class Michael Vann Johnson, Jr., age 25, killed on Tuesday, March 25, in Iraq, while attending to injured marines. He was assigned to the Naval Medical Center, 3rd Marine Division Detachment, in San Diego, CA. Michael was born and raised in Arkansas and graduated from Parkview High School in Little Rock. He attended the University of Central Arkansas in Conway before joining the Navy in 1997. He is survived by his wife in San Diego, his parents, and his seven siblings. I send them my deepest condolences.

MAJ Kevin Nave, age 36, was killed March 26, in a vehicle accident in Iraq, assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. His wife and his two children live in Oceanside, CA. He is from Union Lake, MI. He was on the football team and wrestling squad at Waterford Kettering High School in White Lake Township, MI.

LCpl William W. White, age 24, was killed in a vehicle accident on March 29, in Iraq. He was assigned to the 3rd Amphibious Assault Battalion, 1st Marine Division, Camp Pendleton, CA. He was from Brooklyn, NY.

GySgt Joseph Menusa, age 33, from San Jose, CA, died on Thursday, March 27, from a gunshot wound. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA. He was born in the Philippines and moved to San Jose when he was just 10 years old. He served in the 1991 gulf war and was a marine recruiter in the San Francisco Bay area.

His wife and his young son live at Camp Pendleton.

LCpl Jesus A. Suarez Del Solar, age 20, died Thursday, March 27, in combat action in Iraq. He is from Escondido, CA. He was assigned to the 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. He moved from Mexico to the United States in the late 1990s with his family. He attended San Pasqual High School in Escondido and graduated from Escondido's Valley High School in 2001. He is survived by his wife and his 1-year-old son, as well as many family members in Los Angeles County, San Diego, and Mexico.

As I said, I have already read the names of 10 others into the CONGRESSIONAL RECORD:

CPL Randal Kent Rosacker, age 21; LT Thomas Mullen Adams, age 27; CAPT Ryan Beaupre, age 30; 2LT Therrel Shane Childers, age 30; LCpl Jose Gutierrez, age 22; CPL Brian Matthew Kennedy, age 25; SSG Kendall Watersbey, age 29; SGT Michael Bitz, age 31; CPL Jose Garibay, age 21; CPL Jorge Gonzalez, age 20.

So, Madam President, out of the 43 who were killed, 15 were from or based in the State of California. And my State mourns them. May these beautiful young Americans rest in peace. And may the war end soon.

I pray for the wisdom of those who send these young men and women on their mission.

The people of my State feel very strongly on both sides about this war. I say to them today that they have every right to express themselves for and against this war; that those are indeed the freedoms that are the basis of our Nation. I also say to both sides that however one feels about the policy of this war—people know how I felt—I voted for the Levin resolution because I did not want us to go it alone, or virtually alone, because I was fearful of what could happen; and I felt it was important to lead the world as a superpower. Whether you are for or against this war, this isn't about who loves the troops more.

These troops are our children. I am a mother. I am a grandmother. These troops are our children. Some of them are parents themselves. So let us not deal with who loves our young people more. The debate is about policy, and there will be much time to debate that policy as there was before this war. And anyone who has a feeling about that policy has a right—I would say a duty—to express that view regardless of what that view is because that is what makes our country strong, that is what makes us different from other places.

So that is my message to the people of my State: to respect each other's differences. This isn't a debate about who loves the troops more; it is about policy.

California is contributing mightily to the military effort in Iraq. I have read you the names of many who have died so far. Tens of thousands of military men and women have been deployed from my State.

One of them, Patrick Sailors, is a chief warrant officer in the Marine Reserves, and he is the brother of one of my most treasured staff members, Kelly Gill, who works out of my Fresno office. He is a member of the Marine Wing Communications Squadron 48, attached to the 3rd Marine Aircraft Wing, 1st Marine Expeditionary Force that is now in Iraq.

Chief Warrant Officer Sailors has spent 17 years in the Marine Corps and is a second-generation marine. His wife Liz and their two children are awaiting his return to their home in Galt, CA. His parents, Delbert and Carol Sailors, live in California as well.

I pray that Patrick Sailors and all of our men and women are safely returned to their families as soon as possible.

Madam President, one of the things I have noticed—I am sure you have noticed—is that many of those who are losing their lives are parents. Before the vote on the resolution giving the President the authority to go to war without U.N. backing, I had a conversation with one of the most treasured Members of this body who had fought in World War II. He pointed out to me that so many of our people who are over in Iraq are members of the Reserves and the Guard. They have families. They have children. They have spouses.

I am very concerned about those families and about the children of those dual-military families. I am very concerned about deploying a mother and a father into a combat zone at the same time.

Two weeks ago I introduced S. 687 which would prohibit the concurrent deployment of both parents with minor children to a combat zone. I hope my colleagues will join me in this legislation.

In discussing education legislation back home, it has come to my attention that in school districts where there is a heavy population of military families, they are finding that the young children there are crying out for help during this time. Impact aid is something that we give to these areas to help them meet the needs of those families. Clearly, they need this help at this time.

There are two ways to help: One is to push forward with impact aid—I hope we will do that—and, secondly, to help me with this legislation which would say that two parents of a minor child cannot go to a combat zone at the same time.

Last week there was an editorial in the Washington Post entitled "Mothers at War." The editorial calls on the Department of Defense to consider staggering the deployment of two parents so the impact on children is minimized. That is exactly what my legislation does. I hope I will get help with it.

It is a horror to lose one parent in a war and one that one never, ever gets over. To lose two parents in such a circumstance would be beyond devastation. The Department of Defense should work to ensure that the children of dual military families never have to suffer seeing both parents sent off to a combat zone at the same time. This is an issue whose time has come.

I ask, what is the order at this time?

The PRESIDING OFFICER (Mr. CORNYN). Morning business is to conclude at 10.

Mrs. BOXER. Is it the understanding, further making a parliamentary inquiry, that the Democrats have until 10 or is that not determined?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I will continue until 10.

Mr. REID. Madam President, if the Senator from California will yield, the Senator from Texas is here to speak. I am sure the Republican leadership would not care if we extended morning business so she could complete her statement. I have spoken to the distinguished Senator from Colorado who will speak about a Colorado judge who will be up next.

I ask unanimous consent that the Senator from Texas be allowed to continue as in morning business after the hour of 10 until she completes her statement.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I wanted to make sure I was functioning under the rules. It is very important that we have a chance to pay tribute to the young men and women who are out there. The debate over what the expectations were in this war will go on for many weeks and months and years. I am not here to debate that. What I am here to say is that when all of us said that war is a last resort—and that was stated by everyone—I think we see daily why we said that. We see daily why we have to try everything short of war that we can.

In my own history in the Senate, I have voted to go to war twice. I voted not to go twice. Each of us in our own mind makes this decision. Of course, our voters will decide whether we were correct or not. But regardless of the policy fights, what we have to continually remember, every single minute, is that we have our sons and daughters over there right now.

Unlike other wars, many of them are parents. So the tragedy of losing them cuts deeper and deeper than were they not, because the tragedy cuts to the parents and the grandparents and to the spouses and to the children. And for a child to really never know their father or mother cuts very deep.

I pray that this war ends soon. I pray that we don't see more of these deaths and casualties and POWs. I pray that the POWs are treated right—they must be treated right according to the Geneva Conventions—that we find out more about them and that the Red Cross can get in there and see that they are OK. I pray that we won't see casualties to innocent children and women. I pray for a lot.

Today I pay tribute to my Californians who will never come back and see our beautiful State. I hope I won't have to come here in the days and weeks to come with more names.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I begin by saying I appreciate Senator ENZI. Senator ENZI came to the floor to speak about a subject very important to him. I asked him if he would mind letting us spend this entire hour in a tribute to the troops. He readily agreed. I appreciate his courtesy because we are reserving the first hour of every day when our troops are in the field to giving tribute to them, talking about some of the events that have happened in the field, talking about some of the acts of heroism, the individual acts, showing pictures of what life is like over there. I have done that on several occasions. I will again.

Today I want to talk about our prisoners. As the distinguished Chair understands—the Presiding Officer at this time is the other Senator from Texas—Texas is the base for the largest number of our active-duty military. One in 10 active-duty personnel calls Texas home. It is the home base for 114,000 active-duty service members. California comes in second with 107,000. North Carolina comes in third with 86,000. So we do feel a personal effect of this war. We also feel a sense of pride that it is our young men and women, along with all of those from the other States, who are out there on the front lines, protecting the freedom we enjoy so much every day.

I would like to talk about some of those who have made the ultimate sacrifice and some of those about whom we are not sure at this time. Cpl Brian Matthew Kennedy, U.S. Marine Corps, 25 years old, from Houston, TX, grew up in Glenville, IL. He called his mom on March 18 to tell her he was about to go into action. "It was very short and very special," she says of the call. Three days later, he died, when his Sea Knight helicopter crashed in Kuwait. He said to his dad: We are ready. We are ready. We are trained. We are ready to go. He was very proud. His parents are very proud of him.

SSgt Phillip Jordan, U.S. Marine Corps, 42 years of age, Brazoria, TX: Everyone called him Gump because he was so relentlessly upbeat. His son Tyler, 6, wants to be a marine like his father who was killed in a fire fight after a group of Iraqi soldiers feigned surrender.

Some are missing. Specialist James Kiehl, U.S. Army, 22, Comfort, TX, a computer technician with the 507th Maintenance Company: Kiehl was among the missing in the convoy ambush near An Nasiriya. His father Randy has been monitoring war news on two televisions, three phone lines, and a computer, keeping up a strong front and a strong face for the media, just in case they showed James any footage from back home.

PVT Ruben Estrella-Soto, U.S. Army, 18, El Paso: His father opposed his enlisting but he wanted to study engineering, and he was enthusiastic about going into the military and getting his education. He disappeared in the ambush on March 23 along with his friend Edgar Hernandez, who later turned up on Iraqi TV. But Estrella-Soto's fate was unknown. "Not knowing anything is hard," Ruben Estrella, Sr., told reporters.

CWO Johnny Villareal Mata, U.S. Army, 35, Pecos, TX: Mata grew up in a desert town just 200 miles from Fort Bliss, where his 507th Maintenance Company is based.

SP Edgar Adan Hernandez, U.S. Army, 21 years old, Alton, TX: "He's got a noble character," his mother, Maria de la Luz Hernandez, says in Spanish. She then inadvertently slipped into the past tense: "He was a good brother, a good son, respectful to the whole world." Hernandez, though, she believes is really alive. And he, too, was shown on Iraqi TV.

Captured: Army SP Shoshana Johnson, 30 years old, El Paso, TX: Her name means "rose" in Hebrew, the inspiration of an aunt who once worked as a nurse in Brooklyn. But her family is Panamanian American, and although she grew up in an Army family, she never expected to find herself on the front line. She is funloving, her younger sister Nikki says. She also says, "She is outgoing, independent and trustworthy—definitely not the kind of person who stays in front of the TV day in and day out." Shoshana's dream was to be a chef, but culinary school costs a lot of money, and Army cook was close enough. It seemed safe enough, too.

But early on the morning of March 23, her father, Claude, was flipping through the channels looking for a cartoon show for Shoshana's two-year-old daughter, Janelle. He happened to catch a newscast on the Spanish language network, Telemundo. "They said five Americans had been captured in Iraq. I caught one African-American female, 30 years old, from the 507th. Her name was Shana. I said it's got to be her."

It was. Now her large extended family, including more than a dozen cousins, is watching and waiting. They are inspired by the relatives of Elizabeth Smart who helped stay in the forefront of the press until their 15-year-old kidnapped daughter was returned. "We just want her to be treated humanely," Nikki told Newsweek, "and to return home swiftly and safely."

I talked to the mother of one of those killed in Afghanistan last week and she said, "What I want is to make sure that my son did not die in vain." I assured her that her son did not die in vain; that the war on terrorism is going to protect the freedom for children and grandchildren throughout America, and our staying vigilant and staying on course will ensure that none of those who are already dead or are missing will be forgotten. They have paid a heavy price for freedom and we will always revere and respect them for what they have done for our country.

That concludes the tributes for today. The Senate is setting aside 1 hour every day for people to come to the floor and talk about some of the wonderful acts that are being done by our young men and women on the field as we speak today—protecting the way of life we have come to enjoy.

Mr. WYDEN. Mr. President, I speak today with a profound sense of loss. A brave, young soldier from my home State of Oregon, Brandon S. Tobler, was killed in Iraq. Oregon's first war fatality, Army Reserve SP Brandon Tobler, who was only 19, lost his life in a Humvee accident during a sand storm. I have the last correspondence Brandon's parents received from their son, an e-mail sent just 2 weeks prior to his death on March 22, 2003.

Brandon was the only son of Leon and Gail Tobler of Portland. He grew up there and joined the military to help pay for college. He was in a convoy headed to Baghdad providing engineering support to the combat troops. Private Tobler's death reminds us that a soldier doesn't have to be on the combat line to face tremendous danger and possible death. His letter reminds of the bravery of each and every person who puts on a uniform for the United States. Private Tobler will be laid to rest in the Willamette National Cemetery in Portland, OR, on April 3, 2003.

I ask unanimous consent that Brandon's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> HEY MOM AND DAD, How are things with you, I hope you are both doing ok. I am doing fine, things here are going ok we are just keeping busy. I am a little stressed but other than that I am alright, I have been loaded down with a lot of tasks that I have not even been trained for, but I think I am doing an ok job. Anyway I am sorry that I have not written you guys lately and I know I have been writing Val a bit more than you guys and that is something I really intend to

change, I just want you guys to know that I miss you guys a lot and love you guys even more and I thank you both for the person you made me become and all of the things you have struggled to get me over the years. I really appreciate the support that you guys have given me and accepting my enlistment in the Army. I feel that if I can make a difference out here then I have done my part. If I can save one life, if I can do something that makes a family sleep easier at night without fear then I have done my purpose, cause I know now that's what my calling is in life, not to make money or be powerful and wealthy but to simply make a difference. And I thank you my loving parents for all that you have done to get me this far, but now I have to take the next step and make a difference for someone else out there. Well go ahead and pass this around to everyone in the family, Val too . . . And to the family my love and best wishes and prayers go out to you, little Veronica or shall I say big Veronica, I miss playing with her and being her big cousin but at least my being here will help keep her safe and grow up happy and full of life as she is already. So to my family, if you see a soldier one of my comrades in arms, please thank them for the service they give, pray for them because we as soldiers give up sooo much to come out here and in sometimes make the ultimate sacrifice in the name of freedom and soldiers could always use encouragement and a thanks. . . Well my love to you guys and I'll see you soon. . .

Love to all,

BRANDON.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 55, which the clerk will report.

The legislative clerk read as follows:

> Nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 6 hours of debate, with the time equally divided in the usual form.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I strongly support the confirmation of Tim Tymkovich as a Federal judge on the Tenth Circuit Court of Appeals. The nomination is before the Senate. I ask my colleagues to join me in supporting his confirmation.

Two years ago, one of the most talented lawyers in the State of Colorado faced a rather large but very exciting dilemma. Most of us would not look at his particular situation as a dilemma at all but, instead, view it as a welcome set of exciting career opportunities.

With the new administration filling vacancies and political appointments, he was offered the chance to serve the people of the United States, a chance to use his skills as a premier attorney through the Federal Government. This lawyer had practiced both civil litigation and appeals with an emphasis on regulatory and administrative law, particularly in the areas of telecommunications and public utilities. He served for 5 years as Colorado's solicitor general. He served as a law clerk to Justice William H. Erickson of the Colorado Supreme Court.

With all this experience under his belt, he had to decide whether to pursue a career with the Department of the Interior under the leadership of fellow Coloradan Gale Norton or to continue working in his successful law practice and to answer the call of his countrymen and President and to strive to serve the Nation as a judge on the Tenth Circuit Court of Appeals.

What choice did the attorney of whom I speak make? What path did Tim Tymkovich choose? He chose to pursue the Federal judgeship and to fulfill his sincere desire to lead a life of public service, a life dedicated to upholding the law and our Constitution.

On May 25, 2001, President Bush nominated Mr. Tymkovich to the Tenth Circuit Court of Appeals. On February 12, 2003, under the leadership of Senator ORRIN HATCH, the chairman of the Senate Judiciary Committee, Mr. Tymkovich finally received a hearing. Today, nearly 2 years later, the Senate has picked up his nomination for consideration by the entire body.

Today's actions, 23 months after his nomination, move us closer to fulfilling the Senate's duty as laid out in the Constitution through the advise and consent clause of article II. This vote has been a long time in the making. After several letters, several floor statements, and almost 2 years after the original date of his nomination, Tim Tymkovich is finally getting an up-or-down vote.

I thank Senator HATCH for moving his nomination out of the committee. I thank the majority leader, Senator FRIST, for scheduling this debate and the vote later on today.

The nominating process is a grueling one. To be confirmed, Mr. Tymkovich, along with his fellow nominees, put his life on hold to await action by the Senate on his nomination. In Mr. Tymkovich's case, he had to endure 2 years of uncertainty, not knowing whether he should change his law firm partnership, pursue other options, or wait for the Senate to grind forward, with each step and every decision scrutinized by the Senate. Undoubtedly, he had other career opportunities, other choices that would have led to remarkable successes. As you will recall, I mentioned the Department of the Interior possibility at the beginning of my remarks. Yet he chose to pursue the Tenth Circuit court nomination.

As we have witnessed with the Miguel Estrada debate, the judicial nomination process has broken down into partisan politics and entrenchment, taking a heavy toll on the life of the nominee and on the quality of justice delivered to the American people.

Today we have the opportunity to begin to correct this dangerous path we have been traveling. Tim Tymkovich has my unqualified support. Confirmation of his nomination by this body will prove to be a great service to the people of the United States. His nomination has enjoyed broad bipartisan support—support from judges and colleagues, both Democrat and Republican policymakers.

I have a series of charts highlighting support for his confirmation, charts I would like to share with you today.

The first chart quotes Roy Romer, former Governor of Colorado, and, I might add, former Democratic National Committee chairman who served under the tenure of President Bill Clinton and who is now superintendent of the Los Angeles United School District. Mr. Romer is a strong supporter of Mr. Tymkovich and has expressed his sentiment to the Judiciary Committee.

Governor Romer, in a letter to the committee, wrote:

> Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as Governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats, as well as Republicans, as Solicitor General. . . . He was always a straight shooter in giving legal advice to me and my top staff.

Governor Romer believes his past legal experiences have given Mr. Tymkovich a broad understanding of the varied legal issues that may come before him on the Tenth Circuit. Governor Romer believes Mr. Tymkovich will bring strong legal credentials to the court and a judicial temperament that should garner the support of the Senate.

I ask unanimous consent that the letter from Governor Romer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOS ANGELES UNIFIED SCHOOL
DISTRICT, BOARD OF EDUCATION,
September 6, 2002.

Re Nomination of Timothy M. Tymkovich to the Tenth Circuit Court of Appeals.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I write this letter in support of the nomination of Timothy M. Tymkovich to the Tenth Circuit Court of Appeals in Colorado. I have both worked with Mr. Tymkovich in his capacity as Colorado's Solicitor General or as a private practitioner in Denver.

Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as Governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats as well as Republicans as Solicitor General, both in my Administration and in Colorado's General Assembly. He was always a straight shooter in giving legal advice to me and my top Staff. He is currently in private practice in Denver and has represented Chris Romer's Colorado Education Network on state taxation and public policy matters. He recently helped craft an analysis of Colorado's constitutional budget law that could have important positive implications for our State in a lean economic year.

Mr. Tymkovich is a native of Colorado and I believe his past legal experiences have given him a broad understanding of the varied legal issues that may come before him in the Tenth Circuit. In addition, he has served Colorado in many ways in both the public and private sectors. He presently serves as Chairman of the Colorado Board of Ethics (which advises the Governor and executive branch on state ethics matters) and he recently chaired a bipartisan task force on civil justice reform. He currently is a member of the American Bar Association's American Bar Foundation and the American Law Institute, two important organizations dedicated to the impartial administration of justice. The ABA has already found him qualified to serve on the Tenth Circuit.

Mr. Tymkovich's nomination is currently waiting review by the Senate Judiciary Committee. He has bipartisan support in Colorado and both major newspapers in Colorado have praised his nomination. I believe that he will bring strong legal credentials and a judicial temperament that should garner the support of the United States Senate.

I urge you to favorably review Mr. Tymkovich's nomination and refer it to the full Senate of the United States.

Sincerely,

ROY ROMER,
Superintendent of Schools.

Mr. ALLARD. Mr. President, Mr. Tymkovich is well respected for his approach to the law and for problem solving. He manages cases and clients with civility and understanding, setting a high example for the legal community.

On a second chart, I highlight excerpts from an editorial written by the Rocky Mountain News. On June 3, 2001, the paper editorialized:

> If Senators give Tymkovich a serious look, they'll find someone who combines intellectual heft and steady temperament.

On February 16, 2003, the News restated their endorsement of Mr. Tymkovich, writing:

> We wish him prompt confirmation.

Mr. President, I ask unanimous consent that the two editorials from the Rocky Mountain News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, June 3, 2001]

GOOD CHOICE FOR COURT

It remains to be seen whether Tim Tymkovich's nomination for the 10th Circuit Court of Appeals will founder on U.S. Senate partisanship. He once was, after all, state solicitor general under Gale Norton, now one of President Bush's most controversial Cabinet members.

But if senators give Tymkovitch a serious look, they'll find someone who combines the intellectual heft and steady temperament that most senators profess to seek in a prospective Federal judge.

Previously, Tymkovitch's most visible moment involved the state's defense of voter-passed Amendment 2, which the courts overturned. But however unsuccessful his defense of that amendment may have been, his arguments were measured and well-crafted—just as they have been on many other legal topics.

[From the Rocky Mountain News, Feb. 16, 2003]

TYMKOVICH'S HEARING

Tim Tymkovich, former Colorado Solicitor General, waited nearly 21 months for a hearing before the Senate Judiciary Committee on his nomination for the 10th Circuit U.S. Court of Appeals.

Why, that's just about long enough for an elephant to give birth, which is no accident, because the intolerable delays in judicial confirmations is very much a matter of elephants—and donkeys.

When Sen. Jim Jeffords of Vermont defected from the Republican party and turned over control of the Senate to the Democrats, they made a determined effort to prevent President Bush from naming philosophically compatible judges, as presidents of both parties have long done.

Tymkovich, nominated just days after Jeffords' switch, was caught in the political gridlock.

He finally had his hearing Wednesday. We wish him prompt confirmation.

Mr. ALLARD. Mr. President, the Denver Post, a paper that endorsed Al Gore over George Bush, stated on May 30, 2001, that Tim Tymkovich:

> has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it. . . .We urge the Senate to confirm Tymkovich to fill a seat that has sat vacant since 1999. . . .

I ask unanimous consent that the Denver Post article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, May 30, 2001]

TYMKOVICH SHOULD SERVE WELL

We hope the new Democratic majority on the U.S. Senate will set aside partisan politics when it considers Denver attorney Tim Tymkovich's nomination to serve on the 10th U.S. Circuit Court of Appeals.

But we also hope the American Bar Association will continue to voluntarily scrutinize all nominees headed to the Senate, even though the Bush administration stripped the ABA of its official role in screening judicial candidates prior to their nomination.

Tymkovich should be no exception, though he has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it.

He first gained real notice when, as state solicitor general, he was assigned to defend amendment 2, a Colorado initiative that would have banned laws to protect gays.

Then-Attorney General Gale Norton was legally obliged to defend the amendment. The fact that the U.S. Supreme Court rejected this sloppily worded and unconstitutional amendment doesn't reflect on Tymkovich's legal skills or politics.

Indeed, Jean Dubofsky, a former Colorado Supreme Court justice who successfully led the legal challenge against Amendment 2, supports Tymkovich's nomination.

Tymkovich is only 44, but he has been practicing law in the public and private arenas since 1982 and is a long-time member of the American Bar Association, the American Law Institute and the International Society of Barristers.

He also is a member of the Federalist Society, which comes as no surprise considering how that group's conservative, Libertarian orientation dovetails with the conservative slant of the Bush administration.

Still, we don't expect Bush to be nominating liberal Democrats to lifelong positions on the federal bench anytime soon. And Tymkovich is far less conservative than his fellow nominee to the 10th U.S. Circuit Court, Michael McConnell, a law professor at the University of Utah, has defended vouchers for religious schools and argued to reinterpret the Constitution's division between church and state.

The conservative Christian's experience in pubic law is far deeper than Tymkovich's, but his reputation as an ideologue likely will stymie his chances with the Senate.

While we cannot support McConnell, we urge the Senate to confirm Tymkovich to fill a seat that has sat vacant since 1999, when Judge John Porfilio took senior status.

We also encourage the Senate to carefully defend the Judiciary from any Bush efforts at 'court packing,' whereby nominees are selected for their political philosophy rather than their legal expertise.

Federal judges and justices are obligated to carefully apply the law of the land, not the politics of the president in power.

Mr. ALLARD. Mr. Tymkovich understands the West, its community, and its past. He has traveled extensively throughout the States of the Tenth Circuit with his wife Suzanne, a western historian and novelist, as well as an accomplished attorney in her own right. Together they traveled near and far, covering the old stomping grounds of legendary western figures such as Butch Cassidy and others.

Undoubtedly, this deep knowledge of western heritage will aid in his duties and his understanding of the law, as well as the rich judicial history of the Tenth Circuit.

Tim Tymkovich's commitment to public service is unparalleled. I have had many conversations with him, and know him to be a man of keen intellect and integrity. Through our many conversations, I have developed a strong understanding of Tim's deep commitment to public service and his strong personal respect for the rule of law in protecting people and the interests of the State.

Tim Tymkovich's legal credentials reveal a man who values independence and fairness in the judicial process. A man who understands the implication of a lifetime appointment to our Nation's courts, a man who truly believes that there is no higher professional calling than to serve the American people through the impartial administration of the law. He will serve our Nation with the utmost of respect to our country and our Constitution, and for this reason, I urge my colleagues to vote favorably to confirm his nomination.

No one has a better understanding of the character and intellectual prowess of an attorney than his or her co-workers and peers. The legal profession is filled with practicing attorneys, lawyers who work in private firms, in the public sector, and who serve the public from the bench. The impression left on other attorneys by encounters with them at various stages of litigation and negotiation is obviously an important factor in determining whether a nominee is well suited for the bench. They work day-in and day-out with the nominee and have first hand knowledge about the type of judge a particular attorney will make. At this time, I would like to share some of the comments made by Mr. Tymkovich's colleagues.

In the third chart, I have reprinted a statement from William H. Erickson, former Chief Justice to the Colorado Supreme Court, and to whom Mr. Tymkovich served as a law clerk. Justice Erickson stated:

> I served on the Colorado Supreme Court for twenty-five years and had the privilege of working with a number of outstanding law clerks. Tim was one of the finest clerks that served in my chambers. He has an outstanding legal background that qualifies him for service on the Tenth Circuit.

Justice Erickson has maintained a close relationship with Tim, his wife, and their two sons, and has expressed over and over again his strong belief that he would—and will—make a significant addition to the Tenth Circuit.

In a letter to the Senate Judiciary Committee, Justice Erickson wrote that,

> As counsel to the Columbine Review Commission that investigated the Columbine High School shooting, Tymkovich served with great distinction and materially assisted the Commission's preparation of a report that hopefully will prevent other school shootings.

In a letter to Senator HATCH dated January 23, 2003, five former justices of the Colorado Supreme Court urged the Senate's timely consideration of his nomination. The justices, including Justice Jean Dubofsky, wrote:

> Over the past nearly twenty years, each of us has had the opportunity to observe Timothy M. Tymkovich as a practitioner employed by or appearing before the Colorado Supreme Court. During that time, Mr. Tymkovich served as a law clerk employed by one of the justices of our court and later as counsel representing the State of Colorado before the Court. We have also had the opportunity to observe Mr. Tymkovich as an attorney serving in bar organizations such as the American Law Institute, the American Bar Foundation and as a staff attorney of public commissions. Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States Court of Appeals.

This group of justices, coming from varied political backgrounds and differing professional experiences and diverse legal careers and different racial, gender and ethnic backgrounds, unanimously support the confirmation of Tim Tymkovich by the entire Senate. An endorsement of this kind cannot, and must not, be taken lightly. These justices, Jean Dubofsky, Joseph Quinn, William Neighbors, Gregory Scott, and Luis Rovira, consider Mr. Tymkovich to possess the necessary attributes of a Federal judge, and that Colorado and the Nation should no longer be subjected to undue delay on his nomination.

The justices' letter ends with this powerful statement:

> . . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Their unqualified support speaks volumes about Tymkovich's credentials. This powerful and unequivocal endorsement deserves repeating:

> . . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

This statement deserves our attention and our respect.

I ask for unanimous consent that the letter from these five justices be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 23, 2003

Re Senate consideration of the nomination of Timothy M. Tymkovich as a Judge of the United States Court of Appeals for the Tenth Circuit.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN HATCH: We are all former justices of the Colorado Supreme Court. We write to express our personal and professional concern and seek the timely consideration of the nomination of Timothy M. Tymkovich as a Judge of the United States Court of Appeals for the Tenth Circuit. Ever mindful of the Separation of Powers Doctrine as well as the Supremacy Clause of the United States Constitution, we do not write to impose or suggest our will should prevail over that of the United States Senate. Instead, as private citizens with a unique perspective concerning the attibutes and abilities of Mr. Tymkovich, we write to petition your attention to our concern to urge that a hearing be scheduled for Mr. Tymkovich.

Over the past nearly twenty years, each of us has had the opportunity to observe Timothy M. Tymkovich as a practitioner employed by or appearing before the Colorado Supreme Court. During that time, Mr. Tymkovich served as a law clerk employed by one of the justices of our court and later as counsel representing the State of Colorado before the Court. We have also had the opportunity to observe Mr. Tymkovich as an attorney serving in bar organizations such as the American Law Institute, the American Bar Foundation and as a staff attorney of public commissions.

Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States Court of Appeals.

Consistent with our professional assessments, the President of the United States has seen fit to nominate Mr. Tymkovich to serve as a judge on the Tenth Circuit Court of Appeals. However, while nominated more than a year ago, we understand that his nomination is currently awaiting consideration by the Senate Judiciary Committee that you chair. We do not propose to instruct the Chair in the conduct of the Senate's business, for we are not able nor do we intend to assume such a role or purpose. Nonetheless, we do ask that the President's nomination of Mr. Tymkovich be considered expeditiously.

Mr. Chairman, despite coming from varied political backgrounds and differing professional experiences as diverse legal careers and different racial, gender and ethnic backgrounds, we are of the unanimous opinion that Mr. Tymkovich should be considered by your Committee and confirmed by the entire Senate. We also conclude and share the opinion that he not only possesses the attributes we appreciate in judges, both federal and state, but that he is entitled to fair and civil treatment by the Senate Judiciary Committee. The citizens of Colorado and indeed our Nation should no longer be subjected to undue delay confronted by anything other than a full and fair review of his nomination in accordance with the rules of the United States Senate.

Without listing his considerable accomplishments as an attorney engaged in public service and private practice, we speak as one vote, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration by your Committee. The President's nomination is a considerate one and Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Together, therefore, we respectfully urge you to place his nomination before the Senate Judiciary Committee so that a fair and prompt review of Mr. Tymkovich's credentials can be made without much further delay.

Moreover, we most strongly recommend and heartily urge the Senate Judiciary Committee refer his nomination to the full Senate of the United States for a definitive vote as soon as practicable.

Very truly yours,

JEAN E. DUBOFSKY,
Justice.
JOSEPH O. QUINN,
Chief Justice.
WILLIAM D. NEIGHBORS,
Justice.
GREGORY KELLAN SCOTT,
Justice.
LUIS D. ROVIRA,
Chief Justice.

As the end of the second year of his nomination approaches, I sincerely hope that my colleagues will act today to fill the 4-year vacancy on the Tenth Circuit, so that the people of Colorado, Utah, New Mexico, Oklahoma and Nebraska, and indeed the Nation, will no longer be short-changed by a vacant bench. While this seat has remained empty for nearly 4 years, the States that comprise the Tenth Circuit have experienced unprecedented population growth, and causing a docket overload at the Federal level. The vacancy must be filled, and Tymkovich is the proper person to fill the seat.

The events of September 11 clearly demonstrate an active effort by the enemies of the United States to destroy the liberties and freedom of our Nation. The most basic of our country's values and traditions came under attack, and now we are taking action against those perpetrators. In the wake of tragedy, Congress has enacted new laws that provide financial assistance to businesses, families and defense, and we are currently taking strong military measures to suffocate terrorists and destroy the hateful organizations that work to undermine our society and destroy our liberty.

I am sure that my colleagues will agree that a necessary component of providing justice and protecting liberty and freedom is an efficient court system, a court equipped with the personnel and resources that enable it to fulfill its constitutional role. Today, this body has another opportunity to restore the faith of the citizenry and to fill a 4-year vacancy. I urge the Senate to show the American people that the Senate is indeed interested in serving justice, in protecting our laws and our people, and to support the nomination of Tim Tymkovich. He is highly qualified and will serve his country with the utmost of patriotism, and respect for adherence to constitutional principles. He respects our laws. I strongly urge my colleagues to vote for the nomination of Tim Tymkovich to the Tenth Circuit Court of Appeals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent the time used during the quorum call time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I voted against the nomination of Timothy Tymkovich to be a judge on the U.S. Court of Appeals for the Tenth Circuit in the Judiciary Committee, and I will do so again today. I would like to take a few minutes to explain my decision.

I cannot support the nomination of Mr. Tymkovich because I am not convinced that he will give all those who appear before him a fair and impartial hearing. I am concerned that he lacks a commitment to apply and uphold our Constitution's equal protection guarantees, especially in protecting gay Americans from discrimination.

In 1996, in a case called Romer v. Evans, the Supreme Court ruled unconstitutional a Colorado ballot initiative that sought to overturn city ordinances prohibiting discrimination based on sexual orientation. As solicitor general of Colorado, Mr. Tymkovich defended the ballot initiative on behalf of the State. Obviously, I know it was his job to do that. But I am concerned that it is his personal belief—his personal belief—that gay Americans do not have a right to equal protection and equal justice under the laws, and he did not convince me he would put aside those personal beliefs when he becomes a judge.

Mr. Tymkovich wrote a law review article that was published in 1997 by the University of Colorado about the Romer decision. In this article, which, I might add, he wrote and published after he left his job as Colorado's solicitor general, he, in my view, went beyond representing his client and actually presented his personal views. He forcefully promoted the view that laws against discrimination based on sexual orientation in activities like employment, housing, and education in places like Denver, Aspen, and Boulder somehow conferred "special rights or protections" on gays and lesbians. Let me quote a bit from his article. He wrote:

> A number of governmental entities in Colorado had granted special rights or protections to homosexuals and bisexuals: the cities of Denver, Boulder, and Aspen enacted ordinances prohibiting discrimination based on sexual orientation in jobs, housing, and public accommodations; the Colorado Civil Rights Commission had moved to extend the state's civil rights act to ban discrimination based upon sexual orientation; the governor of Colorado issued an order prohibiting job discrimination for state employees based on sexual orientation and began to fashion "sensitivity" training for the state's executive branch; and public educational institutions had begun adopting policies prohibiting discrimination based on sexual orientation.

Mr. Tymkovich's view is that employers and landlords have the "liberty," or right, to discriminate against individuals based on their sexual orientation. He wrote:

> Eliminating the liberty of landlords and employers to take account of homosexuality send the unmistakable message that homosexual behavior, like race, is a characteristic which only an irrational bigot would consider. By restoring government neutrality of this difficult and divisive moral issue, Amendment 2 promotes freedom and diversity by allowing different groups in the community to hold, and act on, different views on this question.

I sought to question Mr. Tymkovich about this. And when I attempted to probe Mr. Tymkovich at his confirmation hearing about his view that civil rights laws like the city ordinances at issue in Romer somehow confer "special rights" on gay Americans, he was suddenly and, to me, almost inexplicably evasive. I was frustrated with Mr. Tymkovich's reluctance to answer questions that would reveal his thought process. I was interested in his views on an important issue for our Nation—civil rights and the distinction he saw between rights for African Americans and rights for gay Americans. Even though he had already shared his personal views on the question of gay rights in a law review article—a public forum—he suddenly seemed reluctant to discuss those views with the committee.

I asked Mr. Tymkovich a question as follows:

> As you discussed in your article, you believe that the Supreme Court was wrong to be hostile to the political decision of a majority of Colorado voters who supported adoption of the Colorado amendment. You state that Colorado voters made "a seemingly good-faith policy choice."
>
> If I understand you correctly, you agree with Justice Scalia's dissent in Romer and that the court improperly injected itself into a political debate. Is that your view?

That was the conclusion of my question. Here was Mr. Tymkovich's initial response:

> Senator, that's an excellent question, and I appreciate the opportunity to clarify and reflect on the issue below.
>
> As you know from your participation in this body, there are important issues of public policy debate that cross party lines or are bipartisan and very difficult issues. In Colorado, the question of whether or not to add sexual orientation to State and local antidiscrimination laws has been a very important and ongoing political debate in our State. And certainly, Amendment 2 was in

> part within that context and dialogue. And certainly many people respectfully disagreed with the legislative pronouncement there, and I think the point I was trying to make in those remarks and certainly in the case is that the courts were not a good forum for airing sort of political or legislative policy-type arguments, and that the courts are best able to address a constitutional principle when they have the concrete facts and law before them and not sort of rhetorical or legislative-type pronouncements.
>
> The Amendment 2 case had a strong mix of sort of a policy debate in that sense, and I think my comment was that the policy debate and certainly the arguments we made to the courts is that that would be better left to the political process.

I then followed up by saying:

> I am taking that as a yes, that you agree with Justice Scalia that the Court improperly injected itself into a political debate. Do you believe that the Court should have—is that fair?

Mr. Tymkovich responded:

> Senator, I think Justice Scalia accepted some of the presentation of the State, but then rejected others. So I don't wholly agree or disagree with the dissent in the case, but it does reflect some of the arguments that were made.

I then asked:

> Do you agree with that point?

Mr. Tymkovich responded:

> I agree—the presentation that the state made to the Supreme Court was that it was a policy debate and not subject to the Supremacy Clause of the equal protections. But, again, as I testified earlier, that argument, that presentation was not accepted by the Court, and regardless of my personal views, I am perfectly capable and willing to impartially apply that precedent.

The reason I am going through this is that it is important to make a record for this point. Mr. Tymkovich and I then had a dialog that lasted quite a few pages of the transcript where I repeatedly asked him to discuss his personal views on this issue, not simply the position he had argued on behalf of the State, given that he had discussed them in the law review article. He essentially refused to answer the question.

I ask unanimous consent that the full transcript of my questioning of Mr. Tymkovich be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator FEINGOLD. I will go back to the issue of gay rights and your involvement as Solicitor General of Colorado in the case that led to the U.S. Supreme Court's *Romer v. Evans* decision. As has been discussed by Senator Schumer and Senator Sessions, you defended the ballot initiative on behalf of the State of Colorado. It was, I agree, your job to do that and I accept that. But I do want to ask you a bit about what perhaps goes beyond the zealous advocacy for your client, and this is the article that we are discussing, the 1997 University of Colorado Law Review, that forcefully presents your view that laws against discrimination based on sexual orientation in activities like employment, housing, and education in places like Denver, Aspen, and Boulder somehow conferred special rights or protections on gays and lesbians.

Let me ask you this: Do you believe that title VII of the Civil Rights Act of 1964, the landmark legislation prohibiting employment discrimination based on race, confers special rights on African Americans?

Mr. TYMKOVICH. Senator, the anti-discrimination laws in Colorado and at the Federal level are important protections to minorities and others that have faced discrimination. So to the extent that the baseline was no, you know, Federal or State protections based on ethnicity or race, the addition of those laws to the legislative pronouncement provides a protection, an additional protection that would not be available under the common law. So in that sense, certainly under Colorado law, additional protections are provided through the discrimination laws, and I might add that's an important part of the legislative process to identify and protect injustices out there.

Senator FEINGOLD. But what about my question? Does Title VII of the Civil Rights Act of 1964 confer special rights on African Americans?

Mr. TYMKOVICH. I'm not sure exactly what you mean by "special rights," Senator, but I would say——

Senator FEINGOLD. Well, I am referring to the fact that your article seemed to say that the Colorado law conferred special rights or protections on gays and lesbians. I am asking you whether or not Title VII of the Civil Rights Act of 1964 in that same spirit in your view confers special rights on African Americans?

Mr. TYMKOVICH. No, Senator. I think it provides a civil remedy, some laws provide a criminal remedy, on behalf of discrimination, and certainly that's the intent and purpose of those laws.

Senator FEINGOLD. In that same spirit, do you think that Title VII wrongly protects Americans from employment discrimination based on race, ethnicity, national origin, religion, age, disability, or gender? Do you believe that an American who brings a claim of job discrimination based on any one or more of these categories is somehow enjoying special rights or protections?

Mr. TYMKOVICH. No, Senator. They're simply enjoying the protections that this body has provided to those particular groups.

Senator FEINGOLD. As you discussed in your article, you believe that the Supreme Court was wrong to be hostile to the political decision of a majority of Colorado voters who supported adoption of the Colorado amendment. You state that Colorado voters made "a seemingly good-faith policy choice."

If I understand you correctly, you agree with Justice Scalia's dissent in *Romer* and believe that the Court improperly injected itself into a political debate. Is that your view?

Mr. TYMKOVICH. Senator, that's an excellent question, and I appreciate the opportunity to clarify and reflect on the issue below.

As you know from your participation in this body, there are important issues of public policy debate that cross party lines or are bipartisan and very difficult issues. In Colorado, the question of whether or not to add sexual orientation to State and local anti-discrimination laws has been a very important and ongoing political debate in our State. And certainly Amendment 2 was in part within that context and dialogue. And certainly many people respectfully disagreed with the legislative pronouncement there, and I think the point I was trying to make in those remarks and certainly in the case is that the courts were not a good forum for airing sort of political or legislative policy-type arguments, and that the courts are best able to address a constitutional principle when they have the concrete facts and law before them and not sort of rhetorical or legislative-type pronouncements.

The Amendment 2 case had a strong mix of sort of a policy debate in that sense, and I think my comment was that the policy debate and certainly the arguments we made to the courts is that that would be better left to the political process.

Senator FEINGOLD. I am taking that as a yes, that you agree with Justice Scalia that the Court improperly injected itself into a political debate. Do you believe that the Court should have—is that fair?

Mr. TYMKOVICH. Senator, I think Justice Scalia accepted some of the presentation of the State, but they rejected others. So I don't wholly agree or disagree with the dissent in the case, but it does——

Senator FEINGOLD. Do you agree with that point?

Mr. TYMKOVICH [continuing]. Reflect some of the arguments that were made.

Senator FEINGOLD. Do you agree with that point?

Mr. TYMKOVICH. I agree—the presentation that the State made to the Supreme Court was that it was a policy debate and not subject to the Supremacy Clause of the equal protections. But, again, as I testified earlier, that argument, that presentation was not accepted by the Court, and regardless of my personal views, I am perfectly capable and willing to impartially apply that precedent.

Senator FEINGOLD. That isn't what I am asking. I have asked your personal view, and I take it that your personal view is that the Court did the wrong thing here and improperly injected itself into the political debate. I understand that you would follow the law based on the Court's decision.

Mr. TYMKOVICH. I would follow the law.

Senator FEINGOLD. Do you believe that the Court should have given more consideration to the privacy, associational, and religious rights of persons who do not condone homosexual behavior?

Mr. TYMKOVICH. Senator, the lower courts in Colorado had identified that there were religious and associational factors that would be implicated by the laws that were preempted by Amendment 2. I think, again, that that, as I've tried to explain in my previous testimony, is part of the political give-and-take, the public policy give-and-take in crafting a gay rights law that would accommodate certain interests, and certainly that's part of the policy debate that we've seen in our State. Certainly the Amendment 2 provision would have required that debate to go at the statewide level, and as I recall, even during the judicial proceedings on Amendment 2, there was a move to enact a statewide initiative that would——

Senator FEINGOLD. Okay. I accept that, but I am asking you your personal view. You are an expert on this. Do you think the Court should have given more consideration—you, do you think the Court should have given more consideration to the privacy, associational, and religious rights of persons who do not condone homosexual behavior?

Mr. TYMKOVICH. Senator, I think that in that case, as others, as an advocate, as a representative of my client, we were presenting what we thought were the best arguments based on the applicable case law——

Senator FEINGOLD. I am asking your view right now.

Mr. TYMKOVICH [continuing]. To the Supreme Court.

Senator FEINGOLD. I am not asking in your role as an advocate. I am asking in your view should the Court have taken that more into account?

Mr. TYMKOVICH. I think, as I've testified earlier, indicated in my article, that I believe that we had strong arguments based on the existing precedent at the time and asked that the Court accept that.

Senator FEINGOLD. Well, you seem to be refusing to give your own view on this, and I don't know why. This isn't a pending case. This is a case that was resolved by the Supreme Court. You have strong opinions indicated I here, and I don't understand why you can't give me your personal view.

Mr. TYMKOVICH. I think I've reflected the views that we presented to the Court, and as I've testified——

Senator FEINGOLD. You did do that and that is all you have done, and you are not answering my question.

Throughout our Nation's history, proponents of racial discrimination have used the argument that they should be free to discriminate based on their privacy, associational, or religious rights. In *Brown v. Board of Education of Topeka, Kansas*, the Supreme Court injected itself into a contentious political debate where in some parts of the country separate but equal schools were defended to the point of literally spilling blood over the issue.

Do you believe that *Brown v. Board of Edution* was wrongly decided and that the Supreme Court should not have injected itself into the policy question of maintaining school segregation?

Mr. TYMKOVICH. Senator, it's an important question because certainly the history of discrimination in this country has had a very mixed and very sorry record at times, and the *Brown* decision is certainly a reflection of part of that history.

One of the reasons I went to law school was the influence of a book I read about the *Brown* case called "Simple Justice" that traced the history of the legal development from *Plessy v. Ferguson* to the *Brown* decision, and a very powerful historical book about the legal and social and ideological aspects of discrimination in this country.

So certainly *Brown* is one of the cornerstones of American jurisprudence, and certainly its foundation is a very important part——

Senator FEINGOLD. So you obviously don't disagree with that decision, and that is why I want to ask you: What is the difference in your mind between African Americans and gay people in terms of whether laws protecting them from discrimination are permissible?

Mr. TYMKOVICH. Senator, I think that it's a very important part of the public policy debate to analyze the rationale and the reasons for a particular legislative judgment. I don't sit here today as having a legislative agenda. I do not. My goal as a Tenth Circuit judge, if confirmed, would be to impartially and fairly and open-mindedly apply the law. You're asking me for a legislative judgment, and I certainly——

Senator FEINGOLD. No. I am asking you your personal opinion, having studied this in law school, having the question of discrimination having been one of the inspirations for your going to law school, and doing extremely well, I might add, and being a very distinguished lawyer. I am asking you what your thought process is here. I am asking you what your thought process is here. What is the difference between discrimination against African Americans and gay people?

Mr. TYMKOVICH. Senator, I think that, you know, again, to answer your question from a public policy standpoint, I believe that this body, Congress, which has debated whether or not to add sexual orientation to Title VII or to Federal law, and certainly the debate at the State level would be to take the testimony and the experiences of gay and lesbian Americans and apply that to the particular circumstances at work.

In Colorado, that's an important dialogue that is ongoing about to what extent the laws ought to be modified and changed to prevent discrimination and violence and harassment against gay and lesbian people. I support that legislative debate in our State. I don't think it's appropriate for me to take a personal view to the Federal bench, and I can commit to the body that I'd be able to apply the discrimination laws faithfully and carefully as a Tenth Circuit judge——

Senator FEINGOLD.—Well, Mr. Chairman, my time is up, but let me just say that I certainly respect Mr. Tymkovich and wish him well. But this process where we can't even get at sort of the thought process of a nominee on something as simple and important as how you relate discrimination against African Americans to the issue of discrimination against gay people, to me, Mr. Chairman, this is the problem we are having, that we are really not being given a chance to examine how these individuals will simply go through their thought process as judges, not whether there is a right answer or a wrong answer, but how will they go through the judicial process and how will they go through that thought process.

I think that is legitimate, and, again, I respect you and certainly you have tried to respond to me. But it makes it very, very difficult to analyze, especially in light of the fact that this nominee wrote an article, an extensive article about this very important subject, and all I am trying to do is to get his thought process as it compared to another body of law that he obviously thinks is valid.

So, with that, Mr. Chairman, I conclude and thank you and thank Senator Kennedy.

Mr. FEINGOLD. Mr. President, this kind of evasive testimony only makes it more difficult to analyze whether or not a nominee is well suited for a position on a Federal appeals court.

I was also troubled by Mr. Tymkovich's insistence that the Romer case presented a political question and should not have been decided by the courts.

The courts have played an important role in ensuring civil rights for all Americans. If our Nation left all questions of civil rights to the legislatures, school segregation might still be practiced in parts of the country today. In Brown v. Board of Education of Topeka, KS, the Supreme Court did its job by injecting itself in a contentious political debate and protecting the right of African Americans to equal education.

I understand that these are President Bush's nominees and that he has the right to nominate whomever he wants to the bench. But as much as it is our duty to fill vacancies in the Federal judiciary, it is also our duty to give great scrutiny to those nominees who have a record that calls into question their ability to give all those litigants who would appear before them a fair and impartial hearing.

I am more than pleased to vote to confirm judicial nominees that are fair-minded and supported by a consensus of Senators and the legal community, and, once again, I urge the President to send such nominees to the Senate. I have voted in favor of three previous Bush nominees to the Tenth Circuit, but I do not believe that Mr. Tymkovich is the right person for this seat.

I yield the floor and suggest the absence of a quorum.

Mr. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I am pleased that Timothy Tymkovich's nomination to serve on the Tenth Circuit Court of Appeals has come before the full Senate for consideration here today.

Almost 7 weeks ago today, on February 12, 2003, along with my friend and colleague, Senator ALLARD, I was pleased to introduce Tim Tymkovich to the Judiciary Committee for his confirmation hearing.

Today, I am once again pleased to be able to speak in strong support of Tim Tymkovich's nomination to serve on the Tenth Circuit Court of Appeals.

Tim Tymkovich is well qualified to serve on the Tenth Circuit. He is a native Coloradan, an excellent jurist and an all-around outstanding person. I believe he will be a terrific addition to the Tenth Circuit Court of Appeals.

Since he earned his juris doctor at the University of Colorado's School of Law back in 1982, Tim has had an outstanding career, including a well-balanced combination of service in both the public sector and in private practice.

Tim's public service experience includes his service as a clerk to the former Colorado Supreme Court Chief Justice William Erickson from 1982 to 1983.

From 1991 to 1996, Tim Tymkovich skillfully served as Colorado's solicitor general.

In between these years of public service, Tim earned an excellent reputation in private practice with several leading law firms.

For the past 2 years, Tim has served as counsel to Colorado Governor Owen's Columbine Review Commission, which reviewed the public agency and law enforcement response to the tragic Columbine High School shootings of 1999.

At the same time, he co-chaired the Governor's Task Force on Civil Justice Reform, which has led to significant improvements in Colorado's civil justice and practice.

Tim currently serves as a partner in the prestigious Denver-based law firm, Hale, Hackstaff, & Tymkovich.

Two of Colorado's leading newspapers have positively endorsed Tim, saying among other things, that he has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it. That was the Denver Post, May 2002.

They have also commented that if the Senate gave Tim Tymkovich a serious look, we would find someone who combines intellectual heft and steady temperament.

I have taken a good look at Tim Tymkovich, and I fully agree with these insightful assessments.

Tim's nomination enjoys substantial bipartisan support, including the support of Colorado Attorney General Ken Salazar and Colorado's well-known former Governor, Roy Romer.

Tim Tymkovich's nomination for the Tenth Circuit Court of Appeals has been pending since he was first nominated for this position back on May 25, 2001.

it is now approaching 2 years since he was first nominated. Despite Tim Tymkovich's outstanding qualifications, it has not been an easy task for the Judiciary Committee to get this nomination to the floor of the Senate today.

I want to take a moment to say a special word of heartfelt appreciation for my good friend and Judiciary Committee Chairman ORRIN HATCH for his remarkably fair, evenhanded and steadfast stewardship of judicial nominees, including Tim Tymkovich's nomination. Senator HATCH deserves all of our appreciation.

It is time for the full Senate to complete our work and hold a straight up-or-down rollcall vote on Tim Tymkovich's worthy nomination.

I strongly urge my colleagues to vote in favor of Tim Tymkovich's nomination to serve on the Tenth Circuit Court.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BUNNING are printed in today's RECORD under "Morning Business.")

Mr. BUNNING. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand we are on the nomination of Timothy Tymkovich to the U.S. Circuit Court of Appeals for the Tenth Circuit.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the distinguished Presiding Officer. As he knows, being a member of the Judiciary Committee, while the debate time was scheduled by the committee, at the same time they scheduled hearings on various judicial nominees, including a very controversial nominee to another circuit court. As have others, including the distinguished Chair, I have tried to balance my time from place to place and attend to both matters ongoing simultaneously. I am sorry that I could not be here to open the debate but was at the hearing helping to open those proceedings.

Today we consider Mr. Tymkovich as the fourth of President Bush's nominees to this circuit to be considered by the Senate. Three of the nominees to the Tenth Circuit were given hearings and confirmed during the time I was chairman of the Judiciary Committee.

President Bush sent up Harris Hartz of New Mexico to the Tenth Circuit. I arranged to get him a hearing and vote on the floor. In fact, I voted for him. President Bush sent up Terrence O'Brien of Wyoming. I arranged to get him a hearing and a vote on the floor. I voted for him. President Bush sent up Michael McConnell of Utah, a highly controversial, extraordinarily conservative nominee, heavily backed by the Federalist Society and others. I arranged to get a hearing for him, and I voted for him.

I mention that because it is in stark contrast to the treatment of President Clinton's nominees to vacancies on the Tenth Circuit. We were fair and took action on three of President Bush's nominees to the Tenth Circuit last year. Today the Senate is debating and voting on his last remaining nominee to that circuit.

Let us recall what happened when Republicans were in charge and there was a Democratic President. President Clinton nominated two outstanding lawyers to this vacancy, the one about which we talk today. James Lyons, whom I have known it seems forever, is a brilliant lawyer. He would have been an outstanding federal judge, one who in that position would be totally impartial, would fit the qualifications necessary for a judge—that is, when you walked in the court, you would know, whether you are Republican or Democrat, rich, poor, plaintiff, defendant, black, white or anything else, that you would be treated fairly. Mr. Lyons was not treated fairly. He was not even allowed to have a hearing let alone consideration by the Judiciary Committee or a vote by the Senate.

Then President Clinton nominated Christine Arguello, an outstanding Hispanic woman. She was not allowed to have a hearing either. It was not that she was not qualified. In fact, speaking of these two, Mr. Lyons was among the many Clinton nominees given the highest qualification by the American Bar Association. Like so many others who fit in that category, he was never allowed even to have a hearing. It was not a question of voting up or down. Republicans were in the majority. They could have voted him down. But both these well qualified nominees were not even allowed to have a hearing.

Ms. Arguello is a talented Hispanic attorney. Her nomination had widespread support from her community and State. Both Republicans and Democrats called and wrote to me on her behalf. But as with so many circuit court vacancies on the Tenth Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the District of Columbia Circuit, and around the country, these qualified nominees, whose only sin was that they were nominated by a Democratic President, were not allowed to have hearings or votes.

The Republican-controlled Senate made it very clear: We will not hold hearings or vote on them. Someday there will be a Republican President, and then we will fill these seats in a campaign to stack the courts.

This was very clear. This happened during President Clinton's first term in the Senate—the Republican Senate blocking his nominations from even having a hearing because Republicans thought he would never get reelected and then they could put in Republicans to fill those judicial vacancies. It is very clear. Everybody here heard the comments in the cloakroom and in the Senators' dining room. Look at the record, in the 1996 session, the Republican Senate majority would not consider or confirm a single nominee to a circuit court anywhere in the country, not one. During that entire year only 17 judges were confirmed and all were to the district courts.

President Clinton then had a landslide reelection victory. We naively assumed that the Senate Republicans would work with us to help fill the many judicial vacancies that had been perpetuated. Not so. They thought maybe 4 years later they might have another chance and there might be a Republican administration and they could get the courts to do what we wanted. Despite vacancies that reached over 100, Republicans denied there was a vacancies crisis and insisted on slow and searching inquiries on those lucky nominees who were considered at all. Of course, more than 50 of President Clinton's judicial nominees were never given a hearing and a vote. Others, the lucky ones, were delayed for years and years before Senate Republicans would allow a vote.

Then in the most recent presidential election, as we know, Al Gore got half a million more votes but did not become President. I respect the electoral system. President Bush won the electoral vote, and there was a 1-vote margin in the Supreme Court determining that. All of a sudden, all these seats that have been kept open year after year because Republicans would not allow anybody to come forward, were valuable opportunities.

When Democrats were the Senate majority, we tried to help, to work with the administration and with Senate Republicans. Take, the Tenth Circuit. Even though President Clinton's nominees had been unfairly held up, we did not do the same thing to President Bush's nominees. We proceeded to confirm 100 of his judicial nominees in 17 months. We proceeded on three of his nominees to the Tenth Circuit and filled three of the four vacancies on that circuit by adjournment last year.

With respect to this remaining nomination, that of Timothy Tymkovich, I must say—not just because of the shameful, inexcusable way James Lyons and Christine Arguello were treated by the Republicans—I have serious misgivings about this nomination. Mr. Tymkovich has worked to undermine environmental protections and other Federal programs in the name of States rights. He has a particular view of States rights, one that I believe will color his decision making and result in hostility to Federal legislation designed to protect all Americans' civil rights and all Americans' environmental rights.

In 1996, Mr. Tymkovich testified before the Senate Governmental Affairs Committee, where he made strident comments about his perceptions of States' rights. His testimony indicated that his support for "States' rights" was conveniently focused on rolling back Federal regulation in areas where he had substantive disagreements with Federal policy. He testified in favor of the so-called Tenth Amendment Enforcement Act, which called on Congress to eliminate implied preemption, a form of preemption that has been consistently recognized by the United States Supreme Court.

He claimed that the Federal Government had interfered in Colorado's State's rights. Mr. Tymkovich complained that the Federal Government had been "especially intrusive into State affairs in the area of the environment." He cited as examples of such interference and "overreaching" the EPA's opposition to a State "self-audit" program. That State program would have granted enforcement immunity to polluters that voluntarily came forward and agreed to address problems in the future. Immunity would have applied no matter how damaging the polluters' actions had been. The State legislation was opposed by the EPA because it violated State obligations under several Federal statutes—the Clean Air Act and Clean Water Act, among others. Mr. Tymkovich chided the EPA for refusing to give the same immunity to polluters. In addition to his statements about the self-audit program, Mr. Tymkovich protested the EPA's rejection of State programs in water and air quality programs that did not meet Federal standards.

Mr. Tymkovich also complained in his hearing testimony that the Federal Government violated States' rights by requiring Colorado to follow Federal Medicaid law if the State chose to accept Federal Medicaid funding. He argued that States should be allowed to accept Federal Medicaid funding and then refuse to use those funds as prescribed by Federal law; that is, to deny the termination of pregnancies in the limited situation where a Medicaid-qualified woman has been the victim of rape or incest. He argued that States should be allowed to accept Federal Medicaid funding, but absolutely refuse to use these funds—funds that come from all of us from the State of Vermont, the State of Alabama, and every place else as prescribed by Federal law. He argued: We will use your money, but you have no say in how we use it.

Finally, Mr. Tymkovich claimed that the Federal "motor voter" law was an "intrusion" that "impose[d] special burdens." He called the law an "unfunded mandate" that "unquestionably interferes with the States' internal affairs." In summary, he argued that "Congress has long ignored State interests."

I am also concerned about Mr. Tymkovich's involvement in attempts to weaken Title IX. As State solicitor general, Mr. Tymkovich appealed a decision by a Federal District Court finding that Colorado State University had violated Title IX of the Education Amendments of 1972. The suit, Roberts v. Colorado State Board of Agriculture, was originally brought by members of the women's fast-pitch softball team, which had been cut by the university. The plaintiffs argued that the termination of support for the team was a violation of Title IX. The District Court issued a permanent injunction that required the university to reinstate funding for the program and to provide the team with equal benefits to other sports programs at the college.

Mr. Tymkovich appealed the case to the Tenth Circuit, arguing that additional evidentiary requirements should be placed upon Title IX plaintiffs. The Tenth Circuit affirmed the lower court's ruling, finding that the university had not shown that it had fully and effectively accommodated the interests and abilities of women athletes.

Title IX has been vital to the inclusion of women and girls in all facets of education, especially athletics. You do not have to be a parent or grandparent to know that now, if you go into any schoolyard and you look at those playing sports at the grade school and high school level, you see boys and girls playing. At the college level, you see both young men and young women playing sports. This has been important to all of us.

I am also concerned about the personal hostility Mr. Tymkovich has shown to Americans based on their sexual orientation, and about his failure to accept the importance of civil rights laws. As Colorado solicitor general, he argued a case before the Colorado and U.S. Supreme Courts, in which he unsuccessfully defended Colorado's 1992 ballot initiative that added a broadly-worded provision in the Colorado Constitution prohibiting any legal protections based upon sexual orientation. Ultimately, the Supreme Court of the United States found that the Colorado law was motivated by prejudice, not rationality, and thus ran afoul to the most basic premise of the equal protection clause.

So after he litigated the Romer case, and after a conservative Supreme Court ruled against him, he authored a bitter law review article both defending his position and chastising the decisions of the Supreme Court of the United States and of the Supreme Court of Colorado. He criticized Justice Kennedy's decision in Romer as "an important case study of the Supreme Court's willingness to block a disfavored political result—even to the point of ignoring or disfiguring established precedent." He also referred to the U.S. Supreme Court's oral argument process as "judicial histrionics." He concluded by saying this was "another example of ad hoc, activist jurisprudence, without constitutional mooring."

Mr. President, I say this because this is a man who claims he would be perfectly willing to follow the decisions of the Supreme Court. In fact, the most revealing aspect of his law review is his failure to acknowledge and respect the decision of the Supreme Court and the views and integrity of those on the other side of the argument from him.

I have voted for hundreds of judges nominated by both Republican and Democratic Presidents. My personal belief is that it is not whether they are Democrats or Republicans, liberal or conservative, pro-life or pro-choice, or whatever they might be; that is not the issue. The issue is whether, when somebody comes before that court, that they know that they are going to be treated with fairness, treated with respect, with courtesy, no matter which side they are on or what legal position they support in that litigation.

A Federal judge has an enormous amount of power. If somebody comes into court and they know the case is already decided, that the judge has already determined, based on who you are, how the case is going to be decided, then I think you have a real problem that goes to the integrity of the courts and certainly to the independence of the courts, and it determines which way those courts are going to be seen.

Why is that important in Mr. Tymkovich's case? Because he shows what type of a judicial temperament he would have. A most revealing aspect of his law review article is his failure to acknowledge and respect the views or integrity of those on the other side of the legal debate. His article made me ask myself why he felt compelled to continue to advocate for the positions he was taking once the case had been concluded, once the Supreme Court had determined what the law was.

He obviously feels very strongly personally about these matters. That is fine and that is his right. But that does not mean that he should be confirmed to a lifetime appointment on a Federal circuit court. Had he merely served as the attorney advocating a position in court, he could have chalked his involvement in the Romer case up to professional advocacy in support of a provision adopted in Colorado. Instead, he went well beyond professional legal advocacy. His advocacy went to the point of raising the question whether this man will be able to be fair to all litigants. He wrote that "our society prohibits, and all human societies have prohibited, certain activity not because they harm others, but because they are considered, in the traditional phrase 'contra bonos mores', i.e. immoral."

In short, the article seems replete with heavy anti-homosexual rhetoric. The hallmark of a good judge is his or her ability to be fair to all who come before the court. I have very grave doubts that Mr. Tymkovich can or will act in an unbiased or fair manner involving civil rights. His expressions seem otherwise.

Equally disturbing about this incident is Mr. Tymkovich's apparent unwillingness candidly to admit error either to the courts or the Judiciary Committee. You have to wonder if he would be fair and impartial as a judge in a court.

In a case in which Mr. Tymkovich was involved in private practice, he represented the Republican and Libertarian parties, along with several State legislators, in their challenge to the constitutionality of Colorado's Fair Campaign Act. In the course of his representation, which saw him before both the trial court and the Tenth Circuit, Mr. Tymkovich erroneously agreed to consensual dismissal of one of his client's claims before the district court. While each court differed about the merits of the alleged claims, both agreed that Mr. Tymkovich voluntarily dismissed a claim that (1) there was no other means of challenging and (2) which he evidently still desired to litigate. In a case of such high importance, and for a person being nominated to a court of such significance, his actions in this case appear to include a rather serious mistake that reflects upon his competency.

Equally disturbing about this incident is Mr. Tymkovich's apparent unwillingness to candidly admit his error either to the courts or the Judiciary Committee. Mr. Tymkovich continued to argue the matter and assert that the District Court behaved improperly and without reason in dismissing his client's first amendment claim. So, too, did he fail to reveal his error in his Senate Questionnaire. Although he truthfully stated that he won some of the claims he pursued, his careful wording on his Senate Questionnaire seems particularly crafted to avoid this aspect of the case.

I note for those who have recently trumpeted the ABA ratings as an important indicator of professional competence—especially when a close friend of President Bush is in charge of those ratings—Mr. Tymkovich received a rating that was partially "not qualified," indicating that a number of evaluators did not consider him suited to the position on the Tenth Circuit in which he was nominated.

I am concerned that Mr. Tymkovich is yet another of President Bush's nominees to the circuit court who is going to work to undermine Federal laws and programs designed to guarantee protection of civil rights and the environment. I will vote against him.

I will vote against him because I do not believe that people can walk into his court and believe they are going to be treated fairly. I fear that people who come into his court and see that the person on the other side fits into the judge's narrow view of who is acceptable and what is acceptable will think that other person is going to win and I am going to lose no matter what the merits are.

This is the last remaining vacancy on the Tenth Circuit. We had 7 years without a new judge of that circuit. Even though President Clinton tried, Republicans refused to allow his nominees to go forward to be considered.

When I became chairman, we moved three judges who were nominated by President Bush through to confirmation. None of them were people I would have ever nominated. I voted for all of them. I thought even though we were opposed and apart philosophically that they could be fair. I did it notwithstanding my own deep concern about the unreasonable unfairness of the Republicans in not allowing a vote, not even a hearing, on President Clinton's nominees. I was determined not to do that to President Bush. I thought it was absolutely wrong when it was done to President Clinton. So three of those four nominees went forward and they all sit on that court today as President Bush's lifetime appointments to the Tenth Circuit.

We have worked hard to reverse the growing number of vacancies on the Federal courts and on the circuit courts, vacancies that were maintained under the Republican Senate majority when President Clinton was in the White House. Even though President Clinton nominated qualified, moderate people, they were not allowed to have hearings. We tried to change that. Perhaps it is a case where no good deed goes unpunished. We tried to demonstrate to this new White House that we could be different.

In January 1995, when the Republican majority took control of the confirmation process, there were only 16 vacancies on the circuit courts. When I became chairman in the summer of 2001, there were 33 circuit court vacancies. At the end of last year, these vacancies had been cut by almost 25 percent, even though 9 new circuit vacancies arose during that time.

We held the first hearing for a nominee to the Fourth Circuit in 3 years, and confirmed him and another most controversial nominee, even though seven of President Clinton's nominees to that circuit never received a hearing.

We proceeded with the first hearing for a nominee to the Fifth Circuit in 7 years and confirmed her, even though three of President Clinton's nominees to that circuit were never given a hearing.

We proceeded with the first hearing on a nominee to the Sixth Circuit in almost 5 years, confirmed her, and another controversial nominee to that circuit, even though three of President Clinton's nominees to that circuit never received a hearing.

We proceeded with the first hearings on a nominee to the Tenth Circuit in 6 years. We confirmed three, even though two of President Clinton's nominees to that circuit were never allowed hearings.

There is today no current vacancy on the First Circuit to which we confirmed a conservative nominee last year. There are no current vacancies on the Eighth Circuit to which we confirmed 3 of President Bush's nominees in spite of the irresponsible treatment the Republican Senate majority had afforded Bonnie Campbell of Iowa.

I have been in the Senate with six Presidents, President Ford, President Carter, President Reagan, former President Bush, President Clinton, and the current President Bush. On judicial nominees, each of the five previous Presidents had their own views of who they wanted on the courts, and that is their prerogative whom they nominate. Each one of those Presidents sought to unite rather than divide when it came to the Federal judiciary. I think each understood that the integrity and independence of the Federal courts has to be protected. Each one of those five Presidents actually worked with Members of both parties in the Senate for nominees to go forward. I remember sitting in many meetings with Presidents of both parties.

This President is the first one in my experience in 29 years, who seems to have no interest whatsoever in working with the Senate. He seems perfectly happy with what was done in the past by members of his party, and now with members of his party willing to change the rules—ignore the rules and go forward and do things that have never been done before—so long as they win.

In the short run, you win. In the long run, you hurt badly the integrity and the independence of the Federal court. That is one thing we should think of. These are lifetime appointments. They are not the terms of Senators or Presidents. Presidents have 4-year terms. Senators have 6-year terms. The Federal bench has a lifetime term.

Finally, even though his term is approximately halfway over, I urge the President to try for a few months to be a uniter, not a divider and work with the Senate on nominating judges. We showed we were willing to move judges much faster for him when the Democrats were in control than the Republicans did when they were in control and there was a Democratic President.

Work with us. You are going to have better courts; all Americans will have better courts. You can still appoint a lot of Republicans—that is fine. But you could have an independent court, not courts that are going to be seen by a growing—and it is growing—number around this country as an arm of the Republican Party. Professor Sheldon Goldman was recently quoted in an article by Stephanie B. Goldberg in MS. Magazine as saying: "If courts are perceived as being governed by political ideology, they lose public support and are no longer seen as an independent branch of government. They're just an arm of the regime." Courts should not be an arm of the Democratic Party or the Republican Party. It is one branch of Government that should be independent. This White House seems to want to change that.

Over more than 200 years of history, Presidents occasionally have been unable to resist the temptation of court-packing schemes, such as in the case of John Adams or Franklin Roosevelt. Those were wisely rejected. If the White House is unwilling to have an independent judiciary, I hope the Senate will show enough courage to reject that.

Before observing the absence of a quorum I ask unanimous consent that the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as the Senator from Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

RECESS

The PRESIDING OFFICER. Hearing no objection, under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Virginia.

ADDITION OF COSPONSORS—S. CON. RES. 31

Mr. WARNER. Mr. President, I would like to submit to the Chair a unanimous consent request.

Mr. President, pending at the desk is S. Con. Res. 31 relating to the subject of prisoners of war. I commend the Senator from Pennsylvania, Mr. SANTORUM, for his work on this resolution, approaching me and others about the need for this resolution days ago. By inadvertence, and I accept responsibility for that, he was omitted from the list of cosponsors.

At this time, I ask unanimous consent that the Senator from Pennsylvania, Mr. SANTORUM, be added as a cosponsor to S. Con. Res. 31, which is at the desk. I thank the Chair.

Mr. ALLARD. If the Senator from Virginia will yield?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I would also like to be listed as a cosponsor on that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Would you add the Senator from Ohio?

Mr. WARNER. Mr. President, I ask that the distinguished Presiding Officer, the Senator from Ohio, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. For the benefit of the Senate, it is being discussed now as to when this resolution might be brought up. It is bipartisan. Senator LIEBERMAN is one of the original cosponsors, together with the distinguished majority leader, Senator FRIST, Senator STEVENS, Senator INOUYE, myself, and now the others.

So those Senators having an interest should so notify the Presiding Officer.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY M. TYMKOVICH, OF COLORADO, TO THE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the order of business on the floor, if I am not mistaken, is the nomination of Mr. Timothy Tymkovich for lifetime appointment to the United States Court of Appeals for the Tenth Circuit. I rise in opposition to that nomination.

Initially, it is worth noting that the Tenth Circuit is closely divided between Republican and Democratic appointees, and the seat for which Mr. Tymkovich was nominated is a seat that the Republican-controlled Senate has denied on more than one occasion. In fact, they have denied it to a moderate Hispanic-American Clinton nominee in the year 2000, Colorado Attorney General Christine Arguello. She would have been the first and only Hispanic-American judge on the Tenth Circuit, but the Republicans, then in control of the Senate, refused to give Ms. Arguello a hearing or a vote.

The Republican-controlled Senate also refused to give a hearing or vote to another Clinton nominee for the Tenth Circuit, James Lyons, thus ensuring that this vacancy which we debate today would be theirs to fill. That is what led us to this moment in time where this nomination is being considered on the floor of the Senate.

I asked Mr. Tymkovich some questions when he appeared before the Judiciary Committee, and I would like to relate to you some of his answers. One of them relates to his membership in the Federalist Society.

There is nothing illegal about the Federalist Society, nor any reason why someone would deny their membership, but it has become a strange coincidence how many Bush administration nominees are members of the Federalist Society. I have said that when you chart the DNA of Bush administration judicial nominees, you are likely to find, more often than not, the Federalist Society chromosome.

So I started asking questions, and some of my colleagues are now joining me. Why? What is it about this organization that is becoming such an important element on a resume of someone seeking a judgeship in the Bush administration?

I asked Mr. Tymkovich, who is not only a member of the Federalist Society, but who is on its Colorado board of advisers, the following question:

> One of the goals of the Federalist Society is "reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

I went on to ask him:

> Which priorities do you believe need to be reordered? What is the role of federal judges and the courts in reordering such priorities? On which traditional values should there be a premium, and why? The Federalist Society also states that its objective "requires restoring the recognition of the importance of these norms among lawyers, judges, and law professors."

I asked Mr. Tymkovich:

> If you are confirmed, how will you as a judge restore, recognize, or advance these norms?

I do not believe these were trick questions. I believe they were open-ended questions so Mr. Tymkovich could tell us what it is about the Federalist Society that he understands to be their mission, and whether he agrees or disagrees.

Mr. Tymkovich's entire response is the following:

> I am not aware of the context of the quotations in the question, but all seem to address the role of a policy commentator as contrasted with the role of a federal judge. If confirmed as a judge to the Tenth Circuit, I would set aside any personal views and apply the precedent of the Supreme Court and the Tenth Circuit.

The quotations in my question are straight from the "Our Purpose" page of the Federalist Society Web site. They constitute the mission statement of the organization and are central to its identity.

Mr. Tymkovich's assertion that he is not aware of them raises important questions. His responses to this committee during the hearing indicate that he was, at times, evasive in other answers as well.

But there is one particular reason why I oppose Mr. Tymkovich, and it relates to the issue of discrimination.

I have said on the floor of the Senate and in the Judiciary Committee that several weeks ago I had a unique opportunity to visit the State of Alabama for the first time, to go there with Democratic and Republican Members of Congress, on a delegation led by our Congressman from Atlanta, GA, JOHN LEWIS, to visit some of the most important spots in America in the civil rights movement.

We went to Birmingham, AL, and visited the Baptist church where four little girls were killed with a firebomb on a Sunday morning.

I went to Selma, AL, with Congressman JOHN LEWIS, and stood at the spot where he was beaten by the Alabama State troopers and the militia, suffering a concussion, at the time the march to Montgomery was turned back.

We went to Montgomery, AL, and stood on the street corner where Rosa Parks boarded the bus and refused to give up her seat.

The importance of this cannot be overstated for a person in my generation because the civil rights movement was part of my formation as a young person. The civil rights movement was something I valued for what it brought to America. It was a struggle I witnessed as a young student and appreciated as I grew older.

Congressman JOHN LEWIS said to us, as we were visiting these important historic sites, something that was not part of the formal program. He said: There never would have been a civil rights movement in Alabama, there would not have been a march from Selma to Montgomery, were it not for one Federal judge, Frank Johnson.

Frank Johnson, a Federal district court judge—Republican, appointed by President Eisenhower—had the courage to stand up to the establishment in Alabama and other Federal courts and to fight against discrimination. He made important rulings, striking the Montgomery County ordinance which allowed for segregation on buses, striking laws which did not allow fair representation in the legislature of Alabama, and, of course, signing the order which allowed the march from Selma to Montgomery.

Because of his courage, he was shunned by leaders in society. He could not go back to his old country club. He had to start using the public golf courses. But there was worse. His mother's life was threatened. Bombs were going to be detonated at his home and her home. Security was necessary around the clock. But he persevered. And because of his courage and his determination, the civil rights movement was a reality.

America is a better place because of one Federal district court judge who, given a chance to stand up against prejudice and bigotry, did the right thing for America.

I thought to myself, as all of these judicial nominees come to the Senate, through the Judiciary Committee, where is the next Frank Johnson? Where is the next person who will stand up and fight for civil rights, the challenge of our generation?

I thought over that particularly when I considered the candidacy and the nomination of Mr. Tymkovich for this circuit court judgeship. Mr. Tymkovich already has had his chance to speak out on the issue of discrimination. Sadly—sadly—he came out on the wrong side. Mr. Tymkovich appears to be hostile to laws prohibiting discrimination based on sexual orientation. This isn't an easy issue for a lot of Members of Congress. There are people who feel very strongly against those with a different sexual orientation, gays and lesbians in American society. I, for one, was raised in a conservative small town, East Saint Louis, IL. I raised my family in another small town, Springfield, IL. It was not until I got involved in congressional politics that I stepped back and said: I have to take a look at this issue. I have to decide whether this is a civil rights issue and, if it is, which side of history I will be on.

I have tried, though my record is not perfect, to stand for the proposition that discrimination against any American based on race, religion, national origin, gender, disability, age, or sexual orientation is wrong. I think that is a standard that America—all of America—should hold high. But, unfortunately, when it came to Mr. Tymkovich, and discrimination against people because of sexual orientation, he took an opposite course. He zealously supported Colorado's amendment 2, which eliminated the legal rights for gays, lesbians, and bisexuals by banning all legislative, executive, or judicial action at any level of State or local government designed to protect them. In other words, amendment 2 commanded that there be no recourse for any gay person in Colorado who was fired or not hired, denied housing, harassed in school, or subject to similar acts of discrimination.

When I took a look at the Supreme Court case where this amendment was challenged, they listed some of the local ordinances that were at issue. They listed Colorado municipalities and what they were attempting to protect: Aspen, CO, had a local ordinance prohibiting discrimination in employment, housing, and public accommodation based on sexual orientation; Boulder, CO, and Denver, CO the same thing; an executive order prohibiting employment discrimination for all State employees classified and exempt on the basis of sexual orientation; the Colorado insurance code, forbidding health insurance providers from determining insurability and premiums based on an applicant's or a beneficiary's or an insured's sexual orientation; and other provisions prohibiting discrimination based on sexual orientation at State colleges.

These were the laws which amendment 2 in Colorado would have wiped off the books. Mr. Tymkovich came to the U.S. Supreme Court and argued that these local ordinances should be wiped off the books, or at least that amendment 2 should be allowed to stand.

The amendment was approved by a majority of Colorado voters, so the Supreme Court had to really face the basic issue as to whether amendment 2 was an equal justice issue, and whether, in fact, the Colorado voters could vote to take away the rights of individuals because of sexual orientation.

The Supreme Court decided by a vote of 6 to 3 that the position argued by Mr. Tymkovich was wrong. Only three of the most conservative Justices on the Supreme Court felt otherwise: Justices Scalia and Thomas, and Chief Justice Rehnquist. They dissented, but six other Supreme Court Justices said the Colorado decision to pass amendment 2 violated the equal protection of the laws in the United States and that Mr. Tymkovich's position arguing in favor of it was wrong by a vote of 6 to 3. The man before us today asking for a lifetime appointment to the Tenth Circuit was found by the U.S. Supreme Court to be mistaken in his position.

That is not the first time that has ever occurred. Lawyers argue cases, and sometimes they have no choice. They need to come before the court representing their clients. Whether it is a State, locality, business or an individual, they come before the court and make the best case, and the court rules. Sometimes they are on their side and sometimes they are opposed. In this case the Supreme Court ruled against Mr. Tymkovich.

What troubles me is what happened after that. After the Supreme Court issued its decision, Mr. Tymkovich decided to author a Law Review article. It is a lengthy article in the 1997 University of Colorado Law Review. It is entitled "A Tale of Three Theories: Reason and Prejudice in the Battle Over Amendment 2."

Mr. Tymkovich and a couple other writers went on to explain why the Supreme Court was just plain wrong. Mr. Tymkovich wrote that the Supreme Court decision in Romer v. Evans is "merely another example of ad hoc activist jurisprudence without constitutional mooring. If the test of an independent judiciary lies in its response to difficult political decisions, Romer is cause for great uneasiness about the health of self-government."

There is a paragraph in this article which I find particularly offensive. Mr. Tymkovich, in describing the lifestyle of those with different sexual orientations, likens them to people who practice bestiality. Those are not my words. They are the words written by Timothy M. Tymkovich who now seeks a lifetime appointment to the second highest court in the nation.

Mr. Tymkovich decided in this article to establish what he considers to be a moral rationale for discrimination. It is not the first time that has happened. If you will look back in our history, there has scarcely been a time when discrimination was practiced in America that someone didn't rationalize it or moralize it. Whether the objects of that discrimination were Native Americans, African Americans, Asians, Catholics, the Irish, they have used some sort of moral rationale to say that a position of discrimination is actually the moral thing to do.

Mr. Tymkovich took exactly that position when it came to discrimination against people based on sexual orientation.

That position goes way beyond the norm in America. Mr. Tymkovich tries to argue in his article that this is all about States' rights. I understand there is an important balance between Federal power and State power. The Constitution acknowledges that. But, historically, those who want to support discrimination have usually found their refuge in the dark shadows of States' rights. The Federal Government should not step in, they argue, to establish constitutional principles of equal justice under the law. They argue: let the States establish those standards, knowing full well that you won't have a uniform standard across the country. You will not have uniform protection under the law.

The Supreme Court, in the case of Romer v. Evans, saw it differently. Thank goodness they did. "One century ago," Justice Kennedy wrote, "the first Justice Harlan admonished this Court that the Constitution neither knows nor tolerates classes among citizens."

They went on to say, during the course of this opinion:

> "If a law neither burdens a fundamental right nor targets a suspect class, we will uphold the legislative classification so long as it bears a rational relation to some legitimate end."

They said Mr. Tymkovich's logic and argument in Romer v. Evans were a basic denial of equal protection under the law. Now Mr. Tymkovich wants an opportunity to go to the second highest court in the land and argue his point of view for a lifetime. I am sorry. That is a bad choice. It is a bad choice for the Tenth Circuit and a bad choice for America.

Throughout my service in Congress, I have tried to support every effort to end discrimination based on race, gender, ethnic origin, religious belief, age, disability, or sexual orientation. Fair and equal treatment of all Americans is a cornerstone of our society and our political system. Unfortunately, despite the great progress we have made, the struggle for civil rights and equal treatment under the law continues today.

Federal judges, such as Frank Johnson, stood up 40 years ago under risk of personal harm and risk to their families and said: I will stand up for equal protection under the law—when it came to African Americans. I am sorry to say that based on his arguments and his own words, I cannot believe that Mr. Tymkovich could ever rise to that challenge.

If we want to turn our backs and ignore the reality of people who have polished their prejudices to a high sheen with legal niceties, we are ignoring a basic responsibility of the Senate of the United States. If we tolerate intolerance, that is a form of intolerance. The intolerance of Mr. Tymkovich, as evidenced in this Law Review article, from which he has not backed away, is something we should not sustain, should not encourage, and should not approve with our vote. If Mr. Tymkovich has his way, the struggle for civil rights and equal treatment under the law will be even greater and more difficult for future generations. That is why I will vote to oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would have to say that Tim Tymkovich's nomination is far from a partisan process. In fact, he has been supported in a bipartisan way. I have a list of people who have supported him. I would like to share some of the comments, letters, and statements made in support of Mr. Tymkovich's nomination.

He is widely respected in Colorado as a fair attorney who works well with others regardless of political philosophy. Just listen to the names of these supporters and you will quickly recognize that there is tremendous and broad support for his nomination from people who have worked with him on a daily basis, his peers; for example, Roy Romer, former Democratic Governor of Colorado, with whom Mr. Tymkovich had to work on a fairly regular basis since he was Solicitor General.

Let's look at what the Governor of the State of Colorado said about Tim Tymkovich:

> Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats as well as Republicans as Solicitor General . . . He was always a straight shooter in giving legal advice to me and my top staff.

We are all involved in politics. Sometimes in the political process there is a disconnect from what politicians may say and what they may do. Timothy Tymkovich is not a politician. He is a dedicated public servant. People like the former Governor of Colorado, the former head of the National Democratic Party, recognize his commitment to doing the right thing.

I cannot believe, if he carried on with some of the arguments that have been made by the opposition, that we would have support from individuals such as the former head of the National Democratic Party.

The following are supporters of Tim Tymkovich:

Michael Huttner, partner in Foster, Graham, and Huttner, a law firm in Denver; William H. Erickson, former Chief Justice on the Colorado Supreme Court; John M. Hereford, executive director of Great Outdoors; William H. Hanson, a Colorado attorney; Robert F. Nagel, a resident of Boulder, Colorado, a professor of law at the University of Colorado School of Law; the Rocky Mountain News; the Denver Post; Jean Dubofsky, Colorado Supreme Court Justice. On amendment 2, she took the opposite point of view in arguing the case between the Supreme Court. Mr. Tymkovich, as solicitor general for the State of Colorado, had an obligation, regardless of his personal feelings, to argue on behalf of the people of Colorado. Jean Dubofsky, arguing on the opposite side before the Supreme Court, argued against the amendment. She has written a letter in support of his confirmation. She was his opposition on arguing on amendment 2, which my colleague from Illinois just mentioned in his remarks; she argued against Mr. Tymkovich in the position of the people of Colorado, as far as amendment 2. She said she had to respect him because he was such an eloquent advocate for the people of Colorado, he was intellectual, he made great intellectual arguments, and he is recognized throughout the legal profession in Colorado as somebody who is objective, straightforward and, above all, respects the law, respects the rule of law.

I want to just note that, again, Jean Dubofsky, an "unabashed liberal," according to the Denver Post, supports Tim Tymkovich in the strongest terms. Not only was Dubofsky a justice on the Colorado Supreme Court, but she argued against Tim Tymkovich on amendment No. 2; she was opposing counsel. Tim Tymkovich now has the endorsement of not only her but five other former supreme court justices for Colorado. He is well recognized for his legal efforts in trying to enforce the law.

I think in the committee hearing Tim Tymkovich answered the questions that were put forth, and he answered them in a straightforward manner. Here are a couple of key statements he made in committee I think we need to keep in mind on the floor of the Senate. I quote what he said in committee:

> I believe an appellate judge has to set aside his or her personal views and faithfully apply applicable Supreme Court precedent.

In other words, he sets aside his own personal views to enforce and to properly interpret the law. What more can you ask? We have three branches of Government: executive, legislative, and judicial. Our forefathers had in mind the legislative branch where we make the laws. We have the executive branch, which administers the laws passed by the Congress, and we have the judicial branch, which is set up to interpret the law and to apply the law.

In response to other questions before the committee, this is what he said about amendment No. 2, and what he said about the article referred to in my colleague's comments earlier in the debate, where Mr. Tymkovich referred to the article written on amendment No. 2:

> The article itself describes the public policy arguments that were presented to the voters during the initiative's political campaign, not my own.

As solicitor general of the State of Colorado, he was invited by the Journal to write the article, and he complied to write that article, stating in a factual way the arguments both pro and con for amendment No. 2 in the State of Colorado.

My colleague from Illinois also talked about the previous nomination, and he implied that somehow or other, with the Christine Arguello nomination by President Clinton, there was a political process. Again, I state in the strongest terms that that simply is not true. Carlos Lucero, a Hispanic from Colorado, is the first to serve as a Hispanic on the Tenth Circuit Court of Appeals. I supported him at the time. Christine Arguello's name came up for district court. I am the one who nominated her to be on the District Court of Colorado. It wasn't a nomination, but I sent a recommendation to the President of the United States. She was never nominated by the President. Then at the last minute, her name was put forward—right at about the time we were ready to adjourn the Senate—for a position on the Tenth Circuit Court of Appeals. Frankly, the Senate didn't have time to act on a last-minute nomination put forward by the President.

Many of us have worked hard to make sure that Hispanics have an opportunity to serve on our courts. I think it is important that we continue to push for that. So let me make it clear. I am the Senator who nominated Christine Arguello. I was working with the White House and the Clinton administration to get Mrs. Arguello nominated in the first place. As we have witnessed many times, the politics of August nominations are often nothing more than political gestures aimed at grabbing headlines but have no chance of completing the confirmation process simply because the nomination came too late in the process.

Again, I emphasize, I nominated Christine Arguello. This is the plain and simple truth and we need to recognize that.

Mr. Tymkovich is further recognized for his work by Joseph Quinn, Colorado Supreme Court Justice; Gregory Scott, Colorado Supreme Court Justice; Luis Rovira, Colorado Supreme Court Justice; the Colorado Department of Public Safety, Suzanne Mencer, and Nancy Lewis of the Colorado Organization of Victims' Assistance; Barbara O'Brien, President of the Colorado Children's Campaign; Rebecca Coppes Conway, a Colorado attorney. They have all listed their names as supporters.

You have already heard statements and letters from Governor Romer, the justices, and the newspapers. Here is what the rest of them had to say about Mr. Tymkovich. Suzanne Mencer and Nancy Lewis of the Colorado Department of Public Safety and the Colorado Organization for Victim's Assistance wrote a letter to Chairman Hatch, and I quote:

> We have each known Mr. Tymkovich for a considerable period of time and believe that his sensitivity to the rights of crime victims, as well as his great legal skills, will serve our citizenry well. As Solicitor General, Mr. Tymkovich was instrumental in the creation of the first appellate victim services unit within the office of the Attorney General. Mr. Tymkovich's legal expertise was also significant in the determination of the proper course of action for passage of the Colorado Constitutional Victim Rights Amendment.

The letter went on to describe his superb legal skills and well-recognized victims expertise, and concluded:

> His performance has shown not only an understanding of legal issues surrounding crime victimization but also a very great sensitivity to the attendant human cost.

I can go on and talk about the number of people who respect the expertise and the capabilities of Mr. Tymkovich, but the fact is that he has bipartisan support and the Senate should go ahead and confirm him without any further delay.

I ask unanimous consent that the time until 3:45 be equally divided in the usual form for the consideration of the pending nomination, and that at 3:45 today the Senate proceed to a vote on the confirmation of the nomination with no further intervening action or debate. I understand both leaders have agreed to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent that the time be equally divided during the quorum call between advocates and opponents of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise today to oppose the confirmation of this nominee. I do so because his stated views on important judicial matters are not only wrong but also wrong minded, wrong about the particulars of the decisions which he opposes, wrong minded about the proper role and responsibilities of the judiciary under our Constitution.

The nominee has stated: Our society prohibits, and all human societies have prohibited, certain activities not because they harm others but because they are considered immoral.

In this category, the nominee includes sadomasochism, cock fighting, bestiality, sodomy, and homosexuality. The nominee made those comments in an article he wrote for the University of Colorado Law Review. He was expressing his pique at a decision by the U.S. Supreme Court, with six Judges in the majority, which overturned a Colorado ballot initiative prohibiting any legal protections based upon sexual orientation. As Colorado Solicitor General, he had unsuccessfully defended that initiative before the U.S. Supreme Court. By his own words, in that law review article, the nominee demonstrated why the majority of the U.S. Supreme Court was right in its understanding and application of the U.S. Constitution and the role of the judiciary in our society and the nominee is wrong.

The nominee's personal opinion presumably is that homosexuality is immoral. He is entitled to his own opinions. He is not entitled, however, to make his personal opinions the moral code of American society and then to make judicial decisions based upon them. Our country is based upon a foundation of laws which are, in turn, based upon the U.S. Constitution. It is not a society run on the personal prejudices imposed by those who are in power upon the rest of the citizenry.

The judiciary is the ultimate protector of individuals whom some cultural gestapos would otherwise ostracize, demonize, and criminalize. In the extreme, where countries have their laws made that are enforced by the self-proclaimed guardians of the public more or less, which always quite conveniently match entirely with their own personal beliefs, democracy is always and inevitably sacrificed on the altar of prejudice and intolerance, masquerading as higher ideals. A democracy must be able to permit people's differences, especially in their personal lives. We are not required to like someone else's actions. We are not required to agree with their particular views. But we do have to understand and accept their rights to their personal differences from us and our society's tolerances of those differences as being the essence and the test of a democracy.

Any totalitarian government—communist, fascist, Saddam Husseinist—tolerates the behavior and beliefs which conform to their own personal views, but those whose words, beliefs, or actions are different from theirs are not tolerated and not permitted. They are dehumanized, incarcerated, and even executed because they or their views or their actions are different from those who hold the power.

For those of us in a democracy, this is one of the most difficult principles to really understand, and even more difficult for us to put into practice, but that is why we have the judiciary. That is why these are lifetime appointments to the U.S. Federal courts: so that the men and women the President nominates and we confirm can make unpopular decisions, take positions that would get elected officials probably unelected because they do not follow the laws that are derived from the U.S. Constitution. The more unpopular those rights are, the more crucial it is for the judiciary to uphold them.

Unfortunately, this nominee would rather pander to his ideological pals and perhaps to popular opinion than respect the greater wisdom of the judiciary and the U.S. Supreme Court which he now wishes to join at a lower level. If he does not respect their wisdom and their courage now, it is extremely unlikely that he will acquire either of those qualities when he dons judicial robes. It is a reason again why the penchant of this administration to nominate to high judgeships people who have never before been a judge, as this nominee has not, assures a lack of understanding of the responsibilities and the role, a shallowness, an ignorance and, if they are confirmed, the likely regular abuses based on those misunderstandings and those biases.

I also disagree with the nominee and his characterization that gay men and lesbian women are seeking special rights when, in fact, anyone who views these matters with any understanding of reality, whether he or she disagrees or agrees with those practices, cannot possibly believe they are not subject to regular and sometimes brutal violations of legal rights, civil rights, and human rights. To twist and distort that need for the protections which the United States court system has, to afford to those who are oppressed and discriminated against and who are the victims of prejudices of those who are not willing to relent, by either greater wisdom in the spirit of our democracy or often the biblical junctions which they purport to represent, if the courts will not stand with those individuals to protect them, then there is no recourse and there is no protection.

With this nominee, sadly, there is an unwillingness to even admit the reality of circumstances, much less to evidence any understanding of his responsibilities as a judge to uphold this Constitution and what it means for all citizens: The right of life, liberty, and the pursuit of happiness.

Remember the admonition: Inasmuch as you have done so to these the least of my brothers, you have done so unto me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Colorado has 24 minutes, and the minority has 14 minutes 14 seconds.

Mr. ALLARD. Mr. President, I reiterate what five former Colorado Supreme Court justices say about Mr. Tymkovich in their letter of recommendation to Chairman ORRIN HATCH on the Judiciary Committee in the Senate. These are individuals who know Mr. Tymkovich. He practiced before them. He worked with them because he was solicitor general for the State of Colorado.

Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States court of appeals.

Mr. President, we need to recognize that this letter comes from former Colorado Supreme Court justices with varied political backgrounds. They all differ on professional experiences. They all had diverse legal careers. They had different racial, gender and ethnic backgrounds. But they came up with a unanimous opinion that Mr. Tymkovich should be confirmed by the entire Senate. That speaks loads. His peers, working with him on a daily basis, understand his capabilities.

Mr. President, we have heard both sides present arguments, discuss the nominee, as well as the mechanics of our constitutional judicial nomination process. Now it is time to finish the job and to move to an up or down vote on his nomination. I believe Mr. Tymkovich to be a very well-qualified attorney, an attorney who will maintain high principles and a strong dedication to the law. He has the overwhelming support of the Colorado legal community. His support comes from professionals and clients with varied political backgrounds and differing professional and real-life experiences. His support comes from people with diverse legal careers and job history, and different race, gender and ethnic backgrounds. He is unanimously supported by five former justices of the Colorado Supreme Court, including Jean Dubojsky, an attorney who served as opposing counsel to one of our Nation's most high profile constitutional cases.

Dubofsky and fellow justices consider Tymkovich to possess the necessary attributes of a Federal judge, and that

Colorado and the Nation should no longer be subjected to undue delay on his nomination. I strongly urge my colleagues to support the nomination of Mr. Tim Tymkovich. His confirmation would fill a vacancy on the Tenth Circuit Court of Appeals that has sat vacant for 4 years.

In my opening statement, I concluded by stating that a necessary component of providing justice and protecting liberty and freedom is an efficient and properly equipped court. A court that has the personal and judicial resources that enable it to fulfill its constitutional obligations. Tim Tymkovich is highly qualified, and will serve the judiciary in the best tradition of our Nation's most respected courts.

Before I conclude, before we move to a final vote, I would like to leave you with a final thought, an important statement made by five justices of the Colorado Supreme Court.

> ". . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Their unqualified support tells us a great deal about Tymkovich's credentials and his suitability to the Federal bench. This statement deserves our attention and our respect.

I urge my colleagues to support the nominee, and to vote for the confirmation of Tim Tymkovich to the Tenth Circuit of the United States Court of Appeals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, with the time allotted against the time for the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SUNUNU pertaining to the submission of the resolution are printed in today's RECORD under "Submitted Resolutions.")

Mr. SUNUNU. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. How much time remains on Senator LEAHY's time?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. Mr. President, I yield myself the 2½ minutes.

I urge my colleagues to vote against the nomination of Timothy Tymkovich to the Tenth Circuit because I do not believe he has met his burden of showing that he has the qualifications, fairness, and commitment to core constitutional values required of an appellate court judge. The positions that Mr. Tymkovich has taken raise serious questions about his ability to be open-minded in cases involving gay rights and privacy, reproductive choice, and the power of the Federal Government with regard to the States.

As State Solicitor General, Mr. Tymkovich defended Colorado's anti-gay ballot initiative, Amendment 2, which was struck down by the Supreme Court in Romer v. Evans for violating the equal protection clause. The Romer decision vindicated the ability of gays and lesbians to employ the political process to secure antidiscrimination protections, in the same manner as other American citizens. Justice Kennedy, the author of the Romer decision, perhaps put it best when he said "it is not within our constitutional tradition to enact laws like Amendment 2. . . . Central to both the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance."

As State solicitor, Mr. Tymkovich had a duty to defend Amendment 2, but I am concerned about the content and the tenor of the comments made by Mr. Tymkovich in a law review article he wrote after the Court decided Romer in which he harshly criticized the Court's reasoning and its decision. Not simply content to disagree with the Romer decision, Mr. Tymkovich berates the Romer Court for its "ad hoc, activist jurisprudence" and its "willingness to block a disfavored political result." Mr. Tymkovich defends the antigay ordinance as the exercise of freedom against immoral behavior. Employing language that is a frightening parallel to that used by advocates against Federal laws prohibiting racial discrimination in the 1960s, Mr. Tymkovich suggests that prohibiting discrimination on the basis of sexual orientation is an improper infringement on an individual's liberty interest.

Mr. Tymkovich's statements lead one to question whether he will understand the vital role that the equal protection clause and antidiscrimination legislation plays in protecting minorities against popularly-enacted laws. According to Mr. Tymkovich, "it is always legitimate public policy for voters or legislatures to repeal disfavored laws. No law, including civil rights legislation can be seen as a one-way street. In the end, this important point was lost on the U.S. Supreme Court." The harsh tone of the criticism raises concerns about how Tymkovich will approach the civil rights cases that come before him, and raises questions about his judgment and temperament.

At his hearing and in answers to written questions, Mr. Tymkovich did state that he would follow Romer, and that he would be fair in antidiscrimination cases involving sexual orientation and other matters. But it is difficult to reconcile the assertion she made at his hearing with the strong statements in his article.

As solicitor general, Mr. Tymkovich unsuccessfully defended Colorado's decision to cut off, in violation of Federal law, State Medicaid funding for abortions for poor women who had become pregnant due to rape or incest. Again here, Mr. Tymkovich can argue that he was simply doing his job. However, in testimony before Congress in 1996, Mr. Tymkovich criticized the Medicaid requirements as an unwarranted intrusion into a matter of state concern. In that same testimony, Mr. Tymkovich also criticized the Federal "Motor Voter" law as intrusive because it poses "special burdens" on States; criticized the EPA's decision to prosecute polluters who violated Federal environmental law standards as infringing on state prerogatives, and argued against the doctrine of implied preemption. This testimony, in his capacity as one of the top legal advisors to the State Attorney General, leads me to question whether Tymkovich would have the proper respect for congressional authority to pass laws that impact States.

Finally, Mr. Tymkovich received a partial rating of "not-qualified" from the American Bar Association. While such a rating is not automatically disqualifying, when combined with my other questions about Mr. Tymkovich, it leads me to conclude that I cannot support his nomination.

Our Federal courts and the American people deserve judges of the highest caliber: judges who are fair, open, and impartial, who are highly qualified, who possess unimpeachable integrity, and who are committed to core constitutional values. The nominee has the burden to show the Senate that he or she meets that standard and is worthy of confirmation. Unfortunately, Mr. Tymkovich has failed to do so.

I am concerned about what seems like the right-wing ideological bent of the nominees that the administration continues to send forward. I urge this administration to work with the Senate, both Democrats and Republicans, to nominate moderate judges who are qualified, fair, and have bipartisan support. This can be easily done. But the administration continues to insist on its unilateral right to pack the courts with judges hostile to civil rights and to the enforcement of important Federal laws with profound impacts on the lives of Americans.

The central values of our society—whether our society will continue to be committed to equally, freedom of expression, and the right to privacy—are at issue with each of these nominations. The Constitution does not contemplate a Senate that acts as a rubber stamp. A genuine advice and consent role is essential. If the administration continues to nominate judges who would weaken the core values of our country and roll back the civil rights laws that have made our country a more inclusive democracy, the Senate should reject them. I urge the Senate to reject his nomination.

Mr. KOHL. Mr. President, I rise today in opposition to the nomination of Timothy Tymkovich to the U.S. Court of Appeals for the Tenth Circuit. Having reviewed his record and his testimony at his confirmation hearing, I am left with only one conclusion—he does not warrant confirmation to an appellate judgeship.

It is not merely the extreme, highly ideological positions he has taken on a variety of important legal questions that compels me to oppose his confirmation. But his record is replete with these positions on issues from environmental protection to a woman's right to choose. He has consistently advocated an extreme reading of "States rights" that would eviscerate the ability of the Federal Government to protect Americans from a variety of dangers. He believes that Federal clean air and water regulations, Federal funding for abortions for victims of rape and incest, and even "motor voter" provisions designed to make it easier for citizens to exercise their fundamental right to vote all unconstitutionally interfere with State sovereignty and autonomy.

But what most disturbs me concerning Mr. Tymkovich—and, in my view, plainly disqualifies him for a Federal appellate judgeship—is the animus he has shown towards one group of Americans. He has argued that it is appropriate for the State to forbid localities from passing laws forbidding discrimination on the basis of sexual orientation. And his advocacy of this position was not limited to representing his client, the State of Colorado, in the courts. After the Supreme Court rejected these arguments, and held such laws were contrary to basic principles of equal protection, he published a law review article defending his position. In this article, he stated that it was permissible for the State to deny protection from discrimination to gays just as it would be permissible for the State to forbid certain immoral activity such as "sadomasochism, cockfighting, bestiality, suicide, drug use, prostitution and sodomy." Such ugly arguments reflect an intolerance and hostility to equal rights that have no place in our Federal courts.

Anyone who reviews my record on judicial nominations knows that I do not lightly oppose Federal judicial nominees. But this nominee's extreme positions and opposition to equal rights for all Americans—regardless of their sexual orientation—leave me no choice.

Mr. HATCH. Mr. President, I am pleased that the full Senate is considering the nomination of Timothy Tymkovich to the U.S. Court of Appeals for the Tenth Circuit.

Timothy Tymkovich, a graduate of Colorado College and the University of Colorado School of Law, has worked as a partner in private practice since 1996 with the firm of Hale Hackstaff Tymkovich, representing clients in matters involving State licensing and regulatory issues. He has also acquired some expertise in State and Federal election issues, and he has represented a variety of political parties and candidates. Since 1997 he has represented Great Outdoors Colorado, a highly successful State program which devotes lottery monies to fund wildlife and land conservation efforts and State recreation programs.

Mr. Tymkovich has been a great public servant for the State of Colorado, serving from 1991 to 1996 as the State Solicitor General, where he acted as the chief appellate lawyer for the citizens of Colorado. In that capacity he ably represented the State in State and Federal courts, including the Colorado Supreme Court, the Tenth Circuit Court of Appeals, and the U.S. Supreme Court. He provided legal assistance to the Colorado General Assembly and acted as a liaison to Colorado's congressional delegation. He acted as the Attorney General's delegate to Colorado's judicial selection process. He also worked to reform State criminal, consumer protection and antitrust laws.

When he left the office of Solicitor General, the Denver Post editorialized, "In an age in which lawyers and government workers are often held in low esteem, Tymkovich, a member of both groups, has stood in stark contrast to both stereotypes." The Post added, "Tymkovich has set a high standard of service."

Mr. Tymkovich is well respected by his peers for his professionalism and commitment to the field of law. He is a member of the prestigious American Law Institute, which selects members on the basis of professional achievement and demonstrated interest in the improvement of the law; the International Society of Barristers, an honor society made up of 650 trial attorneys in the United States and elsewhere; the American Bar Foundation, which is the research arm of the American Bar Association; and the Colorado Bar Foundation. He currently serves as Chair of the Colorado State Board of Ethics, which acts to advise the Colorado governor and executive branch on ethics issues.

From 1999 to 2001 he served as counsel to the Columbine Review Commission, which was responsible for reviewing all aspects of the 1999 shootings at Columbine High and making recommendations to the Governor regrading ways to respond to, and even prevent, future assaults of the same type. From 1998 to 2000 he served as Chair to the Colorado Governor's Task Force on Civil Justice Reform, which issued findings on the status of civil justice in Colorado and offered recommendations for improvements.

Mr. Tymkovich's nomination has drawn powerful support from all corners. He enjoys the unqualified endorsements of Colorado Senators CAMPBELL and ALLARD; a number of former Colorado Supreme Court justices, including Justices Erickson, Dubofsky, Neighbors, Rovira, Quinn, and Scott; Colorado Governor Bill Owens; the Colorado Attorney General, Ken Salazar; and Colorado's major newspapers, the Denver Post and the Rocky Mountain News. Significantly Mr. Tymkovich is also supported by former three-term Colorado Governor Roy Romer, who has served as the national vice chair of the Democratic Leadership Council, national co-chairman of the Clinton-Gore '96 campaign, co-chairman of the Democratic National Platform Committee in 1992, and chair of the Democratic Governors' Association in 1991.

I firmly believe Mr. Tymkovich will make a great member of the Tenth Circuit. I urge all of my colleagues to vote to confirm this highly qualified nominee.

Unfortunately there seems to be confusion about Mr. Tymkovich's record on several fronts.

First, some have confused Mr. Tymkovich's advocacy with his personal views. As an advocate for Colorado, Mr. Tymkovich had a duty to defend the laws of Colorado, including Amendment 2. It is entirely unfair and erroneous to state that Mr. Tymkovich has provided his personal views or opinions on these issues. He has not.

Second, it has been said that Mr. Tymkovich compared Amendment 2 to prohibitions on cockfighting and other activities. He has not. As he pointed out to Senator LEAHY on February 26, he was quoting a Supreme Court opinion for the simple proposition that there is Supreme Court precedent for a moral component as a rational motivation for an electorate. This wasn't Mr. Tymkovich's personal opinion, it was what the Supreme Court has said on this issue. Mr. Tymkovich made this point clear a month ago.

I raise these points because some seem to be attempting to reshape Mr. Tymkovich's record on the floor into a form I do not recognize. This man has a distinguished legal career. He is supported by Democrats and Republicans alike. He has served as a successful litigator and he was an excellent Solicitor General for Colorado. Those who know him support him and know he will be a terrific judge.

"SPECIAL" RIGHTS

I would like to respond to the allegation that Mr. Tymkovich views protection for gays and lesbians as providing "special treatment" for them.

First of all, Mr. Tymkovich's use of the term "special treatment" mirrored the terminology used by participants in the political debate over Amendment 2's passage.

Second, as part of his job as Solicitor General, Mr. Tymkovich had to defend the provisions of Amendment 2, which was intended to disallow laws recognizing "minority states," "quota preference," "protected status," or "claim of discrimination" on the basis of sexual orientation.

Never did Mr. Tymkovich in his brief or his law review article argue that homosexuals should not enjoy the Fourteenth Amendment protections available to all.

In the Colorado brief before the U.S. Supreme Court, Mr. Tymkovich specifically pointed out, sponsors of the Amendment intended to prevent a new preferred status designation. To quote the brief: "Individuals would retain precisely the same rights under State and Federal law that they had prior to the enactment of the special protections" disallowed by Amendment 2, and Through Amendment 2, Colorado has simply defined the package of civil rights available to homosexuals and bisexuals under the Colorado Constitution as no larger than that provided by the Constitution and laws of the United States."

It is important to note that Mr. Tymkovich's testimony before Congress in 1996 represented the views of the Colorado Attorney General. He was not there to provide his own views; he was there as an official representative of the State. In fact, Mr. Tymkovich noted during his February 12 hearing that he agreed with some of the testimony, while he disagreed with other parts.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, it is my understanding that we have less than a minute remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. Mr. President, I want to make a brief comment before we vote to remind the Members of the Senate that they have heard evidence today that indicates Tim Tymkovich is fairminded, he respects the rule of law, and he has exhibited intelligence and the proper temperament to serve on the Tenth Circuit Court of Appeals.

I ask that my colleagues join me in voting to confirm Tim Tymkovich as a Federal judge on the Tenth Circuit Court of Appeals. In my view, when confirmed, he will be not just a good judge, he will be a great judge.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth District?

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—58

Alexander
Allard
Allen
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of this action.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER ROCKET MOTOR PROPELLANTS

Mr. ENZI. Madam President, I come to you today on behalf of students and 4-H members and Scouts around the world. Start counting backwards from 10 to zero: 10, 9, 8, 7—and depending on the context, people will instantly be reminded of their youth, sitting in front of a dimly lit television, watching a rocket take flight as we began the study of space flight and space travel. We were much younger then and all around me kids from all over the State and all around the country were excited and fascinated by the new age of rocketry and, later, space travel.

When Russia launched its Sputnik, it created a sensation, and their success, spurred on by the climate of the cold war, challenged us in the United States to reach for the skies.

Wyoming isn't called the Pioneer State for nothing, and so my classmates and I were determined we would do everything we could to learn about this new branch of science and involve ourselves in the race for space. It was not too long after that President John F. Kennedy issued a challenge to the Nation to land a man on the Moon and return him safely to Earth.

What seemed to be against all the odds soon became reality when Neil Armstrong walked on the Moon, taking a small step for man and a giant leap for mankind.

Even today, those of us who saw those events firsthand on the television will never forget what a miracle it was. It fired our imaginations as it taught the Nation a powerful lesson: If we can make this impossible dream come true for the Nation, of what more are we capable if we dare to try? Perhaps that lesson is what made our Nation what it is today and why we have continued to defy the odds of what is possible for us as a nation, and even for each of us as individuals.

Then came September 11 and we, as a nation, faced another challenge. The call for increased security that resulted from those cowardly and cruel attacks has had some unforeseen consequences, however.

One of them was brought to my attention when a constituent called to share his concern regarding the future of his favorite hobby, model rocketry. He said some of the restrictions of the Homeland Security Act could make it more difficult, if not impossible, for him and his fellow enthusiasts to purchase fuel for their model rockets.

As I looked into his problem, I was surprised to see that the use of ammonium perchlorate composite propellant, better known as APCP, had caught the eye of the Bureau of Alcohol, Tobacco, and Firearms. Although it had been regulated in the past by its placement on the explosives list, the ATF had considered consumer rocket motors as propellant-activated devices and exempt from any ATF permit requirements.

Then, in 1997, the ATF decided to regulate rocket motors that contained more than 62.5 grams of APCP. Those that contained less than that amount were still exempt, but those that contained more would not be available for interstate purchase and transport without a permit.

Since many rocket enthusiasts travel from State to State to participate in their events, this provision could have made for a lot of needless redtape. To avoid it, many of those participating in this hobby carried their rocket bodies to the events and purchased the rocket motors from vendors at the local launch. With a little ingenuity and cooperation from local vendors, most rocketeers legally avoided the need to purchase and obtain permits.

Now the provisions of the Homeland Security Act have created a new problem. Under the new law, a permit will be required for all rocket motors containing more than 62.5 grams of APCP, whether or not the motor is used in or out of State. And that begins on May 24 of this year—a problem rapidly approaching. The new law creates a problem where there was none before and imposes a solution that will only create unnecessary hardship for those who are studying about rockets or pursuing a hobby as a model rocket enthusiast.

According to the U.S. Product Safety Commission, a rocket motor with less than 62.5 grams of APCP can be used by minors without adult supervision. That is the U.S. Product Safety Commission: 62.5 grams or less can be used by minors without adult supervision. It could not be very bad. Now a rocket with any more than that requires adult supervision and a permit. Such an arbitrary limit makes no sense when it means a 62-gram rocket can be used by your children out playing in a field with their friends, while another gram of fuel puts it in a category that requires adult supervision, Federal intervention, attention, inspection, and expensive, cumbersome permits.

The permit that is required costs $100, and it requires the submission of fingerprints, a photograph, and a background check. Although the homeland security bill tried to introduce a limited permit that could be obtained for $25 and a background check, the newly designed permit is restricted to intrastate use and purchase only and would not have any use for rocketeers who travel to events in other States.

My concern about the impact of these regulations, and the process necessary to obtain permits, and the bureaucracy that would be necessary to do that, and to fulfill the requirements for background checks is that it will certainly slow the participation of our young adults in studying rockets and pursuing their dreams of space travel.

As I learned from my own experience—and I was one of those rocket people back at the time of Sputnik—the study of rockets had a ripple effect throughout my own education. It taught me a lot about math, when we had to calculate the amount of fuel we needed and the rate at which the rocket would travel at speed-calculating heights, figuring trajectories, figuring the amount of Gs that would be on a passenger. It taught us about the study of weather, as we would examine reports about our own launch date and temperature and cloud cover that would affect our ability to observe the launch, and weather balloons for measuring the winds aloft, to better tell where it would go, and to make the calculations about how high we were able to fly on any particular day.

We invented much. When I started doing rockets, there were not the model rockets available at the hobby shops. We had to have the motors turned out at the local shop, after we designed them for the proper characteristics. It led to a lot of invention.

It also expanded our horizons, as our experiences with rockets translated to our own lives. My friends and I often thought, if we could master the skies and heavens with our rockets, what more would we be able to do in our daily lives? It is an answer we are still developing as we each pursue paths in life—some very far away from rockets.

As we grow older, we all want to make sure our children and our grandchildren have it better than we did. This is one area in which they will not have it better than we did—in fact, may not have it at all—if we fail to act. If we fail to come up with a reasonable compromise on this issue, we will have failed to fuel the dreams of the next generation in a vital field of science by our shortsighted efforts to regulate the fuel of the rockets.

Our children will not be the only ones affected by this provision, however. The impact of this regulation will also be felt by the trucking industry which was recently told that it would be liable for the prevention of the possession of explosives by prohibited persons who are their employees. As some shippers do not currently do extensive background checks on their employees, they have decided to stop shipping the motors, including these rocket motors, at all.

Although some companies will continue to ship rocket motors, they will charge very high hazardous material fees that would hit the consumers in the pocketbook. Small businesses will be hit hard by the fees which will have to be paid by the consumer, and even larger and more successful businesses will be unable to avoid the one-two punch of the permit process and the higher transportation and delivery fees.

Even small businesses in other countries will feel the pinch. I was surprised to receive a call from the president of the United Kingdom's largest model rocket group. He thanked me for my interest in the issue because the U.S. ships most of the model rockets used in the United Kingdom. The supply of model rocket motors in other countries is limited, and their hobby is intricately linked with ours.

To remedy these problems, I introduced S. 724 last week. My bill provides an exemption for permit requirements for the purchase and transport of rocket motors, including those with more than 62.5 grams of APCP.

In section 845 of the Federal explosives law, my bill provides an exemption from explosives permit requirements for the components of rocket motors. This exemption is similar to the exemption in the same section enjoyed by antique firearms users for black powder, as black powder also makes the explosives list. The limit there is 50 pounds; quite a bit different than 62.5 grams.

The current language has been tightened up from the original draft to ensure that the exemption is only provided for valid uses. The language specifies that the exemption only applies to nondetonable rocket propellant—a very important word. There are some high-energy APCP composites that have additional chemicals in their composition that make them detonate instead of burning at a moderate rate. These are not used in amateur or sport rocketry and are not exempt under my language.

The APCP my bill refers to, which is found in model rockets, burns but does not explode. In addition, the language in my bill does not exempt rockets that carry various components of weaponry.

On the transportation issue, it appears that some companies are only shipping those articles that are specifically mentioned as exempt from explosives requirements under section 845. My bill provides the exemption for rocket motor components under this section, giving shippers a clear exemption to resume shipping rocket motors.

I have been joined by Senators BENNETT, INHOFE, COLEMAN, CRAPO, BURNS, ALLARD, and SANTORUM in introducing this bill.

Some of my other colleagues have expressed concern that this legislation goes too far. They have questioned me about the possibility of individuals stockpiling APCP to build a bomb.

First, I would contend that the ATF does not appear concerned about this possibility. Under their proposed 62.5-gram exemption, an individual would be able to buy as many rocket motors as they wanted that were under 62.5 grams.

A rocket motor is fairly simple. I ask unanimous consent to show a three-dimensional object on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I have one of those 62.5 gram rocket motors here. This is what is allowed to be bought in as much quantity as you want. But a quarter of an inch bigger than this and you can't have it without $100 and a special permit. It is very simple, the fuel with the hole through the center. When you buy them, the APCP comes in this chunk that is removable from the rest of the rocket motor parts.

If the ATF considers APCP a dangerous explosive, then their 62.5 gram exemption itself is dangerous. The ATF is basically saying it is OK to buy as many sticks of dynamite as you want, but we won't let you have a whole box. I reiterate that rocket motors compare more to flares than to dynamite. Hundreds of hours are spent constructing these rockets.

A lot of work goes into the rocket body. Nobody wants to blow theirs apart. So they are a safe form of fuel.

Simply put, my legislation is designed to allow another generation to experience the thrills and excitement of model rocketry. It is being introduced to correct a change in the law that Congress never intended. When we voted to take action to prevent the actions of terrorists, we never intended to prevent our children from pursuing projects in science class, hobbyists from pursuing their hobbies, and our families from engaging in father-son or mother-daughter or any mixture of projects that promote learning and the pursuit of the frontiers of space. If you have never been to a rocketry event or seen a rocket launch in person, I urge you to do so if the opportunity ever presents itself. If you have gone to one of those events, you will remember how it left you looking towards the heavens, mindful of your dreams, and feeling encouraged to pursue them.

That is not a bad gift to give our children and theirs. It is extensive throughout the world, I can tell, from the calls I have gotten about this since I got involved in it.

I urge my colleagues to join me in this effort which will have a great impact on our lives in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TROOPS PHONE HOME FREE ACT OF 2003

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 718, the Troops Phone Home Free Act of 2003; that the only amendment in order be a McCain substitute amendment; further, that there be 1 hour of debate equally divided between Senator MCCAIN and the Democratic leader or his designee; that at the expiration or yielding back of time, the amendment be adopted, the bill, as amended, be read a third time and passed, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 718) to provide a monthly allotment for free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq and Afghanistan.

AMENDMENT NO. 434

Mr. MCCAIN. I ask unanimous consent that the McCain substitute be adopted at this time for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 434) was agreed to, as follows:

(Purpose: To make minor changes in the plan to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Troops Phone Home Free Act of 2003".

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

Mr. McCAIN. Just to be clear, at the expiration or yielding back of time, the amendment is adopted, and the bill, as amended, will be read a third time and passed, without intervening action or debate?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. I thank the Chair.

This legislation, introduced on behalf of Senators ALLEN, CHAMBLISS, LINDSEY GRAHAM, CRAIG, MILLER, and others, would improve the ability of American service personnel fighting overseas to communicate with their loved ones at home. It provides a monthly allotment of free telephone calling time to members of the Armed Forces outside of the United States who are directly supporting or involved in military operations in Iraq or Afghanistan for such period of time as the conflict continues in both areas.

I have discussed this issue with the Department of Defense and at this time they have not gotten back to me. I spoke to the Deputy Secretary of Defense. She supports the idea. There may be some changes proposed by the Department of Defense, but I am confident of their support.

This legislation would direct the Secretary of Defense to provide these troops with the financial ability to call home by providing a prepaid calling card or equivalent telecommunications benefit up to $40 every month. The bill would also direct the Secretary to work with telecommunications providers to facilitate the deployment of additional telephones for use by our troops. Our military mission must remain a priority of the Department of Defense. Therefore, the bill makes clear that the Secretary shall not take any action to implement the bill that would compromise our overall military objectives. Moreover, the bill gives the Secretary complete discretion on how best to implement it. If it is simply impractical to provide the benefit to certain soldiers, then the Secretary may refrain, obviously, from providing it. If the cost of providing the service to one branch of the military or the other is more costly, then the Secretary can determine the most equitable method of distributing the benefit.

The bill also directs the Secretary to maximize the use of all resources to fulfill the goals of the act and, thus, he may use existing programs, private support programs, or offers from private entities to make telephone service available to our troops. For example, I received a generous offer today from Joseph Wright, CEO of PanAmSat Corporation. In his letter he said:

> [This bill] is a terrific idea and I would like to support it. . . .We would be willing to provide satellite services free to support your initiative.

The only intended beneficiaries of this bill are the troops serving this country. It is not intended to benefit any particular provider. Thus the bill urges the Secretary to implement the bill in a manner that is consistent with the timely provision of the benefits but also in a manner that allows for competition in the provision of such benefits.

All of us are aware of the importance of communicating with one's family and friends, particularly when you are in a time of crisis and combat. This is a modest attempt to try and help these men and women who are serving. Some of them have already been there for a very long time. The USS Abraham Lincoln has been at sea in the area for more than 300 days. Communications with their loved ones at home is obviously a very important aspect of preserving family and also communicating with friends as well. Modern technology enables our service personnel to communicate with their loved ones by phone, and these real-time discussions can provide significant emotional and psychological support to both the soldier and the family.

Unfortunately, for some the cost of placing these calls can be prohibitively expensive. On March 18, 2003, USA Today reported on the high cost of telephone calls from bases in Kuwait:

> It cost one soldier $35 to make two quick phone calls home to his wife.

Likewise, my office was recently told the story of a Marine corporal who didn't have enough money to call his son in the States on his birthday.

Last Friday, I asked the country's telephone companies to commit to ensure that families of service personnel don't have their telephone lines disconnected due to a short-term inability to pay the costs incurred for calls from troops overseas. I also asked for a commitment to implement special reduced rates where feasible for telephone calls with members of the Armed Forces overseas.

Madam President, the response has been overwhelming. From the smallest companies serving a few hundred customers to the largest of companies, around 60 companies have agreed to make these commitments. I wish to quote from a few of these letters and I will have many printed in the RECORD at the appropriate time. Some of them are extremely touching, believe it or not.

One that especially got my attention was from the Andrew Telephone Company in Andrew, IA. They will not disconnect service from servicemen's families for the duration of the war. They write:

> We don't offer long distance, but we will assist subscribers to find the best rates possible. Andrew is a community of 450 and we have 19 young men and women serving at this time. Yours, Mil Cornelius, President.

Remarkable. Andrew, IA, a community of 450 and they have 19 young men and women serving at this time. That is a very wonderful commitment.

We have commitments from small companies from Andrew Telephone Company to Quest, Southern Bell, SBC, Verizon, AT&T, MCI, Sprint. All the major corporations in America have also made these commitments. I am extremely grateful to them. More importantly, I am sure the service men and women and their families all over America are grateful as well.

Just a couple more: William P. Heaston, vice president of PrairieWave Communications in Sioux Falls, SD, wrote:

> I am a retired Army officer, who served in Vietnam and other remote areas. I can assure you that PrairieWave fully appreciates the benefit to morale and military service that the ability to communicate with loved ones brings.

William E. Morrow, CEO of Grande Communications in San Marcos, TX, writes:

> We are proud of our troops and know their families are in need of our support during these difficult times. This is the least we can do in light of their great sacrifice for our country.

All of them make statements along those lines.

OmniTel Communications:

> We will also be providing cash credits as a donation on the billing, which have yet to be determined, of these families later this year to help defray other costs they may have incurred.
>
> OmniTel Communications supports our Armed Forces in its critical action and wish the very best to all Americans who have to make very serious decisions for the future of our great country.
>
> Ronald Laudner, CEO, OmniTel Communications, Nora Springs, IA.

I appreciate the overwhelming response from the major corporations and the smallest telephone companies in America. Obviously, as I said, the men and women who are serving in harm's way as we speak will also be grateful.

I also want to state the obvious to the men and women serving in the most dire and dangerous situations and cannot make a phone call now. They will be rotated out and they will be in places where they will be able to do so, and those are the ones who I am sure their families will want to hear from urgently.

I thank my colleagues for this bill. It will go to the other body. We will have, I think, a brief period of time for the Department of Defense to make whatever input they would like to have in this legislation. I hope we can pass it as quickly as possible and send it to the President. I thank my friend, Senator ALLEN, and I thank especially Senator CHAMBLISS, who is chairman of our Personnel Subcommittee, who has been very much involved in this issue as well.

I reserve the remainder of my time.

I ask unanimous consent to have printed in the RECORD a representative sample of responses I received from telephone companies, large and small, throughout the country, and a list of all of the companies that have responded to my request.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Mil Cornelius [andrtel@netins.net]
Sent: Monday, March 24, 2003 7:06 p.m.
To: Bailey, Bill (Commerce)
Subject: McCain Request

Andrew Telephone Company, Andrew, IA will not disconnect service from Servicemen's families for the duration of the war. We do not offer long distance, but will assist subscribers to find the best rates possible.

Andrew is a community of 450, and we have 19 young men and women serving at this time.

Yours,

MILT CORNELIUS,
President.

From: Ronald Laudner Jr. [rjljr@omnitelcom.com]
Sent: Monday, March 24, 2003 11:48 a.m.
To: Bailey, Bill (Commerce)
Subject: Senator McCain's Request

MR. BAILEY: Omni Tel Communications will do our best to determine who each of the families are that have given of themselves to defend our country. If we can garner the information on which families are affected, and I might add that with the number of communities we serve and the geographical proximity to several different companies of the armed forces this will be a large task, we will concur with the request made by Senator McCain.

We also will be providing cash credits as a donation on the billing, which have yet to be determined, of these families later this year to help defray other costs they may have incurred.

Omni Tel Communications supports our armed forces in this critical action and wish the very best to all Americans who have to make very serious decisions for the future of our great country.

Sincerely,

RONALD LAUDNER,
CEO, Omni Tel Communications,
Nora Springs, IA.

From: Abbott Jr., Herschel L.
Sent: Monday, March 24, 2003 6:10 p.m.
To: Bailey, Bill (Commerce)

BellSouth is continuing to study the feasibility of implementing customer specific pricing plans to provide discounts for families to communicate with members of the military serving overseas. We will provide an update on the status of these efforts as soon as possible.

I hope this responds to Senator McCain's inquiry.

Kindest regards,

HERSCHEL L. ABBOTT, Jr.

MCI,
Ashburn, VA, March 25, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington DC.

DEAR CHAIRMAN MCCAIN: MCI shares your desire to support our military personnel and their families during these difficult times. We also understand how important communications are to our service men and women and their families. On March 21, 2003, MCI reinstated its military personnel collections policy that was last used during the Afghanistan deployment. This policy allows MCI to negotiate very liberal deferred payment arrangements designed to meet the needs of the military members and their families.

MCI is also examining the possibility of special discounts to make it easier for our service personnel to communicate with their loved ones.

MCI is proud to support our troops.

Sincerely,

WAYNE B. HUYARD.

AT&T,
Morristown, NJ, March 24, 2003.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Like all Americans, AT&T strongly supports the efforts our Armed Services personnel undertake on our nation's behalf in times of peace and in times of war. That support has evolved into a long tradition at AT&T of close cooperation with the United States government to provide the men and women who serve in our military the best telecommunications services in the world. As I write this letter, AT&T is providing service to sailors, marines, soldiers, and airmen on virtually every major U.S. military base worldwide and on every Navy ship at sea.

That tradition continues as AT&T now steps up to the challenge of providing communications services to our nation's troops deployed in the conflict with Iraq. As part of that effort, earlier this week AT&T announced that it would donate 160,000 prepaid phone cards worth $3 million to the USO for use by U.S. troops fighting the war with Iraq. This continues AT&T's tradition of donating service dating back to Operation Desert Storm as well as the Balkan conflict.

Today, from United States military bases in Kuwait, service men and women can call home in a number of convenient and cost-effective ways, including through the use of prepaid cards, standard calling cards, commercial credit cards, and collect calling. Special military prepaid card rates, for instance, allow military personnel to call the United States for 22 cents to 30 cents per minute with no surcharge per call. In addition, our special Global Military Saver Plus card, which has been heavily promoted to military personnel, is available at $0.50 per minute with no per-call surcharge and a monthly fee of only $1 for each month in which it is used. On a promotional basis, AT&T has also lowered the cost of calling from military bases in Kuwait to the United States using standard calling cards, commercial credit cards, and collect calling to 50 cents per minute with a maximum per call surcharge of $1.50 and, in some cases, no surcharge at all. Ship-to-shore calling is also available aboard Navy ships at rates of between $1 and $3 per minute, reflecting unique cost and capacity issues.

The retail rates for the military prepaid cards and ship-to-shore service are set by the Army Air Force Exchange Service (AAFES) and Navy Exchange Command (NEXCOM) based on rates set by AT&T in contracts with both AAFES and NEXCOM. Absent some unforeseen and extraordinary request from AAFES or NEXCOM that would materially increase our infrastructure costs, AT&T will not increase the underlying contractual rates for these services to AAFES and NEXCOM for the remainder of the year and through 2004. This commitment applies for calling from American military bases in the region, including Afghanistan and Pakistan, and from Navy ships engaged in this action. Additionally, for the duration of large scale armed hostilities in Iraq and for a period of 3 months thereafter, AT&T will not increase its special promotional rates for calling from military bases in Kuwait using standard calling cards, commercial credit cards, and collect calling.

AT&T is also working with AAFES to determine service requirements going forward as events play out in the region, especially Iraq. Of course, we do not provide service to U.S. military personnel in Iraq today, and do not know the full circumstances under which we may be called to do so. Whatever the circumstances, however, we will, working with AAFES, use our best efforts to provide the men and women who serve in our military in Iraq with the lowest reasonable calling rates possible.

AT&T is committed to bringing calling services to our troops as quickly as possible in Iraq and elsewhere around the world. As the number of U.S. troops has grown in the Persian Gulf region, AT&T teams have worked around the clock to meet the communications needs of those troops. That work is ahead of schedule, and likely to be expanded under the direction of the U.S. military, which determines equipment deployment plans. As those deployment plans are finalized, we will do all we can to bring service on line with the reliability and quality that consumers rightfully have come to expect from AT&T.

Senator, AT&T is honored to be able to help and support our U.S. troops during the conflict in Iraq. As President of AT&T Consumer Services, the unit of AT&T responsible for providing personal communications services to military service personnel around the world, I can assure you that, in keeping with its finest traditions, AT&T remains dedicated to connecting our troops with the people they love back home.

Best regards,

JOHN POLUMBO,
President and CEO.

TELEPHONE COMPANIES THAT RESPONDED TO MCCAIN LETTER

Alenco Communications, Inc.
All West Communications
American Discount Telecom
Andrew Telephone Company
AT&T
ATX Communications Inc.
BellSouth
Bentleyville Communications Corp.
Call America
Cbeyond
CC Communications
Choice One
Citizens Telephone Co.
Coastal Communications
Cox Communications
Covad
Cox Communications
Cunningham Telephone Company
Deerfield Farmers Telephone Co.
DFT Communications

EPIK Communications
Eschelon Telecom
Farmers Telephone Company
FairPoint Communications
Focal Communications
GCI
Grande Communications
Green Hill Telephone Companies
Hamilton Telecommunication
Home Telephone Co.
InterBel Telephone
Iowa Telecom
ITC DeltaCom, Inc.
Jefferson Telephone Co.
Jordan-Soldier Telephone Co.
KMC Telecom
LecStar Telecom Inc.
Le-Ru Telephone Company
MCI
Monroe Telephone
New Edge Network, Inc.
New Edge Networks
Nii Communications
Nortex Communications Co.
NW Iowa Telephone Co.
OmniTel Communications
One Eighty
PacWest
Pae Tec
Peace Valley Telephone Company
Pigeon Telephone Co.
Qwest
Prairie Wave
Ritter Communications Holdings, Inc.
Rothsay Telephone Co.
SBC
Sprint
Supra Telecom
Talk America, Inc.
TDS Metrocom
The Rainier Group
TXU Communications
USLEC Communications
VeriSign
Verizon
Walnut Telephone Company
Wilson Telephone Co.
Xspedius Communications.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Madam President, first, I very much commend Senator McCAIN for his leadership in introducing this very important, thoughtful, and considerate measure, S. 718. I am proud to be a cosponsor of it with him, Senator CHAMBLISS, and others.

The purpose of this bill is to support the morale of the brave men and women of the U.S. armed services who are stationed outside the United States, directly supporting military operations in Afghanistan or Iraq, by giving them the ability to call their loved ones without an expense to them.

When you look at the findings, they all make very good sense, especially that

> telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

As you read the language of the bill, it all makes great sense as a matter of legislation. To give you an idea how it might have an impact on real people and real lives, and also the lives that have been lost, I will refer to an article today in The Washington Post, where a young man from Virginia lost his life. This young man's name is SGT Donald C. May, Jr. His father had fought in Vietnam. Young Mr. May joined the Marines as soon as he graduated from high school at Meadowbrook High School in Chesterfield County, VA. He reenlisted and eventually became a tank commander. His father received two Purple Hearts as a tank commander in Vietnam. Unfortunately, his father died in a boating accident while fishing a few years back.

At any rate, SGT May moved and bounced around for several years. He went to North Carolina, where he met his wife Deborah, and eventually they went off to California where he was stationed. He left in January for the Middle East, and it was then, in January, that his mother last talked to him on the phone. As his mother recalled in this article, he said, "Mom, this is what I have trained for all my life. This is what I am meant to do. I am ready."

He talked a bit later with his wife and he told her that he had decided not to reenlist because he wanted to be home more with his two children, Mariah, almost 7, and Jack, almost 2. His wife Deborah is pregnant with their third child, a son, to be named William. Mrs. May, the mother, said her daughter-in-law was treated twice in the last few days for premature labor. The baby is due in mid-May.

Brenda May's last communication with her son arrived a week ago. It was a letter dated March 3.

So when you think of this story of this brave, courageous hero, who made the ultimate sacrifice for our country, for our safety, for our freedom, for our security, and to liberate the people of Iraq, what a gift he has given to this country—his life, his future, to be holding his baby boy William, to be with his children as they grow up. That is the greatest gift he could give to this country, and I surely hope the people of Iraq, when liberated, will also get down on their knees and thank God for people of this man's courage.

When you listen to the story of him last talking on the telephone to his mother and wife in January, the last communication in a letter dated March 3, the reality is that was his last communication.

I know that you, Madam President, and all Americans can readily understand how this measure would have had an impact. If he could get to a telephone to actually have his mother, to have his wife, hear his voice and have him hear their voices, to tell him that they love him, for them to tell him how proud they are for what he is doing. Obviously, they would be asking him to stay safe. But there would have been the ending on that telephone call undoubtedly where his mother, his wife, and his children would have said: I love you.

While this measure looks like $40 a month and a telephone call, in some cases that may be the last contact. That is why this measure is so important, and I commend Senator McCAIN and all of my colleagues for introducing it. I urge my colleagues to pass it very shortly.

I am also hopeful that later this week we can take up S. 721. This is a measure I have introduced with Senators McCAIN, CHAMBLISS, GRAHAM of South Carolina, WARNER, BURNS, MILLER, and STEVENS to expand the combat zone exclusions and to provide tax exclusions to personnel serving in Cuba and the Horn of Africa in support of Operation Enduring Freedom.

This legislation will help expand the combat zone tax exclusion to include the period in transit to qualified combat zones and to provide full income tax exclusion to other personnel. The pay for these personnel would not be, with the passage of this bill, subject to Federal or State taxes for any month in which they serve in one of these areas. The legislation also provides tax breaks for individuals serving in Operation Enduring Freedom, the global war on terrorism, in Guantanamo Bay, Cuba, and the Horn of Africa. If this measure were to pass, the pay for these personnel would not be subject to Federal or State taxes for any month in which they serve in one of these areas.

As a matter of past precedent, in 1995, Congress passed legislation designating Bosnia-Herzegovina, Croatia, and Macedonia as comprising qualified hazardous duty areas. Military personnel serving there on peacekeeping duties are eligible for the same tax exclusion as personnel serving in combat zones.

I also point out that officers do not receive a full income tax exclusion. Any income above the level of the highest enlisted rank is subject to Federal and State taxes. This makes absolutely no sense to me whatsoever, and I know that Senator CHAMBLISS has another measure that will provide parity between officers serving in the Guard and Reserve.

The other point of this matter is that the pay of personnel in transit to a combat zone is subject to income taxes until they actually cross into the combat zone area.

What we are seeing is some of the ships are steaming at full speed when otherwise not necessary in an effort to give personnel as much tax-excluded income as possible. My view is that as soon as those battleship groups leave the ports, whether it is Wilmington, Norfolk, or San Diego, that is when the combat zone exclusion ought to apply. I think this is a commonsense, equitable matter. I think we should not be having our families back home worried about paying taxes when their brave loved one—whether that may be their husband, wife, son, daughter, mother or father—is leaving home. They should not be having to worry about paying taxes when they are serving, whether they are Reserves, Guard, or active military, in these areas supporting this operation for our security and also to liberate Iraq.

I urge my colleagues to pass S. 718, the Troops Phone Home Free Act of 2003. It is the proper and compassionate thing to do. It also expresses our gratitude and appreciation not just to the troops but the loved ones home who need to have that reassurance and the pleasure of hearing their loved one's voice.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Troops Phone Home Free Act introduced by my colleague from Arizona, Senator McCAIN. This legislation would allow troops who are on the front lines in Operation Iraqi Freedom and Enduring Freedom to place phone calls to their loved ones without cost to them or their families. It would provide prepaid phone cards for the soldiers and provide more phones in the Middle East and in Afghanistan so our troops can have more flexibility to communicate with their families.

This is an important measure not only for the morale of our brave men and women who are overseas fighting in a war but also to their families and loved ones who are sacrificing dearly for their country.

There is nobody in this great body that we serve in who has a greater appreciation for a soldier to have the ability to pick up the phone and call his or her family than Senator McCAIN. I admire and respect him for his service to our country, and I am very pleased to be in support of his bill to make sure that every member of our Armed Forces serving in Iraq today, in Enduring Freedom in Afghanistan, has the opportunity to communicate with their families.

We think of our brave men and women and the great job they are doing—which they are and I am so proud of all of them—but we have to also remember they have families back home. They have friends and loved ones here who are making just as big a sacrifice as they are making by serving our country. I think it is only right and fair that we give them as many benefits as we possibly can, and this is simply one more way of saying we appreciate the great work they are doing.

I also rise in support of S. 721, which is Senator ALLEN's bill to extend the combat zone where our men and women are serving. Again, from a Guard and Reserve standpoint, we are calling up these men and women on a much more regular basis today than ever before, and it is extremely important that we show support for all of our men and women serving in combat, active duty, Guard, and Reserve. This provides some equity in the payment to all of those men and women who are serving in combat in any part of the world to which they are called. So I do rise in strong support of Senator ALLEN's bill.

I also rise to introduce legislation, along with my colleagues Senator McCAIN, Senator GRAHAM of South Carolina as well as Senator ALLEN, that I believe will be a positive step in assisting commanders in the Reserve and the National Guard. The men and women who serve our country in the Reserve and National Guard make up a critical component of an All-Volunteer Force and have chosen to put their lives on the line for the freedom of their families and their country, and we thank them. We continue to be on our knees in prayer for their continued safety and for their families as they serve around the world. The legislation I bring to the floor today represents a small step in recognizing the sacrifices that specifically the commanding officers in the Reserve and the National Guard are making as we speak. This initiative will provide a well-deserved benefit to at least 500 reservists and 1,500 National Guardsmen. Currently, National Guard and Reserve commanders are not entitled to command responsibility pay, even though they serve in a similar capacity to their active duty counterparts. This bill will allow for an added benefit of $50 per month for junior officers, $100 a month for mid-level officers, and $150 a month for Guard and Reserve senior officers who serve as commanders. This pay will apply whether they are full-time wing commanders of a Reserve component airlift wing or whether they are serving as a commander in an inactive duty training capacity. The purpose of this bill is to create further equity between our active and Reserve components. The amount of money involved is relatively small, but this measure serves as a powerful symbol that we value the contribution and sacrifice of our citizen soldiers stationed around the world serving the United States of America and the cause of freedom.

There is one special story about which I would like to speak very briefly. It is a story on the front page of virtually every major newspaper in America this morning. It is a story about CPT Chris Carter in the United States Army, a young captain from Watkinsville, GA, of whom I am so extremely proud, a story about Captain Carter who risked his life on a bridge over the Euphrates River, which was under siege, a bridge which they were seeking to have explosives removed from so we could take that bridge to make sure our troops ultimately got safely across the bridge. It is a story of CPT Chris Carter who, during the midst of a firefight, saw some innocent civilians, Iraqi civilians, crossing that bridge, coming over to the side he and his troops were on. He saw innocent civilians being caught in that firefight and one man being killed and a woman, an Iraqi woman, bleeding and pleading for help. Captain Carter got off of his vehicle, rushed to the bridge, behind his vehicle so that he could have some cover, until he got behind an iron post on that bridge. After he got behind the iron post on that bridge and under fierce fire coming from the other side, he risked his own life to go to that Iraqi woman and to pull her to safety and secure medication for her and ultimately have her transported to a medical facility where she is being treated.

I am so proud of every one of our men and women who are fighting in Operation Iraqi Freedom today. But it is men and women like Chris Carter of whom I am especially proud. He is not just a great Georgian, he is a great American and a great member of the United States Army.

I had a great conversation with his father this morning. His father obviously is extremely proud of him. He is one of those young men who will be able to take advantage of these benefits we have been talking about here today, Senator McCAIN, Senator ALLEN, and myself. He is one of the young men who will be able to take that phone card under Senator McCAIN's bill and call home to his family to tell them exactly what did happen and let them have an opportunity to tell him how very proud of him they are.

Again, I commend Senator McCAIN. I appreciate very much the strong support of Senator ALLEN and Senator GRAHAM as we introduce these measures to try to make life a little more pleasant for our troops as they are separated from their families, and also to make sure their families have the opportunity to communicate with them, and have the financial resources to continue to provide for their families while they are serving in combat areas so that they can concentrate on doing the job they are sent to do and know that their families are being well taken care of, and know they are going to have the ability to communicate by telephone with their families on a regular basis.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield such time as she may consume to the Senator from Maine.

Ms. COLLINS. Mr. President, I commend the Senator from Arizona for his initiative.

I ask unanimous consent I be added as a cosponsor of his legislation, the Troops Phone Home Free Act. I think it is a wonderful initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I also commend the Senator from Georgia, who heads the Personnel Subcommittee on the Armed Services Committee, with whom I am very privileged to serve. He brings great leadership to the effort. I am proud to be a member of his subcommittee.

DEATH GRATUITY

Later tonight I am hopeful the Senate will consider legislation, S. 704, which I introduced last week with my colleagues on the Armed Services Committee, the chairman, Senator JOHN WARNER, and my colleague, Senator JOHN MCCAIN. I recognize the contributions and cosponsorship of Senators BEN NELSON and GEORGE ALLEN. The legislation we have introduced will send an important message to our troops who are engaged in combat, even as we speak, that our Nation is so grateful for their service.

Our bill would raise the amount paid to the families of military personnel killed while on active duty. It would increase it from $6,000 to $12,000. This payment, which is known as the death gratuity, would be paid retroactive to September 11, 2001, so that the troops who have been killed in the battle against terrorism would also be eligible for this doubled benefit.

As are all of my colleagues, I am very saddened by the loss of American life in Operation Iraqi Freedom. The young men and women of our military represent the very best our Nation has to offer. They do not join the military for monetary gain nor to have a comfortable lifestyle. They serve our Nation out of a sense of patriotism that should make each and every American proud. The mercy they are showing even today to Iraqi prisoners of war is testament to the strength of character that is the core of our military values. In many cases, we ask our own troops to take additional risks in order to avoid injuring or killing innocent civilians. That they do this without question or regret speaks well not only of our military but of our Nation.

When the Commander in Chief sends our troops into harm's way, we hope and pray each and every one of them will come back home unharmed. While we know this will not be possible, that knowledge does not lessen our shock and our sadness when we learn of the loss of lives.

My State of Maine has experienced two such losses since the war began. Last Saturday, I attended a memorial mass in Windsor, ME, in honor of the life and sacrifice of CPT Jay Aubin. CPT Jay Aubin and CPL Brian Kennedy, both proud members of the United States Marine Corps, perished in a helicopter crash in the Kuwaiti desert in the very first few days of the conflict. I met with the parents of both these brave marines, both of whom were present at this memorial mass last Saturday. Hundreds of Mainers gathered to pay tribute to the sacrifice of these brave marines and their families.

As I stand on the floor of the Senate, I once again want to assure their families we honor and recognize their service and their sacrifice. When we send a young man or woman into harm's way, our Nation has in return a sacred obligation to them and to their families. We must ensure they go forth with the utter and complete confidence, should the worst happen, should they be called upon to make the ultimate sacrifice, that their country will care for their families and honor their service. The death gratuity is a small token, but it assists the grieving families with their immediate financial needs. There are a variety of other programs that provide for longer term support, but in the initial hours and days after a family has endured such a terrible loss, these funds help to alleviate monetary concerns. This benefit is commonly provided within 72 hours to the family of the service member who is killed while on active duty.

The last time the death gratuity was raised was in 1991 during the period of the gulf war when it was doubled from $3,000 to $6,000. With more than a decade having passed, it is time for Congress to move forward and increase this sum in recognition of those who are today fighting in Operation Iraqi Freedom and in the war against terrorism. It is the least we can do to honor their sacrifice. I offer this legislation in tribute to the families of those whose loved ones are today engaged in combat in the Persian Gulf. Too often we forget the sacrifices they make so that their loved one, their husband, wife, father, mother, brother, or sister, can serve our Nation. They are asked to accept long deployments and frequent moves while at the same time providing their loved one with the support they need to do their jobs.

Truly, what these families do is heroic. Passage of this legislation will send a clear and strong message to them that this Congress and this Nation is grateful for their sacrifice. Again, it is my hope we will pass this legislation by unanimous consent later this evening. In the meantime, my thoughts are with our troops as they fight in the battles in Iraq, in Afghanistan, in the war against terrorism, and I pray they will soon return home in victory.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that all time be yielded back and we move to consideration of the legislation, S. 718.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Troops Phone Home Free Act of 2003".

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.÷

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.—

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

Mr. McCAIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETER ARNETT, TRAITOR

Mr. BUNNING. Mr. President, I rise today to comment on and express outrage over the recent actions and words of journalist Peter Arnett. In fact, I hesitate to even use the term "journalist" when referring to Mr. Arnett. This word implies a certain degree of objectivity and balance which this man knows absolutely nothing about. "Traitor" is a better word to describe Mr. Arnett.

This past weekend Mr. Arnett appeared on state-controlled Iraqi television. With a uniformed Iraqi anchor translating, Mr. Arnett told the Iraqi people that the American war plan had failed due to their continued resistance and that coalition forces were in the process of drafting new battle plans. To quote Arnett:

> Clearly, the American war plans misjudged the determination of the Iraqi forces.

Saddam Hussein couldn't have written his script any better.

Clearly, Mr. Arnett has no idea what he is talking about. This is the same man who reported in 1991 during the first gulf war that the United States had blown up a baby milk factory. Military sources confirmed that this target was in fact hit. The fact that Mr. Arnett conveniently left out was that this "baby milk factory" was actually a biological weapons plant.

I will never understand how and why Mr. Arnett always thinks he knows so much more than our military and intelligence officials. I am pretty sure our military leaders on the ground and civilian leaders in the Pentagon, who are briefed around the clock, know a whole heck of a lot more than Mr. Arnett. I hope Mr. Arnett is not getting his info from the same source who told him that U.S. forces used the nerve agent—sarin gas—against villagers in Laos during the Vietnam war.

This story, reported in 1998 by Mr. Arnett, could hold no water and CNN rightly fired Arnett for his reckless words and actions. Now, 6 years after that bogus claim, Peter Arnett has once again found himself in search of employment.

Both National Geographic Explorer and NBC News have fired Arnett for this latest stunt by Peter Arnett on Iraqi-controlled television. I am trying to figure out why these entities even hired him in the first place with his pathetic track record of recent years.

We all firmly believe in the first amendment which protects the freedom of religion, speech, press and assembly. However, no U.S. citizen should be allowed to provide aid, and comfort, through false information, to the enemy during wartime.

Of course the media doesn't mention the word "treason" like many of us have over Mr. Arnett's comments. That would be an indictment of one of their own and a pock on their profession.

Mr. Arnett can apologize all he likes for being a "useful idiot" for Saddam and his barbaric regime, but that's not enough for me and it's certainly not enough for our soldiers and many Americans. I think Mr. Arnett should be met at the border and arrested should he come back to America.

I dare Mr. Arnett to take a good look at our soldiers in uniform and tell them they have failed in this mission and objective.

These men and women embody everything that is great about America and freedom. They come from small towns and big cities. They come from families both rich and poor. They come from all religions and races. The one thing all these Americans have in common is their love for America and freedom.

They love this Nation and cherish its very idea so much that they are willing to sacrifice their own lives to ensure that we can live in a country free of government tyranny like that under which those in Iraq have lived.

This war has lasted almost 13 days. Thus far we have lost about 50 U.S. soldiers and have 17 missing in action.

As I stand here today, our coalition forces are surrounding Baghdad and will bring about the demise of Saddam Hussein and his regime. We will help liberate the Iraqi people from deceit and hopelessness and tyranny.

Mr. Arnett, you need to retire or think about a second career as a fiction writer. I understand you are looking for work and that the socialist, anti-American Daily Mirror in the United Kingdom has already picked you up.

To those news organizations that have already picked up Mr. Arnett, and others that may hire him, I have two things to say: One, you have every right to hire him. Two, we have every right to call your news organization a joke and a sympathizer to traitors.

I believe it is about time we made an example of Mr. Arnett's lies and deceit and let the media know we are watching.

While we are giving the media top access and protection in this war, we must demand that they not hang out to dry our soldiers and Americans. If they do so, there should be consequences.

Some believe freedom of speech is an absolute right and that journalists have the right to say and report anything they want. I, and many others, do not believe this. I do not believe journalists should be allowed to lie and opine and aid our enemies in the time of a war.

There is a line journalists are not meant to cross, and Mr. Arnett crossed this line many years ago, and he continues to do so. It is time we held this man accountable for his actions.

THE SMALL BUSINESS DROUGHT RELIEF ACT OF 2003

Mr. KERRY. Mr. President, I rise to thank my colleagues for voting last night in favor of the Small Business Drought Relief Act of 2003. Time is of the essence for disaster victims; small businesses across the country have been waiting 8 months for Congress to take action and force the Small Business Administration to comply with the law and open its disaster loan program to them. They are frustrated, and understandably so.

You see, the SBA doesn't treat all drought victims the same. The agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had in effect drought disaster declarations in 36 States. That number has grown to 48, demonstrating that problem has gotten worse and even more small businesses are in need.

As I have said time and again, the SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the agency won't do it. For years the agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it.

I thank the Chair of the Committee on Small Business and Entrepreneurship, Senator SNOWE, for all her work to ensure passage of this bill, as well as our many colleagues who are cosponsors—Senators BOND, LANDRIEU, EDWARDS, JOHNSON, BINGAMAN, LEVIN, BAUCUS, DASCHLE, HOLLINGS, LIEBERMAN, WARNER, CRAPO, HARKIN, REID, ALLEN, BENNETT, and ENZI.

Mr. President, I ask unanimous consent that letters of support from Governors who advocated prompt passage of this legislation last year be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 19, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D-Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by prolonged drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R-S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama; Gov. Mike Huckabee of Arkansas; Gov. Roy E. Barnes of Georgia; Gov. Paul E. Patton of Kentucky; Gov. M.J. "Mike" Foster, Jr. of Louisiana; Gov. Parris N. Glendening of Maryland; Gov. Ronnie Musgrove of Mississippi; Gov. Bob Holden of Missouri; Gov. Michael F. Easley of North Carolina; Gov. Frank Keating of Oklahoma; Gov. Jim Hodges of South Carolina; Gov. Don Sundquist of Tennessee; Gov. Rick Perry of Texas; Gov. Mark Warner of Virginia; Gov. Bob Wise of West Virginia.

OFFICE OF THE GOVERNOR,
Carson City, NV, July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business, Russell Building, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Committee on Small Business, Russell Building, Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provided access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734. The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for an administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JOHN EDWARDS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest is in severe drought status.

Ninty-nine percent of our streams are flowing at less than 10% of their average flow for this time of year. 60% of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e. feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17% to 80% declines in revenue. The average decline in revenue is probably near 50% across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator Kennedy and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001, in Fairhaven, MA. An Arab-American family was harassed and assaulted by its neighbors. After being followed and harassed with racial slurs, the Arab-American father was attacked with a baseball bat. He was treated at a local emergency room. The tires on his son's car were slashed, as well.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FORMER SENATOR DANIEL PATRICK MOYNIHAN

Mr. DASCHLE. Madam President, on March 31, 2003, a Mass of Christian Burial for Senator Daniel Patrick Moynihan was held at St. Patrick's Church here in Washington. At that service, a beautiful homily honoring our friend and revered former colleague Senator Moynihan was given by his pastor, Rev. Msgr. Peter Vaghi. For the benefit of all Senators and for history, I ask unanimous consent that Msgr. Vaghi's remarks be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mass of Christian Burial, Daniel Patrick Moynihan, March 31, 2003

My dear Liz, Maura, John, Tim and Tracey, Michael Zora, distinguished guests and friends,

We gather on this Lenten Monday in this historic church of St. Patrick in sorrow but also in confident hope. For we come to pray for the soul of Daniel Patrick Moynihan in this his parish church, a church which he loved so much with so many of us who loved him as well. We commend him this morning into the loving hands of God our Father as we celebrate this holy Mass, this perfect prayer of redeeming love, given to the church by Christ as He Himself prepared to return to His Father in heaven. In this time of war, we pray at this Mass for Pat's eternal and heavenly peace.

This parish church is a long way from Hells Kitchen in New York where he was raised, but a short walk from his apartment overlooking Pennsylvania Avenue, an avenue which was so close to his heart, an avenue he helped transform. And this short walk is one he made each Sunday for holy Mass often with Irish walking stick in hand and that unforgettable tweed hat.

In the preface for Christian Death in this morning's Mass, we hear those consoling words that for your faithful people, Lord, "life is changed not ended." These are words of hope in a world desperately looking for signs of hope. They are words of our faith, a faith Pat embraced and lived. They are words of faith in Jesus Christ who "is the way, the truth and the life." In that first reading from the Book of Wisdom, how can we not be consoled, referring to "the souls of the just," thought " in the view of the foolish to be dead," but affirmed so cogently by that revealed text to be "at peace."

There are many titles which describe the life and work of Pat Moynihan, words which portray the mosaic of his 76 years of long and productive, life: a senator for two and a half decades, ambassador, professor and scholar, voracious reader, an independent-minded intellectual, administration official under four successive presidents, veteran, author of 18 books, public servant, statesman, awardee of innumberable honors, friend and confidante, a father and grandfather, spouse of 48 years to his wonderful wife Liz, and I might add, a faithful parishioner at this historic church of St. Patrick, this church of his patron saint. Each part of this rich mosaic of his life touches us in different ways depending on how we knew him but assuredly the totality of the gift of his life brings comfort and consolation to each of us in these days of deep loss no matter how we knew him.

He loved this parish. He had a particular love for our choir. He would often stand in the side aisle toward the end of Mass and watch the choir looking up from that vantage point. How he enjoyed them! On occasion, he would also take up the collection. He did it ever so slowly thanking everyone individually, in his unique style, for the contribution each person made. As I would watch him with basket in hand, hoping we could continue the Mass, I always found it hard to believe that this was really the chair of the Senate Finance Committee!

Pat Moynihan was a man of quiet faith. As with every person of faith, however, he struggled to make the living Word of God shape his decisions in life. for him, this found expression in his long commitment to the body politic, the pursuit of the common good and his special care for the poor, the family structure, and the most needy in our midst. In the words of Revelation, speaking of those who have died in the Lord: ". . . let them find rest from their labors, for their works accompany them." Like Pat, they and each one of us—in our turn—will meet our good and gracious God who judges us all with a loving and merciful heart.

For him, there is now no longer any human pain, anxiety, loneliness, the rush of daily life, the frailty of our human condition. No longer must the Lord, like the Hound of Heaven, pursue him—as He constantly pursues each one of us in life. He now possesses him fully—we pray—for Pat was baptized into Christ Jesus. Our faith teaches us that for those baptized into Christ Jesus, "those who have died with Christ, we believe that [they] shall also live with him." Yes, "the souls of the just are in the hand of God and no torment shall touch them."

In this Mass of Christian Burial, we gather as a family to pray for him. We gather as well to console his wife Liz, his sons, daughter, daughter-in-law, his grandchildren and family. We gather in prayer to console each other.

And as we ponder the mystery of Pat's death—for death is a mystery—it is also an appropriate time for each of us to ponder the mystery of life, the mystery of his life, the mystery of life in general. For each one of us without exception, life has its ups and downs, its surprises, its victories and defeats, its happiness and loneliness. Life is a mystery which only death will ultimately reveal. As we contemplate Pat's rich life, we pray that now at last, in the company of a gracious God, he will have the answer to the challenge of his life.

In this morning's Gospel passage, Jesus told Martha that "I am the resurrection and the life; whoever believes in me, even if he dies, will live, and everyone who lives and believes in me will never die." As Martha came to believe that Jesus is the Messiah, the Son of God, we ask the Lord Jesus this day, a day when we remember Pat Moynihan, to empower us to believe and live more deeply in Him, our Savior Jesus Christ, who is the resurrection and the life. In His own time, then, He will also raise us up as, in faith, we believe He raises up Pat "for everyone who lives and believes in me will never die."

We shall miss Pat Moynihan. How can we ever forget him? We all loved him in life, may we never forget him in death. As his extended family, let us pledge this day to pray for him, his wife and family.

May he rest in peace!

Mr. HAGEL. Mr. President, the passing of Senator Daniel Patrick Moynihan is a loss for all of us. Pat Moynihan committed his remarkable life to his country: serving four Presidents, representing our Nation as Ambassador to India and the United Nations, and representing the State of New York as a Senator. His deep intellect and unyielding candor will be missed.

As a junior colleague, I was struck by Senator Moynihan's generosity with his time and graciousness of spirit. I had the privilege of sitting next to Senator Moynihan on the trip to Rhode Island for the funeral of our colleague the late Senator John Chafee. As we traveled, I was out of my depth listening to him discuss different styles of architecture in between offering endearing stories about our departed colleague.

Of all his gifts, Pat Moynihan's ability to recognize great issues before they were commonly observed was his greatest. In public policy, he had an ability to appreciate and make sense of the larger picture rarely found in a politician. From the plight of broken families and inner cities, to the collapse of the Soviet Union, to the danger of ethnic conflict in the Balkans, to Social Security reform, Moynihan was prophetic. In one of his last public speeches, at last year's Harvard Commencement, Moynihan again offered words that carry far more weight today than when he delivered them less than a year ago:

> Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies, disillusioning friends, thinking only of ourselves in the most narrow terms. That is not how we survived the 20th century. Nor will it serve in the 21st.

Senator Moynihan's wit and wisdom will be greatly missed. My thoughts and prayers go to Liz Moynihan and the Moynihan family.

THE NORWICH CADETS

Mr. LEAHY. Mr. President, recognition and congratulations are in order for a school and a group of young men known throughout Vermont for their honor, integrity and prowess on the hockey rink.

Norwich University, the nation's oldest private military college, sits in the picturesque town of Northfield, VT. It is a quaint college town, and it is a unique college, hosting a mix of military cadets and more traditional college students.

The cadets, as their hockey team is known, have a reputation for being an NCAA Division III hockey powerhouse. It is cold in Northfield this time of year, but a few weeks ago, Norwich University's Kreitzberg Arena was warmed by a sellout crowd gathered to watch the Cadets capture their second NCAA Division III hockey title in just four years.

The Cadets staged a come-from-behind 2–1 win over Oswego State on March 22 to capture the title. After trailing 1–0 going into the third period, Norwich was looking at the possibility of being shut out, something that has not happened to the program in 278 consecutive games, a streak dating back to the 1993–94 season. Junior defensemen Lou DiMasi, a Vermont native, was quoted by the Burlington Free Press on the team's third period comeback, saying: "There was no way we were going to let it get away." Junior defensemen Aaron Lee scored his thirteenth goal of the season in the third period to tie the game, and senior team captain Toza Crnilovic notched the game-winning goal for the championship.

Norwich coach Mike McShane has built a remarkable record over the past 8 years, winning the Eastern College Athletic Conference East crown five times and reaching five "Frozen Fours." Since Mike McShane began coaching the Cadets, the team has had five 20-win seasons accompanied by a long list of individual accomplishments for members of Cadet teams, including national players of the year and a long list of All-Americans.

Following the game, Coach McShane attributed part of the team's success to the great support the Cadets have from Norwich and Northfield. "We've got great support here and that helps a lot. You saw the president and the chairman of the board of trustees out there at center ice in the celebration. You don't see that at many schools."

Norwich finished the season with an impressive record of 27-3, and many of the Cadets' stars will be returning next year. And, as surely as the sugar rises each year in the maples, Vermonters next year will be closely following the Cadets through another great season. Until next winter, the Cadets have earned the right to bask in the glow of knowing they have accomplished another successful season, bought with hard work, skill and determination.

ADDITIONAL STATEMENTS

OREGON HEALTH CARE HEROES

• Mr. SMITH. Mr. President, I rise today to salute Chance and Dr. Lisa Steffey as Oregon Health Care Heroes for their willingness to save a deeply needed community health clinic in Oregon's beautiful, rural community of La Pine.

A hero is someone who sets aside personal interest to act for another person's welfare. That is exactly what Dr. Steffey and her husband did when they purchased the La Pine Community Clinic in Oregon. Because of their courage and willingness to take a risk, an Oregon community with extremely limited health care resources will continue to have a local place to access health services.

Despite warnings that purchasing the community health clinic was a significant financial risk, the couple forged ahead. Without their intervention, the clinic would have closed, leaving many residents without access to local care. Many of the clinic's clients are Medicaid and Medicare patients who would have been forced to travel significant distances to find care had the Steffeys not seen an opportunity.

La Pine has been named a Health Professional Shortage Area where many residents do not have access to care. Low Medicare and Medicaid reimbursements make it difficult for doctors to serve the area, which is home to many who rely on these programs for health coverage. But with the Steffeys' dedication, and the temporary help of Central Oregon Independent Health Services, the clinic is now financially stable and serving the families of La Pine.

Many rural Oregon residents face incredible hurdles accessing health services. The shortage of providers willing to serve in rural areas, combined with the particularly low federal reimbursement levels offered to rural providers, has caused an exodus of health services from the country. Add this to the large number of uninsured families who live in these communities, and the crisis facing rural health care delivery is clear.

Despite numerous efforts to increase reimbursement rates for rural health services and our ongoing quest to cover the millions of uninsured across America, rural people are still hurting. It takes people like the Steffeys, who are willing to make a sacrifice to meet the needs of rural communities today, while we continue to work towards solutions for tomorrow.

On March 1, 2003, Dr. and Mr. Steffey took ownership of the La Pine Community Clinic. I hope that their vision is rewarded with great success. I join the many grateful residents of La Pine in naming them as Oregon Health Care Heroes and thank them for bringing hope and healing to La Pine.•

GEORGETOWN FIRE COMPANY'S 100TH ANNIVERSARY

• Mr. BIDEN. Mr. President, I rise today to give congratulations to one of the great local fire departments in Delaware, the Georgetown Fire Company, which is celebrating its 100th anniversary this month. This anniversary is a tribute to those who had the vision to found the fire department and to those volunteers who have carried on this tradition all the way through today.

We are very lucky in Delaware to have such a rich history of volunteer community fire departments. With the addition of the Georgetown Company, we have had 15 fire companies in our state celebrate 100 years of service. In fact, we have even had 3 companies—Lewes, Carlisle of Milford, and Good Will of New Castle—celebrate 200 years of service.

With such successes though, it is easy to forget the humble beginnings of many of these departments. On April 11, 1903, the town commissioners of Georgetown announced in a town meeting that it would be forming a fire company to bring down the cost of fire insurance. Before the establishment of a fire company, the community had relied on so-called bucket brigades and a hand-drawn ladder wagon.

When it was founded, there were fourteen charter members of the Georgetown Fire Company and only one piece of fire equipment. Today, there are almost one hundred members of the company and an entire fleet of state of the art fire equipment.

And as a testament to the unceasing dedication of the volunteers who serve in this company and to the respect and veneration it has in the community, almost half of the members of the Georgetown Fire Company are life members or honorary members. Many members of the company who have served their town as volunteer firefighters for decades never stop serving.

The Georgetown Fire Company has become an integral part of the community it has served. It has saved the lives and the property of many. In the town of Georgetown, everyone knows who the real heros are.

It is my privilege to share the company's great history with my colleagues and with our fellow citizens today. We honor the company's 100th anniversary and the extraordinary commitment that it has never stopped showing to its community. Congratulations to all of the officers, members, and friends of the Georgetown Fire Company. It is very well deserved.•

COMMENDING JOHN KOERNER ON HIS RETIREMENT FROM THE U.S. FISH AND WILDLIFE SERVICE

• Mr. JOHNSON. Mr. President, I rise to recognize Mr. John Koerner's long, distinguished career with the United States Fish & Wildlife Service. John began his career in 1972 in Valentine, NE at Fort Niobrara National Wildlife Refuge. Before he arrived at his "dream location" of Sand Lake National Wildlife Refuge, he was stationed in the South Dakota communities of Madison, Pierre and Waubay. John has now managed the Sand Lake NWR for 15 years. This refuge has a wonderful reputation within the refuge system, and that reputation reaches far beyond its borders. In 1988, because of its importance to migratory birds, Sand Lake was designated as the 16th Wetland of International Importance in the United States. This designation was proposed under John's guidance, and supported by myself and U.S. Senator TOM DASCHLE.

During his time in South Dakota, John has been instrumental in reaching out to the public he serves through effective outreach and environmental programs. The annual Eagle Day event held at Sand Lake Refuge has grown from one carload of visitors attending the first Eagle Day event to well over 1,200 visitors attending in 2002. John has also enhanced the youth, education and outreach programs during his time at the refuge.

John has been an articulate and outspoken voice on water and conservation issues concerning the James River. His coordination efforts with local, State and Federal agencies, during major flooding events and day-today operations have been an asset to Sand Lake Refuge and to the communities and landowners up and down the James River. His knowledge of the James River has been very helpful to South Dakota's congressional delegation.

John's coordination efforts with all of South Dakota's congressional offices have been beneficial to both the FWS and the citizens of South Dakota. His knowledge of FWS history, compatibility issues, and his vast experience has provided him with a "common sense" approach to resolving issues before they become major problems. I know that John Koerner has provided extremely valuable assistance to my offices in working through many of the difficult issues that have been brought forward during his tenure.

I commend John Koerner for his work with the U.S Fish & Wildlife Service. His contributions will benefit many generations to come.•

TRIBUTE TO ORLANDO "TUBBY" SMITH

• Mr. BUNNING. Mr. President, today I honor and pay tribute to University of Kentucky Basketball coach and friend Orlando "Tubby" Smith. Coach Smith was selected today as the 2003 Naismith College Basketball Coach of the Year.

Earlier this year, Tubby was also named the Nation's top coach by the Sporting News, ESPN, and the Basketball Times. Coach Smith led the University of Kentucky Wildcats to an outstanding 32–4 record this season, including a NCAA season-high 26 game winning streak. The Wildcats' winning streak this season was the Nation's longest in seven years.

Coach Smith is more than just a basketball coach to his players at the University of Kentucky. He is a skilled teacher of the game of basketball, but he also teaches his players important lessons about life and instills a sense of character in them that allows them to excel both on and off the court.

Tubby and his wife Donna are also very active in many communities across Kentucky. Over the past 5 years, they have raised over $1.5 million for the Tubby Smith Foundation. Through annual auctions, golf tournaments and other events, Tubby and Donna have devoted much of their time and energy to assisting underprivileged children in Kentucky through their foundation.

I am proud to have Coach Smith represent the great Commonwealth of Kentucky. He is a fantastic basketball coach and a prominent community leader. I ask my colleagues in the Senate to join me in congratulating him on receiving the 2003 Naismith College Basketball Coach of the Year Award.•

SOUTH DAKOTA STATE UNIVERSITY LADY JACKRABBITS

• Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the South Dakota State University Lady Jackrabbits. The Jackrabbits, under head coach Aaron Johnston and assistant coach Laurie Melum, won the National Division II Basketball Tournament against Northern Kentucky March 29 in St. Joseph, MO.

Coach Johnston's squad went through the 2002–2003 season with a school-record 32 wins against just three losses. The Jackrabbits entered the tournament with an impressive 32–3 mark and defeated Cal State-Bakersfield and Bentley before rallying to overtake Northern Kentucky, 65–50, for the first ever women's basketball national title.

The team was guided this season by the leadership provided by seniors Melissa Pater and Karly Hegge. Joining them were Jackrabbit juniors Stacie Cizek and Brenda Davis. All-tournament team member and NCAA Division II Elite Eight Most Outstanding Player Pater was joined on the all-tournament team by freshman Heather Sieler.

As Hegge told the Sioux Falls Argus Leader following the title victory, "After A.J. [Coach Aaron Johnston] first started coaching, he used the phrase, 'Don't stop believing.' That's what we tried to do, not stop believing and just keep on going." This title reflects that devotion and conviction South Dakota residents pride themselves on.

I want to acknowledge Dean Dr. Laurie Nichols, Athletic Director Dr. Fred Oien, Head Coach Aaron Johnston, Assistant Coach Laurie Melum, and Graduate Assistant Sheila Roux for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: seniors Melissa Pater and Karly Hegge; juniors Stacie Cizek and Brenda Davis; sophomores Stephanie Bolden, Megan Otte, Brooke Dickmeyer, Dianna Pavek, Shannon Schlagel, and Sarita DeBoer; and freshmen Heather Sieler and Christine Gilbert, for their hard work, dedication and commitment this season. Finally, I want to acknowledge the great work of team manager Laci Greenfield, and the hard-working efforts of cheerleaders Christina Bennett, Emmie Johnson, Eve Becker, Jill McClung, Julie Raeder, and Katie Jacobson.

Again, congratulations to the South Dakota State University Lady Jackrabbits on winning their first women's basketball national title.•

GEORGIAN SOLDIER SAVES CIVILIAN

• Mr. MILLER. Mr. President, today I share with my colleagues the story of a 3rd Infantry soldier, and a fellow Georgian, who risked his own life to save a civilian caught in the crossfire in Iraq. The following article was printed in the April 1 edition of the Atlanta Journal-Constitution.

Michael Carter wanted to talk about his son, CPT Chris Carter, 31, whose heroic rescue of an Iraqi woman flashed across the newswires Monday, but the batteries on his cordless phone were running down.

"I didn't know about it until the phone rang this morning," he said Monday afternoon, adding that it hadn't stopped ringing since.

Constant phone calls kept him from logging on to the Internet and reading about Chris, commander of A Company, part of the 3rd Battalion, 7th Regiment of the 3rd Infantry Division (Mechanized).

"I've been so busy with phone calls, I have not had time to download it," said Carter, 63.

He and his wife Shirley, 60, live in Watkinsville, where Chris grew up and attended Oconee County High School. On Monday pretty much everyone in Watkinsville wanted to call and congratulate the family.

Chris was an ROTC student at the University of Georgia and a member of the Georgia Army National Guard. He was commissioned as an officer, trained with the 82nd Airborne Division and took the mountain section of his wilderness training with the 5th Ranger Training Battalion's Camp Merrill, near Dahlonega.

Of medium height and a stocky build, Carter loves to hunt, fish, and sing Hank Williams, Jr. songs, said his girlfriend, Amanda Cofer, 24, an assistant to State Senators Mitch Seabaugh and Dan Moody.

Carter distinguished himself Monday when he left his Bradley fighting vehicle and dashed out on a bridge during a firefight outside of Hindiyah, to try to bring an Iraqi woman to safety.

An Associated Press account of the rescue began with Carter saying, "We've got to get her off that bridge" and then determining to save her.

The woman had apparently tried to race across the bridge when the Americans arrived, but was caught in the crossfire.

Soldiers who had spotted her through the smoke at first thought she was dead, as was a man sprawled in the dust nearby. But the woman sat up and waved for help during breaks in the gunfire.

According to AP reporter Chris Tomlinson's account, Carter "ordered his Bradley armored vehicle to pull forward while he and two men ran behind it. They took cover behind the bridge's iron beams.

"Carter tossed a smoke grenade for more cover and approached the woman, who was crying and pointing toward a wound on her hip. She wore the black chador, common among older women in the countryside. The blood soaked through the fabric, streaking the pavement around her.

"Medics placed the woman on a stretcher and into an ambulance; Carter stood by, providing cover with his M16A4 rifle. Then she was gone, and Monday's battle for this town of 80,000, 50 miles south of Baghdad, raged on."

When Carter's girlfriend, Cofer, heard about the rescue, her first thought was, "Get back in the vehicle!" she said.

Cofer and Carter met last October during a victory celebration in Buckhead after the Georgia Bulldogs beat the University of Kentucky in football. "I knew immediately he was a special person," she said. Carter was deployed to Kuwait the next month.

"He is the kind of man every parent in America would be glad to have as a son," said Carter's father, who is retired from the Environmental Protection Agency.

Though the Carters haven't heard from their son for 3 weeks, they keep up with him through the news.

"We have more current information on him than any other parent in the United States," said the father, adding that Carter's vehicle has been host to an embedded reporter during much of the campaign. "Every day since he's been over there he's been in some newspaper. The next best thing to being able to talk to him personally has been to read the papers."

Carter then excused himself to answer the door. Television cameramen were ringing the bell.•

THE KIWANIS CLUB OF DEARBORN ON THE CELEBRATION OF THEIR 75TH ANNIVERSARY

• Mr. LEVIN. Mr. President, today it is my pleasure to congratulate the Kiwanis Club of Dearborn, MI for 75 years of distinguished service addressing the needs of children, seniors, and the disadvantaged throughout the Dearborn community and my home State of Michigan.

As a member of Kiwanis International, the Kiwanis Club of Dearborn is part of a larger organization that holds community service at its core. Since its founding in 1915, Kiwanis International has united individuals to respond to the changing needs of their communities. Kiwanis groups promote awareness of vital issues such as child health and development, literacy, substance abuse, and senior care. Kiwanis Clubs nationwide take practical steps to respond to these concerns through volunteer service projects and fundraising. Today, the Kiwanis family includes 500,000 members in over 80 countries.

Since 1928, the Kiwanis Club of Dearborn has taken an active role in performing community service. Through their annual "Peanut Sale" fundraiser, the Kiwanis Club of Dearborn has generated thousands of dollars each year for charity organizations. Recipients of the money raised at this benefit include Children's Hospital, the Salvation Army, the DeSales School for the Deaf, the Hemophilia Foundation, and the Special Olympics. This year, the club raised a record $54,000, a sum which has earned them recognition as a leader in fundraising initiatives. Furthermore, the club can be commended for donating all moneys raised to charity, due to the absence of administrative costs. The Kiwanis Club of Dearborn also produces "Kiwani Talk," a television show that informs viewers of services available to the public. In the past 10 years, this program has aired 500 episodes relaying pertinent information to the community. The emergence of two additional clubs, the Outer Drive Kiwanis Club and the East Dearborn Kiwanis Club, is testament to the commitment of the Kiwanis Club of Dearborn to continued community service and the appeal of their message.

I am confident that my Senate colleagues will join me in thanking the Kiwanis Club of Dearborn for their 75 years of service dedicated to improving the lives of many in the Dearborn community. Their dedication to community service is an inspiring example of human kindness and selflessness. We wish them continued success as they work to make our communities better places to live.•

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1166. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

H.R. 1208. An act to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes.

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 58. concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305, 508 of the House amendments, and modifications committed to conference: Mr. HOEKSTRA; MR. GINGREY; and Mr. HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference: Mr. YOUNG of Alaska; Mr. PETRI; and Mr. MATHESON.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1208. An act to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office," to the Committee on Governmental Affairs.

The following bill was read, and referred as indicated:

H.R. 1166. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 58. Concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1729. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Boothville, Anchorage, Venice, LA (CGD08–02–017)" received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1730. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 4 Regulations) [CGD08–03010] [CGD08–03–012] [CGD07–03–31] [CGD1–03–019] (1625–AA09)(2003–0001)" received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1731. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 3 regulations) [COTP Pittsburgh 02–0] [COTP Los Angeles-Long Beach 02–005] [COTP Western Alaska 02–001] (1625–AA00)(2003–0002)" received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1732. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 4 Regulations) [COTP Los Angeles-Long Beach 03–001] [COTP San Francisco Bay 03–003] [COTP San Diego 03–003] [COTP Tampa 03–006] (1625–AA00) (2003–0001)" received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1733. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft (2137–AD29)" received on March 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1734. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extension of Computer Reservations Systems Regulations (2105-AD24)" received on March 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1735. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework 15 to the Atlantic Sea Scallop Fishery Management Plan (0648–AQ28)" received on March 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1736. A communication from the Associate Deputy Assistant Administrator, National Oceanic and Atmospheric Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Announcement of Funding Opportunity to Submit Proposals for the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) Program FY2004 (0648–ZB12)" received on March 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1737. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a Bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2004, 2005, 2006 and 2007 and for other purposes, received on March 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1738. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rotable Spare Parts; Capitol Expenditures (Rev. Rul. 2003–37)" received on March 26, 2003; to the Committee on Finance.

EC–1739. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: All Industries—Section 302/318 Basis Shifting Transactions" received on March 26, 2003; to the Committee on Finance.

EC–1740. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Civil Cause of Action for Violation of Section 362 or Section 524 of the Bankruptcy Code (RIN1545–AY08)(TD 9050)" received on March 26, 2003; to the Committee on Finance.

EC–1741. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] (RIN1545–BA36)(1545–AW92)" received on March 24, 2003; to the Committee on Finance.

EC–1742. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2003 (Rev. Rul. 2003–33)" received on March 24, 2003; to the Committee on Finance.

EC–1743. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rules for Determination of Basis of Partners's Interest; Special Rules (RIN1545–BA50)(TD9049)" received on March 24, 2003; to the Committee on Finance.

EC–1744. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Business Disaster Grant Payments (Notice 2003–18)" received on March 18, 2003; to the Committee on Finance.

EC–1745. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2003 (Rev. Rul. 2003–35)" received on March 24, 2003; to the Committee on Finance.

EC–1746. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2003 (Rev. Rul. 2003–35)" received on March 24, 2003; to the Committee on Finance.

EC–1747. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911 Waiver Rev. Proc. 2002-update (Rev. Proc. 2003–26)" received on March 24, 2003; to the Committee on Finance.

EC–1748. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the report of a Bill to amend the Railroad Retirement Act to solve several technical problems that have arisen in connection with the establishment of and actions by the National Railroad Retirement Investment Trust, received on March 24, 2003; to the Committee on Finance.

EC–1749. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the establishment of Danger Pay to U.S. Government Civilian Employees in Kuwait, received on March 24, 2003; to the Committee on Foreign Relations.

EC–1750. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report covering defense Articles and Services that were licensed for Export; to the Committee on Foreign Relations.

EC–1751. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Approval Under Sections 110 and 112(I); State of Kansas (FRL7471–9)" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1752. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri (FRL7471–6)" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1753. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Water for Sustainable Cities in China Project" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1754. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Minor Clarification of National Primary Drinking Water Regulation for Arsenic (FRL7472–5)" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1755. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Uses of Certain Chemical Substances (FRL 6758–7)" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1756. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania Construction, Modification and Operation Permit Programs (FRL 7474–2)" received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1757. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas; California—Indian Wells Valley PM10 Nonattainment Area (FRL7461–5)" received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1758. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana (FRL7470–7)" received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1759. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus pumilus GB 34; Exemption from the Requirements of a Tolerance (FRL7286–9)" received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1760. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Ground Level Ozone: Compilation of States' Recommendations and Initial Regional Office Responses on Areas That Are Not Attaining the 8-hour Ground-Level Ozone National Ambient Air Quality Standards: Guidance Memorandum"; to the Committee on Environment and Public Works.

EC–1761. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Rubber Tire Manufacturing: Air Toxins Rule: Amendments"; to the Committee on Environment and Public Works.

EC–1762. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Rubber Tire Manufacturing: Air Toxins Rule: Fact Sheet"; to the Committee on Environment and Public Works.

EC–1763. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Radiation Exposure Reports: Labeling Personal Information (RIN3150–AH–07)" received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1764. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards (2125–AE78)" received on March 26, 2003; to the Committee on Environment and Public Works.

EC–1765. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report submitting legislation which authorizes appropriations for fiscal year 2004, received on March 25, 2003; to the Committee on Environment and Public Works.

EC–1766. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the 2003 report on National Defense Stockpile (NDS) requirements; to the Committee on Armed Services.

EC–1767. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the Conference Report to accompany the Bob Stump National Defense Authorization Act for Fiscal Year 2003, received on March 26, 2003; to the Committee on Armed Services.

EC–1768. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant to law, the report relative to outreach to Gulf War veterans, received on March 27, 2003; to the Committee on Armed Services.

EC–1769. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report relative to proposed legislative initiatives to be included in the National Defense Authorization Act for Fiscal Year 2004, received on March 27, 2003; to the Committee on Armed Services.

EC–1770. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS Appeals and Hearings Procedures; Formal Review (Administrative Corrections) (0720–AA74)" received on March 27, 2003; to the Committee on Armed Services.

EC–1771. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report relative to certification that Kazakhstan and Ukraine are committed to the courses of action described in section 1203 (d) of the Cooperative Threat Reduction Act of 1993, received on March 25, 2003; to the Committee on Armed Services.

EC–1772. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Security Requirements for Officers and Transporters of Hazardous Materials (2137–AD67)" received on March 25, 2003; to the Committee on Armed Services.

EC–1773. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report of the Department of Defense 2002 inventory of activities that are not inherently governmental functions, received on March 27, 2003; to the Committee on Governmental Affairs.

EC–1774. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Performance Report for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1775. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Federal Trade Commission's Office of Inspector General (OIG) Semiannual report for the period ending September 30, 2002, received on March 27, 2003; to the Committee on Governmental Affairs.

EC–1776. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Securities and Exchange Commission's combined Governmental Performance and Results Act Annual Performance Report for fiscal year 2002 and the Annual Performance Plan for fiscal year 2004, received on March 27, 2003; to the Committee on Governmental Affairs.

EC–1777. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report relative to summarizing the disposition of sixteen cases in which I granted equitable relief during calendar year 2002, received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1778. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Seventh Report describing the administration of the Montgomery GI Bill (MGIB) educational assistance program, received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1779. A communication from the Deputy General Counsel, Veterans Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Homeless Providers Grant and Per Diem Program (2900–AL30) (Interim Final Rule)" received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1780. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Surface Sanitizing Solutions): Withdrawal of Direct Final Rule (FRL 7299–4)" received on March 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1781. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-Metolachlor; Pesticide Tolerance (FRL7299–8)" received on March 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1782. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report to Congress of the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1783. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1784. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal

Rules of Evidence that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1785. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal Rule of Civil Procedure, received on March 27, 2003; to the Committee on the Judiciary.

EC–1786. A communication from the Chief Financial Officer, Paralyzed Veterans of America, transmitting, pursuant to law, the report of the Audited Financial Statement for the fiscal year 2002; to the Committee on the Judiciary.

EC–1787. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to amending section 41.107(c)(1) of Part 22 of the Code of Federal Regulations, received on March 20, 2003; to the Committee on the Judiciary.

EC–1788. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report of a draft bill to create additional Article III judgeships and convert temporary judgeships to permanent judgeships in the U.S. court of appeals and district courts, received on March 26, 2003; to the Committee on the Judiciary.

EC–1789. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107–296 (RIN1140–AA00)" received on March 25, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 762. An original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes (Rept. No. 108–33).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 380. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 106–48 Joint Convention on Safety of Spent Fuel and Radioactive Waste Management (Exec. Rept. No. 108–5)]

Text of the Resolution of Ratification as Reported by the Committee on Foreign Relations

Resolved (two-thirds of the Senators present concurring therein).

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 106–48), subject to the conditions of section 2.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management is subject to the following conditions, which shall be binding upon the President:

(1) Commitment to request and review reports—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will:

(A) request copies of all national reports submitted pursuant to Article 32 of the Convention; and

(B) comment in each review meeting held pursuant to Article 30 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 32 of the Convention by a Contracting Party that is receiving United States financial or technical assistance relating to the improvement of its nuclear and radiological safety and security practices.

(2) Complete review of information by the legislative branch of government.—

(A) Understanding.—The United States understands that neither Article 36 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 36 of the Convention.

(B) Protection of information.—The Senate understands that the confidentiality of information provided by other Contracting Parties that is properly identified as protected pursuant to Article 36 of the Convention will be respected.

(C) Certification.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other Contracting Party pursuant to Article 32 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 30 of the Convention, of any report or document submitted by any other Contracting Party.

(D) Reports to Congress.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear and radiological safety and security has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each Contracting Party that is receiving United States financial or technical assistance relating to nuclear or radiological safety or security improvement—

(I) a list of all nuclear facilities within the country, including those installations operating, closed, and planned, and an identification of those nuclear facilities where significant corrective action is found necessary by assessment;

(II) a review of all safety or security assessments performed and the results of those assessments for existing nuclear facilities;

(III) a review of the safety and security of each nuclear facility using facility-specific data and analysis showing trends of safety or security significance and illustrated by particular issues at each facility;

(IV) a review of the position of the country as to the further operation of each nuclear facility in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety and security of nuclear facilities;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear or radiological safety or security improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear facility, and the amount intended for expenditure by the United States on each such facility in the future.

(3) Treaty interpretation.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) Appropriate committees of Congress.—The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Contracting party.—The term "Contracting Party" means any nation that is a party to the Convention.

(3) Convention.—The term "Convention" means the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 1060948).

(4) Nuclear facility.—The term "nuclear facility" has the meaning given the term in Article 2(f) of the Convention.

(5) United states instrument of ratification.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Ms. CANTWELL, and Ms. COLLINS):

S. 749. A bill to authorize the Secretary of the Interior to establish the Votes for Women's History Trail in the State of New York; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. ALLEN, Mr. BREAUX, Mr. WARNER, Mr. AKAKA, Mr. BENNETT, Mrs. LINCOLN, Ms. COLLINS, Mr. HOLLINGS, Mr. CHAFEE, Mr. FITZGERALD, Ms. LANDRIEU, Mr. BROWNBACK, Mr. CAMPBELL, Mr. HAGEL, Mr. ROBERTS, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE):

S. 750. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. CAMPBELL, Mr. BINGAMAN, Mr. INOUYE, and Mr. AKAKA):

S. 751. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 752. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. BAUCUS, and Mr. GRASSLEY):

S. 753. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 754. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. HATCH, Mr . THOMAS, Mrs. LINCOLN, and Mr. ROCKEFELLER):

S. 755. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. GREGG):

S. 756. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. GRAHAM of South Carolina, Mr. MCCAIN, and Mr. ALLEN):

S. 757. A bill entitled the "Guard and Reserve Commanders Pay Equity Act"; to the Committee on Armed Services.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DODD, Mr. ALLEN, Mrs. CLINTON, Mr. HARKIN, and Mr. AKAKA):

S. 758. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. ALLARD, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSON, Mr. LEAHY, Mr. DORGAN, and Mr. JEFFORDS):

S. 759. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. LEAHY):

S. 760. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 761. A bill to exclude certain land from the John H. Chafee Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. STEVENS:

S. 762. An original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS):

S. Res. 102. A resolution recognizing the 40th anniversary of the sinking of the U.S.S. *Thresher* (SSN 593); considered and agreed to.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 202

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 385

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 385, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes.

S. 413

At the request of Mr. NICKLES, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 413, a bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 544

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 554

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 554, a bill to allow media coverage of court proceedings.

S. 558

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 558, a bill to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 652

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 664

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 669

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 669, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 684

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 705

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 705, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 706

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 706, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 709

At the request of Mrs. DOLE, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 711

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 711, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 712, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 718, a bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

S. 718

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 718, supra.

S. 721

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS), the Senator from Alaska (Mr. STEVENS), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. CON. RES. 6

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Daniel "Chappie" James, the Nation's first African-American four-star general.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 27

At the request of Mr. BOND, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 27, a concurrent resolution urging the President to request the United States International Trade Commission to take certain actions with respect to the temporary safeguards on imports of certain steel products, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 31

At the request of Mr. LUGAR, his name was added as a cosponsor of S. Con. Res. 31, supra.

AMENDMENT NO. 429

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 429

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Ms. CANTWELL, and Ms. COLLINS):

S. 749. A bill to authorize the Secretary of the Interior to establish the Votes for Women's History Trail in the State of New York; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, today, I am introducing the Votes for Women's History Trail Act today in honor of Women's History Month. I recognize that this is a very difficult time in the history of our country. Our brave soldiers are putting their lives on the line in a war halfway around the world. At times like this it is important to remember our pioneers, the people who fought for equality and liberty for all Americans. Their courage should serve as an inspiration at troubling times like these.

The Votes for Women's History Trail Act would create a moving memorial to the women's suffrage movement in upstate New York, home to many of the most notable figures and events in the fight for women's suffrage. The Women's Rights movement began in 1848 when the first Women's Rights Convention occurred in Seneca Falls, NY. Although this convention was planned on very short notice, more than 300 people descended on Seneca Falls to challenge the subordination of women to men and call for equal rights.

After the Seneca Falls convention, the women's movement, lead in large part by Elizabeth Cady Stanton and Susan B. Anthony, continued their efforts to break down barriers for women. At times, they suffered major setbacks. Susan B. Anthony was arrested when she tried to vote by claiming that the 14th amendment entitled her to as a "citizen." In 1875, the United States Supreme Court upheld the decision, forcing the women's movement to pursue a different strategy. They were undeterred and launched statewide campaigns for voting rights for women. Their efforts eventually paved the way for the passage of the 19th amendment in 1920—72 years after the first Women's Rights Convention.

These pioneers believed that women ought to be full and equal partners in the social, cultural, religious, economic, educational, and political life. To a large degree, their vision has been realized. But the journey is not complete. Women still earn only $.73 for every dollar earned by men. They are still underrepresented in the highest levels of virtually every occupation and field, including the United States Congress.

The Votes for Women's History Trail Act would create a fitting tribute to this critical period in our history and to the people whose strength and clarity of vision led us through the journey. For young children and older Americans alike, it would serve as an important reminder of how very far we have come.

The National Park Service has already conducted a feasibility study about this trail. Their study concluded that the Votes for Women's History Trail is of historical value, national significance, and possesses significant potential for public use and enjoyment. The study examined over 300 properties and narrowed the list to 20 of the most significant and easily accessible to the public.

I am proud to introduce this bill on behalf of Senators SCHUMER, FEINSTEIN, LANDRIEU, CANTWELL, MURRAY, and STABENOW. I look forward to working with them and so many of my other colleagues to make the Votes for Women's History Trail a reality.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. ALLEN, Mr. BREAUX, Mr. WARNER, Mr. AKAKA, Mr. BENNETT, Mrs. LINCOLN, Ms. COLLINS, Mr. HOLLINGS, Mr. CHAFEE, Mr. FITZGERALD, Ms. LANDRIEU, Mr. BROWNBACK, Mr. CAMPBELL, Mr. HAGEL, Mr. ROBERTS, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE):

S. 750. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I rise today to introduce an important piece of legislation, which will have a tremendous impact on the lives of blind people throughout the country. In 1996, with the passage of the Senior Citizens Freedom to Work Act, Congress broke the historic 20-year link between blind people and senior citizens in regards to the Social Security earnings. Previously, that linkage to earnings limits helped many blind people become self-sufficient and productive members of society.

The Senior Citizens Freedom to Work Act raised the earnings limit for seniors, without giving blind people the same opportunity. My intent when I sponsored that legislation was not to break the link between blind people and the senior population. Since then, I have worked with a bipartisan group of senators, in the spirit of fairness, to ensure that the blind population receives a raise in earnings limits, similar to that afforded to seniors under the 1996 Act. We must not continue policies which discourage blind individuals from working and contributing to our nation. I believe we should provide blind people with the opportunity to be productive and "make it" on their own.

Today I am joined by my good friend Senator DODD, and a bipartisan group of senators, in introducing the Blind Empowerment Act of 2003. This bill is similar in purpose to the Blind Person's Earnings Equity Act, which I sponsored in previous Congresses. Over a five year period of time, the Blind Empowerment Act raises the earnings exemption for blind persons to afford them with greater flexibility to achieve their professional and personal goals, without sacrificing Social Security benefits.

The earnings test treatment of our blind and senior populations historically has been identical. From 1977, blind persons and senior citizens shared the identical earnings exemption threshold under Title II of the Social Security Act. The earnings limit for the blind is currently $1,330 a month for fiscal year (FY) 2003, had the link not been broken in the Senior Citizens Freedom to Work Act, it would be $2,560 today. Senior citizens are now given unlimited opportunity to increase their earnings without losing a portion of their Social Security benefits. The blind, however, have been left behind.

The Social Security earnings test imposes as great a work disincentive for blind people as it once did for senior citizens. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals because many blind beneficiaries are of working age and are capable of valuable and productive work.

Blindness is often associated with adverse social and economic consequences. Many blind individuals who desperately want to work encounter enormous obstacles to achieve sustained employment or any employment at all. They take great pride in being able to work and contribute to society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and an incentive for blind people to enter the work force. By not allowing blind individuals the opportunity to increase their earnings, as we have for senior citizens, we are now taking that hope away from them.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and purchasing power allowing the blind to make a greater contribution to the general economy. In addition, encouraging blind individuals to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the federal Treasury.

I hope that this Congress will finally address issues regarding the overall structure of the Social Security system and work towards solutions that will strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring the Blind Empowerment Act of 2003, to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our Nation would be better served if we restore hope for the blind and provide them with the freedom, opportunities and fairness afforded to our Nation's seniors.

I ask unanimous consent that the text of the Blind Empowerment Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the "Blind Empowerment Act of 2003".

SEC. 2. INCREASE IN AMOUNT DEMONSTRATING SUBSTANTIAL GAINFUL ACTIVITY IN THE CASE OF BLIND INDIVIDUALS.

Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended—

(1) by striking the second sentence of subparagraph (A); and

(2) by adding at the end the following new subparagraph:

"(C)(i) No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of monthly earnings in any taxable year that do not exceed an amount equal to—

"(I) in the case of earnings in the taxable year beginning after December 31, 2002, and before January 1, 2004, $1,330 per month;

"(II) in the case of earnings in the taxable year beginning after December 31, 2003, and before January 1, 2005, $1,720 per month;

"(III) in the case of earnings in the taxable year beginning after December 31, 2004, and before January 1, 2006, $2,110 per month;

"(IV) in the case of earnings in the taxable year beginning after December 31, 2005, and before January 1, 2007, $2,500 per month; and

"(V) in the case of earnings in taxable years beginning after December 31, 2006, the dollar amount determined for purposes of this clause under clause (ii).

"(ii) The Commissioner of Social Security shall, on or before November 1 of 2006 and of every year thereafter, determine and publish in the Federal Register the monthly dollar amount for purposes of clause (i) in the case of taxable years beginning with or during the succeeding calendar year. Such dollar amount shall be the larger of—

"(I) the monthly dollar amount in effect under clause (i) for taxable years beginning with or during the calendar year in which the determination under this clause is made, or

"(II) the product of $2,500 and the ratio of the national average wage index (as defined in section 209(k)(1)) for the calendar year before the year in which the determination under this clause is made to the national average wage index (as so defined) for 2004,

with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such amount is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 2002.

Mr. DODD. Mr. President, I rise today with my colleague from Arizona, Senator JOHN MCCAIN, to reintroduce legislation that we've sponsored in the past, the "Blind Empowerment Act of 2003." This legislation would restore the 20-year link between blind people and senior citizens with respect to the Social Security earnings limit. It will have a tremendous impact on the lives of many blind people, helping them become more self-sufficient and productive members of society.

Today there are nearly 1.1 million Americans who are blind, with 75,000 more becoming blind each year. With today's technology, blind and visually-impaired individuals can do just about anything. Blind people today are employed as farmers, lawyers, secretaries, nurses, managers, childcare workers, social workers, teachers, librarians, stockbrokers, accountants, and journalists, among many other things. The Federal Government should do all within its power to facilitate and encourage the blind and visually-impaired to enter the workforce. Many public and private initiatives provide the technical advancement necessary to educate and employ the blind at the same level as their sighted peers. For example, the National Federation of the Blind, NFB, has created an institute to utilize technological advancements for the blind in an effort to promote employment of the blind throughout the nation. The NFB helps employers provide adaptive technology, consultation, and training so that they can better accommodate the needs of blind and visually-impaired employees.

In 1996, Congress passed the Senior Citizens Freedom to Work Act, which broke the longstanding linkage between the treatment of blind people and seniors under Social Security. This allowed the earnings limit to be raised for seniors, but not for the blind. As a result, blind people do not have the opportunity to increase their earnings without jeopardizing their Social Security benefits. In 2002, that limit was at $14,800. If a blind individual earns more than that, his or her Social Security benefits are not protected.

The purpose of the Senior Citizens Freedom to Work Act was to allow seniors to continue contributing to society as productive workers while still receiving social security benefits. Historically, the earnings test treatment of seniors and blind people has been identical under Title II of the Social Security Act. With this legislation, we must do the same for the blind population of America as we have done for the seniors. We must provide blind people the same opportunity to be productive and contribute to their own stability. We must not discourage these individuals from working.

The current earnings test provides a disincentive for the blind population, many of whom are working age and capable of productive work. Work provides one of the fundamental ways individuals express their talents and allow them to make a contribution to society and to their loved ones. Blind individuals face constant hurdles when it comes to employment. Parents, teachers, or counselors may tell them they can't do it. Employers sometimes don't even give them the opportunity to try. But blind people and others with severe visual impairments take great pride in being able to work, just like the rest of us. They are likely to respond favorably to an increase in the earnings test because they want to work. We don't want to create yet another hurdle to employment for blind individuals with the Social Security earnings test. By allowing those with visual impairments to work more without penalty, we would increase both their tax contribution and their purchasing power. By doing so we would also bring additional funds into the Social Security trust fund and the Federal Treasury.

I urge my colleagues to join me in sponsoring this important legislation to restore the fair and equal treatment for the blind citizens of America. The "Blind Empowerment Act of 2003" will provide the blind population with the same freedom and opportunities as our Nation's seniors and the rest of the citizens of this nation.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. CAMPBELL, Mr. BINGAMAN, Mr. INOUYE, and Mr. AKAKA):

S. 751. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am re-introducing the American Indian Welfare Reform Act, an important step in improving the lives of this country's Native Americans. I originally introduced this bill last year and worked to include important elements of it in the welfare reform reauthorization bill approved by the Finance Committee. Unfortunately, we did not finish work on welfare reform reauthorization. So I am again offering this bill, with some improvements based on advice from tribes and other experts. I am glad to be joined by Senators DASCHLE, JOHNSON, CAMPBELL, BINGAMAN, INOUYE, and AKAKA.

In 1996 we enacted a sweeping welfare reform law. It was a long past-due fundamental change and ended a failed system for helping low-income families in America. I was a strong supporter of that law. This year, we continue to work to reauthorize it. As we in the Finance Committee have reviewed the evidence I have been struck by how successful it has been. The ranks of those dependent on welfare in this country has been reduced by half in just five years. There is more to be done, of course. Child poverty has declined but not by as much as the fall in the welfare caseload, for example. I plan to work with my Finance Committee colleague Senator GRASSLEY on comprehensive legislation to renew and improve the 1996 law.

One often overlooked important aspect of the 1996 law is that it didn't just devolve authority to States—it also permitted Indian tribes to operate their own welfare programs for the first time. The new welfare program, Temporary Assistance for Needy Families, TANF, is very flexible. Tribes can take advantage of that flexibility to design culturally-appropriate programs to move people from welfare to work. This is smart policy and is consistent with the important value of tribal sovereignty. I support it.

My own State of Montana is home to several tribes and I have given much thought to how we can build upon the provisions of the 1996 welfare law to help them and their members. Too often in Montana—and elsewhere—poverty has an Indian face. The numbers are cold and hard. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. This is simply not right. We must do better. Welfare reform needs to work for everyone.

Luckily, the provisions of the 1996 law provide a good start. Now we must build upon them. The legislation I introduce today, the product of extensive dialogue and consultation, does that in several important ways.

First, more than 30 tribes—including the Confederated Salish-Kootenai and Fort Belknap tribes of Montana—have taken advantage of the opportunity to operate their own TANF programs. This bill contains provisions to help those tribes improve their programs. For example, under current law, tribes operating TANF are not eligible for the TANF high performance bonus or the TANF contingency fund while state TANF programs are. This oversight is rectified by this bill.

Second, there are many tribes interested in operating TANF programs who do not believe the current set-up allows them to do so. They want to exercise their sovereignty and adapt their program to better fit the needs of their people. We should help them do so. To that end, I propose creating a new grant fund to improve tribal governmental capacity. We have funded State administrative capacity for decades, helping States buy computer systems and train workers. We should do the same for tribal human services administration. Under this bill, a tribe which wants to operate TANF but needs to upgrade its computers to do it could receive the funding it needs—which will enable it to take over TANF.

Third, there are some tribes not interested in running a TANF program or a long time from being able to do it. Their low-income families will continue to receive assistance from State programs. I have included provisions to facilitate State-tribe dialogue in these cases so that the state can better understand the unique circumstances of each Indian reservation. There is also an important provision to allow States the same flexibility in designing welfare-to-work programs on high unemployment reservations that tribes gain when they operate TANF programs. We must ensure all Indian families are able to get help when they need it.

Finally, there is the all-important issue of economic development. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates "significantly" higher than average. Welfare reform is about moving people to work. On most of our Indian reservations there is simply far too little work to be had. Like everyone else, Indians want to work. We need to do better in giving them the opportunity.

This legislation provides tribes with an expanded authority to issue bonds, which will encourage additional economic activity on reservations, such as housing construction. This means more jobs, as well as a better quality of life. It also includes grants to help tribes improve their own economic development strategies. Tribes with uniform commercial codes and effective microenterprise programs can see more business activity on their lands. This bill helps tribes helps themselves. We need to let Indians find their own way to prosperity, not impose top-down strategies. But we must make sure they have the tools to get there.

This is an important bill. It includes other key provisions. One is a fine bill originally introduced by Senators DASCHLE and MCCAIN to allow tribes to receive direct Federal reimbursement for operating foster care programs. Another provision funds research on tribal welfare reform programs so we can learn what works as well as providing funds for "peer-learning" so that tribes can learn from one another. I am a strong supporter of welfare reform. We need to make sure it works for everyone. This bill does that.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE AMERICAN INDIAN WELFARE REFORM ACT

I. FINDINGS

The Federal Government bears a unique trust responsibility for American Indians. Despite this responsibility, Indians remain remarkably impoverished. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. In some states with substantial Indian populations the welfare caseload has become increasingly Indian because some Indians face substantial barriers in moving from welfare to work. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates "significantly" higher than average. Further, many

Indian tribes are located in isolated rural areas, far from economic opportunity. Tribal Temporary Assistance for Needy Families, TANF, programs have demonstrated remarkable success in moving Indians from welfare to work. Tribal governments have not been afforded equal opportunity to administer foster care and adoption assistance programs. Welfare reform has not brought enough change to Indian Country.

II. THE TRIBAL TANF IMPROVEMENT FUND

The 1996 welfare reform law permits tribes to opt to operate their own Temporary Assistance for Needy Families, TANF, programs. A new Tribal TANF Improvement Fund of $500 million, to be available for 5 years, would be created to build upon these programs and allow more tribes to start them. It would have four parts:

Tribal Capacity Grants. State governments have benefitted from decades of federal investment in their administrative capacity, particularly in their information management systems. $185 million of the Fund would be reserved for grants to improve tribal human services program infrastructure, with a priority for management information systems and training. Tribes applying to operate TANF would be given priority. Tribes already operating TANF, applying to operate IV-E foster care programs with direct federal funding, and operating the new consolidated tribal job training program would also be eligible for grants. HHS would be required to assure that tribes of all sizes received funding and to maximize the number of tribes which receive funding. Tribes would be eligible for one grant per year.

Adjusted Tribal TANF Grants. Tribes which take over operation of TANF often experience significant increases in caseload as poor families apply for help for the first time because they are more comfortable asking assistance from the tribe or simply because they are more able to access services. Yet tribal TANF allocations are based on estimates of Indians served by state programs in 1994, which can leave the tribe facing funding levels which are too low. To better support families in tribal TANF programs, $140 million of the fund would be reserved for grants to tribal TANF programs where the tribe can demonstrate it has a significantly higher true caseload than originally estimated. Tribes with cash assistance caseloads two years after beginning operation of a TANF program which are 20 percent higher than originally estimated would be eligible for additional funding. The funds would be allocated proportionate to a tribe's size and service population as well as the caseload increase, on the basis of a formula to be determined by HHS in consultation, by region, with tribes. The funding level would be $35 million per year, from FY 2004–2007.

Tribal TANF MOE Incentive. A key factor in tribes being able to operate TANF programs has been the willingness and ability of states to contribute funding as part of the broader state maintenance of effort, MOE, requirement. To encourage states to do this, up to an additional $160 million would be available for "rebates" of TANF funds to states which provide MOE support to tribal TANF programs. For each $1 in MOE funds provided, the federal government would provide an additional 50 cents in TANF funding to the state. If funding is insufficient, HHS would provide pro-rata funding to ensure each state contributing MOE receives a share of the incentive funds.

Technical Assistance. HHS would receive $15 million to provide technical assistance to tribes. At least $5 million of these funds would be reserved to support peer-learning programs among tribal administrators and at least $5 million would be reserved for grants to tribes to conduct feasibility studies of their capacity to operate TANF.

III. TRIBAL TANF HIGH PERFORMANCE BONUS AND CONTINGENCY FUND ACCESS

There are separate sources of funding within TANF that tribes do not have the ability to access. To better support tribal TANF programs, 3 percent of the current TANF "high performance" bonus—or $6 million/year—would be reserved for distribution to tribal TANF programs. The criteria would be determined by HHS through consultation with tribes, but should involve effectiveness in moving TANF recipients into employment and self-sufficiency. In addition, $50 million of the $2 billion TANF Contingency fund would be reserved for tribal TANF programs operating in situations of increased economic hardship. The criteria for tribal access to the Contingency Fund would also be determined by HHS through consultation with the tribes, but would include a worsening economic condition, loss of reservation employers, or a loss of state match funding. In addition, current restrictions on the use of "carryover" TANF funds would be eliminated, permitting tribes to spend prior year TANF funds with just as much flexibility as current year TANF funds.

IV. ECONOMIC DEVELOPMENT

There are four elements in the bill to stimulate more economic activity on economically-depressed reservations.

Expanded tribal authority to issue tax-exempt private activity bonds. Currently, tribes have a limited authority to issue private activity bonds for "essential" governmental functions and for certain manufacturing-related purposes. This provision would allow bonds to be used for residential rental properties and qualified mortgage bonds, spurring construction. In addition, tribes could allocate authority for financing businesses that would qualify as enterprise zone businesses if the reservation were a zone. All property financed would have to be on the reservation of the issuing tribal government and qualified tribal governments would have to have an unemployment rate of at least 20 percent. Casinos and certain other forms of businesses could not be financed by the bonds. The authority would be for calendar years 2004–2008, and up to $10 million total would be available for each qualifying tribe.

Tribal Development Grants. A key part of tribal economic development is the investment climate on the reservation. Tribes with clear legal codes and which encourage microenterprise activities are more likely to generate economic growth. To facilitate this, the Administration for Native Americans within HHS would receive $50 million to distribute in grants to tribes, tribal organizations and non-profit organizations to provide technical assistance to tribes in the areas of: Development and improvement of uniform commercial codes; creating or expanding small business or micro-enterprise programs; development and improvement of tort liability codes; creating or expanding tribal marketing efforts; for-profit collaborative business networks; and telecommunications.

Job Access and Reverse Commute Grants. A lack of transportation often hinders tribal economic development. To help address this need, tribes would be made directly eligible to receive Job Access and Reverse Commute grants from the federal Department of Transportation, which would permit tribes to pursue innovative TANF strategies around transportation. A tribal set-aside of 3 percent would be established in the program. Matching funds could be provided by tribes on an in-kind basis or with other federal funds, such as TANF.

Transportation Grants. A lack of transportation also often hinders individual Indians from moving from welfare-to-work. This need is particularly acute given the remote nature of many reservations. To assist Indians in acquiring reliable automobiles, a $10 million per year grant program would be created, beginning in FY 2004. Tribes would be given priority in receiving grants to create car ownership assistance programs. This program is based on a proposal originally put forward by Senator Jeffords.

V. TRIBAL JOB TRAINING PROGRAMS

There are currently two tribal job training programs, the NEW program and Welfare-to-Work grantees. To simplify and better co-ordinate programs, a new Tribal Employment Services Program, TESP, would be created in the Department of Labor by combining the two programs. It would be funded at $37 million annually and distributed to current Tribal NEW and Welfare-to-Work grantees as well as new applicants. TESP funds could be used for employment training efforts for those on, or at-risk of being on. public assistance. Tribes could also use the funds to assist non-custodial parents of children on, or at risk of being on, public assistance. To encourage state-tribal partnerships, TANF funds transferred to tribal TESP programs would be governed by TESP rules, not TANF rules. The bill also clarifies that the single plan, single budget, and single reporting requirements of PL 102–477 should be respected.

VI. TRIBAL CHILD CARE

The availability and quality of child care is basic to the success of welfare reform. Tribal welfare reform efforts are no exception. The tribal set-aside within the Child Care and Development Block Grant, CCDBG, would be increased to 5 percent to better support tribal welfare reform programs. HHS would be required to go through a negotiated rulemaking process, in consultation with tribal representatives, to determine an equitable allocation of the base funding among tribes. In addition, each tribe receiving CCDBG funding would develop their own health and safety standards, subject to approval of HHS. Tribal child care programs would have additional authority to use funds for construction and renovation.

VII. "EQUITABLE ACCESS"

Many American Indians are—and will continue to be—served by state TANF programs. States will be required to consult with tribes within their borders on TANF state plans. Under current law, states are required to provide "equitable access" to services for Indians. State and tribal TANF plans would be required to describe how "equitable access" is provided to encourage better State-tribal co-operation. HHS would also be required to include in the annual TANF report to Congress state-specific information on the demographics and caseload characteristics of Indians served by state TANF programs.

In addition, HHS would be required to convene a new advisory committee on the status of non-reservation Indians. Too little is known about how these Indians are faring. The committee is to make recommendations for ensuring these Indians receive appropriate assistance. The committee would include federal, state, and tribal representatives as well as representatives of Indians not residing on reservations. A majority of those on the committee would be representatives of Indians not residing on reservations. GAO would also be required to conduct a study of the demographics of Indians not residing on reservations, including economic and health information, as well as reviewing their access to public benefits.

VIII. "JOBLESSNESS"

As acknowledged by the 1996 welfare law, the federal time limit on assistance is not an appropriate policy on Indian reservations with severe unemployment. This provision would be adjusted so that the time limit will not apply during months where the joblessness is above 20 percent, provided that TANF recipients are not in sanction status. In addition, in these areas of high joblessness, states would have flexibility to define work activities required for TANF participants, provided the recipient is participating in activities in accordance with an Individual Responsibility Plan and the state has included information in its state plan describing its policies in Indian Country areas of high joblessness. Tribal TANF programs already have flexibility in work activity definition.

IX. ALASKA PROVISIONS

The 1996 limits the ability of tribes in Alaska to design and operate programs. These provisions involving differential treatment for Alaskan Natives, such as those requiring tribal TANF programs to be "comparable" to the state program, would be removed.

X. TRIBAL FOSTER CARE PROGRAMS

Due to a long-standing oversight, tribes are not allowed to receive direct federal reimbursement when they operate foster care programs to take care of abused and neglected children. The provisions of S. 331, the Daschle-McCain legislation to rectify this oversight and allow tribes to receive direct federal funding to operate foster care programs, are included.

XI. FOOD STAMPS, MEDICAID, AND SCHIP

Up to 10 tribes operating TANF programs could receive waivers to perform eligibility determinations and/or operate Food Stamps, Medicaid, and the State Children's Health Insurance Program, SCHIP, as well. Matching requirements could be waived but not program integrity requirements. In addition, the programs would remain consistent with state rules. However, tribes would be able to demonstrate their ability to operate these programs and to serve low-income Indian families better.

XII. CHILD SUPPORT ENFORCEMENT

HHS would be required to promulgate final regulations concerning tribal child support programs within one year of enactment. In addition, HHS would be required to submit a report to Congress on the most appropriate ways of including tribal programs in the methodology of determining child support incentive payments.

XIII. "BREAK THE CYCLE" DEMONSTRATION PROGRAM

Inter-generational poverty is a frequent occurrence on Indian reservations. In an effort to reach the children of TANF recipients, a "Break the Cycle" demonstration program would be created. Up to 10 tribes would receive grants to develop programs aimed at ensuring children of TANF recipients complete high school or receive G.E.D.s. The tribes would submit proposals involving mentoring, tutoring, altering TANF rules, or teen pregnancy prevention towards this goal, and could collaborate with States. It would be authorized at $20 million per year for FY 2005–2008.

XIV. SOCIAL SERVICES BLOCK GRANT (SSBG)

SSBG is an important source of flexible funding to address the needs of the elderly, disabled, and low-income families. But tribes do not currently receive SSBG funds. Under this bill, when funding for SSBG exceeds $2.4 billion in a year, $10 million plus 2 percent of all funds beyond $2.4 billion is reserved for tribes. All tribes operating social service programs would be eligible for a share. HHS is required to develop a distribution formula through a consultation process with the tribes.

XV. RESEARCH

While there have been a handful of important initial studies of welfare reform in Indian Country, much remains unknown about how it has impacted Native Americans. Therefore, $2 million would be provided to HHS for research on tribal welfare programs and efforts to reduce poverty among American Indians in general. These funds could also be used to assist tribes in collecting data. To expend the funds, HHS would first have to issue a planned course of research and consultation with the tribes. Research funding applicants which propose to include tribal governments and tribal colleges in their work would have priority.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 752. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Texas, Senator HUTCHISON to introduce legislation that will allow publicly traded partnerships to sell their stock to mutual funds so they can raise sufficient capital for new investments in pipelines and infrastructure. Because of current restrictions, publicly traded partnerships are hindered in their ability to sell their equity to mutual funds even though their equity is sold on public exchanges. The overwhelming majority of these partnerships are energy-related companies that need the ability to raise capital from mutual funds to build pipelines and other facilities. This legislation would be a strong shot in the arm for the economy as it encourages companies to begin new projects that are currently on hold for lack of capital. It also provides us with the ability to expand our pipeline network to meet our current demands for natural gas. I look forward to working with my colleagues to advance this important legislation.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill with Senator BINGAMAN that takes an important step toward modernizing the Internal Revenue Code.

Decades ago, investment companies which manage mutual funds were limited in the amount of income they could receive from investments in partnerships.

At the time, this restriction was established to address legitimate concerns and protect the interests of investors. Ownership interests in partnerships can be illiquid, so it is difficult to get one's money out of the investment. Partnerships are also not required to be transparent in their financial statements, so it could be difficult for investors to accurately assess a business

However, the world has changed. Some partnerships have been able to go public and offer shares on the stock markets, so the problem of liquidity is solved. By going public, they must meet much higher standards of financial transparency, including regularly publishing audited financial statements for investors. Currently, 50 publicly traded partnerships trade on major U.S. stock exchanges; 14 of these companies are headquartered in my home State, Texas.

Unfortunately, tax laws have not reflected this change in the business and financial worlds. Mutual funds are still restricted in how much they can invest in any partnership, including those that are publicly traded. This significantly impedes the ability of these companies to raise capital. It limits their ability to grow and create jobs.

Publicly traded partnerships play an important role in the economy. About half are in the energy sector, actively involved in building and operating infrastructure to gather, process and transport oil and natural gas. These partnerships also include timber and real estate companies. It is clear we need a healthy energy sector to ensure the availability of oil and gas at reasonable prices.

The bill Senator BINGAMAN and I introduce today will lead to a dramatic increase in the flow of capital to these companies. Mutual funds, which often purchase a majority of equity offerings, will be able to participate in stock offerings from publicly traded partnerships. This will expand the investor base and lower the cost of capital, ultimately helping to lower energy prices.

Our bill will also provide millions of investors an opportunity, through their mutual funds, to participate in another investment opportunity if their professional mutual fund managers believe it is an attractive investment.

It is wrong for the Federal Government to use the tax code to make decisions for investors. The bill we are introducing will modernize our tax laws so families can make their own financial planning decisions. This legislation will also provide an important source of capital for key areas of the economy. I hope my colleagues will support this long overdue improvement.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. BAUCUS, and Mr. GRASSLEY):

S. 753. A bill to amend the internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Tax Court Modernization Act. I am joined in this legislation by my colleague Senator BREAUX, and by the Chairman and Ranking Democrat of the Finance Committee, Senator GRASSLEY and Senator BAUCUS.

The United States Tax Court plays an important role in our tax system. However, it has been years since Congress has taken a good hard look at the Tax Court. This bipartisan piece of legislation will improve this Court in a number of ways, and I would like to take a moment to summarize some of its provisions.

First, the TCMA would make minor changes in the Tax Court's jurisdiction. These are small changes that will have a big impact on the Court's efficiency. For example, the bill would allow the Tax Court to hire employees on its own, just as other courts do. Currently, the Tax Court is forced to hire through the Executive Branch's Office of Personnel Management, entangling the executive power with the judicial power. Restoring the constitutional separation of powers in the hiring process will increase the independence of the Tax Court.

Second, the TCMA would improve the way that Tax Court judges receive retirement benefits and other non-salary benefits. I believe that Tax Court judges should be treated the same way that bankruptcy, Court of Federal Claims, and Article III judges are treated when it comes to fringe benefits.

Tax Court judges are often not provided with the same benefits as similarly appointed Article I and Article III judges. For example, Congress allows Article III, bankruptcy, and Court of Federal Claims judges to participate in the Thrift Savings Plan in addition to the Civil Service Retirement System, while Tax Court judges are ineligible to participate in this program. These disparities in the treatment of our Tax Court judges affect the Court's ability to attract and retain seasoned judges, as well as talented employees.

I have spent many years observing the Federal judiciary. I have spent many years trying to improve the Judicial Branch of our government and to make it the very finest court system the world has ever known. I look forward to working with my colleagues on the Senate Finance Committee on this important piece of legislation. I urge my colleagues, both on the Finance Committee and in the Senate as a whole, to support this legislation.

Mr. BAUCUS. Mr. President, I rise today to support the Tax Court Modernization Act. I am pleased to be an original cosponsor of this important legislation.

In 1969, Congress elevated the U.S. Tax Court as a Federal court of record under Article I of the Constitution of the United States.

Congress created the Tax Court to provide a judicial forum in which affected persons could dispute tax deficiencies determined by the Commissioner of the Internal Revenue Service prior to payment of the disputed amounts. That means that the Tax Court's jurisdictional requirements are, in part, a recognition that lower and middle income taxpayers cannot necessarily pay the tax deficiency before taking their dispute to court.

Congress also closely linked the legislation governing the Tax Court with the laws governing the Article III District Courts. Unfortunately, the Congress did not include the Tax Court in the changes made for Article III courts.

This legislation is designed to restore parity between the Tax Court and Article III courts, and to modernize their personnel and pension systems.

I also want to thank Senators BREAUX and HATCH for their efforts in moving this legislation forward. The Finance Committee intends to markup the Tax Court Modernization Act tomorrow. It is my hope that the Committee favorably reports the legislation. I also hope that, soon after Committee action, Majority Leader FRIST and Minority Leader DASCHLE bring the Tax Court Modernization Act to the floor for swift passage.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. THOMAS, Mrs. LINCOLN, and Mr. ROCKFELLER):

S. 755. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today Senator GRASSLEY and I are taking a significant step forward in our efforts to simplify the tax code. Today, we are introducing an important simplification legislation—the Uniform Definition of Child Act.

This legislation is based on the support of many for simplification in this area of the tax law. The President's FY 2004 budget, which was released on April 15, 2002, includes a simplification proposal to provide a uniform definition of a qualifying child. This is the first in a series of Department of Treasury "white papers" on simplification.

The concept of a uniform definition of qualifying child also enjoys support from the American Bar Association, the American Institute of CPAs, the Tax Executives Institute, the Internal Revenue Service's Taxpayer Advocate, and staff of the Joint Committee on Taxation.

Under current law, the complexity in this area is daunting. There are five commonly used provisions that provide benefits to taxpayers with children: the dependency exemption, the child credit, the earned income credit, the dependent care credit, and head of household filing status.

Each of the five provisions uses variations of four principal criteria to determine whether a taxpayer qualifies for applicable tax benefits with respect to a particular child: age of the child, relationship of the child to the taxpayer, residency of the child with the taxpayer, and the amount of financial support provided the child by the taxpayer.

Thus, a taxpayer is required to apply different definitions with respect to the same child when determining eligibility for these provisions. A taxpayer who qualifies with respect to a child for one provision does not necessarily qualify for another. As a result, publications, forms, instructions and schedules that are applicable to child related provisions number about 200 pages for the preparation of an individual income tax return.

A tremendous number of families are impacted by these Code provisions. For example, 44 million taxpayers claimed the dependency exemption in the 2001 tax year. The IRS also indicates that a significant portion of the issued math error notices are attributable to these five provisions of the Internal Revenue Code. In 1999, for example, 44 percent of the 7.6 million math error notices were attributable to these provisions—40 percent of the total math error notices were attributable the dependency exemption, the child tax credit and the earned income tax credit alone.

The legislation reduces complexity through reconciliation of the varying child definitions into a single definition for a "qualifying child." The uniform child definition generally establishes eligibility for all five tax benefits if the child meets the age requirements described below, a relationship requirement, and a residency requirement—i.e., the child has the same principal place of abode as the taxpayer for more than one-half the taxable year.

The residency requirement is an important departure from current law in which the child tax benefits frequently rely upon financial support tests which impose significantly higher administrative burdens in the form of additional record-keeping not otherwise required under the tax law. The legislation also preserves the tax rights of children who provide more than half of their own support by excluding those children from the uniform definition of a qualifying child.

The underlying policy objectives of the present law provisions are retained. For example, the legislation retains underlying policy by not adjusting the ages of qualification—i.e., under age for the dependent care credit, under age 17 for the child tax credit, and under age 19—or age 24 if a full-time student for the dependency exemption, the earned income tax credit, and head of household filing status.

The legislation applies a single relationship test to the varying Code sections. Significantly, the proposal retains current law as an alternative to the extent that a person does not meet the revised uniform child definition—e.g., an elderly parent can still be claimed for purposes of the dependency exemption.

Under the Uniform Definition of Child Act, there will be instances in which multiple taxpayers qualify with respect to a given child. To address this issue, the proposal extends the present law earned income credit tie-breaker rule to the other benefits for multiple eligible claimants. That rule awards the tax benefit (i) to a parent over a non-parent, (ii) to the parent with longer residency or the highest AGI if residency is not determinative between parents, and (iii) to the taxpayer with the highest AGI if all claimants are non-parents. Finally, the legislation continues to allow divorced or separated spouses to assign the dependency exemption and the child tax credit to non-custodial parents provided that certain support and residency tests are met.

Simplification of the tax code should be more than just rhetoric. It is time for us to put legislation behind our words. We intend to continue to look at other areas of the tax code in need of simplification.

Senator GRASSLEY and I also want to thank our Finance Committee colleagues, Senators HATCH, THOMAS and LINCOLN, for their support of the Uniform Definition of Child Act of 2003. Simplification of the tax laws for the families of our nation is not partisan, it is not political, it is simply common sense.

Mr. President, I ask unanimous consent that the Uniform Definition of Child Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniform Definition of Child Act of 2003".

SEC. 2. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

"(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

"(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

"(ii) the taxpayer is a citizen or national of the United States.

"(c) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

"(C) who meets the age requirements of paragraph (3), and

"(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

"(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

"(A) a child of the taxpayer or a descendant of such a child, or

"(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

"(3) AGE REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

"(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

"(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

"(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

"(i) the parent with whom the child resided for the longest period of time during the taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

"(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

"(A) A child or a descendant of a child.

"(B) A brother, sister, stepbrother, or stepsister.

"(C) The father or mother, or an ancestor of either.

"(D) A stepfather or stepmother.

"(E) A son or daughter of a brother or sister of the taxpayer.

"(F) A brother or sister of the father or mother of the taxpayer.

"(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support,

"(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

"(C) the taxpayer contributed over 10 percent of such support, and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

"(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

"(ii) the income arises solely from activities at such workshop which are incident to such medical care.

"(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

"(i) which provides special instruction or training designed to alleviate the disability of the individual, and

"(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

"(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

"(A) a child of the taxpayer, and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

"(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

"(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(e) SPECIAL RULE FOR DIVORCED PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

"(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and

"(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

"(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

"(A) a decree of divorce or separate maintenance or written agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

"(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

"(ii) the custodial parent will sign a written declaration that such parent will not claim such child as a dependent for such taxable year, and

"(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

"(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

"(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

"(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

"(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

"(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

"(1) CHILD DEFINED.—

"(A) IN GENERAL.—The term 'child' means an individual who is—

"(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

"(ii) an eligible foster child of the taxpayer.

"(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

"(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

"(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

"(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

"(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

"(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

"(5) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under section 151(c),

"(ii) the credit under section 24 (relating to child tax credit),

"(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

"(iv) the earned income credit under section 32.

"(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

"(6) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).".

SEC. 3. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

"(I) is married at the close of the taxpayer's taxable year, and

"(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or".

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

"(i) subparagraph (H) of section 152(d)(2), or

"(ii) paragraph (3) of section 152(d).".

SEC. 4. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking "In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))" and inserting "In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual".

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) Qualifying individual.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

"(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.".

(c) Conforming Amendment.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) Place of abode.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

SEC. 5. MODIFICATIONS OF CHILD TAX CREDIT.

(a) In General.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) In general.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.".

(b) Conforming Amendment.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking "the first sentence of section 152(b)(3)" and inserting "subparagraph (A) of section 152(b)(3)".

SEC. 6. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) Qualifying Child.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) Qualifying child.—

"(A) In general.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

"(B) Married individual.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

"(C) Place of abode.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

"(D) Identification requirements.—

"(i) In general.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

"(ii) Other methods.—The Secretary may prescribe other methods for providing the information described in clause (i).".

(b) Conforming Amendments.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking "(3)(E)" and inserting "(3)(C)".

(3) Section 32(m) of such Code is amended by striking "subsections (c)(1)(F)" and inserting "subsections (c)(1)(E)".

SEC. 7. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) Additional Exemption for Dependents.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year."

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking "paragraph (2) or (4) of" in subparagraph (A), and

(B) by striking "within the meaning of section 152(e)(1)" and inserting "as defined in section 152(e)(3)(A)".

(2) Section 21(e)(6)(B) of such Code is amended by striking "section 151(c)(3)" and inserting "section 152(f)(1)".

(3) Section 25B(c)(2)(B) of such Code is amended by striking "151(c)(4)" and inserting "152(f)(2)".

(4)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking "paragraphs (1) through (8) of section 152(a)" both places it appears and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(B) Section 51(i)(1)(C) of such Code is amended by striking "152(a)(9)" and inserting "152(d)(2)(H)".

(5) Section 72(t)(7)(A)(iii) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(6) Section 129(c)(2) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(7) The first sentence of section 132(h)(2)(B) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(8) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(9) Section 170(g)(3) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(10) The second sentence of section 213(d)(11) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(11) Section 529(e)(2)(B) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(12) Section 2032A(c)(7)(D) of such Code is amended by striking "section 151(c)(4)" and inserting "section 152(f)(2)".

(13) Section 7701(a)(17) of such Code is amended by striking "152(b)(4), 682," and inserting "682".

(14) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(15) Section 7703(b)(1) of such Code is amended—

(A) by striking "151(c)(3)" and inserting "152(f)(1)", and

(B) by striking "paragraph (2) or (4) of".

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 2003.

By Mr. THOMAS (for himself and Mr. Gregg):

S. 756. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Finance.

Mr. THOMAS: Mr. President, I am pleased to rise to introduce legislation with my distinguished colleague from New Hampshire, Mr. Gregg. Specifically, the bill we offer today would amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions. Current restrictions built into the law decades ago prevent small manufacturers from realizing the full financial benefit from these bonds.

The manufacturing sector is a key component of the U.S. economy. It was particularly hard-hit in the most recent recession and continues to struggle. More than two million high-wage, quality jobs have been lost. These losses occurred in both large and small manufacturing facilities. Reversing the decline is critical for our Nation's economic well-being.

This bill targets a problem faced by many small manufacturers: the lack of investment capital. These manufacturers need access to financial resources to build, to grow, to employ new workers and to survive. One of the lowest-cost capital investment options currently available is tax-exempt Industrial Development Bonds or IDBs. These bonds are issued by state governments throughout the country and provide an excellent financial resource for companies looking to build or expand their manufacturing facilities.

The maximum IDB available for qualified projects was set in 1978 at $10 million. The purchasing power of that amount has declined by more than fifty percent over time, severely reducing the effectiveness of this financial tool. In addition, the ten million dollar ceiling is subject to a dollar reduction for other funding used in the project. These limits create a significant and unnecessary barrier. To help small manufacturers and acknowledge the technological advances made in the past 25 years, it is time to change the law.

This bill makes the necessary changes to ensure that the law reflects economic realities. It increases the bond cap and capital expenditure amounts from ten to twenty million dollars. An inflation adjuster is added to avoid a similar reduction in purchasing power in the future. Finally, we would expand the definition of manufacturing facilities to capture new technologies, namely biotech and software production.

Many factors are responsible for the current decline in the manufacturing sector. Our bill will not solve all the problems, but it does break down the capital investment barrier facing many small manufacturers. These businesses, and the communities in which they are located, need our help. This proposal will go a long way in achieving that objective and I urge all my colleagues to become a cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO SMALL ISSUE BOND PROVISIONS.

(a) Increase in Amount of Qualified Small Issue Bonds Permitted for Facilities To Be Used by Related Principal Users.—

(1) In general.—Clause (i) of section 144(a)(4)(A) (relating to $10,000,000 limit in certain cases) is amended by striking “$10,000,000” and inserting “$20,000,000”.

(2) Cost-of-living adjustment.—Section 144(a)(4) is amended by adding at the end the following:

“(G) Cost-of-living adjustment.—In the case of a taxable year beginning in a calendar year after 2002, the $20,000,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.”.

(3) Clerical amendment.—The heading of paragraph (4) of section 144(a) is amended by striking “$10,000,000” and inserting “$20,000,000”.

(4) Effective date.—The amendments made by this subsection shall apply to—

(A) obligations issued after the date of the enactment of this Act, and

(B) capital expenditures made after such date with respect to obligations issued on or before such date.

(b) Definition of Manufacturing Facility.—

(1) In general.—Section 144(a)(12)(C) (relating to definition of manufacturing facility) is amended to read as follows:

“(C) Manufacturing facility.—For purposes of this paragraph, the term ‘manufacturing facility’ means any facility which is used in—

“(i) the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

“(ii) the manufacturing, development, or production of specifically developed software products or processes if—

“(I) it takes more than 6 months to develop or produce such products,

“(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

“(III) the software product or process comprises programs, routines, and attendant documentation developed and maintained for use in computer and telecommunications technology, or

“(iii) the manufacturing, development, or production of specially developed biobased or bioenergy products or processes if—

“(I) it takes more than 6 months to develop or produce,

“(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

“(III) the biobased or bioenergy product or process comprises products, processes, programs, routines, and attendant documentation developed and maintained for the utilization of biological materials in commercial or industrial products, for the utilization of renewable domestic agricultural or forestry materials in commercial or industrial products, or for the utilization of biomass materials.

“(D) Related facilities.—For purposes of subparagraph (C), the term ‘manufacturing facility’ includes a facility which is directly and functionally related to a manufacturing facility (determined without regard to subparagraph (C)) if—

“(i) such facility, including an office facility and a research and development facility, is located on the same site as the manufacturing facility, and

“(ii) not more than 40 percent of the net proceeds of the issue are used to provide such facility,

but shall not include a facility used solely for research and development activities.”.

(2) Effective date.—The amendment made by this subsection shall apply to obligations issued after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. Snowe, Mr. Dodd, Mr. Allen, Mrs. Clinton, Mr. Harkin, and Mr. Akaka):

S. 758. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

(At the request of Mr. DODD, the following statement was ordered to be printed in the RECORD.)

● Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill, with Senator Olympia Snowe, to encourage the use of fuel cells, a clean and cutting-edge energy technology. Specifically, the bill would give consumers a tax credit for purchasing residential and commercial fuel cell systems to power their electricity. The tax credit would apply to stationary and portable fuel cell systems, and would be applicable for 5 years.

First used for space missions in the 1960s, fuel cells use an electrochemical reaction to convert energy from hydrogen-rich fuel sources into electricity. Because no combustion is involved, fuel cells produce virtually no air pollution and significantly reduce carbon dioxide emissions. Fuel cell units in operation today are capable of running 24 hours a day, 7 days a week, with only routine maintenance. They are installed around the world in power plants, hospitals, schools, banks, military installations, and manufacturing facilities. Smaller units for homeowners and small businesses will enter the commercial market shortly.

Fuel cell technology offers a clean, secure, and dependable source of energy that should be part of our national energy strategy. With oil and gas prices now reaching record highs, fuel cells are one excellent answer to our heightened energy demand and dependence on foreign oil. This legislation will power fuel cell technology by speeding its market introduction and by increasing its uses in our everyday lives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY.

(a) Business Property.—

(1) In general.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking “or” at the end of clause (i), by adding “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) energy-efficient building property,”.

(2) Energy-efficient building property.—Subsection (a) of section 48 of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) Energy-efficient building property.—For purposes of this subsection—

“(A) In general.—The term ‘energy-efficient building property’ means a fuel cell power plant that—

“(i) generates electricity using an electrochemical process,

“(ii) has an electricity-only generation efficiency greater than 30 percent, and

“(iii) generates at least 0.5 kilowatt of electricity using an electrochemical process.

“(B) Limitation.—In the case of energy-efficient building property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

“(i) 30 percent of the basis of such property, including expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property and for piping or wiring to interconnect such property, or

“(ii) $1,000 for each kilowatt of capacity of such property.

“(C) Special rules.—For purposes of subparagraph (A)(ii)—

“(i) Electricity-only generation efficiency.—The electricity-only generation efficiency percentage of a fuel cell power plant is the fraction—

“(I) the numerator of which is the total useful electrical power produced by such plant at normal operating rates, and expected to be consumed in its normal application, and

“(II) the denominator of which is the lower heating value of the fuel source for such plant.

“(ii) Determinations made on Btu basis.—The electricity-only generation efficiency percentage shall be determined on a Btu basis.

“(D) Fuel cell power plant.—The term ‘fuel cell power plant’ means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.

“(E) Termination.—Such term shall not include any property placed in service after December 31, 2008.”.

(3) Limitation.—Section 48(a)(2)(A) of such Code (relating to energy percentage) is amended to read as follows:

"(A) In general.—The energy percentage is—

"(i) in the case of energy-efficient building property, 30 percent, and

"(ii) in the case of any other energy property, 10 percent.".

(4) Conforming amendments.—

(A) Section 29(b)(3)(A)(i)(III) of such Code is amended by striking "section 48(a)(4)(C)" and inserting "section 48(a)(5)(C)".

(B) Section 48(a)(1) of such Code is amended by inserting "except as provided in paragraph (4)(B)," before "the energy".

(5) Effective date.—The amendments made by this subsection shall apply to property placed in service after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) Nonbusiness Property.—

(1) In general.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. NONBUSINESS ENERGY-EFFICIENT BUILDING PROPERTY.

"(a) Credit Allowed.—

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the nonbusiness energy-efficient building property expenditures which are paid or incurred during such year.

"(2) Limitation.—The credit allowed under paragraph (1) with respect to property placed in service by the taxpayer during the taxable year shall not exceed an amount equal to the lesser of—

"(A) 30 percent of the basis of such property, or

"(B) $1,000 for each kilowatt of capacity of such property.

"(b) Nonbusiness Energy-Efficient Building Property Expenditures.—For purposes of this section—

"(1) In general.—The term 'nonbusiness energy-efficient building property expenditures' means expenditures made by the taxpayer for nonbusiness energy-efficient building property installed on or in connection with a dwelling unit—

"(A) which is located in the United States, and

"(B) which is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) Nonbusiness energy-efficient building property.—The term 'nonbusiness energy-efficient building property' means energy-efficient building property (as defined in section 48(a)(4)) if—

"(A) the original use of such property commences with the taxpayer, and

"(B) such property meets the standards (if any) applicable to such property under section 48(a)(3).

"(c) Special Rules.—For purposes of this section—

"(1) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Allocation in certain cases.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

"(5) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) Expenditures part of building construction.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) Amount.—The amount of any expenditure shall be the cost thereof.

"(6) Property financed by subsidized energy financing.—For purposes of determining the amount of nonbusiness energy-efficient building property expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(C)).

"(d) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) Termination.—This section shall not apply to any expenditure made after December 31, 2008.".

(2) Conforming amendments.—

(A) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by adding at the end the following new paragraph:

"(29) to the extent provided in section 25C(d), in the case of amounts with respect to which a credit has been allowed under section 25C.".

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Nonbusiness energy-efficient building property.".

(3) Effective date.—The amendments made by this subsection shall apply to expenditures made after December 31, 2003.

Ms. SNOWE. Mr. President, I rise today with my colleague from Connecticut, Senator Lieberman, to introduce a bill that will promote the expanded use of an environmentally sound and efficient energy technology—fuel cell power.

The United States has had a long, inseparable relationship with energy. The Americans of the 19th century would not have populated the West as they did without the railroad and its steam engines. New York's Pearl Street Station, designed by Thomas Edison in 1882, demonstrated the immense possibilities of large-scale electricity generation that would revolutionize our Nation and the world. And, of course, the 20th century is posted with landmark American innovations an inventions in oil use and production, nuclear power, and solar energy.

As we begin our journey into the 21st century, we must begin a new chapter for energy use through fuel cell power. Fuel cells are not a futuristic dream, as every manned U.S. space mission has relied upon fuel cells for electricity and drinking water. From a New York City police station to a postal facility in Alaska to hospitals, schools, banks, military installations and manufacturing facilities around the world, fuel cell units are efficiently generating dependable power 24 hours a day, 7 days a week for upwards of 2 years with only routine maintenance.

Fuel cell technology offers a clean, secure, efficient, and dependable source of energy that should be part of our national energy strategy. Not only do fuel cells deliver the high quality, reliable power that is considered an absolute necessity for many portions of our society, they reduce grid demand while improving grid flexibility. Fuel cells are an ideal energy source to address the Nation's pressing energy needs.

Using electro-chemical reaction to convert energy from hydrogen-rich fuel cell sources into electricity, fuel cells reduce the need for fossil fuel consumption. And, since no combustion is involved, fuel cells produce virtually no air pollution and significantly reduce carbon dioxide emissions, the major greenhouse gas thought to be responsible for climate change variability. In fact, a 200 kilowatt fuel power plant produces less than one ounce of pollutants for every 1,000 kilowatt hours of electricity it yields. In comparison, the average fossil fuel plans produces nearly 25 pounds of pollutants to generate the same 1,000 kilowatt hours of electricity. That is 400 times the amount of a fuel cell power plant.

The current problem is that it is difficult for the consumer to take advantage of fuel cells because, as with any new technology, the introductory price is high. To create the market incentives necessary to speed the commercialization of this technology, the Lieberman-Snow legislation provides a property owner a five year, $1,000 per kilowatt stationary fuel cell tax credit, including labor and installation costs, for business and non business power plants—stationary and portable—that have an electrical generation efficiency greater than 30 percent and generate at least 0.5 kilowatts of electricity using an electrochemical process. To put this electrical generation in perspective, a home uses approximately 1 to 2 kilowatts of power, on average.

By lowering the initial price for consumers, market introduction and production volume of fuel cells will be accelerated with the end result being a significant reduction in manufacturing costs. The decrease in price would enable even more consumers to use one of the cleanest, most reliable and most efficient means to generate electricity. This tailored fuel cell tax credit for a stationary and portable fuel cells is designed to benefit the widest range of potential fuel cell customers and manufacturers with a meaningful incentive for the purchase of fuel cells for residential and commercial use.

As summer approaches, power shortages and interruptions can be expected throughout the country. We must increase our investment and commitment to non-traditional energy sources such as fuel cells. This reliable, combustion-free power provided by fuel cells in a sensible alternative that is available today. I urge my colleagues to support us for a sensible fuel cell power tax credit.

By Mr. DURBIN (for himself, Mr. ALLARD, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSON, Mr. LEAHY, Mr. DORGAN, and Mr. JEFFORDS):

S. 759. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce the Residential, Farm, Ranch and Small Business Energy Systems Act of 2003, also known as the Small Wind Energy Systems Act. I am honored to be joined by Senators ALLARD, CONRAD, HARKIN, JOHNSON, LEAHY and DORGAN in introducing this legislation.

In order to foster a forward-looking energy policy, the United States needs to broaden its energy portfolio beyond fossil fuels, which are a finite energy source. Any serious attempt to create a national energy policy must include innovative proposals for exploring and developing the use of alternative and renewable energy sources. The legislation I am introducing today would help spur the production of electricity from a limitless source—wind.

This bill, similar to legislation I introduced last year, offers a tax credit to help defray the cost of installing a small wind energy system to generate electricity for individual homes, farms, ranches and businesses. The credit can be applied only to systems up to 75 kW, and is equal to 30 percent of the cost of installation, up to $1,000 per kilowatt. I am offering this legislation in the hope that this tax credit will help make it economical for people to invest in small wind systems, thereby reducing pressures on the national power grid and increasing America's energy independence one family and business at a time.

Small wind systems are the most cost-competitive home-sized renewable energy technology, but the high upfront cost has been a barrier. A typical small, rural wind system rated at 10 kW costs $30,000-$35,000 to install. A 30 percent business investment credit would make wind energy more viable for rural America. In addition, farmers and ranchers can utilize a small wind energy system while simultaneously continuing to use their land for crop growing or grazing. Facilitating the production of renewable energy on land that is already being worked for other purposes would be a boon to our economy, environment, and national security. Finally, the tax credit would help us promote a healthier environment. A typical small system can offset seven tons of carbon dioxide per year; carbon dioxide is the most significant contributor to climate change.

I am pleased to see that others in the Senate are working to promote renewable energy. In the context of our deliberations on energy policy, I hope to work with Senators GRASSLEY and BAUCUS, and others, in order to build on these efforts. In particular, I hope we can expand the residential credit provided for wind energy systems in the Energy Tax Incentives Act of 2003, S. 597, so that the cap is raised to $1,000 per kilowatt. In addition, I hope to add wind to the business investment credit section of the tax code. Although there is currently in law a business investment credit for solar and geothermal power, there is currently no Federal program to support small wind systems being installed by farmers and ranchers. The Energy Tax Incentives Act of 2003 would add fuel cells to this section of the code. I hope I can work with my colleagues to also add wind to this section, because we need to encourage investments in this source of energy.

Last year, a portion of this legislation was included in the Senate energy bill by unanimous consent. I hope to build on this success this year, by securing passage of the full measure.

For the good of our rural economy, homeowners and business owners, the environment and energy security, I encourage my colleagues to support this legislation. I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Residential, Farm, Ranch, and Small Business Wind Energy Systems Act of 2003" or the "Small Wind Energy Systems Act of 2003".

SEC. 2. CREDIT FOR RESIDENTIAL WIND ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. RESIDENTIAL SMALL WIND ENERGY SYSTEMS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified wind energy property expenditures made by the taxpayer during such year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed $1,000 for each kilowatt of capacity.

"(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless such property meets appropriate fire and electric code requirements.

"(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(d) QUALIFIED WIND ENERGY PROPERTY EXPENDITURE.—For purposes of this section—

"(1) QUALIFIED WIND ENERGY PROPERTY EXPENDITURE DEFINED.—

"(A) IN GENERAL.—The term 'qualified wind energy property expenditure' means an expenditure for qualified wind energy property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, including all necessary installation fees and charges.

"(B) QUALIFIED WIND ENERGY PROPERTY.—The term 'qualified wind energy property' means a qualifying wind turbine—

"(i) the original use of which commences with the taxpayer, and

"(ii) which carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for any qualifying wind turbine that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

"(C) Qualifying wind turbine.—The term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which at the time of manufacture and not more than one year from the date of purchase meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

"(2) Labor costs.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of qualified wind energy property and for piping or wiring to interconnect such property to the dwelling unit or to the local energy grid shall be taken into account for purposes of this section.

"(3) Swimming pools, etc., used as storage medium.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of storage shall not be taken into account for purposes of this section.

"(e) Special Rules.—For purposes of this section—

"(1) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Allocation in certain cases.—If less than 80 percent of the use of a qualified wind energy property is for nonbusiness purposes and for generation of energy to be sold to others, only that portion of the expenditures for such property which is properly allocable to use for nonbusiness purposes and for generation of energy to be sold to others shall be taken into account.

"(5) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to any qualified wind energy property shall be treated as made when the original installation of such property is completed and the property has begun to be used to generate energy.

"(B) Expenditures part of building construction.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) Amount.—The amount of any expenditure shall be the cost thereof.

"(6) Property financed by subsidized energy financing.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(C)).

"(f) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any qualified wind energy property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) Termination.—This section shall not apply to property installed in taxable years beginning after December 31, 2008.".

(b) Credit Allowed Against Regular Tax and Alternative Minimum Tax.—

(1) In general.—Section 25C(b) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by adding at the end the following new paragraph:

"(3) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(2) Conforming amendments.—

(A) Section 25C(c) of such Code, as added by subsection (a), is amended by striking "section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section)" and inserting "subsection (b)(3)".

(B) Section 23(b)(4)(B) of such Code is amended by inserting "and section 25C" after "this section".

(C) Section 24(b)(3)(B) of such Code is amended by striking "23 and 25B" and inserting "23, 25B, and 25C".

(D) Section 25(e)(1)(C) of such Code is amended by inserting "25C," after "25B,".

(E) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25C".

(F) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25C".

(G) Section 904(h) of such Code is amended by striking "and 25B" and inserting "25B, and 25C".

(H) Section 1400C(d) of such Code is amended by striking "and 25B" and inserting "25B, and 25C".

(c) Additional Conforming Amendments.—

(1) Section 23(c) of the Internal Revenue Code of 1986, as in effect for taxable years beginning before January 1, 2004, is amended by striking "section 1400C" and inserting "sections 25C and 1400C".

(2) Section 25(e)(1)(C) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting ", 25C," after "sections 23".

(3) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by adding at the end the following new paragraph:

"(29) to the extent provided in section 25C(f), in the case of amounts with respect to which a credit has been allowed under section 25C.".

(4) Section 1400C(d) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting "and section 25C" after "this section".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Residential wind energy property.".

(d) Effective Dates.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to expenditures after December 31, 2002, in taxable years ending after such date.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2003.

SEC. 3. CREDIT FOR BUSINESS INSTALLATION OF SMALL WIND ENERGY PROPERTY.

(a) In General.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) qualified wind energy property installed before January 1, 2009,".

(b) Qualified Wind Energy Property.—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Qualified wind energy property.—For purposes of this subsection—

"(A) In general.—The term 'qualified wind energy property' means a qualifying wind turbine—

"(i) installed on or in connection with a farm (as defined in section 6420(c)), a ranch, or an establishment of an eligible small business (as defined in section 44(b)) which is located in the United States and which is owned and used by the taxpayer,

"(ii) the original use of which commences with the taxpayer, and

"(iii) which carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for any qualifying wind turbine that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

"(B) Limitation.—In the case of any qualified wind energy property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

"(i) 30 percent of the basis of such property, including all necessary installation fees and charges, or

"(ii) $1,000 for each kilowatt of capacity of such property.

"(C) Qualifying wind turbine.—For purposes of this paragraph the term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which at the time of manufacture and not more than one year from the date of purchase meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

"(D) Safety certifications.—No credit shall be allowed under this section for any qualified wind energy property unless such property meets appropriate fire and electric code requirements.".

(c) Limitation.—Section 48(a)(2)(A) of the Internal Revenue Code of 1986 (relating to energy percentage) is amended to read as follows:

"(A) In general.—The energy percentage is—

"(i) in the case of qualified wind energy property, 30 percent, and

"(ii) in the case of any other energy property, 10 percent.".

(d) Conforming Amendment.—Section 29(b)(3)(A)(i)(III) of the Internal Revenue Code of 1986 is amended by striking "section 48(a)(4)(C)" and inserting "section 48(a)(5)(C)".

(e) Effective Date.—The amendments made by this subsection shall apply to property placed in service after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. DeWine, Mr. Durbin, Mr. Gregg, Mr. Bingaman, Mr. Feingold, Ms. Snowe, Mr. Rockfeller, Mr. Santorum, and Mr. Leahy):

S. 780. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce the Clean Diamond Trade Act. Technically, this act will implement a certification process for imports of rough diamonds. But, as many of you know, this bill goes far beyond technicalities. This bill will help put an end to trade in conflict diamonds. As many of you know, conflict diamonds are diamonds mined and used by rebel movements in many African nations as a source of revenue to fuel armed conflict and the activities of rebel movements aimed at undermining or overthrowing legitimate governments in African countries. Millions of people have been driven from their homes by wars that have been fought for control of these diamonds. Families and entire countries have been torn apart.

That is why it is vitally important that we pass this legislation. Passage of this legislation would be a true bipartisan success and a significant step forward in stopping trade in conflict diamonds. And I would like to thank my colleagues for helping to develop the compromise legislation in this Act. I would especially like to recognize the hard work of Senators Gregg, DeWine, Durbin, Bingaman, and Feingold, whose devotion and dedication to stopping trade in conflict diamonds is unsurpassed.

Prior attempts to move similar bills have stalled in both the House and the Senate. As Chairman of the Finance Committee, I took great care to try and achieve the right balance so that we might implement a certification process that meets our international responsibilities, that can pass the House and the Senate, and most importantly, that works.

The Clean Diamond Trade Act will implement the Kimberley Process Certification Scheme. This is an international agreement establishing minimal acceptable international standards for national certification schemes relating to cross-border trade in rough diamonds. It represents over two years of negotiations among more than 50 countries, human rights advocacy groups, the diamond industry and non-government organizations.

The next plenary session of the Kimberley Process is scheduled to convene in Johannesburg, South Africa, from April 28 to the 30, 2003. The U.S. played a leadership role in crafting the Kimberley Process Certification Scheme, and it is critical that we implement the certification process before April 28 if we are to retain this leadership. We also need to do this to ensure that the flow of legitimate diamonds into and out of the United States will continue without interruption. Most important, we need to do everything we can to stop trade in conflict diamonds as soon as possible.

Mr. President, we plan to mark-up this legislation in the Finance Committee tomorrow morning. I am confident the bill will receive strong bipartisan support in committee and am hopeful we can pass this bill by unanimous consent in the full Senate before we adjourn for the April recess. The people and countries in Africa affected by the damage of conflict diamonds deserve our support. Passing this bill is the right thing to do.

Mr. DEWINE. Today, Mr. President, violent conflicts and other global threats and humanitarian concerns extend across many parts of our world. We are at war with Iraq. North Korea possesses nuclear weapons. HIV/AIDS is pandemic. And, terrorism threatens our daily lives.

Our world is, indeed, a very dangerous and unstable place. We know this. And, while we are well aware of the many global "hotspots"—the conflicts and the violence and the human suffering—there are parts of the world, which I believe, we have neglected. There are parts of the world, where human tragedy is the order of the day—where children are killed, where women are raped and beaten, and where people are routinely tortured—their bodies maimed and mutilated.

One area of the world where such atrocities are occurring on a daily basis is in Sierra Leone, Africa. For at least a decade, Sierra Leone, one of the world's poorest nations, has been embroiled in civil war. Rebel groups—most notably, the Revolutionary United Front (RUF)—have been fighting for years to overthrow the recognized government. In the process, violence has erupted as the rebels have fought to seize control of the country's profitable diamond fields, which in turn, helps finance their terrorist regime.

Once in control of a diamond field, the rebels confiscate the diamonds and then launder them onto the legitimate market through other nearby nations, like Liberia. Known as "conflict" or "blood" diamonds, these gems are a very lucrative business for the rebel groups. In fact, over the past decade, the rebels have smuggled out of Africa approximately $10 billion dollars in these diamonds.

It is nearly impossible to distinguish the illegally gathered diamonds from legitimate or "clean" stones. And so, regrettably and unwittingly, the United States—as the world's biggest buyer of diamonds—has contributed to the violence. Our nation accounted for more than half of the $57.5 billion in global retail diamond trade last year, and some estimates suggest that illegal diamonds from Africa account for as much as 15 percent of the overall diamond trade.

Since the start of the rebel's quest for control of Sierra Leone's diamond supply, half of the nation's population of 4.5 million have left their homes, and at least a half-million have left the country. But, it is the children of Sierra Leone who are bearing the biggest brunt of the rebel insurgency. For over eight years, the RUF has conscripted children—children often as young as 7 or 8 years old—to be soldiers in their make-shift army. They have ripped at least 12,000 children from their families.

As a result of deliberate and systematic brutalization, child soldiers have become some of the most vicious—and effective—fighters within the rebel factions. The rebel army—child-soldiers included—has terrorized Sierra Leone's population, killing, abducting, raping, and hacking off the limbs of victims with their machetes. This chopping off of limbs is the RUF's trademark strategy. In Freetown, the surgeons are frantic. Scores of men, women, and children—their hands partly chopped off—have flooded the main hospital. Amputating as quickly as they can, doctors toss severed hands into a communal bucket.

The RUF frequently and forcibly injects the children with cocaine in preparation for battle. In many cases, the rebels force the child-soldiers at gunpoint to kill their own family members or neighbors and friends. Not only are these children traumatized by what they are forced to do, they also are afraid to be reunited with their families because of the possibility of retribution.

Mr. President, I cannot understate nor can I fully describe the horrific abuses these children are suffering. The most vivid accounts come from the child-soldiers themselves. I'd like to read a few of their stories, taken from Amnesty International's 1998 report, "Sierra Leone—A Year of Atrocities against Civilians." According to one child's recollection:

> Civilians were rounded up, in groups or in lines, and then taken individually to a pounding block in the village where their hands, arms, or legs were cut with a machete. In some villages, after the civilians were rounded up, they were stripped naked. Men were then ordered to rape members of their own family. If they refused, their arms were cut off and the women were raped by rebel forces, often in front of their husbands . . . victims of these atrocities also reported women and children being rounded up and locked into houses which were then set [on fire].

A young man from Lunsar, describing a rebel attack, said this:

> Ten people were captured by the rebels and they asked us to form a [line]. My brother was removed from the [line], and they killed him with a rifle, and they cut his head with a knife. After this, they killed his pregnant wife. There was an argument among the rebels about the sex of the baby she was carrying, so they decided to open her stomach to see the baby.

According to Komba, a teenager:

> My legs were cut with blades and cocaine was rubbed in the wounds. Afterwards, I felt like a big person. I saw the other people like chickens and rats. I wanted to kill them.

Rape, sexual slavery and other forms of sexual abuse of girls and women have been systematic, organized, and widespread. Many of those abducted have been forced to become the "wives" of combatants.

According to Isatu, an abducted teenage girl:

> I did not want to go; I was forced to go. They killed a lot of women who refused to go with them.

She was forced to become the sexual partner of the combatant who captured her and is now the mother of their three-month-old baby:

> When they capture young girls, you belong to the soldier who captured you. I was 'married' to him.

We are losing these children—an entire generation of children. If the situation does not improve, these kids have no future. But, as long as the rebel's diamond trade remains unchallenged, nothing will change.

That is why I have been working with Senators DURBIN, FEINGOLD, and GREGG for over two years to pass legislation that would help stem this illegal trade in conflict diamonds. Together, we have worked extensively with our House colleagues, including my good friend and former colleague from Ohio, Tony Hall, and FRANK WOLF from Virginia, to develop much needed legislation to help remove the rebel's market incentive.

And, while we have not yet been successful in getting this legislation signed into law, I credit my colleagues' continued commitment to this often forgotten issue. I know our countless congressional hearings, meetings, letters and legislative initiatives have encouraged the Administration and the international community to keep this issue alive. We have kept the pressure on, and we are beginning to see some positive results.

Mr. President, just this past January 1st, an international agreement called the Kimberley Process Certification Scheme was launched. Specifically, this is a voluntary, international diamond certification system among over 50 participant countries, including all of the major diamond producing and trading countries. This is a positive step in the right direction, and I commend the tireless work of human rights advocates and the diamond industry for making this certification system a reality.

Because of their success, Mr. President, today we are faced with the urgent need of providing legislative measures to enable effective U.S. implementation of the certification scheme. We need to provide the Administration with the authorization necessary to ensure U.S. compliance with this global, regulatory framework. That is why I am here today to introduce legislation that commits the United States to mandatory implementation of the Kimberley Process Certification Scheme.

I join my distinguished colleagues, Senators GRASSLEY, DURBIN, FEINGOLD, BINGAMAN, TALENT, and SNOWE, to introduce the "Clean Diamond Trade Act." This legislation is very similar to a measure introduced in the House last week, H.R. 1415. Our bill is very simple. The whole idea behind it is to commit the United States to a system of controls on the export and import of diamonds, so that buyers can be certain that their purchases are not fueling the rebel campaign.

Specifically, our legislation would prohibit the import of any rough diamond that has not been controlled through the Kimberley Process Certification Scheme. Put simply, this means that every diamond brought into the United States would require a certificate of origin and authenticity, indicating that a rebel or terrorist group has not laundered it onto the legitimate market.

Additionally, the bill calls on the President to report annually to Congress on the control system's effectiveness and also requires the General Accounting Office to report on the law's effectiveness within two years of enactment.

Finally, Mr. President, our bill emphasizes that the Kimberley Process Certification Scheme is an ongoing process and that our government should continue to work with the international community to strengthen the effectiveness of this global regulatory framework. As the world's biggest diamond customer—purchasing well over half of the world's diamonds—our nation has a moral responsibility to show continued leadership on this issue.

Quite candidly, there are a lot of things in this world—a lot of terrible, tragic things—that we don't have the power to change or to fix. But today, we can change something. We can make a difference. We have the power to help put an end to the indescribable suffering and violence caused by diamond-related conflicts. We have that power, and we must use it. And so, I urge my colleagues to join me in support of this much-needed legislation.

We have an obligation—a moral responsibility—to help stop the violence, the brutality, the needless killing and maiming. No other child should kill or be killed in diamond-related conflicts. I believe that it is absolutely imperative that we pass the bill we have introduced quickly and help end these atrocities once and for all.

It is the humane thing to do. It is the right thing to do. It is the only thing to do.

I thank the Chair and yield the Floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—RECOGNIZING THE 40TH ANNIVERSARY OF THE SINKING OF THE USS "THRESHER" (SSN 593)

Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas the USS Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the USS Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship USS Skylark, and approximately 300 miles off the coast of New England, the USS Thresher began her final descent;

Whereas the USS Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of the USS Thresher, there arose the SUBSAFE program, which has kept United States' submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the USS Thresher, there arose in our Nation's universities the ocean engineering curricula that enables the United States' preeminence in submarine warfare; and

Whereas the crew of the USS Thresher demonstrated the "last full measure of devotion" in service to this Nation, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th Anniversary of the sinking of the USS Thresher;

(2) remembers with profound sorrow the loss of the USS Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on "eternal patrol", who are forever bound together by their dedicated and honorable service to the United States of America.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the USS Thresher.

AMENDMENTS SUBMITTED & PROPOSED

SA 434. Mr. McCAIN (for himself, Mr. ALLEN, Mr. GRAHAM, of South Carolina, Mr. CHAMBLISS, Mr. CRAIG, and Mr. MILLER) proposed an amendment to the bill S. 718, to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

TEXT OF AMENDMENTS

SA 434. Mr. McCAIN (for himself, Mr. ALLEN, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, Mr. CRAIG, and Mr. MILLER) proposed an amendment to the bill S. 718, to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Troops Phone Home Free Act of 2003".

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed forces of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.—

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 2, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 9, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; S. 558, a bill to Elevate the Director of the Indian Health Service to be Assistant Secretary for Indian Health, and for other purposes; and S. 555, to establish the Native American Health and Wellness Foundation, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, April 1 at 9:30 a.m. to conduct a hearing to consider the nominations of: Ricky Dale James to be a Member of the Mississippi River Commission; Rear Admiral Nicholas A. Prahl, NOAA, to be a Member of the Mississippi River Commission; and from Richard W. Moore, nominated to be Inspector General of the Tennessee Valley Authority; and other pending nominations.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 1, 2003, at 10 a.m., to hear testimony on Taxpayer Alert: Choosing a Paid Preparer and the Pitfalls of Charitable Car Donations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 1, 2003, at 12 p.m., to hear testimony on the Nominations of Mark Van Dyke Holmes, to be Judge of the United States Tax Court; Diane L.

Kroupa, to be Judge of the United States Tax Court; Robert Allen Wherry, Jr., to be Judge of the United States Tax Court; and Harry A. Haines to be Judge of the U.S. Tax Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:30 a.m., to hold a hearing on NATO.

Witnesses

Panel 1: "A View From Brussels." The Honorable Nicholas R. Burns, U.S. Permanent Representative to North Atlantic Treaty Organization, Brussels, Belgium.

9:45: Business Meeting to ratify the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

Panel 2: "New Members & A Changing Alliance." Dr. Ronald D. Asmus, Senior Transatlantic Fellow, German Marshall Fund, Washington, DC;

Mr. Bruce Jackson, President, Project on Transitional Democracies, Washington, DC.

Full committee open: Senator LUGAR will preside, March 31, 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:45 a.m., to hold a business meeting to ratify the "Joint Convention on the Safety of Spent Fuel Management" and on the "Safety of Radioactive Waste Management," T. Doc. 106–48.

The Committee will consider and vote on the following agenda item:

Treaty: Joint Convention on the Safety of Spent Fuel Management, and on the Safety of Radioactive Waste Management, T. Doc. 106–48.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a judicial nominations hearing on Tuesday, April 1, 2003, at 10 a.m., in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Bob Graham;
The Honorable Bill Nelson;
The Honorable Mary Landrieu;
The Honorable Bill Frist.

Panel II: Carolyn B. Kuhl, to be U.S. Circuit Judge for the Ninth Circuit.

Panel III: Cecilia M. Altonaga, to be U.S. District Judge for the Southern District of Florida;

Patricia Head Minaldi, to be U.S. District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 1, 2003 at 2:30 p.m. to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Armed Services Committee be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:00 a.m., in open session to continue to receive testimony on the impacts of environmental laws on readiness and the related administration legislative proposal in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 2:30 p.m., in open session to receive testimony on Navy and Marine Corps development priorities, procurement priorities, and Navy shipbuilding programs, in review of the defense authorization request for fiscal year 2004 and the future years defense program.

Witnesses

Panel I: Admiral Vernon E. Clark, USN, Chief of Naval Operations; General Michael W. Hagee, USMC, Commandant of the Marine Corps.

Panel II: The Honorable John J. Young, Jr., Assistant Secretary of the Navy for Research, Development, and Acquisition; Vice Admiral Michael G. Mullen, USN, Deputy Chief of Naval Operations for Resources, Requirements, and Assessments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent to allow my judicial nomination staffer, Cory Gardner, to be allowed to sit next to me on the floor along with a member of Senator HATCH's Judiciary staff, Ryan Higginboth.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar items en bloc: Calendar No. 54 and Calendar No. 55.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 711) to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

A bill (S. 712) to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

There being no objection, the Senate proceeded to consider the bills.

Mr. MCCAIN. Mr. President, I rise to talk about two bills—S. 711 and S. 712. I am honored to cosponsor these bills with Senators LINDSEY GRAHAM, CHAMBLISS, and ALLEN. There may be others that also wish to cosponsor these bills to support our service men and women.

S. 711 simply authorizes a Selective Re-enlistment Bonus, SRB, for National Guard and Reserve service members who would be eligible for SRB if they were in a nonmobilized or drilling status. However, when they are mobilized under a Presidential select Reserve callup and they re-enlist during that period, National guardsmen and reservists are prohibited from receiving SRB payments until after they get off active duty or mobilization status sometimes 1 to 2 years later.

S. 712 authorizes Survivor Benefit Plan, SBP, benefits to survivors of National Guard and Reserve service members who die while performing inactive duty training or weekend drills.

This legislation provides equity with active duty service members and is consistent with Defense Department regulations when National Guardsmen and reservists are mobilized under a Presidential select Reserve callup.

However, since January there have been 13 Reserve Component deaths during weekend military training while their units were preparing for Operations Enduring Freedom and Iraqi Freedom where families of National Guardsmen and reservists did not receive the survivor benefit payments.

Furthermore, this legislation would cover those Reserve Component personnel who were serving in a drill status in the Pentagon during the attacks on the United States on 9/11.

This bill has the support of the Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations representing more than 5.5 million members, the National Guard, and the Senate Armed Services Committee.

The roles and missions of the Reserve components have changed over the past several years, as the active duty force has evolved from the downsizing of our military forces during the last decade. I suspect that more changes will come as our national military strategy continues to evolve.

Instead, we have a military force that continues to rely more on the Reserve Components—men and women in the National Guard and Reserves—to go to war and to perform other critical military tasks abroad and at home. Many combat, combat support and other support missions are being carried on the backs of our active and Reserve Component forces—soldiers, sailors, airmen and marines.

For example, in March 2001, the Army National Guard 29th Infantry Division took command of the American peacekeeping mission in Bosnia. The significance of this deployment was enormous, considering that more than 75 percent of the 4,000 U.S. Army soldiers on the ground were Army Reserve and Guard soldiers from 17 states—not just headquarters' staff, but operational units as well.

More recently, in October 2002, Fighter/Attack Squadron 201's commanding officer received the call to mobilize that many Reserve Component commanding officers have recently received. With few exceptions over 100 Navy reservists mobilized with their 12 F/A–18 Hornet A-plus jets, and began work-ups with Carrier Air Wing 8 in Nevada and full day and night carrier qualifications at sea. The impact of this accomplishment cannot be overstated. It was the first time since the Korean War that an entire Naval Air Reserve Squadron has deployed aboard an aircraft carrier, and this time VFA–201's base was not Fort Worth, Texas but the flight deck of the USS Theodore Roosevelt, CVN–71.

The reports from the field are outstanding. VFA–201, like hundreds of other aviators during the first night of "shock and awe," flew their Hornets downtown to Baghdad. The pilots and their maintenance crews hailed from Texas, Arizona, California, New Mexico, Georgia, Florida, Nevada, Utah and Colorado. They are citizen soldiers. Thirteen of eighteen VFA–201 pilots are airline pilots who took a temporary leave of absence from their airline jobs.

They were similar to active duty sailors, yet they were different. Because they were reservists, every aviator has cruise experience, over 1,000 flight hours, and many have over 1,000 or 2,000 hours in the F/A–18. VFA–201's squadron aviators provided leadership to the air wing in strike planning, flight execution and carrier operations. Their day and night time boarding rates and landing grades have exceeded all other Carrier Air Wing 8's squadrons.

While these are only two of the deployments that have taken place in recent years, they highlight the ever-increasing role of reservists in defending America's security interests around the world, and mark a radical departure from the past.

The figures are quite staggering when considered in total.

Today, nearly 60,000 reservists and National Guardsmen, including volunteers, are deployed under three Presidential callup orders for Bosnia, Kosovo, and Southwest Asia. For Operations Noble Eagle, Enduring Freedom and Iraqi Freedom over 275,000 men and women from the National Guard and the Reserves have been mobilized.

During each of the past 5 years, Reserve and National Guard service members have performed between 12 and 13.5 million duty days in support of the active force. These numbers are a direct contrast to 1990, when 1 million duty days were performed at a time when there were 25 percent more reservists.

Reservists also currently make up more than half of the airlift crews and 85 percent of the sealift personnel that are needed to move troops and equipment in either wartime or peacetime operations. In addition, reserve medical and construction battalions and other specialists are critical to a wide range of operations.

National Guard and Reserve service members are performing many vital tasks: from direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; to guarding nuclear power plants in the United States; to providing support to the War on Terrorism through guarding, interrogating, and providing medical service to al-Qaida detainees; to rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states; from overseeing civil affairs in Bosnia, to augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises as well as periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and at a minimum provide equality in benefits for Reserve Component service members when they put on the uniform and perform their weekend drills or other critical training evolutions. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I hope that all my colleagues will support these bills as a small expression of support and willingness to provide not just equality in quality of life benefits for our National Guardsmen and reservists but support to all our men and women—our treasure—who are sacrificing so much for our nation, our freedoms and the freedom of the Iraqi people.

Mr. TALENT. Mr. President, I ask unanimous consent that the bills be read a third time and passed, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the bills be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 711 and S. 712) were read the third time and passed, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Payment to Mobilized Members.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty, notwithstanding the service of the member on active duty pursuant to such call or order to active duty.".

S. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) Surviving Spouse Annuity.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

"(1) Surviving spouse annuity.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a person who is eligible to provide a reserve-component annuity and who dies—

"(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

"(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

"(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in line of duty during inactive-duty training.".

(b) Conforming Amendment.—The heading for subsection (f) of section 1448 of such title is amended by inserting "or Before" after "Dying When".

(c) Effective Date.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

TO INCREASE THE AMOUNT OF DEATH GRATUITY TO ARMED FORCES MEMBERS

Mr. TALENT. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 704 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 704) to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. TALENT. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 704) was read the third time and passed, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking "$6,000" and inserting "$12,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

RECOGNIZING 40TH ANNIVERSARY OF SINKING OF USS "THRESHER"

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 102, which was submitted earlier today by Senator SUNUNU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) recognizing the 40th anniversary of the sinking of the USS *Thresher*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SUNUNU. Mr. President, this legislation pays tribute to the 129 officers, sailors, and civilians who lost their lives aboard the USS *Thresher* 40 years ago next week.

The loss of these brave individuals was a tragedy for the U.S. submarine service, for the Navy, and the Nation. Yet out of this tragedy, the Navy was able to learn important lessons about submarine safety and acted to correct design and construction concerns that existed on other subs, and prevent engineering and design flaws on future submarines. These measures have served to benefit our Navy ever since.

Built at the Portsmouth Naval Shipyard and commissioned in August of 1961, the USS *Thresher* was the lead ship in a new class of nuclear-powered attack submarines.

In the fall of 1961 and throughout 1962, the *Thresher* was put through its paces along the eastern seaboard to test its new technological and weapons advancements. Once these tests were completed, the *Thresher* returned to New England for an overhaul where she remained until the spring of 1963.

On April 9, 1963, the *Thresher* departed the Portsmouth Naval Shipyard to conduct deep sea diving exercises some 200 miles off the coast of New England. In the morning hours of April 10, 1963, after reaching her assigned depth, the USS *Thresher*, signaled her companion surface ship, the USS *Skylark*, that it was experiencing difficulties. Shortly thereafter, the crew of the *Skylark* realized that something had gone very wrong as they heard the sound of the *Thresher* breaking apart.

In the investigation that followed this terrible accident, the conclusion was reached that the *Thresher* in all likelihood had sunk due to a failure in its piping, a subsequent loss of power, and an inability to blow the ballast tanks which would have allowed the sub to rise. To this day, the remains of the *Thresher* rest some 8,500 feet below the ocean's surface.

As a result of the *Thresher* incident, the Navy initiated two significant changes to enhance submarine safety. The first of these was the SUBSAFE program, which ensured that every submarine in the fleet and every future submarine built had to pass a rigorous testing program on hull integrity systems as well as pressure-related parts. No sub would go into service without a 100-percent certification.

Second, this tragedy inspired the Navy to encourage a new ocean engineering discipline within a handful of prestigious educational institutions. Today, engineers in this discipline are trained to design and implement systems that can withstand the rigors of a lifetime's use in ocean waters.

Today, I join with Senators GREGG, SNOWE and COLLINS to submit this resolution to honor the naval and civilian crew of the USS *Thresher*.

This resolution will provide Senate recognition of the 40th anniversary of the *Thresher* incident—April 10—and pay tribute to her valiant crew. The resolution also calls on the Senate to express its deep gratitude to all American submariners who are on "eternal patrol."

Next week, on the 40th anniversary of the *Thresher* accident, Senators GREGG, SNOWE, COLLINS and I will submit another resolution that will call on the Secretary of the Army to erect a modest memorial at Arlington National Cemetery to honor the men and women who were lost on the *Thresher* as well as other nuclear submariners lost at sea.

The memorial would be designed not to detract in any way from the solemn nature of Arlington. In fact, I believe it would provide visitors a place of reflection where they can pay their respects to all of these brave individuals.

Our Nation's submarine force is often referred to as the "silent service." They are the original stealth fighters, and, as such, submarines and their crews have proven to be a critical component of our Nation's defense. It is only fitting that we pay tribute to those who risk their lives for us as well as those who have paid the ultimate sacrifice.

I encourage my colleagues to join Senators GREGG, SNOWE, COLLINS and me in honoring these individuals by supporting both of these measures. And I ask for their speedy consideration by the Senate.

The 129 men of the USS *Thresher* who lost their lives deserve our recognition and our gratitude. Therefore, I ask unanimous consent that the names of these men—the 16 officers, 96 crew and 17 civilian technicians aboard the *Thresher* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SHIP "THRESHER" (SSN 593)

IN MEMORIAM, APRIL 10, 1963

OFFICERS

Allen, Philip Harcourt, Lieutenant Commander
Babcock, Ronald Clare, Lieutenant Junior Grade
Biederman, Robert Donald, Lieutenant
Billings, John Hilary, Lieutenant Commander
Collier, Merrill Francis, Lieutenant
DiNola, Michael John, Lieutenant Commander
Garner, Pat Mehaffy, Lieutenant Commander
Grafton, John Gilbert, Lieutenant Junior Grade
Harvey, John Wesley, Lieutenant Commander
Henry, James John, Jr., Lieutenant Junior Grade
Krag, Robert Lee, Lieutenant Commander
Lyman, John Sheldon, Jr., Lieutenant Commander
Malinski, Frank John, Lieutenant Junior Grade
Parsons, Guy Carrington, Jr., Lieutenant Junior Grade
Smarz, John, Jr., Lieutenant
Wiley, John Joseph, Lieutenant Junior Grade

SHIPS CREW

Arsenault, Tilmon J., Chief Engineman
Bain, Ronald Eugene, Engineman Second Class
Bell, John Edward, Machinist's Mate First Class
Bobbitt, Edgar Solon, Electrician's Mate Second Class
Boster, Gerald Charles, Electrician's Mate Third Class
Bracey, George, Steward Third Class

Brann, Richard Paul, Engineman Second Class
Carkoski, Richard James, Engineman First Class
Carmody, Patrick Wayne, Storekeeper Second Class
Cayey, Steven George, Torpedoman's Mate Second Class
Christiansen, Edward, Seaman
Claussen, Larry William, Electrician's Mate Second Class
Clements, Thomas Edward, Electronics Technician Third Class
Cummings, Francis Michael, Sonarman Second Class
Dabruzzi, Samuel Joseph, Electronics Technician Second Class
Davison, Clyde Elcott, III, Electronics Technician Third Class
Day, Donald Clifford, Engineman Third Class
Denny, Roy Overton, Jr., Electrician's Mate First Class
Dibella, Peter Joseph, Seaman
Dundas, Don Roy, Electronics Technician Second Class
Dyer, Troy Earl, Electronics Technician First Class
Forni, Ellwood Henry, Chief Sonarman
Foti, Raymond Peter, Electronics Technician First Class
Freeman, Larry Wayne, Fire Control Technician Second Class
Fusco, Gregory Joseph, Electrician's Mate Second Class
Gallant, Joseph Andrew, Chief Hospitalman
Garcia, Napoleon Tomas, Chief Steward
Garner, John Edmond, Yeoman Seaman
Gaynor, Robert William, Engineman Second Class
Gosnell, Robert Howard, Seaman
Graham, William Edward, Chief Sonarman
Gunter, Aaron Jackie, Chief Quartermaster
Hall, Richard Charles, Electronics Technician Second Class
Hayes, Norman Theodore, Electronics Mate First Class
Heiser, Laird Glenn, Machinist's Mate First Class
Helsius, Marvin Theodore, Machinist's Mate Second Class
Hewitt, Leonard Hogentogler, Chief Electrician's Mate
Hoague, Joseph Hartshorne, Torpedo-man's Mate First Class
Hodge, James Porter, Electrician's Mate Second Class
Hudson, John Francis, Engineman First Class
Inglis, John Penfield, Seaman
Johnson, Brawner Garth, Fire Control Technician First Class
Johnson, Edward Albert, Chief Engineman
Johnson, Richard Lee, Radioman Seaman
Johnson, Robert Eugene, Chief Torpedoman's Mate
Johnson, Thomas Benjamin, Electronics Technician First Class
Jones, Richard William, Electrician's Mate Second Class
Kaluza, Edmund Joseph, Sonarman Second Class
Kantz, Thomas Charles, Electronics Technician Second Class
Kearney, Robert Dennis, Machinist's Mate Third Class
Keiler, Ronald Dean, Interior Communications Electrician Second Class
Kiesecker, George John, Machinist's Mate Second Class
Klier, Billy Max, Engineman First Class
Kroner, George Ronald, Commissaryman Third Class
Lanouette, Norman Gilbert, Quartermaster First Class
Lavoie, Wayne Wilfred, Yeoman First Class
Mabry, Templeman Norwood, Jr., Engineman Second Class
Mann, Richard Herman, Jr., Interior Communications Electrician Second Class
Marullo, Julius Francis, Jr., Quartermaster First Class
McClelland, Douglas Ray, Electrician's Mate Second Class
McCord, Donald James, Machinist's Mate First Class
McDonough, Karl Paul, Torpedoman's Mate Third Class
Middleton, Sidney Lynn, Machinist's Mate First Class
Muise, Ronald Arthur, Commissaryman Second Class
Musselwhite, James Alton, Electronics Technician Second Class
Nault, Donald Emery, Commissaryman First Class
Noonis, Walter Jack, Chief Radioman
Norris, John Daniel, Electronics Technician First Class
Oetting, Chesley Charles, Electrician's Mate Second Class
Pennington, Roscoe Cleveland, Chief Electrician's Mate
Peters, James Glen, Senior Chief Electrician's Mate
Phillippi, James Frank, Sonarman Second Class
Philput, Dan Andrew, Engineman Second Class
Podwell, Richard, Machinist's Mate Second Class
Regan, John Sage, Machinist's Mate First Class
Richie, James Patrick, Radioman Second Class
Robison, Pervis, Seaman
Rountree, Glenn Alva, Quartermaster Second Class
Rushetski, Anthony Alexander, Electronics Technician Second Class
Schiewe, James Michael, Electrician's Mate First Class
Shafer, Benjamin Nathan, Master Chief Electrician's Mate
Shafer, John Davis, Senior Chief Electrician's Mate
Shimko, Joseph Thomas, Machinist's Mate First Class
Shotwell, Burnett Michael, Electronics Technician Seaman
Sinnett, Alan Dennison, Fire Control Technician Second Class
Smith, William Harry, Jr., Boilerman First Class
Snider, James Leonard, Machinist's Mate First Class
Solomon, Ronald Hal, Chief Electrician's Mate
Steinel, Robert Edwin, Sonarman First Class
Van Pelt, Roger Edwin, Interior Communications Electrician First Class
Walski, Joseph Alfred, Radioman First Class
Wasel, David Allan, Radioman Seaman
Wiggins, Charles Louis, Fire Control Technician First Class
Wise, Donald Edward, Chief Machinist's Mate
Wolfe, Ronald Eugene, Quartermaster Seaman
Zweifel, Jay Henry, Electrician's Mate Second Class

CIVILIANS

Abrams, Fred Philip, Inspector, Portsmouth Naval Shipyard
Beal, Daniel W., Jr., Electronic Engineer, Portsmouth Naval Shipyard
Charron, Robert E., Electronic Technician, Portsmouth Naval Shipyard
Corcoran, Kenneth James, Progressman, Portsmouth Naval Shipyard
Critchley, Kenneth James, Progressman, Portsmouth Naval Shipyard
Currier, Paul Chevalier, Progressman, Portsmouth Naval Shipyard
DesJardins, Richard Roy, Mechanical Engineer, Portsmouth Naval Shipyard
Dineen, George J., Electrician, Portsmouth Naval Shipyard
Fisher, Richard Kaye, Mechanical Engineer, Portsmouth Naval Shipyard
Guerette, Paul Alfred, Engineering Technician, Portsmouth Naval Shipyard
Jaquay, Maurice Frank, Sonar Field Engineer, Raytheon Company
Kuester, Donald William, Electronics Engineer, Naval Ordnance Laboratory
Moreau, Henry Charles, Leadingman, Portsmouth Naval Shipyard
Palmer, Franklin James, Leadingman, Portsmouth Naval Shipyard
Prescott, Robert Dan, Marine Engineer, Portsmouth Naval Shipyard
Stadtmuller, Donald T., Field Engineer, Sperry Gyroscope Company
Whitten, Lawrence Eugene, Electronic Engineer, Portsmouth Naval Shipyard

Mr. GREGG. Mr. President, today I wish to honor the brave Americans who served on the USS *Thresher*. The nuclear submarine USS *Thresher*, named after a shark, was built with extreme pride by yankee craftsmen working at the Portsmouth Naval Shipyard, Portsmouth, NH. After operations in the Atlantic and Caribbean, she returned to the Portsmouth Naval Shipyard for overhaul, and then on April 10, 1963 she went back to sea for post-overhaul trials. Sadly, during those deep-diving trials, the *Thresher* was lost off the coast of New England, along with all 96 sailors, 16 officers, and 17 civilians on board, falling more than 8,000 feet below the sea.

The sailors, officers and civilians aboard the USS *Thresher* made the ultimate sacrifice in support of our Nation. They are remembered daily throughout New Hampshire, and Maine, and certainly within the U.S. Navy. This measure we introduced recognizes the courage and bravery these men demonstrated in risking their lives in the development of the United States Navy's submarine program, a program which has proven invaluable to the American military. The tragedy of the USS *Thresher* demonstrates the inherent danger of submarine service.

On this the 40th anniversary of the tragedy, it is fitting that the Senate remembers with profound sorrow the loss of the USS *Thresher* and her gallant crew of sailors and civilians; and expresses its deepest gratitude to all submariners on eternal patrol, who are forever bound together by their dedicated and honorable service to the United States of America. May our country never forget those who gave their last full measure on the USS *Thresher*.

Mr. TALENT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 102

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of the U.S.S. Thresher, there arose the SUBSAFE program, which has kept United States' submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables the United States' preeminence in submarine warfare; and

Whereas the crew of the U.S.S. Thresher demonstrated the "last full measure of devotion" in service to this Nation, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th Anniversary of the sinking of the U.S.S. Thresher;

(2) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on "eternal patrol", who are forever bound together by their dedicated and honorable service to the United States of America.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

ORDERS FOR WEDNESDAY, APRIL 2, 2003

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 11 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or their designees.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, before the unanimous consent request is completed, I will state that we had a very successful appropriations meeting today. It was completed in less than 2 hours. There were a number of amendments that the chairman and ranking member, Senator BYRD, agreed to, and the committee accepted their recommendations. We were able to resolve what we thought would be the more contentious matter relating to the airline industry. We are well down the road to complete this legislation in the time set forth by Senator BYRD and Senator STEVENS, which will be sometime on Thursday.

Senator DASCHLE has asked the Democratic Senators to do what they could to expedite this matter. We have a limited number of amendments, most of which deal with homeland security. Senator STEVENS is aware of the general nature of our amendments and we will be ready to offer those starting tomorrow morning, as soon as they complete their opening statements.

As I indicated, the Democratic leader has indicated he wants us to work as quickly, as expeditiously, and as completely as possible, making sure we have the number of amendments we feel strongly about but not overload this bill with extraneous amendments. We look forward to having this matter completed sometime Thursday.

I have no objection to the initial request.

Mr. TALENT. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate proceed to the consideration of the supplemental appropriations bill as reported by the Appropriations Committee. I further ask consent that at 1:30 p.m., the Senate then proceed to executive session and there then be 30 minutes of debate equally divided in the usual form prior to the cloture vote on the nomination of Miguel Estrada to be a circuit judge for the DC Circuit; provided further that if cloture is not invoked, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Mr. President, for the information of all Senators, the Senate will be in a period for morning business tomorrow morning until 11 a.m. to allow Members to continue to make statements in support of our troops. This is, of course, according to the majority leader. At 11 a.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are anticipated on that measure. The majority leader would encourage Members to notify the managers if they intend to offer any amendments. At 2, the Senate will conduct the fourth cloture vote in relation to the Estrada nomination. Following that cloture vote, the Senate will resume consideration of the supplemental appropriations bill. The Senate will complete action on the supplemental this week so we can get the necessary funds flowing to our brave men and women who are serving in Iraq. Therefore, the leader would inform all Senators to expect a busy day tomorrow with rollcall votes throughout.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. TALENT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:13 p.m, adjourned until Wednesday, April 2, 2003, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 1, 2003:

THE JUDICIARY

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

EXTENSIONS OF REMARKS

RESTORING FIRST AMENDMENT PROTECTIONS OF RELIGION AND RELIGIOUS SPEECH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation restoring First amendment protections of religion and religious speech. For fifty years, the personal religious freedom of this nation's citizens has been infringed upon by courts that misread and distort the First amendment. The framers of the Constitution never in their worst nightmares imagined that the words, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech . . . " would be used to ban children from praying in school, prohibit courthouses from displaying the Ten Commandments, or prevent citizens from praying before football games. The original meaning of the First amendment was clear on these two points: The federal government cannot enact laws establishing one religious denomination over another, and the federal government cannot forbid mention of religion, including the Ten Commandments and references to God.

In case after case, the Supreme Court has used the infamous "separation of church and state" metaphor to uphold court decisions that allow the federal government to intrude upon and deprive citizens of their religious liberty. This "separation" doctrine is based upon a phrase taken out of context from a letter written by Thomas Jefferson to the Danbury Baptists on January 1, 1802. In the letter, Jefferson simply reassures the Baptists that the First amendment would preclude an intrusion by the federal government into religious matters between denominations. It is ironic and sad that a letter defending the principle that the federal government must stay out of religious affairs. Should be used two hundred years later to justify the Supreme Court telling a child that he cannot pray in school!

The Court completely disregards the original meaning and intent of the First amendment. It has interpreted the establishment clause to preclude prayer and other religious speech in a public place, thereby violating the free exercise clause of the very same First amendment. Therefore, it is incumbent upon Congress to correct this error, and to perform its duty to support and defend the Constitution. My legislation would restore First amendment protections of religion and speech by removing all religious freedom-related cases from federal district court jurisdiction, as well as from federal claims court jurisdiction. The federal government has no constitutional authority to reach its hands in the religious affairs of its citizens or of the several states.

As James Madison said, "There are more instances of the abridgement of the freedom of the people by the gradual and silent encroachment of those in power, than by violent and sudden usurpation." I sincerely hope that my colleagues will fight against the "gradual and silent encroachment" of the courts upon our nation's religious liberties by supporting this bill.

HONORING CHARLOTTE EDMUNDSON FOR HER 47 YEARS OF SERVICE TO THE CHILLICOTHE STATE BANK IN CHILLICOTHE, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charlotte Edmundson, vice-president and head of customer service for the Chillicothe State Bank in Chillicothe, Missouri. Charlotte has exemplified the finest qualities of leadership and service and is being honored for her 47 year commitment to the bank and the citizens of Chillicothe.

Charlotte is well known among staff and patrons of the bank for going above and beyond customer service standards, when dealing with both banking and non-banking issues. She interacts on many levels with everyone she comes in contact with and maintains the highest degree of professionalism and honesty. She prides herself on getting her job done right and getting it done on time.

During her years with the bank, Charlotte attained knowledge of the customer service department and the bank's operations that made her an exemplary employee heavily relied upon by management and fellow bank staff. Her coworkers have described her as honest, reliable, helpful, trustworthy and professional.

Mr. Speaker, I proudly ask you to join me in commending the career of Charlotte Edmundson, who exemplifies the qualities of dedication and service as both an employee and citizen of Chillicothe, Missouri.

HONORING THE JENKINTOWN LIBRARY ON ITS 200TH ANNIVERSARY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Jenkintown Library on its 200th anniversary.

Established in 1803, the Jenkintown Library is now the third oldest library in Montgomery County, Pennsylvania. For two centuries it has been a center for community learning and is still satisfying the changing needs of the area. The library's vast collection contains books, periodicals, DVD's, and other forms of multimedia. The library also offers programs that reflect the diverse interests of the community it serves.

It is fitting that the Jenkintown Library is celebrating its bicentennial next week, as it corresponds with National Library week. National Library week is a time to recognize and highlight the contributions of both libraries and librarians for connecting people with the resources that they need to live and to learn. It also recognizes libraries as a place for education, self-help, and opportunity, something that the Jenkintown Library exemplifies.

Two hundred years after its founding, the Jenkintown Library still retains its architectural beauty and has been on the National Register of Historic Places since 1979. Throughout its long history, the library has been able to keep up with the needs of the community, and I am confident that the library will continue to contribute for many years to come. I am grateful for the service that the library has provided to not only the citizens of Jenkintown but to all Montgomery Countians.

HONORING JULIE INMAN OF ORANGE COUNTY FOR RECEIVING THE CLARA BARTON SPECTRUM AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Julie Inman of Orange County for receiving the Clara Barton Spectrum Award.

The Clara Barton Spectrum Award, given by the Red Cross, was awarded to eight outstanding women in Orange County.

Julie was honored for founding SupportAbility, a non-profit organization that raised $11,000 for scholarship that went to 14 students who have overcome great adversity.

Julie herself is not unfamiliar with overcoming adversity. When she was 15 years old, Julie suffered a massive stroke. Doctors told her she would never speak again. Three years later, she graduated from Mater Dei High School.

Julie has dedicated herself to helping others beat the odds. Her courage has served as inspiration for many.

Let this young lady's accomplishments serve as an example of the wonderful things our young people are capable of achieving.

I wish her the best of luck in the future.

TRIBUTE TO LIEUTENANT COLONEL JOHN STEIN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EVANS. Mr. Speaker, last week the United States Air Force lost six servicemen and women in Afghanistan when their helicopter crashed while on a humanitarian mission to evacuate two injured children. Lieutenant Colonel John Stein of western Illinois was among those killed. I would like to take this opportunity to celebrate his life, commend his remarkable bravery, and extend my sincerest condolences to his family, friends, and loved ones. He will be missed.

A Bardolph native, John Stein began dating his wife, Barbara (Nelson) Stein, while the two were students at Macomb High School. He graduated in 1981, she in 1980. Macomb High School principal Michael Sartore remembers Stein as a quiet, hard-working, dedicated student. A career military officer, Lt. Col. Stein resided with his family at Moody Air Force Base in Valdosta, Georgia. The couple has three children: Doug, 17, Erin, 13, and Timothy, 11. His mother, Hazel Henry, still lives in Macomb.

Lieutenant Colonel Stein was a helicopter pilot with the 41st Rescue Squadron at Moody Air Force Base, a part of the 347th Operations Group specializing in rescuing downed pilots behind enemy lines. Kelly Friday, a childhood friend, said that even in high school Lt. Col. Stein wanted to be a helicopter pilot. "Any goal he set out to achieve, he mastered it," he recalled. "He was very intelligent; anything he touched he mastered."

On behalf of the communities in western and central Illinois, I would like to extend my thoughts and prayers to the Stein family at this difficult time. Lieutenant Colonel John Stein's courage in serving his country will not soon be forgotten.

RECOGNIZING DUSTIN WRIGHT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dustin John Wright, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Dustin has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for five years, and the BSA snorkeling and ranger programs. Over the 10 years he has been involved in scouting, Dustin has earned 35 merit badges. Additionally, he has held numerous leadership positions, serving as patrol leader, assistant patrol leader, and troop's chaplain aide. Dustin also has been honored for his numerous scouting achievements with such awards as the Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, the Arrow of Light Award, the World Conservation Award, and the Warrior in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Dustin constructed and installed a handrail for a bridge, and improved 150 feet of trail with gravel at the Heartland Presbyterian Center in Parkville, MO.

Mr. Speaker, I proudly ask you to join me in commending Dustin John Wright for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF PRO-LIFE LEGISLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce three bills relating to abortion.

First, the Freedom of Conscience Act of 2003 prohibits any federal official from expending any federal funds for any population control or population planning program or any family planning activity. It is immoral to force the American taxpayers to subsidize programs and practices they find morally abhorrent.

Second, I rise to introduce the Partial-birth Abortion Funding Ban Act of 2003. This bill prohibits federal officials from paying any federal funds to any individual or entity that performs partial-birth abortions. The taxpayer must not be forced to fund this barbaric procedure.

Finally, my Life-Protecting Judicial Limitation Act of 2003 provides that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases. Congress must use the authority granted to it in Article 3, Section 1 of the Constitution. The district courts of the United States, as well as the United States Court of Federal Claims, should not have the authority to hear these types of cases.

Mr. Speaker, it is my hope that my colleagues will join me in support of these three bills. By following the Constitution and using the power granted to the Congress by this document, we can restore freedom of conscience and the sanctity of human life.

HONORING ROCKLEDGE VOLUNTEER FIRE COMPANY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Rockledge Volunteer Fire Company on its one hundred years of service to that community.

Many things have changed for the company since its founding in 1903. It has grown from a single wagon pulled by the firefighters themselves to a small fleet of trucks capable of meeting all fire fighting needs. While it was once reliant on others to help put out its fires, the Rockledge Volunteer Fire Company is now large enough to lend its services beyond the town borders of Rockledge.

The fire company has become a staple in Rockledge, and its members have always been active in the community that they served. The late Jules Ceigelkowski served in the company for seventy years, and Robert Snyder, a former police and fire chief in Rockledge just celebrated sixty years of service in 2002. In addition, the fire company offers junior memberships to those under the age of 18.

Since its beginning, the Rockledge Fire company has been based on volunteerism, community, and caring for others. I firmly believe that it is those three principles that will continue to carry the company and its members for many years to come, and I am grateful for the service the company continues to provide to the citizens of Rockledge. Again, I congratulate the Rockledge Volunteer Fire Company on its 100th anniversary.

APPLAUDING THE FUNDRAISING EFFORTS OF THE TEACHERS AND FACULTY AT THE ORANGE COUNTY HIGH SCHOOL OF THE ARTS, IN SANTA ANA, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to applaud the fundraising efforts of the teachers and faculty at the Orange County High School of the Arts, in Santa Ana, California.

Like many schools across the nation, the Orange County High School of the Arts is facing serious budget concerns. Forecasting $600,000 in cuts, a number of janitors, clerical and cafeteria workers were laid off. School officials announced that many more teachers could be laid off during the school's second semester.

In spite of these dire outlooks, teachers are leading a fund-raising effort that has raised $73,000 so far to prevent more layoffs and increases in class sizes.

In a band called "Will Play for Food," teachers are selling out concerts to raise money. Some have even donated back their raises.

These teachers are going above and beyond their duties to maintain a high quality education at their schools. Our teachers should be using their energy to improve the performance of their students, instead of performing to keep their jobs.

The bottom line is that we are leaving our children and our teachers behind. If we want to stimulate the economy and improve our country's future, the best investment we can make is the education of our youth.

TRIBUTE TO CORPORAL EVAN JAMES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EVANS. Mr. Speaker, last week western Illinois lost one of its sons in the war against Iraq, and I would like to take this opportunity to celebrate his life, commend his bravery, and extend my condolences to his family, friends, and loved ones. Corporal Evan James, a member of the Marine Corps Reserves Unit based in Peoria, Illinois, made the ultimate sacrifice for his country. While his unwavering commitment to this nation and its ideals are an inspiration, it is a tragedy that this young, promising life was cut so short. He will be missed.

Corporal Evan James, 20 years old, was born to Mike and Donna James of LaHarpe, Illinois. A 2000 graduate of LaHarpe High School, he played basketball while there and was a guard and outside linebacker on the Thunder football team. After graduation, Cpl. James joined Company C of the 6th Engineer Support Battalion to help pay for college. He was studying to be a physical fitness trainer at Southern Illinois University at Edwardsville. James' unit was fully mobilized on January 14, 2003 and he was deployed to the Persian Gulf in February. According to Gunnery Sergeant James Howard of the Naval and Marine Corps Reserve Center in Peoria, Evan James achieved his corporal's rank faster than most Marines, and was very professional with leadership abilities beyond his age. Captain John Bruzza called James a model Marine and a good leader who performed well above his pay grade. James' aunt Diane Kornegay said this about her nephew: "They wanted a few good men and in Evan they got the best . . . . If you met him you would love him. He was that kind of person and we're just very proud of him for the person he was."

On behalf of the communities in western and central Illinois, I would like to extend my thoughts and prayers to the James family at this difficult time. Corporal Evan James' courage in serving his country will not soon be forgotten.

RECOGNIZING CHRISTOPHER KENNALEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Robert Kennaley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for 7 years, the Philmont High Adventure and the Packard High Adventure. Over the nine years he has been involved in scouting, Christopher has earned 33 merit badges. Additionally, he has held numerous leadership positions, serving as three time patrol leader and assistant senior patrol leader. Christopher also has been honored for his numerous scouting achievements with such awards as the member of the Order of the Arrow, the Parvuli Dei Catholic Religious Award, the Ad Altars Dei Catholic Religious Medal, the Firebuilder in the Tribe of Mic-O-Say Award and the World Conservation Award.

For his eagle scout project, Christopher designed and constructed a fence on the side of a storage shed at St. Therese Catholic Church in Parkville, MO.

Mr. Speaker, I proudly ask you to join me in commending Christopher Robert Kennaley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FLOYD SPENCE POST OFFICE BUILDING

SPEECH OF

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to honor the memory of the late Congressman Floyd Spence and to commend his extraordinary career as a servant to the nation and to the people of South Carolina. Floyd was a true leader dedicated to preserving the American way of life, and he did so for over forty years in both the South Carolina state delegation and the United States House of Representatives. Serving as the chairman for the House National Security Committee from 1995–1999 and for the Armed Services Committee from 1991–2001, he was an advocate for heightened national security and for increased military funding. He drew his passion for the military from his own personal experiences of serving in the navy reserves for more than forty years. It was no secret that defending the nation was his top political priority. Congressman Spence was also an ardent voice against big government, which kept his platform focused on the needs of his fellow South Carolinians and away from that of sweeping federal legislation.

It is well fitting that the facility of the United States Post Office in Lexington, SC, honors Congressman Spence's memory by bearing his name. He was deeply committed to public service, a leader of our nation, and a passionate supporter of national defense. We all mourned his loss when he passed away and can still feel his absence during this time of national crisis. I am proud to say that his diligent efforts as Chairman of the Armed Services Committee have helped prepare the nation for the present war and we all owe Congressman Spence a debt of gratitude for his work in shaping the military into what it is today. Seldom will you ever find a truer American than Floyd Spence, and I am proud to have served with him in Congress and to call myself a fellow South Carolinian.

TRIBUTE TO DR. AND MRS. FRANK LIGHT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize Dr. and Mrs. Frank Light for their many contributions to health care in my district and around the world.

As a member of Rahway Hospital's Medical/Dental staff since 1973 and long-time trustee of the Rahway Hospital Foundation, Dr. Light is a very active member within his hospital community. Dr. Light is also an active member of the American Society of Anesthesiologists as well as former board member and president of the John E. Runnels County Hospital and the Family and Children's Society, Counseling, Testing and Adoption Center.

In addition to their contributions within the hospital community, Dr. and Mrs. Light have dedicated their time to helping provide free health care to needy children around the world through Healing the Children Midlantic, Inc. As a member of the International Relations Committee, I am very aware of the need for quality medical care for children around the world, and am extremely appreciative of Dr. Light's efforts over the past twenty-five years as part of a medical team that has traveled to many countries to provide such medical services.

Dr. and Mrs. Light have also provided a home to many children while they undergo medical treatment and surgery in this country. They are able to give love to these children while they are far away from their loved ones as well as support while they undergo medical procedures. Dr. and Mrs. Light have dedicated their lives to bettering the lives of children around the world.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representative join me today as I recognize Dr. and Mrs. Light and their innumerable contributions to the medical community and to the health and future of children around the world. It is selfless acts such as these that set an example for the rest of the world.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EMANUEL. Mr. Speaker, on behalf of more than 25,000 of my constituents who are of Irish descent, I rise in strong support of H.R. 1208, which recognizes the importance of funding the peace process in Northern Ireland.

The people of Ireland, the people of Great Britain are long-standing friends and allies of the United States and the American people. In these difficult times, we are deeply grateful for their partnership in the coalition against terror and their invaluable contributions in the war in Iraq.

Our investment in the International Fund for Ireland contributes to strengthening relations and creating thousands of new jobs and businesses for Catholics and Protestants in Northern Ireland. Importantly, more than 80 percent of the Fund's contributions have targeted disadvantaged areas by offering job training programs for unemployed youth and through the economic, social, and physical regeneration of deprived areas.

We should continue to support the Fund's community-building programs promoting greater dialogue and understanding between Catholics and Protestants. We should also help advance the Fund's role in the development of a new generation of leaders in Northern Ireland in order to bring about a more peaceful and prosperous future in the region.

The Good Friday Agreement of 1998, which called for basic human rights and marked the first meaningful step toward reconciliation in Northern Ireland was suspended last year. Elections in May will determine the future prospects of the agreement, which makes this resolution especially relevant and timely.

Mr. Speaker, our shared goal with Ireland is for all Catholic and Protestant families to live in peace, free from discrimination, terrorism, and intolerance. That is why I strongly support fully funding the International Fund for Ireland and encourage my colleagues to vote for this legislation.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HYDE. Mr. Speaker, between March 11, 2003 and March 31, 2003, I was intermittently absent for several rollcall votes having undergone corrective back surgery.

Had I been present, I would have voted:

Rollcall Vote No., Description, Vote

50, Observer status for Taiwan—"yea."
51, 60th Anniversary—Rescue of Bulgarian Jews—"yea."
52, Armey Room—"yea."
53, Approving the Journal—"yea."
54, Bicentennial Admission of Ohio into the Union—"yea."
55, Need for improved fire safety in nonresidential buildings—"yea."
56, Hospital Mortgage Insurance Act of 2003—"yea."
57, Automatic Defibrillation in Adam's Memory Act—"yea."
58, Mosquito Abatement for Safety and Health Act—"yea."
59, Organ Donation Improvement Act—"yea."
60, Patient Safety and Quality Improvement Act—"yea."
61, On Ordering the Previous Question (H.R. 5)—"yea."
62, On Agreeing to the Resolution on H.R. 5—(Rule)—"yea."
63, On motion to Recommit—"no."
64, On Passage of H.R. 5 (HEALTH Act)—"yea."
65, Condemning the punishment of execution by stoning—"yea."
66, Nicaragua Property Dispute Settlement Act—"yea."
67, Addressing human rights abuses in North Korea—"yea."
68, Mortgage Servicing Clarification Act—"yea."
69, Cibola National Wildlife Refuge, California—"yea."
70, Rathdrum Prairie/Spokane Valley Aquifer—"yea."
71, Sherman Amendment to H.R. 975—"no."
72, Nadler Amendment to H.R. 975—"no."
73, Motion to Recommit H.R. 975—"no."
74, On Passage of H.R. 975, the Bankruptcy Act—"yea."
75, Approving the Journal—"yea."
76, Armed Forces Tax Fairness Act—"yea."
77, Ruling in Newdow v. United States Congress—"yea."
78, Hill Amendment to H. Con. Res. 95—"no."
79, Toomey Amendment to H. Con. Res. 95—"no."
80, Cummings Amendment to H. Con. Res. 95—"no."
81, Spratt Amendment to H. Con. Res. 95—"no."
84, Glen Canyon National Recreation Area—"yea."
85, Upper Mississippi River Basin—"yea."
86, On ordering previous question (H.R. 1104)—"yea."
87, Feeney Amendment—"yea."
88, Smith Amendment—"yea."
89, On passage of HR 1104—Child Abduction Prevention Act—"yea."
90, Recognizing need for fasting and prayer—"yea."
91, U.S. Armed Forces as POWs in Iraq—"yea."
92, Injuries resulting from smallpox vaccine—"yea."
93, Honoring Fayettville, NC for the Festival of Flight—"yea."
94, Amend the Small Business Act—"yea."

RECOGNIZING PHILLIP SHINN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Phillip George Shinn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for three years, and the Brownsea Junior leadership training in July of 2003. Over the seven years he has been involved in scouting, Phillip has earned 37 merit badges. Additionally, he has held numerous leadership positions, serving as two-time patrol leader, den chief, scribe, instructor, and librarian. Phillip also has been honored for his numerous scouting achievements with such awards as the Member of the Order of the Arrow, The Light of Christ Award, the Parvuli Dei Catholic religious award, the Ad Altare Dei Catholic religious medal, and the Deutsch (a German interpreter).

For his Eagle Scout project, Phillip constructed and installed 30 road signs at Heartland Presbyterian Center in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Phillip George Shinn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING GENCO FEDERAL CREDIT UNION'S FIFTY YEARS OF SERVICE TO THE PEOPLE OF CENTRAL TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EDWARDS. Mr. Speaker, in April 1953, a half century ago, the GENCO Federal Credit Union was created by a group of employees of the General Tire and Rubber Company plant in Waco, Texas to meet the financial needs of their fellow employees.

A credit union is "Democracy in Action"; a not-for-profit financial cooperative organized by people who share a common bond. All the members pool their assets to provide funds for loans to those in need within the membership. The members own the credit union, electing directors from among the membership. Credit Unions are regulated either by Federal or State law, depending upon the source from which the group receives its charter. The principal function of credit unions is to encourage savings and thrift and provide consumers credit at favorable interest rates. GENCO FCU is federally chartered and regulated by the National Credit Union Administration (NCUA).

In 1985, General Tire and Rubber Company's Waco plant shut down. But GENCO has continued to thrive and prosper. The board enlarged the credit union's field of membership to include employees of Musician's Association Local No. 306, Veterans of Foreign Wars, Waco Post No. 2148, AmVets Post No. 35, American Income Life Insurance Company, Mercury Tool, Hornet Manufacturing, Walker's Paint & Repair and Lockridge Priest.

In 1992, GENCO opened yet another chapter of its life when it purchased Lufkin Regional Federal Credit Union. Operating under a community charter, the organization is now able to serve anyone who lives or works in McLennan County in Central Texas or Angelina County in East Texas.

For five decades, the theme of loyalty has run consistently throughout GENCO's work, along with adherence to the principles of encouraging savings and thrift and providing working men and women credit at favorable interest rates. That fifty years of service and commitment to its community make the celebration of GENCO Federal Credit Union's 50th anniversary all the more special.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring and celebrating GENCO Federal Credit Union's 50 years of service to the people of Central Texas.

INTRODUCTION OF THE HOSPITAL INVESTMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. STARK. Mr. Speaker, Representative JERRY KLECZKA (who represents Milwaukee, WI and serves with me on the Ways and Means Health Subcommittee) and I share a strong concern about the growth of so-called "boutique" or "specialty" hospitals. These entities are springing up across the country, including across California and in Milwaukee, Wisconsin. They are licensed under state law as hospitals, but instead of providing the wide array of services that traditional hospitals provide, they focus on a particular procedure or medical specialty. The medical specialties that are being chosen aren't the vital day-to-day hospital services on which communities depend like emergency rooms and burn units. Instead, they are the highly profitable segments of care—cardiac care and orthopedic surgery being two of the most common types of specialty hospitals.

Today, we are reintroducing a bill we first authored in the 107th Congress, the Hospital Investment Act. This bill addresses our concern that these specialty hospitals are skirting the spirit of the physician self referral laws, often called the Stark laws. Those laws allow physicians to invest in "whole hospitals" because the services provided in such a facility are so broad that concerns about self referral conflicts are greatly minimized. But that is not the case for specialty hospitals.

Most specialty hospitals are jointly owned by the hospitals and groups of physicians who are referring patients to that hospital. Typically, these joint ventures are marketed only to physicians in a position to refer patients to the facility. In these situations, there is great potential for conflicts-of-interest for physicians who refer patients to facilities in which they have an ownership interest. These joint ventures may induce investor physicians to base their treatment decisions on profits generated by the facility rather than on the clinical needs of their patients. This is exactly the type of behavior the Stark laws were written to prevent.

The development of specialty hospitals is of great concern to our health care system and to communities across our nation because they deprive full-scale hospitals of their most profitable business, leaving those existing hospitals much worse off financially. The investors in these joint ventures and specialty hospitals skim the profits off full-scale hospitals, leaving them to struggle financially. Then the hospitals must look to Medicare and to their local communities to help them financially.

One of the biggest chains of heart hospitals in this country is a company called the MedCath Corporation. One needs only look at their financial statement to see that they recognize the level of concern felt around the nation about their line of business. Their 2002 10–K report highlights nervousness that regulators and legislators are catching onto their scheme. As the report states:

"Many states in which we operate also have adopted, or are considering adopting physician self-referral laws which may prohibit certain physician referrals or require certain disclosures." They also highlight specific concerns about our bill from the last Congress and go on to say that, "Possible amendments to the Stark law could require us to change the manner in which we establish relationships with physicians to develop a heart hospital."

MedCath is right to be nervous. Their business model not only harms hospitals and communities, it violates the spirit of Medicare self referral laws intended to prohibit such conflicted behavior that drives up costs and may produce unnecessary care. Lawyers for MedCath and many others have found a loophole in the self-referral laws, and physicians are taking advantage of it.

The bill we are introducing today would close that loophole. Our bill would continue to permit physician ownership in these joint ventures and specialty hospitals. But, that allowance is contingent on a new requirement that the ownership or investment interest is purchased on terms that are generally available to the public at the time. This change would not prohibit physicians from purchasing shares of stock. However, it would make sure that such stock purchases are not the result of a sweetheart deal available only to physicians and set up in a way to skirt the law.

If this bill is enacted, it will make it harder for specialty hospitals and physicians to skim profits from full-scale hospitals leaving it up to Medicare and local communities to foot the bill to assure that access to needed patient care isn't jeopardized.

Mr. Speaker, it is time to close this loophole in the Medicare physician self-referral laws, and I urge my colleagues to support it.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. BECERRA. Mr. Speaker, on Thursday, March 27, 2003, I was unable to cast my floor vote on rollcall numbers 90 and 91. The votes I missed include rollcall vote 90 on Suspending the Rules and Agreeing to H. Res. 153, Recognizing the public need for fasting and prayer; and rollcall vote 91 on Suspending the Rules and Agreeing to H. Con. Res. 118, Concerning the treatment of members of the Armed Forces held as prisoner of war.

Had I been present for the votes, I would have voted "present" on rollcall vote 90 and "aye" on rollcall vote 91.

RECOGNIZING ROBERT PETCOFF FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Robert Petcoff, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for six years, the Philmont High Adventure and Troop Camping. Over the 12 years he has been involved in scouting, Matthew has earned 36 merit badges. Additionally, he has held numerous leadership positions, serving as troop scribe, chaplain's aide, assistant patrol leader, troop guide, and troop trainer. Matthew also has been honored for his numerous scouting achievements with such awards as the Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, and the Warrior in the tribe of Mic-O-Say Award.

For his eagle scout project, Matthew created a landscaped flagpole area with a cement walkway for the Hills of Walden Neighborhood Clubhouse in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Matthew Robert Petcoff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CLOSE THE LOOPHOLE IN MEDICARE PHYSICIAN SELF-REFERRAL LAWS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. KLECZKA. Mr. Speaker, today Congressman STARK and I are reintroducing legislation, the Hospital Investment Act, sponsored initially in the 107th Congress, to address serious concerns about conflicts-of-interest raised by specialty or so-called "boutique" hospitals with physician-investor ownership arrangements.

Across the nation, there is a tremendous growth of boutique hospital construction. In the Milwaukee-area alone, there are three boutique heart hospitals under development. These facilities are not typical, general hospitals, which are prepared to meet the wide variety of health needs within a community. Instead, these entities specialize in one area of procedures, such as cardiac care or orthopedic surgery, that is high-volume and high-profit to these investor-owned facilities.

One major consideration with the proliferation of these boutique hospitals is the issue of self-referral, in which doctors send their patients to facilities where they have a preferential financial ownership stake. Current federal law forbids a physician from referring patients to health facilities—such as clinical laboratories, physical therapy groups, and radiology centers—in which he or she stands to financially benefit.

These Stark I and Stark II laws did provide one exception that allows physicians to self-refer patients to hospitals, as long as it is a "whole hospital" and not just a particular department or clinic within the facility. Since whole hospitals provide such a wide array of health services, there was minimal risk of conflict-of-interest. Unfortunately, this exception has become a loophole by which physicians can legally refer patients to freestanding boutique hospitals where they have a direct personal financial interest.

Typically, stakes in these boutique hospital ventures are marketed exclusively to doctors in a position to refer patients to the facility. This preferential interest creates an inducement for investor-physicians to overutilize services and base treatment decisions on profits rather than the medical needs of the patient. As we have seen in the past, these arrangements invariably lead to increased health care spending without necessarily increased quality of patient care. This is exactly the scenario that the Stark laws were designed to prevent.

Boutique hospitals also rob full-service community hospitals of their most profitable lines of business, leaving them to struggle to stay afloat financially. Without the high-profit surgical units to cross-subsidize the other less-profitable—but equally important—services like emergency and burn care, these hospitals will have to turn increasingly to the federal government as well as their local communities for financial assistance. Medicare, Medicaid, and other important programs, which are already stretched thin, should not be forced to take on this additional burden because these joint ventures are skimming off large profits for their investors.

The Hospital Investment Act of 2003 would close this loophole by prohibiting preferential hospital ownership terms for physicians. Under this legislation, physicians could continue to refer patients to joint ventures and specialty hospitals, but only if their ownership or investment interest is purchased on terms also available to the general public at the time. This would ensure that stock purchases are not a result of a special deal available only to physicians that gives them a preferential share of the profits.

Physicians and facilities found in violation of this act would be subject to a civil monetary penalty of up to $15,000 per prohibited referral plus twice the amount billed for the referred service. In cases where there was an arrangement or scheme to refer patients to facilities owned by the physician, penalties could be as high as $100,000 and twice the amount billed for referred services. Also, the physician and specialty hospital would be denied participation in the Medicare program.

Mr. Speaker, we must close the loophole in the Medicare physician self-referral laws and halt this trend that threatens the sustainability of our local community hospitals. I urge my colleagues to cosponsor and support this important legislation.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. ANDREWS. Mr. Speaker, I was unavoidably detained for the three votes on March 31, 2003. I was attending a rally for the safe return of Sgt. James Riley of Pennsauken, NJ, a mechanic in the Army's 507th Maintenance Company who was among five soldiers captured in southern Iraq on March 23.

Had I been present, I would have voted in favor of H.R. 1166 and H. Con. Res. 58, and I would have voted against H.R. 1463.

CELEBRATING THE 125TH ANNIVERSARY OF BETHEL AME CHURCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Bethel African Methodist Episcopal Church of Bryn Mawr, Pennsylvania during its 125th anniversary celebration. Bethel AME is the oldest black church on the original Main Line, a suburb of Philadelphia.

Local minister John Hooper began Bethel AME in his home on Conestoga Road in 1878. He was joined by Mr. George Barrick, who continued the mission after Hooper died in 1880.

During the 1880s, Bethel AME petitioned the Philadelphia AME Conference for a pastor. The first permanent pastor, Reverend J.B. Hill, came to the congregation in 1888.

Although the Church now had a full-time pastor, it lacked a fixed place of worship. Too poor to purchase land for a church, congregants moved from place to place, worshipping wherever they could. Eventually Mr. Barrick and Mr. Samuel Curtis purchased a lot on Merion Avenue in Bryn Mawr. Resident's of Bryn Mawr, both white and African-American, raised four thousand dollars to construct the church, which was finished in 1889. A parsonage and parish house were added later. They have since been converted to a fellowship hall for use by the entire Church community.

Currently under the leadership of Rev. Dr. Isiah H. Woods, Bethel AME Church is an important part of the Main Line community. The founding and development of the Church illustrate for us all what can be accomplished when people work together for a higher purpose. I encourage my colleagues to join me in saluting Bethel AME on reaching this milestone.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GALLEGLY. Mr. Speaker, on March 31, 2003, I was unable to vote on H.R. 1463 (rollcall vote 92), H. Con. Res. 58 (rollcall 93), and H.R. 1166 (rollcall vote 94). Had I been present, I would have voted "yea" on all three measures.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. CAMP. Mr. Speaker, as America moves forward with resolve to disarm Saddam Hussein, I rise in support of President Bush for his leadership and to honor our U.S. troops and their families for their dedication and sacrifice.

The time has come when the United States must again lead the world against those who threaten the freedom and stability of the free world. As our troops labor in military encampments at home and abroad, let us labor in prayer on their behalf and on behalf of all freedom loving people around the world.

After twelve years of Iraqi deception and non-compliance, an international coalition of over thirty countries is engaging in a military campaign to forcibly disarm Saddam Hussein. The Iraqi dictator has been given every possible opportunity to cooperate, to reveal his weapons of mass destruction programs, and to provide relief to the Iraqi people. He has failed to take advantage of multiple offers for a peaceful resolution. We do not enter into this campaign cheerfully, but with a somber resolve.

Our goal of liberating the Iraqi people from a tyrannical dictator will not be accomplished without the steely resolve and contributions of all Americans. Whether you are a soldier on the front line or a 'soldier' in America's economy, each person can contribute to our objective of achieving total disarmament and establishing peace.

This resolution expresses the unequivocal support of the President as Commander-in-Chief for his firm leadership and decisive action, the members of the United States Armed Forces serving in Operation Iraqi Freedom for their patriotism and bravery, and the families of the United States military personnel serving in Operation Iraqi Freedom. Together, with our allies around the globe and our Armed Forces overseas, we will stay focused on our mission and never waver from our objective—total disarmament, the end of Saddam Hussein, freedom for the Iraqi people, and peace in the region.

TRIBUTE TO SPC. GREG SANDERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and honor that I pay tribute to an outstanding American, a true patriot, and a hero to his country, Spc. Greg Sanders. Spc. Sanders was killed in action on Monday, March 24, 2003 while serving in Operation Iraqi Freedom for the 3rd Infantry Division of the United States Army. He bravely sacrificed his life to ensure the safety of his fellow soldiers, the Iraqi people, and the very idea of freedom throughout the world. He will be remembered at a candlelight vigil in his hometown of Hobart, Indiana on Wednesday, April 2, 2003.

Greg Sanders was a native of Hobart and graduated from Hobart High School in May 2001, where he thrived both as a student and as an athlete. An honor roll student and member of the Hobart High School track team, Greg was also named co-captain of his high school cross country team, which advanced to the regional finals in each of his last two seasons. Greg's outstanding motivational skills and unmatched charisma helped mold him into a natural leader. His work ethic propelled him to great accomplishments, both academically and athletically. It was this same work ethic, coupled with his dedication to the United States, which led Greg to commit to the United States Army during his junior year at Hobart High School.

Mr. Speaker, after completing his high school career, Greg was sent to Fort Knox, Kentucky for a grueling basic training. Although the physical and mental demands were extremely difficult, Greg remained undeterred in his lifelong desire to serve in the military. The son of a Naval veteran, Greg understood the hardships of military life and accepted them with the courage and fortitude befitting a soldier dedicated to the defense of his country. After completing basic training, Greg moved with his wife, Ruthann, to Fort Stewart, Georgia, where she later gave birth to their daughter, Gwendolyn. It was from here that Greg Sanders's journey to Iraq began.

Spc. Sanders deployed for Kuwait on January 23, 2003 as part of the 3rd Battalion of the 69th Armored Regiment. His duty was to load the 120 mm cannon on the M–1 Abrams tank as the armored caravan stormed through southern Iraq, a duty he carried out bravely and successfully until a sniper prematurely took his life. Greg dreamed of dedicating his life to the military, and he honored that unit on March 24, 2003 by sacrificing himself to preserve the values he treasured.

Although it was his lifelong dream to serve his nation as a career soldier, nothing was more important to Greg Sanders than his family. He is survived by his wife and daughter, his mother, Leslie, and his three siblings, Dean, Clare, and Lauryn, as well as a nation and a community who will never forget the sacrifice that he made to protect our freedom. His father, Rich Sanders, was a Navy veteran who died of a heart attack at the young age of 37, and Greg looked to him for guidance and advice while contemplating a career in the military. Greg remained close to his family until his death, and he will never be forgotten by those he left behind.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring the memory of Spc. Greg Sanders, and in sending our heartfelt condolences to his family. Greg is a hero, not only to his family and friends, but also to Northwest Indiana and to the United States of America. He fought bravely for the ideals of freedom, truth, and liberty, and as our nation mourns his loss, let us honor his life and his dedication to the service of his country.

RECOGNIZING JOSEPH MYERS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph Michael Myers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for 8 years, H. Roe Bartle Summer Camp Staff Member, Seabase High Adventure and Snaws. Over the 13 years he has been involved in scouting, Joseph has earned 30 merit badges. Additionally, he has held numerous leadership positions, serving as Senior Patrol Leader, Assistant Senior Patrol Leader, Patrol Leader, Librarian, Historian, Instructor and Quartermaster. Joseph also has been honored for his numerous scouting achievements with such awards as the Member of the Order of The Arrow, The Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, and the Tom-Tom Beater in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Joseph imbedded water bars and spread gravel over a section of trail at the Parkville Nature Sanctuary in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Joseph Michael Myers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EHLERS. Mr. Speaker, on rollcall Nos. 92, 93, and 94 I missed the votes due to a delay in my airplane flight. Had I been present, I would have voted "yea" on all.

REINTRODUCTION OF SAMPLING LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that future Censuses truly reflect the demograph makeup of this nation. This bill would clarify Section 195 of Title 13 U.S.C. to allow the most accurate numbers to be used for apportionment and all other purposes.

INTRODUCTION OF THE CRACKDOWN ON DEADBEAT GUN DEALERS ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by 22 of my colleagues in introducing the "Crackdown on Deadbeat Gun Dealers Act" to hold licensed gun dealers accountable when they knowingly sell guns illegally.

Last year's tragic Washington, D.C., area sniper shootings provide a dramatic illustration of what many consider a lack of regulatory authority over the nation's estimated 104,000 licensed firearms dealers, which are overseen by just 600 Bureau of Alcohol, Tobacco and Firearms (ATF) inspectors who must also oversee breweries and tobacco plants among their other responsibilities.

Federal agents, who searched Bull's Eye Shooter Supply of Tacoma, Washington, last December, indicated in a court affidavit that 78 firearms listed in the store's inventory were missing and could not be traced through required sales records and other documents. Among the missing weapons was the rifle allegedly used by the two D.C. sniper suspects, John Allen Muhammad and John Lee Malvo. During the past few years, many weapons had simply vanished from the shop without an adequate paper trail—some of them possibly bound for people barred from owning firearms.

Unfortunately, the Bull's Eye case is not an isolated one. Statistics provided by the ATF in 1998 show that over 50 percent of the firearms used in crimes nationwide were traced to just 1.2 percent of the nation's gun dealers. By conducting crime gun traces, the ATF can analyze why such a large number of firearms from this small proportion of dealers are used illegally and develop investigative strategies to address this problem.

Currently, the ATF may inspect a licensed dealer's inventory and records without a warrant to ensure record-keeping compliance. The accuracy of a dealer's inventory is critical to the ATF's ability to trace crime guns. However; since 1986, criminal penalties for most dealer recordkeeping violations have been reduced from felonies to misdemeanors. In addition, current law restricts ATF to one compliance inspection of licensed dealers every 12 months. With the exception of violations committed by dealers in transferring firearms to prohibited individuals after national instant criminal background checks, the current law also generally limits ATF's administrative actions against dealers to revocation of the license.

The Crackdown on Deadbeat Gun Dealers Act will increase compliance and keep guns out of the hands of criminals by increasing the permitted number of annual compliance inspections by federal law enforcement inspectors of licensed firearms dealers; raising the maximum criminal penalty for dealers who knowingly violate the law by committing serious record-keeping offenses that can hinder tracing guns used in crimes; and authorizing $320 million in grants for 5 years to hire 500 additional ATF inspectors.

Now more than ever, Americans are demanding protection and security, and some are purchasing guns in an effort to protect themselves and their families. But we must remember that others with more sinister motives can just as easily do the same. Real protection means providing authorities with the strongest possible mechanisms to prevent unlawful purchases.

I urge my colleagues to join me and the 22 original co-sponsors of this bill in holding licensed gun dealers accountable when they knowingly sell guns illegally. Please co-sponsor this responsible law enforcement measure, and help keep guns out of the hands of criminals.

HONORING ROBERT WILLIAM SAUNDERS, SR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Robert William Saunders, Sr. Last week, Bob lost his life to injuries from an automobile accident that occurred last month, and Florida lost a fearless champion for equal rights.

Bob was best known for his tireless efforts as field director of Florida's National Association for the Advancement of Colored People from 1952 to 1966. Bob took over after his predecessor, Harry T. Moore and Moore's wife, Harriette, were assassinated in a Christmas night bombing of their home—a crime which remains unsolved.

Undaunted, Bob gave Florida's NAACP his all, traveling throughout the state to organize local chapters and battling discrimination at every level. Bob helped organize bus boycotts, sit-ins, voter registration drives and protests, including the 1963 March on Tallahassee, staged just five months prior to the famous March on Washington. He fought for affirmative action and school integration and fought against police brutality and segregation at public beaches and housing.

Bob went on to serve for a decade as the U.S. Office of Economic Opportunity's chief of civil rights for the Southeast, and to work as director of Hillsborough County's Office of Equal Opportunity. His unfailing and selfless dedication to the pursuit of equal rights, despite public rebuke and personal threats, earned Bob enormous respect throughout Florida, as well as an honorary doctorate in public service from the University of Tampa.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Bob's family. His groundbreaking efforts will not be forgotten.

KEEP OUR CHILDREN SAFE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to talk about a silent killer lurking among us and our children. That killer comes in the form of food-borne illnesses and affects 76 million people each year. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. While many adults will be fortunate to avoid the devastating, lasting effects of food-borne illness, our children are especially vulnerable and comprise nearly 40 percent of the victims.

Each day, more than 27 million children eat lunches provided through the National School Lunch Act. Despite increased attention in recent years to the safety of those meals provided to our school children, there is evidence of serious problems with our school lunch system. Between 1990 and 2000, there were nearly 100 reported outbreaks of food-borne illness in schools affecting thousands of children, many of them resulting in significant health consequences.

I attended a hearing last year examining food safety standards in our schools and found significant gaps in how we protect our children from these dangerous illnesses. Only 17 percent of the food served in our schools is subject to stringent United States Department of Agriculture (USDA) safety guidelines for dangerous pathogens. Safety histories of the companies that supply food to our schools are not being shared with the school officials who purchase the food. If the USDA or FDA quickly announce that a manufacturer has produced tainted food, states often have no way to determine if they have that food in their schools' kitchens due to a complex web of food manufacturers, distributors and brokers. The federal government has no authority to mandate the recall of contaminated foods sold to schools.

Today, along with Congresswoman ROSA DELAURO, I am introducing a bill that will address these concerns. The Safe School Food Act incorporates USDA safety guidelines into school procurement contracts to the maximum extent possible, giving the Secretary of Agriculture authority to require pathogen testing of foods purchased by schools, providing state education agencies with current vendor information, developing effective methods to share supplier safety information with schools, allowing for mandatory recall of any tainted food, and providing districts with tools and information on how to more safely prepare food served to our children.

Our food supply has been identified as a possible target of terrorists and we need to protect it and protect our children. This is a very serious issue and we must do all we can to ensure the safety of our children.

I urge my colleagues to support the Safe School Food Act and support the well-being of our children.

PERSONAL EXPLANATION

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. THORNBERRY. Mr. Speaker, on the legislative day of Thursday, March 20, 2003, I missed rollcall votes 78–83. Had I been present, I would have voted as follows: Roll no. 78, on agreeing to the Hill amendment to H. Con. Res. 95, "no"; roll no. 79, on agreeing to the Toomey amendment to H. Con. Res. 95, "aye"; roll no. 80, on agreeing to the Cummings amendment to H. Con. Res. 95, "no"; roll no. 81, on agreeing to the Spratt amendment to H. Con. Res. 95, "no"; roll no. 82, on agreeing to H. Con. Res. 95, "aye"; roll no. 83, on agreeing to H. Con. Res. 104, "aye."

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I was not present for rollcall votes 92 through 94 on Monday, March 31. Had I been present, I would have voted "no" on rollcall vote 92 and "yea" on rollcall votes 93 and 94.

CONGRATULATING DANNY WALLACE, FORMER TENNESSEE STATE SENATOR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. DUNCAN. Mr. Speaker, sometimes we lose sight of what is really important in life. That is why I want to congratulate a former Tennessee State Senator, Danny Wallace, for the balance he is achieving in his life.

He has successfully operated the Halls Cinema in Knox County for the past 20 years. Small businesses are the backbone of our entire economy, and yet a very high percentage fail within the first five years.

Mr. Wallace has succeeded in an industry where it is very difficult for an independent operator to survive.

More importantly, he is putting his family first, foregoing opportunities in politics to spend more time with those who are most important to him.

I want to congratulate Danny Wallace on the 20th anniversary of the Halls Cinema and urge all my colleagues and other readers of the RECORD to read the fine article about him, his family, and business that was published in the Halls Shopper newspaper.

[FROM THE HALLS SHOPPER NEWS, MAR. 31, 2003]

20 YEARS FOR HALLS CINEMA SEVEN

(By Sandra Clark)

Sometimes life gets in the way of politics.

Danny Wallace, a state senator at age 33, was a fund-raiser for Phil Bredesen in last year's election. You might have expected him to land a job in Nashville—perhaps even become a commissioner like his dad, J.D., in the Blanton Administration. But Danny works the ticket booth at Halls Cinema Seven and goes to ballgames with his 12-year-old son, J.D. III.

"I'm having a ball," he said.

Wallace is doing what hundreds of moms and dads do every day in Halls and surrounding areas. He's watching his kid grow up and trying to earn a living.

The Halls Cinema Seven is celebrating its 20th anniversary this month. Danny wanted a commercial—tell 'em we'll have $4 tickets ($2 for kids) through April and half-price concessions. (Offer good Sunday through Thursday and not good on certain movies.)

The theater opened in April 1983. Danny has been the manager since "day one."

He laughs: "I had just graduated from college (UT with a degree in business) and was planning to go to law school. But Dad and a buddy had opened a four-plex in Halls and they asked me to run it."

Twenty years ago the Knoxville market was dominated by local theaters. The Wallaces put a four-plex in Johnson City and built the first theater in Sevierville. They continue to operate a four-plex in Rogersville.

Danny said it's harder now to make money than when Halls Cinema opened. Last weekend we were competing with "two wars and 64 basketball games."

"There's not many guys like me any more," he said. Ironically, Halls Cinema operates just blocks from the headquarters of Regal Entertainment—the largest theater chain in the world.

Danny said he'll match his seats and sound with anybody. "We invest our money back and we give people a good experience."

Danny's wife, Lisa, is a teacher at Union County High School. J.D. III often helps his dad clean up the theater, making him a third-generation movie-man.

Some politicians run on "family values." Danny Wallace just lives them.

SMALLPOX EMERGENCY PERSONNEL ACT OF 2003

SPEECH OF

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DAVIS of Florida. Mr. Speaker, unfortunately, I must rise in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act, because the House Republican Leadership has chosen to schedule this bill through Suspension of the Rules, a process normally used for non-controversial legislation. In addition, they further violated the legislative process by not allowing this bill to go through the normal committee process.

By doing so, the leadership has ignored the legitimate and important issues raised by a considerable number of members of Congress and unions representing "First Responders," the very group of people this legislation seeks to protect. Because of the lack of input from all parties involved, this legislation will fail to accomplish its central goal, the inoculation of "First Responders."

If the Leadership had allowed fair and open debate on this legislation through the normal legislative process, I would seriously consider supporting this legislation rather than opposing it. Because we have prohibited amendments and debate on some important issues, I must vote against this legislation.

Through the normal legislative process, amendments could have been offered to address some deficiencies in this bill. I know that our colleagues, Representatives CAPPS and WAXMAN, worked hard to try to address many of my concerns. I'd like to take a moment to outline some of my misgivings with this legislation.

My deepest concern about this bill, as we are considering it today, is that we are mandating that states develop a vaccine compensation program; however, we are not providing any funds to our states to fund this mandate. Mr. Chairman, we all know that most of our states are facing as serious financial problems as is the federal government. To pass this bill without any commitment to a funding level is wrong and a slap in the face to our valued "First Responders."

I am also opposed to the coercive nature of this bill that forces "First Responders" to receive vaccinations within 180 days to remain eligible for compensation. The bill provides no exceptions in any event, including if the public health department is unable to meet the deadline or if a worker has a temporary illness that prevents him or her from receiving the vaccination.

In addition, we should have openly debated an amendment that increases the onetime lump sum payment of $262,100 to families of individuals who die or develop total permanent disability as a result of vaccination. This amount is only equivalent to 5-to-6 years of salary for the average nurse or firefighter—hardly adequate compensation for a family of dependents forced to live the rest of their lives without a working breadwinner. Likewise, this legislation caps the lifetime payout for partial or temporary disability at $262,100 instead providing compensation for the duration of the disability.

A thorough education and pre-screening process could significantly reduce the number of individuals adversely affected by inoculation. This is the recommendation of the Centers for Disease Control (CDC) in response to recent deaths surrounding smallpox vaccinations. This bill, as written, fails to adequately address the CDC's concerns.

I applaud our colleague, Mr. BURR, for taking the lead on bringing this issue to the Floor of the House. I also commend Mr. WAXMAN and Ms. CAPPS who were actively working to address the deficiencies I've just highlighted. I regret that we as a body are unable to debate the solutions they propose. I look forward to working with these distinguished members in the future to find better ways to protect "First Responders" from the threat of smallpox.

TRIBUTE TO SERGEANT ORLANDO MORALES

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I want to pay tribute to Sergeant Orlando Morales, a soldier who served in Special Operations in Afghanistan, and who died after being wounded in an ambush on Saturday in Geresk, Afghanistan, as part of Operation Enduring Freedom. Sergeant Morales' Special Operations Battalion took on hostile fire during a reconnaissance mission. The United States and Puerto Rico lost a true patriot in Sergeant Orlando Morales. While I did not personally know this man, there are thousands of dedicated soldiers like him active in the armed services from Puerto Rico. My thoughts and prayers are with his family and loved ones, and with our troops in the Middle East. I am here today to recognize Sergeant Morales and his ultimate sacrifice to the United States and to Puerto Rico. I want to also take this opportunity to let my colleagues know that Puerto Ricans today, as throughout our history with the U.S., remain in steadfast commitment to our armed services.

I ask all my colleagues to respect the commitment of the Puerto Rican soldier. We must forever recognize the tens of thousands like Sergeant Morales who have died or have been wounded in combat. During the Korean War, General Douglass MacArthur said of the forces of the much-heralded 65th Infantry, the fighting Borinqueneers from Puerto Rico, "They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them." There are thousands more like them today, as Puerto Rico has undergone the greatest mobilization of reservists and National Guardsmen since Korea.

I ask my colleagues to honor the soldiers like Sergeant Morales and to recognize the ongoing Puerto Rican commitment to the United States Military.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. ROSS. Mr. Chairman, I rise today in objection to the treatment of our veterans in the House-passed budget. Last October, we authorized President Bush to send our men and women in uniform into battle. Is this how we show our support for the brave soldiers who are risking their lives to fulfill their missions, by slashing funding that will take care of them after they have served time taking care of us?

Last week the House managed to pass a budget that cuts veterans' benefits by $28.3 billion over the next ten years. This includes cuts to disability payments and pensions, the Montgomery GI Bill, the VA Health Care System, and other veterans programs.

I reject the notion that we need to cut funding for veterans and retirees in order to pay for a multi-billion dollar tax cut package. During this time of military conflict, we have no business supporting tax cuts for the wealthiest Americans over benefits to provide for the needs of our veterans.

As the conference committee meets to resolve the House and Senate budget differences, I urge them, on behalf of those who have served our country and those who are serving our country right now, to restore funding to the veterans programs that protect those who protect us.

TRIBUTE TO DAVID LASH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WAXMAN. Mr. Speaker, I rise today to thank and pay tribute to David Lash, the outgoing Executive Director of Bet Tzedek, The House of Justice in Los Angeles. David has made tremendous contributions to this vital organization and has been an extraordinary Executive Director these past nine years.

Bet Tzedek is a non-profit organization which offers free legal services to the poor, elderly, consumers, tenants, employees, veterans and disabled residents of Los Angeles County. It has become a true beacon of light for thousands of individuals whose rights may have been violated but who can not otherwise afford the assistance of an attorney.

Under David's superb supervision, Bet Tzedek has served over 10,000 clients each year, and the results of his leadership and his commitment to justice are inspiring. Bet Tzedek worked with attorneys from the City of Los Angeles and a large law firm to sue a landlord reputed to be one of Los Angeles' worst slumlords. The suit settled last year with the landlord pledging to maintain safe living conditions at more than 20 properties.

David has also maintained Bet Tzedek's role as a leader in helping Holocaust survivors and their heirs sue European insurance carriers for unpaid insurance claims dating back to World War II. In addition, Bet Tzedek has partnered with Public Counsel in creating a new kinship care legal program. This program facilitates the adoption of children by their grandparents when the parents are unable to provide care.

David significantly strengthened Bet Tzedek by expanding its 54-person staff, increasing fundraising revenue by over 60 percent and helping Bet Tzedek reach a more diverse group of volunteers and staff. David introduced and expanded a number of innovative programs during his tenure, including the Caregiver Advocacy Project, the Nursing Home Advocacy Project and the Employment Rights Project.

David has been a voice for the under-represented, the unrepresented and the unheard in Los Angeles. He has ably forged alliances within the public interest community and coordinated his efforts with talented staff at many of Los Angeles' large private law firms. Under his direction, thousands of individual rights have been restored and preserved.

I ask my colleagues to join me in thanking David Lash for his remarkable contributions and distinguished record of accomplishments. Please also join in wishing him all the best in his new position at O'Melveny and Myers, where he will resume his career as a full-time litigator and serve as the firm's Managing Counsel for pro-bono activities for the State of California.

LIBERATING IRAQ

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as I speak, our brave men and women in uniform are risking their lives in order to remove decades of oppression from the backs of the Iraqi people. Our coalition partners—49 nations in total—join America in our fight to liberate the people of Iraq.

As this battle continues, we are reminded of the importance of a coalition of countries that are dedicated to the liberation of an oppressed population. This coalition not only represents the impressive effort of multiple military forces, but also highlights a global commitment to removing the dictatorship of Saddam Hussein and his weapons of mass destruction.

The nations involved in this coalition are led by men and women that are dedicated to peace and freedom and understand the threats posed by Saddam Hussein and his weapons of terror. At the same time, they support the principles articulated in UN Resolution 1441, which called for disarming Saddam and removing his weapons of mass destruction.

While I come to the floor to praise the members of this coalition for their commitment to the Iraqi people and the security of the world community, I must also express my concerns about the actions of some nations that have created challenges, obstacles and roadblocks in the path towards Iraq's liberation.

Nations like France—who America liberated twice—are now questioning the actions of the coalition while we fight to liberate another population from oppression and dictatorship. Like the French, the Iraqi people deserve to be free. They deserve to walk the streets of Baghdad without fear. They deserve to voice opposition to their government without consequence. These freedoms that the people of France enjoy each day are soon to be a reality to the Iraqi people because of coalition actions.

Fifty nine years ago, 58,000 men lost their lives while liberating the French from the tyranny of Adolf Hitler. On the 40th Anniversary of that liberation, Ronald Reagan went to Normandy and proclaimed, "there is a profound moral difference between the use of force for liberation and the use of force for conquest."

While the battles in Iraq are taking place thousands of miles from the battlegrounds of Normandy, the soldiers share a similar desire to liberate a people from an evil regime. They share a similar commitment to fighting for a cause that will end years of brutal oppression and will lead to the freedom of an entire population. While the battleground has changed, the outcomes have not.

Those that have criticized the coalition that currently fights in Iraq remind me of the criticism received by Winston Churchill and the Allied Forces before taking military action against Adolf Hitler. People labeled them as war mongers and protested their policy to deal with Hitler militarily. Today, as history remembers, we thank those brave leaders and troops for taking that action so that nations like France can stand in freedom without the rule of a harsh regime.

As American troops work to liberate the nation of Iraq, we stand side by side with nations that stood with us over half a century ago in France. On the wall in my office stands a picture my brother took of a field of grave stones—American soldiers that died during the liberation of Europe. It serves as a reminder of the sacrifices this nation is willing to make for our freedom and the freedom of others. While others may, let us never forget the principles we as a nation, a coalition and a free people share. These principles will lead to liberation and these principles will prevail.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. SCHIFF. Mr. Chairman, today, our nation is united behind one goal and one purpose: to support our men and women in uniform who are fighting in Iraq and Afghanistan. Their bravery and courage is unmatched and we pray for their swift and safe return.

Our support for our troops must continue even after those battles are won. And for those who have answered the call of duty in the past, now is not the time to renege on our commitment to them. We need to support our troops of the past in the same way we support our troops of the present.

That's why I rise today to call attention to the terrible cuts to veterans benefits that narrowly passed the House of Representatives as part of the Budget Resolution last week. It is unconscionable that at the same time our military men and women are fighting overseas, Congress passes legislation to pull the rug out from under them when they return.

That's why I speak again today in opposition to the Budget Resolution that passed narrowly last week. It doesn't reflect the priorities of this Congress and it doesn't reflect the values of Americans.

How can we support a budget that includes $28.8 billion in cuts to veterans programs over 10 years? How can we turn our backs on the men and women that fight to protect and defend our homeland? The answer is: we can't.

The Disabled American Veterans, American Legion, Paralyzed Veterans of America and the bipartisan leadership of the Veterans Affairs Committee all have publicly opposed these cuts in veterans' funding and I stand with them. I support a budget alternative that provides $30.8 billion in higher funding for veterans programs over 10 years.

In my district, I gather with hundreds of veterans each November at McCambridge Park near my house in Burbank to honor men and women who have fought for our country—both those who have survived injuries received in battle and those who lost their lives while serving their country so proudly.

I hear scores of first-hand stories about the importance of veterans programs and I cannot sit idly by while billions of dollars are cut from their healthcare and disability benefits. Let's honor our troops overseas and let's honor them when they get home.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO TREAT DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS AS QUALIFYING INCOME OF REGULATED INVESTMENT COMPANIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HERGER. Mr. Speaker, today I am introducing a bill to allow mutual funds to invest without restriction in publicly traded partnerships, or PTPs. PTPs, which are also known as MLPs, are limited partnerships, which are traded on public securities exchanges in shares known as "units." Because interests in PTPs are liquid and can be bought in small increments, they can be and often are bought by small investors. Many of those investing in PTPs are older individuals, who buy them for the reliable income stream they receive from quarterly PTP distributions.

Unfortunately, the tax code currently deters mutual funds representing many small investors from investing in PTPs. As safe, liquid securities, which generally provide a steady income stream, PTPs could be an excellent investment for mutual funds. However, the tax code requires that mutual funds get 90 percent of their income from specific sources in order to retain their tax-exempt status. Distributions from a partnership do not qualify, nor do most types of partnership income, which flow through to the fund. The only way a mutual fund can invest in a PTP is to be certain that the income it receives from that investment and other nonqualifying sources will never exceed 10 percent of its total income. Faced with the burden of keeping track of percentages and the drastic consequences of going over the limit, most mutual fund managers turn to other investments.

It makes no sense for publicly traded partnerships to be excluded from the list of qualifying income sources for mutual funds. While traditional partnership interests—the only kind that existed when these rules were written—were illiquid and not always well regulated, PTPs are traded on public exchanges and must file the same information with the Securities and Exchange Commission as publicly traded corporations.

Mutual funds are an increasingly important part of the capital markets, and the inability to attract them as investors is hindering PTPs in their ability to raise the capital they need to grow and provide new jobs.

Many PTPs are in energy-related businesses, such as pipe lines that transmit oil and gas from where they are extracted as well as from refineries to end users across the nation. Unfortunately, at the precise time that we need to develop domestic sources of energy, we lack sufficient pipeline capacity to move natural gas from where it is produced in the Rockies to extraction facilities and finally to consumers. In the Gulf Coast, the problem is that we have insufficient pipelines to move oil and gas from the refineries to consumers in the Midwest and on the East coast.

The legislation I am introducing today would not only provide access to the capital needed by these energy pipeline companies, it would also significantly speed up the creation of 20,000 to 30,000 high paying construction jobs to build these pipelines at precisely the time we need to jump start our economy. In addition, the sooner we build these pipelines, the sooner we will reduce our dependence on foreign sources of energy.

The bill I am introducing today would provide PTPs with access to needed capital by simply adding income received by or allocated to a mutual fund by a PTP to the list of income sources that a mutual fund may use to meet the 90 percent test. According to the Joint Committee on Taxation, this change in mutual fund rules which will hasten our energy independence will cost only $18 M over 5 years and $49 M over ten years.

In the past, this provision was sponsored by Bill Thomas, now chairman of the Ways and Means Committee, and was approved by Congress in 1999 as part of the Taxpayer Refund and Relief Act, later vetoed by the President. I am happy to take up the cause in the 108th Congress, and hope that my colleagues will join me in supporting this legislation.

TRIBUTE TO THE ORNL STAFF FOR THEIR DEDICATION AND HARD WORK

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WAMP. Mr. Speaker, today marks UT-Battelle's third anniversary as manager of Oak Ridge National Laboratory (ORNL) for the Department of Energy. Over the past three years the staff of ORNL has continued its dedication to scientific discovery through research and development in cutting edge areas of science including: neutron science, energy, high performance computing, complex biological systems, advanced materials and national security.

UT-Battelle has been an involved member of the Oak Ridge community. The team provides more than $1.25 million annually for math and science education, economic development and, other projects in the greater Oak Ridge region. Through unique federal, state and private sector partnerships, UT-Battelle is the leader in efforts to update the laboratory facilities and rebuild ORNL's research campus to continue to support the research work with world class facilities.

For example, ORNL will be the home of the foremost center for neutron science research with the completion of the Spallation Neutron Source and the Center for Nanophase Materials Science. Due for completion this year is the Laboratory for Comparative and Functional Genomics where lab scientists will continue the leading role ORNL has in gene function and disease research. The Joint Institute for Computational Sciences, now under construction, will lead the U.S. into new scientific frontiers in high performance computing research.

The dedication, hard work, and significant investments by the staff at ORNL has been formally recognized by the Department of Energy. This year, for the first time, the lab was awarded the highest rating possible under the lab management evaluation procedure. The "Outstanding" rating for lab management captures the history of scientific research and development excellence at ORNL.

The recent successes rest upon the decades of accomplishments that preceded UT-Battelle's involvement at ORNL. The long ORNL history of serving the nation with the highest standards of scientific achievement bode well for a future that is even brighter than our past. UT-Battelle is proud of its involvement with the Oak Ridge National Laboratory and looks forward to serving the nation and its citizens with more exciting scientific developments brought to you by ORNL under the management of UT-Battelle.

HONORING THE 30TH ANNIVERSARY OF THE SUNSET RESTAURANT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WILSON of South Carolina. Mr. Speaker, today marks the 30th anniversary of the establishment of the Sunset Restaurant on Sunset Boulevard in West Columbia, SC. This small business has become a living legend of fine food and a valued social center for the Midlands of South Carolina.

The stalwarts of this spirited enterprise are the owner Betty Jackson and the manager Gladys Crews, who since opening day have enthusiastically welcomed and served the public with quality country cooking including the specialty of catfish stew. At breakfast and lunchtime the 250 seats of the restaurant are filled with a cross-section of citizens ranging from U.S. District Judges to work crews on their way to the building site.

Well-known as a people's place, political candidates of all parties have made a sausage biscuit breakfast or an open-seated luncheon a "must stop." In June 1999, Texas Governor George W. Bush launched his successful effort to carry the South Carolina primary at the Sunset and in November 2002 the Sunset hosted the final public reception for U.S. Senator LINDSEY GRAHAM and Gov. Mark Sanford. Other memorable events for South Carolina officials with some broadcast live by television and radio, were held for Congressman Ed Young, Congressman Floyd Spence, Lt. Governor Bob Peeler, Attorney General Charlie Condon, Gov. Jim Edwards, Gov. Carroll Campbell, and Gov. David Beasley.

The Sunset Restaurant is a testimonial to the significance of small business as the backbone and foundation of the American free enterprise system built upon the philosophy of hard work and high integrity, promoted by limited government.

HOUSE OF REPRESENTATIVES—*Wednesday, April 2, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 2, 2003.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in ancient days as armies gathered and You stood in the midst of war, You called forth Jeremiah and named him Your prophet. Be with Your people now and give the leaders of government prophetic wisdom to make right judgments and be discerning in lasting justice.

Attune our hearts that we may hear Jeremiah's calling as spoken to us today; that seeing with the eyes of his vision we may make Your will our own.

"The Word of the Lord came to me: Before I formed you in the womb, I knew you as my very own; before you were born, I consecrated you. I appointed you prophet to the nations."

Lord God, before You, as individuals and as a Nation, we are summoned now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 704. An act to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 711. An act to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712. An act to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718. An act to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

CONCERNING IRAQ'S TREATMENT OF AMERICAN PRISONERS OF WAR

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, it is said that you can judge a government by the way it treats the weak. In recent days we have all seen the images of American GIs holding Iraqi children, rushing them out of harm's way. We currently hold thousands of Iraqi prisoners of war. We are treating them humanely, giving them food and water. We will openly welcome the International Red Cross to monitor the health and well-being of these prisoners. We demand nothing less from the Iraqi regime in its treatment of our seven American POWs.

Looking back to the first Gulf War, we remember that our POWs were subject to mock executions, beatings and public humiliation. Let the Iraqi military be warned: America will hold those responsible who mistreat any American service man or woman regardless of the orders they may have received from above.

EXPRESSING GRATITUDE TO LOU DINUZZO OF WATERVLIET, NEW YORK

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, during this time of war, our thoughts are constantly with our active duty military personnel overseas, and also with all of the men and women who wore the uniform of the United States military through the years. One of those veterans is my friend Lou DiNuzzo of Watervliet, New York, an Air Force lieutenant during World War II. Thankfully Lou returned home safely, and with his wife Edna raised a beautiful family to carry on in their fine traditions. Lou rendered outstanding community service for many years as a member of the Watervliet City Council, and for the past 15 years has served as an unpaid volunteer in my Albany congressional office. Lately, Mr. Speaker, Lou DiNuzzo has faced very serious health challenges. He has met those challenges with the same courage and grace with which he has faced all of the other challenges in his life.

Members have heard me many times on this floor say that my first two priorities when I get up in the morning are to thank God for my life and veterans for my way of life. Mr. Speaker, when I said my morning prayers today, I was thankful for a great many things, but first and foremost on this day I am grateful that Lou DiNuzzo is my friend.

AT&T PLAYS D.C. REGULATORY GAME

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, I am very worried about one of the greatest assaults that is currently underway against America's telecommunications industry. We have seen some remarkable changes in the past 5 years with the growth of wireless technology and the Internet, but what about the future?

Today we are not seeing America's telecom companies making investments in their products and services. We are not seeing companies hire new people and training them. We are not seeing healthy competition between companies. What we are seeing day after day in the telecom industry are attack ads from AT&T trying to stifle competition for their own benefit.

These are very difficult times for American business. One would think that in this current environment, every major corporation would be focused on their people, their products

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and their future; but sadly you cannot open a newspaper, turn on a radio or watch television without being bombarded by these negative ads that are being run under disguise and being run by a bogus group called Voices for Choices.

Why in the world would AT&T be running these millions of dollars in ads in Washington, D.C.? They do not promote any products, service, or any kind of private sector growth.

My conclusion is that after seeing these ads that AT&T believes that their future relies on Washington and regulation. I hope the Chamber recognizes that these ads are just bogus and they are an attempt to play the D.C. regulatory game. This game is ruining the telecommunications industry. We must not be fooled by the tactics of those companies that feel that playing games is more important than focusing on legitimate business.

COMMENDING MARQUETTE'S TRIP TO THE 2003 FINAL FOUR

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I rise to congratulate the Marquette University men's basketball team for their sensational season this year, one that will not soon be forgotten. With Coach Tom Crean at the helm and players like Dwayne Wade, Travis Diener, Robert Jackson and Steve Novak patrolling the hardwood, Marquette has enjoyed a remarkable year and has earned a well-deserved berth in the NCAA Final Four.

Now that the Golden Eagles have a chance to win their first championship since 1977, when Al McGuire was coaching them and the team was named the Warriors, only the Kansas Jayhawks stand in their way of reaching the title game.

To demonstrate my utmost confidence in Marquette, Mr. Speaker, I made a friendly wager with the gentleman from Kansas (Mr. MOORE) that the Golden Eagles will beat the Jayhawks in the national semifinals. I am putting Wisconsin bratwurst, an assortment of Wisconsin's finest cheeses and a case of Milwaukee-brewed Sprecher root beer on the line. It is too bad my friend from Kansas will not get the opportunity to enjoy them, for I look forward to a wonderful feast of his two slabs of Kansas pork ribs and a jug of Kansas barbecue sauce when Marquette knocks off Kansas to advance to the national championship game.

Mr. Speaker and Members, I join with the entire Marquette community in wishing the Golden Eagles Godspeed and a great victory this Saturday.

MEET CHEMICAL ALI

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the record of evil compiled by Saddam Hussein and his sons Uday and Qusay is well known. Less well known is the record of his closest adviser. Meet Ali Hasan al-Majid al-Tikriti, better known as Chemical Ali. Chemical Ali is the enforcer of the regime. His presence signals Saddam's most vicious intent. While he was governor of the, quote, Kuwait Province in 1990, he implemented a program to "Iraqify" Kuwait through the arrest, torture and execution of Kuwaiti police, military officers and resistance members. In the years since, he has brutally suppressed uprisings by Iraqis in the north and in the south. In 1991 he appeared on Iraqi television, beating, kicking and executing Iraqi opposition prisoners.

Ali earned the name "Chemical Ali" because of his tenure as director of the Mukhabarat, the Iraqi Intelligence Service. On March 16, 1988, he ordered the use of chemical weapons against the civilians of Halabja, resulting in the deaths of over 5,000 innocent men, women and children.

Meet Lieutenant General Ali Hasan, a symbol of why the allies fight this war. Removing documented war criminals like this man from positions of power is the right thing to do both for the oppressed people of Iraq and for our global stability.

PORT SECURITY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about the importance of adequate security at our Nation's ports. On Monday, President Bush visited the Port of Philadelphia to praise our Coast Guard on their increased role at ports and to promote new security under Operation Liberty Shield. However, during this visit, the President failed to mention that the Coast Guard has reported receiving only a fraction of the resources they need to secure these ports, or that the President did not ask for any future port grant funding in either the supplemental spending bill or his fiscal 2004 budget request, no funding to fill in the gaping holes in our port security needs.

Just outside of my district, are two ports, the Port of Los Angeles and the Port of Long Beach. Last year, an estimated 4 million cargo containers passed through those ports, 35 percent of all U.S. international trade. Less than 4 percent of those containers were screened. Our ports of entry are some of the most vulnerable threat risks in our Nation and we need to provide the means and the resources necessary for adequate security.

THE UNITED NATIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week U.N. Secretary-General Kofi Annan expressed his concern for Iraqi civilians during coalition military operations. I share his concern but want to know what he says about Iraq's treatment of civilians. American troops risk their lives to avoid civilian casualties. Saddam Hussein has surrounded himself and his troops with innocent civilians because he knows this is the only way to slow our advance through Iraq. What has Mr. Annan said about Hussein's use of human shields, or of hospitals as military headquarters? Nothing. While American troops are under extreme scrutiny, Saddam Hussein draws none from the United Nations.

The lack of scrutiny during wartime is the same complacency employed by the U.N. since 1991. We should not be surprised but we should keep it in mind as we think about our role in the U.N. after this war is over.

TRIBUTE TO SERGEANT MORALES AND CORPORAL RODRIGUEZ

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise to pay tribute to two Puerto Rican soldiers who died recently in the Middle East. Sergeant Orlando Morales, a soldier who served in Special Operations in Afghanistan, and who died after being wounded in an ambush last Saturday as part of Operation Enduring Freedom. Sergeant Morales' Special Operations battalion took on hostile fire during a reconnaissance mission. Marine Corporal Robert M. Rodriguez was killed in action on March 27 when his tank crashed into the Euphrates River during combat operations northwest of An Nasiriyah. The United States and Puerto Rico lost true patriots in both these brave men.

While I did not personally know them, there are thousands of dedicated soldiers like them active in the Armed Forces from Puerto Rico and of Puerto Rican descent. My thoughts and prayers are with their families and loved ones and with our troops in the Middle East. I am here today to recognize their sacrifice to the United States and to Puerto Rico.

I want to also take this opportunity to let my colleagues know that Puerto Ricans today, as throughout our history with the U.S., remain in steadfast commitment to our armed services.

We must forever recognize the tens of thousands like Sergeant Morales and Corporal Rodriguez who have died or have been wounded in combat. During the Korean War, General Douglas MacArthur said of the forces of the much-heralded 65th Infantry, the fighting Borinqueneers from Puerto Rico, and I quote, "They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command."

I ask my colleagues to honor these soldiers and to recognize the ongoing Puerto Rican commitment to the United States military.

□ 1015

CONGRATULATIONS TO CARLOS DE LA CRUZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I congratulate a man of great honor and integrity, a man who has devoted his life to the cause of serving our community in south Florida, Carlos de la Cruz. Carlos has been selected to receive the 2003 American Red Cross Humanitarian Award for his exceptional contributions to our community. Carlos has had a distinguished career in his endeavor to improve the lives of people across our beloved Nation, while the American Red Cross has a fitting tribute, a well deserving one, for Carlos. A native from Cuba, Carlos along with his lovely wife, Rosa, have been examples of true social responsibility. His work with the Red Cross, United Way, and the Urban League inspires us all.

I join the people in south Florida, the American Red Cross, and all of Carlos's family in soluting his extraordinary work. To Carlos, gracias for his devotion and commitment to our beloved south Florida community. We are a better area for his being there.

MOURNING THE LOSS OF ODELIA ROBINSON

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise this morning to mourn the loss of one of the most significant councilwomen in the city of Cleveland, Odelia Robinson. Odelia Robinson is the former councilwoman in Ward 3. She was succeeded by Zachery Reed, one of the people that she nurtured in public life. Odelia Robinson has always been my friend. Prior to coming to the council, she served in a nurturing profession. She was a nurse and in social work. We in the city of Cleveland will miss this great soldier.

I join with all the people of the 11th congressional district to extend our sympathy and condolences to the family of Odelia Robinson.

THE TRADE DEFICIT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, our trade deficit reached an astounding figure of over $400 billion last year. This means we are still losing millions of jobs to other countries. Now in today's Washington Post, there are headlines saying "White Collar Work a Booming U.S. Export" and "More White Collar Work being Shipped Overseas."

According to this story, one study says by 2015, 3 million white collar jobs and $140 billion in wages will have shifted from the U.S. to other nations. Another headline in today's Post says "U.S. Manufacturers Cut Back in March."

The disciples of high tech told us not to worry about losing factory jobs, but now we are losing these economy jobs to China, India, and elsewhere. Is it any wonder that college graduates cannot find good jobs and are going to graduate school while working as waiters and waitresses?

We need to start putting U.S. workers first and end trade agreements and government regulations that force more jobs to other countries. If we do not, Mr. Speaker, the standard of living for most Americans is going to go down, down, down.

JESSICA LYNCH COMING HOME

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, this is a good morning to be a West Virginian. We found out last night one of our own is coming home.

Jessica Lynch, a 19-year-old private first class from the 507th Ordnance Maintenance Company is in safe hands right now because of the heroism of her rescuers, the coalition forces. Jessica had been missing for 10 days. She is from Palestine, West Virginia, in Wirt County. Wirt County residents are resilient people who epitomize the can-do spirit of West Virginia, and it was their prayers that brought Jessie home. All of us West Virginians and every American across the Nation can feel the Lynch family's relief now that their daughter is in safe hands.

I stand here today wearing my yellow ribbon because we are waiting for other Americans to come home. We are joyful, thankful, grateful as we see the miraculous rescue of Jessie Lynch.

WAR AND PSYCHOLOGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I want to quote this morning from an article by Mona Charen, "War and Psychology," in which she says: "'War never solves anything.' So say dozens of callers to C-SPAN" all day long "and left-leaning radio programs."

"The answer to this argument, if you can call it an argument, could almost fit on a bumper sticker: Apart from securing American independence, ending slavery, and defeating Nazism and Communism, 'war has never solved anything,'" so the liberals say.

"Anti-war activists tell us that Iraq is a distraction from the more important war against global terrorism. This argument has been dealt a serious blow by the capture of Khalid Sheikh Mohammed."

Frankly, Mr. Speaker, war does solve many things; but we have to win them, and this one we will win.

PROVIDING FOR CONSIDERATION OF H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 168

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Green of Texas or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

H. Res. 168 is a modified closed rule that provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

It waives all points of order against consideration of the bill and provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. H. Res. 168 provides for consideration of the amendment printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from Texas (Mr. GREEN) or his designee, which shall be considered as read and shall be separately debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

H. Res. 168 waives all points of order against the amendment printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I urge my colleagues to join me in approving this rule so that the full House can proceed to work its will on the underlying Social Security reform legislation.

On March 5, just about a month ago, the House considered this bill with an amendment under suspension of the rules. A bipartisan majority of the House voted to approve this bill, 249 to 180, but it fell short of the needed two-thirds majority to pass the House under suspension. So today we are bringing it back to the House for further deliberation.

The controversy that arose during initial consideration of H.R. 743 last month dealt with the language in this bill closing the so-called "last day rule."

At the recommendation of the General Accounting Office, which estimates that this loophole could cost the Social Security program $450 million, this bill is seeking to eliminate the "last day rule." The "last day rule" allows some workers in certain States to switch job classifications on their last day of service, pay Social Security payroll taxes for 1 day, and magically become eligible for Social Security spousal or survivor benefits without the government pension offset being applied to their benefits.

H.R. 743 eliminates this problem by requiring individuals to work in a government job that is covered by Social Security for the last 60 calendar months of employment in order to be exempt from the GPO. This is truly a reasonable proposal which should be promptly enacted into law.

The rule before us makes in order an amendment from the gentleman from Texas (Mr. GREEN) which strikes section 418 from H.R. 743. Section 418 is the segment of the legislation that once and for all eliminates the "last day rule." So this rule will allow the House to choose between two starkly different proposals.

One proposal, H.R. 743, gets rid of this loophole which could cost Social Security almost $500 million. The other proposal, the gentleman from Texas's (Mr. GREEN) amendment, allows this loophole to continue on well into the future, thereby allowing the hemorrhaging of the Social Security program to continue unabated.

I urge my colleagues on both sides of the aisle to support H. Res. 168, a rule that will allow the House to consider and ultimately pass legislation that will improve the lives of millions of senior citizens across the country by strengthening the long-term solvency of the Social Security program.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying bill, the Social Security Protection Act, is largely noncontroversial. Its main provisions would deny supplemental security income, SSI, to fugitive felons, make it easier for seniors to get a lawyer for the complicated disability application process, and reform the representative payee program so that seniors are not defrauded. I support all of these reforms, Mr. Speaker.

Unfortunately, this bill also has one very harmful provision. A change in the government pension offset that would hurt teachers, firefighters, police officers and other public servants around the country including in my home State of Texas. Specifically, section 418 of this bill would prevent these hard-working public servants from protecting their retirement benefits from the harsh impact of the government pension offset.

Mr. Speaker, this issue is somewhat complicated, but it affects thousands and thousands of dedicated teachers and other public servants. So I am going to take a minute to explain how it works. Say one was a teacher and their job has a pension plan that is not covered under Social Security. If their spouse's job pays into Social Security, then they are eligible for spousal or survivor's benefit if their spouse dies. But under current law, the government pension offset reduces or eliminates the spousal or survivor's benefits they deserve.

Fortunately, there is a provision in law right now that helps some people in this situation. It allows one to protect their retirement by switching jobs at the end of their career. This "last day exemption," as it is called, has helped many teachers in Texas and other States protect the Social Security benefits they deserve and that they need to retire. However, section 418 of the underlying bill would eliminate this exemption. Instead it would force teachers, police officers, firefighters, and other public servants to work 5 additional years before receiving full spousal benefits.

Mr. Speaker, that is no way to treat hard-working people who have dedicated their entire lives to serving their communities and this Nation. It hurts real people, especially women and lower-income individuals. That is why it is opposed by teachers organizations like the National Education Association and the American Federation of Teachers.

Mr. Speaker, helping teachers and other public servants is not difficult. In the Committee on Rules yesterday, Democrats offered several amendments to fix the GPO problem. One option was offered by the gentleman from Texas (Mr. DOGGETT). His amendment would protect teachers' retirement by reducing the government pension offset from two thirds to one third, and it would protect the Social Security trust fund. Unfortunately, Republicans on the Committee on Rules refused to allow the House to vote on the Doggett amendment. For that reason, I urge Members to join me in opposing the previous question. If we defeat the previous question, I will offer an amendment to the rule that will allow the House to consider the gentleman from Texas's (Mr. DOGGETT) amendment.

Another option, Mr. Speaker, was offered by the gentleman from Texas (Mr. GREEN). His amendment, which will be considered on the floor today as a Democratic substitute, would simply eliminate section 418 so that teachers and other public servants can continue to protect their retirement benefits. The substitute does not affect the rest of the Social Security Protection Act.

So I urge my colleagues to vote "yes" on the Green amendment. That way we can support Social Security fairness for teachers, firefighters, and police officers.

Mr. Speaker, I reserve the balance of my time.

□ 1030

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, what is happening here this morning provides yet another example of the complete indifference of this House Republican leadership to the retirement security of millions of older Americans. Like their pseudo-prescription drug plan, which is not a plan to help seniors but only a scheme to subsidize HMOs and deny seniors their choice of doctors; like their persistence in seeking to privatize and undermine our Social Security system and end the basic guaranteed retirement upon which so many Americans have relied for the last seven decades. Today, Republicans reject the pleas of firefighters, of police officers, of teachers, and of the other public servants who have asked this Congress for years to correct the government pension offset that cuts into their retirement security after they have served America, often at very low wages in very critical jobs.

The Republicans' refusal to permit debate on the amendment that I offered or the amendment that our colleague, the gentleman from Louisiana (Mr. JEFFERSON) offered can only add to the cynicism of those who have strived for so long to have their voices heard in this Congress on this matter and who have yet to even get a vote on the floor, much less passage, of this measure.

Almost 200 Members of this House, including a substantial number of Republicans, have signed on as sponsors to a bill to repeal the government pension offset. The gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. CULBERTSON), the gentleman from Kentucky (Mr. LEWIS), the gentleman from Florida (Mr. FOLEY), the gentleman from Georgia (Mr. NORWOOD), and the gentleman from Michigan (Mr. SMITH), Republicans all, and proud of it, sponsored last session and again this session a more modest proposal: Just cut the government pension offset in half and provide half a loaf to those firefighters and teachers. That proposal has been filed again this year as H.R. 75.

Now, for some unknown reason, though he is chairman of the subcommittee with the sole jurisdiction over this matter, the gentleman from Florida (Mr. SHAW) has never even bothered to ask for a hearing on his very own proposal, much less ask for a vote on it, much less bring it to the floor of this House.

So I acted in a very modest way, joined our colleague, the gentleman from Florida (Mr. SHAW) in committee when this measure was forced back to the committee for its first-ever vote, and we offered the bill for the gentleman from Florida (Mr. SHAW).

We were prouder of it than he was. We asked for a vote from him but, more importantly, for the millions of Americans, retirees, near retirees, who serve the public, who are counting on these Republicans to address their retirement security issues, we asked for a vote on their proposal, written not in our words but in the Republican author's words.

And what happened? Well, these Republicans who did not have the slightest intention of ever advancing the proposal that they offered, they all voted against their own proposal. And so in the Committee on Rules, quite naturally, they said they do not want to bring these amendments out here to the floor, because the Republicans will vote against the very proposals that they have been writing to their constituents about and that they are sponsoring.

This kind of total contradiction is what makes so many Americans question whether this institution, this House of Representatives, is the people's House and whether it is doing the people's business.

Mr. Speaker, it is very interesting that though he has been largely in charge here for the last eight years, our colleague, the gentleman from Texas, now the Republican majority leader, says he agrees with our position, not their position. He wrote one constituent recently: "I strongly believe that the GPO is an unfair and misguided piece of legislation. It undercuts the people who have spent their entire working life paying into the Social Security system by denying them their fair share of the hard-earned money they contributed. Married couples should be able to share those benefits with their spouses."

I could not have said it better myself.

But words will not solve the problems of these teachers, firefighters, and police officers. This House can solve the problem. This House can solve it by voting today to support the previous question so we can get action on the floor. Words will not make any difference to the people out there who are counting on us. Letters and e-mails to constituents will not make any difference. A vote on the House floor to correct this problem, to adopt verbatim the Republican legislation and do it here on the floor of the House will respond to the needs of people across this country.

Mr. Speaker, there are those who help us provide security, security for our families, and they deserve a little retirement security. The Republicans know how to fix this problem; they have war-gamed against the enemy that undermines the retirement security. All they have to do is pass the relevant provisions of the Shaw bill and we want to give them that opportunity to pass a Republican piece of legislation. For once, a piece of legislation that will strengthen retirement security instead of undermining it like their prescription drug and privatized Social Security schemes.

We ask them to join with us today in a key vote, the first vote on the government pension offset by supporting the leadership of the gentleman from Texas (Mr. FROST) on the previous question. We will provide real retirement security coverage to the people of this country, not just political coverage, which is apparently all the authors of this legislation originally had in mind.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to consider the Doggett pension offset amendment that was voted down in the Committee on Rules yesterday. The Doggett amendment would reduce the government pension offset of Social Security spousal and survivors benefits from two-thirds to one-third of the government pension. It would hold the trust fund harmless for the cost of the benefit improvement by making annual transfers from the general funds to the Social Security Trust Fund.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question immediately prior to the vote.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, vote "no" on the previous question so we can help all those who are unfairly penalized in their pension benefits simply because one spouse is a government employee and one works for the private sector. Let us support those who go into public service, not punish them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the previous question on H.R. 743. I will vote no on this motion, I will vote in favor of the Green amendment. The bill failed when it was first brought to the floor earlier, because of a controversial provision (section 418) and was an abuse of the suspension procedure, which is intended for non-controversial legislation.

Section 418, which modifies an exemption to the Social Security Government Pension Offset (GPO) remains in the bill. The GPO is designed to treat workers who are not covered by Social Security (some federal, state and local government employees) the same as workers who are covered by Social Security and therefore pay FICA taxes. Texas teachers benefit from the use of the exemption. The Texas teachers' pension system is uniquely suited to use of this exemption.

I have heard from many teachers in Houston who do not want me to support H.R. 743. The National Education Association supports the Green substitute that would strike Section 418 from the Social Security Protection Act (H.R. 743).

NEA strongly opposes Section 418, which would prevent teachers from protecting their retirement benefits from the harsh impacts of the Government Pension Offset (GPO).

The GPO unfairly reduces the retirement benefits of public employees who have dedicated their lives to serving their communities and their country. Educators are shocked to learn that their decision to enter the education profession—often at considerable financial sacrifice—has caused them to lose benefits they counted on.

Instead of addressing what is clearly a response to a larger issue of unfairness, we strongly believe that Congress should focus on remedying the underlying problem by repealing the Government Pension Offset. Addressing the broader issue would make provisions such as Section 418 unnecessary.

The House rejected H.R. 743 last month because of Section 418. Now, supporters are bringing the bill back to the floor for yet another vote. The Green substitute offers an important opportunity to strike this controversial and unfair provision from an otherwise non-controversial bill.

I urge my colleagues to vote against the previous question, and to vote in support of the Green substitute. I strongly urge my colleagues to reject H.R. 743 as currently written and instead to support the Green substitute.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 168—SOCIAL SECURITY PROTECTION ACT

In the resolution strike "and (3)" and insert the following:

"(3) the further amendment printed in Sec. 2 of the resolution if offered by Representative Doggett of Texas or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (4)".

Sec. 2. (Insert text of the amendment):

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 743, AS REPORTED

OFFERED BY MR. DOGGETT OF TEXAS

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

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TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).".

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.".

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) (as amended by section 209(b)(1) of this Act) is amended further by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual; or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).".

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

"(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.".

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in

the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).".

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.".

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

"(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.".

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in subparagraph (I))";

(B) in subparagraph (D)(ii)—

(i) by striking "or any community-based" and all that follows through "in accordance" in subclause (II) and inserting "or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance";

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking "subclause (II)(bb)" and inserting "subclause (II)"; and

(C) by adding at the end the following new subparagraph:

"(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

"(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

"(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

"(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

"(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(v) the number of cases discovered in which there was a misuse of funds;

"(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

"(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(viii) such other information as the Commissioner deems appropriate.".

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

"(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

"(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

"(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

"(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph

(1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(A) the number of such reviews;

"(B) the results of such reviews;

"(C) the number of cases in which the representative payee was changed and why;

"(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(E) the number of cases discovered in which there was a misuse of funds;

"(F) how any such cases of misuse of funds were dealt with by the Commissioner;

"(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(H) such other information as the Commissioner deems appropriate.".

(3) Title XVI Amendment.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

"(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

"(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

"(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

"(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

"(I) the number of the reviews;

"(II) the results of such reviews;

"(III) the number of cases in which the representative payee was changed and why;

"(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(V) the number of cases discovered in which there was a misuse of funds;

"(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

"(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(VIII) such other information as the Commissioner deems appropriate.".

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) Title II Amendments.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

"(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and";

(2) in subparagraph (B), by adding at the end the following new clause:

"(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 202(x)(1)(A)(iv),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.";

(3) in subparagraph (C)(i)(II), by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)" and striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(4) in subparagraph (C)(i)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

"(V) such person is person described in section 202(x)(1)(A)(iv).".

(b) Title VIII Amendments.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(E) obtain information concerning whether such person is a person described in section 804(a)(2); and";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(A) such person is described in section 804(a)(2),

"(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(C) the location or apprehension of such person is within the officer's official duties."; and

(3) in subsection (d)(1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

"(E) such person is a person described in section 804(a)(2).".

(c) Title XVI Amendments.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and";

(2) in clause (iii)(II)—

(A) by striking "clause (ii)(IV)" and inserting "clause (ii)(VI)"; and

(B) by striking "section 205(j)(2)(B)(i)(IV)" and inserting "section 205(j)(2)(B)(i)(VI)";

(3) in clause (iii)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

"(V) such person is a person described in section 1611(e)(4)(A)."; and

(4) by adding at the end the following new clause:

"(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 1611(e)(4)(A),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Secretary" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner".

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Commissioner" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking "paragraph (9)" and inserting "paragraph (10)";

(3) in paragraph (6)(A)(ii), by striking "paragraph (9)" and inserting "paragraph (10)"; and

(4) by inserting after paragraph (6) the following new paragraph:

"(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

"(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

"(l) LIABILITY FOR MISUSED AMOUNTS.—

"(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

"(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking "section 205(j)(9)" and inserting "section 205(j)(10)"; and

(2) by striking subparagraph (H) and inserting the following:

"(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

"(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.".

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

"(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

"(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" in the first sentence and inserting "who—";

(B) by striking "makes" in the first sentence and all that follows through "shall be subject to," and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

"(B) makes such a statement or representation for such use with knowing disregard for the truth, or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,";

(C) by inserting "or each receipt of such benefits or payments while withholding disclosure of such fact" after "each such statement or representation" in the first sentence;

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation" in the second sentence; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation" in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" the first place it appears and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to," and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

"(2) makes such a statement or representation for such use with knowing disregard for the truth, or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,".

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking "Prisoners" and all that follows and inserting the following: "Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees";

(2) in paragraph (1)(A)(ii)(IV), by striking "or" at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

"(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

"(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual."; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

"(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

"(i) the beneficiary—

"(I) is described in clause (iv) or (v) of paragraph (1)(A); and

"(II) has information that is necessary for the officer to conduct the officer's official duties; and

"(ii) the location or apprehension of the beneficiary is within the officer's official duties.".

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

"(i) explains that the product or service is available free of charge from the Social Security Administration, and

"(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

"(B) Subparagraph (A) shall not apply to any offer—

"(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

"(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI."; and

(2) in the heading, by striking "PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE" and inserting "PROHIBITIONS RELATING TO REFERENCES".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: "Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.".

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

"ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

"SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.".

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting " 'Centers for Medicare & Medicaid Services'," after " 'Health Care Financing Administration',", by striking "or 'Medicaid', " and inserting " 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan'," and by inserting " 'CMS'," after " 'HCFA',";

(2) in subparagraph (B), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration," each place it appears; and

(3) in the matter following subparagraph (B), by striking "the Health Care Financing Administration," each place it appears and inserting "the Centers for Medicare & Medicaid Services,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

"(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

"(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

"(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

"(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(b) AMENDMENTS TO TITLE VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking "(i) RESTITUTION.—In any case where" and inserting the following:

"(i) RESTITUTION.—

"(1) IN GENERAL.—In any case where"; and

(2) by adding at the end the following new paragraph:

"(2) COURT ORDER FOR RESTITUTION.—

"(A) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(B) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

"(C) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefor.".

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(d) SPECIAL ACCOUNT FOR RECEIPT OF RESTITUTION PAYMENTS.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

"(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting ", except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences" after "subparagraph (B)"; and

(2) by adding at the end the following new sentence: "In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking "section 206(a)" and inserting "section 206";

(B) by striking "(other than paragraph (4) thereof)" and inserting "(other than subsections (a)(4) and (d) thereof)"; and

(C) by striking "paragraph (2) thereof" and inserting "such section";

(2) in subparagraph (A)(i), by striking "in subparagraphs (A)(ii)(I) and (C)(i)," and inserting "in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)", and by striking "and" at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

"(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

"(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

"(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

"(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'."; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

"(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

"(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

"(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

"(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

"(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

"(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

"(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation

of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking "conducted under subsection (a)" and inserting "initiated under subsection (a) on or before December 17, 2004"; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: "The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.".

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking "(42 U.S.C. 401 et seq.)," and inserting "(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,".

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

"(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.".

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking "secure or regain" and inserting "secure, maintain, or regain".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

"An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking "and a transcript" and inserting "and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking "or (1)(E)".

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "she was married";

(4) by inserting "(1)" after "(c)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving wife,

"(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

"(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior wife continued to remain institutionalized up to the time of her death, and

"(E) the individual married the surviving wife within 60 days after the prior wife's death.".

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "he was married";

(4) by inserting "(1)" after "(g)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving husband,

"(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

"(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior husband continued to remain institutionalized up to the time of his death, and

"(E) the individual married the surviving husband within 60 days after the prior husband's death.".

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking "clause (5) of subsection (c) or clause (5) of subsection (g)" and inserting "clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking "to taxes or contributions for similar purposes under" and inserting "exclusively to the laws applicable to".

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

"Compensation, Expenses, and Per Diem

"(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of the such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking "if, on" and inserting "'if, during any portion of the last 60 months of such service ending with".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of the enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(b)(4)(A), 202(c)(2)(A), 202(e)(7)(A), or 202(f)(2)(A) of the Social Security Act (in the matter preceding clause (i) thereof)—

(1) if the last day of such service occurs before the end of the 90-day period following the date of the enactment of this Act, or

(2) in any case in which the last day of such service occurs after the end of such 90-day period, such individual performed such service during such 90-day period which constituted "employment" as defined in section 210 of such Act, and all such service subsequently performed by such individual has constituted such "employment".

SEC. 419. GOVERNMENT PENSION OFFSET REDUCED FROM TWO-THIRDS TO ONE-THIRD OF THE GOVERNMENT PENSION.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking "two-thirds" and inserting "one-third".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(b)(2)(A)) is amended by striking "two-thirds" and inserting "one-third".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking "two-thirds" and inserting "one-third".

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking "two-thirds" and inserting "one-third".

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking "two-thirds" and inserting "one-third".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months ending after the date of the enactment of this Act.

(g) ANNUAL REIMBURSEMENT OF TRUST FUND.—There are authorized to be appropriated from time to time to the Federal Old-Age and Survivors Insurance Trust Fund such sums as are necessary for any fiscal year, on account of—

(1) amounts paid or to be paid from such Trust Fund under title II of the Social Security Act solely by reason of the amendments made by this section,

(2) the additional administrative expenses resulting or expected to result therefrom, and

(3) any loss in interest to such Trust Fund resulting from the payment of such amounts, in order to place such Trust Fund in the same position at the end of such fiscal year as the position in which it would have been if the preceding provisions of this section had not been enacted.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking "Secretary" the first place it appears and inserting "Commissioner of Social Security"; and

(2) by striking "Secretary" each subsequent place it appears and inserting "Commissioner".

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting ", but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires" before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking "described in subsection (g)(5)" and inserting "on a farm operated for profit".

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking "described in section 210(f)(5)" and inserting "on a farm operated for profit".

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking "or is domestic service in a private home of the employer".

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking "deportation" each place it appears and inserting "removal";

(2) by striking "deported" each place it appears and inserting "removed";

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking "under section 241(a) (other than under paragraph (1)(C) thereof)" and inserting "under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)";

(4) in paragraph (2), by striking "under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)" and inserting "under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act";

(5) in paragraph (3)—

(A) by striking "paragraph (19) of section 241(a)" and inserting "subparagraph (D) of section 237(a)(4)"; and

(B) by striking "paragraph (19)" and inserting "subparagraph (D)"; and

(6) in the heading, by striking "Deportation" and inserting "Removal".

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking "section 162(m)" and inserting "section 162(l)".

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking "and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis".

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;".

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and".

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8(a)(2)(f) of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials on the bill H.R. 522, the Federal Deposit Insurance Reform Act of 2003.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the order of the House of Tuesday, April 1, 2003 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 522.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, April 1, 2003, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. I want to begin by thanking the gentleman from Ohio (Mr. OXLEY), the chairman of the committee, for his tremendous leadership in steering what is a complex bill through the legislative process. I also want to thank the ranking member of the committee, the gentleman from Massachusetts (Mr. FRANK), for his support of this important piece of legislation. The committee and the Congress in its votes on this legislation in the past, legislation very similar, has shown that it can work together in a very bipartisan manner.

Deposit insurance reform has been thoroughly discussed and debated over the past several years. During the 107th Congress, I introduced comprehensive deposit insurance reform, H.R. 3717. The legislation was a by-product of recommendations by the FDIC in early 2001, industry representatives coming together urging that we take action. The American Banking Association, The Credit Union National Association, Independent Bankers and Financial Services Roundtable, all urging the Federal Reserve, the administration, urging us to take action to reform Federal deposit insurance. We did take action, and the 107th Congress passed H.R. 3717 by a vote of 408 to 18.

Unfortunately, that bill died in the other body.

Earlier this year, I introduced the same legislation. This time it is H.R. 522, the Deposit Insurance Reform Act of 2003. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) joined me in introducing this legislation, along with 57 other cosponsors on both sides of the aisle. It was approved by the Committee on Financial Services by a unanimous voice vote. I am pleased that the Senate now plans to act on similar legislation in the very near future, and that the President's budget for fiscal year 2004 outlines a proposal similar to our legislation.

The legislation is supported not only by American bankers, the Financial Services Roundtable made up of the 100 largest financial corporations in America, but also by the credit unions, the thrift associations, the community bankers, the securities industry, and also by groups that we sometimes do not find on the same side; the American Association of Retired Persons has recently endorsed this legislation.

Federal deposit insurance has been the hallmark of our Nation's banking system for almost 70 years. The reforms made by this legislation will ensure that the system that serves savers and depositors so well for so long will continue for future generations.

What does the legislation do? First, it merges separate insurance funds that currently apply to deposits held by banks on the one hand and savings associations on the other, creating a stronger, more stable fund that benefits banks and thrifts alike.

Second, it changes the "pro-cyclical" bias of the current system. In other words, it spreads out over time the assessments to the institutions which results in, by doing this, a more uniform assessment. Presently we have sharply higher premiums served during recessionary times and much lower premiums during good times. Banks can least afford to pay a higher premium during recessions, and we found that out, and this corrects that.

□ 1045

Third, the legislation includes modest increases in the amount of coverage available. The system has gone from 1980 without an increase in coverage. If we took 1980 as our basis and we increased coverage based on inflation, we would go to $200,000. If we went back to 1980, the $100,000, and we increased it based on per capita income, it would actually go to $300,000. So we are proposing $130,000, a very modest increase.

If we went back to 1974, because some have said they should not have raised it in 1980, they should have kept it at the 1974 level, and we increased it for inflation, it would go to $140,000.

Mr. Chairman, there are some who will offer amendments who have actually publicly stated that they do not believe in Federal deposit insurance, one of the gentlemen offering an amendment later on. So there are Members of the body who do not believe that our deposits in banks should be federally insured.

I understand that; but I, for one, disagree with that. I think Americans have come to rely and have a sense of security in knowing that when they put their retirement funds in a bank or thrift that it is federally insured. Particularly in light of the recent volatility on Wall Street, people have, I think, come to rely more and value more the fact that they can put their money in a federally insured financial institution and not lose that money.

All of us have heard from community bankers in our districts about the challenges that they face in competing for deposits with large-money center banks that are perceived by the market, rightly or wrongly, as being too big to fail. By strengthening the deposit insurance system, our legislation will help small neighborhood-based financial institutions across the country, especially in rural areas, continue to play an important role in financing economic development.

The independent bankers have actually said that this legislation is key to maintaining local home-owned banking institutions. The deposits that community banks are able to attract through Federal deposit insurance guarantees are cycled back into local communities in the form of consumer and small business loans. One reason for this legislation is we value the right of every American to go down to his corner financial institution.

My thanks go to the chairman of the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this legislation. It is a very useful synthesis of several important elements. It merges the two bank funds. We have had two bank funds because we previously had a separate thrift and commercial system that was undone by earlier events. We deal here to some extent with the complication of newer entities now coming into the system as a result of the previous legislation we adopted repealing the old restrictions on banking.

There is one particular point I want to stress, that is, that an amendment that is included in this, and I thank the gentleman from Alabama (Mr. BACHUS) and the chairman of the committee, the gentleman from Ohio (Mr. OXLEY), for agreeing to this, cosponsored, when we last debated this bill last year when it passed in our body and did not go further, sponsored by our colleague, the gentlewoman from California (Ms. WATERS).

Years ago, two Members, two former Members, a Member from Pennsylvania named Ridge and a Member from New York named Flake, sponsored a bill to get low-income people who are outside the banking system into the banking system. The bankers of America should recognize this for what it is, a great compliment, a tribute to the role that a banking system plays in enhancing the ability of consumers to manage their lives well.

We have people who are victimized by unscrupulous lending practices. We have people who pay too much to do remittances to other countries, hard-working people in this country who are sending money to family elsewhere. We have payday lending exploitation. Getting people into the banking system is a way to resolve that.

The problem was, there was no funding source for that. In this bill there is a funding source. It comes through deposit insurance. I know there are people in the banking industry, with whom I agree on many issues, who do not like that funding source. If they can come up with an equally reliable alternative funding source, I will work with them.

But I want to make clear, this bill is a synthesis. It helps the people in the banking industry, who are a very important part of our economy; and I am all for it for that reason. It also, and there is one provision, does something about equity. I think that is the model we ought to be following. We ought to be doing what we can to enhance the ability of the free market system to create wealth, which it does so well; but we ought also to be looking for opportunities to accompany those moves with smaller measures, generally, in scope, measures that do not cost any great deal of money very often, although sometimes it might be more, that provide some equity, as well.

This bill does both. It is to me a whole joined together; and it will leave here, and I appreciate the support of the leadership of the committee on the majority side, with those two elements conjoined. I do want to note that if it came back and somebody has put asunder what we have joined, the support for this bill would not be what it is. So I thank the gentleman from Alabama for his leadership.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Chairman, I rise today in support of H.R. 522, legislation to reform the Federal deposit insurance system. As a member of the Committee on Financial Services, I am pleased to see the House take up this legislation today, and provide my colleague, the gentleman from Alabama, kudos for bringing this measure to the floor and to the debate today.

One of the provisions of H.R. 522 is it increases deposit insurance coverage from $100,000 to $130,000 per account. The hike in coverage limits is most appropriate, as the current ceiling was set in 1980; and inflation has eroded the real value of that coverage by more than 50 percent. Increased coverage limits will be especially helpful to community banks in bringing, and just as importantly keeping, deposits in their institutions that can be used in local economies and local communities.

In addition, the bill would provide $260,000 in coverage for certain retirement products, certain IRAs, certain 401(k)s, a key step in an ongoing effort here in the Capitol to encourage consumers to build their savings. This provision in particular is relevant to our seniors, who benefit by being able to be more savers as they move toward retirement savings and retirement age to the security of the insured deposit system.

Mr. Chairman, I strongly support this provision and urge all of my colleagues to support it, as well, and vote in favor not only of this important piece of legislation, but also against the amendment that will be offered later to move this provision from $130,000 back to $100,000.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I appreciate the gentleman from Alabama for yielding time to me, and I commend him on his leadership and persistence with regard to this legislation. It has been a long time coming, and I am pleased today to support H.R. 522.

Much of my focus as a Member of Congress has been on what can we do to improve the chances that rural America will survive, what can we do to make certain that the communities across our country and the people who live there have a little prosperity today, but they also are able to preserve that way of life in small-town America for future generations.

One of the concerns that is clearly there and can be demonstrated is the need for credit for small loans, the need for credit for small business, the need for credit for small farmers and ranchers. We must take steps that will strengthen the financial opportunities available for citizens of our communities across the country to save, to set their money aside. This will encourage those individuals to be able to do that in larger amounts, without having to take the necessary risks of investing in some more volatile kind of market or shopping for deposit ability in towns far away.

Perhaps, even more importantly, if we want rural America to survive, if we want small business and agriculture to have an opportunity to succeed, they have to have access to credit. The opportunity that this legislation presents is a step in the right direction toward making certain that credit is available to our creditworthy business owners, farmers, and ranchers.

I commend the committee and thank them for their efforts in this regard. I lend my wholehearted support toward increasing the amount of coverage and making it possible for our communities to have a greater volume of assets on deposit in their local bank.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I rise today in support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. As a member of the Committee on Financial Services, I want to thank the gentleman from Ohio (Chairman Oxley) and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), for their work on this legislation and for acting quickly in this new Congress to address this matter of importance to banks and depositors alike.

This legislation will help create a more stable and a more fair and secure banking system. By combining the Banking Insurance Fund and the Savings Association Insurance Fund into one fund, the risks that a couple of large institutions could fail and impair each fund is greatly reduced.

Merging these funds will help increase fairness in our banking system as well by eliminating the possibility that two institutions of similar sizes would essentially be paying two completely different premiums. Further, the merged fund will make reporting and accounting less burdensome for both the institutions and the FDIC as well.

Our deposit insurance system plays a vital role in our economic security. This legislation will give the FDIC the necessary flexibility to respond to varying economic conditions and allow them to properly price premiums to reflect actual risk. By eliminating the 23 basis point premium "rate cliff" required under current law, more institutions will have more capital to invest in our economy. That means more jobs, more hope, more opportunity.

Mr. Chairman, FDIC Chairman Powell stated in his testimony before the Committee on Financial Services last month that H.R. 522 gives Congress "an opportunity to remedy flaws in the deposit insurance system before those flaws cause actual damage, either to the banking industry or our economy as a whole."

As a member of that committee, I am glad to see this body act so expeditiously on this legislation. I urge all of my colleagues to vote for H.R. 522.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in very strong support of the Federal Deposit Insurance Reform Act of 2003. This very critical legislation increases the standard maximum deposit coverage from $100,000 to $130,000, and then indexes the increase every 5 years to account for inflation.

However, most importantly to the seniors in my district, H.R. 522 calls for a doubling of the maximum deposit coverage for retirement accounts. This would allow seniors to maintain coverage on up to $260,000 in their retirement accounts.

The amendment offered today would strike this coverage without doing it for any good reason. The increases are modest and necessary in this bill. If the coverage limit actually had been keeping pace with inflation, today the standard limit would be about $200,000. This bill proposes an increase to only $130,000.

The FDIC is in great need of these commonsense reforms, and I urge my colleagues to join with me in support of H.R. 522 and to oppose any amendment that would strike the coverage increases.

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Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 522. I believe this bill makes important changes to the deposit insurance system to improve its effectiveness and increases incentives for people to save.

I wish to particularly speak in support of the provision in this bill that will require the FDIC to report annually on efforts by insured institutions to increase their deposit base by encouraging unbanked households to enter the conventional finance system and to avail themselves of bank accounts and other conventional services offered by depository institutions.

Unbanked families as defined by this provision are those individuals who rarely, if ever, held a checking account or savings account or other type of conventional account in an insured depository institution. Joining me attaching this provision in committee was the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Texas (Mr. HINOJOSA).

Mr. Chairman, too many families lack access to basic fundamental services. It is currently estimated that nearly 10 million American families are unbanked. Unfortunately, for unbanked families there are no real financial alternatives but payday lenders or check cashers, which is often the worst form of financing for a struggling American family.

The Hispanic community particularly struggles with high rates of unbanked families. One recent survey found that 35 percent of Hispanic families did not have a bank account, with that number rising to 42 percent for those Hispanics who are foreign born. With limited access to formal saving tools, it is no surprise that the financial net worth of the median Hispanic family in the United States today is estimated to be zero.

Fortunately, great strides have been made by major financial institutions to increase their presence in the Hispanic community through the use of such things as money remittance technology and the matricula card. It is my hope and expectation that all major depository institutions will look at unbanked minority families as a business opportunity and aggressively attempt to include them in the conventional finance system.

A relationship to a mainstream financial institution has long-term positive economic and financial effects on families and the communities where they reside, fostering their greater integration into the United States economy. The best defense against predatory financing is education and a bank account. The unbanked provision in H.R. 522 is intended to highlight those efforts which are most effective in expanding the banking system to every American family. I urge the passage of this bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Chairman, I thank the gentleman for yielding me time. I particularly commend him for bringing H.R. 522 to the floor of this body.

Before I was sworn in as a Member of Congress I was a community banker. Our family still operates a community bank back home, and I want to highlight why I am supporting this bill from particularly a community banker's position.

Chairman Powell, Chairman of the FDIC, has indicated that the buying power of the $100,000 that is in reference today has deteriorated since 1980, the last time that FDIC insurance rates were adjusted to just $47,000 currently. Well, the same holds true on the lending side, and that is what I want to focus on is credit availability.

One of the biggest challenges, especially for community banks like I ran back home, was to have adequate deposits to meet credit demand. Now, if the $100,000 in 1980 is representative of $47,000 worth of buying power today, similarly, demand for credit has escalated the same way. Access to those deposits is critical and insurance coverage for those deposits is one of the main criteria for large deposit customers to bring their cash to the bank, knowing that it is covered. They either spread it out among other financial institutions at tremendous burden to them, or they put it in uninsured accounts out in the marketplace, both poor options. They like to establish a relationship and like to keep that relationship. This only makes good sense.

Another reason it makes such good sense is that it is a self-insurance program. The banks pay the premium that guarantees the insurance protection for these deposits.

Mr. Chairman, let me again commend the gentleman for bringing this legislation to the floor of this body. It is legislation I have long supported and long encouraged, and I thank the gentleman from Alabama (Mr. BACHUS) for his leadership on this issue.

Mr. BACHUS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Chairman, I rise today in strong support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. Our country has the largest, most complex, most stable banking system in the world. Deposit insurance is one of the major reasons for this stability. And today we will strengthen this system so that it continues to serve as a model for the rest of the world.

Depositors, taxpayers, and depository institutions would be well-served by this legislation which will modernize the Federal deposit insurance system. Federal deposit insurance was created by the Congress in 1934 and it has successfully served the American people for almost 70 years. Public confidence has been maintained, and the stability of the Nation's banking system has been preserved during periods of financial uncertainty.

The deposit insurance system has been significantly modified only twice since 1934, both times in response to the savings and loan crisis of the late 1980s and 1990s. During this crisis the Federal Government resolved 2,363 failures of insured institutions involving more than $700 billion in assets. As FDIC Chairman Powell has stated, "There were no bank runs, no panics, no disruptions to financial markets, and no debilitating impact on overall economic activity."

The existence of the Federal deposit insurance was a critical factor in maintaining public confidence in the banking system during these troubled times. H.R. 522, though technical in nature, seeks to apply the experience of the last decade to today's banking marketplace. It is the 21st century legislation for a 21st century banking industry, and this is it. And while the purpose of deposit insurance remains the same, industry growth, bank expansion from new powers, and the integration of banking and securities activities require that the scope and coverage of deposit insurance evolve so as to reflect the realities of a modern financial services industry. Moreover, the presence of Federal deposit insurance continues to be a key consideration for consumers in their decisions about where they do their banking and what level of deposit risk they are willing to assume.

Mr. Chairman, there is broad consensus in this body, the Bush administration, the Federal banking and thrift regulators, and business and consumer groups in favor of improving and strengthening the deposit insurance system and making it more responsive to the cyclical nature of banking activities and the post-Gramm-Leach-Bliley financial and economic environment. This legislation fulfills our commitment to the American public. Indeed, H.R. 522 was reported out of committee on a voice vote, a testimony to its responsiveness and timeliness. Substantially similar legislation passed this body just last year with over 400 votes.

This legislation is based on the recognition that depositors, savers, and investors have integrated financial needs and that the deposit insurance system must be stronger, more flexible, and adaptable to changing depositor behaviors in real times. The bill provides the FDIC with the necessary supervisory tools to manage the deposit insurance fund in a way that balances all affected interests and allocates the benefits and costs of the system evenly and fairly.

I want to thank the chairman of the Subcommittee on Financial Institutions and Consumer Credit, the gentleman from Alabama (Mr. BACHUS) for taking on this challenging, highly technical legislative process and for engaging all the major stakeholders in developing a bipartisan piece of well-balanced, highly effective legislation.

I also want to thank all of the bipartisan co-sponsors of this important legislation, particularly our distinguished ranking member, the gentleman from Massachusetts (Mr. FRANK), for their good work in this effort. I strongly urge all of my colleagues to support this legislation, and by doing so we ensure the public continues to maintain its confidence in the U.S. financial services industry, by far the most stable in the world.

Mr. Chairman, in scoring last year's deposit insurance reform legislation, the CBO concluded that the bill would decrease net Federal spending by $700 million. This year, presented with a substantially similar piece of legislation reforming the deposit insurance system, the CBO applied a different set of assumptions in performing its analysis of H.R. 522, and concluded that this year's bill would increase net Federal spending by some $1.9 billion.

This large swing between last year's estimate and this year's is attributable in large measure to a change in CBO's calculation of how much premiums the FDIC will be able to collect from insured depository institutions under the two bills. In making this calculation, CBO acknowledged the speculative nature of its analysis, stating that "it is possible that the FDIC could use its broad discretion [under the legislation] differently than we have assumed and that could result in either fewer or greater premium collections than CBO has estimated."

The CBO's analysis is grounded in an arbitrary assumption that the FDIC Board will choose not to exercise its authority in a revenue neutral way. This assumption is directly contrary to the consistent congressional testimony of the FDIC that a central goal of deposit insurance reform is revenue neutrality.

In fact, in a letter that the Committee received on March 31, 2003, from the Chairman of the FDIC, the Honorable Don Powell, Chairman Powell stated the FDIC's position that H.R. 522 gives the agency "appropriate tools and incentives to manage the deposit insurance system such that it will not result in increased net government spending."

Chairman Powell's letter, which conclusively rebuts the notion that H.R. 522 will have an adverse affect on Federal spending, goes on to state:

> H.R. 522 provides the FDIC with the tools to achieve revenue neutrality in the management of the deposit insurance system. Because any analysis that determines H.R. 522 will result in an increase in net government

spending must necessarily rely on assumptions regarding how the FDIC Board will exercise the discretion provided in the legislation, I can assure Congress that the leadership of the FDIC has no intention of managing the deposit insurance system in a way that increases the costs to the government or increases the burden on insured institutions. The costs of the deposit insurance system will continue to be borne by the banking industry, but in a manner that establishes a strong risk-based premium system and avoids the procyclical risks inherent in current law.

The Committee shares the view of the FDIC, the agency that has had responsibility for administering the deposit insurance program since its inception more than 70 years ago, and believes that the CBO analysis of the potential budgetary impact of H.R. 522 is fundamentally flawed.

For the RECORD, I am including a copy of the CBO estimate and the FDIC's response.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 28, 2003.

Hon. MICHAEL G. OXLEY,
Chairman Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 522, the Federal Deposit Insurance Reform Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Hadley and Ken Johnson (for federal costs), and Judith Ruud (for the private-sector impact).

Sincerely,
BARRY B. ANDERSON
for Douglas Holtz-Eakin, Director.

Enclosure.

H.R. 522—Federal Deposit Insurance Reform Act of 2003

Summary: H.R. 522 would amend provisions of banking and credit union law to reform the deposit insurance system. Specifically, the bill would increase insurance coverage for insured accounts from $100,000 per account to $130,000 for most accounts (with higher levels of coverage for retirement accounts and municipal deposits). Over time, the coverage limit for insured deposits would increase to account for inflation. Those provisions of the bill would affect deposits held by banks and thrifts, which are insured by the Federal Deposit Insurance Corporation (FDIC), as well as those held by credit unions, which are insured by the National Credit Union Administration (NCUA). In addition, the bill would merge the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF) to create a new Deposit Insurance Fund (DIF) to pay the claims of depositors of failed banks and thrifts. Finally, H.R. 522 would amend the conditions under which banks and thrifts would pay insurance premiums to the FDIC, which administers the funds.

CBO estimates that H.R. 522 would increase the net cost of resolving failed financial institutions by $2.1 billion over the next 10 years. Under the bill, the FDIC and NCUA would offset some of that cost through increased insurance premiums paid by financial institutions. Because H.R. 522 would allow institutions to pay FDIC premiums with credits in lieu of cash, the additional cost of resolving failed financial institutions under the bill would exceed the cash receipts from additional premiums. Consequently, we estimate that the FDIC would bear nearly all of the increased costs of resolving failed institutions during the next five years, when most of the credits would be used. As a result, CBO estimates that a would increase net direct spending by $1.9 billion over the 2004–2013 period.

H.R. 522 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the mandate would impose no costs on state, local, or tribal governments and, therefore, that it costs would not exceed the threshold established in UMRA ($59 million 2003, adjusted annually for inflation).

The bill contains private-sector mandates as defined by UMRA, primarily because it would necessitate the payment of increased deposit insurance premiums. CBO estimates that the direct cost of those mandates would be below the annual threshold specified in UMRA ($117 million in 2003, adjusted annually for inflation) during the first five years after enactment because the bill would provide credits to certain institutions that would largely offset their insurance premium assessments over the 2004–2008 period. We do not have sufficient information to provide a precise estimate of the aggregate cost of all the mandates in the bill.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 522 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in billions of dollars—									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
DIRECT SPENDING										
FDIC and NCUA Spending Under Current Law:										
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*
Estimated Outlays	1.1	1.5	0.9	0.7	0.7	0.8	0.6	0.3	0.1	0.3
Changes in Costs to Resolve Failed Institutions Insured by FDIC and NCUA:										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.2	0.2	0.2
Changes to FDIC and NCUA Premium Collections:										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0.5	0.4	1.1	0.4	*	−0.3	−0.4	−0.5	−0.6	−0.9
Total Changes Under H.R. 522:										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0.7	0.6	1.3	0.6	0.2	*	−0.1	−0.3	−0.4	−0.7
FDIC and NCUA Spending Under H.R. 522:										
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*
Estimated Outlays	1.8	2.1	2.2	1.3	0.9	0.8	0.5	*	−0.3	−0.4

Note.—*=Between 0 and −$50 million.

Basis of estimate: Two federal agencies are primarily responsible for the deposit insurance system. The FDIC insures the deposits in banks with the BIF and the deposits of thrifts with the SAIF. The NCUA insures the deposits in credit unions (referred to as shares) with the Share Insurance Fund. When a financial institution fails, the FDIC or NCUA use the insurance funds to reimburse the insured depositors of the failed institution. These agencies then sell the assets of the failed institution and deposit any money recovered into the insurance funds.

CBO estimates that H.R 522 would increase both the cost of resolving failed financial institutions and the premiums paid by financial institutions. Over the 2004–2013 period, we estimate that the cost of resolving failed institutions would increase by $2.1 billion and premiums paid by financial institutions would increase by $200 million. Thus, we estimate that enacting H.R. 522 would result in a net increase in direct spending of $1.9 billion over the 2004–2013 period. The major components of this estimate are explained below.

Increase in the Cost of Resolving Failed Financial Institutions

H.R. 522 would increase deposit insurance coverage from $100,000 to $130,000 for most accounts, with higher coverage levels for employee benefit plans and in-state municipal deposits. Such increases would apply to deposits held by credit unions as well as banks and thrifts. In addition, the bill would require the FDIC and NCUA to adjust deposit insurance coverage every five years beginning January 1, 2006, to account for inflation. because H.R. 522 would require that coverage levels be rounded to the nearest $10,000, CBO estimates that coverage would remain at $130,000 in 2006 and would increase to $150,000 in 2011.

By 2004, we expect that insured deposits will total more than $3.5 trillion under current law. Based on information from the FDIC and the experience of past increases in deposit insurance coverage, CBO estimates that the increased insurance coverage under H.R. 522 would increase the deposits insured by the FDIC by about $300 billion—or around 8 percent.

By insuring current deposits that are now uninsured, the bill would increase the liability of the FDIC and NCUA when institutions fail without significantly increasing the assets of those institutions. Under current law, we expect the FDIC's net losses on failed institutions to total about $12.2 billion over the 2004–2013 period. (We project that gross losses of $56.3 billion would be offset, in part, by recoveries of $44.1 billion from selling the assets of the failed institutions.) CBO estimates that the bill would lead to an increase in net losses of $1 billion over the next 10 years. Outlays for resolving failed institutions would increase by a larger amount over the next 10 years, however, because selling the assets of failed banks often takes many years. As a result, CBO estimates H.R. 522 would increase the FDIC's net outlays to resolve failed banks and thrifts by about $2.1

billion over the 2004–2013 period. Similarly, we estimate that enacting H.R. 552 would increase NCUA's net outlays to resolve failed credit unions by about $10 million over the 2004–2013 period.

By increasing deposit insurance coverage, H.R. 522 could reduce incentives of depositors to monitor the behavior of financial institutions. Over the long term, this could lead to increased risk-taking by those institutions and ultimately to higher losses. On the other hand, if the DIF incurs larger losses to resolve failed banks and thrifts, H.R. 522 would give the FDIC the flexibility to set premiums to restore the balances in the fund over several years, thus allowing the agency to recover from large losses without imperiling other institutions. This new authority could reduce future losses. CBO has no basis for estimating the magnitude of either of these effects. We expect, however, that any changes in the costs of resolving failed institutions would eventually be borne by banks and thrifts through premiums.

Effects on Premiums Paid to the FDIC By Financial Institutions

Three general provisions of H.R. 522 would affect the total amount of premiums collected by the FDIC. The bill would provide the FDIC with increase discretion to set premiums. Financial institutions would be given credits that could be used to pay the FDIC assessments in lieu of cash. Finally, the bill would require the FDIC to merge the BIF and SAIF.

The amount of premiums that banks and thrifts would pay through the combined effects of the three major provisions of H.R. 522 would depend on the DIF's balance in each year, which in turn would depend on the costs of resolving failed institutions. To estimate the effects of the bill's provisions on premium collections, CBO considered several thousand scenarios of the magnitude and timing of possible losses to the FDIC and the subsequent impact on premiums that would be collected under the bill. Because the fund balance in any given year depends on the losses in all prior years, each scenario included an estimate of losses over the entire 2004–2013 period. Applying a probability distribution to those loss scenarios, CBO estimated premium income to the government under H.R. 522, reflecting the wide range of uncertainty about future costs of resolving failed financial institutions.

Overall, CBO estimates that the net effect of these provisions on deposit insurance premiums would be an increase in collections of about $100 million over the next 10 years, considerably less than our projected increase in the FDIC's costs to resolve failed financial institutions ($2.1 billion). Each of the bill's three major provisions that would affect premium assessments is described below.

Increased FDIC Discretion Over Premiums. Under current law, the FDIC is required to assess premiums so as to maintain reserves equal to 1.25 percent of insured deposits in the BIF and SAIF. H.R. 522 would give the FDIC broad discretion to set premiums paid by insured financial institutions. As a result, the total amount collected would depend on how the FDIC chooses to exercise that discretion. Specifically, the bill would charge the FDIC with assessing premiums based on the degree of risk for each institution, it would authorize the FDIC to assess other premiums if it considers the DIF's reserves to be inappropriately low, and it would require the FDIC to implement a 10-year restoration plan if the DIF reserve ratio falls below 1.15 percent. It is possible that the FDIC could use its broad discretion differently than we have assumed and that could result in either fewer or greater premium collections than CBO has estimated. The following sections describe how CBO expects that the FDIC would exercise its discretion under the bill.

Premiums Based on the Risk of Each Institution. For this estimate CBO assumes that when setting premiums, the FDIC will consider all of the bill's criteria. Specifically, H.R. 522 would authorize that the FDIC charge premiums based on each institution's risk of failure. CBO expects that the FDIC would choose to charge all institutions some premiums all of the time because even the strongest institutions pose some risk. (Under current law, the vast majority of institutions do not pay any premiums if the BIF or the SAIF are above 1.25 percent of insured deposits.) The bill, however, would limit the amount of premiums the strongest institutions could pay to 0.01 percent of their deposits. Based on information from the FDIC, CBO expects that the risk posed by the strongest institutions will not be much less than that of the next strongest institutions. Therefore, we do not expect that the FDIC would charge those groups vastly different premiums.

Authority To Set Other Premiums. Based on information from the FDIC, CBO expects that the FDIC would increase premiums above the amount required by risk only when the FDIC determines that the DIF's reserves are inappropriately low. For this estimate, CBO assumes the FDIC would charge additional premiums if the DIF's reserves are between 1.15 percent and 1.20 percent of insured deposits. However, there may be limits on the amount by which the FDIC could increase premiums as the DIF nears 1.15 percent. For instance, the increased premiums would not apply to the least risky group of institutions because of the bill's limitation on assessments. Furthermore, we expect that the FDIC would attempt to charge similar premiums to banks with similar risks. Even if the fund were smaller than the FDIC would prefer, we expect that the FDIC would not significantly raise premiums charged to more risky institutions. Finally, CBO expects that the FDIC would attempt to limit volatility in premiums charged and avoid increases in premiums for temporary reductions in the fund. For these reasons, CBO assumes that, when the DIF reserve ratio is between 1.15 percent and 1.2 percent, the FDIC would charge all institutions other than the least risky group only an extra two basis points in premiums.

Ten-Year Restoration Plans. If the DIF's reserves fall below 1.15 percent of insured deposits, then H.R. 522 would require the FDIC to devise and implement a restoration plan to bring the reserve ratio back to 1.15 percent within 10 years. This flexibility to set restoration plans could reduce assessment income of the FDIC because it could spread the necessary premiums over 10 years. On the other hand, this provision of H.R. 522 might provide the FDIC the discretion necessary to recover from a large loss in the fund without imperiling other institutions. For this estimate, CBO assumes that the FDIC would charge all institutions premiums at least two basis points above their risk premiums and, under some conditions, would attempt to return the fund's reserve ratio to 1.15 percent in fewer than 10 years.

Credits for Future Assessments. H.R. 522 would require the FDIC to provide certain banks and thrifts with one-time credits against future assessments, based on their payments to the BIF or SAIF prior to 1997. FDIC's income from premiums would decline to the extent such credits are used. CBO estimates that financial institutions would use credits worth nearly $5.4 billion during the 2004–2013 period. Therefore, FDIC's collections would fall by an equivalent amount over the next 10 years. CBO expects most of the credits would be used over the 2004–2008 period.

The credits would equal 12 basis points (0.12 percent) of the combined assessment base of the BIF and SAIF as of December 31, 2001. Based on information from the FDIC, CBO estimates that the credits would total nearly $5.4 billion. They would be allocated to each institution based on their market share as of December 31, 1996. Institutions established after that date would be ineligible for these one-time credits against their future assessments.

H.R. 522 would limit the use of credits by institutions that are not well capitalized or that exhibit financial, operational, or compliance weaknesses that range from moderately severe to unsatisfactory. Under the bill, such institutions could only use credits worth no more than the average assessment on all depository institutions for that period. In addition, if the DIF's reserves fall below 1.15 percent of insured deposits, institutions would be prohibited from using more than three basis points worth of credits in that year. Even with those limitations, CBO expects that all of the credits awarded would be used during the 2004–2013 period.

H.R. 522 also would give the FDIC broad authority to award additional credits on an ongoing basis. For the purposes of this estimate, CBO assumes that the FDIC would award those ongoing credits only when DIF reserve ratio approaches 1.35 percent. Based on the growth of insured deposits, increased losses, and the impact that one-time credits would have on premium income, CBO estimates that it is very unlikely the fund balance would approach 1.35 percent of insured deposits.

Merging BIF and SAIF. H.R. 522 would require the FDIC to merge the Bank Insurance Fund and the Savings Association Insurance Fund and create a new Deposit Insurance Fund. By 2004, CBO expects the net worth of the combined fund would be about $45 billion. Considered separately from the other reforms in the bill, merging the funds would delay the collection of premiums on institutions now insured by the BIF for a few years and would have a minor impact on net outlays from the fund over the 2004–2013 period.

Increase in Premiums Paid to NCUA By Financial Institutions

Under current law, credit unions must pay NCUA 1 percent of the net change in deposits each year. NCUA provides rebates to credit unions if the balance in the share insurance fund exceeds 1.3 percent of insured deposits. Under current law, CBO estimates that NCUA will collect net premiums of about $3.3 billion from its members over the 2004–2013 period.

Based on information from NCUA, CBO expects that H.R. 522 would extend insurance coverage to about $6 billion in currently uninsured deposits in 2004 and that the higher insurance levels would attract about $50 million in new deposits that year. CBO estimates that, under the bill, the net premiums collected by NCUA would increase by $100 million over the 2004–2013 period. About $60 million of that amount would be realized in 2004. The premiums collected for the expanded insurance coverage would more than offset the estimated additional costs to NCUA of $10 million over the next 10 years.

Estimated impact on state, local, and tribal governments: H.R. 522 contains an intergovernmental mandate as defined in UMRA. A provision in section 3 would preempt New York state laws that bar savings banks and savings and loan associations from accepting municipal deposits. Enacting this provision would impose no costs on state, local, or tribal governments and, therefore, the costs of the mandate would not exceed the threshold established in UMRA ($59 million in 2003 adjusted annually for inflation). Enacting the bill could benefit municipalities in New York to the extent that more depository institutions may compete for their deposits and offer more favorable terms as part of that competition.

Estimated impact on the private sector: The bill contains private-sector mandates as defined by UMRA, primarily because it would necessitate the payment of increased deposit insurance premiums. CBO estimates that the direct cost of those mandates would be below the annual threshold specified in UMRA ($117 million in 2003, adjusted annually for inflation) during the first five years after enactment because the bill would provide credits to certain institutions that would largely offset their insurance premium assessments over the 2004–2008 period. We do not have sufficient information to provide a precise estimate of the aggregate cost of all mandates in the bill.

Banks and Savings Associations

Commercial banks and savings associations must have federal deposit insurance. CBO, therefore, considers changes in the federal deposit insurance system that increase requirements on those institutions to be private-sector mandates under UMRA. Specifically, the bill would increase federal insurance coverage for insured depository accounts. Because premiums are based in part on the amount of insured deposits, that increase in coverage would require banks and savings associations to pay more in deposit insurance premiums.

Three provisions of H.R. 522 would affect the total amount of premiums collected by the FDIC. The bill would require the FDIC to merge the BIF and the SAIF. The bill would provide the FDIC with greater discretion to set premiums. The FDIC would grant credits to some financial institutions that could be used to pay deposit insurance premiums in lieu of cash.

CBO estimates that as a result of the merger of the deposit insurance funds, increase deposit insurance coverage, and the greater discretion given to the FDIC to set premiums for banks and savings associations, banks and savings associations would be assessed about $200 million less in premiums in fiscal year 2004 (largely because of the savings provided by the merger of the BIF and the SAIF) but would be assessed about $1 billion more in 2005 when compared with current law. The additional assessments would total about $2.4 billion over the five-year period from 2004 to 2008.

However, H.R. 522 would require the FDIC to award credits to certain banks and savings associations that may be used to offset future deposit insurance premium assessments. The credits would amount to about $5.4 billion. Only banks and savings associations that paid deposit insurance premiums prior to 1997 would be eligible to receive credits. CBO expects that institutions that are awarded credits would use them as soon as they are available. For example, CBO estimates that in 2005, the industry would use about $1.5 billion of these credits towards the $1.7 billion of deposit insurance assessments. Although some institutions would have to pay more in premiums, the industry as a whole would pay about $400 million less in 2005 than it would have to pay under current law because of the use of the credits.

Over the 2004–2007 period, CBO expects that the industry would pay less in premiums than it would under current law due to the credits. However, as the industry exhausts its credits, it would have to pay more in premiums than under current law. By 2008, CBO expects that the industry would have to pay premiums of about $50 million more. In 2009, the industry would pay additional premiums of about $300 million, and the amount of additional premiums paid would increase in subsequent years.

Credit Unions

Because the bill would increase the coverage of insured accounts for federally insured credit unions, those credit unions would have to contribute more to the National Credit Union Insurance Fund. CBO estimates that those institutions would contribute an additional $60 million in fiscal year 2004. The additional contributions would total about $100 million over the 2004–2008 period.

Employee Benefit Plan Deposits

The bill would also prohibit banks, savings associations, and credit unions that are not well capitalized or adequately capitalized from accepting employee benefit plan deposits. CBO does not have sufficient information to assess the cost of this mandate.

Estimate prepared by: Federal Costs: Mark Hadley (226–2860), Ken Johnson (226–2860), and Judith Ruud (226–2940). Impact on State, Local, and Tribal Governments: Victoria Heid Hall (225–3220). Impact on the Private Sector: Judith Ruud (226–2940).

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis

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FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, March 31, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to address recent concerns raised by the Congressional Budget Office that H.R. 522, the Federal Deposit Insurance Reform Act of 2003, would increase net government spending. H.R. 522 provides the Federal Deposit Insurance Corporation with a number of new discretionary tools that permit an effective risk-based deposit insurance system and avoid the procyclical impact of current law. Because any analysis of the impact of this legislation is highly dependent on unpredictable variables, the FDIC would like to provide Congress with the assurance that H.R. 522 includes appropriate tools and incentives to manage the deposit insurance system such that it will not result in increased net government spending.

REVENUE NEUTRALITY

From the very beginning of the debate on deposit insurance reforms, the FDIC has stated that the point of the reforms is neither to increase assessment revenues from the industry nor to relieve the industry of its obligation to fund the deposit insurance system. Rather, the goal of deposit insurance reform is to distribute the assessment burden more evenly over time and more fairly across insured institutions. H.R. 522 provides the FDIC with the tools to achieve revenue neutrality in the management of the deposit insurance system. Because any analysis that determines H.R. 522 will result in an increase in net government spending must necessarily rely on assumptions regarding how the FDIC Board will exercise the discretion provided in the legislation, I can assure Congress that the leadership of the FDIC has no intention of managing the deposit insurance system in a way that increases the costs to the government or increases the burden on insured institutions. The cost of the deposit insurance system will continue to be borne by the banking industry, but in a manner that establishes a strong risk-based premium system and avoids the procyclical risks inherent in current law.

DIFFICULTY OF ANALYZING DISCRETIONARY ACTIONS

Analyzing the budgetary impact of H.R. 522 is undeniably a difficult exercise that depends critically on two types of assumptions—external factors and internal factors. External factors include a number of complex variables, such as the likelihood of future failures, the condition of the economy, the cost of failures, and deposit growth. A change in any one or more of these variables has a significant impact on the analysis.

The internal factors involve the behavior and decisions of the FDIC Board of Directors in setting deposit insurance premiums. In the case of H.R. 522, the analysis is difficult because the discretion granted to the FDIC to manage the deposit insurance funds requires analysts to model the future decisions of the FDIC Board. The CBO analysis makes a number of assumptions about when the FDIC Board will exercise its discretion to increase deposit insurance premiums and how much it will charge. Based on these assumptions, the CBO reaches a conclusion that the FDIC Board acts in a manner that results in a $1.9 billion net increase in government spending over ten years. Yet, nothing in the legislation prevents the FDIC Board from making slightly different decisions. The CBO estimate represents an annual "cost" of less then one half a basis point against the FDIC's assessment base. There is no reason to assume that the FDIC Board would not make the minor adjustments in its decisions to achieve its stated goal of revenue neutrality.

BENEFITS OF H.R. 522

No analysis of the "costs" of legislation is complete without a full consideration of the benefits provided by the bill. The FDIC believes that H.R. 522 provides significant benefits over the current deposit insurance system. The current system is procyclical and will require the banking industry to pay its highest premiums at the worst possible time—during economic downturns—so that banks will have less money available to lend when their communities need it most.

In addition, H.R. 522 will permit the FDIC to implement an effective risk-based premium system. Under the current system, 91 percent of financial institutions do not pay deposit insurance premiums even though there are clear differences in their risk profiles. Safer institutions subsidize their riskier competitors and many institutions have never paid a premium for their insurance coverage. An effective deposit insurance system that charges institutions based on the risk they present to the insurance fund would be fairer and provide greater protection against risky practices that can lead to bank failures and deposit insurance losses.

If H.R. 522 or similar legislation is enacted into law, the FDIC believes it will represent an important improvement over the current deposit insurance system. I can assure you that it is the intention of the FDIC to implement H.R. 522 to achieve our stated goal of revenue neutrality. I hope that the House of Representatives will take a major step toward a safer and sounder deposit insurance system by passing H.R. 522.

Sincerely,

DONALD E. POWELL.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

I rise today in support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. This legislation would accomplish a much-needed modernization of our Federal deposit insurance system. It would help millions of typical Americans get important protection for their savings that they deserve.

H.R. 522 would help modernize the system by increasing the deposit coverage levels for our Nation's savers from $100,000 to $130,000. I have no doubt that H.R. 522 would help many Americans get the important protection that they deserve for their savings, for their nest eggs.

H.R. 522 strengthens the Nation's insured depository institutions, especially small banks, thrifts, and credit unions. It also ensures that the Federal deposit insurance system does not harm the ability of the insured depository institutions to meet the Nation's credit needs at all stages of the economic cycle. And who can argue against a bill which advances the national priority of enhancing retirement security for all Americans?

Coverage levels are increased for, IRAs and 401(k) plans. This is essential to our economy as our population ages and retirees are realizing the sums of money that it will take today to maintain an adequate standard of living. This is why the American Association of Retired Persons supports this bill.

We must pass this bill in order to encourage retirees in smaller towns to keep their savings in local community banks instead of transferring monies to larger banks headquartered in some distant city. Transactions to larger banks hurt the local community's economy because the savers' monies are not recycled back into the community. It also directly hurts the local community's residents because there are less funds available; thus access to credit become more difficult and the costs of raising funds to lend becomes higher.

This evolution of bank transactions ultimately hurts the local economy, threatening the job base and the economic vitality of the local community. I know this bill has widespread support in this Chamber. During the last Congress, the 107th Congress, the House passed similar legislation with an overwhelming bipartisan vote. Last year's solid vote of support indicates to me the importance of this measure and the grassroots support behind it. I urge my colleagues to pass H.R. 522 with similar resolve.

Today more than ever, American savers and investors need reassurance, reassurance that their elected representatives are helping to ensure that their hard-earned savings are safe with a modern deposit insurance system.

Let us promote confidence for today's disheartened saver and investor and promote confidence for the system for our children. I urge passage of H.R. 522.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in support of H.R. 522 which merges the Bank Insurance Fund and the Savings Association Insurance Fund, and which updates a successful program by increasing the standard maximum deposit insurance limit to $130,000 and indexing it every 5 years for inflation, doubling the new coverage level for certain retirement accounts and increasing the coverage amount for in-State municipal deposits.

The FDIC deposit insurance system has served a critical role in the stability of our Nation's financial system. The reform to increase deposit insurance coverage from $100,000 to $130,000 will provide American savers the ability to better secure their nest egg while ensuring ongoing consumer confidence and the stability of the banking system. At an earlier time in history, a person may have felt it better to put their money in a metal box underneath a loose floor board in the house. At the other end of the spectrum would be the venture capitalists. They take risks, but that is their choice.

The FDIC deposit insurance system creates some stability for the average person looking to secure some of their savings, not only for their retirement but for education and family needs as well. The increase in protection for retirement funds is significant not only for the overall picture, but also it is important that we pass this as reported out by committee.

The image of a metal box brings up another point. If that money is in a bank as opposed to underneath a house, it obviously becomes part of the Nation's overall cash flow and investment system. This bill updates, at even less than the rate of inflation, the deposit insurance amount. That allows depositors who wish to put their funds in local independent banks to do so with confidence. In turn, those banks are able to approve loans related to local projects.

I think even opponents of this bill in its current form would agree that competition is indeed good. For Congress to keep this amount of $100,000 is a not a harmless action. Not increasing the insurance amount in the face of 21 years of inflation in effect makes Congress a partner in the erosion of the ability of local communities to compete fairly with larger banks.

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References to the savings and loan crisis have to be weighed in the context of the actions taken after that situation by both government and industry.

This bill passed last year by a vote of 408 to 18. I urge support today for this bill as reported out of committee and a "yes" vote on final passage.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as remains.

Mr. Chairman, there are opponents to this legislation. Those opponents give several reasons, and we may hear those during the amendments; but I think the most honest opponent of this legislation is the gentleman from California (Mr. ROHRABACHER), who will offer an amendment or who may not offer an amendment but who has filed an amendment to strike the increases in coverage.

The gentleman from California (Mr. ROHRABACHER) said in the American Banker, and I quote him, in today's edition, "I don't believe in Federal deposit insurance." I think that pretty much sums up the opposition because if a person does not believe in it, then a person does not want it to increase to allow for inflation or for increase in per capita income. If a person does believe in it, then they want it to remain current. They want it to remain current with per capita income and inflation.

As I said, we last increased the levels in 1980. If we adjusted them for per capita income, they would actually go to $300,000. If we increased them for inflation, they would go to $200,000. We, to build a consensus, only increased them to $130,000; but we did increase retirement funds to $260,000, but we felt that there were people other than retirees who deserve the protection to keep up with per capita income and inflation.

So we increased everyone's coverage to 130, including small businesses and depositors, many of whom we found in testimony sell their house, deposit the entire proceeds in a financial institution and assume, sometimes tragically, that there is sufficient coverage.

There are additional reasons why people are opposing this legislation. There is a question of cost. The CBO scored the same bill last year as a savings of $750 million. This year they say it has a cost of $1 billion.

Chairman Powell of the FDIC responded to the CBO estimate and said this, because it conclusively rebuts any CBO estimate that this will cost the taxpayers and any argument that may be made on the floor today about the budgetary impact of the legislation, and he says, "H.R. 522 provides the FDIC with the tools to achieve revenue neutrality in the management of the deposit insurance system. Because any analysis that determines 522 will result in an increase in net government spending must necessarily rely on assumptions regarding how the FDIC Board will exercise the discretion provided in the legislation." And here is the most pertinent part: "I can assure Congress that the leadership of the FDIC has no intention of managing the deposit insurance system in a way that increases the cost to the government or increases the burden on insured institutions. The costs of the deposit insurance system will continue to be borne by the banking industry, but in a manner that establishes a strong risk-based premium system and avoids the procyclical risks inherent in current law." I do stress there are risks in the current law if we do not amend it.

He also in a letter to this body on March 31 says, "No analysis of the 'costs' of legislation is complete without a full consideration of the benefits provided by the bill," and he goes on to list many benefits to the economy, to savers and to strengthening our banking institution.

Another rabbit that has been turned loose by opponents of this bill is that the increase in coverage, the last increase was what precipitated the savings and loan crisis. That is simply not a fact. There were many causes. In fact, let me read from a report from this own body as to the reason for the savings and loan crisis. The causes of the thrift crisis can be traced to a number of factors: poorly timed deregulation, the dismal performance of some thrift management, inadequate oversight supervision and regulation.

Mr. TIAHRT. Mr. Chairman, I rise today in support of the Federal Deposit Insurance Reform Act of 2003. This much needed, bipartisan legislation will help rural communities in my district, as well as thousands of other small towns across this country. H.R. 522 strengthens the deposit insurance fund and helps address a major funding need for community banks.

I have heard from many farm banks in Kansas that continue to have problems increasing their core deposits. These banks are forced to turn to noncore funds to support their asset growth. I am told noncore funds can often be more expensive and volatile than core deposits. This is not good for either the bankers or the customers who are investing their money.

The FDIC's Kansas City office noted in their Spring 2003 Regional Outlook report that "core funding takes on added importance for community banks with a significant presence in rural communities facing long-term negative growth . . .". This report goes on to say that core funds are the staple of rural banks, but they are increasingly becoming more difficult to attract or even retain.

Because of the artificially low deposit insurance cap, rural residents are being forced to send deposits that are not insured with the current $100,000 limit to institutions outside their local communities.

I see no good reason to allow this loss of capital from rural areas. It is capital that could be used for loans to diversify our rural communities and create or expand small businesses. At a time when our small towns are really suffering economically, we need all the local investment available. Local investment encourages entrepreneurship and ultimately creates local jobs. H.R. 522 will help ensure that objective is not eroded over time as it has done for more than two decades.

A declining rural population leads to a declining deposit base. An increasing rural population tends to create more demand for loans. Either way, this situation indicates we need to increase deposit insurance levels. Local dollars should stay invested in our local communities.

The bill today increases the basic coverage level from $100,000 to $130,000. This modest increase is long overdue, especially in context of other changes made to the system in recent years. Higher coverage levels will strengthen depositor confidence in the entire financial services system.

H.R. 522 also gives the FDIC flexibility. Right now, the FDIC is mandated to have the ratio of reserves to estimated insured deposits at a hard target of 1.25 percent. This bill we are considering today would allow that ratio to be within a range of 1.15 to 1.4 percent.

Finally, H.R. 522 directs the FDIC to study its administrative and managerial processes and alternative means for administering the deposit insurance system. These studies will ensure the deposit insurance fund and the overall insurance system are managed and operated as efficiently and effectively as possible.

I encourage my colleagues to join me in supporting the Federal Deposit Insurance Reform Act of 2003. It is good common-sense legislation that will help people in our rural communities.

Mr. CRAMER. Mr. Chairman, I rise today in support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. With the banking industry currently in good health, now is the time for Congress to act on needed reforms to the insured deposit system that has protected the American financial system and consumers so well since the program began in the dark days of the Depression.

Among its other provisions, this legislation will enhance the safety and soundness of the financial services industry by maintaining the value of deposit insurance coverage in the years to come, as well as providing additional coverage of certain retirement products, which will greatly aid in boosting retirement savings.

H.R. 522 will increase general deposit insurance coverage from $100,000 to $130,000 per account, and index this coverage to inflation going forward, so that the real value of that coverage does not erode over time. The existing $100,000 limit was set in 1980, but the real value of that coverage has decreased to around $45,000 due to inflation over the last 23 years.

For certain IRS-approved retirement products, this legislation will double general coverage to $260,000. Increasing coverage of these retirement products will provide citizens, particularly senior citizens, with added assurance that their hard-earned savings are safe and secure and will continue to grow in value. These provisions are an excellent step in the right direction to increase the consumer savings rate. The bill will also provide additional coverage of municipal deposits, thereby keeping public funds in the communities in which they are generated.

As I noted earlier, federal deposit insurance has served this country extremely well for some 70 years. One of the best examples of the critical importance of deposit insurance was its role in ensuring public confidence in the banking system during the thrift crisis of the late 1980s. Now H.R. 522 will provide further revisions to the deposit insurance system that will help make certain that the program remains as effective as it has historically been in protecting both the U.S. banking system and its customers in the decades to come. Please join me in support of this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 522, The Federal Deposit Insurance Reform Act of 2003.

H.R. 522 is a bi-partisan bill that benefits our senior citizens, small businesses, and local banks by updating and preserving the value of our insured deposit system. H.R. 522 helps our Nation's senior citizens by increasing the coverage limits for retirement accounts at insured depository institutions to more than double the current federal coverage level. H.R. 522 helps small businesses and local banks by encouraging small business owners to consolidate their funds into smaller, local banks.

Furthermore, H.R. 522 benefits all of our communities by helping to keep local deposits in the local communities they should be serving. H.R. 522 encourages local government entities to keep their funds in local banks, also fostering local economic development. H.R. 522 includes provisions that increase coverage for municipal deposits as well. The increased coverage helps keep local monies at home and improves the local economy by enabling institutions to offer more car, home, and education loans in their communities.

Last year a bill virtually identical to H.R. 522 cleared the House by a 408–18 vote. This bipartisan support is echoed by organizations such as the American Association of Retired Persons, and the Independent Community Bankers Association who also support H.R. 522.

I support H.R. 522 as well, Mr. Chairman, because I support our local communities.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 522, the Federal Deposit Insurance Reform Act. This bill, of which this Member is an original cosponsor, will encourage private savings which is a crucial factor in promoting economic stability.

First, this Member would like to thank the distinguished gentleman from Alabama, the Chairman of the House Financial Services Subcommittee on Financial Institutions and Consumer Credit (Mr. BACHUS) for introducing this legislation. This Member would also like to thank both the distinguished gentleman from Ohio, the Chairman of the House Financial Services Committee (Mr. OXLEY), and the distinguished gentleman from Massachusetts, the

Ranking Member of this Committee (Mr. FRANK), for their efforts in bringing this measure to the House Floor.

This bill, H.R. 522, passed the House Financial Services Committee, by a voice vote, on March 13, 2003. This legislation is virtually identical to a bill that passed the House last year, by a vote of 408–18. Unfortunately, the Senate chose not to act on Federal Deposit Insurance Corporation, FDIC, reform in the 107th Congress.

As a matter of background, Congress in 1934 initially set the deposit insurance coverage limit at $5,000. The last increase was in 1980, when Congress raised the value of coverage to $100,000, per person, per institution. According to the FDIC, due to inflation, the real value of this $100,000 coverage limit has decreased by about half.

This Member would like to focus on the following four provisions in this important legislation which will:

1. Increase the FDIC coverage level to $130,000 and index this level for inflation every five years thereafter;

2. Increase the FDIC coverage level for retirement accounts to $260,000;

3. Increase the FDIC coverage level for in-state municipal deposits to the lower of $2 million or the sum of the new coverage level plus 80 percent of the deposits in excess of the new standard; and

4. Ensure the financial institutions receive their equitable share of dividends and credits from the deposit insurance fund.

First, this legislation would increase the $100,000 FDIC insurance limit to a new limit of $130,000. The deposit insurance limit would then be indexed every five years to a cost of living adjustment and rounded to the nearest $10,000. This Member believes this increase in the FDIC limit is warranted and justified.

This Member has met with many Nebraska community bankers who have emphasized the importance of increasing the deposit insurance coverage limit in order for community banks to attract and maintain core deposits. Currently, community banks are losing deposits to more distant brokerage and mutual fund companies. If community banks do not have the core deposits to make loans, the economic development of communities suffer. Local money needs to stay in a community where it can build infrastructure and create jobs.

Second, this bill would increase the coverage level for retirement accounts from the current $100,000 to a level of $260,000, which will encourage greater retirement savings. It is important to take this action, since the current rate of savings by Americans is quite low. Moreover, this change is particularly important to older Americans to ensure that they have secure banking services nearby. In many rural areas, the alternative to this coverage level increase is for consumers to bank at more distant institutions.

Third, this legislation would also importantly increase coverage for in-state municipal deposits to the lower of $2 million or the sum of the new coverage level plus 80 percent of the deposits in excess of the new standard. Community bankers have stressed to this Member their support for greater coverage of municipal deposits as they now only receive $100,000 of FDIC protection. Municipal deposits are taxpayer funds from state and local governments, and schools deposited in local banks. This change is very important in Nebraska since there are so many different public entities collecting revenue and in turn making deposits in local banks.

Lastly, this Member supports the provisions in H.R. 522 which were authored by the distinguished gentlelady from New York (Ms. MALONEY) and this Member. These three provisions were included in the Manager's Amendment which passed by voice vote during the Committee's consideration of the virtually identical bill in the 107th Congress. We offered the following changes to help ensure that financial institutions receive their equitable share of dividends and credits from the deposit insurance fund.

This bill establishes a 1 basis point cap on the premiums that the FDIC can charge those institutions that qualify for the lowest-risk category under the risk-based premium system, when the actual level of the reserve ratio is above 1.15 per $100 of insured deposits. Furthermore, H.R. 522 provides that when the reserve ratio of the deposit insurance fund is between 1.35 and 1.4 per $100 of insured deposits, the FDIC must pay dividends equal to 50 percent of the amount in excess of 1.35. This bill also includes language which establishes an ongoing credit pool that could be used by institutions against their premium assessments based on the historical contributions of the institution to the deposit insurance fund. This provision will reward those institutions who helped fully recapitalize the bank insurance fund in 1996.

In conclusion, for the reasons mentioned and many others, this Member urges his colleagues to support H.R. 522.

Mr. OSBORNE. Mr. Chairman, banks that primarily serve agricultural customers remain concerned with the possibility of having to rely more and more on nontraditional funding sources to support their asset growth and continued ability to provide the necessary financing for their customers—farmers, ranchers, consumers and rural businesses.

Today, more than 1,820 of our nation's banks hold more than 25 percent of their loans. According to the Federal Deposit Insurance Corporation, FDIC, office in Kansas City, in Nebraska, there are 210 farm banks that are FDIC insured institutions with at least 25 percent of total loans comprised of agriculture loans. A majority of these banks are located in rural areas and are the economic engines that help support the local community.

The legislation we are considering today, H.R. 522, the Federal Deposit Insurance Reform Act of 2003, includes modest reforms to the deposit insurance system that will substantially benefit local banks in my community and our nation's agricultural economy. During the 1990s many farm banks experienced a decline in core deposits and would likely see that trend reversed with increased deposit insurance coverage levels. A key component of this legislation includes a provision that provides for a modest increase of general coverage levels to $130,000 and then indexes it for inflation. Deposit insurance coverage levels have not been increased in twenty-three years, the longest period in FDIC history without an increase. Deposit protection has eroded by one-half due to inflation since 1980.

Higher coverage levels would provide rural residents such as farmers and ranchers with the additional security to deposit their funds in the local bank. These funds would be reinvested in the local communities to support projects such as the building of new ethanol plants and other value-added processing activities that will benefit local agricultural producers and provide employment for rural residents. Additional economic development in rural areas would create new opportunities for recent college and high school graduates and would help stop the rural depopulation that has been occurring over the past 20 years in many of our agriculturally dependent areas.

I urge my colleagues to support our nation's local banks and rural communities by voting "yea" on H.R. 522.

Mr. Chairman, H.R. 522, the Federal Deposit Insurance Reform Act, expands the federal government's unconstitutional control over the financial services industry and raises taxes on all financial institutions. Furthermore, this legislation could increase the possibility of future bank failures. Therefore, I must oppose this bill.

I primarily object to the provisions in H.R. 522 which may increase the premiums assessed on participating financial institutions. These "premiums," which are actually taxes, are the premier sources of funds for the Deposit Insurance Fund. This fund is used to bail out banks that experience difficulties meeting their commitments to their depositors. Thus, the deposit insurance system transfers liability for poor management decisions form those who made the decisions, to their competitors. This system punishes those financial institutions which follow sound practices, as they are forced to absorb the losses of their competitors. This also compounds the moral hazard problem created whenever government socializes business losses.

In the event of a severe banking crisis, Congress will likely transfer funds from the general revenue into the Deposit Insurance Fund, which could make all taxpayers liable for the mistakes of a few. Of course, such a bailout would require separate authorization from Congress, but can anyone imagine Congress saying "No" to banking lobbyists pleading for relief from the costs of bailing out their weaker competitors?

Government subsidies lead to government control, as regulations are imposed on the recipients of the subsidies in order to address the moral hazard problem. This is certainly the case in banking, which is one of the most heavily regulated industries in America. However, as George Kaufman, the John Smith Professor of Banking and Finance at Loyola University in Chicago, and co-chair of the Shadow Financial Regulatory Committee, pointed out in a study for the CATO Institute, the FDIC's history of poor management exacerbated the banking crisis of the eighties and nineties. Professor Kaufman properly identifies a key reason for the FDIC's poor track record in protection individual depositors: regulators have incentives to downplay or even cover-up problems in the financial system such as banking failures. Banking failures are black marks on the regulators' records. In addition, regulators may be subject to political pressure to delay imposing sanctions on failing institutions, thus increasing the magnitude of the loss.

Immediately after a problem in the banking industry comes to light, the media and Congress will inevitably blame it on regulators who were "asleep at the switch." Yet, most politicians continue to believe that giving the very regulators whose incompetence (or worse) either caused or contributed to the problem will somehow prevent future crises!

The presence of deposit insurance and government regulations removes incentives for individuals to act on their own to protect their deposits or even inquire as to the health of their financial institutions. After all, why should individuals be concerned with the health of their financial institutions when the federal government is insuring banks following sound practices and has insured their deposits?

Finally, I would remind my colleague that the federal deposit insurance programs lacks constitutional authority. Congress' only mandate in the area of money, and banking is to maintain the value of the money. Unfortunately, Congress abdicated its responsibility over monetary policy with the passage of the Federal Reserve Act of 1913, which allows the federal government to erode the value of the currency at the will of the central bank. Congress' embrace of fiat money is directly responsible for the instability in the banking system that created the justification for deposit insurance.

In conclusion, Mr. Chairman, H.R. 522 imposes new taxes on financial institutions, forces sound institutions to pay for the mistakes of their reckless competitors, increases the chances of taxpayers being forced to bail out unsound financial institutions, reduces individual depositors' incentives to take action to protect their deposits, and exceeds Congress's constitutional authority. I therefore urge my colleagues to reject this bill. Instead of extending the Federal program, Congress should work to prevent the crises which justify government programs like deposit insurance, by fulfilling our constitutional responsibility to pursue sound monetary policies.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Tuesday, April 1, 2003, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Deposit Insurance Reform Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Merging the BIF and SAIF.
Sec. 3. Increase in deposit insurance coverage.
Sec. 4. Setting assessments and repeal of special rules relating to minimum assessments and free deposit insurance.
Sec. 5. Replacement of fixed designated reserve ratio with reserve range.
Sec. 6. Requirements applicable to the risk-based assessment system.
Sec. 7. Refunds, dividends, and credits from Deposit Insurance Fund.
Sec. 8. Deposit Insurance Fund restoration plans.
Sec. 9. Regulations required.
Sec. 10. Studies of FDIC structure and expenses and certain activities and further possible changes to deposit insurance system.
Sec. 11. Bi-annual FDIC survey and report on increasing the deposit base by encouraging use of depository institutions by the unbanked.
Sec. 12. Technical and conforming amendments to the Federal Deposit Insurance Act relating to the merger of the BIF and SAIF.
Sec. 13. Other technical and conforming amendments relating to the merger of the BIF and SAIF.

SEC. 2. MERGING THE BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) REPEAL OF OUTDATED MERGER PROVISION.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 3. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) NET AMOUNT OF INSURED DEPOSIT.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3)."; and

(2) by adding at the end the following new subparagraphs:

"(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum deposit insurance amount' means—

"(i) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2003, $100,000; and

"(ii) on and after such effective date, $130,000, adjusted as provided under subparagraph (F).

"(F) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—By April 1 of 2005, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

"(I) $130,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

"(ii) ROUNDING.—If the amount determined under clause (ii) for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(iii) PUBLICATION AND REPORT TO THE CONGRESS.—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

"(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

"(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

"(iv) 6-MONTH IMPLEMENTATION PERIOD.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.".

(b) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

"(D) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(i) PASS-THROUGH INSURANCE.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

"(ii) PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(iii) DEFINITIONS.—For purposes of this subparagraph, the following definitions shall apply:

"(I) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

"(II) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan' has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(III) PASS-THROUGH DEPOSIT INSURANCE.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.".

(c) DOUBLING OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking "$100,000" and inserting "2 times the standard maximum deposit insurance amount (as determined under paragraph (1))".

(d) INCREASED INSURANCE COVERAGE FOR MUNICIPAL DEPOSITS.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), "such depositor shall" and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

"(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

"(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the standard maximum deposit insurance amount (as determined under paragraph (1)).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) MUNICIPAL DEPOSIT PARITY.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(3) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(4) by striking "depositor referred to in subparagraph (A) of this paragraph" each place such term appears and inserting "municipal depositor".

(e) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS.—Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking "$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(f) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

"(a) INSURANCE LOGO.—

"(1) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

"(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.".

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking "$100,000" each place such term appears and inserting "an amount equal to the standard maximum deposit insurance amount"; and

(B) by adding at the end the following new subsection:

"(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.".

(g) CONFORMING CHANGE TO CREDIT UNION SHARE INSURANCE FUND.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) INSURED AMOUNTS PAYABLE.—

"(1) NET INSURED AMOUNT.—

"(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking "his account" and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor or member who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS OR MEMBERS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(iii) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(iv) by striking "depositor or member referred to in subparagraph (A)" and inserting "municipal depositor or member"; and

(C) by adding at the end the following new paragraphs:

"(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

"(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

"(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount

greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

"(A) until the effective date of final regulations prescribed pursuant to sectibn 9(a)(2) of the Federal Deposit Insurance Reform Act of 2003, $100,000; and

"(B) on and after such effective date, $130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act.".

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking "$100,000" and inserting "2 times the standard maximum share insurance amount (as determined under paragraph (1))".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 9(a)(2) take effect.

SEC. 4. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) SETTING ASSESSMENTS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

"(B) FACTORS TO BE CONSIDERED.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

"(i) The estimated operating expenses of the Deposit Insurance Fund.

"(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

"(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

"(iv) the risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

"(v) Any other factors the Board of Directors may determine to be appropriate."; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) BASE RATE FOR ASSESSMENTS.—

"(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1). No insured depository institution shall be barred from the lowest-risk category solely because of size.

"(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.".

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

"(A) the end of the 3-year period beginning on the due date of the assessment; or

"(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.".

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

"(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

"(1) IN GENERAL.—Any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

"(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

"(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

"(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

"(3) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.".

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—

(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking "at a rate determined in accordance with such Act" and inserting "at ½ the assessment rate otherwise applicable for such insured depository institution".

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking "Board of Governors of the Federal Reserve System, and the".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: "Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).".

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking "semiannual" where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking "semiannual"; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking "semiannual";

(B) in paragraph (2)(A), by striking "semiannual"; and

(C) in paragraph (3), by striking "semiannual period" and inserting "initial assessment period".

(6) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking "semiannual".

(7) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking "semiannual period" and inserting "assessment period".

(8) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking "semiannual period" and inserting "assessment period".

(9) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "the Board and";

(B) in subparagraph (J) of paragraph (2), by striking "the Board" and inserting "the Corporation";

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

"(A) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation."; and

(D) in subparagraph (C) of paragraph (3), by striking "Board" and inserting "Corporation".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(5) take effect.

SEC. 5. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

"(3) DESIGNATED RESERVE RATIO.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve ratio applicable with respect to the Deposit Insurance Fund.

"(ii) NOT LESS THAN ANNUAL REDETERMINATION.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

"(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

"(i) may not exceed 1.4 percent of estimated insured deposits; and

"(ii) may not be less than 1.15 percent of estimated insured deposits.

"(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

"(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

"(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

"(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

"(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

"(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking "(y) The term" and inserting "(y) DEFINITIONS RELATING TO DEPOSIT INSURANCE FUND.—

"(1) DEPOSIT INSURANCE FUND.—The term''; and

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

"(2) DESIGNATED RESERVE RATIO.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(1) take effect.

SEC. 6. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

"(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

"(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

"(ii) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

"(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

"(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

"(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

"(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2003, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.''.

SEC. 7. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

"(e) REFUNDS, DIVIDENDS, AND CREDITS.—

"(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

"(A) refund the amount of the excess payment to the insured depository institution; or

"(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

"(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

"(A) RESERVE RATIO IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS.—Whenever the reserve ratio of the Deposit Insurance Fund exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.4 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.

"(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.4 PERCENT.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

"(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

"(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

"(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

"(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

"(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

"(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

"(IV) Such other factors as the Corporation may determine to be appropriate.

"(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

"(3) CREDIT POOL.—

"(A) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

"(i) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2003, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

"(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

"(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term 'eligible insured depository institution' means any insured depository institution that—

"(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

"(II) is a successor to any insured depository institution described in subclause (II).

"(iv) APPLICATION OF CREDITS.—

"(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(e), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

"(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

"(v) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

"(vi) PREDECESSOR DEFINED.—For purposes of this paragraph, the term 'predecessor', when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

"(B) ON-GOING CREDIT POOL.—

"(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (v) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

"(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be awarded by the Corporation under this subparagraph during any period in which—

"(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

"(II) the reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

"(iii) CRITERIA FOR DETERMINATION.—In determining the amounts of any assessment credits under this subparagraph, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

"(4) Administrative review.—

"(A) In general.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

"(B) Administrative review.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.".

(b) Definition of Reserve Ratio.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 5(b) of this Act) is amended by adding at the end the following new paragraph:

"(3) Reserve ratio.—The term 'reserve ratio', when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.".

SEC. 8. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 5(a) of this Act) is amended by adding at the end the following new subparagraph:

"(E) DIF restoration plans.—

"(i) In general.—Whenever—

"(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

"(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made,

the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

"(ii) Requirements of restoration plan.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 10-year period beginning upon the implementation of the plan.

"(iii) Restriction on assessment credits.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

"(iv) Limitation on restriction.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

"(I) the amount of the assessment; or

"(II) the amount equal to 3 basis points of the institution's assessment base.

"(v) Transparency.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.".

SEC. 9. REGULATIONS REQUIRED.

(a) In General.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 5 of this Act);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 3 of this Act;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 7 of this Act);

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 7 of this Act, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this Act.

(b) Rule of Construction.—No provision of this Act or any amendment made by this Act shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulations prescribed under subsection (a).

SEC. 10. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) Study by Comptroller General.—

(1) Study required.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) Report to the Congress.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) Internal Study by the FDIC.—

(1) Study required.—Concurrently with the study required to be conducted by the Comptroller General under subsection (a), the Federal Deposit Insurance Corporation shall conduct an internal study of the same conditions and factors included in the study under subsection (a).

(2) Report to the Congress.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(c) Study of Further Possible Changes to Deposit Insurance System.—

(1) Study required.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) Report.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(d) Study Regarding Appropriate Deposit Base in Designating Reserve Ratio.—

(1) Study required.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) Report.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(e) Study of Reserve Methodology and Accounting for Loss.—

(1) Study required.—The Federal Deposit Insurance Corporation, in consultation with the Comptroller General, shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2002, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act).

(2) Factors to be included.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act, containing the findings and conclusions of the Corporation, in consultation with the Comptroller General, with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate.

SEC. 11. BI-ANNUAL FDIC SURVEY AND REPORT ON INCREASING THE DEPOSIT BASE BY ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

"(a) SURVEY REQUIRED.—

"(1) IN GENERAL.—The Corporation shall conduct a bi-annual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.

"(2) FACTORS AND QUESTIONS TO CONSIDER.—In conducting the survey, the Corporation shall take the following factors and questions into account:

"(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

"(B) Which financial education efforts appear to be the most effective in bringing 'unbanked' individuals and families into the conventional finance system?

"(C) What efforts are insured institutions making at converting 'unbanked' money order, wire transfer, and international remittance customers into conventional account holders?

"(D) What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts?

"(E) What is a fair estimate of the size and worth of the 'unbanked' market in the United States?

"(b) REPORTS.—The Chairperson of the Board of Directors shall submit a bi-annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the Corporation's findings and conclusions with respect to the survey conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.".

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

"(B) includes any former savings association."; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 5(b) of this Act) and inserting the following new paragraph:

"(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the Deposit Insurance Fund established under section 11(a)(4).";

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund,";

(3) in section 5(c)(4), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3) (and any funds resulting from the application of such paragraph (2) prior to its repeal shall be deposited into the general fund of the Deposit Insurance Fund);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7" and inserting "the reserve ratio of the Deposit Insurance Fund";

(B) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.";

(C) by striking "(1) UNINSURED INSTITUTIONS.—"; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(C) in paragraph (5) (as so redesignated by section 4(e)(4) of this Act)—

(i) by striking "any such assessment" and inserting "any such assessment is necessary";

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking "(A) is necessary—";

(II) by striking "Bank Insurance Fund members" and inserting "insured depository institutions"; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting "that" before "the Corporation"; and

(II) by striking "; and" and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

"(4) DEPOSIT INSURANCE FUND.—

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

"(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

"(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.";

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)";

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking "institution, any" and inserting "institution, the";

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking "LIABILITIES.—" and all that follows through "Except" and inserting "LIABILITIES.—Except";

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund";

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund (or any predecessor deposit insurance fund)";

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund";

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking "FUNDS" and inserting "FUND"; and

(ii) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(D) in subsection (c)(4)(G)(ii)—

(i) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(ii) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(iii) by striking "each member's" and inserting "each insured depository institution's"; and

(iv) by striking "the member's" each place that term appears and inserting "the institution's";

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund member" and inserting "savings association"; and

(H) in subsection (k)(5)(A), by striking "Savings Association Insurance Fund members" and inserting "savings associations";

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

"(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board;

"(C) be a direct liability of the Deposit Insurance Fund; and

"(D) be subject to the limitations of section 15(c).";

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Deposit Insurance Fund";

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking ", the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking "Savings Association Insurance Fund" in the 1st sentence of subparagraph (A) and inserting "Deposit Insurance Fund";

(B) by striking "Savings Association Insurance Fund member" in the last sentence of subparagraph (A) and inserting "savings association"; and

(C) by striking "Savings Association Insurance Fund or the Bank Insurance Fund" in subparagraph (C) and inserting "Deposit Insurance Fund";

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(32) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(36) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "ASSOCIATIONS.—" and all that follows through "Subsections (e)(2)" and inserting "ASSOCIATIONS.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 13. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51–4066–0–3–373);".

(e) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking "SAIF-INSURED BANKS" and inserting "CHARTER CONVERSIONS"; and

(B) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund";

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon ", the following definitions shall apply";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(B) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(C) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(D) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(E) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(F) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(G) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (l)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting "and after the merger of such funds, the Deposit Insurance Fund," after "the Savings Association Insurance Fund,"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking "any Federal deposit insurance fund" in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting "the Deposit Insurance Fund".

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except the following amendments printed in the CONGRESSIONAL RECORD: amendment No. 1 by the gentleman from California (Mr. OSE); and amendment No. 2 by the gentleman from California (Mr. ROHRABACHER). Each amendment may be offered only in the order specified, by the Member designated or his designee, shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in the CONGRESSIONAL RECORD by the gentleman from California (Mr. OSE).

AMENDMENT NO. 1 OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN: The Clerk will designate the amendment.

The Clerk designated the amendment as follows:

Amendment No. 1 offered by Mr. OSE:

Page 4, beginning on line 10, strike "means—" and all that follows through page 7, line 2, and insert "means $100,000.'." (and conform any cross references appropriately).

Page 19, strike line 20 and all that follows through page 20, line 4, and insert "means $100,000.'.".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, April 1, the gentleman from California (Mr. OSE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. FRANK of Massachusetts. Mr. Chairman, did any Member claim the opposing time?

The CHAIRMAN. Does any Member claim the time in opposition?

Mr. BACHUS. Mr. Chairman, I was standing to claim the time in opposition.

The CHAIRMAN. The gentleman from Alabama (Mr. BACHUS) will be recognized in opposition.

The gentleman from California (Mr. OSE) is recognized.

Mr. OSE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I fully support many of the reforms in H.R. 522 but must, once again, raise some concern with one particular section that would not only cause harm but could ensure that the other reforms are once again delayed by the other body or by the administration. That issue is the increase in coverage amounts.

I am pleased to see my friend, the gentlewoman from New York (Mrs. MALONEY), a fellow member of Committee on Financial Services, here on the floor today who is joining me in offering this amendment.

This simple amendment returns the base coverage level for insurance on deposits to the current $100,000 level. It removes provisions increasing coverage to $130,000, as well as provisions to automatically increase coverage through inflation adjustments. This is the only change it makes.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

I speak in opposition to this amendment. One of the statements by the proponent of this amendment has been that the former increase in coverage was the primary reason for the savings and loan crisis, and let me say in that regard that the cause of the savings and loan collapse, crisis in this country, has been well examined and well documented. The FDIC, in fact, issued a report called "History of the Eighties, Lessons for the Future and Examination of the Banking Crisis of the 1980s."

Here is their reasoning. The rise in the number of bank failures in the 1980s had no single cause or short list of causes. Rather, it resulted from a concurrence of various forces working together to produce a decade of banking crises.

First, broad national forces, economic, financial, legislative and regulatory established the preconditions for the increased number of bank failures. Second, a series of severe regional and sectional recessions hit banks in a number of banking markets and led to the majority of the failures. Third, some of the banks in these markets assumed excessive risk and were insufficiently restrained by supervisory authorities with the result that they failed in disproportionate numbers.

As a result of that, Mr. Chairman, we have made several changes in the law in this body in an attempt, and I think a successful attempt thus far, to make these institutions subject to more oversight and to stronger capital requirements.

One Member of our body's father served as the FBI director during the savings and loan crisis. He was asked in a congressional hearing for his comment on the savings and loan crisis, and he said that criminal activity, fraud and looting were the primary causes of the crisis. In fact, the committee staff has made a fairly exhaustive study of the various articles written concerning the collapse of the savings and loans, and these were the reasons given at the time.

My colleagues can see we have a basic laundry list of reasons, but there is actually evidence that the increase in coverage at the time gave savers some degree of security and actually prevented a panic at many institutions, and some of that body of evidence supports that it actually helped in a contagion of that crisis.

Mr. Chairman, the final argument is a moral-hazard argument. The offerer of this amendment has argued that increasing coverage will create a greater moral hazard in the system; but then, surprisingly, his amendment does not raise the level from $100,000 to $130,000. It does away with that, but then he raises retirement accounts to $260,000, and he raises municipal deposits; and by doing that, they have managed in the subcommittee to basically arouse everyone's opposition to the amendment because if we raise the coverage for retirements in municipal deposits, then one is, in fact, arguing against the reason for offering his own amendment.

I will close simply by saying that this moral-hazard argument has been looked at by the FDIC. They asked two respected economists to make a report, and they were Federal Reserve Governor Alan Blinder, and this is what he said. The point is made that if the FDIC is given the authority to charge risk-based premiums, and that is what H.R. 522 does, then "most objections based on moral hazard should evaporate." He goes on to state, "In a world of properly priced deposit insurance, it seems more appropriate to ask the opposite question: Why have any coverage limits at all?"

In fact, I think that ought to be the question we are debating: Why have any coverage limits at all? Even the CBO says that this bill will result in an increase of insured deposits in our institutions. Is that not something that we have all argued for? Do we not want an increase in the deposits in our financial institutions? Does that not strengthen our economy? Is that not good for America? They say that some institutions will fail and some people in that institution will lose 200 or $220,000 worth of retirement funds. Do we not want them to have federally insured coverage? Do we want them to lose this money? I do not think so.

Finally, do we believe in insurance? I think that is the essence of this whole argument. I mean, do we believe in insurance? Do we believe in insuring for losses? If we do, and I for one think that insurance is a good thing, I believe that insurance is a prudent thing, and I believe that in order for our Federal deposit insurance system to survive and have any relevance then that insurance protection, which I believe in, I believe in insuring against risk, I believe it is a prudent thing to do, then why would we want the Federal deposit insurance system to wither on the vine?

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Why would we not want it to stay current with inflationary rates and per capita income? And the only way to do that is to vote "yes" on this bill. A vote against this bill basically would be like going back to 1980 and reducing the coverage from $100,000 to $30,000 if you went on per capita income, or $47,000 if you went on inflation.

How many in our body would do that? How many in our body would vote today to take those levels back to the 1980 level? I do not think any of us would. A few of us would because, as the gentleman from California (Mr. ROHRABACHER) says, I do not believe in Federal deposit insurance. I do not believe in the Federal Government supplying insurance. Well, it is the depositors, for one thing. The Federal Government does not. If he would look, he would see it is the banks through their premiums.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me. I did not want time to expire while discussing the absent gentleman from California, and I did want to make sure I had a chance to express my opposition to this amendment.

I think the committee product is a reasonable approach and so I hope the amendment is defeated. And, once again, I thank the gentleman for yielding to me

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Mr. OSE. Mr. Chairman, could you tell me how much time remains on each side?

The CHAIRMAN. The gentleman from California (Mr. OSE) has 9 minutes remaining.

Mr. OSE. Mr. Chairman, I want to make sure we are talking about the right amendment. It is amendment No. 1, which only deals with the level of insurance and the question of indexing. It does not deal with retirement accounts or municipal deposits. Am I correct in that, Mr. Chairman?

The CHAIRMAN. The Chair cannot interpret the amendment. The gentleman may proceed.

Mr. OSE. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership, and I rise in support of the Ose-Maloney amendment, a compromise approach to deposit insurance coverage that holds standard account coverage at $100,000 while offering increased protection for retirees.

Mr. Chairman, as a whole, this is an outstanding bill. As an original cosponsor of H.R. 522, I am supportive of the overwhelming majority of provisions in the legislation. It is long past time to merge the BIF and SAIF insurance funds. Additionally, eliminating the 23 basis point cliff and providing a new premium system that takes into account the past contributions of institutions are major steps forward.

The bill includes a mechanism for determining credit for past contributions to the insurance funds that is based on an amendment I cosponsored along with the gentleman from Nebraska (Mr. BEREUTER) last session. This is a critically important provision as a matter of fairness to institutions that recapitalized the funds, and I thank the gentleman from Alabama (Mr. BACHUS) for including this balanced amendment in the legislation.

Despite these many positives, I believe the immediate 30 percent increase in insurance coverage in the bill is a serious mistake. This coverage increase to $130,000 is opposed by all the Federal financial service regulators, including Alan Greenspan, Treasury Secretary Peter Fischer, OCC Comptroller John Hawke and OTS Director James Gilleran.

Proponents of increased coverage argue that it poses no new risk to the insurance system, but the regulators who oppose this increase are the very officials whose job it is to protect the safety and soundness of the financial system. The unanimity of regulator opposition to increased coverage is an extremely powerful message.

Another argument put forth by proponents of coverage increases is that inflation has eroded deposit insurance. I do not believe this argument matches the actual situation of the banking industry. The fact is that only 2 percent of insured accounts have more than $100,000 according to a study by the Federal Reserve. The same Fed study put the average account balance at merely $6,000. Any way you look at it the increase in coverage will benefit very, very few depositors.

Proponents of increasing coverage also contend that because insurance premiums are paid by banks, increasing coverage does not cost taxpayers. While I concede this point, I think we have to remember that behind the deposit insurance funds is the full faith and credit of the United States Government.

Since I joined the Committee on Financial Services at the close of the savings and loan crisis, I have been committed to protecting the safety and soundness of the financial service system. While the causes of the S&L failures were many, as my friend from Alabama pointed out, the fact is that standing behind the insurance system are our constituent taxpayer dollars. No matter what the reasons are for a future bank failure or string of failures, by raising insurance coverage we increase the potential liability of the government. Additionally, raising coverage may encourage the concept of moral hazard. Institutions will be encouraged to engage in riskier behavior to boost earnings if they know that failure is insured by the Federal Government.

Finally, I urge support for this amendment because it strikes a compromise. It holds the line on coverage for standard accounts while offering retirees additional insurance. I believe that there are many valid policy arguments for offering additional coverage and additional insurance for this special class of banking account. At its core this amendment represents a compromise. It allows Members the opportunity to support the concerns of the regulatory community on standard accounts while offering increased insurance on retirement accounts.

This is a good bill and I will support its passage. I simply think it would be much improved with the adoption of this amendment, and I thank the gentleman from California (Mr. OSE) for his leadership and I thank also the gentleman from Alabama (Mr. BACHUS) for crafting a fine underlying bill, along with the chairman, the gentleman from Ohio (Mr. OXLEY), and the Democratic leader, the gentleman from Massachusetts (Mr. FRANK).

Mr. Chairman, I include for the RECORD the following testimony from our committee hearing:

PREPARED TESTIMONY OF THE HONORABLE PETER R. FISCHER, UNDERSECRETARY FOR DOMESTIC FINANCE, DEPARTMENT OF THE TREASURY, 9:30 A.M., WEDNESDAY, FEBRUARY 26, 2003—DIRKSEN 538

Mr. Chairman, Senator Sarbanes, and Members of the Committee, I appreciate the opportunity to provide the Administration's views on deposit insurance reform. I also want to commend Chairman Powell and the FDIC staff for their valuable contributions to the discussion of this important issue.

The Administration strongly supports reforms to our deposit insurance system that would, first, merge the bank and thrift insurance funds, second, allow more flexibility in the management of fund reserves while maintaining adequate reserve levels and, third, ensure that all participating institutions fairly share in the maintenance of FDIC resources in accordance with the insurance fund's loss exposure from each institution. The Administration strongly opposes any increases in deposit insurance coverage limits.

Our current deposit insurance system managed by the Federal Deposit Insurance Corporation (FDIC) serves to protect insured depositors from exposure to bank losses and, as a result, helps to promote public confidence in the U.S. banking system. I am concerned today that our deposit insurance system has structural weaknesses that, in the absence of reform, could deepen over time. I want to emphasize that there is no crisis in the FDIC; both of its funds are strong, well managed, with adequate reserves. This is the right time to act—when we do not face a crisis—and the Administration supports legislation focused on the repair of these structural weaknesses.

Increases in FDIC benefits, however, including any increase in the level of insurance coverage, are not part of the solution to these problems and should be avoided. When I testified before this Committee last April, I argued that an increase in deposit insurance coverage limits would serve no sound public policy purpose. Nothing has occurred since then to change that view. The Administration continues to oppose higher coverage limit in any form. Indeed, we feel that the entire issue of coverage limits regrettably diverts attention from the important reforms that are needed.

MERGING THE BANK AND THRIFT INSURANCE FUNDS

We support a merger of the Bank Insurance Fund (BIF) and Savings Association Insurance Fund (SAIF) as soon as practicable. A larger, combined insurance fund would be better able to diversify risks, and thus withstand losses, than would either fund separately. Merging the funds while the industry is strong and both funds are adequately capitalized would not burden either BIF or SAIF members. A merged fund would also end the possibility that similar institutions could pay significantly different premiums for the same product, as was the case in the recent past and could occur again in the near future without this change. A merger would also recognize changes in the industry. As a result of mergers and consolidations, each fund now insures deposits of both commercial banks and thrifts. Indeed, commercial banks now account for 45 percent of all SAIF-insured deposits.

FLEXIBILITY IN THE MANAGEMENT OF FDIC RESERVES

Current law generally requires each insurance fund to maintain reserves equal to 1.25 percent of estimated insured deposits, the "designated reserve ratio." When the reserve ratio falls below this threshold, the FDIC must charge either a premium sufficient to restore the reserve ratio to 1.25 percent within one year, or a minimum of 23 basis points if the reserve ratio would remain below 1.25 percent for a longer period. Since the latter would be expected when the banking system, and probably the economy as well, were under stress, such a sharp increase in industry assessments could have an undesirable pro-cyclical effect, further reducing liquidity precisely when liquidity is needed. Were FDIC fund contributions to come from resources that otherwise might be part of capital, every dollar paid would mean a potential reduction of 10 or 12 dollars in lending, or as much as $12 billion in reduced lending for a $1 billion FDIC replenishment.

Reserves should be allowed to grow when conditions are good. This would enable the fund to better absorb losses under adverse conditions without sharp increases in premiums. In order to achieve this objective and also to account for changing risks to the insurance fund over time, we support greater latitude for the FDIC to alter the designated reserve ratio within statutorily prescribed upper and lower bounds. Within these bounds, the FDIC should provide for public notice and comment concerning any proposed change to the designated reserve ratio. The FDIC should also have discretion in determining how quickly the fund meets the designated reserve ratio as long as the actual reserve ratio is within these bounds. If the reserve ratio were to fall below the lower bound, the FDIC should restore it to within the statutory range promptly, over a reasonable but limited timeframe. We would also support some reduction in the prescribed minimum premium rate—currently 23 basis points—that would be in effect if more than one year were required to restore the fund's reserves.

Nevertheless, as we learned from the deposit insurance experience of the 1980s, flexibility must be tempered by a clear requirement for prudent and timely fund replenishment. The statutory range for the designated reserve ratio should strike an appropriate balance between the burden of pre-funding future loses and the pro-cyclical costs of replenishing the insurance fund in a downturn. A key benefit to giving the FDIC greater flexibility in managing the reserve ratio within statutorily prescribed bounds is the ability to achieve low, stable premiums over time, adequate to meet FDIC needs in bad times, with the least burden on financial institutions and on the economy. We also believe that with this reform, the possibility of recourse to taxpayer resources is even further removed.

FULL RISK-BASED SHARED FUNDING

Every day that they operate, banks and thrifts benefit from their access to federal deposit insurance. For several years, however, the FDIC has been allowed to obtain premiums for deposit insurance from only a few insured institutions. Currently, over 90 percent of banks and thrifts pay nothing to the FDIC. This is an untenable formula for the long-term stability of the FDIC.

Moreover, current law frustrates one of the most important reforms enacted in the wake of the collapse of the Federal Savings and Loan Insurance Corporation (FSLIC) and the depletion of FDIC reserves: the requirement for risk-based premiums. When 90 percent of the industry pays no premiums, there is little opportunity to do what any prudent insurer would do: adjust premiums for risk. Nearly all banks are treated the same, and lately they have been treated to free service.

For example, today a bank can rapidly increase its insured deposits without paying anything into the insurance fund. As is now well known, some large financial companies have greatly augmented their insured deposits in the past few years by sweeping uninsured funds into their affiliated depository institutions—without compensating the FDIC at all. Other major financial companies might be expected to do the same in the future. In addition, most of the over 1,100 banks and thrifts chartered after 1996 have never paid a penny in deposit insurance premiums. Yet if insured deposit growth by a relatively few institutions were to cause the reserve ratio to decline below the designated reserve ratio, all banks would be required to pay premiums to raise reserves.

To rectify this "free rider" problem and ensure that institutions appropriately compensate the FDIC commensurate with their risk, Congress should remove the current restrictions on FDIC premium-setting. In order to recognize past payments to build up current reserves, we support the proposal to apply temporary transition credits against future premiums that would be distributed based on a measure of each institution's contribution to the build-up of insurance fund reserves in the early-to-mid 1990s. In addition to transition credits, allowing the FDIC to provide assessment credits on an on-going basis would permit the FDIC to collect payments from institutions more closely in relation to their deposit growth.

We strongly oppose rebates, which would drain the insurance fund of cash. Over much of its history, the FDIC insurance fund reserve ratio remained well above the current target, only to drop into deficit conditions by the beginning of the 1990s. Therefore, it is vital that funds collected in good times, and the earnings on those collections, be available for times when they will be needed.

There are other important structural issues that need to be addressed sooner than later. It would be appropriate to evaluate whether there are changes to the National Credit Union Share Insurance Fund (NCUSIF) that would be suitable in light of the proposed reforms made of FDIC insurance so as to avoid unintended disparities between the two programs. Perhaps even more important is the need to address the long-term funding of supervision by the National Credit Union Administration, particularly in view of recent trends toward conversions from federal to state charters and growing consolidation of credit unions. Similarly, there are structural problems in the funding of the Office of the Comptroller of the Currency and the Office of Thrift Supervision, the resolution of which should not be delayed.

DEPOSIT INSURANCE COVERAGE LIMITS

The improvements to the deposit insurance system that I have just outlined are vital to the system's long-term health. Other proposals, however, would not contribute to the strength of the taxpayer-backed deposit insurance system and may actually weaken it.

Increasing the general coverage limit up front or through indexation, or raising coverage limits for particular categories of deposits, is unnecessary. Savers do not need an increase in coverage limits and would receive no real financial benefit. Unlike other government benefit programs, there is no need for indexation of deposit insurance coverage because savers can now obtain all the coverage that they desire by using multiple banks and through other means.

Higher coverage limits would not predictably advantage any particular size of banks, would increase all banks' insurance premium costs, and would mean greater taxpayer exposure by adding to the contingent liabilities of the government and weakening market discipline. An increase in coverage limits would reduce—not enhance—competition among banks in general as the efficient and inefficient offer the same investment risk to depositors; in fact, perversely, investors would be drawn at no risk to the worst banks, which usually offer the highest interest rates.

Higher Coverage Limits Not Sought by Savers

First of all, the clamor for raising coverage limits does not come from savers. The evidence that current coverage limits constitute a burden to savers is scant; there has been little demand from depositors for higher maximum levels. The recent consumer finance survey data released by the Federal Reserve confirm what we found in the previous survey, namely that raising the coverage limit would do little, if anything, for most savers. Median family deposit balances are only $4,000 for transaction account deposits and $15,000 for certificates of deposit, far below the current $100,000 ceiling. The same holds true even when considering only older Americans, a segment of the population with higher bank account usage: median transaction account balances and certificates of deposit total $8,000 and $20,000, respectively, for those households headed by individuals between the ages of 65 and 74.

Examining the Federal Reserve data for retirement accounts shows present maximum deposit insurance coverage to be more than adequate. The median balance across age groups held in IRA/Keogh accounts at insured depository institutions is only $15,000. For the 65 to 69 age group, median household IRA/Keogh deposits total $30,000.

A small group of relatively affluent savers might find greater convenience from increased maximum coverage levels. But it is a tiny group. Only 3.4 percent of households with bank accounts held any uninsured deposits, and the median income of these households was more than double the median income of all depositors in the survey.

Under current rules, these savers have plenty of options, with the market place presenting new options for unlimited deposit insurance coverage without changing federal coverage limits. At little inconvenience, savers with substantial bank deposits—including retirees and those with large bank savings for retirement—may place deposits at any number of banks to obtain as much FDIC coverage as desired. They may also establish accounts within the same bank under different legal capacities, qualifying for several multiples of current maximum coverage limits. Firms are now developing programs for exchanging depositor accounts that could offer seamless means of providing unlimited coverage for depositors without any change in current limits.

One of the fundamental rules of prudent retirement planning is to diversify investment vehicles. Many individuals, including those who are retired or planning for retirement, feel comfortable putting substantial amounts into uninsured mutual funds, money market accounts, and a variety of other investment instruments. Just 21 percent of all IRA/Keogh funds are in insured depository institutions. There is simply no widespread consumer concern about existing coverage limits that would justify extending taxpayer exposure by creating a new government-insured retirement program under the FDIC.

Coverage Limits and Bank Competition

Banks, regardless of size, continue to have little trouble attracting deposits under the existing coverage limits. Federal Reserve data have shown that smaller banks have grown more rapidly and experienced higher rates of growth in both insured and uninsured deposits than have larger banks over the past several years. After adjusting for the effects of mergers, domestic assets of the largest 1,000 commercial banks grew 5.5 percent per year on average from 1994 to 2002; all other banks grew 13.8 percent per year on average. Nor are smaller banks losing the competition for uninsured deposits. Uninsured deposits of the top 1,000 banks grew 9.9 percent annually on average over this period, while such deposits at smaller banks grew on average by 21.4 percent annually.

Higher Coverage Limits for Municipal Funds Erode Discipline

Proposals for substantially higher levels of protection of municipal deposits than of other classes of deposits would exacerbate the inherent moral hazard problems of deposit insurance. Rather than keep funds in local institutions, state and municipal treasurers would have powerful incentives to seek out not the safest institutions in which to place taxpayer funds but rather those offering the highest interest rates. Since these are usually riskier institutions, state and municipal treasurers would be drawn into funding the more troubled banks. Local, well run, healthy banks might have to pay a premium in increased deposit rates to retain municipal business. Today there are incentives for state and local government treasurers to monitor risks taken with large volumes of public sector deposits. Should the FDIC largely protect these funds, an important source of credit judgment on the lending and investment decisions of local banks would be lost.

CONCLUSION

In conclusion, I reaffirm the Administration's support for the three-part general framework that I have outlined to correct the structural flaws in the deposit insurance system. I encourage Congress to pursue these improvements with a steady focus on the important work that needs to be done. The Administration does not support legislation that raises deposit insurance coverage limits in any form, and we urge that Congress avoid such an unneeded and counterproductive diversion from real and necessary reform.

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Mr. OSE. Mr. Chairman, I yield myself such time as I may consume, and I want to echo the comments of the gentlewoman from New York (Mrs. MALONEY).

Mr. Chairman, one of the things I have is an experience of having had to survive the savings and loan crisis of the 1980s when I was in the real estate business. This was not a pretty time for those of us who were confronted with that situation, and I would advise those who did not have that pleasure that they do not want to have the opportunity to enjoy that in their future business careers.

I will say that in the context of whether or not to raise from $100,000 to $130,000, or some other level, the plain fact of the matter is that 98 percent of all accounts have balances less than $100,000, and the law allows each of those who might otherwise exceed $100,000, if they wish, to open another insured account up to another $100,000; to drive down the street and open an account in another bank; to diversify their deposits in their community. It is not necessarily a fact that there is only one place at which an individual can receive insurance on their accounts. If you have more than $100,000 in an account, you can reduce the balance in that account and take that money to another bank and receive another layer of protection for that balance.

Mr. Chairman, that is the beauty of this system. That is the strength of the system. And, in fact, it is the strongest argument that we do not need to increase limits. This proposal to increase to $130,000 is a solution in search of a problem.

I urge this body to make an "aye" vote on my amendment. And, Mr. Chairman, I want to submit for the RECORD the Statement of Administration Position as provided by the Office of Management and Budget and the Statement of Federal Reserve Board Chairman Alan Greenspan.

Statement of Administration Position on H.R. 3717—Federal Deposit Insurance Reform Act of 2002, Rep. Bachus (R) Alabama and 63 Cosponsors

The Administration supports those provisions of H.R. 3717 that would improve the deposit insurance system's operation and fairness. Specifically, the Administration supports provisions that would: (1) allow the insurance fund reserve ratio to vary within a range and eliminate triggers that could cause sharp changes in premiums; (2) merge the bank and thrift insurance fund; and (3) ensure that institutions appropriately compensate the FDIC for insured deposit growth while also taking into account the past contributions of many institutions to build fund reserves.

The Administration, however, strongly opposes those provisions of H.R. 3717 that would raise deposit insurance coverage limits. The interests of depositors will not be served by an increase in deposit insurance coverage limits. The average saver would derive no financial benefit from increased coverage limits. The small fraction of savers with substantial deposits may obtain as much coverage as desired at minimal inconvenience by placing deposits at multiple institutions. An increase in coverage limits would neither enhance competition among depository institutions in general nor make the nation's community banks more competitive in raising funds.

Increased coverage limits would also expose taxpayers to additional risk while providing no benefit to the overwhelming majority of Americans. Higher coverage limits would mean greater off-balance sheet contingent liabilities of the Government and weaker market discipline, exposing the insurance fund and taxpayers to increased risk of loss.

To avoid dilution of FDIC and NCUA reserves resulting from the higher coverage limits provided in H.R. 3717, banks, thrifts, and credit unions will need to pay at least $3.5 billion in higher insurance assessments according to CBO and OMB estimates. A substantial amount of the higher industry costs will occur in the first year.

The Administration notes the submission to Congress by the FDIC of recommendations for legislative or administration action is subject to the President's authority under the Recommendations Clause of the Constitution.

PAY-AS-YOU-GO-SCORING

Any law that would reduce receipts or increase direct spending is subject to the PAYGO requirements of the Balanced Budget and Emergency Deficit Control Act (BEA) and could cause a sequester of mandatory programs in any fiscal year through 2006. The requirement to score PAYGO costs expires on September 30, 2002, and there are no discretionary caps beyond 2002. The Administration will work with Congress to ensure fiscal discipline consistent with the President's budget and a quick return to a balanced budget. The Administration will also work with Congress to ensure that any unintended sequester of spending does not occur.

Testimony of Chairman Alan Greenspan, Deposit Insurance, Before the Committee on Banking, Housing, and Urban Affairs, U.S. Senate, February 26, 2003

Chairman Shelby, Senator Sarbanes, and members of the Committee, it is a pleasure to appear once again before this Committee to present the views of the Board of Governors of the Federal Reserve System on deposit insurance. Rather than refer to any specific bill, I will express the broad views of the Federal Reserve Board on the issues associated with modifications of deposit insurance. Those views have not changed since our testimony before this Committee on April 23, 2002.

At the outset, I note that the 2001 report of the Federal Deposit Insurance Corporation (FDIC) on deposit insurance highlighted the significant issues and developed an integrated framework for addressing them. Although as before the Board opposes any increase in coverage, we continue to support the framework constructed by the FDIC report for addressing other reform issues.

BENEFITS AND COSTS OF DEPOSIT INSURANCE

Deposit insurance was adopted in this country as part of the legislative effort to limit the impact of the Great Depression on the public. Against the backdrop of a record number of bank failures, the Congress designed deposit insurance mainly to protect the modest savings of unsophisticated depositors with limited financial assets. With references being made to "the rent money," the initial 1934 limit on deposit insurance was $2,500; the Congress promptly doubled the limit to $5,000 but then kept it at that level for the next sixteen years. I should note that the $5,000 of insurance provided in 1934, an amount consistent with the original intent of the Congress, is equal to slightly less than $60,000 today, based on the personal consumption expenditures deflator in the gross domestic product accounts.

Despite its initial quite limited intent, the Congress has raised the maximum amount of coverage five times since 1950, to its current level of $100,000. The last increase, in 1980, more than doubled the limit and was clearly designed to let depositories, particularly thrift institutions, offer an insured deposit free of the then-prevailing interest rate ceilings on such instruments, which applied only to deposits below $100,000. Insured deposits of exactly $100,000 thus became fully insured instruments in 1980 but were not subject to an interest rate ceiling. The efforts of thrift institutions to use $100,000 CDs to stem their liquidity outflows resulting from public withdrawals of smaller, below-market-rate insured deposits led first to an earnings squeeze and an associated loss of capital and then to a high-risk investment strategy that led to failure after failure. Depositors acquiring the new larger-denomination insured deposits were aware of the plight of the thrift institutions but unconcerned about the risk because the principal amounts of their $100,000 deposits were fully insured by the federal government. In this way, the 1980 increase in deposit insurance to $100,000 exacerbated the fundamental problem facing thrift institutions—a concentration on long-term assets in an environment of high and rising interest rates. Indeed, it significantly increased the taxpayer cost of the bailout of the bankrupt thrift institution deposit insurance fund.

Despite this problematic episode, deposit insurance has clearly played a key—at times even critical—role in achieving the stability in banking and financial markets that has characterized the nearly seventy years since its adoption. Deposit insurance, combined with other components of our banking safety net (the Federal Reserve's discount window and its payment system guarantees), has meant that periods of financial stress no longer entail widespread depositor runs on banks and thrift institutions. Quite the opposite: Asset holders now seek out deposits—both insured and uninsured—as safe havens when they have strong doubts about other financial assets.

Looking beyond the contribution of deposit insurance to overall financial stability, we should not minimize the importance of the security it has brought to millions of households and small businesses with relatively modest financial assets. Deposit insurance has given them a safe and secure place to hold their transaction and other balances.

The benefits of deposit insurance, as significant as they are, have not come without a cost. The very process that has ended deposit runs has made insured depositors largely indifferent to the risks taken by their depository institutions, just as it did with depositors in the 1980s with regard to insolvent, risky thrift institutions. The result has been a weakening of the market discipline that insured depositors would otherwise have imposed on institutions. Relieved of that discipline, depositories naturally feel less cautious about taking on more risk than they would otherwise assume. No other type of private financial institution is able to attract funds from the public without regard to the risks it takes with its creditors' resources. This incentive to take excessive risks at the expense of the insurer, and potentially the taxpayer, is the so-called moral hazard problem of deposit insurance.

Thus, two offsetting implications of deposit insurance must be kept in mind. On the one hand, it is clear that deposit insurance has contributed to the prevention of bank runs that could have destabilized the financial structure in the short run. On the other, even the current levels of deposit insurance may have already increased risk-taking at insured depository institutions to such an extent that future systemic risks have arguably risen.

Indeed, the reduced market discipline and increased moral hazard at depositories have intensified the need for government supervision to protect the interests of taxpayers and, in essence, substitute for the reduced market discipline. Deposit insurance and other components of the safety net also enable banks and thrift institutions to attract more resources, at lower costs, than would otherwise be the case. In short, insured institutions receive a subsidy in the form of a government guarantee that allows them both to attract deposits at lower interest rates than would be necessary without deposit insurance and to take more risk without the fear of losing their deposit funding. Put another way, deposit insurance misallocates resources by breaking the link between risks and rewards for a select set of market competitors.

In sum, from the very beginning, deposit insurance has involved a tradeoff. Deposit insurance contributes to overall short-term financial stability and the protection of small depositors. But at the same time, because it also subsidizes deposit growth and induces greater risk-taking, deposit insurance misallocates resources and creates larger long-term financial imbalances that increase the need for government supervision to protect the taxpayers' interests. Deposit insurance reforms must balance these tradeoffs. Moreover, any reforms should be aimed primarily at protecting the interest of the economy overall and not just the profits or market shares of particular businesses.

The Federal Reserve Board believes that deposit insurance reforms should be designed to preserve the benefits of heightened financial stability and the protection of small depositors without a further increase in moral hazard or reduction in market discipline. In addition, we urge that the implementing details be kept as straightforward as possible to minimize the risk of unintended consequences that comes with complexity.

Mr. Chairman, I yield back the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume and simply close by doing two things. One is responding to the gentleman from California when he uses the analogy that if someone wants to deposit or wants over $100,000 in their account they can simply take part of that money out of one account and place it in another account or they can drive down the street.

Now, Americans today are a highly mobile society, and we know that Americans sell their homes and we know that in almost every case, when they do that, they deposit that money in their bank. They do not take that check and split it. They do not ask for two checks. We know that the average cost of a house is well in excess of $100,000 and we know that they deposit that money in a bank. And if that bank fails, they lose all but $100,000. We do not think that is right.

The authors of this amendment also do a strange thing. They say we are increasing the coverage and that is a bad thing; but then they increase the coverage for retirement accounts to $260,000 and municipal accounts to $2 million. So they basically argue against their own amendment.

Mr. Chairman, may I inquire into the amount of time remaining?

The CHAIRMAN. The gentleman from Alabama has 30 seconds remaining.

Mr. BACHUS. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, let me thank my colleague from Alabama for yielding me this time and for his leadership and his work on this bill.

Mr. Chairman, let me say in 30 seconds, just this: This is an important bill from the perspective of small banks. We will not get sustained community development in America until we find ways to put more small community-based banks in rural America.

I happen to think, and those of who support this bill happen to think, that increasing these limits will provide an incentive for small banks to do more of the business that they need to do that will help the people who are living in rural America. A lot of people, if they know the limits have been increased, will feel much more comfortable putting their assets and putting their resources in small community banks.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD by the gentleman from California (Mr. ROHRABACHER).

There being no further amendments in order, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes, pursuant to the previous order of the House of April 1, 2003, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the previous order of the House, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

☐ 1145

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of H.R. 522 will be followed by a 5-minute vote on ordering the previous question on H. Res. 168, as well as on any other electronic vote that may be ordered on adoption of H. Res. 168.

The vote was taken by electronic device, and there were—yeas 411, nays 11, not voting 12, as follows:

[Roll No. 98]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney

Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—11

Boucher
Cooper
DeFazio
Flake
Ose
Paul
Rohrabacher
Royce
Sanders
Stark
Taylor (MS)

NOT VOTING—12

Combest
Davis (TN)
Doolittle
Gephardt
Hyde
Jones (NC)
Kolbe
McCarthy (MO)
McInnis
Souder
Walden (OR)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair reminds Members that there are 2 minutes remaining to vote.

☐ 1205

Mr. DEFAZIO and Mr. TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on House Resolution 168 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This will be a 5-minute vote. Any electronic vote that might be ordered on the question of adopting the rule also would be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 177, not voting 12, as follows:

[Roll No. 99]

YEAS—245

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

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Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—12

Combest
Davis (TN)
Doolittle
Gephardt
Hyde
Jones (NC)
Kolbe
McCarthy (MO)
McInnis
Paul
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair reminds Members that there are 2 minutes remaining to vote.

☐ 1213

Ms. KILPATRICK, Messrs. LANTOS, WYNN and MORAN of Virginia, Mrs. MALONEY, Mr. McINTYRE and Mr. BELL changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, earlier today, I was unavoidably detained and missed votes on the following measures:

1. Final Passage of H.R. 522—Federal Deposit Insurance Reform Act of 2003 (No. 98). Had I been present, I would have voted "yea."

2. Previous Question on the Rule providing for consideration of H.R. 743—Social Security Protection Act of 2003 (No. 99). Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1215

SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 168, I call up the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 168, the bill is considered read for amendment.

The text of H.R. 743 is as follows:

H.R. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.
Sec. 209. Authority for judicial orders of restitution.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.
Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425, Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).".

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.".

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(1) is not an individual; or

"(2) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).".

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

"(j) Misuse of Benefits.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.".

(3) Technical amendment.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) Title XVI Amendments.—

(1) Reissuance of benefits.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).".

(2) Exclusion of reissued benefits from resources.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.".

(3) Misuse of benefits defined.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.".

(d) Effective Date.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) Certification of Bonding and Licensing Requirements for Nongovernmental Organizational Representative Payees.—

(1) Title II amendments.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

"(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.".

(2) Title XVI amendments.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in subparagraph (I))";

(B) in subparagraph (D)(ii)—

(i) by striking "or any community-based" and all that follows through "in accordance" in subclause (II) and inserting "or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance";

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking "subclause (II)(bb)" and inserting "subclause (II)"; and

(C) by adding at the end the following new subparagraph:

"(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.".

(3) Effective date.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) Periodic Onsite Review.—

(1) Title II amendment.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

"(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

"(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

"(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

"(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(v) the number of cases discovered in which there was a misuse of funds;

"(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

"(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(viii) such other information as the Commissioner deems appropriate.".

(2) Title VIII amendment.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

"(k) Periodic Onsite Review.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

"(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

"(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

"(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(A) the number of such reviews;

"(B) the results of such reviews;

"(C) the number of cases in which the representative payee was changed and why;

"(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(E) the number of cases discovered in which there was a misuse of funds;

"(F) how any such cases of misuse of funds were dealt with by the Commissioner;

"(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(H) such other information as the Commissioner deems appropriate.".

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

"(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

"(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

"(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

"(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

"(I) the number of the reviews;

"(II) the results of such reviews;

"(III) the number of cases in which the representative payee was changed and why;

"(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(V) the number of cases discovered in which there was a misuse of funds;

"(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

"(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(VIII) such other information as the Commissioner deems appropriate.".

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

"(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and".

(2) in subparagraph (C)(i)(II), by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)" and striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(3) in subparagraph (C)(i)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

"(V) such person is person described in section 202(x)(1)(A)(iv).".

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(E) obtain information concerning whether such person is a person described in section 804(a)(2); and"; and

(2) in subsection (d)(1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

"(E) such person is a person described in section 804(a)(2).".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and";

(2) in clause (iii)(II)—

(A) by striking "clause (ii)(IV)" and inserting "clause (ii)(VI)"; and

(B) by striking "section 205(j)(2)(B)(i)(IV)" and inserting "section 205(j)(2)(B)(i)(VI)"; and

(3) in clause (iii)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

"(V) such person is a person described in section 1611(e)(4)(A).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Secretary" and inserting the following:

"A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner".

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Commissioner" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking "paragraph (9)" and inserting "paragraph (10)";

(3) in paragraph (6)(A)(ii), by striking "paragraph (9)" and inserting "paragraph (10)"; and

(4) by inserting after paragraph (6) the following new paragraph:

"(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

"(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

"(l) LIABILITY FOR MISUSED AMOUNTS.—

"(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

"(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking "section 205(j)(9)" and inserting "section 205(j)(10)"; and

(2) by striking subparagraph (H) and inserting the following:

"(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

"(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.".

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

"(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

"(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.".

(b) Effective Date.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) Treatment of Withholding of Material Facts.—

(1) Civil penalties.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a-8(a)(1)) is amended—

(A) by striking "who" in the first sentence and inserting "who—";

(B) by striking "makes" in the first sentence and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

"(B) makes such a statement or representation for such use with knowing disregard for the truth, or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to";

(C) by inserting "or each receipt of such benefits or payments while withholding disclosure of such fact" after "each such statement or representation" in the first sentence;

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation" in the second sentence; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation" in the second sentence.

(2) Administrative procedure for imposing penalties.—Section 1129A(a) of such Act (42 U.S.C. 1320a-8a(a)) is amended—

(A) by striking "who" the first place it appears and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to," and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

"(2) makes such a statement or representation for such use with knowing disregard for the truth, or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,".

(b) Clarification of Treatment of Recovered Amounts.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a-8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(c) Conforming Amendments.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a-8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a-8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a-8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(d) Effective Date.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) In General.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking "Prisoners" and all that follows and inserting the following: "Prisoners, Certain Other Inmates of Publicly Funded Institutions, and Fugitives";

(2) in paragraph (1)(A)(ii)(IV), by striking "or" at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

"(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

"(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv), the Commissioner may, for good cause shown, pay such withheld benefits to the individual."; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

"(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

"(i) the beneficiary—

"(I) is described in clause (iv) or (v) of paragraph (1)(A); and

"(II) has information that is necessary for the officer to conduct the officer's official duties; and

"(ii) the location or apprehension of the beneficiary is within the officer's official duties.".

(b) Regulations.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) In General.—Section 1140 of the Social Security Act (42 U.S.C. 1320b-10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

"(i) explains that the product or service is available free of charge from the Social Security Administration, and

"(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

"(B) Subparagraph (A) shall not apply to any offer—

"(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

"(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI."; and

(2) in the heading, by striking "PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE" and inserting "PROHIBITIONS RELATING TO REFERENCES".

(b) Effective Date.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: "Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.".

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

"ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

"SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.".

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting " 'Centers for Medicare & Medicaid Services'," after " 'Health Care Financing Administration',", by striking "or 'Medicaid', " and inserting " 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan'," and by inserting " 'CMS'," after " 'HCFA',";

(2) in subparagraph (B), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration," each place it appears; and

(3) in the matter following subparagraph (B), by striking "the Health Care Financing Administration," each place it appears and inserting "the Centers for Medicare & Medicaid Services,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

"(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

"(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

"(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

"(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(b) AMENDMENTS TO TITLE VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking "(i) RESTITUTION.—In any case where" and inserting the following:

"(i) RESTITUTION.—

"(1) IN GENERAL.—In any case where"; and

(2) by adding at the end the following new paragraph:

"(2) COURT ORDER FOR RESTITUTION.—

"(A) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(B) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

"(C) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefor.".

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(d) SPECIAL ACCOUNT FOR RECEIPT OF RESTITUTION PAYMENTS.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

"(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting ", except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences" after "subparagraph (B)"; and

(2) by adding at the end the following new sentence: "In the case of any calendar year beginning after the date of the enactment of the Social Security Program Protection Act of 2003, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $10 shall be rounded to the next lowest multiple of $10, but in no case less than $75.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking "section 206(a)" and inserting "section 206";

(B) by striking "(other than paragraph (4) thereof)" and inserting "(other than subsections (a)(4) and (d) thereof)"; and

(C) by striking "paragraph (2) thereof" and inserting "such section";

(2) in subparagraph (A)(i), by striking "in subparagraphs (A)(ii)(I) and (C)(i)," and inserting "in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)", and by striking "and" at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

"(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

"(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

"(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

"(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'."; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

"(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

"(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

"(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

"(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the date of the enactment of the Social Security Program Protection Act of 2003, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $10 shall be rounded to the next lowest multiple of $10, but in no case less than $75.

"(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

"(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

"(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 3 years after the date of the enactment of this Act.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking "conducted under subsection (a)" and inserting "initiated under subsection (a) on or before December 17, 2004"; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: "The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.".

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking "(42 U.S.C. 401 et seq.)," and inserting "(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,".

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

"(f) Expenditures.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.".

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) Federal Work Incentives Outreach Program.—

(1) In general.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

"(2) Disabled beneficiary.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) State Grants for Work Incentives Assistance.—

(1) Definition of disabled beneficiary.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

"(2) Disabled beneficiary.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) Advocacy or other services needed to maintain gainful employment.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking "secure or regain" and inserting "secure, maintain, or regain".

(3) Effective date.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) In General.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

"An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) In General.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking "and a transcript" and inserting "and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript".

(b) Effective Date.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) In General.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking "or (1)(E)".

(b) Effective Date.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) Widows.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "she was married";

(4) by inserting "(1)" after "(c)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving wife,

"(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

"(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior wife continued to remain institutionalized up to the time of her death, and

"(E) the individual married the surviving wife within 60 days after the prior wife's death.".

(b) Widowers.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "he was married";

(4) by inserting "(1)" after "(g)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving husband,

"(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

"(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior husband continued to remain institutionalized up to the time of his death, and

"(E) the individual married the surviving husband within 60 days after the prior husband's death.".

(c) Conforming Amendment.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking "clause (5) of subsection (c) or clause (5) of subsection (g)" and inserting "clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)".

(d) Effective Date.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking “to taxes or contributions for similar purposes under” and inserting “exclusively to the laws applicable to”.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) In General.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting “Kentucky,” after “Illinois,”.

(b) Effective Date.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) In General.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

“Compensation, Expenses, and Per Diem

“(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which the member is engaged in performing a function of the Board. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.”.

(b) Effective Date.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) Wife's Insurance Benefits.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking “if, on the last day she was employed by such entity” and inserting “if, throughout the period beginning with the period of 60 calendar months preceding the last day she was employed by such entity and ending with such last day”.

(b) Husband's Insurance Benefits.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended by striking “if, on the last day he was employed by such entity” and inserting “if, throughout the period beginning with the period of 60 calendar months preceding the last day he was employed by such entity and ending with such last day”.

(c) Widow's Insurance Benefits.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking “if, on the last day she was employed by such entity” and inserting “if, throughout the period beginning with the period of 60 calendar months preceding the last day she was employed by such entity and ending with such last day”.

(d) Widower's Insurance Benefits.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking “if, on the last day he was employed by such entity” and inserting “if, throughout the period beginning with the period of 60 calendar months preceding the last day he was employed by such entity and ending with such last day”.

(e) Mother's and Father's Insurance Benefits.—Section 202(g)(4)(A) of the such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking “if, on the last day the individual was employed by such entity” and inserting “if, throughout the period beginning with the period of 60 calendar months preceding the last day the individual was employed by such entity and ending with such last day”.

(f) Effective Date.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of the enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(b)(4)(A), 202(c)(2)(A), 202(e)(7)(A), or 202(f)(2)(A) of the Social Security Act (in the matter preceding clause (i) thereof)—

(1) if the last day of such service occurs before the end of the 90-day period following the date of the enactment of this Act, or

(2) in any case in which the last day of such service occurs after the end of such 90-day period, such individual performed such service during such 90-day period which constituted “employment” as defined in section 210 of such Act, and all such service subsequently performed by such individual has constituted such “employment”.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking “Secretary” the first place it appears and inserting “Commissioner of Social Security”; and

(2) by striking “Secretary” each subsequent place it appears and inserting “Commissioner”.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) In General.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting “, but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires” before the semicolon.

(b) Effective Date.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) Amendment to Internal Revenue Code.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking “described in subsection (g)(5)” and inserting “on a farm operated for profit”.

(b) Amendment to Social Security Act.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking “described in section 210(f)(5)” and inserting “on a farm operated for profit”.

(c) Conforming Amendment.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking “or is domestic service in a private home of the employer”.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) Correction of Terminology and Citations Respecting Removal From the United States.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking “deportation” each place it appears and inserting “removal”;

(2) by striking “deported” each place it appears and inserting “removed”;

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking “under section 241(a) (other than under paragraph (1)(C) thereof)” and inserting “under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)”;

(4) in paragraph (2), by striking “under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)” and inserting “under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act”;

(5) in paragraph (3)—

(A) by striking “paragraph (19) of section 241(a)” and inserting “subparagraph (D) of section 237(a)(4)”; and

(B) by striking “paragraph (19)” and inserting “subparagraph (D)”; and

(6) in the heading, by striking “Deportation” and inserting “Removal”.

(b) Correction of Citation Respecting the Tax Deduction Relating to Health Insurance Costs of Self-Employed Individuals.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking “section 162(m)” and inserting “section 162(l)”.

(c) Elimination of Reference to Obsolete 20-Day Agricultural Work Test.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking “and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis”.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) Social Security Act Amendment.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking “all of the gross income” and all that follows and inserting “the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;”.

(b) Internal Revenue Code of 1986 Amendment.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking “all of the gross income” and all that follows and inserting “the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and”.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 743, as amended, is as follows:

H.R. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.
Sec. 209. Authority for judicial orders of restitution.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.
Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).".

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.".

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) (as amended by section 209(b)(1) of this Act) is amended further by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual; or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).".

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

"(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.".

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).".

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a

representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.".

(3) Misuse of Benefits Defined.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.".

(d) Effective Date.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) Certification of Bonding and Licensing Requirements for Nongovernmental Organizational Representative Payees.—

(1) Title II Amendments.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

"(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.".

(2) Title XVI Amendments.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in subparagraph (I))";

(B) in subparagraph (D)(ii)—

(i) by striking "or any community-based" and all that follows through "in accordance" in subclause (II) and inserting "or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance";

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking "subclause (II)(bb)" and inserting "subclause (II)"; and

(C) by adding at the end the following new subparagraph:

"(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.".

(3) Effective Date.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) Periodic Onsite Review.—

(1) Title II Amendment.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

"(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

"(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

"(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

"(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(v) the number of cases discovered in which there was a misuse of funds;

"(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

"(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(viii) such other information as the Commissioner deems appropriate.".

(2) Title VIII Amendment.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

"(k) Periodic Onsite Review.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

"(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

"(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

"(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(A) the number of such reviews;

"(B) the results of such reviews;

"(C) the number of cases in which the representative payee was changed and why;

"(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(E) the number of cases discovered in which there was a misuse of funds;

"(F) how any such cases of misuse of funds were dealt with by the Commissioner;

"(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(H) such other information as the Commissioner deems appropriate.".

(3) Title XVI Amendment.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

"(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

"(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

"(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

"(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of

Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

"(I) the number of the reviews;

"(II) the results of such reviews;

"(III) the number of cases in which the representative payee was changed and why;

"(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(V) the number of cases discovered in which there was a misuse of funds;

"(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

"(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(VIII) such other information as the Commissioner deems appropriate.".

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) Title II Amendments.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

"(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and";

(2) in subparagraph (B), by adding at the end the following new clause:

"(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 202(x)(1)(A)(iv),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.";

(3) in subparagraph (C)(i)(II), by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)" and striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(4) in subparagraph (C)(i)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

"(V) such person is person described in section 202(x)(1)(A)(iv).".

(b) Title VIII Amendments.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(E) obtain information concerning whether such person is a person described in section 804(a)(2); and";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law. (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(A) such person is described in section 804(a)(2),

"(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(C) the location or apprehension of such person is within the officer's official duties."; and

(3) in subsection (d)(1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

"(E) such person is a person described in section 804(a)(2).".

(c) Title XVI Amendments.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and";

(2) in clause (iii)(II)—

(A) by striking "clause (ii)(IV)" and inserting "clause (ii)(VI)"; and

(B) by striking "section 205(j)(2)(B)(i)(IV)" and inserting "section 205(j)(2)(B)(i)(VI)";

(3) in clause (iii)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

"(V) such person is a person described in section 1611(e)(4)(A)."; and

(4) by adding at the end the following new clause:

"(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 1611(e)(4)(A),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.".

(d) Effective Date.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) Report to the Congress.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) Title II Amendments.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Secretary" and inserting the following:

"A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner".

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Commissioner" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking "paragraph (9)" and inserting "paragraph (10)";

(3) in paragraph (6)(A)(ii), by striking "paragraph (9)" and inserting "paragraph (10)"; and

(4) by inserting after paragraph (6) the following new paragraph:

"(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

"(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

"(l) LIABILITY FOR MISUSED AMOUNTS.—

"(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

"(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking "section 205(j)(9)" and inserting "section 205(j)(10)"; and

(2) by striking subparagraph (H) and inserting the following:

"(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

"(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.".

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

"(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

"(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" in the first sentence and inserting "who—";

(B) by striking "makes" in the first sentence and all that follows through "shall be subject to," and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading, "(B) makes such a statement or representation for such use with knowing disregard for the truth, or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,";

(C) by inserting "or each receipt of such benefits or payments while withholding disclosure of such fact" after "each such statement or representation" in the first sentence;

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation" in the second sentence; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation" in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" the first place it appears and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to," and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

"(2) makes such a statement or representation for such use with knowing disregard for the truth, or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,".

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking "Prisoners" and all that follows and inserting the following: "Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees";

(2) in paragraph (1)(A)(ii)(IV), by striking "or" at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

"(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

"(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual."; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

"(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

"(i) the beneficiary—

"(I) is described in clause (iv) or (v) of paragraph (1)(A); and

"(II) has information that is necessary for the officer to conduct the officer's official duties; and

"(ii) the location or apprehension of the beneficiary is within the officer's official duties.".

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

"(i) explains that the product or service is available free of charge from the Social Security Administration, and

"(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

"(B) Subparagraph (A) shall not apply to any offer—

"(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

"(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI."; and

(2) in the heading, by striking "PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE" and inserting "PROHIBITIONS RELATING TO REFERENCES".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: "Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.".

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

"ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT .

"Sec. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.".

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) In General.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting " 'Centers for Medicare & Medicaid Services'," after " 'Health Care Financing Administration',", by striking "or 'Medicaid'," and inserting " 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan'," and by inserting " 'CMS'," after " 'HCFA',";

(2) in subparagraph (B), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration," each place it appears; and

(3) in the matter following subparagraph (B), by striking "the Health Care Financing Administration," each place it appears and inserting "the Centers for Medicare & Medicaid Services,".

(b) Effective Date.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) In General.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

"(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

"(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

"(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

"(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION..

(a) Amendments to Title II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(b) Amendments to Title VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking "(i) Restitution.—In any case where" and inserting the following:

"(i) Restitution.—

"(1) In general.—In any case where"; and

(2) by adding at the end the following new paragraph:

"(2) Court order for restitution.—

"(A) In general.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(B) Related provisions.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

"(C) Stated reasons for not ordering restitution.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefor.".

(c) Amendments to Title XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(d) Special Account for Receipt of Restitution Payments.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

"(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.".

(e) Effective Date.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) In General.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting ", except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences" after "subparagraph (B)"; and

(2) by adding at the end the following new sentence: "In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.".

(b) Effective Date.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) In General.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking "section 206(a)" and inserting "section 206";

(B) by striking "(other than paragraph (4) thereof)" and inserting "(other than subsections (a)(4) and (d) thereof)"; and

(C) by striking "paragraph (2) thereof" and inserting "such section";

(2) in subparagraph (A)(i), by striking "in subparagraphs (A)(ii)(I) and (C)(i)," and inserting "in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)", and by striking "and" at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

"(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

"(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

"(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

"(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'."; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

"(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

"(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

"(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

"(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

"(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

"(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

"(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking "conducted under subsection (a)" and inserting "initiated under subsection (a) on or before December 17, 2004"; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: "The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.".

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking "(42 U.S.C. 401 et seq.)," and inserting "(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,".

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

"(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.".

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to

grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking "secure or regain" and inserting "secure, maintain, or regain".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

"An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking "and a transcript" and inserting "and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking "or (1)(E)".

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "she was married";

(4) by inserting "(1)" after "(c)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving wife,

"(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

"(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior wife continued to remain institutionalized up to the time of her death, and

"(E) the individual married the surviving wife within 60 days after the prior wife's death.".

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "he was married";

(4) by inserting "(1)" after "(g)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving husband,

"(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

"(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior husband continued to remain institutionalized up to the time of his death, and

"(E) the individual married the surviving husband within 60 days after the prior husband's death.".

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking "clause (5) of subsection (c) or clause (5) of subsection (g)" and inserting "clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking "to taxes or contributions for similar purposes under" and inserting "exclusively to the laws applicable to".

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

"Compensation, Expenses, and Per Diem

"(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking "if, on" and inserting

"if, during any portion of the last 60 months of such service ending with".

(d) Widower's Insurance Benefits.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking "if, on" and inserting "if, during any portion of the last 60 months of such service ending with".

(e) Mother's and Father's Insurance Benefits.—Section 202(g)(4)(A) of the such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking "if, on" and inserting ""if, during any portion of the last 60 months of such service ending with".

(f) Effective Date.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of the enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(b)(4)(A), 202(c)(2)(A), 202(e)(7)(A), or 202(f)(2)(A) of the Social Security Act (in the matter preceding clause (i) thereof)—

(1) if the last day of such service occurs before the end of the 90-day period following the date of the enactment of this Act, or

(2) in any case in which the last day of such service occurs after the end of such 90-day period, such individual performed such service during such 90-day period which constituted "employment" as defined in section 210 of such Act, and all such service subsequently performed by such individual has constituted such "employment".

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking "Secretary" the first place it appears and inserting "Commissioner of Social Security"; and

(2) by striking "Secretary" each subsequent place it appears and inserting "Commissioner".

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) In General.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting ", but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires" before the semicolon.

(b) Effective Date.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) Amendment to Internal Revenue Code.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking "described in subsection (g)(5)" and inserting "on a farm operated for profit".

(b) Amendment to Social Security Act.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking "described in section 210(f)(5)" and inserting "on a farm operated for profit".

(c) Conforming Amendment.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking "or is domestic service in a private home of the employer".

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) Correction of Terminology and Citations Respecting Removal From the United States.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking "deportation" each place it appears and inserting "removal";

(2) by striking "deported" each place it appears and inserting "removed";

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking "under section 241(a) (other than under paragraph (1)(C) thereof)" and inserting "under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)";

(4) in paragraph (2), by striking "under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)" and inserting "under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act";

(5) in paragraph (3)—

(A) by striking "paragraph (19) of section 241(a)" and inserting "subparagraph (D) of section 237(a)(4)"; and

(B) by striking "paragraph (19)" and inserting "subparagraph (D)"; and

(6) in the heading, by striking "Deportation" and inserting "Removal".

(b) Correction of Citation Respecting the Tax Deduction Relating to Health Insurance Costs of Self-Employed Individuals.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking "section 162(m)" and inserting "section 162(l)".

(c) Elimination of Reference to Obsolete 20-Day Agricultural Work Test.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking "and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis".

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) Social Security Act Amendment.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;".

(b) Internal Revenue Code of 1986 Amendment.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 108–54, if offered by the gentleman from Texas (Mr. Green) or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. Shaw) and the gentleman from California (Mr. Matsui) each will control 30 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Florida (Mr. Shaw).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

This afternoon I am pleased to present to the House for its consideration the Social Security Protection Act of 2003, which is bipartisan legislation that fights fraud and abuse in Social Security programs.

First, this bill protects nearly 8 million beneficiaries who cannot manage their own affairs and rely on representative payees appointed by the Social Security Administration. It does this by raising payee standards and by imposing stricter penalties on those who mismanage the benefits they are entrusted to administer.

Second, this bill denies Social Security benefits to fugitive felons and probation and parole violators. Third, the Protection Act provides tools to further safeguard Social Security programs including new civil monetary penalties.

Finally, this bill helps people with disabilities by giving greater access to legal representation when applying for benefits by improving work incentive programs and by expanding eligibility for the Work Opportunity Tax Credit to encourage more employers to hire individuals with disabilities.

Despite the fact that a majority of the Members voted to pass this bill last month, the needed two-thirds approval required under suspension of the rules was not achieved. That is because special interest groups betrayed Social Security and America's seniors to appease the few who believe they could get special treatment and be allowed to exploit an unintended loophole that presently exists in the law. These groups misinformed both public and the Congress by falsely claiming that teachers and other public servants who pay into a public employee pension plan instead of Social Security are being singled out for unfair treatment. According to the General Accounting Office and the Social Security Administration, these claims are false.

In fact, government workers who do not pay Social Security taxes receive higher spouse or widow benefits than workers who do, given equal retirement benefits from work. By taking advantage of the loophole, a select group of public employees receives full Social Security spouse and widow benefits that no other working spouse in America receives, including other teachers who pay into Social Security for their entire career.

I want to share this example provided by the Social Security Administration because it shows so well that assertions of targeting public servants for unfair reduction in spousal benefits are just simply incorrect.

As this placard will show, we are comparing two working couples, the Bakers and the Smiths. They have equal retirement benefits from their work. In both cases the husband receives a Social Security work benefit of $1,200 per month, and the wife receives $300 per month based on her work. They are equal in every way except that Mrs. Baker paid Social Security taxes and receives her benefits from Social Security, but Mrs. Smith paid into a public pension plan instead of Social Security and receives her benefits from that plan.

Both Mrs. Baker's and Mrs. Smith's spouse benefits are reduced. Mrs. Baker's spouse benefits of $600, which is one half of her husband's benefit amount, is reduced $1 for every dollar of her Social Security benefit, providing her with a $300 spouse benefit. Mrs. Smith's spouse benefit, also $600, is reduced $2 for $3 by her public pension benefit, providing her with a $400 spouse benefit.

The end result, Mrs. Smith's benefit is $100 higher than Mrs. Baker's, even though Mrs. Baker paid her whole career into Social Security. Clearly, Mrs. Smith is not being discriminated against because she paid into a public pension plan instead of Social Security.

Mrs. Smith has a twin sister, Mrs. Jones, who is also a teacher; but Mrs. Jones was a teacher in Texas who switched to a school cafeteria job on the last day and paid Social Security taxes in for that last day. Mrs. Jones has an advantage over every other working spouse in America. She receives both her worker's benefit and full spousal benefit. As a result her spousal benefit would be $300 higher than Mrs. Baker's and $200 higher than her twin's. Clearly, for someone who worked 1 day under Social Security, that is just plain unfair.

Every Member of Congress deeply appreciates the valuable contribution of teachers and public servants and all workers, whether they be in Texas, Georgia, Florida, or New York. However, no single group of workers should have an unfair advantage over workers in other school districts, in other pension systems, or all across this Nation.

We absolutely need a full discussion of all Social Security provisions affecting public employees, which is why the Subcommittee on Social Security will have a hearing on these issues and legislative opportunities in the coming weeks. While we want to make Social Security fair for all workers, we must take care not to worsen Social Security's already bleak fiscal picture or undermine the principle of Social Security as an earned benefit. It is an earned benefit. That would negatively affect both government workers and all Americans who depend on Social Security.

This bipartisan bill does the right thing and has the support of many organizations. It was developed using recommendations from and in cooperation with the Social Security Administration and the Social Security Inspector General. It is also supported by the AARP, Citizens Against Government Waste, the National Conference of State Social Security Administrators, the Consortium for Citizens with Disabilities, the National Alliance for the Mentally Ill, the Association of Administrative Law Judges, the National Organization of Social Security Claimants' Representatives, and numerous other national and local law enforcement agencies and organizations.

We should protect senior citizens from unscrupulous representative payees skimming off of the top. We should prevent fugitive felons and probation or parole violators from using Social Security dollars to finance their illegal activity. We should pass H.R. 743 to stop this fraud and abuse in Social Security and in the process save the taxpayers $655 million over the next 10 years.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from the State of Florida (Mr. SHAW), the Chair of the Subcommittee on Social Security of the Committee on Ways and Means. We entered into a bipartisan discussion, and we have a bipartisan bill at this time.

The gentleman mentioned the Inspector General of the Social Security Administration. The Social Security Administration and the beneficiary community all came together last year to put this piece of legislation together. It was essentially the same bill that passed last year, and just 2 weeks ago it came again before the House Committee on Ways and Means and passed on a 35 in favor of to two against vote count. So this is a good bill. I hope we have final passage in favor of this piece of legislation.

I might just very briefly go over the points of the legislation. One, it deals with representative payees; and basically what this means is that when we have a person who is perhaps mentally disabled, a minor, or somebody who is a frail elderly, they may not be able to collect the benefits themselves or know how to handle their benefit, Social Security benefits, that is. So we have a representative payee that will take the money and make sure that proper accounting of the money is taken care of. Essentially in some cases we have had representative payees where they have actually absconded with the money. This would tighten up the laws on representative payees and, secondly, would make sure that beneficiaries are held harmless and receive the full benefits even when the representative payee takes the money from them. It also would provide a greater legal representation for SSDI recipients, those people that are seeking disability benefits under Social Security, by providing for greater legal representation by changing some of the requirements for lawyers under the Social Security Administration Act.

Lastly, it would deny benefits to fugitive felons. Right now under the law, through the quirk in the law, unfortunately, fugitive felons are able to receive Social Security benefits, and this would deny those benefits to fugitive felons.

There are a number of other technical provisions in the legislation. One area I might just spend a few moments on is the one that my colleague from Florida talked about, and that is the government pension offset issue. As the Members know, this legislation was passed in 1976. It did not take place until the mid-1980s. It was not fully put in place until the 1980s. It was basically to take care of the disparity where one of the spouses has two employments over a period of their lifetime of work, one in the local or State government and one in the private sector. So one would then be eligible for both Social Security benefits and also eligible at the same time for a government pension.

Under the law that currently is in place, a surviving widow or widower in this circumstance would have a reduction in their benefit level, depending upon the size of their pension. It was a law to try to correct an inequity. Unfortunately, the government pension offset has in some cases been fair but in many cases has been unfair. One, many of the recipients do not know until actually their spouse dies that they are subject to that rule, in which case all of a sudden their lives have become totally disruptive. In fact, we have calculated, and studies have shown this, that when one spouse dies, it still requires 80 percent of the former income that the couple had in order to live comfortably, and this in many cases drops that income level down to 30 or 40 percent of what they received when they were both alive. So there is a problem with this piece of legislation.

What the gentleman from Florida (Mr. SHAW) and I have attempted to do was strengthen the potential loopholes that some call it loopholes and some say it is only a way to make sure their benefits are collected properly.

The gentleman from Florida (Mr. SHAW) has indicated that he intends to hold hearings on the government pension offset issue, and we really appreciate that because I believe that some action should be taken in this Congress on that issue.

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Obviously, we cannot reinstate full benefits, but perhaps there is some way we can at least help these recipients that are subject to this rule so that they will be able to continue on when one of the spouses passes away.

It is, however, a situation now where some of my colleagues feel that they have a problem with this particular provision. This provision was not in the bill last year to close this provision on the government pension offset; it was added to the bill in this Congress, and many of my colleagues have questions about it.

It would have been my hope that we would have dealt with this issue and the larger issue of trying to deal with the government pension offset, because in this situation it would put pressure on all of us to try to deal with this comprehensively. But we do have it before us at this time, and as many of us know, the gentleman from Texas (Mr. GREEN) will have an amendment in which he will move to strike that one provision out of this legislation.

I intend to support his motion to strike this by way of an amendment but, at the same time I would hope that my colleagues on both sides of the aisle would support the final passage of this legislation, because it is a good bill and certainly we do believe that the other provisions of this legislation must move forward.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. Very, very briefly, what the gentleman from California said about people receiving bad information from the Social Security Administration is absolutely correct, and we are working on that. This came out at the hearing that we had, and this is something that our committee will be addressing.

Now, the reason that the correction, as far as the unfair benefits being paid out to people who never really paid into Social Security more than one day of their working life, that information did not come out from the General Accounting Office until after we passed our bill last June.

The Democrat-controlled Senate, however, did have the benefit of the General Accounting Office study when they passed their bill, and they passed it by unanimous consent and they attached this provision to it.

This is not a partisan issue. I understand the problems within certain States and those are only two States, by the way, Texas and Georgia. However, for the rest of this country, it is looking at Georgia and Texas as an unfair abuse of the Social Security system because of the inartful drawing of that one provision. This is what we are trying to correct here this afternoon.

Mr. Speaker, I would say to the gentleman from California (Mr. MATSUI) that at this particular time I do not expect to use all of our time on general debate. We have already been through this on suspension. I would invite the gentleman to put a couple of speakers up at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI), our ranking member on the Subcommittee on Social Security, for yielding me this time.

One thing I do agree with the chairman of the Subcommittee on Social Security about is that we should reform the government pension offset. Instead of talking about technicalities or ways that people have figured a way around it, we ought to look at the whole issue. There has been legislation cosponsored by the majority of this House for 3 years, but we have not had a hearing yet on dealing with that. That is what is frustrating.

So instead of dealing with the big issue, they are going to say, okay, for those teachers or firefighters or police officers in Texas or Georgia or whatever other States, they are going to punish those because they found a way under current law to be able to receive their widows' benefits. We are talking about widows benefits. I do not know about the GAO study or whatever they wanted to talk about, but I do know that we are talking about widows' benefits.

Let me give an example. I have a lady in my own district in the Aldine School District; her husband passed away 10 years ago. She has been receiving his Social Security widow's benefits. She teaches school. She is 73 years old now. After decades of teaching math, she is ready to retire; but if she retires, she will have her widow's benefits under Social Security reduced so substantially that there will almost be nothing left, because of her teacher retirement under the State of Texas.

Now, again, I do not know how the request was made for these GAO studies, but I do know that the facts on the ground show something different than what my colleagues say. This teacher will have to wait to retire. She would have to go to work for 5 years at a school that has Social Security. Well, she does not have that choice. We have some districts in Texas who do, some who do not. Very few actually do. So she would have to be 78 years old under the bill to be able to continue receiving her widow's benefits. That is wrong. That has been wrong, and it is affecting so many people. That is why we have an amendment, and I thank the Committee on Rules for giving us an opportunity to strike that section.

We have an opportunity through that amendment that will do it. Let us deal with the whole issue, but let us also support the amendment that will leave this provision in here for people who need it.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

I first would like to thank the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW), and also the ranking member, the gentleman from California (Mr. MATSUI) for the work that they have done on this legislation.

Certainly, those of us who have worked on this issue in the past know that we need to deal with these issues for all of those beneficiaries who are out there trying to collect their well-earned Social Security benefits, and also for those who have in the past had difficulties going before the Administration, the Social Security Administration, to get the benefits they deserve. Too, oftentimes we find that some of the folks that are now trying to collect their benefits are old, disabled; in many cases they have become incompetent and cannot do some of these things for themselves, and we have had to find ways to help them move their case along. The "representative payee" program has been a good one. Oftentimes, unfortunately, it has been abused by some, and we are trying to make sure that we forever guarantee that those people who have earned these benefits will get them and not someone who is trying to take advantage of them and claims to be providing advocacy on their behalf.

This is a good bill. H.R. 743 was a bill that was passed last year by this House. I hope it does have a chance to become law this year. I do want to support, and I associate myself with the words of the gentleman from Texas (Mr. GREEN) who spoke. We have an issue with the government pension offset that we must address. We must address it in a way that deals with reform in its entirety.

Many of us have talked about the need to make sure that we strengthen Social Security into the future. There are a lot of folks, teachers, police officers, firefighters, who find that because they have not been in the system, or if they have been in part of the system for part of the time, the treatment that they will receive is different from those who have been within Social Security or completely outside of Social Security throughout the process. We must deal with this.

To some people who may be watching, it may seem confusing what we are talking about with regard to the government pension offset but, really, the bottom line here is whether you understand GPO and what it stands for or not. What we are trying to do is make sure the system under Social Security is fair for everyone. At this stage there is an issue that has been raised whether or not through this legislation we should be trying to make changes to the GPO.

I would urge all of my colleagues to support the bill, and I also urge my colleagues to support the Green amendment that he has offered today.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this time to also rise and say that we really need to look at that government pension offset.

The government pension offset unfairly reduces the retirement benefits of public employees who have dedicated their lives to serving their communities and our children. Many of those impacted expected to receive the Social Security benefit that their spouse earned, and we are talking about the majority, almost 90 percent are women that are widowed. So if we look at what we are doing, it is extremely discriminatory towards those women in this category. Often they remain unaware of the offset until they reach retirement age.

Educators are shocked to learn that their decision to enter the education profession, often at considerable financial sacrifice, has caused them to lose benefits they have counted on. The resulting loss of income forces some into poverty and despair. Section 418 of the Social Security Protection Act would close the so-called loophole that allows educators in my home State of Texas to avoid the unjust and harsh impact of the government pension offset by transferring it to the school districts covering Social Security just before they retire.

I would like to add that I am not alone in this. Mr. Speaker, 176 other Members of this House from both sides of the aisle have cosponsored legislation to eliminate this provision. If Members agree that this provision is unfair, I would strongly urge them to vote in favor of this amendment when it comes forward and to vote against this bill.

Once again, I asked the chairman on the Republican side to bring this forward and try to deal with this, because it is extremely important. I know we have argued about offshore and allowing companies to go offshore and have that loophole for the major companies. But when it is a loophole that applies to women and widows, we need to look at that and see if we can come back, and I would just ask the chairman and appeal to him to bring forward that bill and have an up-or-down vote on the entire bill and allow it to go and impact throughout the counties for these teachers and those individuals and those widows that fall under that category.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a member of the Subcommittee on Social Security.

Mr. BRADY of Texas. Mr. Speaker, I support this bill. Let me address my remarks toward the teacher loophole portion of this, because this is what we are discussing the most.

I admire teachers. They are hardworking and incredibly dedicated, as we all know. They are my friends, my sister-in-law, and my next-door neighbor, literally. But keeping open the Texas teacher loophole is terribly unfair.

The loophole practice was first reported to the fraud hotline of Social Security a few years ago. A subsequent investigation by the General Accounting Office followed and, upon their finding that millions of dollars were being siphoned from Social Security, the recommendation was made to Congress to close it. The Senate voted 99 to 0 to close it. But that is why we are here today in the House, to preserve the integrity of Social Security.

This is how the loophole works in Texas, in my State. Teachers in the State retirement system do not pay into Social Security. They have opted out. They pay instead into a substitute retirement plan, the teacher retirement system of Texas. As they near retirement, a Texas teacher resigns from her school district. She pays then another school district that is in Social Security; she pays them between $200 and $500 to work for them 1 day, in the cafeteria, doing maintenance, or as a clerical aid. Typically, for that 1 day of work, the teacher contributes $3 into Social Security and thanks to the loophole, collects nearly $100,000 in Social Security benefits over her retirement. That is $3 into Social Security, $100,000 taken from Social Security. This is terribly unfair. It is unfair to all of the teachers in other States who have no loophole. It is unfair to all the working families in Texas, in America, who have no loophole, including our soldiers overseas; and it is certainly unfair to our elderly who, even if we close the loophole today, will see $450 million drained from their Social Security Trust Fund.

On the Web site for the Texas Federation of Teachers, their President, John Cole, describes the loophole as a trick and proudly proclaims the gimmick is perfectly legal. The gimmick is perfectly legal.

Well, the gimmick may be legal, but is it right? Virtually no other worker in Texas or America can take a job in a school cafeteria for a day, contribute $3 into Social Security, and walk away with nearly $100,000 more than their next-door neighbor. How do we justify this? We would not allow someone to spend 1 day as a substitute teacher and take home $100,000 in teacher retirement, so why would we allow a teacher to work 1 day in Social Security and take home $100,000 they did not earn?

Alarmingly, this 25-year-old obscure loophole just recently discovered is now being institutionalized. In Texas, in my home State, teachers groups regularly hold retirement seminars to instruct their members on how to take advantage of the loophole. Some school districts make as much as $280,000 a year. That is a quarter of a million dollars a year, charging fees to teachers to work for them for just a day. During the General Accounting Office investigation, they even discovered one Texas university has gone so far as to regularly schedule 5 days per year where university professors can work their last day as a janitor under Social Security, contribute $3, and receive an extra $100,000. That is $100,000 that university professors in other States cannot earn, because they do not have a loophole. And it is $100,000 the janitor they worked alongside of cannot earn either, because they do not have a loophole.

We are not going to create two classes of citizens in America, those who have loopholes and those who do not. Congress has a clear choice. We can keep open this lucrative loophole for a few that is draining $450 million from everyone else's Social Security, or we can stand up for our seniors, stand up for our elderly, stand up for the 99 percent of America's workers who are playing by the fair rules.

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If we insist on keeping this loophole open, Congress, I think, has forfeited any future credibility to claiming to protect Social Security for our seniors. We will rightly be labeled hypocrites.

What can we do to help our teachers, but still be fair to America? The question has been raised today, and it is a fair one. I am convinced the answer lies in repeal or at least modification of the windfall elimination provision, which docks workers who have earned both the Social Security retirement and the government pension. I think the principle we should be applying is this: if you have earned two pensions, you should receive two pensions.

I have asked the chairman of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), to hold hearings on the windfall provision; and he has agreed. I appreciate his willingness to promptly study the impact and fairness of the windfall provision as it relates to today's retirees.

I think we will find when we do study it, and I am in total agreement with our teachers on this, that the windfall makes it much more difficult to recruit into teaching the professionals who have had other careers. I think it penalizes educators who held a second job in order to make ends meet. Teachers tell me this would go a long way towards helping them. And best of all, it is not a gimmick. It is fair for them, and it is fair to the rest of America.

I urge the House to pass H.R. 743 without amendment. We must not allow our precious Social Security to be drained away; and most importantly, we cannot create two classes of citizens in America, those who have loopholes and those who do not.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. What a truly disappointing presentation. Mr. Speaker, this is not about "gimmicks," and it is not really even about Texas teachers. It is about whether this Congress will have on the floor of the House its first ever vote in recent memory on correcting the Government Pension Offset and Windfall Elimination Provision.

Last year, when the constituents of the gentleman from Texas (Mr. BRADY) contacted him about this, he said that these provisions seemed to be "most unfair." He pointed out, quite correctly, that "about 40 percent of the total number of affected beneficiaries are widows and widowers"; that "240,000 affected beneficiaries are women."

I think that we need an opportunity in this Congress to address the Government Pension Offset. When the gentleman from Florida (Mr. SHAW) released the GAO report to which he has referred today, although he and the gentleman from Texas (Mr. BRADY) use terms like "fraud" and attack the professional associations of our teachers in Texas, although he even has the audacity today to invoke our soldiers overseas against our police officers and our firefighters and teachers who deserve a GPO correction, when the gentleman from Florida (Mr. SHAW) introduced the GAO report, he said "The apparently growing use" of what he calls a loophole "is only a symptom of general concern about whether the GPO itself is fair. . . . That is why my plan . . . would reduce the Government Pension Offset." [Aug. 15, 2002 press release]

His plan that he refers to is the one that he and the gentleman from Texas (Mr. BRADY) voted against when we presented it in the Committee on Ways and Means. It is the plan which the Committee on Rules made out of order today. Not Texas teachers, not "gimmicks," not the Texas Federation of Teachers, but police officers in New York City and firefighters in San Francisco, and everyone in between who has been a public servant and who has suffered as a result of this Windfall Elimination Provision, they are the ones that they are standing against today.

"GPO" stands for "Government Pension Offset." It cuts into the retirement security of dedicated public servants, like firefighters, police officers, and teachers who provide us physical and economic security and who need retirement security. "GPO" really means "gouge police officers," and it gouges our teachers and firefighters seeking their well-earned retirement security.

GPO also stands for "good photo opportunity." That is what is involved here. Whether it is police officers, firefighters, or teachers, Members are eager to stand with them and get their picture taken. But when it comes time to vote with them and protect their retirement security, they come up with one excuse after another.

This provision dealing with the self-help provisions that Texas teachers have used, and used in accordance with the letter of the law as written, specifically as written by this Congress, was buried on page 70 of the original bill. They did not even have the courage to bring it up for a vote in the committee at that point, or to wait until our Texas teachers could be here.

An apt analogy to what is happening here today is to find oneself driving down a highway and seeing a senior citizen, a retired teacher, pulled off along the side of the road with a flat tire.

The reaction of most folks is to stop and help. Well, the Congress comes along and it stops to help. It tells the retirees, "You cannot fix this problem yourself," the way our Texas teachers have done, "that is our job." Then, while the senior waits for help, the Congress gets back in the car and drives off, leaving them stranded beside the road.

That is exactly what has happened here as this Republican Congress refuses to address the problem that our Texas teachers and our firefighters are rightly concerned about. Instead, they pick up a tire iron all right, but they are using it on our retirees, not the flat.

The GPO bills introduced and never set for a hearing or never voted on will never provide retirement coverage, only political coverage. When Members pose with public servants for a good photo opportunity, a "GPO," they hope those employees will not notice that: When they smile, the real message is, "I am standing with you, but I am not voting with you."

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must say, and be sure that all the Members that are listening to this debate know, this debate has nothing to do with the Government Pension Offset that the last speaker was referring to. That particular provision has a price tag of $9 billion.

As chairman of the Subcommittee on Social Security, I would like to correct that, or at least go halfway towards correcting that. But part of my job as chairman of this subcommittee is also to protect the integrity of the Social Security program itself. To go off willy-nilly and start throwing dollars out means the demise of the Social Security system. It will come up short well before 2016, which is the day on which the cash coming into the system is not enough to pay the benefits. We have to be concerned about that.

We are going to have hearings on the Government Pension Offset, and try to find ways to pay for it. But we have to pay for it within the system. To do otherwise would be just plain reckless.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), a distinguished member of the subcommittee.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding time to me.

The gentleman from Texas (Mr. DOGGETT) who spoke last has regaled us on a number of occasions with some interesting and I would say provocative speeches over the last couple of years about the use and abuse of tax shelters. He has proclaimed himself, Mr. Speaker, the defender of the individual taxpayer against abusive corporate tax shelters. He has often cited Enron when that issue was before Congress. He has railed against the expansion of the business meal deduction, saying taxpayers would subsidize $400 bottles of wine, a thinly-veiled swipe at the former Speaker.

In the immediate aftermath of September 11, in the committee he went as far as to say that Republicans on the committee were looking for tax cuts for Osama bin Laden. Now he attempts to wrap himself into the fireman's coat and shield himself with the policeman's shield. It is just not so.

Section 418 of the Social Security Protection Act closes a loophole. The General Accounting Office says this about that loophole: "4,819 individuals from Texas and Georgia have performed work in Social Security-covered positions for short periods, and in fact even for a day, in order to offset" or get away from this government pension offset in this exemption.

This is a loophole, a loophole that is being exploited. In 2002, one-fourth of all the public education retirees in the State of Texas took advantage of this loophole.

Let me give an example of an egregious type of way that this is being exploited, and unfortunately, much to the chagrin of other hardworking Social Security payees across the country. School officials reported individuals were taking, or one individual traveled 800 miles one way, 800 miles, a two-day trip, to be employed for a single day, traveling back 800 miles back to that person's home in order to get away from this loophole.

As my friend, the gentleman from Texas (Mr. BRADY), noted, a lot of these school districts are seeing the money flow in because they are charging these retirees, these teachers, a processing fee for their school districts. Ultimately, what it means is that these workers are seeing their annual pensions increased by the tune of about $5,000 a year to which they are not entitled.

So we can talk about the government pension offset all we would like, or the windfall elimination provision. Yet what we are trying to do is root out waste, fraud and abuse. The General Accounting Office has told us clearly and unequivocally this is a loophole that is being exploited, and it is time that this Congress acted to close this loophole, because other retirees are the ones that are losing the advantage of their social security.

Mr. MATSUI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to just make a couple of observations, if I may. I appreciate the Chair of the subcommittee on Social Security of the Committee on Ways and Means, his discussion.

I just want to point out, the President had said during the campaign of 2000 that he wanted to reform Social Security. He came up in 2001, December of 2001, with a commission report and three recommendations all dealing with privatization of Social Security. The gentleman himself has come up with a privatization plan. We still have not seen Social Security reform in the committee, nor have we seen it on the floor of the House.

Initially, I was hoping to take care of the GPO under Social Security reform. Obviously, we cannot do it because there is no intention of bringing Social Security reform to the House floor until after the 2004 election, after the President presumably is reelected. So it is unfortunate we have to deal with this issue now.

I also want to say that with respect to the gentleman from Texas (Mr. DOGGETT), he was trying to deal through the whole issue of corporate shelters with things like the Bermuda inversion issue, in which companies in the United States went offshore in order to avoid U.S. taxes, thereby increasing taxes for individual citizens. These are the things that he has been working on.

Lastly, this is about the government pension offset, to a large extent; it is not about loopholes. The reason I say this, just 3 weeks ago the gentleman voted, the gentleman who just spoke voted in committee on a piece of legislation actually in which we were going to try to give benefits to our young men and women overseas, in the Persian Gulf at this time, by adding little provisions like eliminating taxation on foreigners who actually bet on U.S. gaming and horse races.

These are the kinds of things that are real loopholes. These are the things that are loopholes. These are ordinary citizens who are just trying to deal with their own livelihood when one of their spouses dies.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I am so pleased that the last speaker raised this issue of corporate loopholes, because it is the same crowd that stood in the Committee on Ways and Means repeatedly and on the floor of this House and has defended corporations that renounce their citizenship and head off for tax havens like Bermuda. They say that this is fine, that this is legal, and that we do not need to do anything about it.

As to the Government Pension Offset and the issue of the alleged "loophole" in Texas, what the gentleman failed to mention is that we offered in committee to close the alleged "loophole" for Texas teachers, but to do it in connection with reforming the GPO problem that they have consistently refused to correct all this time. Fix the two together.

We make them that same offer today. This is not about gimmicks in Texas, it is about people that file bills, as the gentleman from Florida (Mr. SHAW) has done, that they never intend to move through the Congress; file bills they do not even get a hearing on, and say they are on the side of the firefighters, police officers, and teachers while doing nothing for them.

Mr. SHAW. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, again I would say to the gentleman who just spoke, who has self-proclaimed his time here as far as trying to shut down these corporate abusive shelters, in existing law that the Social Security Protection Act attempts to protect is a loophole that is being exploited, a single-day exception where workers attempt to get around this law.

Perhaps if the gentleman's constituents had set up post office boxes in Bermuda, perhaps we would see some righteous indignation in favor of this legislation instead of opposed.

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Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to make an argument outside of the scope of this latest controversy, though I will say the sooner this Congress deals with the GPO issue, the better, because it is a very important issue back in my home State of Maine. But I do rise in support of this bill, H.R. 743.

I commend the work of the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the ranking member, the gentleman from California (Mr. MATSUI) for their effort to bring this bill forward.

I want to confine my remarks to one particular section of the bill, section 414. That section will directly benefit one of my constituents, Nancy Wilson of Bremen, Maine. Nancy Wilson has been denied Social Security benefits through a quirk in the law for more than 10 years, and thanks to the efforts of the Committee on Ways and Means, H.R. 743 will fix that quirk and will enable Nancy Wilson to receive the benefits to which she otherwise would have been entitled.

Since the 105th Congress I have been working to pass legislation that would assist Mrs. Wilson. In both the 105th and 106th Congresses, private legislation passed this House but was not acted on by the other body. Since then the Committee on Ways and Means has graciously worked with me in both the 107th and 108th Congresses to include language similar to my bill, H.R. 249, in the Social Security Protection Act in order to help Mrs. Wilson.

As anyone who has worked with her knows, Nancy Wilson is a tenacious battler. She will not give up. She will not allow her elected representatives to give up until she receives the justice that she feels she deserves and that she does deserve. I hope with the passage of this bill, Nancy's efforts will finally be vindicated.

I urge the swift enactment of this legislation.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the subcommittee for yielding me time, and I appreciate and applaud the remarks of my friend from Maine (Mr. ALLEN) across the aisle because it typifies, at long last, we actually had discussion on the bill we are working on this afternoon and the benefits it brings, rather than another convoluted process.

So let us focus on the legislation at hand, H.R. 743. The preceding speaker pointed out how it would directly help one of his constituents.

Mr. Speaker, let me suggest to you that this legislation will help thousands, if not millions, of Social Security recipients because it protects Social Security. First and foremost, we strengthen the ability of this government and the Social Security Administration to deny benefits to fugitive felons and probation or parole violators. We have such a huge system which so many Americans depend on that it is hard to believe, but true, there are actually felons and fugitives who have depended on Social Security and taken money out of the system. That is wrong. That is going to stop.

It deters fraud. It creates new civil monetary penalties for those who would commit fraud against our seniors and against Social Security recipients. It prevents persons from misrepresenting themselves as they provide Social Security-related services.

We move to protect what so many Americans depend upon.

And I should also point out that one key group of constituents whom I was honored to work with, with the Commissioner of the Social Security Administration, came to Arizona, to Tempe, Arizona, to issue our first ticket to work for a disabled member of our society who wanted to emphasize the ability in disability, we broaden and strengthen the ability with ticket to work. We help individuals with disabilities gain access to representation and to get back to work. We expand the eligibility for the work opportunity tax credits. Employers outside of a predesignated number in the past can take advantage of the work opportunity tax credit. It allows the Social Security Administration to examine alternative methods of encouraging work.

This is a good bill. Pass it on the merits. Support H.R. 743.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting, this is a good bill. I am frankly appalled that we have a situation where we have to fix the question of fugitive felons receiving Federal dollars, and I believe we should fix it. That is the point I rise to make, Mr. Speaker.

Forgive me for talking in a second-level voice, but this could have been a bill that all of us supported. My good friend from Arizona (Mr. HAYWORTH) stood a couple of years ago disagreeing with opposing the government pension offset. What we are trying to do is to fix it to make it work.

We offered, I understand, I am not on the committee but I understand that the gentleman from Connecticut's (Mr. SHAYS) legislation that could have fixed this question that we are concerned with about teachers and police and firefighters was offered in committee and was rejected along a party line vote.

Mr. Speaker, this is legislation that should be supported by all. We should have a 100 percent vote on the Green amendment, which I am supporting, for these teachers and widows that we are talking about. This is a simple amendment because what it does is this amendment works to correct the problem, and that is in 418.

This amendment is important to have. The legislation does nothing to remedy the GPO to make it fair to public servants. This amendment strips this one hidden offensive provision in this otherwise noncontroversial bill that deals with prohibiting a widow to be eligible for a pension based upon State, local, or Federal jobs, that is ridiculous, or requiring them to work an extra 5 years.

Now why, Mr. Speaker, we could not work together to ensure that we had a bipartisan bill. My voice is weak, it is broken, but I could not miss talking about this inequity.

Why are we here fighting about a bill that has some very good elements? Why are we here fighting over the Green amendment? It should be under unanimous consent, because it makes sense for people not just in Texas but in New York. And I think it is important, Mr. Speaker, to say here we go again, dividing unnecessarily along party lines on what is good for America. And frankly, I think we got a whole lot of work to do with our troops in Iraq in terms of benefits that they need and veterans benefits that they need and tax changes that they need. We could do this in a bipartisan way.

So I hope, Mr. Speaker, that we will find a way to unanimously support this Green amendment that will strike this language that puts elderly people back to work, and I hope we will find a way to correct this legislation so we have a bill that will have the support of all Members.

Mr. Speaker, I am saddened to have come to the floor today to speak out yet against H.R. 743. The Social Security Protection Act of 2003. This bill was broken last time it came up on the floor. Many public servants in our districts noticed that. We noticed it was broken and voted the bill down. But, here it is again—and it still has not been fixed. There is much good in this bill. If the Majority Leadership would take out the small error that will hurt our teachers and firefighters and police, this bill could be in front of the President soon. That would be a great service.

Social Security represents a covenant between the U.S. Federal Government and the American people. It is a promise that if a person works hard, and contributes into this investment program, that when it comes time for them to retire—their government will ensure that a fair benefit is there for them. It seems that too often, criminals take advantage of the trust between the Social Security Administration and the seniors and disabled Americans it serves. They misuse Social Security benefits. Such activity is worse than just stealing, because it threatens the confidence that the American people have in the government. That confidence is the foundation of our democracy.

So last Congress, I joined with every voting Member of this House in support of The Social Security Act of 2002. It was an excellent piece of bipartisan legislation, which would have made great strides towards cutting down on the abuse of the Social Security system. Most of the major provisions of that bill are reflected in the bill before us today, and I still support them. The bills would both protect Social Security recipients by mandating reissue of funds when their payments are misused. Representative payees who misuse a person's benefits would be forced to reimburse those funds, plus would be subject to fines of up to $5000 if they knowingly provided false or misleading information.

For further protection, representative payees for over 15 individuals would be required to be licensed and bonded, and would be subject to periodic reviews. The bills would allow the Commissioner to withhold benefits from fugitive felons, and persons fleeing prosecution. The bills also provide for numerous improvements to the present system, which would reduce fraud and abuse of the program.

The bill passed unanimously in the House last Congress, and similar legislation cleared the Senate. But unfortunately this important legislation got hung up at the end of last year. With such support and progress, this should have been an easy piece of work to get through this year, and a score for the American taxpayers. Instead, a wrench has been thrown into the works, through the addition of a small section that has provoked a deluge of phone calls into my office from, it seems like, every schoolteacher in my district.

The Texas branch of the American Federation of Teachers describes Section 418 as "poison for Texas school employees." That section relates to the Government Pension Offset. At present, if an individual receives a government pension based on work that was not covered by Social Security, his or her Social Security spousal or survivor benefit is reduced by an amount equal to two-thirds the government pension. This provision of current law is called the Government Pension Offset (GPO). However, under the "last day rule," an individual is exempt from the GPO if he or she works in a job covered by Social Security on the last day of employment.

Many school disticts offer teachers non-Social Security government pensions, so till now many teachers have been forced to take advantage of the "last day" loophole. Just before they retire, they get a job in a business with a Social Security pension for a day, in order to receive their deserved benefits. This is a ridiculous system, and the appropriate way to fix it would have been to repeal the GPO. In fact, I have co-sponsored H.R. 594 with my colleague from California, BUCK MCKEON, and 132 others to do just that.

Instead, the bill before us today closes the loophole. I am usually all for getting rid of loopholes, but now is no time to be "sticking-it" to teachers—just as we are trying to leave no child behind, just as we have a shortage of qualified teachers in many areas. This could drive many people away from careers in teaching.

For example, last month I received a call from one woman in my District who was a teacher earlier in her life. Her husband recently passed away and she has been contemplating going back into teaching. But she has been warned that she could actually jeopardize her financial future by going to work. As a widow, she will be entitled to her husband's social security benefits. However, if she starts to teach in a school district with a government non-Social Security pension, she could lose $360 per month in retirement benefits—over $4000 per year.

Why should she risk it? If H.R. 743 passed today, it won't be only she that loses. It will be our Nation's children who lose—an experienced, intelligent teacher.

The GPO issue needs to be addressed, but not today. Right now, we are giving money to criminals who are beating our system and undermining confidence in the future of Social Security and the government as a whole. We need to protect Social Security, and we need to do it soon. But I will wait until we can do it without attacking our teachers, and penalizing our children.

I will vote "no" on H.R. 743 unless the offending provision is taken out, and urge my colleagues to do the same.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes and 10 seconds to the distinguished gentleman from the State of Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in opposition to H.R. 743 and I wish to express my strong support for the amendment offered by my friend, the gentleman from Texas (Mr. GREEN).

The underlying bill was rejected by the House last month when it was considered under suspension of the rules. Yet it is being brought before us again with the same objectionable provision that will hurt teachers, police officers, firefighters and other State and local workers in Texas and lots of States around the country.

H.R. 743 would compel experienced public servants to quit their jobs prematurely and work in the private sector for 5 years before they retire in order to avoid a reduction in their pension caused by the Social Security offset. We all know that our Nation has a critical shortage of teachers and public safety personnel. This provision would only exacerbate the problem.

That is why I support the Green amendment to strip this offending provision from the bill. Unfortunately, the Committee on Rules has prevented this House from considering a permanent fix to the problems associated with the government pension offset.

My friend, the gentleman from Texas (Mr. DOGGETT), proposed an amendment to the Committee on Rules that would end this policy that forces public employees to offset their State pensions against the Social Security benefits they have earned. But the Committee on Rules refused to allow the Doggett amendment to be considered today. As a result, State and municipal employees throughout the Nation will continue to be hurt by this unfair policy.

At a time when Federal and State budgets for education and public safety are being slashed, this is just one more slap in the face to those teachers and those public safety officers who are working hard to educate our children and protect our communities. We need to let them know that education and security are national priorities and that we value their dedication. I encourage my colleagues to move quickly to bring relief to teachers and other public employees by supporting the Green amendment.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the committee.

Mr. HERGER. Mr. Speaker, I rise in strong support of the Social Security Program Protection Act. I would like to thank the gentleman from Florida (Chairman Shaw) and the other members of the Committee on Ways and Means who have worked tirelessly to improve Social Security programs that provide an important, crucially important, safety net for many of our Nation's neediest disabled and elderly individuals. These changes have been designed to ensure that the right benefits go to the right people, a principle which should guide our efforts on behalf of the taxpayers we serve.

I am especially pleased that the bill before us includes a provision designed to keep convicted fugitive felons from getting Social Security checks. These efforts build upon the criminal welfare provision which I introduced and which were enacted into law more than 3 years ago. By all accounts, these laws have been effective in stopping illegal fraudulent Social Security payments to prisoners. We have also stopped hard-earned taxpayer dollars from being used to subsidize addicts with disability checks. Overall, we have saved taxpayers and beneficiaries literally billions of dollars.

Other provisions in the legislation before us, such as granting the Social Security Administration the tools it needs to weed out waste and fraud, will further protect vulnerable beneficiaries.

Mr. Speaker, this bill passed with overwhelming bipartisan support in the last Congress. I urge my colleagues to join me today in supporting it once again.

Mr. MATSUI. If the Speaker may inquire whether the gentleman from Florida (Mr. SHAW) has any further speakers?

The SPEAKER pro tempore (Mr. LINDER). Does the gentleman from Florida (Mr. SHAW) have any further speakers?

Mr. SHAW. At this particular time I may close, depending on what I hear from the other side.

Mr. MATSUI. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. MATSUI) has 5 minutes remaining. The gentleman from Florida (Mr. SHAW) has 5½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I think the debate has been good because it has talked about what the concern is, that we really need to deal with government pension offset.

I know there has been legislation introduced now for a number of years and that there is a commitment to have a hearing on it, but we have a bill right now; the latest legislation, H.R. 594, has at least 50 Republican Members and in a very short time has received almost 200 co-sponsors of it, that would eliminate the controversial government pension offset. And I guess that is what is frustrating because we have so much support to eliminate it or at least, as had been earlier talked about, let us moderate it. Do not punish widows that are public employees, two-thirds. Let us make them only pay one-third. Sure, they only worked a day maybe, but they are not getting it for their work under Social Security.

□ 1315

They are getting it because they were married to their spouse for at least 10 years and, in some cases, 30 and 40 years; and yet, because they were public schoolteachers, they had to take advantage of that loophole because, otherwise if their husband died before they were 62, they did not receive anything. So they found a way under current law to seek redress, and this bill is going to close that loophole, supposedly.

Again, maybe it should be, if my amendment is adopted, I would like the committee to really bring out a reform during this Congress because, again, we have been waiting now for many years. In fact, my colleague from Arizona (Mr. HAYWORTH), I remember 3 years ago he and I stood at a press conference with lots of Members talking about we need to reform the government pension offset, and that is what ought to be done, but do not punish the States of Georgia or Texas or whatever other jurisdiction said, well, wait a minute, we know it is wrong, we know it is wrong to penalize a widow who teaches school.

For example, a colleague of mine from Texas has a military base, Fort Hood, with a lot of his constituents now in the Persian Gulf. They said we have a program that is called Troops to Teachers. Our armed services pay Social Security so they retire from the military, and yet they are going to go back to teach and they are going to be penalized for the Social Security they earned in the military if they retire in Texas from the teacher retirement system and they do not work for a school district that has Social Security.

The system is wrong, and my colleagues are making it worse by changing it by this bill; and this is what is so bad. My colleagues can show me all of the studies, but I cannot explain those studies to my constituents who are teachers who said you mean to tell me I have been married 30 years to my husband and everything because we are talking about 80 percent of these people are women, and we know nationally the retirement income for women is so much lower than men. We have teachers who have been married all these years, and sure, they are going to take advantage, but that is because they have been married to someone who paid into Social Security for at least 10 years, in some cases 3 or 4 decades.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

This is a good bill. I want to commend the gentleman from the State of Florida, the Chair of the subcommittee. We put together a bipartisan bill. Obviously with the Social Security Administration, with the beneficiary groups and certainly with the Inspector General's office, and certainly this is a good piece of legislation.

I hope that each of my colleagues, as I, will vote for final passage of this legislation. Obviously, we do have one controversy here, and it is the government pension offset issue; and the gentleman from Florida has indicated he will address this issue through a hearing of the subcommittee sometime in the near future, I believe after the April recess; and so I look forward to working with him with the idea of perhaps given the time constraints and other problems that we might have that we can really address this issue in a comprehensive way.

I do hope that there will be some way that we can vote in favor of the gentleman from Texas's (Mr. GREEN) amendment when it is offered in about 40, 45 minutes because I think that will keep the pressure on the institution, both bodies and the executive branch of government, to address this issue.

There is no question that many people are caught unaware when one spouse dies that they did not know about the government pension offset. It results in a reduction of their level of income by 40, 50, even in many cases 60 percent, and secondly, we do have to deal with the inequalities of the proposal. There is no question that in some cases it does actually help and it creates inequality in terms of people that have multiple jobs.

On the other hand, it does create some inequality, and as a result of that, we really need to address this issue in a comprehensive way; and given the fact we probably will not deal with Social Security reform in this Congress, it is incumbent on us at least to address this issue and perhaps a few other issues, as well, as long as they are not extremely costly.

Mr. Speaker, I urge a "yes" vote on final passage, a "yes" vote when the gentleman from Texas (Mr. GREEN) offers his amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I place in the RECORD a large number of letters in support from police groups, fire groups, AARP, and a number of other letters.

AARP,
Washington, DC, March 5, 2003.

Hon. CLAY SHAW,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SHAW: On behalf of AARP and its 35 million members, I wish to commend you and Representative Matsui for introducing H.R. 743, the "Social Security Program Protection Act of 2003." This comprehensive legislation is important to claimants, beneficiaries and the overall Social Security program.

We are pleased that the legislation would protect beneficiaries against abuses by representative payees. For many years, AARP recruited volunteers as representative payees so that Social Security beneficiaries who needed a representative payee but could not find one would not lose any benefits. These programs were quite successful but were limited in scope.

AARP has had a longstanding interest in curbing deceptive mailings targeted at older Americans. This legislation builds upon prior legislation and could discourage other mailers from scaring older people about their Social Security and Medicare benefits.

The legislation would strengthen the Ticket to Work Act and conduct pilot projects to improve work incentives for those with a disability. These changes would send a strong signal that our society values the contributions of all its citizens.

Thank you again for your leadership in moving H.R. 743 in the House.

Sincerely,

DAVID CERTNER,
Director, Federal Affairs.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, March 10, 2003.

Hon. CLAY SHAW, *Chairman*,
Hon. ROBERT MATSUI, *Ranking Member*,
Committee on Ways and Means, Subcommittee on Social Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHAW AND RANKING MEMBER MATSUI: On behalf of the more than 1 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I commend you both for introducing H.R. 743, the Social Security Protection Act of 2003. CCAGW supports this important legislation.

Passage of H.R. 743 would fiscally strengthen the Social Security program by reining in the loss of millions flowing away from beneficiaries each year due to waste, fraud and abuse. It strengthens the supervision of individuals and institutions that handle benefit checks belonging to others, bars Social Security payments to fugitives, and would allow federal courts to order an individual who breaks a Social Security-related law to make restitution to the fund.

The members of CCAGW also support your efforts to close the loophole regarding government pension offsets for Social Security benefits. This loophole has allowed thousands of individuals to receive Social Security benefits for previous employment for which they did not pay into the system. The Government Accounting Office (GAO) has recommended eliminating this loophole, estimating that failure to do so will cost the program $450 million in long-term overpayments.

Enactment of H.R. 743 would boost solvency of the Social Security program and ensure that benefits would go to those who have earned it by instituting strict safeguards for annuitants and the programs on which they depend. This bill will be among those considered for inclusion in CCAGW's 2003 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

NATIONAL CONFERENCE OF STATE SOCIAL SECURITY ADMINISTRATORS POSITION STATEMENT

Overview: This bill is intended to make changes to various sections of the Federal Social Security Act. One of the many changes provides for an extended period of employment in a position covered by Social Security in order to be eligible for the Government Pension Offset (GPO) exemption.

Current law: The current Social Security Act allows any employee to be exempt from the GPO if, on their last day of employment, they are in a covered position. While this little noticed provision has been in the law for many years it has recently become the subject of discussion and possible abuse. It has been noted that a number of employees who have worked in a non-covered position during their normal working career have switched over to a position covered by Social Security on their last day of employment in order to circumvent the GPO impact on their benefits.

This perceived abuse can be significantly reduced by the passage of this legislation. In addition, this change for the state and local government employees, brings the criteria into synchronization with the Federal employee requirements.

Position: The National Conference of State Social Security Administrators supports the changes proposed in section 418 of H.R. 743.

Contact: If you have any questions or comments regarding this Position Statement or other activities of the NCSSSA, please contact either Nicholas C. Merrill, Jr. (IL) Legislative Committee Chairman, at (217) 785-2340, or Steve Delaney, (OR) President, at (503) 603-7694.

NCSSSA background: Since its formation in 1952, the NCSSSA has worked closely with SSA and IRS to address social security and medicare coverage and employment tax issues raised by state and local government employers and state social security administrators throughout the United States. The NCSSSA works with federal officials to ensure legislative and regulatory changes address state and local concerns. The NCSSSA provides leadership to state and local governments through accurate interpretation of federal laws and regulations, communication of Federal tax policy, and resolution of problems arising at the state and local level.

NATIONAL COUNCIL OF SOCIAL
SECURITY
MANAGEMENT ASSOCIATIONS, INC.,
Hackensack, NJ, March 31, 2003.

Hon. CLAY SHAW,
Chairman, Social Security Subcommittee, House Ways and Means Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHAW: We appreciate that your efforts as Chairman of the Social Security Subcommittee have brought to light many issues that affect the stability and solvency of the Social Security program. Your continued attention to detail ensures that SSA recipients will be better served in the future.

One such issue is a loophole that currently exists in the law regarding the Government Pension Offset. The National Council of Social Security Management Associations (NCSSMA) favors the provision in H.R. 743, "The Social Security Protection Act of 2003," that closes this loophole that affects the Government Pension Offset.

As you are aware, legislation was enacted in 1977 creating a Government Pension Offset (GPO) to equalize the treatment of workers covered by Social Security and those with noncovered government pensions. The GPO prevents workers from receiving a full spousal benefit on top of a pension earned from noncovered government employment. The law, however, provides an exemption to the

GPO if an individual's last day of state/local employment is in a job that is covered by both Social Security and the state/local government's pension system. That provision provides a loophole that needs to be closed.

The Government Accounting Office found last year that 3,500 teachers in Texas switched to clerical or janitorial positions covered by Social Security on the last day of their employment in order to avoid the GPO. The GAO estimates that use of the loophole thus far could cost Social Security $450 million and even more if use of the loophole grows. Not closing this loophole would be fiscally irresponsible and unfair to other citizens who comply with the intent of the law. Therefore we favor the provision in H.R. 743 designed to rectify this problem.

Sincerely,

ANTHONY PEZZA,
President.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, March 4, 2003.

Hon. E. CLAY SHAW,
Hon. ROBERT MATSUI,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES SHAW AND MATSUI: On behalf of the Consortium for Citizens with Disabilities Task Forces on Social Security and Work Incentives Implementation, we are writing to express our support for the speedy passage of H.R. 743, the Social Security Protection Act of 2003.

We appreciate the hard work and the perservance of the Subcommittee on Social Security in addressing this important legislation over the course of two Congresses and again in this 108th Congress. Your leadership and commitment last year resulted in the passage of the Social Security Program Protection Act of 2002, H.R. 4070, in the House by a vote of 425 to 0. Clearly, the issues addressed in the bipartisan Social Security Protection Act are important to people with disabilities who must depend on the Title II and Title XVI disability programs. We urge House passage of H.R. 743.

H.R. 743 is a very important bill for people with disabilities. We believe that it should be enacted as soon as possible. People with disabilities need the protections of the representative payee provisions. People with disabilities who are attempting to work need the statutory changes to the Ticket to Work program in order to better utilize the intended work incentive provisions enacted in 1999. In addition, beneficiaries with disabilities need the provision requiring the Social Security Administration to issue written receipts, and to implement a centralized computer file record, whenever beneficiaries report earnings or a change in work status. These important provisions have not been controversial—in fact, they have enjoyed significant bipartisan support—and have simply fallen prey to the legislative process over the last two Congresses. We appreciate your interest in moving H.R. 743 quickly so that these important protections can become available to beneficiaries as soon as possible.

One of the most important sections of H.R. 743 for people with disabilities is the section dealing with improved protections for beneficiaries who need representative payees. Approximately 6 million Social Security and Supplemental Security Income beneficiaries have representative payees, often family members or friends, who receive the benefits on their behalf and have a responsibility to manage the benefits on behalf of the beneficiaries.

H.R. 743 includes important provisions strengthening SSA's ability to address abuses by representative payees. The provisions would: require non-governmental fee-for-services organizational representative payees to be bonded and licensed under state or local law; provide that when an organization has been found to have misused an individual's benefits, the organization would not qualify for the fee; allow SSA to re-issue benefits to beneficiaries whose funds had been misused; allow SSA to treat misused benefits as "overpayments" to the representative payee, thereby triggering SSA's authority to recover the money through tax refund offsets, referral to collection agencies, notifying credit bureaus, and offset of any future federal benefits/payments; and require monitoring of representative payees, including monitoring of organizations over a certain size and government agencies serving as representative payees.

In addition, H.R. 743 would extend the direct payment of attorneys fees in SSI cases on a voluntary basis. Advocates believe that such a program will make legal representation more accessible for people with disabilities who need assistance in handling their cases as they move through the extremely complex disability determination and appeals systems.

CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 54 million children and adults with disabilities and their families living in the United States. The CCD Social Security and Work Incentives Implementation Task Forces focus on disability policy issues in the Title XVI Supplemental Security Income program and the Title II disability programs. We look forward to the House passage and final enactment of H.R. 743.

Sincerely,

Co-chairs, Social Security and Work Incentives Implementation Task Forces: Marty Ford, The Arc and UCP Public Policy Collaboration; Ethel Zelenske, National Organization of Social Security Claimants' Representatives; Cheryl Bates-Harris, National Association of Protection and Advocacy Systems; Susan Prokop, Paralyzed Veterans of America; Melanie Brunson, American Council of the Blind; Paul Seifert, International Association of Psychosocial Rehabilitation Services.

NATIONAL ORGANIZATION OF SOCIAL
SECURITY CLAIMANTS'
REPRESENTATIVES,
Midland Park, NJ, February 26, 2003.

Hon. E. CLAY SHAW, Jr.,
Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Organization of Social Security Claimants' Representatives ("NOSSCR"), we offer our support for the important goals of H.R. 743, the Social Security Protection Act of 2003.

Specifically, we support the protections in Title I for beneficiaries who have representative payees and support provisions which, for the first time, require the Social Security Administration to issue receipts to beneficiaries when they report earnings or a change in work status. Additionally, title III of this measure contains two important provisions NOSSCR strongly supports. These provisions are designed to ensure access to legal representation for those Social Security and Supplemental Security Income ("SSI") claimants who seek to be represented as they pursue their claims and appeals. First, the bill limits the assessment of the user fee to $75.00 or 6.3 percent, whichever is lower. Second, the bill extends the current Title II fee withholding and direct payment procedure to the Title XVI program, giving SSI claimants the same access to representation as is currently available to Social Security disability claimants. Together, these provisions make changes that will help claimants obtain representation as they navigate what can often be a confusing and difficult process.

We are dismayed, however, by the addition of a sunset provision for the extension of withholding to the Title XVI program. Enactment of an attorneys' fee payment system with an "end date" will undercut its very purpose: to enable more SSI claimants seeking a lawyer to hire one. The sunset provision shortchanges SSI claimants who desire legal representation. We are not aware of any policy justification for this provision, and we urge its deletion from the bill.

NOSSCR appreciates your continued interest in improving the Social Security and SSI programs and ensuring the best possible service delivery. We look forward to your Subcommittee's consideration of this legislation.

Very truly yours,

NANCY G. SHOR,
Executive Director.

ASSOCIATION OF
ADMINISTRATIVE LAW JUDGES,
Milwaukee, WI, February 28, 2003.

Hon. CLAY SHAW, Jr.,
Chairperson, Subcommittee on Social Security, Rayburn House Office Building, Washington, DC.

DEAR CHAIRPERSON SHAW: I write on behalf of the Association Law Judges. We represent about 1000 administrative law judges in the Social Security Administration and in the Department of Health and Human Services which comprise about 80% of the administrative law judges in the Federal government. I am writing in regard to H.R. 743, a bill to provide additional safeguards for Social Security and Supplement Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

We support the goals of H.R. 743. In particular, we support the attorney fee payment system improvements provided for in the bill, but we believe that the legislation should not include any "sunset" provisions. We further support the provisions in the legislation for the elimination of transcript requirements in remand cases fully favorable to the claimant.

We also favor the provision in the legislation that directs the Social Security Administration to issue receipts to acknowledge submissions of earnings by beneficiaries.

Thank you for your work on this important legislation.

Sincerely,

RONALD G. BERNOSKI,
President.

Mr. SHAW. Mr. Speaker, we are going to go into the amendment process in just a moment. I think it is important for the House to realize here that what we are talking about in all this debate has been on a very narrow point that really only affects basically one State, possibly two, and that is a question of where their particular pension law is written in such a way that it creates a loophole and gives their teachers, their firefighters, an advantage over the rest of the country.

This is not about teachers. It is not about widows. It is not about firefighters. It is about basic fairness.

So I would hope that in the final vote I think we will get a big vote in favor of the bill itself. I have no doubt about it, but I would urge the Members to defeat the amendment that is going to be offered by the gentleman from Texas (Mr. GREEN) that would preserve this loophole for these few people. It is just simply not fair.

Mr. REYES. Mr. Speaker, I rise today in support of the Green Substitute amendment to H.R. 743. This amendment would result in removing Section 418 from the bill. This section negatively affects teachers and other public servants in my state of Texas. This is unacceptable. Our hardworking teachers deserve more.

I know full well the effort and hard work that teachers dedicate to their students. My wife was a teacher for many years and my daughter, who just completed her doctorate degree in education, is currently an administrator at a local school district. I believe that teaching is one of the most honorable professions. I credit our teachers with laying the foundation for the future of our country and the world. In addition to teaching children the basic skills they need, teachers are an important guiding force for our children. After parents, they are one of the greatest influences on children. We therefore need to make sure we have well-qualified and well-paid teachers educating students.

As you know Mr. Speaker, passage of this bill before us would reduce the spousal Social Security benefits for countless teachers. H.R. 743 also affects school support personnel, police officers, firefighters, and other public servants. At a time when multi-billion dollar tax breaks are being given to our country's top income earners, our teachers and other public servants would be penalized through this bill. These are people we should be protecting and rewarding. We should not make them pay for the tax cuts we give those who are more fortunate. For this reason I cannot support the original version of this bill.

Mr. Speaker, I have co-sponsored H.R. 594, a bill introduced by my colleague, Mr. McKEON, that will eliminate the Government Pension Offset and the Windfall Elimination Provisions that target our teachers and other public servants by denying them the opportunity to retain their full spousal Social Security benefits. This bill would be a more appropriate permanent solution to the unfair treatment of teachers' social security benefits. However, until we can pass that bill, I strongly urge my colleagues to support the Green Substitute, oppose H.R. 743 unless it is amended, and continue to support our teachers. I yield back the balance of my time.

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to HR 743, the Social Security Protection Act. While this bill contains many provisions worthy of support, it also removes the only means by which many widowed Texas public school teachers can receive the same spousal social security benefits as every other American. As I am sure my colleagues are aware, widowed public school employees in Texas, like public employees throughout the nation, have their spousal social security reduced if they receive a government pensiion. The Government Pension Offset even applies if the public employee in question worked all the quarters necessary to qualify for full social security benefits either before or after working in the public school system!

The effect of the Government Pension Offset is to punish people for teaching in public schools! However, current law provides widowed Texas public school teachers a means of collecting the full social security spousal benefits. Unfortunately, this bill removes that option from Texas teachers. Since I believe the Congress should repeal the Government Pension Offset by passing HR 524, which repeals both the Government Pension Offset and the Windfall Elimination Provision, another provision that denies public employees full social security benefits, I must oppose this bill.

Instead of punishing public school teachers, Congress should be encouraging good people to enter the education profession by passing my Teacher Tax Cut Act (HR 613) which provides every teacher with a $1,000 tax credit, as well as my Professional Educators Tax Credit act (HR 614), which provides a $1,000 tax credit to counselors, librarians, and all school personnel. Congress should also act to protect the integrity of the Social Security Trust Fund by passing my Social Security Preservation Act (HR 219), which ensures that Social Security monies are not spent on other programs. Congress should also pass my Social Security for American Citizens Only Act (HR 489), which ensures that non-citizens who have not worked the required number of quarters and illegal immigrants do not receive social security benefits.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of H.R. 743. First, I would like to acknowledge Mr. MATSUI for working diligently on the Social Security Act of 2003.

As we all know, H.R. 743 will extend the direct fee withholding program payment to attorneys who represent supplemental security income claimants, thus encouraging more attorneys to represent them.

It is vital that we pass legislation that addresses the major concerns of our seniors, the blind, and the disabled.

This legislation imposes greater standards on individuals and organizations that serve as representative payees for social security and supplemental security income recipients; this legislation will make non-governmental representative payees liable for "misused" funds and subject them to civil monetary penalties; H.R. 743 will reduce the fee assessments from the Social Security Administration that charges attorneys for fee withholding.

Overall, the Social Security Act of 2003 will be beneficial to recipients and those who serve as representatives for recipients.

Furthermore, H.R. 743 will make a number of technical changes designed to reduce social security fraud and abuse.

Mr. Speaker, I will close my statement for the RECORD with supporting H.R. 743.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded back, it is now in order to consider the amendment in the nature of a substitute printed in House Report 108–54.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GREEN of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.

Sec. 209. Authority for judicial orders of restitution.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).".

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.".

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) (as amended by section 209(b)(1) of this Act) is amended further by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(A) is not an individual; or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).".

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

"(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.".

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee that—

"(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).".

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.".

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

"(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the

Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.".

(2) Title XVI Amendments.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in subparagraph (I))";

(B) in subparagraph (D)(ii)—

(i) by striking "or any community-based" and all that follows through "in accordance" in subclause (II) and inserting "or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance";

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking "subclause (II)(bb)" and inserting "subclause (II)"; and

(C) by adding at the end the following new subparagraph:

"(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.".

(3) Effective date.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) Periodic Onsite Review.—

(1) Title II amendment.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

"(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

"(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

"(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

"(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(v) the number of cases discovered in which there was a misuse of funds;

"(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

"(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(viii) such other information as the Commissioner deems appropriate.".

(2) Title VIII amendment.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

"(k) Periodic Onsite Review.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

"(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

"(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

"(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(A) the number of such reviews;

"(B) the results of such reviews;

"(C) the number of cases in which the representative payee was changed and why;

"(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(E) the number of cases discovered in which there was a misuse of funds;

"(F) how any such cases of misuse of funds were dealt with by the Commissioner;

"(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(H) such other information as the Commissioner deems appropriate.".

(3) Title XVI amendment.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

"(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

"(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

"(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

"(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

"(I) the number of the reviews;

"(II) the results of such reviews;

"(III) the number of cases in which the representative payee was changed and why;

"(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(V) the number of cases discovered in which there was a misuse of funds;

"(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

"(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(VIII) such other information as the Commissioner deems appropriate.".

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) Title II Amendments.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

"(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and";

(2) in subparagraph (B), by adding at the end the following new clause:

"(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 202(x)(1)(A)(iv),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.";

(3) in subparagraph (C)(i)(II), by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)" and striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(4) in subparagraph (C)(i)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

"(V) such person is person described in section 202(x)(1)(A)(iv).".

(b) Title VIII Amendments.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(E) obtain information concerning whether such person is a person described in section 804(a)(2); and";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(A) such person is described in section 804(a)(2),

"(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(C) the location or apprehension of such person is within the officer's official duties."; and

(3) in subsection (d)(1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

"(E) such person is a person described in section 804(a)(2).".

(c) Title XVI Amendments.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and";

(2) in clause (iii)(II)—

(A) by striking "clause (ii)(IV)" and inserting "clause (ii)(VI)"; and

(B) by striking "section 205(j)(2)(B)(i)(IV)" and inserting "section 205(j)(2)(B)(i)(VI)";

(3) in clause (iii)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

"(V) such person is a person described in section 1611(e)(4)(A)."; and

(4) by adding at the end the following new clause:

"(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 1611(e)(4)(A),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.".

(d) Effective Date.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) Report to the Congress.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) Title II Amendments.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Secretary" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner".

(b) Title XVI Amendments.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Commissioner" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner".

(c) Effective Date.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) Title II Amendments.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking “paragraph (9)” and inserting “paragraph (10)”;

(3) in paragraph (6)(A)(ii), by striking “paragraph (9)” and inserting “paragraph (10)”; and

(4) by inserting after paragraph (6) the following new paragraph:

“(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

“(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”.

(b) Title VIII Amendment.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

“(l) Liability for Misused Amounts.—

“(1) In general.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

“(2) Limitation.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”.

(c) Title XVI Amendments.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking “section 205(j)(9)” and inserting “section 205(j)(10)”; and

(2) by striking subparagraph (H) and inserting the following:

“(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

“(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”.

(d) Effective Date.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) Title II Amendments.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”.

(b) Title VIII Amendments.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.”.

(c) Title XVI Amendment.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

“(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”.

(d) Effective Date.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) In General.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

“(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.”.

(b) Effective Date.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) Treatment of Withholding of Material Facts.—

(1) Civil penalties.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking “who” in the first sentence and inserting “who—”;

(B) by striking “makes” in the first sentence and all that follows through “shall be subject to,” and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

“(B) makes such a statement or representation for such use with knowing disregard for the truth, or

“(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under

title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,
shall be subject to,”;

(C) by inserting “or each receipt of such benefits or payments while withholding disclosure of such fact” after “each such statement or representation” in the first sentence;

(D) by inserting “or because of such withholding of disclosure of a material fact” after “because of such statement or representation” in the second sentence; and

(E) by inserting “or such a withholding of disclosure” after “such a statement or representation” in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking “who” the first place it appears and inserting “who—”; and

(B) by striking “makes” and all that follows through “shall be subject to,” and inserting the following:

“(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

“(2) makes such a statement or representation for such use with knowing disregard for the truth, or

“(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,
shall be subject to,”.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking “In the case of amounts recovered arising out of a determination relating to title VIII or XVI,” and inserting “In the case of any other amounts recovered under this section,”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking “charging fraud or false statements”.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking “and representations” and inserting “, representations, or actions”.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking “statement or representation referred to in subsection (a) was made” and inserting “violation occurred”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking “Prisoners” and all that follows and inserting the following: “Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees”;

(2) in paragraph (1)(A)(ii)(IV), by striking “or” at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

“(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

“(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.”; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

“(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

“(i) the beneficiary—

“(I) is described in clause (iv) or (v) of paragraph (1)(A); and

“(II) has information that is necessary for the officer to conduct the officer's official duties; and

“(ii) the location or apprehension of the beneficiary is within the officer's official duties.”.

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

“(i) explains that the product or service is available free of charge from the Social Security Administration, and

“(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

“(B) Subparagraph (A) shall not apply to any offer—

“(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

“(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.”; and

(2) in the heading, by striking “PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE” and inserting “PROHIBITIONS RELATING TO REFERENCES”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: “Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.”.

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

"ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

"Sec. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.".

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) In General.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting " 'Centers for Medicare & Medicaid Services'," after " 'Health Care Financing Administration',", by striking "or 'Medicaid'," and inserting " 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan'," and by inserting " 'CMS'," after " 'HCFA',";

(2) in subparagraph (B), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration," each place it appears; and

(3) in the matter following subparagraph (B), by striking "the Health Care Financing Administration," each place it appears and inserting "the Centers for Medicare & Medicaid Services,".

(b) Effective Date.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) In General.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

"(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

"(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

"(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

"(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) Amendments to Title II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(b) Amendments to Title VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking "(i) Restitution.—In any case where" and inserting the following:

"(i) Restitution.—

"(1) In general.—In any case where"; and

(2) by adding at the end the following new paragraph:

"(2) Court order for restitution.—

"(A) In general.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(B) Related provisions.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

"(C) Stated reasons for not ordering restitution.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefor.".

(c) Amendments to Title XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.".

(d) Special Account for Receipt of Restitution Payments.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

"(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.".

(e) Effective Date.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) In General.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting ", except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences" after "subparagraph (B)"; and

(2) by adding at the end the following new sentence: "In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any

amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking "section 206(a)" and inserting "section 206";

(B) by striking "(other than paragraph (4) thereof)" and inserting "(other than subsections (a)(4) and (d) thereof)"; and

(C) by striking "paragraph (2) thereof" and inserting "such section";

(2) in subparagraph (A)(i), by striking "in subparagraphs (A)(ii)(I) and (C)(i)," and inserting "in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)", and by striking "and" at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

"(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

"(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

"(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

"(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'."; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

"(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

"(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

"(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

"(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

"(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

"(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

"(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking "conducted under subsection (a)" and inserting "initiated under subsection (a) on or before December 17, 2004"; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: "The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.".

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking "(42 U.S.C. 401 et seq.)," and inserting "(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,".

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

"(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.".

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking "secure or regain" and inserting "secure, maintain, or regain".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

"An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking "and a transcript" and inserting "and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking "or (1)(E)".

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "she was married";

(4) by inserting "(1)" after "(c)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving wife,

"(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

"(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior wife continued to remain institutionalized up to the time of her death, and

"(E) the individual married the surviving wife within 60 days after the prior wife's death.".

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "he was married";

(4) by inserting "(1)" after "(g)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving husband,

"(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

"(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior husband continued to remain institutionalized up to the time of his death, and

"(E) the individual married the surviving husband within 60 days after the prior husband's death.".

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking "clause (5) of subsection (c) or clause (5) of subsection (g)" and inserting "clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking "to taxes or contributions for similar purposes under" and inserting "exclusively to the laws applicable to".

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

(b) Effective Date.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) In General.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

"Compensation, Expenses, and Per Diem

"(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.".

(b) Effective Date.—The amendment made by this section shall be effective as of January 1, 2003.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking "Secretary" the first place it appears and inserting "Commissioner of Social Security"; and

(2) by striking "Secretary" each subsequent place it appears and inserting "Commissioner".

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) In General.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting ", but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires" before the semicolon.

(b) Effective Date.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) Amendment to Internal Revenue Code.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking "described in subsection (g)(5)" and inserting "on a farm operated for profit".

(b) Amendment to Social Security Act.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking "described in section 210(f)(5)" and inserting "on a farm operated for profit".

(c) Conforming Amendment.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking "or is domestic service in a private home of the employer".

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) Correction of Terminology and Citations Respecting Removal From the United States.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking "deportation" each place it appears and inserting "removal";

(2) by striking "deported" each place it appears and inserting "removed";

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking "under section 241(a) (other than under paragraph (1)(C) thereof)" and inserting "under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)";

(4) in paragraph (2), by striking "under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)" and inserting "under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act";

(5) in paragraph (3)—

(A) by striking "paragraph (19) of section 241(a)" and inserting "subparagraph (D) of section 237(a)(4)"; and

(B) by striking "paragraph (19)" and inserting "subparagraph (D)"; and

(6) in the heading, by striking "Deportation" and inserting "Removal".

(b) Correction of Citation Respecting the Tax Deduction Relating to Health Insurance Costs of Self-Employed Individuals.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking "section 162(m)" and inserting "section 162(1)".

(c) Elimination of Reference to Obsolete 20-Day Agricultural Work Test.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking "and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis".

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) Social Security Act Amendment.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;".

(b) Internal Revenue Code of 1986 Amendment.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and".

The SPEAKER pro tempore. Pursuant to House Resolution 168, the gentleman from Texas (Mr. Green) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Green).

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a great deal of debate already on the general debate, but I rise in opposition to the legislation in support of my amendment, and it is frustrating because there are some good things in this legislation, but I guess what is really frustrating is that why should a section of this bill be addressed to public educators, firefighter and police officers that happen to be in Texas or Georgia, and yet, in another section, we are trying to combat fraud by felons.

I agree, we should combat fraud by felons; and if we have felons who are receiving Social Security, felons who are absconding, I do not mind. In fact, why are we waiting this long to keep them from getting their Social Security? Do not go after widowed teachers, whose spouses paid into Social Security.

Eighty percent are women who receive fewer retirement benefits than men, and it is not just for teachers, firefighters in the same legislation. It just seems like it is wrong to put that issue in the same legislation due to felons receiving Social Security benefits.

In fact, I had a constituent last night say, you mean to tell me all these years I have taught and I am in the same legislation trying to close a loophole for fugitive felons receiving Social Security? I said, I am sorry, ma'am, but that is what it has. The bill has some other good things in it; but we have this amendment, and I appreciate the Committee on Rules providing this.

It is called a loophole, but it is really not. There are lots of loopholes in our laws, but it is called laws; and I know on our side of the aisle we have talked about corporate loopholes for a long time. Let us close up the corporate loopholes, but why are we closing up one for the widowed teachers, again, who their only punishment is they worked as a public schoolteacher and were married to someone who paid into Social Security at least 10 years and, again, in some cases, many more years?

When the House first considered this legislation, it failed because of a controversial provision that we have, and the bill ought to pass, but it ought to be passed without this provision, and let us come back, get our Ways and Means subcommittee and the Committee on Ways and Means to deal with the government pension offset as a separate bill.

Last session, this legislation passed out of the House with, I do not think, any dissenting votes. It went to the Senate; and on a technicality, they added this back in, and it was stopped in the House when they tried to pass it on unanimous consent last fall and when most of us were in our districts.

In States where some public employees are not covered by Social Security, such as in Texas, this does reduce the spousal benefits by two-thirds, and in some cases, it can eliminate all of them, all their benefits. It is a problem for many public servants, but it is especially, again, bad for women, and, again, since 80 percent of the Texas schoolteachers and retirees are women. Sixty percent of that group is married, and again, I think it is interesting on the floor of the House because I always heard the statement, consistency is the hobgoblin of little minds, but here we have bills that can enforce marriage, why are people on social services, that encourage them to get married, and here we have teachers who are married for all these years, and yet we are punishing them under the pension government offset.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Who seeks time in opposition?

Mr. SHAW. Mr. Speaker, I claim the time in opposition, and I yield 7 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a valuable member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this is a terrible amendment. What I am rising for is to support equality for 95 percent of working Americans who pay into Social Security.

Today's debate is about fairness, a need to bring equity to a system under scrutiny. This amendment concerns Texas teachers. This bill concerns equality, fairness and equity.

Texas is home to great students and great schools, thanks in part to great Texas teachers. Educated in Texas schools myself, I put my kids through Texas schools, and my grandkids are attending Texas schools; but there is a lot of misinformation out there about Texas teachers and their retirement plan.

Before I get too far into the details of this issue, I want to explain some of the fundamentals of Social Security. When the Social Security System was created, the workforce was made up largely of men whose wives stayed home. Spousal benefits were created for these women. Social Security spousal benefits are for the nonworking spouse of a worker covered by Social Security. Generally, we think of this as a stay-at-home mom and a working dad. Social Security retirement benefits are for those who work and pay Social Security taxes. Ninety-five percent of working Americans are covered by this program.

The situation is very different today from when Social Security was created in the 1930s. The majority of families today have two earners supporting the family. A primary rule of Social Security is that everyone is able to collect either their own retirement benefit from Social Security or their spousal benefit, whichever is higher. Let me repeat that. It is one or the other, not both.

The Texas teacher retirement system is a substitute for Social Security. A person can participate in one system or the other, but not both. Most school districts in Texas have chosen to stay out of Social Security; yet they have always had the chance to join the system. In fact, fifty school districts in Texas have entered into Social Security, and they can have their own 401(k)-type program also. Again, at any time school districts can leave the Texas teacher retirement system and enter into Social Security, but they cannot do both because the retirement system was a substitute for Social Security.

Back to Social Security. Whether a married couple works in a job such as a nurse and a small business owner, Social Security-covered teacher and an accountant or a lawyer or an engineer, they both pay into Social Security and both are subject to this rule. A husband and wife are each able to collect either their retirement benefits earned through their own hard work or they are able to collect spousal benefits, i.e., 50 percent of retirement, whichever is higher. They cannot collect both.

It is very possible that if one spouse earns significantly less than the other, for example, that nurse and a small business owner, then the nurse is going to have higher spousal benefits than her own retirement. In that case, the nurse will collect the higher spousal benefit but may ask herself why she paid all those Social Security taxes all those years. If a retirement benefit is $600, for example, for the nurse, and her spouse benefit is $800, she would collect $800 but not $1,400 which is what her husband would have collected.

Again, this is how the system works for 95 percent of all Americans. This bill concerns some teachers in Texas who have questioned the system because they want both Social Security spouse benefits and their Texas retirement. Again, the Texas teacher retirement system is a substitute for Social Security. A person can do one or the other, but not both.

I want teachers to understand that the government pension offset actually only reduces their spousal benefit by two-thirds of their State retirement benefit rather than dollar for dollar as in the case for other working spouses.

□ 1330

Teachers right now get a better deal and more bang for their buck than 95 percent of the American public. They get one-third more of their spousal benefits than 95 percent of working Americans.

The so-called "loophole" that is being closed here today is one small part of the government pension offset meant to encourage entire school districts to join the Social Security system. If an entire school district, such as the Plano Independent School District, were to decide to enter Social Security and get out of State retirement, then every teacher in that school district would then be subject to all Social Security rules, even for a teacher who only works 1 day.

Roughly 4,800 teachers in Texas have found a way as individuals to leave their regular teaching job covered by State retirement and move, for 1 day, to a school district that does pay Social Security taxes and then retire. An example is a teacher from Plano who is covered by the State retirement system. If she transfers her last day of work from Plano to Ponder, Texas, which does pay Social Security, she is paid roughly $6 per hour. She might pay a total of $3 into the Social Security fund, but because of this final day of work in Ponder, paying Social Security taxes, she is able to collect the higher of either her benefit or full spousal.

Of course, because she only paid $3 in, she would collect the spousal benefits based off her husband's work, plus she collects her Social Security substitute; that is, her Texas teacher retirement money. She can double dip, when 95 percent of the American public cannot. This costs the Social Security System thousands of dollars.

The General Accounting Office has estimated that $450 million is being paid in benefits under this loophole, and that number could increase tenfold if the loophole is marketed to other people throughout the country.

I am pro-teacher, and in Texas they have a great State retirement system. Mr. Speaker, this is not how Social Security operates for 95 percent of working Americans and we are going to break the Social Security System.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume to say that I realize my colleague from Texas did not have time to yield, but let me just say that these teachers do not make the choice between the teacher retirement systems and Social Security. The choice is made by the local school districts. That is why 50 school districts in Texas pay into both.

We have more than 1,100 school districts in the State of Texas where those local school board members, not those employees, those local school board members make that decision.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, there are an awful lot of good people who want to leave some kind of employment into which they have been paying Social Security and go into the classroom, and our classrooms across the State of Texas and across this whole country are crying for good people to go into the classroom.

My wife was one of those people who had a job that paid into Social Security for a long period of time. She is going to receive minimal, if anything, from the teacher retirement system. But upon her retirement is it right for her to have been discouraged, after being encouraged to come in, because she is not going to receive some of the benefits she thought she might be able to? That is not right. That is not what we are trying to do here. We want to be able to encourage good qualified people to go into our classrooms.

This legislation is going to have broad implications for teachers in Texas and many other States. It is going to very likely force an exodus, a mass exodus of good experienced teachers from our public schools. What impetus does an experienced teacher have to stay in the classroom and continue teaching if the government is, in effect, going to significantly reduce his or her retirement payment potential after this year?

Well, the bill also fails to address a larger issue for public servants in this country. The government pension offset unfairly penalizes teachers and government workers and the employees most likely to pay into a public pension plan. So how can we sit idly by while our public service employees are indeed being penalized for serving their communities?

I think we really should show a different loyalty to our first responders, who we from this floor praise so very often. The government pension offset is a deterrent to public service across this Nation. There is a solution to this problem. We believe that we offered it and it has been turned down.

If we are to attract the best and brightest in public service, such as our teachers, firefighters, and police officers, then we must repeal this unfair provision. I urge a vote for the Green amendment and I urge my colleagues to support the passage of legislation that would permanently repeal the government pension offset. Our public servants deserve our support.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Prior to being elected to Congress, some of us were actually in the profession of teaching. I was, for a number of years, and I paid into the California State Teachers Retirement System. I can tell my colleagues right now that in California, no serious and responsible professional teacher would think that their 20 or 25 years devoted to the classroom should be capped off by scurrying to another school district where there is clear collusion between the districts to allow for 1 day, 1 week, or 1 month of employment so that they can scam the system. Now, that is basically what the Green amendment asks us to continue to allow; fortunately not in California, but unfortunately in Texas and perhaps in Georgia.

Let me get my colleagues to really understand what is going on here. Is there a problem with the offset? Of course there is. We just had a colloquy on the floor with the chairman of the Subcommittee on Social Security and the ranking member of the Subcommittee on Social Security and there was agreement that we will seriously address the pension offset. I have friends of mine who are still in teaching who have implored me to address that. We are in the process of addressing it.

The whole point of the Green amendment is do we allow something to continue which goes something like this: Let us take a teacher in Texas, Mrs. Brown or a Mrs. Green, and say she is employed in Dallas or Houston. And let us say she has worked for a number of years and has successfully put a significant amount of money in the Texas State Teachers Retirement System. She is now ready to retire. She finds another district. And it is true that the local district officials choose whether their employees are in the Social Security System or in the State teachers system. That is a local choice.

But what happens is those board members are in collusion with other districts when they allow a 20-plus year career teacher to work, perhaps in areas not directly to their certificate of teaching credential but simply a job. And let us say they work there for as much as, oh, a month. They may have paid into Social Security, oh, maybe $100. And according to the Social Security actuaries, that 1 month, after those distinguished years of teaching, could produce as much as $93,000 of taxpayers' money going to this person who put a blemish on their professional teaching career to play an angle.

The Green amendment says let us allow these folks to continue to play this little game of collusion to raid the Social Security System under the guise that we should take care of these people. If we vote for the Green amendment what we are doing is relieving pressure to address the real problem.

I would urge all my colleagues to understand a "yes" vote on the Green amendment slows down the addressing of the pension offset. A "no" vote on the Green amendment puts all Americans in the same position, pressuring us to do something about the pension offset. Please, do not remove the pressure by voting "yes" on the Green amendment. Vote "no" on the Green amendment and all Americans will feel the pressure, rather than just a few who distinguish themselves at the end of their teaching career to go clip lawns, sweep up paper, or maybe even latch on to a substitute position to scam the system.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume to comment that having the chairman of the Committee on Ways and Means calling this "scamming the system" is like the pot calling the kettle black. We have provisions in our Tax Code for individuals, one person. We have Tax Code provisions for one company or groups of companies. Yet it is a scam system if we are going to protect public school educators.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), my colleague from Texas.

Mr. EDWARDS. Mr. Speaker, I rise in support of the Green amendment because I do not believe teachers should be penalized for teaching our children.

Now, my colleague from California came up with a hypothetical example, but let me tell my colleagues what will happen in real life, not hypothetically, if the Green amendment is defeated.

I now am representing Fort Hood in Texas, the only two-division Army installation in America, which has several thousand soldiers arriving in Iraq, and several thousand more per day. We will have up to 30,000 soldiers from Fort Hood, Texas, fighting for our country in Iraq most likely in the next 2 months. Now, those soldiers fighting for us today and in the weeks ahead over there come back to Texas. And the bill that Congress, which I helped pass a decade ago, the Troops to Teacher bill, actually tries to encourage those military retirees, those soldiers fighting for us today in Iraq, to go into teaching. They are doing that all throughout the school system, educating the children of military soldiers in central Texas.

Now, for those who want to defeat the Green amendment, let me just mention what that is really saying. That says that it is okay for these soldiers fighting in Iraq today for our country to pay Social Security taxes, and then when they come back to Texas and retire, they are going to have their Social Security benefits cut because some opposed the Green amendment. I think that is unfair. It is not only unfair to the soldiers to have their Social Security benefits docked because we want to defeat the Green amendment, it is unfair to the children of military families who will not have the benefit of those retired soldiers teaching in our classrooms.

It was bad enough that the administration was trying to cut impact aid to help military kids' education during a time of war, it was worse yet when the Republican leadership pushed for a $28 billion cut in veterans benefits during a time of war; but now, to add insult to injury, I hope the teachers of Texas, Mr. Speaker, are listening to my Republican colleagues who, intended or not, would push a policy that will penalize soldiers fighting today in Iraq who want to teach our children tomorrow. That is wrong for our servicemen and women, it is wrong for the children of Texas, and it is wrong for this country.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to comment that I think the gentleman is figuring that all those soldiers are going to come back to Texas. That is nonsense. This has nothing to do with our soldiers.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), a distinguished member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding to me so that I might inform my friend, the gentleman from Texas (Mr. GREEN), that I am doing everything I can to fix the loopholes in the Tax Code. He is well aware that his party was in the majority for 40 years and they punched an awful lot of holes in that Tax Code. We are trying to plug it up just as rapidly as we can, but it will take a few more years to clean up 40 years of a mess

Mr. COLLINS. Mr. Speaker, reclaiming my time, I rise in full support of the bill as presented by the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security.

With all the respect I have for the gentleman from Texas (Mr. GREEN) and what is he is attempting to do, I do have to oppose his amendment. I can appreciate what he is doing, what he is intending to do, but this is a very serious loophole that does exist. It has benefitted a number of teachers in Texas, it has benefitted a few from Georgia. There is a difference in how the teachers in each State went about it, but it is unfair to the majority of the population of this country who pay into the Social Security system based on their employment for years and years.

This has nothing to do with the government pension offset. It has nothing to do with the windfall benefit. It is all about spousal benefits, and it is a loophole that needs to be closed. It is one that has existed for some time. The Social Security commissioner has recommended that it be closed, the Government Accounting Office has also recommended it be closed, and as the chairman of the full committee mentioned, it can have benefits of upwards of almost $100,000 for those who may work 1 day or 1 year in the system that is covered by Social Security, having worked the majority of their time in a system that is not.

This has caused a lot of the districts in Georgia, the school districts who do not participate in Social Security, to lose teachers to other districts who do, and it is a loophole that needs to be closed.

□ 1345

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respect the gentleman from Georgia (Mr. COLLINS) with whom I have gone on trips to see our military, and this issue is also about the military. As the gentleman from Texas (Mr. EDWARDS) who represents Fort Hood pointed out, this will impact them unless we reform the government pension offset.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I rise today in support of the Green substitute for H.R. 743. This substitute amendment contains all of the good elements of H.R. 743, and eliminates one very negative element, section 418, which negatively affects teachers and other public servants in my district of El Paso, Texas. I have heard from countless teachers in my district regarding this bill who will have their Social Security widow's benefit reduced so severely that their financial well-being will be devastated. The Green amendment fixes this.

Mr. Speaker, in addition, H.R. 743 also affects school support personnel, police officers, firefighters, and other public servants. At a time when multi-billion-dollar tax breaks are being offered to our country's top income earners, our teachers and other public servants should not be penalized. These are the very people we should be protecting.

Finally, Mr. Speaker, I want to speak to our veterans. If this issue sounds a lot like their concurrent receipt issue, that is because it is. And it is interesting that it is the Republican leadership that opposes both of these issues. Too bad it is okay to pass billions in tax relief to the wealthy but continue to undermine our working families. I urge my colleagues to show support for our teachers and vote in favor of the Green substitute amendment.

Mr. GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, not too many months ago I had a teacher in my office in East Texas in the city of Lufkin, sitting across the desk, crying because she had learned she would not receive any of her husband's Social Security survivor benefit because she had been employed for her entire career as a teacher.

The issue before us is not a discussion on loopholes, it is whether the government pension offset is fair. Why should teachers, firefighters, law enforcement people, be denied their survivor benefits under Social Security simply because they have a government retirement benefit? The truth of the matter is if the lady sitting across the desk from me had worked for any other private company and had received a retirement benefit from them, she would still be eligible for her husband's survivor benefit.

So I would invite the distinguished chairman of the Committee on Ways and Means, who suggested that the Green amendment slows the pressure to change the government pension offset, to merely join with us in trying to amend this legislation; or, in the alternative, to join with the 172 other Members of this House in cosponsoring legislation, H.R. 594, that eliminates this unfair government pension offset.

We are here today to fight for our Texas teachers, to fight for our Texas firefighters and our Texas law enforcement people who are unfairly disadvantaged by a government pension offset that says to them, because they work for the government and they have a separate retirement program, then they are going to be denied the very Social Security benefit that their spouse worked and earned. We hope that those who are opposing us today will take a second look, join with us and try to correct this unfair provision.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out to the gentleman that if somebody is enjoying a private pension in the private sector, they also paid into Social Security, which is something that the teachers that the gentleman is referring to are not doing.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, there is a great deal of misinformation being spoken today. This has nothing to do with our soldiers overseas, because they do not have a loophole; or our firefighters or police officers, because they do not have a loophole. This does have a lot to do with the widows in America who do not have a loophole and are losing $450 million of their Social Security because one group has a loophole that no one else in America has.

Let us look at the average family in Texas because we have heard a lot of these examples. This is where the husband has made $1,000 a year as his retirement and the wife's retirement is $700. When he passes away, what happens? For almost everyone in America where both people work in Social Security, that benefit is $1,000. For other families that work and have a government pension, like our firefighters and policeman, or Federal workers, for example, who paid into their own private plan, they keep more, $1,233. They get more than most families in America.

But look at our Texas teacher. Because we have a loophole where they can go to work 1 day in Social Security and contribute $3 and collect over $100,000 more, they pull down $1,700 a month for widow's benefits that no one else in America can achieve. Not other teachers in other States, not the elderly in other States, no one in America. And because of this, this is draining not just $450 million now, but if we keep this loophole open, we will do more and more damage to everyone else in America who pays into Social Security.

Let me make a final point about this: Everyone's Social Security is offset. Members have what is called a dual-entitlement offset. That is 100 percent. Government workers is less, only 66 percent, two-thirds. Texas teachers, no offset whatsoever, so they receive many more benefits than the next-door neighbor who works hard, than Texas nurses, store clerks, the woman who takes care of our elderly in nursing homes, they do not have a loophole.

We are not going to have an America where there are two classes of citizens, those who have loopholes in Social Security and those who do not. This is about protecting the integrity of our Social Security system for every generation. If we do not close this loophole, we have lost all claim to protecting Social Security for the future.

Mr. GREEN of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, because I support teachers, firefighters, police, and the United States military, I rise in support of this amendment.

Mr. Speaker, the Social Security Protection Act of 2003 was broken last time it came up on the floor. Many public servants in our districts noticed that and called and emailed and faxed us. We in Congress realized indeed it was broken and voted the bill down. But, here it is again—and it still has not been fixed. There is much good in this bill. If the Majority Leadership would take out the small error that will hurt our teachers and firefighters and police, this bill could be in front of the President soon. That would be a great service.

I commend my colleague and neighbor from Houston for his work in addressing the needs of our teachers—who are some of the hardest hit—in Texas. The Green Substitute will preserve all the good in the Social Security Protection Act, that so many of us have worked together in bipartisan fashion, to create. It will simply remove a single offensive provision, that was added in at the eleventh hour, and hits hard a group of people that I can't imagine anyone wanting to hit right now—when we are trying to improve our schools, when we are trying to bolster our first response capabilities, and when economic uncertainty abounds.

The Government Pension Offset (GPO) reduces or eliminates a Social Security widow's benefit if the widow is eligible for a pension based on a state, local or federal job that was not covered by Social Security. The GPO affects many individuals, but is especially harmful for teachers, police officers, and firefighters, and is particularly burdensome for lower income workers and women. A provision in current law, however, allows some state and local government employees to escape the application of the GPO if they switch jobs at the end of their government careers.

It is sad that we make dedicated employees jump through such hoops to get the benefits they deserve. I would like to totally revisit the GPO, but know that today is not the day to do it. Today, the best we can do is to keep this small loophole open and allow good people to continue to go into public service. I usually appreciate closing loopholes, but this one is too valuable to our schools and first responders.

As it stands, H.R. 743 modifies the last-day-exemption clause by requiring public servants to work an additional five years in order to receive a full spousal benefit. This legislation does nothing to remedy the GPO to make it fairer for public servants. There are many people who are interested in going into public service as a second career, but may not be able to work and then switch employment for five years. These people may not then be able to afford to serve. This is ridiculous at a time when needs are so great in our society.

The Green amendment strips this one, hidden, offensive provision in this otherwise noncontroversial bill. I urge my colleagues to support teachers, firefighters, police officers, and other public servants by supporting the Green amendment.

For example, last month I received a call from one woman in my District who was a teacher earlier in life. Her husband recently passed away and she has been contemplating going back into teaching. But she has been warned that she could actually jeopardize her financial future by going to work. As a widow, she will be entitled to her husband's social security benefits. However, if she starts to teach in a school district with a government non-Social Security pension, she could lose $360 per month in retirement benefits—over $4000 per year.

Why should she risk it? If H.R. 743 passes today as is, it won't be only she that loses. It will be our nation's children who lose—an experienced, intelligent teacher. The Green Substitute will allow her to help leave no child behind.

I will support the Green Substitute to H.R. 743, and urge my colleagues to do the same.

Mr. GREEN of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, the thing that we are trying to correct here today is we do not have a problem with the 50 school districts that pay Social Security, but we do have a problem with the 1,100 or more school districts where they are not allowed to pay Social Security. This is why the Green amendment is a good amendment. We are trying to correct a deficiency that exists.

We have a lot of soldiers and sailors who are fighting this war. They do pay Social Security. When they come back and they decide to take up the profession of teaching, they are going to lose their benefits. This is a true fact. This is what we are trying to correct.

The teachers across the State of Texas are mostly women, and they are not wealthy people. If I had worked so many years and my spouse dies, I should be qualified to receive what my husband has paid into.

Mr. GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN), a member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Speaker, today the House stands to make a choice. We must choose to support our widowed teachers and public employees, or we choose to oppose them. The choice is ours. I am appalled that our friends on the other side of the aisle would take a stand against our teachers and claim that the teachers are receiving full spousal benefits and are engaged in a gimmick or a trick or a fraud. Obtaining spousal benefits is not a trick or a fraud. It is a payment for an entire lifetime of work by a spouse. It is a payment for an entire lifetime of a man and woman working together.

Saying that teachers receive Social Security for working 1 day of work is simply not true, and our friends on the other side of the aisle know it and it is embarrassing for them to say that. The real fraud in this is that the Democrats on the Committee on Ways and Means offered to fix this section by using the language of the Republicans if they would address the GPO. The Republicans said no. Clearly the Green amendment points out the total absurdity of the GPO. It is quite simple.

Here is the way, the Republican plan. If someone works for an insurance company, no offset. If someone works for a pharmaceutical company, no offset. If someone works for an HMO, no offset. But if that person is a teacher, there is an offset and their spouse's lifetime of work is absolutely meaningless. At least our friends on the other side of the aisle are consistent. They believe that neither the veterans nor the teachers should receive the benefits that they have earned from a lifetime of work. We saw that yesterday and we are seeing that today. Teachers work hard, they follow the rules. They are being rewarded for a lifetime of work with their spouse.

We should not be involved in changing the rules of the game in the middle of the game. Let us stand up for our teachers. Our teachers should be rewarded. Our teachers should not be punished. Let us support the Green amendment and do what we ought to do in this House.

Mr. SHAW. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I would say to the gentleman from Texas (Mr. TURNER), that tearful constituent of his is probably not scheming to game the system.

I would say to the gentleman from Texas (Mr. EDWARDS), I think it is a bit disingenuous to invoke our troops and our firefighters.

I would say to the gentleman from Texas (Mr. GREEN) who offers the amendment, the amendment would strip section 418 out of the underlying bill.

And I would again say to the gentleman from Texas (Mr. SANDLIN) who just spoke, would the following hypothetical be considered a gimmick, trick or fraud: A university professor who works his entire life as a university professor, works a single day as a janitor making $6 an hour, an 8-hour day, $48, and out of that paycheck, there is a $3 FICA withholding, is it a gimmick, a trick or a fraud for that $3 FICA withholding to then translate into roughly $100,000; $5,000 a year for 20 years of retirement?

Unfortunately, Mr. Speaker, that is not a gimmick, trick, or fraud. It is not even a hypothetical. It is a real-life example of something that has occurred that needs to be changed. A real janitor would not see that $100,000.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say they are not receiving the benefits because of that 1 day, they are receiving them because they were married for at least 10 years to someone who paid into Social Security. That is the reason that they are receiving it. It is not hypothetical. We have people who have paid into Social Security for 40 years, and their spouses have received nothing. That is wrong.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, my Republican colleagues may not like the truth, but they cannot run from it. The truth is that by defeating the Green amendment, what they are saying to some of the thousands of soldiers from my district in the Iraqi theater today, that if they come back home to Texas and take advantage of the Troops to Teachers program passed by Congress to encourage them to become teachers, then their Social Security benefits are going to be reduced or eliminated. That is wrong. It is unfair. It discourages good people from going into the teaching profession. And I can tell Members, the school districts in my district value highly having these retired Army soldiers teaching in the classrooms. The other side may not like the facts, but they are going to have to accept them.

☐ 1400

Mr. SHAW. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, others may not like the facts either. My younger brother has been deployed as an Army medic in the 67th Brigade. He will be watching out for the 4th Infantry Division in the Persian Gulf, his second tour of duty. He does not have a loophole. He cannot work 1 day and collect $100,000. Yes, he has an offset like the rest of America has an offset. When we hear this said no one else has an offset, it is absolutely untrue. What we are trying to defend here is some of America that has a loophole and all the rest of us, firefighters, widows, the elderly have no loophole. We are protecting the security of Social Security.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

To my really good friend and neighbor, that is the whole point of the debate. We should reform the government pension offset and not punish those who have found a way to deal with it.

Mr. Speaker, I yield 1 minute to the gentlewoman from Dallas, Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of the Green amendment. It is interesting as we sit here and listen to each other that the teaching profession is probably one of the most important professions there is. Not a single person here has gotten here without having some teachers. We do not pay them very much. It is one of the low-paying professions. And yet we do not want them to receive their spouses' Social Security. My Social Security is going to be offset with a pension. I am willing to allow that to go for making sure that the teachers after a long career of teaching can have a retirement, scraping together the pennies so they can live without going on a system that is no longer called welfare because we do not have it.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time to close.

Mr. GREEN of Texas. Mr. Speaker, I think I have the right to close, and I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida has the right to close.

The gentleman from Texas has 2½ minutes remaining, and the gentleman from Florida has 2 minutes remaining.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

The reason I am offering this amendment is because the underlying bill provides for this section 418. There are a lot of good provisions in the underlying bill, and people can vote for my amendment and still vote for the bill. There are other States with public employees like Texas. It just impacts Texas more than I guess other States, maybe Georgia or somewhere else, that reduces our spousal benefits because we have local governments that do not participate in Social Security. Only 50 of our school districts, the gentleman from Texas (Mr. SAM JOHNSON), participate; but we have over 1,100 school districts, and that is a local decision. My wife as a teacher did not decide she would go to work for someone who paid Social Security. She went to work because she wanted to be a teacher, and that is the frustration because no one thinks about it until they realize later in their careers, wait a minute, I have been married for all these years and I am going to get penalized if my husband passes away?

Marriage is a contract. It is also a contract that says they have worked together for all those years and yet if they happen to be a public school teacher, tough luck for that marriage contract. They do not benefit. They get punished because they worked as a teacher and they did not pay into Social Security, but their spouse did, their husband did. Again, we are talking about 80 percent of the public schoolteachers in Texas and I am sure nationwide, and I am sure this is a nationwide problem. It is just that Texas has found a way around it, and yet you are going to punish Texas, and yet Georgia and other States have the same problem. Almost all these people are eligible for Medicare through their husbands, but none of them are eligible for their spousal benefit because of the government pension offset. The GPO is wrong, and I would not be here today if we had a bill come out to deal with the GPO on a fair basis, the government pension offset; but we are not.

I do not want to keep this loophole. I want it to treat fairly all the government employees who are being treated badly, but it affects teachers because they are the most in the population. It affects firefighters and police officers also; but after a lifetime of being underpaid and they depend on their husband's Social Security or widow's benefits if they pass away and yet we take it away, and it is just frustrating to see that happen and to punish people. Yes, in Texas we found a way to deal with this wrong and you are punishing teachers because we have dealt with it instead of dealing with it in Congress, and that is what is wrong.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, people watching this debate may have noticed that the only speakers in favor of the gentleman from Texas's amendment are Members from the State of Texas. We have seen even Jessica Lynch, an American hero who has just been freed as a prisoner of war, brought into this debate. Jessica is going back to West Virginia to teach, and she is not going to get this loophole. We need to wipe it out. It is unfair, and it is gaming the system.

We have heard about people in the private sector, employees of HMOs, employees of automobile companies and all, they do not have the pension offset. They do not have it because they paid into Social Security. Why should they have an offset if they have paid into Social Security?

We have heard about the soldiers coming home. What type of a desperate argument is this? This has nothing to do with the soldiers anymore than someone right now who is struggling to get through college to go to teach themselves. Ladies and gentlemen, I will tell it to the 48 other States other than Texas and Georgia that you would be giving public employees in two States an advantage that they do not receive in the rest of the country. You will be giving to these teachers and these firefighters something that their teachers and their firefighters will not have. This is basically unfair. We are going to correct it.

We have heard about the pension offset. All of us have talked about that. Our Federal employees, our retired Federal employees, they have all been into our office talking about the pension offset. That is going to cost us $9 billion if we are able to do something with it, and I would like to address that; and Mr. MATSUI and I have agreed to have hearings on it, and we are going to look to ways in order to try to do that, but that has nothing to do with this vote, absolutely nothing to do with it. This has only to do with a handful of public employees who are gaming the system in the State of Texas and even a smaller number in the State of Georgia. Vote "no" on the Green amendment. Vote "yes" on the bill. It is a good bill, and it is time that we clean this up.

The SPEAKER pro tempore. Pursuant to House Resolution 168, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Texas (Mr. GREEN).

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. GREEN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GREEN of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 196, nays 228, not voting 10, as follows:

[Roll No. 100]

YEAS—196

Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—228

Abercrombie
Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Combest
Davis (TN)
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

☐ 1428

Ms. GINNY BROWN-WAITE of Florida, and Messrs. SHERWOOD, CRENSHAW, BACHUS, GARY G. MILLER of California, MCHUGH, REYNOLDS, ISTOOK, PORTER, DOOLEY of California and REGULA changed their vote from "yea" to "nay."

Mrs. JONES of Ohio and Mr. HEFLEY changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1430

MOTION TO RECOMMIT OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). Is the gentleman opposed to the bill?

Mr. GREEN of Texas. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GREEN of Texas moves to recommit the bill, H.R. 743, to the Committee on Ways and Means with instructions to report the same back to the House promptly with an amendment addressing the concerns of Federal, State, and local government employees about the government pension offset under title II of the Social Security Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes in support of his motion.

Mr. GREEN of Texas. Mr. Speaker, I know a lot of Members thought that last battle was just because of Texas teachers, firefighters, or police officers; and it is, but simply because Texas has found a way to deal with the government pension offset. Another State, Georgia, has tried and is doing the same thing.

We need to reform the government pension offset. A lot of Members have told me, we are going to vote for you, we are going to vote against you, but we need to reform it. This is what this motion to recommit says, to report back. It instructs the Committee on Ways and Means with instructions to report the same back to the House promptly with an amendment addressing the concerns of Federal, State, and local employees about the government pension offset under title II of the Social Security Act.

During the last 3 or 4 years, there have been bills introduced in this House that have been bipartisan. We have had at times 218 cosponsors of legislation to reform the government pension offset and have not had a hearing.

We have a bill right now, H.R. 594, that has at least 50 Republican cosponsors, and has about 175, and I think it has only been out for a few weeks for cosponsorship, to reform the government pension offset. This is our way to use our rules to be able to say to one of our committees, whether it is my Committee on Energy and Commerce or something else, to say we want to reform the government pension offset. That is why we want to send this bill back. They can reform it and send it back to us. That is what this is about.

If Members want to reform the government pension offset, if they want to take a benefit for not only teachers in Texas but teachers all across the country, Federal employees, military, because the government pension offset affects everyone who is a public employee, then we need to reform it. That is the job of our committee, the Committee on Ways and Means.

I would hope that Members would vote for this motion. That way, we would actually see this vote on the floor of the House that I have not seen until the last few weeks dealing with the government pension offset.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, about 200 of us have regularly signed on as cosponsors to the legislation of our colleague, the gentleman from California (Mr. MCKEON), to repeal the Government Pension Offset. In the Committee on Ways and Means, a more modest proposal would simply cut the government pension offset in half. It is authored by the gentleman from Florida (Mr. SHAW) and was joined by a number of Republicans on that committee.

In the committee, we sought not to leave some special provision that Texas teachers have used to protect themselves. We said instead, "solve that problem." We did not use our language to correct the government pension offset; but we took verbatim the language of the gentleman from Florida (Mr. SHAW), his words, joined by four or five Republican members of the Committee.

This motion would permit us to go back and get the correction that all of us have said we want. I do not believe those who suffer from this offset want merely a promise in every pot. They do not want just a committee hearing; they want action. With this motion to recommit, we would get that action and get it promptly for all the firefighters, police officers, and teachers in all the 50 States who deserve to have that done.

Mr. GREEN of Texas. Mr. Speaker, it is frustrating, because a lot of us have heard from our public employees across the country and in our districts. They are frustrated when they find out they get penalized, even though they did pay into Social Security. Or in the case of teachers in Texas who do not have the option because of their local school district decision, they do not even receive their widow's benefits without such a penalty. That is what is frustrating.

We need to reform the government pension offset. That is what the committee should do, and that is what this motion to instruct would do. I urge an "aye" vote.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the gentleman from California who is interested in dealing with the teachers' issues is named BUCK MCKEON. We have talked about him as a good $1 bill, the gentleman from California (Mr. MCKEON).

I want Members to know this motion to recommit is a $3 bill. If Members have never seen a $3 bill, all Members have to do is look at this motion to recommit. As we all know, there is no such thing as legal tender that is a $3 bill.

What this motion to recommit does is it kills the bill. I ask the freshmen to listen carefully. If this motion to recommit said "report the same back to the House forthwith," a little word, "forthwith", what the gentleman from Texas (Mr. GREEN) was talking about could possibly occur. But he used the word "promptly" knowingly, because they know that a motion to recommit with the word "promptly" in it kills the bill.

Let me tell the Members what this motion to recommit really does: it says that the Social Security Administration cannot withhold tax refunds of people who cheat other taxpayers. It says that the Social Security Administration cannot impose monetary penalties on those who mismanage benefits. If says that we cannot create new civil monetary penalties for Social Security fraud.

In other words, if people are for the good stuff that is in the bill, they are against this motion to recommit. The motion to recommit cannot add what they said it does because of the way it is written, it is very simple.

There was not a lot of honest debate on the amendment, and this motion to recommit is not an honest amendment to recommit. It is a motion to kill. Let us vote "no" on this so we can get on to the basic business of passing a very important and helpful bill. Vote "no" on this $3 bill, the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. GREEN of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. GREEN of Texas. I do not know about a $3 bill, but maybe the Committee on Ways and Means could get one printed.

Mr. Speaker, it is my understanding that under our House rules that we are required to use the word "promptly" instead of "forthwith" because we now have had a budget resolution. I would ask, is that correct?

The SPEAKER pro tempore. The Chair cannot anticipate the propriety of another kind of motion.

Mr. GREEN of Texas. I withdraw the parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GREEN of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 203, noes 220, not voting 11, as follows:

[Roll No. 101]

AYES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca

Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Combest
Davis (TN)
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Paul
Pitts
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that approximately 2 minutes remain in this vote.

☐ 1454

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 28, not voting 10, as follows:

[Roll No. 102]

AYES—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—28

Bell
Carter
Conyers
Davis (IL)
Doggett
Edwards
Frost
Gonzalez
Granger
Green (TX)
Hall
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Lampson
Lewis (GA)
Michaud
Ortiz
Paul
Reyes
Rodriguez
Rush
Sandlin
Schakowsky
Stenholm
Turner (TX)
Watson

NOT VOTING—10

Combest
Davis (TN)
Davis, Jo Ann
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Tierney
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. SMITH) be removed as a cosponsor of H.R. 857.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660 AND H.R. 1014

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660 and H.R. 1014.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 59

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 59.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1727

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HENSARLING) at 5 o'clock and 27 minutes p.m.

REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2003

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–55) on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

HONORING PRIME MINISTER TONY BLAIR WITH CONGRESSIONAL GOLD MEDAL

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to tell my colleagues about a bill I introduced 2 days ago. It is H.R. 1511. The purpose is to honor British Prime Minister Tony Blair with a Congressional Gold Medal.

Mr. Blair is a true ally and friend to this country and has shown incredible leadership, resolve, and solidarity with the United States in recent months. I thank him for his friendship, and I want to honor his commitment and contribution to this country by bestowing him with this honor.

The Congressional Gold Medal is the highest expression of national appreciation for distinguished achievement and contributions to the United States that Congress can offer to any individual. The Congressional Gold Medal of Honor was originally created by this body in 1776 to recognize military leaders, and the first recipient was George Washington.

Since that time, the award has evolved to include world leaders and humanitarians as well. Great Britain has long been one of America's closest friends and staunchest allies. I thank the Prime Minister and Great Britain for the loyalty, resolve, and support they have shown throughout this most recent conflict. I ask my colleagues to join me in supporting this resolution to pay tribute to a great man and a great leader.

☐ 1730

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 743.

The SPEAKER pro tempore (Mr. HENSARLING). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, tomorrow the United States House of Representatives will vote to borrow $75 billion as an emergency supplemental: some of the funds to support our troops in Iraq; some for large new discretionary or a slush fund to be made available to the President, the Secretary of Defense and others; some $10 billion in foreign aid, military assistance; $2.4 billion for Iraq itself, and now $700 million of that is humanitarian assistance. But the rest is to help rebuild Iraq, and I will go into that in a moment.

But the thing is that the House is going to vote to borrow this money. We are not going to revisit the tax cuts. We are headed toward a record deficit this year; but we will not revisit the tax cuts, more than half of which in this House of Representatives are targeted toward the wealthiest in this country, those who earn over $273,000 a year, an average of $90,000 for every millionaire in those tax cuts. God forbid we should ask them to help contribute to this emergency, that we should reduce their tax cuts and not borrow this money but collect the funds from those who can afford to help contribute. But that is where this House of Representatives is headed.

The gentleman from Illinois (Mr. EMANUEL) and I hope to offer an amendment. We will go to the Committee on Rules. I expect we will be denied, but our amendment in principle is very simple, and that is to say if the United States House of Representatives is going to borrow $1.7 billion to begin to implement contracts, which I have here, from the Federal Government of the United States to provide universal health care in Iraq, which of course 44 million Americans have no health insurance whatsoever, tens of thousands of Oregonians, to rebuild their highways and bridges, and we have a $4 billion bridge problem in Oregon, about a $270 billion bridge problem nationwide, we are going to borrow money to do that in Iraq. We are going to borrow to build 6,000 schools in Iraq when we do not have enough money to educate our kids here, and we are going to borrow money for a number of other things: airports, sewer, water, and a whole host of infrastructure. But guess what, there is not a penny in this bill for the economic recovery of the United States of America.

I lost another 800 jobs in my district today. Where is our assistance? Where is our economic stimulus? It is not in the tax cuts for the wealthy and trickle-down. It is not in borrowing more funds to fund this, driving us further in debt and ultimately driving up interest rates in this country. There is a more responsible way to approach this, and there is also a way to approach it so that we are responsible to the American people. Fund this by reducing the tax cuts or eliminating the tax cuts.

The United States of America is at war. This would be the first time in the history of our Nation that we have reduced taxes in a time of war, and we are reducing taxes at a time when we are headed already for a record deficit. We are looking at doubling the national debt probably in the next decade. We are going to have the economic profile of Argentina with a $500 billion trade deficit on top of this, but we are going to borrow the money.

And what are our kids going to come home to if we do not invest here in the United States of America? They are going to come home to the bill, not in the first couple of years they come home; but when they get a little bit older, they are going to come home to that bill. That bill is going to come home to them. And they may well not come home to good jobs because we are failing to stimulate the economy. We could act much more responsibly in this body in approaching this situation, but I fear we will not.

But I will go to the Committee on Rules. I will pretend that this is on the up and up and ask them to allow us a vote on the American Parity Act. That is to say, for every dollar we spend on health care, on schools, bridges, highways, water infrastructure, all needs well documented in our Nation and in Iraq, there should be a comparable dollar sent down to the States; and preferably this money should not come from borrowing. It should come from reducing tax cuts to the wealthiest among us who could at least do a little bit to help share this burden.

SUPPORT AMERICA'S TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Madam Speaker, yesterday the House of Representatives overwhelmingly passed Concurrent Resolution 109, a resolution that calls on families of America's servicemembers to display the Blue Star and Gold Star banners in their homes or in their businesses. The gentleman from Arizona (Mr. SHADEGG), the gentleman from California (Mr. HUNTER), and I asked families to restore this proud tradition, first established during the First World War and because our country is at war in the Middle East and around the world in the fight against terrorism.

I want to take this opportunity to encourage all Members of Congress, and indeed all Americans, to support our men and women in uniform, now and in the days ahead. I would like to explain why and suggest a few ways in which we could do something concrete to benefit our troops. When our Nation calls, servicemen and women volunteer. They volunteer to be the point of the spear, protecting the Nation's interests both here and abroad. Today we have an all-volunteer force, and let me say it is the finest, best-trained fighting force the world has ever seen. It is not just the 1.4 million active duty servicemembers I am referring to. There are also 875,000 citizen soldiers, National Guardsmen and Reservists, part-time volunteers who serve when called. A growing number of these service soldiers have been called. They have been called to serve on multiple deployments over the past decade. Over 218,000 National Guardsmen and Reservists have been activated since September 11, 2001. Over 31,000 of those are now serving in Iraq.

The question is what can we do to show our appreciation to these dedicated men and women. Let me make a few suggestions.

First, Members of Congress can reach out to the troops and their families in their districts. I urge my colleagues to visit the National Guard armories in their towns and cities across the country and talk with the servicemembers, talk with their families, or visit a Reserve center or active military base and spend time with these brave and courageous individuals. In the district I am privileged to serve is Whitman Air Force Base, the home of the B–2 bomber; and Fort Leonard Wood, which has an engineer battalion that is deployed.

While I have always been a great believer in getting out and spending time with our troops, there are other ways we can support our military. Because of heightened security concerns, the Defense Department has discouraged Americans from sending letters and parcels to our deployed troops. However, the Department has a virtual thank you card at Defend America Web site which I will make available through the CONGRESSIONAL RECORD. Or one may want to send an e-mail greeting through Operation Dear Abby, which I will make available through the CONGRESSIONAL RECORD.

To help servicemembers stay in contact with loved ones back home, donations to Operation Uplink at a CONGRESSIONAL RECORD address will help provide calling cards to the troops.

During these times of conflict, recognition of our men and women in uniform grows. It does not take too many hours of watching our troops in action on the television to know that they are demonstrating acts of heroism on a daily basis. As we Members of Congress have an obligation to let our men and women know that we appreciate and admire their contribution to our national security, visiting facilities in our districts and using the Internet are just two ways we can let our servicemen and women know that we appreciate what they are doing for our country.

Let me say that I know some of my colleagues do not agree with how the United States came to be involved in this war. Some Members feel the United Nations weapons inspectors should have been given more time to look for weapons of mass destruction. Others believe we did not exhaust all of our diplomatic options. I think it is of paramount importance that we support the troops, the men and women in uniform who are literally putting their lives on the line for our country, the United States of America, regardless of whether one agrees with the war itself or not. And I hope my colleagues will take these words of advice to heart.

More than 65 servicemembers have died since the global war on terrorism began, and over 200 have been wounded or injured. These individuals and their families having sacrificed for our freedom, and our thoughts and our prayers are with them. The Nation will not forget the price these servicemembers have paid to defend our country and the freedoms and our interests. I hope that all Members will take advantage of the opportunities we have as Members of Congress to show our men and women in uniform that we care, that we really care.

SUPPORTING OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Madam Speaker, I rise today to urge all of my colleagues and to urge all Americans to unite and support our troops now engaged in battle in Iraq. Our Commander in Chief, with the approval of Congress, called our Armed Forces into action to disarm a rogue regime that threatens our freedom and our security.

With our troops now in the line of fire, with more than four dozen Americans having made the ultimate sacrifice for freedom, the time for protest has passed. The time for unity has arrived.

Madam Speaker, we live in a free society. We all share the right to debate the best policies for our Nation; and in a free society each of us also have the right to assemble and to protest. These are sacred rights; but once our Nation, through our democratic process, has decided to commit troops and once those troops have been put into harm's way, the time for debate and protest is over.

Just as we share sacred rights, we also share sacred duties. Today with American troops in the field, we all share a duty to unite behind them and ensure that our actions do them no harm. But, Madam Speaker, even as recently as yesterday, Democrat Members of Congress were still denouncing Operation Iraqi Freedom. And Madam Speaker, if just one of these floor speeches by a Member of Congress, if just one acceptance speech by a Hollywood director, if just one street protest causes Saddam Hussein and his forces to continue the fight for 1 day longer, then those responsible would have done a terrible, terrible disservice to those serving so bravely in our name.

□ 1745

Now, I would never question Americans' right to speak or protest. I only question the wisdom of doing so at this time. No matter what political beliefs we hold we are all Americans, and those soldiers in uniform fighting on the front lines are our sons and daughters, our brothers and sisters, our mothers and fathers. Those who undertake further protest at this point only fuel the resolve of our enemy, and they must take full responsibility for their actions.

Now, perhaps some need to be reminded why we are fighting and what we are fighting against.

Americans were sent to disarm an evil regime that has stockpiled weapons of mass destruction that threaten the peace and security of the Free World. Madam Speaker, 26,000 liters of anthrax, 38,000 liters of botulinum toxin, 500 tons of sarin, mustard gas, and VX nerve agents; enough chemical and biological weapons to kill hundreds of thousands of Americans in a single act of terrorism.

I agree with our President. The risk of doing nothing is far greater than the risk of doing something.

Madam Speaker, Americans were also sent to Iraq to end a regime of terror, a regime that has used chemical weapons against their own people, a regime that has made rape and torture an instrument of public policy, and now a regime that uses innocent people as human shields and savagely executes prisoners of war.

Just ask a 68-year-old mother, Zahra Khafi, why we are in Iraq. As she was recently liberated by American forces, she let it be known that her 28-year-old son was summarily executed by Saddam's regime for merely practicing her religion. She greeted our troops saying, "Peace be upon you, peace be upon you."

"Should I be afraid?" She asked, wiping back her tears. "Is Saddam coming back?"

Ask Ali Khemy, who said after the First Marine Expeditionary Unit liberated his village, "Americans very good. Iraq wants to be free."

Madam Speaker, President Ronald Reagan once said, "No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women." Madam Speaker, the minions of tyranny and evil are learning that lesson today.

Now, our Nation has faced much greater challenges and has seen darker days. During the Civil War when brother fought brother, our great President, Abraham Lincoln solemnly stated, "I have often been driven to my knees with the overwhelming conviction I had nowhere else to go."

I believe now is a good time for all Americans to be driven to our knees, to pray for a speedy victory, to pray for our men and women in uniform, to pray for their families and pray for a peaceful world no longer threatened with weapons of mass destruction.

Madam Speaker, our cause is just, our victory is inevitable. Freedom will prevail. But we, all Americans, must unite behind our troops and unite today.

ERECTING AN EDIFICE FOR FUTURE WORLD PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, this afternoon I want to recognize the patriotism of our men and women of the Armed Forces who, halfway around the world in Afghanistan, in Iraq, and elsewhere, are in harm's way. They are brave, they care deeply about this country, so deeply they would lay down their lives for it, and have.

This is worth our reflection as we gather here in the comfort of this Chamber, air-conditioned on a hot day. We should take a moment to think about our troops, to stand in their boots, and to give our thanks. Our soldiers deserve our unqualified support, and in Congress we must do everything we can to make sure they have it, whatever they need to do their job, to do it quickly, to do it with a minimum loss of life, and to come home safely. Whether they are in Basra, Baghdad, Bagram, or Afghanistan, we stand by our troops.

War is cruel. Innocent lives are lost, families are devastated. We cannot but turn on the television to see graphically the horrors of war; some of our soldiers dying or dead, the loss of innocent civilian lives, some by errant bombs, others by the deliberate murder of Saddam's regime as it fired on those in the street.

What we do not often recognize, because it is not thrust in our living rooms or our consciousness, is another terrible truth that peace, too, can be cruel. The peace of Rwanda, where millions died as the world watched. The peace of Kosovo, where tens of thousands were ethnically cleansed before we acted without the approval of the United Nations. And the peace of Baghdad, too, was cruel. The peace of torture and rape, of starvation and repression, of a failed sanctions regime that Hussein used cynically to kill his own people. That, too, is cruel. And lastly, the peace of September 10 was cruel, holding the promise of a long and precious life for 3,000 Americans who would not live out the week.

Americans who oppose the war have many important points to make but must resist the temptation to merely attack the administration uncritically or nonconstructively, or to defend in any manner the indefensible regime of Saddam Hussein. The failure to disarm Iraq peacefully, notwithstanding 17 resolutions of the United Nations, was not alone the United States' responsibility. It was a failure of the world body, of the United Nations, of the collective security of mankind.

Despite the intoxicating simplicity of the argument, the war in Iraq is not about American desire for oil, though our dependence on it is far too great. It is not about contracts for the French, although contracts they have. And it is not about debt to the Russians, although billions they are owed. Rather, it is about the post-Cold War failure to erect an edifice upon which the peace of the world can be built. And this problem, without our genuine reflection and determined effort, if left unattended and ignored, if lost in the dilution of a simpler answer, may mean that Iraq is only the second in a long line of future conflicts.

When the war is over, more hard work lies ahead. We must not only rebuild the Nation of Iraq for the Iraqi people, but we must rebuild the institutions of the world community which have been devastated by the last few months of fractious debate at the United Nations. These two tasks, to restore Iraq and to restore the collective security apparatus of the world, must go hand in hand. Indeed, we need the one to help repair the other. The United Nations must play the pivotal role in the provision of food and medicine to the Iraqi people and assist in the administration of Iraq until that troubled land becomes a self-governing nation.

Many have argued that democracy is incompatible with the traditions and tribal rivalries of the Iraqi people, or that a nation drawn artificially together on a map must tear if not held together by the noxious glue of tyranny. We must not have such low aspirations for the Iraqi people who have great talents that have not been allowed to flourish, and we must never indulge in the prejudice that any people are less capable, less suited, or less deserving of democracy. Democracy is the institutional reflection of the God-given rights of liberty, belief, and expression.

Democracy must be nurtured beyond Iraq and Afghanistan. We must be unstinting in our support for democratic movements in authoritarian nations. Democracy must come not only to our adversaries but to our allies as well, to the Saudis, to the Egyptians, and to Jordan. We must work to open these closed societies and closed economies to free the creative tall talents of their peoples, to lift the standard of living and expose the germ of terrorism to the cleansing power of opportunity.

HOMELAND SECURITY PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise to address my colleagues on the immediate needs of protecting America, and especially protecting those who protect us.

This week, Congress will vote on an almost $78 billion war supplemental budget, of which most of this funding will be delivered to ensure America's Armed Forces, those protecting our liberties abroad, to make sure that they have the tools that they need to end this conflict successfully and return home as soon as possible. I, like most of my colleagues, will support this legislation.

While I am pleased that Congress is addressing those Americans who are protecting us from attack abroad, I am concerned about the lack of funding for those brave Americans who are protecting us right here at home; namely, our first responders.

The term "first responder" is thrown around a lot here. But it does mean something. They are our local police, firefighters, and emergency medical workers. They are the ones who run towards crime scenes, not away. They are the ones who run into burning buildings and not away. And they run towards the injured and dying, remaining calm and administering treatment and care.

Since the devastating day of September 11, these people have been hailed in every corner of our great country. But oftentimes, a lot of the rhetoric we hear is simply just that. It is rhetoric. We heard some absurd rhetoric today from a very prominent Republican Member of Congress, but the Rules of the House do not allow me to distinguish which body he serves in, who said that the New York City police and firefighters should work overtime without pay as a sacrifice to the war effort. I guess he does not think the loss of 414 first responders in our fair city have sacrificed enough. Of course, this same gentleman has continually supported the Bush administration in opposing additional funding for our first responders, like so many Republicans have, while supporting a tax cut for the wealthiest in this country. What about calling upon them to sacrifice? The call to ask our first responders to make a sacrifice while not simultaneously calling about the wealthiest 5 percent in this country to make a sacrifice is ludicrous.

My district is home to many of these first responders. I am the son of a New York City police officer and a cousin to several police officers and New York City firefighters. My family knows and understands sacrifice. We also know lunacy when we hear it, and the comments made today are simply lunacy.

On 9/11, of the 414 of these first responders who were killed, the number includes 23 New York City police officers, and 343 members of the New York City Fire Department, of whom I knew more than just a few. I remember people lining the streets of New York to thank them, and we all heard every Member of Congress praise New York City's first responders for their heroism, and mourn them for the high price that they paid.

But now Congress has the opportunity to put these words of praise and gratitude into action. We have the opportunity to provide our first responders with the state-of-the-art tools that they need to perform their jobs, save others, and survive themselves.

On September 11 there was a breakdown in the communications equipment of our fire department, communications equipment that, if working as it should have been, could have alerted many of these firefighters and police officers of the impending collapse of the towers, the World Trade Center. Would they have left their position and fled? I doubt it, knowing the firefighters as I do. But at least they would have had the tools at their disposal to best protect themselves and to save others that day.

While every firefighter is now equipped with new digital radios, there is still not a system of "repeaters" in place throughout the city which help radio signals penetrate skyscraper walls. This means these radios really would not be any different than the ones that failed on September 11 of 2001.

Additionally, there is still no shared radio frequency between the police department and the fire departments, thereby forcing them to rely upon commanders for communication and coordination, a system that has failed in the past with tragic consequences. Additionally, New York State troopers still cannot communicate with New York City officers or Federal agents, causing yet another communications breakdown of our first line of domestic defense.

If we remember September 11, and we can never forget it, we should also never forget the sacrifices that these men and women made. We should take this opportunity in the supplemental budget to make sure they have everything they need to do their jobs properly in the way that they need to do it.

□ 1800

INQUIRIES OF MEMBERS OF DEFENSE POLICY BOARD AND REQUEST FOR INVESTIGATION OF MISCONDUCT INVOLVING RICHARD N. PERLE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, I rise today to put into the RECORD a letter that I have sent to the Office of the Inspector General of the Department of Defense asking that we investigate or have investigated the allegations of conflict of interest and other possible misconduct involving Mr. Richard N. Perle, formerly chairman of the Pentagon's Defense Policy Board.

As a special government employee, he is caught by all the ethics rules that preclude and severely limit his ability to operate with businesses connected with the military.

Madam Speaker, I include for the RECORD this letter.

The material referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 24, 2003.

Hon. JOSEPH E. SCHMITZ,
Office of the Inspector General, Department of Defense, The Pentagon, Washington, DC.

DEAR GENERAL SCHMITZ: I am writing to request that your office immediately open an investigation into allegations of conflict of interest and other misconduct involving Richard N. Perle, Chairman of the Pentagon's Defense Policy Board. As a result of this position, Mr. Perle is considered a "special government employee," and is subject to government ethics prohibition—both regulatory and criminal—on using public office for private gain. As you know, under the Inspector General statute, your office is authorized to conduct investigations into any abuse or misconduct by senior officials.

I am aware of several potential conflicts that warrant your immediate review. First, Mr. Perle has contracted with bankrupt telecommunications company Global Crossing Ltd. to try to win U.S. government approval of its $250 million sale to two Asian companies over the objections of the FBI and the Department of Justice. Perle is being paid $125,000 for his advice and stands to reap a highly unusual $600,000 bonus if the sale is approved by the U.S. Committee for Foreign Investment in the United States (CFIUS), a government group that includes representatives from the Defense Department.

Although Perle has denied that he has sought to use his government position to benefit Global Crossing, he has reportedly signed an affidavit which directly contradicts this contention. According to the New York Times, in a March 7, 2003 affidavit, Perle stated, "As the chairman of the Defense Policy Board, I have a unique perspective on and intimate knowledge of the national defense and security issues that will be raised by the CFIUS review process that is not and could not be available to the other CFIUS professionals." According to this article, Perle has even acknowledged contacting at least one government official on Global Crossing's behalf, though Perle refuses to identify this person. The fact that Mr. Perle may be reconsidering filing the affidavit does not alter the existence of the alleged conflict.

Second, Perle's position on the Board of Directors of software developer Autonomy, a data mining company that lists the Defense Department and the Homeland Security Department as customers would appear to present a significant conflict with his Defense Department. While Perle has drawn no salary, he has received more than 120,000 share options from Autonomy. Perle's award of these share options gives him a direct financial stake in the success of this company. Indeed, the National Association of Pension Funds recently recommended that shareholders "abstain" when Perle comes up for reappointment this summer because the group feels that share options "compromise the independent status" of independent directors such as Perle.

Third, Mr. Perle serves as managing partner of a private venture capital firm called Trireme Partners that invests primarily in companies that deal in goods and services related to national security. Again, this would seem to present a conflict of interest with his position as Chairman of the Defense Policy Board. In this regard, Pulitzer Prize-winning journalist Seymour Hersh recently reported that on January 3, 2003, that Mr. Perle met with Saudi businessmen, including arms dealer Adnan Kashoggi, in Marseilles, France, to secure their investment in Perle's company. The article contains a highly disturbing quote from Prince Bandar bin Sultan, the Saudi ambassador to the U.S.: "There were elements of the appearance of blackmail—'If we get in business, he'll back off on Saudi Arabia'—as I have been informed by participants in the meeting."

Finally, I would note that it has been reported that on March 19, 2003, Perle spoke in a conference call sponsored by Goldman Sachs, in which he advised participants on possible investment opportunities arising from the war in Iraq. The conference's title was "Implication of an Imminent War: Iraq Now. North Korea Next?". Again, I would submit that it is a conflict of interest for a high ranking government official to be proffering advice on how to profit from the war.

As the Ranking Member of the House Judiciary Committee, which has jurisdiction over conflict of interest rules, I have a strong interest in ensuring that our laws are being complied with, particularly those which touch on the integrity of our ethical requirements at a time of war.

Please respond to me through the House Judiciary Committee Democratic Staff, B 351-C Rayburn House Office Building, Attn: Perry Apelbaum/Ted Kalo, tel. 202-225-6504, fax 202-225-7680.

Sincerely,

JOHN CONYERS, JR.,
Ranking Member.

Also, I will place into the RECORD a letter to the Honorable Secretary of Defense, Donald H. Rumsfeld, which requests that copies of financial disclosure be submitted by the members of the Defense Policy Board to be made public. This is an effort to short-circuit the investigations of the Inspector General, and also accommodate Mr. Perle and other members of this board that might be involved in questionable business dealings with military contractors.

The document referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 1, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, 1000 Defense Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to request copies of the financial disclosure forms submitted by the members of the Defense Policy Board as well as the minutes of all past Board meetings.

As the Ranking Member of the House Judiciary Committee, which has jurisdiction over conflict of interest rules, I have a strong interest in insuring that our laws are being complied with, particularly those which touch on the integrity of our ethical requirements at a time of war. I therefore believe it is critical that this material be provided to help us assess the degree to which members of the Defense Policy Board face real or perceived conflicts of interest which would impede their ability to advise the Defense Department.

I believe such disclosure would be in the best interests of both the Department and the members of the Defense Policy Board. Richard Perle himself just wrote in yesterday's Wall Street Journal that "the first rule is full disclosure of financial interests of the adviser . . . the second rule is . . . if the discussions or advice of the board should involve matters that have a direct and predictable effect on an adviser's financial interests, he is recused from taking part." The problem is that currently, only your ethics officer receives the disclosure forms, so only he or she is in a position to assess whether the rules and safeguards being laid down by Mr. Perle are being followed. Increased scrutiny and review of these filings would no doubt lead to greater public trust and confidence in your Defense Policy Board.

The alternative is to face a continuing and damaging disclosure of the potential business conflicts of the Board Members. Just yesterday, my own investigation revealed that Perle is on the board of directors for Onset Technology. Onset is the world's leading provider of message conversion technology. The company's customers include Bechtel—a government contractor widely considered the leading candidate for rebuilding the Iraqi infrastructure and Raytheon Company which is a provider of defense electronics including the patriot and tomahawk missiles. I also found out that Perle holds a directorship in DigitalNet, a Virginia-based communications company with Army and Defense Department contracts.

To the extent you are concerned about public disclosure of this material, I would be willing to develop a procedure whereby it is reviewed in confidence. As a matter of fact, several members of my staff have obtained a security clearance.

I would appreciate your office responding to this letter at your earliest convenience. Please respond through the House Judiciary Committee Democratic Staff, B-351-C Rayburn House Office Building, Attn: Perry Apelbaum/Ted Kalo, tel. 202-225-6504, fax 202-225-7680.

Sincerely,

JOHN CONYERS, JR.,
Ranking Member.

Madam Speaker, this may serve to end the ongoing e-mails and other information that I am getting asking me to ask about this, that, and the other thing. In other words, Madam Speaker, if they were to make voluntary disclosure, this would put an end to all of this, the public could be restored in their confidence, and we could move ahead with our business.

The one matter that is a little puzzling is why Mr. Perle would resign as chairman but remain as a member of the board, as if the same ethics requirements do not apply to every member of the board as well as the chairman. If he feels inclined to explain what motivated him to step down as chairman but remain on the board, I would love to be edified by what led to that kind of action.

What we are doing is trying to move this along. The Secretary of Defense, who nominated Mr. Perle, can expedite this by making these kinds of disclosures, as well as Mr. Perle himself. So it is in the spirit of cooperation and responsibility as the ranking member of the Committee on the Judiciary that I urge my friends in the Defense Department to accommodate this humble request.

PRESSING ISSUES IN AMERICA'S WAR ON TERROR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER of Texas. Madam Speaker, I am joined on the floor tonight by a group of Democrats who feel very strongly about the need to be sure that our Nation is prepared to defend against terrorist attacks and to respond in the event we have a terrorist attack on our soil.

As we speak tonight, we know that our young men and women in uniform are risking their lives fighting for our freedoms and liberty in and around Iraq. They make us very proud by the sacrifices they are making on behalf of our Nation, and we are proud of each of them and the commitment that they are making on our behalf.

None of us on this floor would dare suggest that we not provide them with the very best in equipment, the very best in training as they enter into that battle. We know that our men and women in uniform shall do the duties that we have asked them to do.

We know that we fight a war tonight in Iraq, but we also know that we are engaged in another battle here at home, the war against terrorism. We became acutely aware of that battle on September 11 of 2001, and in the 18 months since al Qaeda struck in the shadows, or from the shadows, and declared war on America, we know that we have a changed world.

Just as we prepare for battle in Iraq and arm our young men and women with the very best in equipment and training, we know that it is important for us as Americans to arm those who will fight the battle here at home against terrorism with the very best in equipment and the very best of training. Tonight we will address some of the issues that we think are pressing on our Nation in order to prevail in the battle against terror.

On this floor tomorrow we will debate a $78 billion appropriation supplemental bill to fund the war and to prepare America to fight the war against terror at home. Tonight we will hear several Members from the Democratic side of the aisle share what we believe to be deficiencies in the proposal that will be debated tomorrow, because we firmly believe that our Nation must be prepared not only to defend against terror, but to prevail against terror. The Democratic Members of the House have a plan, a plan to win the war on terror.

It is my pleasure, Madam Speaker, to yield to the gentlewoman from New York (Mrs. LOWEY), who serves on the Committee on Homeland Security, to speak to one of the issues that is so critically important, the issue of nuclear power plant security.

Mrs. LOWEY. Madam Speaker, I want to thank the distinguished ranking member from Texas, who has the same laryngitis I do, for yielding to me. I appreciate his leadership on this very important issue.

Madam Speaker, I rise to discuss my continued concerns about security at the Nation's commercial nuclear reactors. Since September 11, 2001, intelligence officials have amassed a critical body of evidence suggesting terrorists intend to strike our nuclear infrastructure. Plans of U.S. nuclear facilities discovered in al Qaeda caves during U.S. military operations in Afghanistan provided perhaps the earliest indication that terrorists had not just casually contemplated, but rather assiduously, studied the option of sabotaging a nuclear reactor.

In early March, fresh intelligence confirmed our worst fears: Terrorists continued to plot attacks against nuclear and other critical infrastructure. Recent reports of a terrorist plan to sabotage the Palo Verde nuclear power plant in Arizona were sufficiently serious that the National Guard was immediately deployed to secure the plant.

As disturbing as these revelations is the Nuclear Regulatory Commission's failure to coherently address them. Indeed, the NRC, the agency responsible for ensuring the safety and security of the country's 103 commercial reactors, has shown a remarkable unwillingness to recognize post-September 11 terrorist threats.

The commission flatly denied petitions by citizen groups for reinforcement of the spent fuel pools at Millstone Nuclear Power Station, stating "the possibility of a terrorist attack is speculative . . . and simply too far removed from the natural or expected consequences of agency action."

Over 18 months after the attacks of September 11, 2001, the same old assumptions about the size, tactics, and weapons used by an attacking force, referred to as the Design Basis Threat, guides serious security policies.

The NRC continues to presume a terrorist force of no more than three individuals, with one passive insider who would relay information to the outside force, but not manipulate any controls or even attempt to incapacitate plant operators. The NRC further assumes that the attacking force would not utilize a vehicle larger than a Jeep to transport and detonate explosives. The Design Basis Threat is also built on the premise that sophisticated weaponry, including grenade launchers and shaped charges, is well beyond the reach of terrorists.

These flawed assumptions define the conditions for NRC-supervised force-on-force exams, in which security personnel must defend the reactors against mock terrorists. They also govern NRC standards with respect to the size, training, and capability of the guard force.

Our national response to nuclear terrorism must no longer be predicated on such hollow hopes.

More than the Design Basis Threat is in urgent need of revision. The NRC has not required reinforcement of the walls of nuclear reactors and spent fuel pools. Although these pools often contain several times the radioactive material of the reactor vessels themselves, they remain among the most lightly defended parts of the nuclear facilities.

Collision of a large aircraft into these pools, which are not designed to withstand such an impact, could result in release of radioactive material in as little as 1 hour. A recent report on the hazards of spent fuel pools written by a team of distinguished scientists concluded that the long-term land contamination consequences of a spent pool fuel fire could be significantly worse than those of Chernobyl.

Force-on-force drills in which plant personnel respond to a mock terrorist attack have not been administered at some facilities in over 8 years. The NRC has only recently resumed these drills, discontinued after September 11, 2001. Nuclear power plants' abysmal performances on these force-on-force drills, licensees have failed about half of all of the exams administered, causes me considerable consternation.

The NRC has never decommissioned or fined facilities failing the exam. At an August security drill at the Indian Point Energy Center in Buchanon, New York, which abuts my district, mock attackers were able to place simulated explosives at the spent fuel pools twice in 60 seconds or less. The NRC nevertheless ultimately passed Indian Point with high marks.

The absence of any sanctions for poor performance provides licensees with little incentive to improve security. The commission's decision to administer force-on-force drills triennially, while certainly an improvement, will be of limited effectiveness as long as violations go unpunished. Chronic turnover in security personnel at nuclear facilities, which can approach 70 to 100 percent for a 3½ year period, also makes more frequent exams essential.

The size and tactics employed by the mock enemy force is still based on the current flawed Design Basis Threat of three lightly armed terrorists and one passive insider. More frequent realistic exams, coupled with stiff penalties for poor performance, would dramatically improve the usefulness of these drills.

The absence of strong Federal training standards have left many guards wholly unprepared to fend off a terrorist attack. Tactics are commonly taught using painted clothespins and a flat surface rather than serious simulation models.

The testimony of guards in a report released by the Project on Government Oversight challenges industry assertions that personnel received 270 hours of pre-posting training, 90 hours of recurrent firearms training, and 30 hours per year of tactical instructions. Most guards interviewed engaged in firearms training only a few hours every year, and had no moving-target practice.

□ 1815

Such training is all the more necessary as many personnel have no prior military or law enforcement experience. Physical agility exams are notoriously lax and wholly inadequate to verify plant personnel could respond effectively to a coordinated attack by multiple professional terrorists. An internal report completed by Entergy, the plant's owners, in 2001 revealed that 4 out of 5 guards interviewed by Entergy lacked confidence in their ability to thwart a terrorist attack. The majority of guards also stated they feared retribution if they spoke up about security concerns and substandard hiring and training procedures. Struggling to fill vacancies, Entergy has hired personnel with little or no law enforcement or military background. Security-sensitive information, including guard performance on firearm drills, has not been protected in accordance with Federal regulations.

Astoundingly, the NRC never fined or even warned Entergy for these practices which violated Commission-approved security policies. Foster Zeh, a certified instructor at Indian Point and vocal critic of its security operations, has affirmed, with few exceptions the problems identified in the December 2002 report still exist today.

I worry that a similar system prevails at other nuclear reactors around the country. The NRC's policy of benign negligence should no longer stand.

Training and qualification standards for guards must be strengthened and an enforcement system with real teeth must be put in place. A comprehensive evaluation of present terrorist threats and of the new security policies needed to address them is long overdue.

Certainly the stakes are high. Studies on the impact of a successful attack on a nuclear facility detail public health and economic consequences almost too chilling to contemplate. A 1982 investigation commissioned by the NRC found that a meltdown at Indian Point, which lies within 50 miles of 21 million people, could lead to 123,000 short- and long-term deaths, over 300,000 injuries, and property damages conservatively estimated at over $1 trillion. Factoring the fourfold increase in property values in the New York metropolitan area since the study, the economic damages for our region could reach $2.3 trillion.

This administration's recent decision to restrict public access to millions of classified documents, including those potentially dealing with the safety of nuclear power plants, represents a step in the wrong direction. Covering NRC activities in a veil of secrecy would limit the public's ability to effectively critique the plan, thereby removing a critical check on the agency.

The Department of Energy, pursuing a similar strategy, has repeatedly refused to provide the Government Affairs Office with details on the Design Basis Threat, information the office requires to complete a report on physical security at DOE sites.

As terrorist threats increase across the globe, we must acknowledge the vulnerability of nuclear infrastructure and craft thoughtful, coherent responses. In this area we truly delay at our own peril.

And I want to thank the gentleman again, my friend the Congressman and the ranking member of our select committee, for arranging this time to share our views on this very important issue of homeland security. I thank the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Madam Speaker, I thank the gentlewoman. I appreciate her leadership on the Select Committee on Homeland Security as well as her work on the Committee on Appropriations.

The amendment that Democrats hope to be able to offer, hope will be made in order tomorrow, would provide over $240 million for nuclear security to cover the items mentioned by the gentlewoman from New York (Mrs. LOWEY).

I am pleased now to recognize another member of Select Committee on Homeland Security, the ranking member of the Subcommittee on Intelligence and Counterterrorism of the Select Committee on Homeland Security, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am pleased to join my colleague, the gentleman from Texas (Mr. TURNER) and distinguished ranking member of the Select Committee on Homeland Security, for this timely special order.

There is no more important issue facing us in Congress than protecting the freedom and security of the American people. I was deeply honored when the gentlewoman from California (Ms. PELOSI) asked me to serve on the Select Committee on Homeland Security. It is a responsibility that I take very seriously and I am eager to embrace the challenges confronting us.

We have an incredibly important obligation to our first responders across the country, and we must make their needs a top priority. Firefighters, law enforcement officers, health care workers, and others on the front lines need our support to keep America safe. With dozens of States experiencing their worst fiscal crises since World War II, combined with the activation of thousands of Guard and Reserve members, first responders are more desperate than ever for Federal assistance. In addition, we are faced with significant unmet needs in the area of port security, nuclear and chemical plant security, border security and more. Mayors and Governors nationwide are faced with soaring costs as they seek to meet their obligations under a heightened threat alert and a newly implemented Operation Liberty Shield.

I was deeply disappointed to learn yesterday during the supplemental appropriations markup, Republicans voted down the Obey amendment to add $2.5 billion in homeland security funding. This funding is absolutely critical if we are to live up to our promises to the American people. The amendment would have meant an additional $3 million of first responder funding for my home State of Rhode Island, money that is sorely needed to equip our State and local governments to fight the domestic fronts of our war on terror.

Another area that is of special interest to me is intelligence, and I am honored to be serving as interim ranking member on the Subcommittee on Intelligence and Counterterrorism. In this capacity I hope to turn the committee's attention to some critical issues facing Congress as the new Department of Homeland Security gets up and running.

One of the most important things we must address is the issue of integration and cooperation among the different intelligence agencies. We need to know how DHS is receiving and analyzing information, what kind of intelligence the agency is getting, whether the process is efficient and streamlined, and whether DHS and the rest of the Intelligence Community understand their roles and obligations to each other clearly enough to make sure that there is neither too much overlap nor too much falling through the cracks.

Along these lines it is absolutely critical that we look at the relationship between the President's proposed Terrorist Threat Integration Center and the DHS Information Analysis Directorate. Their roles sound strikingly similar to me and it has not been made at all clear how they will interrelate and work together.

In addition, we must ensure that our State and local law enforcement agencies are properly equipped to share information and coordinated activities so that threats that cross jurisdictional lines can be adequately addressed.

Finally, as we endeavor to identify threats before they become real dangers, we must be ever vigilant of the civil liberties of our citizens. Protecting the homeland does not need to run counter to protecting privacy and freedom. We should make sure that intelligence tools are used judiciously, and we must always work towards a balance that ensures both security and liberty.

Again, I want to thank the gentleman from Texas (Mr. TURNER) for hosting this special order and urge my colleagues to make homeland security a priority both in words and in deeds.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman for Rhode Island (Mr. LANGEVIN) and I thank him for his leadership as the ranking member of the Subcommittee on Intelligence and Counterterrorism of the Select Committee on Homeland Security.

Next I would like to recognize another outstanding member of our Select Committee on Homeland Security, the distinguished delegate from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Speaker, I want to begin by first thanking the gentleman from Texas (Mr. TURNER) for his leadership on the select committee and for this opportunity to draw attention to the critical issues of homeland security. And I also want to take the opportunity to thank as well the minority leader, the gentlewoman from California (Ms. PELOSI), for the honor of having me serve on this important committee.

I was placed here, I think, especially because I am a physician. The issue of bioterrorism is central to the work we are charged with and it is a charge we take very seriously. It is especially so for those of us who have long been concerned about the poor state of the public health infrastructure in many of our communities across the Nation, both urban and rural, as well as in our offshore areas.

The ranking member, the gentleman from Texas (Mr. TURNER) has begun working to ensure we will have the hearings, briefings, and roundtable discussions to learn as much as we can about the public health and other needs of our communities so we will be better positioned to respond to them.

We had our first hearing which was on Project Bioshield last week. And while I am a strong supporter of NIH and applaud the work that they do, and while I was impressed with the Department's employment of advanced technology to be able to monitor and be alerted in real time of any potentially dangerous exposure, all of that will be useless if we do not take care of the public health facilities, personnel, and systems at home in our towns, cities, and islands who must be ready to respond immediately.

We cannot in some cases afford to lose 1 minute; in others, to wait the time to takes for DMAT teams or deployable medical units. They are great things. We have used them in the Virgin Islands after hurricanes, and they are very important, but we may not have the time it takes to get them to the site.

The health care disparities in minorities and in our rural areas that I have come to this floor to bring to the attention of our colleagues on many occasions did not just come about by chance. They exist because of the poor public health systems in these communities. The last 2 years of cuts to health budgets have been devastating. The lack of emphasis on minority and rural health and the even bigger cuts that the President is insisting on this year, so that those who already have the best of health care can get a tax cut and other perks, have sent States into a free fall of budget deficits, and local public health safety nets, like those in Los Angeles and Detroit, to near collapse.

So, Madam Speaker, we cannot just throw money at the problem of terrorism, as this administration has a tendency to do, without adequate planning. In this case, we must first and foremost insist that our public health system is intact and that it can ensure that people are healthy and our bodies are in a better condition to fight off infections and the other biological assaults that may come from a bioterrorism attack.

The anthrax scare taught us that lesson. The breakdowns were fundamental ones. Project Bioshield, the administration's centerpiece for public health preparedness and biological countermeasures, would not have saved the two postal workers just a little way away from here who died because the public health system failed to respond. It happened here, but it could happen anywhere.

SARS, although that has not been determined to be deliberate, is testing the world health community once again. I am very pleased to be here with my colleagues and to be working with the ranking member, the gentleman from Texas (Mr. TURNER) and our other colleagues on the committee to bring real homeland-hometown security to the people of this country and restore the hope that was shaken so violently on 9/11/2001. It can be done. We can be secure again, but the requisite funding must be there in the supplemental tomorrow, and we have to do it by fixing and fortifying the public health systems that we depend on to keep us healthy every day.

Mr. TURNER of Texas. Madam Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). I particularly appreciate her leadership in the health care field. Her training as a medical doctor means much to us when we are dealing with the threats of bioterrorism and preparedness in the health care arena. We thank you for your leadership.

Next I would like to recognize another member of our Select Committee on Homeland Security, a gentleman who spent a great deal of time working on behalf of emergency preparedness to be sure our first responders get the tools and the training that they need to do the job, the distinguished member from New Jersey (Mr. PASCRELL).

□ 1830

Mr. PASCRELL. Madam Speaker, I want to thank my good friend, the gentleman from Texas (Mr. TURNER), for his exemplary leadership as ranking member on the Permanent Select Committee on Homeland Security. He has a weighty and difficult course to chart in helping Congress stay focused on the most important issues of our day; but I cannot, if I can just move to an addendum, a footnote, I must respond to what I heard early this evening.

I voted on October 10 to support the President. That does not make me any better of an American than those who voted not to support the resolution; and until we understand that, we do not really understand the impact of the Constitution. I carry this document with me at all times, and I would suggest that to come to this floor and to challenge those people who may disagree, who may protest, this is what changes us from the other guys, the bad guys. I had to put that in there. I hope my colleague does not mind.

Sometimes I fear that we do lose focus, Madam Speaker. Even as our national alert system is ablaze in Code Orange, our Armed Forces are fighting thousands of miles away. I just returned this last month. I was there in central Asia and in Kuwait. Far too much of our time has been spent on the rigid, uncompromising domestic proposals that have been sent to us time and time again.

At least it is somewhat heartening to see that tomorrow on the third day of the fourth month of 2003, we will begin debate on needed funding for the war and needed funding for homeland security. It is a little bit too late to be sure, but I also fear that it is too little.

I would like to read my colleagues a brief passage from a December 2002 report sponsored by the Council on Foreign Relations, not a partisan group by any stretch. They wrote, "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." Just a few months ago they said that. Let that statement frame our conversation here tonight, and let those words linger in all of our thoughts as we decide on what the priorities of this Congress should be from here on out.

We must take every possible measure, bear any needed costs to safeguard our country and our people, and that is exactly what we are doing for our sons and daughters on the battlefield in Iraq and in Afghanistan.

A one-track-minded commitment to massive new tax breaks does not help us in this regard. As has been reported everywhere, local communities are now charged with an enormous responsibility. When Washington calls Code Orange alert, the States and local communities absorb the costs of heightened security measures.

In New Jersey, it has spent close to $66 million, Madam Speaker, on homeland security needs this fiscal year alone. Shockingly, these increased security measures statewide cost about $125,000 a day. Nationwide, a new survey released last week, by the United States Conference of Mayors, as a former mayor, I can particularly appreciate, they estimate that cities are spending $70 million a week as a result of the war and the increased threat alert. At a time when our economy is barely moving, when States throughout our country are suffering from debilitating budget deficits, this is money they can ill afford.

We appreciate that tomorrow's supplemental spending measure includes almost $4.2 billion to homeland security; specifically, I am glad to see $2 billion allotted to our first responders in terms of State grants. However, let us be real. The $2 billion included for first responders, combined with the $3.5 billion set-aside in fiscal 2003, the omnibus bill, is just about a third of what local governments really need. If we really care about our firefighters and police officers and other emergency workers, and I think both sides of the aisle are committed to this, Madam Speaker, but we have got to put our money where our mouth is. If everything's a priority, nothing's a priority; and we need to prioritize this to those first responders where they are day in and day out.

Three weeks ago, I had another meeting with first responders in my district. They reiterated what everyone who studies homeland security agrees upon: firefighters and police officers need better training. They need protective gear. They need interoperable communications equipment, when they rush to the scene of a terrorist attack. These people on the front lines know what they need. We do not need any consultants. We do not have to hire consultants to find this out. Ask them; they will tell us.

The gentleman from Wisconsin (Mr. OBEY) introduced that amendment yesterday. When it went down the tubes, I could not believe this. Our priority must be to improve local emergency preparedness, to provide for a strong homeland defense. If we agree that this is our priority, then we must do more.

I am disheartened, I will conclude, Madam Speaker, by the 2004 budget, which is not what we will be voting on tomorrow. That budget cuts $4.1 billion from the Justice Department programs. Think about this. Here we are dealing with a supplemental tomorrow to help our first responders, and yet we are cutting money for the cops. We are cutting money for the Edward Burn grants. We are cutting money for fire assistance. So we are giving on one hand; and we are saying to the FBI, the INS, the DEA and Customs, wait, hold on.

I assure my colleagues, I realize that every person sitting at home, anything over $1 million sounds like a tremendous amount of money and it is. So the fact that I am here arguing in a realm of billions of dollars may seem excessive, but we cannot do this on the cheap. If we think we can, we are wrong. Ask those people, ask those mayors, ask those councilmen, ask those Governors. They need help. They have been footing the bill since 9–11. Do we not get it? If we get it, we need to respond; and I thank the gentleman from Texas for giving me this opportunity to speak.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman from New Jersey for his leadership on behalf of homeland security.

The amendment that the Democrats hope to be able to offer on the floor tomorrow on the supplemental appropriations bill would provide slightly over $1 billion in additional funding for first responders, first responder equipment, firefighter grants, chemical/biological response to support State and local governments and to provide civil defense team funding. These we believe are important issues to ensure the security of our Nation and also to be sure that we arm and train those soldiers on the front lines of homeland security just as we are always committed to funding those who fight for us abroad.

It is my pleasure now to yield to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the House Committee on Transportation and Infrastructure, a gentleman who knows perhaps more about the functions of a very important element of homeland security, the United States Coast Guard, than any person in this House.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for those kinds words and his leadership in initiating this Special Order tonight to focus on transportation security, homeland security.

We have made a great deal of progress on aviation security, thanks to the tough law with strong deadlines that this Congress passed, largely initiated by the Democratic Caucus on the Committee on Transportation and Infrastructure; but we have made little progress in other modes by comparison. The administration has been unconscionably slow in proposing security measures and requesting the necessary funding to initiate and implement those measures.

Case in point is maritime transportation. EPA has identified 123 chemical manufacturing facilities in the U.S. where toxic gases released by a terrorist attack could kill or injure more than 1 million people and 700 other chemical facilities where an attack could kill or injure 100,000 people. Most of those 823 facilities are along the navigable waterways of the United States.

The Maritime Transportation Security Act, otherwise known as the port security bill, requires the Coast Guard to undertake a vulnerability assessment of each of those facilities and requires the owner to have the security plan approved by the Coast Guard and implemented by July 1 of next year. Good idea, good plan. Implementation in serious doubt. We have yet to see any plan from the administration for conducting vulnerability assessments of these chemical facilities, let alone a process to review and approve the security plans for these chemical time bombs.

The Port Security Act also requires the Federal Government to undertake vulnerability assessments of every vessel, port and facility to assess security weaknesses. By July 1 of next year, the Coast Guard is required to review and approve a security plan for each port, facility and vessel. If it does not have a security plan, it cannot operate.

Again, slow implementation. Only in the past week has Secretary Ridge agreed to accelerate the rate of port vulnerability assessments to ensure that assessment will be done at the Nation's 55 largest ports by the end of next year. There are 361 ports in the United States. When are they going to get serious about this?

Then we have the Vessel Security Provisions Maritime Transportation Security Act. In the December 30, 2002, Federal Register, the Coast Guard stated it was going to accept the security certification, pay attention to this, issued by the foreign government where the vessel is documented. That means the U.S. Coast Guard will accept security certification by countries such as Liberia, Panama, Malta, Cyprus.

We did not intend the security of the Nation to be placed in the hands of the country that runs those flags of convenience registers. We expect the Coast Guard to review the plans firsthand. They will have very great difficulty reviewing foreign security flag plans since the International Maritime Organization Standards allow those plans to be written in French and Spanish.

The administration is supposed to support funding to secure our ports and facilities as required by the law. The Coast Guard estimates are it will cost $4.4 billion to provide port security over the next 10 years, and the administration to date has requested only $11 million. Congress has appropriated $350 million, but the administration has made available only $92.3 million of available port security funds.

When the maritime administration asked for proposals for the ports, they received requests totaling seven times the amount of money available, and even though we have appropriated more funds, no further grants have been awarded.

Last week, we passed a budget resolution that attempted to deal with this issue, but our side did not prevail. The other side did. It passed by one vote, but again, their budget proposal does not have enough in it to deal with the needs of port security.

I do not want America's port security to be in the hands of a country like Liberia that cannot even protect itself, let alone our maritime interests. This administration is not taking the threat to port security or its responsibility seriously enough. Securing the Nation's ports and the cargo that moves through them is a Federal responsibility. All Americans, whether they live in a port city or in Boise, Idaho, will benefit from that security.

The impact on our economy, on all Americans, if the Nation's ports are shut down, as the Nation's airports were in the aftermath of September 11 because of a terrorist attack, that aftermath, those consequences will be far greater than the consequences of September 11. Refineries will run out of oil. Factory lines will shut down. Stores will run out of goods. The economy will come to a screeching halt. We cannot let this happen.

Madam Speaker, I insert for the RECORD the rest of my remarks:

AVIATION SECURITY

In aviation, the Transportation Security Administration has made major progress in enhancing security by securing cockpit doors, hiring and training a workforce of federal employees to screen baggage, and procuring and installing explosives detection and trace detection equipment to screen most checked baggage. However, at a few airports, not all baggage is being screened by detection equipment. TSA has been directed to have all baggage inspected with explosive detection equipment by December 31, 2003. We need to ensure that this deadline is met.

We also need to work on other areas of aviation security such as cargo. Current Explosion Detection Equipment systems are too small and too slow to screen all cargo carried on aircraft. TSA relies on the "known shipper" program to screen most cargo but questions have been raised about how well shippers are known by the carriers accepting cargo from them.

We also need to do much more work in securing the perimeters of our airports.

AMTRAK'S SECURITY NEEDS

We have to devote considerably more attention to security problems for passenger rail. Although there are unmet security needs of at least $140 million, the Administration has not requested funding.

Intercity rail passengers on Amtrak trains and the hundreds of thousands of others who use Amtrak stations and other facilities each day are also potential targets of terrorist attacks. Terrorist attacks on crowded stations and on key elements of the infrastructure are a particular cause for concern. A preliminary estimate of the cost to secure Amtrak's facilities is $100 million.

Amtrak has immediate security needs for its six New York area tunnels that connect New Jersey and Long Island to Penn Station. Amtrak, New Jersey Transit and the Long Island Railroad operate more than 1,180 trains through these tunnels each day. Although strapped for funding, Amtrak has begun engineering watertight doors to separate these tunnels from Penn Station. It is imperative that this work be completed as soon as possible to prevent catastrophic flooding of parts on NYC that are beneath the water table (including Penn Station, the Subway system and much of Lower Manhattan). Amtrak is trying to complete the work before the scheduled date of May 2004 and requires a $4 million reimbursement for this emergency construction.

Amtrak also needs $40 million to develop redundant capacity for its train dispatching centers. Currently, Amtrak has three dispatching centers for the electrified Northeast Corridor (Boston, New York, and Philadelphia). Amtrak also has a consolidated National Operations Center in Wilmington, Delaware that monitors and manages all other train movements around the Nation. A successful attack on any one of the three locations controlling the NEC trains could prevent Amtrak from monitoring and dispatching train movements. Amtrak would have to shut down all train movements in the Corridor including all commuter operations.

In addition, Amtrak is incurring additional security costs to respond to the Code Orange Threat Level. Each Code Orange day costs Amtrak an additional $18,000 in overtime cost for security personnel—roughly $500,000 for April alone.

BUS SECURITY

I am particularly concerned with the Administration's poor performance in dealing with security in the intercity bus industry. Since the September 11, 2001 terrorist attacks, over the road bus drivers and passengers in the United States have been the targets of many serious assaults, including one assault killing seven passengers and another assault injuring 33 passengers. In addition, there have been at least three other serious over-the-road security breaches. Over the same period, no other mode of transportation has experienced as many incidents of passenger attacks. These incidents occurred in states throughout the country, including Tennessee, Arizona, Utah, Oklahoma, Pennsylvania and Vermont.

These violent incidents point to the immediate need to improve security measures for intercity buses and bus terminals. On August 2, 2002, the President signed into, the 2002 Supplemental Appropriations Act which provided $15 million for grants and contracts to enhance the security of intercity bus operations. The FY2003 Omnibus Appropriations Act provided an additional $10 million for these purposes.

Despite the timely enactment of funds, the Transportation Security Administration has yet to release a single penny. Furthermore, there are indications that these funds may not be released until June.

The Administration's failure to make these funds available in a timely manner is inexcusable. Any further delay in releasing the funds risks the lives of thousands of Americans whose only mode of transportation may be travel by bus. The Administration must take immediate action to make the funds available.

Furthermore, I am gravely disappointed that the Administration's recently released plan, Operation Liberty Shield, says nothing about buses, the most ubiquitous and, in many ways, the most vulnerable public transportation mode. What were the people who drafted Operation Liberty Shield thinking about, leaving out such an important mode of transportation? In light of the war and its associated security risk, the Administration must take action now to release the funds. Releasing the funds will allow the intercity bus industry to respond immediately to the elevated threat level precipitated by the war.

In conclusion, Mr. Speaker, only in aviation have we responded to the security vulnerabilities of our transportation system. We, in the Congress, must pursue vigorous oversight to ensure that we do not have another 9/11 tragedy in our ports, highways or railroads.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman for his leadership on the House Committee on Transportation and Infrastructure and his leadership, particularly on homeland security.

Next I would like to yield to the gentleman from Texas (Mr. LAMPSON), a distinguished member of the Committee on Transportation and Infrastructure, a Member who has worked long and hard on behalf of homeland security.

□ 1845

Mr. LAMPSON. Madam Speaker, I thank the gentleman from Texas for yielding to me and giving me this opportunity to come up and join the Democratic members of the Homeland Security Committee, the select committee, on this amendment that they are trying to put together and that certainly needs consideration.

I was somewhat astounded when I was given the summary of this amendment and found what was not included on the bill that was put forward by the majority party and became very pleased that we were asking for something from the Democratic side as an amendment to that bill. It certainly, certainly needs to be given consideration.

If our recent experience with anthrax, for example, has taught us anything, it is that we need to make the necessary investments to better identify solutions to these problems and to prepare appropriate responses. This comes only after we make science and research investments a priority and boost our homeland security funding.

I know that Dr. John Stobo at the University of Texas Medical Branch in Galveston had a vision when they moved to establish a Biosafety Level 4 laboratory to do that kind of research. UTMB Galveston's vision was validated after the attacks of September 11 and the ensuing anthrax tragedy. When completed, that project is going to be one of five such laboratories in North America and the first full-size facility on a university campus in the United

States. The research that they will perform in this laboratory will be absolutely invaluable as we continue to attempt to solve these problems, whether it be smallpox, anthrax, or the next bioterror act that we may not know.

When I looked at this amendment, I found that there is zero money requested for this in the proposal tomorrow and that the Democratic amendment is requesting at least $150 million for these funds. Half of the funds would go to the CDC and the other half would go to the EPA. The funds would be used by agencies to help State health laboratories develop capacity to rapidly detect the presence of chemical terrorism agents. What a tremendous need we have within our communities, and it is astounding to me that we do not appear to be addressing this right now.

Another point that I found in here that took my breath away, 20 percent of the petrochemical processing capacity of our country is in the Ninth Congressional District, immediately south of the district of my colleague, the gentleman from Texas (Mr. TURNER). We are surrounded by other petrochemical activity. The Houston Galveston ship channel has 150 petrochemical facilities up and down the channel, and all of the rest that is going on there. We understand from a GAO report that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks.

This is one of the things I have talked about since 2 days after September 11 when I began to meet with the plant managers of the plants and our municipal leaders throughout. Certainly they have done a great deal of work. Certainly the communities have reached out and attempted to make improvements to our security. And I feel very good about the work that has been done. But in this bill for tomorrow we are not requesting any more money to give them help, and it does cost if we are going to address the problems that they are facing about that security.

Water and chemical plant security. We are asking for $100 million. Again, I am astounded we do not have any request in the supplemental tomorrow that we will be considering. We know what happened in my district in 1947. The Monsanto chemical plant in Texas City had two freighters parked at a port when ammonium nitrate fertilizer exploded and blew up both ships and half of the city of Texas City, killing over 600 people. It was the largest loss of life to firefighters until the September 11 attack on the World Trade Center. So we know what can happen to these communities, and for us to not give every opportunity to address the problems that we are facing, I think is shortsighted.

If I may ask my colleague, I just received a phone call a few minutes ago from my county judge and the U.S. attorney in the Eastern District of Texas, asking for the first responder equipment particularly dealing with inoperability of equipment. Am I to understand that there is not a request to fund the needs that they have for communications capability, to be able to communicate between agencies and among agencies when there is a disaster?

Mr. TURNER of Texas. It is my understanding that there are no funds in the current proposed appropriation supplemental to assist the local governments in that purpose.

Mr. LAMPSON. The fact that the gentleman's committee, and under his leadership with the Homeland Security Committee, is asking for $350 million to help address that problem is most appreciated. And I want to assure him that not only will I pass this information on back to the people in my congressional district about the needs that they face and the effort that the gentleman is making, and all the members of that committee are making to change this, but I will work as hard as I possibly can in support of this amendment tomorrow. I hope that it will be considered and it will be passed into law.

We need these funds. The lives of our citizens across this country depend on it, and I thank the gentleman for his work and commend him for it.

Mr. TURNER of Texas. Well, I thank the gentleman for his leadership in this area.

Madam Speaker, I will now yield to another member of the Texas delegation, who also represents a significant port in the United States and the city of Houston, the gentleman from Texas (Mr. BELL).

Mr. BELL. Madam Speaker, I would like to thank the gentleman from Texas (Mr. TURNER) for his leadership as the ranking member of the Homeland Security Committee and for giving me this opportunity this evening.

Madam Speaker, we as a Nation will pay any price in order to support and protect our troops in the line of fire. There is no cost too high to protect American lives in the face of tyranny and terrorism. This is not a new principle in American government but a promise renewed in the hearts and minds of the American people after the horrific events of September 11, 2001.

I think no one in this Chamber would disagree that the world has heard our resounding call: Never again. Never again will we handle the specter of terror with kid gloves or the dismissive neglect of indifference because it is a problem that affects them and not us. This is a lesson that we have all learned together, and I would like to commend my colleagues on both sides of the aisle for their clear commitment to support our troops with the resources they need to protect themselves.

One question still hangs heavy over this body. How do we keep our homeland secure? I do not have to tell my colleagues that our firefighters and police officers have become citizen soldiers in the war on terror, our first line of defense against another September 11. Americans have been empowered with a responsibility to protect their families and their communities by working with each other to stop acts of terror before they happen. The war on terror is a war in which we are all on the front lines.

I submit to this body that Americans on the front line need greater resources to get the job done. They need more funding in order to protect our homeland. I am particularly concerned about the security of American seaports. America's ports are our gateways of commerce to the world. Each year nearly 6 million seaborne containers enter our Nation's ports, yet only 3 percent, only 3 percent, of the cargo is ever physically inspected. The screenings that are performed are often carried out without the use of detection aids or with only hand-held devices that have limited range and capability.

This security gap gives groups like al Qaeda over 5 million opportunities every year to smuggle a nuclear device or weapon of mass destruction into the United States of America. In total, 95 percent of the cargo moving into and leaving this country each year passes through American ports. The region of Texas I call home has one of the largest of these ports. In fact, the Port of Houston receives more foreign tonnage than any other port in America. Each year, Houston alone receives 7.8 million tons of cargo from Iraq itself, 10 million tons of cargo from Saudi Arabia, and nearly 5 million tons from Algeria, a known state sponsor of terrorism.

Recently, I had the opportunity to tour the Houston ship channel, home to one of the world's largest concentrations of petrochemical plants and other critical energy infrastructure. Having had the opportunity to see the sheer size of the ship channel, the miles of exposed coastline and the sensitive nature of the industry located there, it became clear just how daunting a task protecting our waterways has become. If a petrochemical plant were to be struck by a bomb, we could face a tragedy greater in magnitude than the Chernobyl meltdown right in the heart of a major metropolitan area. This is a problem we cannot afford to ignore in Houston or anywhere else.

The Port of New York/New Jersey, the Port of Long Beach, California, the Port of Charleston, South Carolina, all three are major American ports. All three are located in close proximity to major metropolitan areas. And all three are at serious risk of attacks. These ports I have mentioned are but a few of the at-risk waterways across America. According to the GAO, Tampa Bay is home to Florida's busiest port and receives half of Florida's volume of hazardous materials, such as liquid petroleum gas, sulfur, and ammonia, all this in close proximity to downtown Tampa Bay where thousands of Americans live and work.

As my colleagues can see, it is critical that we support our port authorities and the thousands of shipping companies around the world with whom they work by enabling them to do the business of America without the constant threat of a terrorist attack.

The U.S. Coast Guard announced last year that necessary improvements to port security will cost $963 million in fiscal year 2004 and as much as $4.4 billion over the next 10 years. But since the attacks of September 11, Congress has appropriated less than $400 million for port security across America. Welcome funding, yes, but far short of where we should be given the challenges we face in protecting America's borders.

We must make a commitment in this body to adequately fund port security before it is too late. By giving lip service to the problem and then not providing our local communities with the resources they need to protect our families, we risk undermining our own campaign to rid the world of terror and keep the homeland secure.

How do we explain after the next terrorist attack on American soil that our country was willing to spend $80 billion to liberate the oppressed people of Iraq but were unable to commit the money necessary to protect our homeland against what the CIA has determined is one of the greatest vulnerabilities in America today, the threat of attack against our own ports?

We must give our heroes on the home front the same quality of support that I know each of us is committed to giving our heroic fighting men and women abroad. The threat to our Nation's ports and our communities is a clear and present danger that cannot be ignored. The time is now to begin fully funding these critical port security needs and it can begin now. The homeland security amendment to the wartime supplemental appropriations bill, to be offered tomorrow hopefully, calls for $440 million for port and chemical plant security and for the Coast Guard. Pass the amendment. The time is now.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman from Texas for his comments and for his leadership on a most critical issue, homeland security.

I now would like to now yield to the gentleman from North Carolina (Mr. ETHERIDGE), who serves as a member of the Homeland Security Committee, whose leadership on the committee has been invaluable, and whose experience in education brings a unique perspective to the issue of our homeland security.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership on this committee and his leadership on the Homeland Security Committee. It has been invaluable and it is an area that we need to spend a lot of time on.

First responders are our hometown heroes. Their sacrifice and service inspire us all. When the Federal Government raises the threat level to code orange, like we have seen in the last couple of weeks, and once before that when it was raised, these are the men and women that are immediately called upon to assume the extra duties and responsibilities to help defend our hometowns from unknown threats. Congress has the responsibility to back up our local first responders with the funds that they need to make the extra security details work.

Last year I held a series of meetings with first responders across my district in North Carolina to assess what their needs were. More than 100 police officers, sheriffs, firefighters, emergency personnel, and others came to those briefings. During these meetings and in the months since then, I have heard troubling reports from our frontline forces. Despite improvements in security here in Washington at our Nation's historic sites and many urban areas, North Carolina's first responders still lack an interoperative communications infrastructure, appropriate training equipment, and the things they need to respond appropriately.

Do not get me wrong, we have made progress in coordinating responsive training and communications; but at what cost? Police chiefs and county sheriffs must decide whether to buy gas masks or bulletproof vests. Firefighters have to choose between arson training and learning about weapons of mass destruction.

□ 1900

Public health authorities divert resources from prenatal care to smallpox vaccination programs. The Federal Government mandated that local and State authorities take the lead in planning and coordinating response efforts, and when Congress appropriated funds for first responders, the President vetoed the first appropriation and said it was too much money. Now we are trying once again to provide additional money in the supplemental tomorrow, a bit more money to pay for the unfunded mandates ordered by the Federal Government.

The majority says it is too much money, that States may not be spending the money they already have on first responders. Yesterday I received a report from the State of North Carolina. It showed that last September North Carolina received approximately $7 million for the Office of Domestic Preparedness for first responder equipment, and the State immediately began to collect and process grant requests. This process does take some time. We want to make sure that it is not duplicated and we get the best equipment. Believe me, States all across the country can use every spare dime they can get. Our cities and States do need the money for training equipment, and they do need timely information about possible threats, and it is our responsibility to put the dollars in to help these first responders. We need to pass this amendment tomorrow to help first responders who will protect our homes, our communities, our schools and our families.

We cannot let them down and leave them unprepared.

I call on the Congress and this Administration to make the training and equipping of our nation's first responders a top priority.

Our first responders are ready and willing to do what it takes to ensure the security of their communities, our state and our country.

However, it is the responsibility of the Administration and Congress to make sure that they have the information, training and resources necessary to protect the men, women and children of America, as well as themselves.

The American people deserve to live without fear of a terrorist attack.

Parents deserve to send their children to school without fear for their safe return. Shoppers deserve to be able to walk into a crowded shopping mall without fear that a suicide bomber lurks in their midst, waiting for the right moment to strike.

Passengers deserve to be able to board an airplane without the fear that a shoulder-fired missile will bring it down.

Although no plan can guarantee every individual's safety at any given moment, all Americans deserve the right to a reasonable expectation that in their daily lives, the proper authorities have taken appropriate measures to maximize safety and security.

Unfortunately, that expectation is not being met today due to a lack of leadership.

Mr. Speaker, America was changed forever by the 9/11 attacks, and the American people accept the challenges and difficulties this new era presents.

But the American people deserve to live free from fear, and the national leadership must provide the means to restore that hope for a secure future.

Our local first responders are absolutely key to that effort, and Democrats are working in Congress to provide the leadership necessary to get the job done.

Again, I want to thank my colleague Congressman TURNER for his leadership in this most important endeavor, and I yield back the balance of my time.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman for his leadership.

Madam Speaker, I yield to the gentleman from Florida (Mr. MEEK), a freshman Member who served very effectively in the Florida legislature and who serves on the Committee of Homeland Security.

Mr. MEEK of Florida. Madam Speaker, I thank the gentleman. I want to be very quick and within a minute I would like to share with the American public something that is very, very important. The information that you are receiving here this evening and the amendment that the Democrats will have tomorrow to not only put teeth but to make sure we have real homeland security is very, very important.

As we look at our ports and the Coast Guard, I think we need to go far beyond great speeches in front of Coast Guard cutters, and talking about how we support our men and women riding in those vessels and fighting in helicopters. I would say that with any major incident in our ports, not only will we experience a large loss of life, but we would also experience quite an interruption in commerce.

It is very, very important that the American people understand that the Coast Guard says they need a billion dollars alone this year to secure our ports. We have individuals working at our ports now that do not have proper credentials as it relates to some of the shipping companies. We know we are very vulnerable in our ports, and I think it is important that we make sure that this administration understands that it is more than just giving speeches, that it is important that we put our money where our mouth is and make sure that we are standing on behalf of homeland security.

This is an everyday issue that Americans care about, and it is an everyday issue that we have to respond to, and I am encouraging this Congress to support our efforts tomorrow to make sure that we have true homeland security.

Madam Speaker, I thank the gentleman from Texas (Mr. TURNER) and our subcommittee members for sharing their thoughts and ideas that we have as it relates to meaningful homeland security versus just talking about what we need to do.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). The time of the gentleman from Texas (Mr. TURNER) has expired.

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

There was no objection.

FUNDING HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Madam Speaker, I would like to join my colleagues in urging the House to increase the amounts we will include in the supplemental appropriations bill later this week for homeland security. Last Friday I held a meeting in Honolulu of first responders to discuss preparedness, planning and coordination among agencies and funding needs. It became very apparent during the meeting that funding being received is clearly inadequate to undertake the job we are asking of our emergency law enforcement agencies and personnel.

For example, the Honolulu Police Department has apprised me of the need for some $65.5 million for several projects that are necessary if the Island of Oahu is to be protected to the extent necessary. There are several important military installations for which Honolulu police have major responsibilities, such as Pearl Harbor Naval Base, Hickam Air Force Base, and Schofield Barracks. The Department has the responsibility for the safety of military personnel and their family who live off base, and to some extent on base. Specifically, communication and operability between civilian law enforcement and the military is essential. Additional personnel protective equipment has been identified as a need as well as emergency vehicles in a centralized equipment and maintenance facility.

The cost for effective homeland security management is a huge, unfunded mandate the Federal Government has imposed on State and local governments. The Honolulu Police Department is establishing an Emergency Management Command and an antiterrorism unit. It is undertaking extensive specialized training in areas such as chemical, biological, and explosive handling. Joint exercises with the military have been conducted so that in the event of an emergency, roles are recognized and responsibilities are familiar.

Our state of affairs and level of protection afforded to our citizens changed greatly after September 11, and has been heightened by our military engagement in Iraq. Our citizens expect and deserve such elevated security. But it also serves to remind us that protection is not cheap, and we in Congress should stand up to our responsibilities to properly fund the protections our citizens need.

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There are other imbedded homeland security costs with which state and local officials are struggling. When the Nation moves to a Code Red Alert posture, the Honolulu police incur costs of over $1.5 million a day, about two-thirds of it for the protection of critical infrastructure for military installations.

The Oahu Civil Defense Agency has identified numerous critical projects which total $18.1 million. Essential projects include warning siren upgrades, security cameras, computer software, as well as equipment and personnel training.

These statistics are for but two of numerous first responder agencies. This does not include the fire department, nor the burdens placed on hospitals and emergency rooms. And the Hawaii State Government has separate and additional mandates and responsibilities.

I'm not speaking today to point fingers of blame at anyone for the situation we face, but to articulate the need to provide adequate funding in the supplemental appropriations bill.

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Madam Speaker, I yield to the gentlewoman from California (Ms. Loretta Sanchez).

Ms. LORETTA SANCHEZ of California. Madam Speaker, while our brave soldiers continue their work abroad, our citizens back home must live under a constant state of Orange Alert. The administration has implemented Operation Liberty Shield. Therefore, it is no secret that a threat still looms on our home front, so we must not forget that this war is not just being fought abroad.

Therefore, it is essential that the supplemental spending bill include necessary funding to meet the needs of the Nation's homeland security. In my district the Anaheim Police Department is presently spending an extra $21,000 per day to maintain Level Orange threat. If our Nation goes to Level Red, this number will double to $40,000 per day.

Also, joint terrorism task forces have been set up in a number of cities to coordinate the dissemination of information and strategies dealing with potential terrorism. These task forces give local law enforcement the unique opportunity to train, coordinate, and work closely with Federal agencies like the FBI, the INS, the marshals, Customs, and the Secret Service to share information and develop a coordinated process for combating terror threats, but there is no funding, no resources to adequately implement this.

While we continue to fight for additional resources for our first responders, we must not forget that the main thing we need to do is prevent any future terrorist attacks.

This week the National Commission on Terrorist Attacks Upon the United States received testimony from experts on the state of our Nation's homeland security. The testimony was not pretty. Our Nation's ports were referred to as porous, our civil aviation facilities called unprepared, and our immigration check points deficient. Our ports of entry are some of the most vulnerable threat risks to this Nation, and we need to provide the means and the resources for adequate security.

Every year more than 6 million cargo containers pass through our ports; 4 million of those, accounting for 35 percent of all international trade to the U.S. pass just 20 miles away from my home through Long Beach and L.A. ports, yet only 4 percent of these are screened. But the President responded to these requests with only $22 million, just a third of what we need.

But the President responded to these requests with only $22 million, a third of what the Customs Service deemed necessary.

Additionally, the U.S. Coast Guard requested nearly $1 billion in Port Security Grant money to address gaps in the physical security of the ports it patrols. To date, only 40 percent of that needed funding has been granted.

While the President says in speech after speech that he is taking port security seriously, neither his FY04 budget request nor his supplemental funding request contained money for Port Security. Our ports are still extremely vulnerable, and full funding of Port Security Grants and the Container Security Initiative are imperative.

IMMIGRATION

Of course, our Nation's security risks do not lie exclusively at our ports. We need funding to make sure that border and airport security are adequately staffed to screen entry into our country.

Presently, the government watch list used to screen for suspected terrorists entering the U.S. has 13 million names, including 40 percent more records of suspected terrorists than last year. These numbers are unrealistic, and we need to hire the personnel and develop the accounting systems to make us smarter about keeping track of threats while still allowing legitimate visitors in.

Right now, our universities are facing a crisis because visa backlogs and the government's new foreign student tracking system are slowing the ability for good, qualified students to participate in our university system.

We cannot develop new immigration systems at the expense of undermining the diversity that makes our nation great.

CONCLUSION

As the war goes on in Iraq, we face a great challenge here at home. Our homeland security needs are great, and many of them are not met. We need to work hard, we need to work efficiently, and we need to work intelligently to ensure we are doing everything possible to protect our communities.

FUNDING HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me acknowledge the gentleman from Texas (Mr. TURNER) for the excellent Special Order that preceded me, and I would ask that my remarks be placed in the RECORD alongside that Special Order.

Madam Speaker, let me just suggest that we have an enormous challenge before us, and the responsibility that America is entrusting us with is a very difficult one, a very challenging one, but a very important one, and that is, of course, to secure the homeland. I like to think to secure the home front, the home city, to secure the counties and rural and urban communities, to secure the elderly, the disabled, the economically disadvantaged, people of all walks of life, individuals that do not speak English in our country, these are the responsibilities that we have.

Madam Speaker, I am here to suggest that we have challenges. We have challenges at the northern border, and we have challenges at the southern border. I was just in the Committee on Rules and heard the discussion about funding needs for the southern border and the northern border.

As the ranking member of the Subcommittee on Immigration and Claims, I suggest we also have work to deal with this Nation of laws and immigrants. We are a Nation of immigration, and we should realize it does not equate to terrorism.

Madam Speaker, in the emergency appropriations, I am going to ask for additional monies to help us with the student tracking program because we heard from the inspector general today that we need more resources to train the INS or the new agency that deals with this. We need more funds to train them how to do the student tracking program. As well, we need more funds for the implementation of the student tracking program. Our universities are suffering to a certain extent, and a lot of our research work is suffering.

In addition, I think it is important that we look at the entry/exit system which is not designed to prevent individuals from entering or leaving the United States, it simply makes a record of their entry and exit. It is doubtful that it has much utility in enforcing our immigration laws. It can provide the INS with a daily list of nonimmigrant visitors who have overstayed their authorized visit, but it will not provide information where they are. We must focus on finding where these individuals are. That is how we secure the safety of America.

So I also want to comment on the special registration program and suggest that we might look again at that to see whether or not that really does help us in terms of securing this Nation. What we need to do is ensure that we find the overstays, and that the overstayers are not here to do harm. We need to find the terrorist cells in this country and monitor them, and we need to provide the resources to the first responders.

I have added an amendment in the emergency supplemental to ensure that we give an extra $2 million to our first responders, and an additional $3 million to our emergency hazardous materials units and in our respective fire departments throughout the Nation.

Madam Speaker, I believe we have a lot of work to do, and we can do it together. I believe homeland security should be this Nation's first priority. We support the troops, the POWs, and their families. As they secure our freedom, we need to secure the homeland.

As the ranking member of the Judiciary Subcommittee on Immigration, Border Security and Claims, I want to emphasize that immigration law enforcement and immigration benefits are interrelated and both merit serious attention, support, and funding. The transition from the former Immigration and Naturalization Service into the new department should be undertaken so as to ensure the full provision of services and effective and fair enforcement, while minimizing disruptions and delays.

With the Department of Homeland Security's authority to establish and administer rules governing the granting of visas, it is vitally important that visas be granted to the people who come to build America and denied to those who mean to do us harm. We must balance our national security and economic security needs by recognizing that the United States is tied to the rest of the world economically, socially, and politically.

Enforcement and adjudications come together at our ports of entry. Our national security and economic security depend on the efficient movement of cross-border travel and trade at these ports. The Bureau of Customs and Border Protections must coordinate with the Bureau of Citizenship and Immigration Services to ensure that there are no unnecessary obstacles to cross-border travel. One good way of doing this is to examine ways to expand the use of preinspection stations and authorize pre-clearances for low-risk travelers.

We need to take the time to ensure that our entry exit system works well. This may require billions of dollars to purchase real estate for new inspection lanes, to upgrade our inspection facilities generally, to develop our infrastructure and technological capabilities, and to hire additional inspectors. We must determine if the level of security the system would provide is worth the cost of the program. We also should consider whether the same level of security could be obtained through increased intelligence and database security checks that are performed outside the country.

I want to emphasize that the entry exit system is not designed to prevent individuals from entering or leaving the United States. It simply makes a record of their entry and exit. It is doubtful that it has much utility in enforcing our immigration laws. It can provide the immigration service with a daily list of nonimmigrant visitors who have overstayed their authorized visits, but it will not provide information on where they are. The system will not tell us where they are until they appear at a border to leave the United States. I see little value in placing them in removal proceedings when they are trying to leave on their own volition.

Special registration is a program under which people from certain, specified countries who fall within a specified age range are called in to be interviewed by immigration officers. The program targets groups of people through the use of national origin, race, and religious profiling, not information gathered by intelligence. The special registration program does not enhance our security. Rather, it alienates the very communities here in the United States and abroad that are necessary allies in our fight against terrorism.

We need to do a better job of providing information to our immigration inspectors at the points of entry into our country. We need to obtain information from government agencies that collect criminal and intelligence data that may apply to some of the aliens who seek admission to the United States. A complete and accurate database should have a mechanism for correcting database errors. Having incorrect information only serves to hinder the inspection process and discredit the reliability of the security checks.

The Department of Homeland Security has the responsibility of implementing the President's commitment to admit 70,000 refugees by the end of fiscal year 2003. Among other things, this requires security checks which are causing substantial delays in moving people from refugee camps to the United States. In addition to the delays, there is reason for concern about the effectiveness of the security checks. The current system relies on name checks, and, according to the information my counsel received at a meeting with the State Department, the information from these name checks has not resulted in denial of refugee admission in a single case yet.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Madam Speaker, I think it is time to tell the American people, "steady on." This operation in Iraq is proceeding according to plan. Our troops are well equipped, well trained, well led. Don Rumsfeld, our Secretary of Defense, is doing a great job. General Tommy Franks, who is the CINC commander and in charge of the operation, is doing a great job.

□ 1915

This plan was well thought out, and it is being well executed. And as I looked at the map and looked at the bridges which we overran so quickly with a fast armor attack in which the defenders, the Iraqi defenders, did not have a chance to blow, I look at the oil wells that they did not have a chance to fire up, to put aflame as they did in 1991 when we came into an Iraq that was literally carpeted with fires because the Iraqi defenders had a chance to ignite their oil fields, when I look at the other key infrastructure that has not been destroyed and was not laid down in the wake of the retreating Iraqis as a barrier to the American forces, one thing comes to mind, a lightning armor strike as fast as we moved it up those narrow causeways coming up through the center of Iraq has paid off.

And if we had waited, if we had held back, if we had choked those roads with more men and material and we had given them time to blow key bridges, we would have had engineers working in an exposed manner, being subjected to sniping, to potshotting; and we would have taken, in my judgment, Madam Speaker, more casualties. This operation is being conducted very effectively right now, and the Iraqi military is feeling that effectiveness.

Beyond that as we are ringing now the Baghdad area and hammering the remaining Iraqi divisions with heavy air power, it is very clear that even if we had heavy units ringing Baghdad, if we had another two, three, four, five divisions, we still would not have gone in until we attrited or brought down the strength of the Iraqi divisions with air power. So the number of heavy divisions that we had in that staging area at this time would not have been relevant. So once again in reflecting on that and going through the many hearings and briefings that we have had on the facts as they emerge on a day-by-day basis, Madam Speaker, I once again am impressed with the great leadership of our Secretary of Defense, Don Rumsfeld; the leadership of the President of the United States, George Bush; and the great operational leadership in theater of General Tommy Franks.

Madam Speaker, it is clear now that there is another war being fought, and that is the war for hearts and minds; and incidentally I am proud that the gentlewoman of New Mexico (Mrs. WILSON), a member of the Committee on Armed Services and a veteran of the U.S. Armed Forces, has put together this Special Order because this is kind of a time to talk about that other effort that is being undertaken, and that is what I would call the ambassadorial effort, the effort that is undertaken by all men and women who wear the uniform of the United States, and those people are proving to Iraqis who may have been subjected to lots of propaganda coming from Baghdad about how Americans were going to rough them up and be mean to them and ill treat them and they now have American GIs doing what American GIs have always done, and that is hand out candy to kids, be kinder than usual, giving away their rations and doing all those other things that young Americans are taught to do because of their moms and their dads and the communities that they are brought up in.

And, Madam Speaker, I think this is a historic time. I think it is a little bit like the days right after the close of World War II when all of Japan lay prostrate before the American military machine; and Japan's military leaders, because they were brutal and because they were cruel and because they were inhumane and especially looking at the things that they did to Chinese civilians when they took Nanking and looking to the beheadings and the mutilations that they undertook against American forces and the executions, they told their people to expect the same thing from the Americans.

And yet when those GIs walked down the streets of Tokyo, completely unopposed, in total power, they handed out candy bars to the kids; and we had almost no incidents, Madam Speaker, of brutality, of GIs acting out bad behavior. They were good ambassadors for this country and for our values. And they are doing the same thing right now, those grandchildren of those great GIs who persevered and won us our freedom in World War II. They are doing the same thing in Iraq because they are great people, and we are seeing now incident after incident of Americans proving that they have great values and that this thing that we call democracy over here is a good way to foster those values and maybe, when we get this country stitched back together, a good thing for the Iraqis to emulate.

I yield now to the gentlewoman from New Mexico (Mrs. WILSON), my great colleague on the Committee on Armed Services, who has some very good evidence of those good ambassadors; and I yield to the gentlewoman.

Mrs. WILSON of New Mexico. Madam Speaker, I thank the gentleman from California for yielding, and I also thank him for his leadership in the Committee on Armed Services at a time like this. I found his leadership to be refreshingly direct and full of good humor and also making sure that every Member of this body on both sides of the aisle have access to information, the kind of information that we need to make decisions.

I came to this whole thing very much a skeptic. I know about these things. I think anybody who has ever worn the uniform is always very cautious about using military force because we know the consequences of war and we often know many of the participants.

When we came to this House in October to decide whether we would authorize the President to use force, I think all of us came to that decision, a serious and sober decision, having been gathering information for several months. And I came to the decision that, yes, we did need to give him that authority, that we could not allow Saddam Hussein to have chemical or biological weapons or the ability to deliver them against Americans; and I also came to the decision that Saddam Hussein had the intent to use those weapons against Americans.

Over the last 2 weeks we have seen the cruel brutality of this regime. Day and night air power is degrading Iraq's command and control and its armored divisions with powerful, sustained, and precise engagements. And to prevent the regular army from surrendering or defecting, Iraqi death squads now depend on executions to maintain a climate of fear. They kill people, civilians, women, children, the elderly trying to cross bridges just to get food and water. That is the regime we are facing.

Most folks probably do not know this, but as Members of Congress, we are not told in advance exactly what the war plan is because we have no need to know, and the security of the operation is more important. We do not direct the Army or the Navy. We do not instruct the diplomats. Our role is different. But we do get briefings as things are going on, and we have been briefed daily; and I commend the Defense Department and the military for coming up here every day and answering questions from every Member of Congress that has them in a classified way about exactly what is going on so that we can put in some kind of context the soda straw views that all of us are getting on our televisions 24 hours a day.

I am very much a skeptic about military plans too. I was one of the Members of this House that opposed U.S. action in Kosovo, and I opposed it for the reason of principle. So I believe when we go into combat we must first have a very clear political objective, and in this case we do. Our objective is to overthrow the regime of Saddam Hussein, to rid Iraq of chemical, biological, and nuclear weapons, and then to put in place in Iraq a unified Iraq, a government that is responsive to its people. That is a clear political objective. I think people can understand that.

Second, we need a military plan that is tied to that objective. That was our failure in Kosovo, by the way. It was a largely humanitarian mission, and we had a plan that included only air strikes against a door-to-door campaign of ethnic cleansing. We failed in that military plan.

I have been looking day by day at this military plan as it has unfolded, not only what we see on television but what we are briefed on in detail in the gentleman's committee; and I have been very impressed. We were reassured before this started that we would use overwhelming force, the full force and might of the United States military, so that we could secure our objectives and bring our men and women home again. And that is what they have brought us, overwhelming military force, the full force and might of the American military.

At the same time this plan is being executed, we are also seeing not only the greatness of the American military but the goodness of the American military. The commander of the United States Marines in Southwest Asia the night before the launch of the ground attacks said to his troops we are going to show the world, we are going to show the world that they have no better friend and no worse enemy than a United States Marine. They have been showing the world. There is no better friend and no worse enemy than a member of the United States military.

This picture beside me was taken this weekend. It is of Annette Gonzalez; and she came to downtown Albuquerque in the plaza in Albuquerque, New Mexico, and she was a very quiet woman, but she brought a picture of her son. He is a sergeant in the United States Marine Corps, a staff sergeant. His name is Anthony. And before she knew it, Annette was surrounded by people on the plaza there in Albuquerque who gave her comforting messages, who told her that she would be in their prayers, who thanked her for her son's service; and she gets pretty choked up when she talks about Anthony. She says she is very proud to be a Marine mom, but nowadays it is very hard.

The last time that the family heard from Anthony was about 3 weeks ago when he called his wife to tell her that he loved her. Anthony grew up in Las Lunas. He wrestled there and he played football, and he joined the Marines in 1993 shortly after he graduated from Las Lunas High School. He is a proud father, and he is considering becoming a preacher so he can help his fellow Marines learn about God. And that brought his picture of his full dress uniform to Friday's rally in support of our troops in New Mexico because she wants people to know that there are real people serving in Iraq. There are husbands and wives and sons and daughters proudly serving their country, and Annette is very proud of her son. They need and deserve our support and our prayers, and they have it.

Mr. HUNTER. Madam Speaker, I thank the gentlewoman for that wonderful story, and I think that really reinforces the idea that the best ambassadors we have are not folks that stay in consulates and embassies. Of course we have Marines in consulates and embassies also, but they are the folks in uniform. And the gentlewoman mentioned Kosovo and of course the Bosnia operation preceded Kosovo, but I am reminded of a story that is another true story about another Marine, and that is General Randy West, now retired, who was undertaking a recon operation in Bosnia and came with his unit, with his force, to a bridge where a massacre had taken place, and Randy noticed among all the bodies there was a blanket laying on the frozen ground. It was the dead of wintertime. There was a little lump under that blanket, and he peeled it back, and it was a little baby boy. And he wrapped the baby up and sent it back to a hospital in the rear, and a couple of months later Randy was asking the governmental officials what had happened to this little boy that his recon element had shipped back to the hospital, and the official told him that the baby was still in the hospital, that he had not been claimed because the mom was Bosnian and the dad was Serbian and that the baby was still there but without anybody to come and claim the baby.

□ 1930

So Randy was telling me this story as we were walking up to his house in the Blue Ridge Mountains a couple of months ago, and as we got to the door, I said well, Randy, what happened to that little baby boy? And Randy opened the door, and there stood a young man, a couple of years old, and Randy said, "I want you to meet Randy West, Jr.," now his son. And that kind of heart and those types of values is something that permeates the United States military.

Madam Speaker, interestingly, and I would say to my colleague, the Vietnam experience was largely reflected, and I would say in an aberrational way, to the American public through the prism of some folks who probably would have to work hard to qualify for the title of drug-crazed hippies. Of course I am referring to some of the folks in Hollywood who saw Vietnam through the prism of their own experience. And generally, that experience was one of not participating in the Armed Forces and not having any idea of what went on in Vietnam.

So we had these nitwit movies like Full Metal Jacket and Platoon and all of these other things where every other GI was setting fire to a hut or madly spraying the countryside with his M-16, which, of course, were totally false and erroneous images. And in reality, most of the GIs, a great, great majority of GIs who were in Vietnam were also wonderful ambassadors. They were good people. They treated the people well. That is why after we left that country, half the nation tried to swim after us.

Now, they did not try to rush to the North where they could consolidate with the North Vietnamese Communists who offered them, of course, a worker's paradise, and they did not try to rush out to join up with the Hollywood directors who felt this great kinship for the folks from the North, but they tried to follow the GIs, because they knew the GIs were basically really good people.

That has been the story of this country. We see it in every town, every city of any size. We see the Korean community, much of which came over to the United States after getting to know the American military community, and we see the German community, and many other communities that got to know Americans and, because of that, wanted to be in our home within the boundaries of this great country.

So these folks are making relationships right now. They are meeting people. They are working with people. They are smiling, they are just being GIs. You cannot fake it. You cannot fake that sense of humor.

I know when I was in Afghanistan here a few months ago with a good CODEL of folks, Pete Geren, our great former colleague from Texas was with us, and Pete pulled me off to the side as we were going down through the row of tents and he said, we have to take a picture over here. I said, what is it? He said, I have to show you a picture. And this was in the middle of a windstorm and stuff was blowing all over the place. There was not a speck of grass. One of the tents had a sign in front of it that said "yard of the month," and Pete had to get a picture of that sign, "yard of the month," and that little windswept front of that tent that I think had a couple of cactus in a tin can prominently displayed.

So GIs still have that great sense of humor. They also have a sense of goodness about them.

Madam Speaker, Tom Brokaw wrote the book about the greatest generation, and since 50 years or so have passed since we won World War II, I think he felt he could now feel close to the people who probably had a lot of values that he probably would not agree with. But I think this generation that is over in Iraq right now in that theater is every bit as great a generation as the generation of World War II, the generation of Korea, and the generation of Vietnam.

I yield to the gentlewoman.

Mrs. WILSON of New Mexico. Madam Speaker, I thank the gentleman. I told the gentleman I was a skeptic about plans, and I am. I will share some of the things I think are right about what we have seen so far, what the military has accomplished under the leadership of General Franks in southwest Asia. First, the tactical surprise. I do not think the enemy, and I do not think a lot of Americans, expected him to jump off with a ground assault. We did not do that 12 years ago. We waited for 38 days of punishing air strikes. But instead, they did something that I think was smart and took advantage of the situation, a completely different situation on the ground, a completely different political objective and military plan to achieve that objective. But they got tactical surprise.

As a result, that force that came out of Kuwait not only seized the oil fields intact after they saw seven of them burning, they jumped off early to try to keep the rest of the oil fields intact to benefit the Iraqi people and rebuild Iraq, but they also seized the bridges up and down the Tigris and the Euphrates to allow our forces to advance instead, as the gentleman said, to build them as they go. So they had tactical surprise. They were rapid, very nimble.

We think about how hard it is to plan, to move forward a large mass of people and vehicles at the same time. Think about doing that and then all of a sudden telling them we are going to do that 12 hours early or 24 hours early. That could be a real mess. And they did it.

I think we have done a much better job in western Iraq than we did 12 years ago with the problem of Scuds and dealing with Scuds. Special Operations forces have been much more integrated with the ground and the air operation than we saw 12 years ago. And, as a result, they managed to control not only all of western Iraq where the Scuds were launching from 12 years ago, but to team up with the Kurds in the north and manage the problems in the north and seize key areas in the south and in the Persian Gulf.

It was the Polish special forces that were some of the first to fire and the first to act in the Persian Gulf in seizing oil platforms, and British and American special forces moving forward to seize key sites in southern Iraq. So we have seen that integration of Special Operations Forces into the plan.

Precision air. Madam Speaker, air power was decisive in the first Persian Gulf War, and I think even more so in this one, because we have gone from about 10 percent of our munitions being precision guided to 90 percent of our munitions being precision guided. And they are pounding the tar out of the Republican Guard divisions from the air. They have been integrated with the ground forces, so that the marine on the ground knows that if he needs air power, he gets it now, and he is not sitting in some queue or waiting for some A-10 to fuel up in Kuwait and fly for an hour and a half to get to him, while he has to sit there and take it until he gets there. He gets air there, now.

We have precision, very good real-time intelligence and the integration of space to the battlefield and to the soldier on the battlefield so that that real-time intelligence is actionable. All of us have seen the pictures of the Predators and the Global Hawks. We are also getting information on that first night of the war, the Central Intelligence Agency, working very closely with our military, both here in Washington and in the field, so that if there is a piece of information, the military can act, whether it is to rescue a prisoner of war as was done so effectively yesterday, or to target a critical target, as was done on the first night of the war. We are seeing unit-level communications much better than it was 12 years ago.

And we are seeing a joint operation. If we look back to Vietnam, we really did not operate as a joint military. The Navy had its route packages to fly, the Air Force had theirs, the Army was doing something different on the ground; there was no kind of integrated military operation. How much the American military has changed in the intervening years is astounding, and it is even more integrated today than it was 12 years ago.

Mr. HUNTER. Madam Speaker, if the gentlewoman would yield on that point, if we go back to precision munitions, it is important for the American people to understand what that means. That means that instead of having to carpet bomb a bridge to knock it down, we can hit one strut on that bridge, if you hit the right one and you know where you have to go, with one precision munition that goes in and hits that particular strut and brings that entire bridge down. Now, that not only gives you your military goal, which was to knock the bridge down with only one bomb instead of maybe hundreds of bombs, but it also means that the village nearby is not going to be damaged, it means that the car halfway up the road is not going to be damaged, although I remember Norman Schwarzkopf talking about the world's luckiest taxicab driver. When that one precision munition went into a bridge in 1991, just about a split second after the taxicab had gotten on to firm footing, that bridge went down. But those precision munitions give us a chance to be more humane and not to hurt people, and that is what we strive for in these operations, and we have done it very successfully.

As the gentlewoman said, most of our munitions now are precision munitions, and that enables us to use these big platforms, whether they are the fast-movers, the F-15s, F-15Es, F-16, our stealth aircraft, 117s or even the large heavy bombers, we are able to use those platforms to bring an enormous amount of firepower into a very tight area.

Madam Speaker, I saw the after-action photos that were taken after the Kosovo operation where we were trying to destroy the revetments for the Serbian Air Force. We did not want their planes to escape and come up and challenge ours. And B–2 bombers had flown all the way from Whiteman Air Base in Missouri to those targets; it hit the targets and returned home, and those craters and those revetments were as precisely placed as if somebody had walked out on the tarmac with an explosive and placed it by hand and then finally detonated it. That is the American technology that allows us to use less assets and to turn these platforms really into very precise military equipment that spare civilians and do not cause collateral damage.

Mrs. WILSON of New Mexico. Madam Speaker, if the gentleman would yield, on the Monday after the war started, I went to Holloman Air Force Base, and for those who are from New Mexico or who watch these things, on the opening night of the war, everyone who knew that those were the F–117s knew that the only base in America where we have the F–117 is in Alamogordo, New Mexico, at Holloman Air Force Base. I went there the Monday after it all started, and I met and had lunch with a lot of the spouses whose husbands, in this case, all of them were women, the spouses, and their husbands are deployed overseas. The squadron commander's wife has a wonderful sense of humor, which I think always helps in these kinds of situations. Apparently the wives were all talking about the morning after the whole thing started and they were trying to decide which two husbands were on that first mission, a very dangerous mission as it happens, because they went in without the usual cover that you would have in front of you. And she said that she looked at one of her friends and said, if they hit the target, it was my husband; if they missed, it was yours.

The families are so strong at home, and you can see it and feel it when you are talking to them. They support each other. And that is so true of the Air Force. One of the things that I thought was wonderful there is the wing commander, who is not deployed, every day when all of the 117s are back, he gets a phone call that everybody is home from their missions. And then the wing commander calls the squadron commander's wife, and then she calls all the flight commanders' wives, and they have a telephone tree. And by go-to-bed time in New Mexico, every spouse and every parent who has somebody flying the 117s in southwest Asia is reassured. And every child knows that dad is okay, that today dad is okay. And they sleep a lot better.

Now, that probably violates some rule or regulation, and Colonel Hunt may get in trouble for it for me mentioning it here, but please do not. He is using his judgment to do the right thing. His guys are halfway around the world flying and fighting a war, and I know in his heart he would dearly love, like any fighter pilot, to be with them. But he knows the best thing he can do is to make sure their families are taken care of so that they can focus on doing the job that they are doing and doing so well.

By the way, they hit the target, and they now know whose husbands were on the raid, and we are all very proud of them.

Mr. HUNTER. Madam Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

□ 1945

Mr. KINGSTON. Madam Speaker, I want to say as the proud Representative from the part of Georgia that has not just Fort Stewart and Hunter, where the 3rd Infantry division is headquartered, but we also have Kings Bay Naval Base and Moody Air Force Base and Robbins Air Base, we are very proud of what the 3rd Infantry and all of our soldiers and all the branches of service are doing.

I have had the opportunity to meet with the wives' groups at Fort Stewart. It is incredible, the strength these people have. As we often are sitting in our hearings in Washington, we can tell that most Members and most members of the public do not realize that many of these soldiers have already been in the theater area for 6 months. They are not on a 6-month rotation that some people seem to think, or a 3-month rotation. Many said good-bye to their loved ones back in September or October, and they have no idea when they are going to be coming home.

Our friend, the gentleman from Maryland (Mr. GILCHREST), who is a Marine veteran and a veteran of Vietnam, raised that issue today among us, about how much time until these folks are getting off. We do not know the answer to that question, because war is imminent. Nobody is talking about, you have Saturday off.

The reality is our soldiers have been fighting and training in the theater for many, many weeks and months at this point. It is key for them to have a good support group back home, and to have the families saying, Everything is okay, honey. Don't worry about us, just come home alive. That means so much to them.

Today, I have an e-mail from one of our staffers, whose husband is deployed, about an Easter egg hunt that the families are putting together at Fort Stewart. Everybody is going to be joining in, and it is going to be an Easter egg hunt like we have never seen before. There will be lots of big and little kids looking for Easter eggs. We cannot have the soldier in the battle without the family support group back home.

I will say also that our Reservists who have come to man these bases and posts while the actives are gone, they are doing a very vital thing for the war effort. It is amazing to see the unity of people coming together.

I had mentioned to the chairman today, one of the distressing things is some of our weak-kneed supports from groups in the U.N. that we thought were going to be with us. I was wondering if it would be appropriate to bring up some of those thoughts.

Mr. HUNTER. Madam Speaker, I thank the gentleman. Let me say that we definitely have some thoughts about countries which heretofore the United States had relied on very strongly. I am thinking of France, a country that we saved twice, actually three times in this last century, in World War I, World War II, and of course the Cold War; and also Germany.

I am reminded of that Berlin airlift which was a lifeline for free Germany, that enabled them to stand up to the Soviet Union with the help of 300,000 American troops over a long period of time, and finally marry up with the captive portion of Germany, East Germany, and become a community again. That was all done because of the strength and the friendship of the United States.

So, of course, I think lots of Americans have thoughts about those countries. But I would ask the gentleman if we could shift back just briefly. I was thinking about the operation taking place right now in Iraq.

In fact, I had my old company commander, Jim Yarrison, a great gentleman, a wise officer, here.

Mr. KINGSTON. Is that the one up here last week?

Mr. HUNTER. Yes. I think I introduced him to the gentleman.

Mr. KINGSTON. Madam Speaker, I had the honor of meeting the gentleman's former commanding officer. He said his years in the military did not wear him out nearly as much as being the gentleman's commanding officer.

Mr. HUNTER. I did not do anything special in the military, in the 173rd Airborne, but I served with some great guys; and Jimmy Yarrison was one of them. The day he came up, unbeknownst to him the 173rd Airborne, reconstituted in Italy, had jumped into Iraq.

We were with another great former trooper from Vietnam, Tom Carhart, with the 101st Airborne. It was awfully good to see a great comrade of the 173rd Airborne when the Sky soldiers have gone into northern Iraq, they are stabilizing that front, they are giving some American spine to that community, the Kurdish community, and acting as a great stabilizing force in northern Iraq right now. So the Sky soldiers were famous folks in Vietnam, and they are proving their mettle in Iraq.

That takes us to the point that the gentlewoman made when she went over the units that are in Iraq. When we look at the enormous firepower arrayed there, when we combine that with the great leadership they are moving under right now, and the fact that the 4th is now moving into place, it is clear to Saddam Hussein's forces, now isolated in a number of very poorly defended areas, that time is drawing short.

I would ask the gentlewoman to give us a little description of her thoughts of that, of the present situation in Iraq.

Mrs. WILSON of New Mexico. Madam Speaker, the gentleman was talking about the pride our American people, and particularly our American veterans, have in our units. All of us get a lot of mail, and I love getting letters from people.

I got a letter from a veteran of the 507th in the Vietnam era. It says here, "Heather, my name is John Campbell. I served two tours in Vietnam. I was a member of the 507th Engineer Group. I was a crane operator and a dozer operator and cleared land mines, among other things. Today I am in a wheelchair, in part because of combat-related injuries.

"I am proud to have served my country, and today I am proud the men and women of our military have once again answered our Nation's call to service. I particularly feel a connection to the brave soldiers of the 507th Maintenance Group from Fort Bliss. I am certain you have seen and read the news reports of the POWs from that group now in Iraq.

"I want to let them know that I and others from the Vietnam-era 507th group support them. Enclosed is a banner I had made that says, '507th Engineer and Maintenance, Vietnam and Iraq, good luck.' I would appreciate your help in getting this banner and a message to their home base at Fort Bliss, Texas. I want to tell them, 'Good luck and hang in there. We are praying for you to come home soon, and we know how rough it is. I wish I was there with you, but my wheelchair would probably get bogged down in the Iraqi desert sand.' "

Those kinds of connections and that support from the American people matter so much to our soldiers and sailors and airmen and Marines who are serving all of us now in Southwest Asia.

I find these letters encouraging, and also letters from troops who are over there now. I have a copy of another letter that is from a young Marine. I will not use his name, but his first name is Kent. He is with the 3rd Battalion, 5th Regiment, 1st Marine Division, so he is kind of busy at the moment. He went to St. Pius High School and graduated from there in Albuquerque. His parents live in Albuquerque.

He wrote a letter to them that I just thought typified the greatness and goodness of these young men and women we have serving in the military.

It says, "Hey, mom and dad," and this is written just before things started over there, when he was still sitting in the desert, "Hey, mom and dad, still living the high life. If there was a worse area in the world, I don't think I want to see it. This place just keeps getting better and better, since it is right now raining. Well, I, for one, feel great and proud. I feel great and proud and I love what I'm doing. This place is terrible, the toilets are disgusting, the sleeping areas are all right, and I love it.

"I love it because I just got done talking to our wacky Iraqi, Jack. He is our local Iraqi defector who escaped to the U.S. after the Gulf War and now works as an interpreter and an intelligence source. We just had a long conversation over lunch about what we are doing here, Iraq in general, and all sorts of things. His family was tortured by the Saddam regime, and his father was killed. He said his story was way too common, and that is why he is doing what he is doing.

"I thought the most poignant thing he talked about was about the protesters and people wanting a peaceful resolution. He says that anyone wanting a peaceful resolution needs to be over here for a year or so. He said his dad, who was tortured and killed, wanted a peaceful resolution, too. It didn't quite happen.

"Anyway, he made me realize that this is where I need to be. I am, of course, coming home; but, you know, war and all. But damn, I feel like I am part of something great and truly going to help a lot of people. Is that too much of a cliche? Anyway, the point is, this place is awful and there really is no place I would rather be. Okay, that is all. I will write soon. Love you, Kent."

Mr. KINGSTON. Madam Speaker, if the gentlewoman will yield, it is unbelievable when we talk to the soldiers who have that sense of mission, who have had the opportunity to talk face-to-face to the Iraqis who have been oppressed.

There is a group in Washington, D.C., a women's Iraqi advocacy group. They talk about being arrested and having their family members killed, and having cousins and brothers disappear. They say over and over again that the only thing that is going to liberate them from this oppression is an outside intervention by a country such as America that has a moral high ground.

It is unbelievable when we hear the Hollywood crowd, the blame-America-first people, who have done so well by the United States' system of capitalism and government. Yet, they are the first ones to jump up and down and blame things on America.

What I would say to the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from California (Mr. HUNTER), I hear a lot of people say, I do not support the mission, but I support the troops. Tell that to the young soldier who wrote that letter. We cannot do it, we have to say, love me, love my mission. If we are going to support the soldiers, tell them we agree the mission is very important and what they are doing is the right thing.

Mr. HUNTER. Madam Speaker, I am looking at the picture behind the gentlewoman from New Mexico (Mrs. WILSON) of the G.I. with the baby. Before this campaign is over, we will have passed out lots of vitamins; given lots of inoculations; lots of milk, probably in powdered form; and lots of food for the people of Iraq. They are going to know the friendship of the American people.

That takes us back to our contribution as Members of Congress. What we can do now is get our folks in uniform the tools they need to get the job done. I looked at the supplemental appropriations bill coming up and the $62 billion for DOD, for the Armed Forces. We have to replenish that ammunition, those spare parts, all those things.

I looked at that fairly carefully and looked at what the gentleman from California (Mr. LEWIS), our chairman of the Subcommittee on Defense of the Committee on Appropriations, has done; and what the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, and all the members have done, Democrat and Republican. They have put in a good supply of what it is going to take to get the job done.

Of course, along with that there is going to be lots of humanitarian aid. There is going to be, after this operation, water systems to maintain, transportation systems to maintain. We are going to have to be able to keep the wheels turning and get this country with a new birth of freedom rolling again. Of course, that will be the Americans.

I am reminded, somebody said, war is terrible. I thought, yes, war is terrible. It is what gave us our independence, and it is what got rid of Nazism and fascism. War is terrible. But in the wake of war, only the Americans are generous and good and kind to the folks, even to the folks who ran the operations, the military operations against them.

Once again, I am reminded of the country of Japan, which after it had engaged in a sneak attack at Pearl Harbor and killed 5,000 American service people in that surprise attack, mutilated people, executed people in World War II, killed 30 percent of our POWs while they were incarcerated, we took that country, and they expected us to be as brutal to them as they had been to us.

America said, here is a Constitution. We have one requirement of you, you conquered people. They said, what is that? We said, be free, have access to our markets, sell anything you want in America. You do not have to buy anything from us; we will give you money. We will help you out when you need it, and we will provide for the next 50 years a defense umbrella to make sure that nobody engages in violence against this great nation of violence in World War II, the country of Japan.

We did the same thing to Germany; and after the two Germanys came together, a united Germany.

□ 2000

And that is the mission of this country, and people know that, too. And one of the great stories that represents, I think, is one that my mom and dad told me is when they had been ON a trip to the Philippines. They related being in Manila at the American Embassy when an anti-American demonstration was taking place and there were some organizers in this demonstration and they had some very carefully worded placards all with anti-American slogans on them. And they were paying people to march around with these slogans, "Down with America."

Well, my mom and dad looked at this long line of people at the embassy waiting to get their visas to come to the United States, and they noticed that the anti-American demonstration organizers would regularly go over to the line of visa seekers, pay them money. The visa seekers would ask the person in front of them in line to hold their place, and they would then go out and take their placard that said "Down with America," and they would march around for half an hour or an hour or so, and they would go back, give the placard back to the organizer, receive their money in payment and go back and get in line to get a visa to go to the good old United States of America.

Do people know what we are all about? Absolutely. And a little propaganda television from Saddam Hussein or any of the other people who want to paint us as evil folks cannot erase that and they cannot take that away. People are smart. And the people OF Iraq, when they do not have a gun to their head and when they know their families are safe, are going to turn in the right direction. That direction will be towards the United States of America.

Mrs. WILSON of New Mexico. There has been a lot of carping in the last few days about plans and a lot of criticism from folks who have not seen the plan and have not been briefed on the plan, do not know what the plan is but they are critical of it, and others who say, oh, well, you did not anticipate this in your plan. There is a quote I remember once from General Eisenhower. He said, "Planning is indispensable because it gives you something from which to deviate."

Any commander worth his salt will plan well and then will react to what is going on on the battlefield. I would be concerned if our commanders were sticking slavishly to a plan and not reacting to the things that were going on around them. The point is not the plan. The plan allows people to think through the potential problems. You cannot anticipate all of them, but they have done pretty well. And when they have not anticipated, they have relied on the ingenuity of the American soldiers to sort it out and their good commanders to give them the resources they need to get the job done.

And I know that there is a war, a battle in southwest Asia and we all know there is the battle of the Potomac as well. There are people with different agendas around this town who might be upset about the Crusader cancellation or the fact that there is a Marine as the SACEUR or that there is a Marine as the Vice Chairman of the Joint Chiefs of Staff instead of somebody who is wearing a different shade of green. There is a lot of bitterness and game playing going on in this town. And, frankly, there are a whole lot of us here who do not much like it, and we do not even respect it.

And I was glad that the Chairman of the Joint Chiefs of Staff, who is a pretty taciturn Kansan, was just about as blunt and direct as I have seen him yesterday and saying exactly what he thought about this kind of arm-chair quarterbacking by folks who had either long ago hung up the uniform or were still in it and calling themselves "anonymous sources." No decent officer is an anonymous source. And I was very glad to see him put some of them right and defend exactly what his plan was in collective operations going on in southwest Asia.

So here is to you, the gentleman from Kansas, and thanks for standing up for what you believe in.

Mr. KINGSTON. It does seem that in Washington, D.C. you go from maybe major to lieutenant colonel to colonel to general to journalist. And it seems that after you have turned in your uniform, you get more information and you are briefed in more top secret stuff than when you were active. Because it is amazing, the ex-generals who now can tell people what the plan is; where I would kind of think that if you do have a plan, which obviously you may need to deviate from, but you sure do not share it with everybody and his brother, as much as these embedded journalists like to think that they are in the Army. The reality is there are certain things they do not need to know.

I wanted to say a little bit, one thing about this open society we have, this open war where the camera is right next to the rifle, it has got some good and it has some bad. But one thing that is seen over and over again is the United States' efforts to minimize collateral damage. And here you have Saddam Hussein who hides behind school children, who hides behind mosques, who takes his palaces into the civilian areas so that he can cower behind them. And even with that we minimize collateral damage.

But you know, it is really bad when you have groups like the U.N. who have a role to play on the treatment of our prisoners of war, and all Kofi Annan has done today is say he is worried about the collateral damage because a missile hit a marketplace in Baghdad. We do not even know if it was an American missile or not. Does he say, America is bending over backwards to minimize collateral damage? That is a good practice. And is it not too bad that Saddam Hussein is hiding behind civilians and children and women? Is it not too bad? And is it not too bad that the Iraqis put out white flags of surrender and then turn around and ambush and shoot troops? And is it not too bad that they parade American POWs out on worldwide television and even show executed prisoners of war on TV. Not one word from the U.N. on that, but let them come back one more time with one of these veiled criticisms of America.

I think one thing you have mentioned is people can do all the anti-American talk they want, when there is a problem in the world it goes to the United States of America to solve. And the biggest criticism we get is people do not like the way we try to solve problems. But can you imagine trying to turn to France, trying to turn to Germany, trying to turn to Russia, trying to turn to China to solve problems in the world today? What kind of world would we live in if Saddam Hussein could have continued to gain the U.N. and America blinked and backed down from the action that we are having right now?

Mr. HUNTER. On that point, it is interesting that since the days of World War II people have asked in schools and colleges and in family settings, how could the world stand by while Adolf Hitler gassed people to death in these gas chambers in places like Dachau and Auschwitz, and literally killed millions of people in such a horrible way, gassed them to death? How could the world stand by?

Well, the answer is, if you look at what happened to these Kurdish villages and you see the pictures, which we have all seen, of little Kurdish babies and their mothers lying on the ground after a heavy dose of poison gas by Chemical Ali, the gas-dispensing Minister of the Department of Defense of Iraq under Saddam Hussein, we see the answer.

You know what is interesting, after those Kurdish villages were gassed and those people were killed in that despicable manner, there were no demonstrations in Berlin or London or in liberal places throughout the United States. In fact, nobody, nobody in the world did anything except one country, the United States of America.

Now, we have missed some of these and one thing that I have regretted is seeing those bodies float down the Rwanda River after the massive massacres that took place in Africa where innocent people were killed in huge numbers and the United States, with all of our power, did nothing. And as a Member of Congress, I wish and I regret that I had done more, that I had taken an effort.

There are massacres that take place around this world and there are evil deeds that are done to people by dictators. And sometimes those dictators are beyond the means and the reach of the United States of America. We saw that, I think by British estimate, some 20 million people were executed by the Communist Chinese and actions were not taken by this country.

But in many cases we do act. This is one of those cases. So when those people asked the question about how you could stand by and watch Mr. Hitler commit the atrocities that he committed before and during World War II without taking action, the answer is that just recently thousands of people were gassed to death by an evil dictator, and no one in the world took action except the Americans and our allies.

And I want to mention the British and those folks that sided with this coalition, and there were lots of them. But the real message for us is if the United States does not lead the free world, the free world will not have a leader.

President Bush is manifesting that leadership right now in a very effective way. And right by his side is Donald Rumsfeld and, of course, the Chairman of the Joint Chiefs who has been mentioned, General Myers. And of course we have that great American, very sharp, very smart, very effective in strategy and tactics, General Tommy Franks, leading this operation in the theater. With that team and with the team of all of the folks that wear the uniform of the United States, we are going to win this contest.

Once again, I want to thank this gentlewoman for bringing out not only the military operational effectiveness of this present campaign in Iraq, but also the campaign of goodwill that people in uniform are bringing to the people of that country, the good old GIs who by their values and by their demonstrations of kindness are winning a lot of folks over even as we speak.

Mrs. WILSON of New Mexico. I thank the chairman. And maybe the way for me to at least close my participation in this 1-hour Special Order that we are having tonight is with another e-mail. I think it shows the goodness of the American military. It is one thing to be great. We have a great American military who can do things that no other military in the world can do, the overwhelming power. But we also have a very good American military. And sometimes I think it is more important to be good than to be great.

This is an e-mail that was forwarded to me by a master gunnery sergeant. And master gunnery sergeants are not necessarily known for their softheartedness, although I think that is actually a myth. I think some of them are the softest-hearted guys. They are kind of like chocolate-covered marshmallows, tough on the outside but marshmallows on the inside.

It says, few things move me to get misty but there are a few, and this one did. He saw this and described it this morning on CNN. And he wrote it down in an e-mail, what he saw. He said, Martin Savage of CNN, embedded with the 1st Marine battalion, was talking with four young marines near his foxhole this morning live on CNN. He had been telling the story of how well the Marines had been looking out for and taking care of him since the war started. And he went on to tell about the many hardships that the Marines had endured. And he told them that he cleared it with their commanders to call home, for each one of the four to call home. And he turned to the first marine next to him, a 19-year-old kid and said, Who would you like to call? And he said, Well, sir, if you do not mind, I would like to allow my platoon sergeant to use my call. I would like to give my call to him to let him use it to call his pregnant wife back home who he had not been able to talk to for 3 months.

Savage was stunned. And the young man ran off to get his sergeant. And then he turned to the other three who were still there and he asked which one would like to call home first. And the marine closest to him responded, Sir, if it is all the same to you, we would like to call the parents of a buddy of ours, Lance Corporal Brian Buesing of Cedar Key, Florida. He was killed on the 23rd of March near Nasiriyah. We want to see how his parents are doing.

At that, Martin Savage was close to tears and unable to speak, and all he could say before signing off was, Where do they get young men like this?

I will tell you where we get them. We get them from Palestine, West Virginia and Saint Charles, Indiana; we get them from Sherwood, Oregon; Queens, New York; from Midland, Texas; from San Diego, California. We get them from Lee, Florida; from Adams, Colorado, and Mountainair, New Mexico.

Mr. Speaker, I thank the chairman for letting me join him here this evening.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman. The USA will prevail.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–57) on the resolution (H. Res. 172) providing for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPUBLICAN BUDGET

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

Mr. CUMMINGS. Mr. Speaker, tonight I come with a heavy heart and come with members of the Congressional Black Caucus and some members of the Congressional Hispanic Caucus.

We come, Mr. Speaker, at a time when our country is at war; and we want to say from the outset that we support our troops with all our heart and that we spend our days and our prayer time praying that they will be kept safe.

At the same time, Mr. Speaker, on next Friday, it will be my sad duty to be with a gentleman named Michael Waters as he parts with his son Kendall Waters-Bey, Sergeant Kendall Waters-Bey for the last time. His son was one of the first young men to die in the Iraq war. As a matter of fact, Mr. Speaker, I was supposed to be meeting with the father of Kendall Waters-Bey tonight; but he, I am sure, would have preferred that I join the Congressional Black Caucus this evening in not only lifting up the name of his son but also lifting up the names of all of our people who are in our military who are giving their blood, sweat and tears and, in his case, his life.

So our sympathy goes out to all of those families who have lost loved ones. Our prayers go out to all of our military personnel and others who may have been harmed. Our prayers go out to all of those who find themselves in harm's way.

As I sat here, Mr. Speaker, listening to the previous hour, I could not help but think about the fact that the Republican budget cuts $28.3 billion in veterans benefits over 10 years, compared to the amount needed to maintain purchasing power in at the 2003 level. It hurts my heart. Of this $28.3 billion, $14.2 billion are cuts in health care, and there is a 3.8 percent cut in overall benefits.

Mr. Speaker, I ask how we could possibly, with a clear conscience, deny the tens of thousands of veterans that we just heard about. They will be veterans, too. How can we deny them these benefits?

So it gives me great pleasure to yield to the distinguished gentlewoman from the great State of Texas (Ms. EDDIE BERNICE JOHNSON), who has been a fighter with regard to standing up for what is right and has consistently been a conscience for this Congress and for the United States of America.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for our Chair of the Congressional Black Caucus for organizing this hour tonight.

Mr. Speaker, sometimes when I hear the comments about the troops that we all strongly support, we forget that if they survive this war they will be veterans; and it is the veterans that we owe a great deal to for our freedom, but we really have left them behind in this budget.

So I rise to express my opposition to the Bush budget, because despite President Bush's pledge to leave no one behind, the budget has proposed leaving out over half of African Americans and Hispanic families; and this really is not compassion with conservatism, conserving resources for a very, very few.

Can my colleagues just imagine in less than 2 years, 2.5 million private jobs have been lost since January 20, 2001? The unemployment rate for African Americans has climbed 28 percent from 8.2 percent indicating really how African Americans will be disproportionately impacted by this budget. The employment rates for Hispanics is up by 33 percent.

I am from Dallas, Texas, where we have lost many jobs because we are very high tech in our employment. For every job lost in the high-tech field, there are three other jobs lost in low-income jobs because they are hired for cleaning homes, doing the yards, keeping the children; and we have a record number of foreclosures, not of poor people, but working people because they have lost their jobs.

This budget does not help because it is cutting adult training programs, the dislocated workers programs and the employment service State grants by $60 million below the 2003 enacted level, while freezing funding for youth employment activities at the 2003 enacted level. That is leaving most of the American people, the workers, the real taxpayers behind.

The budget leaves Americans behind on education. Vital programs like Head Start are taking tremendous cuts. Many more children should be enrolled in Head Start because we have said over and over again that education is so important for the future. The proposed budget provides $9.7 billion less than the amount promised in Leave No Child Behind.

The Bush budget proposes to cut the maximum Pell grant from $4,050 in 2003 to $4,000 in 2004, when he promised, in my presence, to some college presidents that the Pell grants are key to helping low-income young people to get to college. In fact, more than 45 percent of the African Americans and 40 percent of Hispanic students in 4-year public colleges and universities depend on Pell grants to make college affordable.

The budget essentially freezes the funding for the historically black graduate institutions to $53 million, and for Hispanic-serving institutions to $94 million at the 2003 enacted level, at a time when we encourage minority students, with everyone else, to get a better education. They have to get a better education in order to have a job. We are still the last hired and the first fired. So education really is essential, not just for jobs, but also to understand each other and to be able to relate to our diversity now.

It leaves our seniors very vulnerable, exhausting the Social Security trust fund over the next 10 years to try to fill in for this deficit that is. I cannot believe that we went from almost over a $1 trillion surplus to over a $1 trillion deficit in less than 3 years.

African American and Hispanic seniors are even more likely than others to rely solely on Social Security as their source of income upon retirement. The proposed budget does not even address Medicare increases for seniors, and yet I hear billions and billions being talked about, going out of the country, while we leave the American people at risk.

I am not opposed to foreign aid; but I do think homeland security is very, very important, and this is a part of homeland security. The American people want to feel safe, and safety has a lot to do with employment and education, but this budget does not seem to understand that.

Our college young people are coming home because parents have lost jobs, and they have to drop out of college, and they get home and find that the house has been foreclosed as well; but the President's budget makes many cuts in public housing, even though these funds are critical to making it possible for 1.7 million low-income families to have homes, and this is not all African Americans and all Hispanic. This is low-income Americans.

More than 45 percent of these residents are African American, and nearly 20 percent are Hispanic; and it is growing. So that is according to HUD's multifamily characteristics report.

The proposed budget eliminates funding for the HOPE VI program which replaces distressed low-income housing with new strong community housing. That also provides opportunities for homeownership. All of us know that when one invests in a home it brings about pride. It brings about new wealth, and it also brings about a good deal of safety because crime goes down, children are stable in homes. When they are using rental property, some young people, some kids, change schools three times in one school year. They cannot be caught up because every time somebody offers a month of free rent, the parents move to get that one month of free rent; but they are dislocating children, inconveniencing and handicapping our teachers, and disproportionately burdening our school systems because they cannot plan when we have a moving population at all times.

So, sadly, in a democratic Nation, we have also witnessed Americans being left behind with a vote. We worked from January 2001 until November last year, 2002, trying to get some kind of election reform so we can be sure of who we elect to office. The proposed budget offers $500 million in funding for election reform, undercutting the Help America Vote Act authorized at the level of $1.5 billion. That is how we distinguish what a democracy is. It is whether someone can speak out for whom they want as their leaders and make sure it is counted. The Help America Vote Act must be fully funded to ensure that every citizen's right to vote is protected. Every citizen, every citizen.

In fact, the Civil Rights Commission found that minorities, particularly African Americans, were the Americans most impacted by the loss of voting rights. They were the ones who were not counted well in Florida. If they had been, we might have a better economy, because it sure would not be the President that is over there now. It would have been the President that got elected; and unfortunately, this Bush budget does not address any of these concerns.

So homeland security involves a lot of things; but most importantly, it also involves our first responders. Firefighters, police, emergency medical personnel, all are in jeopardy because the Bush budget includes $4 billion less than what is required for them to do their jobs adequately.

We are in dismal shape in this country and everyone should be feeling it; and if they have not felt it yet, they will. We cannot afford to leave the Americans and their agenda without adequate security through education, housing, and a means to economically sustain themselves and their families.

As lawmakers, we have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American dream: life, liberty and the pursuit of happiness.

We must reject this budget. It is clear that if the President's budget office has given out negative information about this budget, we know that others see it, feel it, and will never forget it.

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Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement.

Mr. Speaker, a lot of people have asked the question, why is it that members of the Congressional Black Caucus have decided to address the budget issues while the war is going on? And it is very simple. It is what the gentlewoman from Texas just said. Life goes on in this country. We believe very strongly that not only must we protect our country from outside forces, and, sadly, some home-grown forces, but we also realize that at the same time we have to make sure that we keep America strong.

As the gentlewoman said, when we talk about our children and a program like Head Start, it is so very, very important with this budget that so many of our children will be denied the opportunity to get that head start. When we look at an issue like the $215 billion of cuts in the House Republican's budget for Medicare and Medicaid, for school lunches and student loans, in agriculture and veterans programs, that is major. Major.

So while the war goes on, as the gentlewoman from Texas said, we have to make sure that when our veterans come home that they come home to a very strong America.

And speaking of a very strong American, it gives me great privilege to yield to the gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS), our outstanding and very dedicated and very brilliant chairman of the Congressional Black Caucus, for his leadership and for his vision and for organizing once again this Special Order to really discuss the disastrous Republican budget and to examine the terrible toll it will take not only on communities of color but on our entire country as a whole.

As we support and pray for our troops, for their speedy and their safe return, I have to ask tonight what kind of America, what kind of opportunities and support will we provide for them upon their return? Our troops and our veterans deserve a sense of economic security. This Republican budget, however, demonstrates nothing less than a very profound disregard for the majority of Americans and for the future of this Nation. It sacrifices our children, our seniors, our security, our veterans, our environment, and our economy in order to advance special interests and promote tax breaks for the wealthy.

This is a national mistake, and the repercussions of it will be felt in cities and rural communities and towns across America. They will certainly be felt in my district in northern California, where the high-tech economy has struggled, where housing costs are sky high, where seniors and veterans are struggling to pay medical costs and grocery bills, where seniors sometimes have to choose between their medication or buying food, where school infrastructure is crumbling, and where the State budget is reeling from the body blows struck by the recession.

In the last year, we have seen rising unemployment, escalating housing costs, and a floundering economy. We have seen, however, tax cuts for the rich that the President wants to make permanent, forever protecting the richest 1 percent at the expense of the rest of us. That is wrong. And now we see $1.6 trillion in additional tax cuts for the wealthy. Those tax cuts and those misplaced priorities help explain why this budget falls $4 billion short of the money we need to invest in homeland security according to nonpartisan experts. They help explain why this budget underfunds education, shortchanging special ed, gutting afterschool programs, freezing Pell grants and ultimately leaving millions of children far, far behind.

With the struggling economy and millions of Americans unemployed, this budget cuts spending for job training and employment programs and does nothing, absolutely nothing, to create new jobs. It also cuts funding for environmental programs, including badly needed enforcement programs at EPA that will safeguard our water supply and our children's health. Communities of color will continue to pay the highest price for pollution. This budget will only increase environmental injustices and the health costs it exacts every day.

In terms of energy, the budget reinforces our dependence on fossil fuels by cutting energy efficiency programs and assuming drilling in the Arctic National Wildlife Refuge. In energy, in education, in security, and in so many other areas, we should be investing in our future rather than bankrupting our children. With this budget, we will be spending as much on defense as the rest of the world combined. But, Mr. Speaker, $400 billion plus for defense that underfunds homeland security will not make us any safer.

We could put some of these resources, and we should put some of these resources into health care, but the Republican plan is not designed to expand health care access. For example, seniors would be herded into HMOs and forced to abandon their own doctors if they want prescription drug coverage. This budget threatens Medicare without offering real coverage. And again it will hit African Americans, Hispanic Americans and other minorities especially hard.

We have enormous health disparities in this country and this budget just makes them wider. Most of the 9 million children who lack health insurance in this country are minorities, children of color. Under this budget they remain uninsured. It even cuts Medicaid coverage for children. Cuts it. And it slashes funding for minority health programs.

Instead of spending billions on a faulty and unproven missile defense system, we should put more resources into housing, which is a national emergency and a national disgrace, but this budget cuts funding for public housing. It eliminates funding for the HOPE VI program to replace public housing structures that are in terrible condition. I ask you, without HOPE VI, what hope will those residents really have?

The credibility gap between the administration's rhetoric and its budget grows each and every day. The President promises an economic stimulus but offers tax cuts for the wealthy that leaves small business out of the picture, even though small businesses are the real engine for economic growth in this country. The President promises to leave no child behind, but then cuts nearly $1 billion of funding, $1 billion, Mr. Speaker, for elementary and secondary education. The budget cuts teacher quality programs and afterschool programs for our kids and slashes Pell grants and Perkins loans that can transform college from an impossible dream into an actual diploma.

The President praises our troops, as we all do, but then decimates veterans programs, enacting cuts that will reduce cost-of-living increases for the veterans who are with us and who have served our country well. What a shame and what a sham. Our veterans deserve better. Again, rhetoric versus reality.

Look at the budget. It is about choices. We could choose to invest in our future, grow our economy, enhance our security, look out for our children, our senior citizens and those who are struggling economically, or we could, as the Republican budget has demonstrated, provide tax cuts for the multimillionaires and special interests.

I hope it is not too late to wake up America to the damage that is being done to our country, to our children, and to our future. That is the choice that the Republican budget offers. Once again, America, wake up to what is going on in Washington, D.C.

Mr. CUMMINGS. I want to thank the gentlewoman for that wonderful statement, Mr. Speaker, and I just want to emphasize something that she said, because we have heard so much about support of our troops. We all support our troops. But the fact still remains, and we need to say this over and over again, the Republican budget cuts $28.3 billion, billion, in veterans benefits over 10 years compared to the amount needed to maintain purchasing power at the 2003 level.

The gentlewoman talked about veterans, and I just wanted to emphasize that because that is so significant. We do not want to be a Congress that says one thing and does another. I think that is what the gentlewoman was emphasizing.

Ms. LEE. Well, Mr. Speaker, I thank the chairman, and, yes, I think this really highlights the credibility gap, this increasing credibility gap of this administration.

And as I say, with regard to our veterans, it is really a shame and a sham that this administration is cutting their benefits, cutting out their economic security that they so deserve. They have served our country well. Our troops deserve better upon their return, and we are going to fight this to the end, Mr. Chairman.

Mr. CUMMINGS. It is very painful when we go to the American Legion meetings and we see our veterans in parades and they meet us at the shopping centers, or wherever they see us, and so often they come to us with their concerns. I agree with the gentlewoman, if we are going to support our veterans, we have to support them with everything that we have. Clearly, when we are cutting $28.3 billion, and I emphasize that "b," over a 10-year period, I do not know what kind of message that sends.

Ms. LEE. Mr. Chairman, I do not know what kind of message it sends, and also I do not think this administration remembers that we have many homeless veterans now who are just seeking shelter and a place to live. That, again, is a disgrace that we need to address in this budget. We need to address their access to health care and to housing and to all of those support services which they need. They fought for us and they deserve a decent life. They do not deserve to have their funding cut, as the President intends to do in this budget.

Mr. CUMMINGS. I thank the gentlewoman. It is my pleasure now, Mr. Speaker, speaking of veterans benefits and speaking of standing up for veterans over and over and over again, to yield to the gentlewoman from Florida (Ms. BROWN), who has been an 11-year veteran of the Committee on Veterans' Affairs.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Maryland for his leadership in organizing this Special Order, and to the members of the Congressional Black Caucus for participating.

Mr. Speaker, I have served on the Committee on Veterans' Affairs for 11 years, and I do not think I have ever been as outraged at the shameful act of this Republican leadership as I am today. On the same day that this House voted to commend our troops and the work that they are doing in Iraq, this same Republican leadership pushed through a veterans budget that cut the VA budget by almost $30 billion. Let me repeat that. Thirty billion dollars.

Republicans can talk the talk, but they do not walk the walk. Or as one veteran group says, they do not roll the roll. It is not what you say, Mr. Speaker, it is what you do.

Our troops today are tomorrow's veterans. These cuts mean the loss of almost 20,000 VA nurses at a time when we are already experiencing a nursing shortage. These cuts mean the loss of 6.6 million outpatient visits. These cuts mean the disenrollment of over 160,000 veterans in a 1-year period from the VA health care system.

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Not only that, but these cuts also mean reaching into the pockets of our Nation's service-connected veterans and robbing them and their survivors of a portion of the promised compensation. And the veterans are not the only unlucky recipients of the Republican budget ax. Elementary and secondary education as well as teacher quality programs also get the ax. Head Start and school lunch programs get the ax. The Office of Minority Health and the Ryan White program all get the ax.

Mr. Speaker, I do not have enough time here today to let the American people know about all the crucial programs that the Republican leadership does not think are more important than funneling money to their country club friends.

Mr. Speaker, this budget dishonors the service of millions of veterans and our Nation's commitment to care for its defenders. Mr. Speaker, I cannot express it any better than the Disabled American Veterans did so appropriately in testifying on this budget, and I quote, "Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care, and disability compensation to pay for a tax cut for the wealthy? " Let me repeat that again. Somebody out there needs to hear what I am saying.

The Disabled American Veterans, in testifying before the Committee on Veterans Affairs said, "Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy?"

Mr. Speaker, I call on all of my colleagues who so vocally supported the troops 2 weeks ago on the floor to stand up today and put their money where their mouth is. This budget is one of the best examples of what I call reverse Robin Hood, robbing from the poor to give tax breaks to the rich. Wake up, America.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for her statement, and I want to thank her for emphasizing our veterans when the gentlewoman said today they are soldiers, and tomorrow they are veterans. When we see those soldiers parting from their families to go overseas, when we see their interviews over in Iraq, some of them with sand in their faces and hot weather, giving up their lives, blood, sweat and tears for us, it seems to me that we would not want to do this double talk thing.

I am so glad the gentlewoman said what she said because a lot of times when we talk about the Congressional Black Caucus, people conclude that we are just talking about African American people, but we are talking about all veterans. I know that the gentlewoman has been fighting year after year, day after day. I have heard her so many times on this floor standing up for all of our veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, we talk a great talk here, and on Veterans Day we are all involved in the parade; but what is very discouraging is when we get in the closed rooms of the conference and they say, well, we do not have enough. Well, the Bible tells us, and many of my colleagues talk about the Bible and the poor will always be with us, but our job in Congress is to help raise the standards.

How can we deny our veterans fighting for us today? They will come home tomorrow, they are going to need assistance and counseling, and yet we are cutting programs. It is a disgrace. I say, wake up, America.

One last thing as far as our veterans are concerned. Many of them are African Americans. They are fighting for this country today when we have a Commander in Chief who says you are good enough to go fight, but you are not good enough to go to our universities, and that is a disgrace. Wake up, America.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for mentioning that. Over and over tonight we have been saying we support our soldiers, our men and women in the armed services, and we want to make sure that they come back to an America that is strong, an America that will support their families, an America that will support them when they have health care needs. I can think of no better person than the gentleman from New Jersey (Mr. PAYNE) to address those issues. The gentleman has constantly, like the gentlewoman from Florida (Ms. CORRINE BROWN), has stood up for veterans, but not only stood up for veterans, but stood up for people all over the world, traveling constantly to Africa and around the world trying to make sure that the entire world knows of the concern of not only the Congressional Black Caucus, but of the American people for people who may never even know all that he has done for them.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I commend the gentleman from Maryland (Mr. CUMMINGS) for the leadership the gentleman has shown in the Congressional Black Caucus in the short time he has been our Chair. Just this past weekend the gentleman conducted a housing summit in Florida where the gentlewoman from Florida (Ms. CORRINE BROWN) had close to a thousand people during the weekend coming to a housing fair, and his participation in Houston, Texas, where he and the gentlewoman from Texas (Ms. JACKSON-LEE) talked about the fight against the Bush plan to end affirmative action. I think the great work that you have been doing is commendable; and as was just indicated, affirmative action is supported by many of the Fortune 500 companies. I spoke at a Black History Program at Merck in New Jersey, and mentioned seven or eight of the companies that were supporting affirmative action, and I failed to mention Merck, and as I finished my speech and came off the platform at their home office, they said we are part of that suit that supports affirmative action.

Our military generals, such as retired General Schwarzkopf, say we should keep affirmative action, especially because our troops need to see diversity in our leadership. As we talk about that, I would like to join with the gentleman in this question about the budget.

I rise to join my colleagues in expressing my grave concern about the budget plan approved by the Republican-controlled House of Representatives. With our Nation engaged in a military conflict overseas, we are told that this is a time of sacrifice on the part of Americans. Unfortunately, both in the military conflict and on the domestic front, sacrifices are being asked mainly from those at one end of the income scale. The fact is that the sons and daughters of wealthy Americans rarely serve in combat while minorities and lower-income men and women serve in disproportionate numbers. It is a time we as a Nation renew the spirit of shared sacrifice. That is what made us so strong in World War II, shared sacrifice, rationing of food, rationing of meats, fuel, price controls, wage controls. Everyone came together, and that effort during World War II made us and saved the world and rebuilt Europe, and Asia then began to strengthen itself. Shared sacrifice is what is fair, not what we are seeing today.

During this time of rising unemployment rates, we should be concentrating on creating jobs for those out of work rather than giving the wealthy more tax breaks through a $1.3 trillion tax cut. Is that fair? Is that shared sacrifice? I do not think so from my math.

Is it fair to approve a budget that cuts domestic appropriations by $244 billion over 10 years, below the amount needed to maintain services at the present level, and we know that services will need to increase, but at the present level cutting it $244 billion? All of the spending cuts will be used to finance the huge tax cut for the wealthy, for those at the country clubs, which most Americans say we should not do. Most Americans say we should not have a tax cut at this time, but the Bush administration insists on a $1.3 trillion tax cut for the wealthiest of our Nation.

As a former teacher and as a member of the Committee on Education and the Workforce, I am deeply concerned about the fact that the Republican budget approved by the House of Representatives cut education by $2.1 billion in fiscal year 2004 and by $25.7 billion over the next 10 years, and that is below the Bush budget which freezes spending for education by failing to keep up with inflation or increasing enrollments. His budget did not give any increase, but the House Republican-approved budget cuts $25 billion below what President Bush asked for.

The House budget also fails to provide an increase for Head Start, despite the fact that the program is serving only 54 percent of those eligible 3- and 4-year-olds. We know there is a real problem with affordable housing in this Nation, and yet the Republicans drastically cut spending for housing. It is a shame. It is a disgrace.

The Bush administration budget eliminates funding for the Hope VI program, which displaces distressed low-income housing with new community housing. It is hope, Hope VI. That is what people are looking forward to. So what did they do, cut it out. Funding is slashed for the public housing capital fund by $71 million below fiscal year 2003. Rents have increased for thousands of tenants who receive Federal housing aid through minimum rent requirements for public housing and section 8 vouchers. Section 8 vouchers are for the truly poor in our community. That has been cut.

The Republican budget calls for $169 billion in cuts that could harm Medicare and Medicaid. By contrast, the budget put forth by the Congressional Black Caucus led by the gentleman from New York (Mr. OWENS) and the Progressive Caucus led by the gentlewoman from California (Ms. LEE) and the gentleman from Ohio (Mr. KUCINICH) implements the Medicare For All Program. That is what our budget did, a single payer, universal health care plan that guaranteed access to health care regardless of income. There are close to 70 million people now. The number grew from 40 to close to 70 million who are uninsured today. Where are we going as a Nation? Our budget, the Congressional Black Caucus and the Progressive Caucus budget, provides an economic stimulus plan that provides $20 billion in extended unemployment assistance and $50 billion for Federal revenue sharing with States, as well as $50 billion for needed infrastructure investment.

States need help. Our government has turned its back on our States. New Jersey has a $5 billion budget gap, Pennsylvania has one, as does California and New York. States are cutting budgets, and we are turning our backs on them. That is unfair.

We need to restore fairness to our Nation's veterans in gratitude for their service to our country. Our budget provides $3 billion over what the Bush administration allocates. Our plan would provide a substantial investment in school construction, in our Nation's teachers, in student loan programs. We would also create a national housing trust and restore the reckless cuts in housing put forth by the Bush administration, including Hope VI and the Public Housing Drug Elimination Program which has been eliminated.

Mr. Speaker, let us come together as a Nation and truly move forward in the spirit of shared sacrifice. Let us not continually target those who can least afford those severe cuts in order to fund a reckless, unfair tax cut tilted towards the wealthiest members of this society.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman, and I want to say when the gentleman talks, as a former teacher I know he can appreciate our children getting where they are supposed to be. I sit on the board of Morgan State University, and every year now as it is right now, we have to let go some 600 to 700 students every year. Why, because they do not have enough money to go to school. It is so sad with the Pell grant cut situation; it is going to make it even worse.

People ask me, why is the Congressional Black Caucus so concerned about this budget?

□ 2100

The reason why we are so concerned is because life has to go forth while we are also dealing with a war, and we also understand that a lot of these young people that I just talked about, and I am sure that the gentleman has them in his district, and I am sure that people who are watching this right now who do not have an idea of how they are going to pay for their college education, they may never, they may never get back in college, and their earning power is thus reduced. They cannot do for their families as well as they could have done if they had gotten the education, and it is so very painful to so many people.

So I want to thank the gentleman for all the things that he mentioned. It just kind of stood out in my mind because the gentleman talked about the Governors in various States, State budget suffering and we had our Republican Governor come down to meet with our delegation, and he gave us a book about that thick of things that he wanted from Congress. And as I began to flip through the book, I had to tell him the President and the Republicans have slashed just about every single thing he wants. So States are suffering tremendously. As a matter of fact, in the State of Maryland, it looks like we are going to have to go into extra days of session beyond our 90-day normal session just to figure out how to deal with the budget, and a lot of it is a result of this budget that we are dealing with on this Federal level.

Mr. PAYNE. Mr. Speaker, I thank the gentleman very much. As I met with our Governor, Governor McGreevey, a bright young man who for 2 years in a row had to cut $5 billion each year, does not want to raise taxes, refused to raise taxes, but cut funding for arts, cut funding for hospitals, cut funding for all kinds of programs. The Governors deserve better, whether they are Democrat or Republican Governors. The people in the State are saying really do not tread on us, but bring us in. As a matter of fact, in the first 13 original colonies, New Jersey's flag was a flag with a snake that said, "Don't tread on us." We are treading on our States. It is unfair. It is wrong, and I wish that all the Governors, Republican and Democrat, would tell the unfair Bush tax cut, cut the tax cut, help the States. I thank the chairman.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman.

I yield to the distinguished gentleman from Virginia (Mr. SCOTT). We have often heard and we heard on this floor earlier tonight of people being very upset that there were people who were concerned about this war and expressing their concerns, and the gentleman from Virginia (Mr. SCOTT) has been one who has consistently stood up for our constitutional rights and has been a conscience of this Congress; and so it gives me great privilege to yield to the distinguished gentleman from the great State of Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding.

We have heard a lot of adjectives and descriptions. Let me just show some charts that show where we are and why we have so much trouble in funding programs. And one cannot spin these charts. These charts show the numbers of the budget.

This chart shows the deficit over the past few years starting with the Johnson administration, Ford, Carter. Reagan and Bush, as everyone knows, generated a great deal of debt. These are the deficits. When President Clinton came in, we passed a budget in 1993 without a single Republican vote, 218 to 216 in the House, 50/50 with Vice President Gore breaking the tie in the Senate and creating a straight line, straight up until we generated a surplus.

The Republicans note that they were in the majority in much of this time. However, people will remember that their budgets were vetoed. They closed down the government. President Clinton would not sign their budgets because they were irresponsible. So the line kept going because President Clinton had enough Democrats to sustain the veto and those Republican budgets were not passed, were not enacted; and we have a straight line going up into surplus.

In 1 year in the Bush administration, when there was no veto on those irresponsible budgets, we had the deficit coming right back worse than it ever was. This chart was developed before the recent budget that we will consider tomorrow, $70-some billion with no way to pay for it. So this red line will go almost off the chart.

What are the plans? The plans are we started with a surplus in 2000. In 2001 we spent all of the Medicare surplus. September 11 is 3 weeks before the end of the fiscal year; so there is nothing that could have been done in those 3 weeks. We had already gone into Medicare and almost into Social Security by September 10. In 2002 we are spending all the Medicare, all the Social Security surplus, and $160 billion in additional deficits. In 2003 it looks like we are going to spend all of the Medicare, all of the Social Security, and $300 billion in additional debt. As a matter of fact, we are going to spend Social Security and Medicare and hundreds of billions of dollars in debt as far as the eye can see.

How did all of this happen with this tax cut? Who gets the tax cut? The blue is the 2001 tax cut. The green is the proposed 2003 tax cut. My colleagues will see, and take my word for it, the lowest 20 percent do get some. There is a little bar there. We can hardly see it. The second 20 percent, the third 20 percent, the fourth 20 percent, the top 20 percent, what they get out of the tax cuts. This line right up to here shows the top 1 percent, the next 4 percent. So this is the top 5 percent population. The top 5 percent gets this much of the tax cut. We were told we had to do that for economic growth. This is a chart of economic growth since the Truman administration. Average growth of the Presidents, the worst growth since World War II as a result of that tax cut.

Most people who have any kind of retirement fund know what the stock market looks like. This is 2000, the average price on the Dow, the S&P and the NASDAQ collapsing right after we enacted those budgets. We ran up all that debt. My colleagues will notice that in the Clinton administration when he left, we had anticipated by 2008 paying off almost all of the debt held by the public so there would be almost no debt held by the public. Right now in 2008 it looks like we are going to have this much debt.

We have to pay interest on that debt. Here is the difference in interest that we are going to be paying over these years. We add up the difference of what we anticipated paying and, because we have no debt, what we are going to pay. By 2010 we would have paid an extra $1.6 trillion, with a T, trillion dollars in additional debt.

Let us make this personal, a family of four. Add up the whole interest on the national debt, divided by the population, multiplied by four, and what do you get? In 2003 a family of four's share of the interest on the national debt, not the national debt, the interest, $4,500. As my colleagues will remember, it was going to nothing; but instead, by 2008 it will be almost $6,500; by 2013, almost $7,500 interest on the national debt. We do not get anything for that.

This chart shows where we are with Social Security. Right now Social Security is paying a surplus. We are getting more into Social Security than we are paying out. 2017 we will break even, and then it gets worse. We will be paying almost $1 trillion a year more out in Social Security than we have coming in.

The thing about this chart that is interesting is the tax cut in 2001 already enacted was twice as big as necessary to pay Social Security for 75 years. In other words, if we cut taxes half as much in 2001 as we did and the other half receive the taxes and allocate it to Social Security, that half would have been enough to pay for Social Security for 75 years. But, instead, we are paying more interest on the national debt, and what happens? We have heard about the cuts in veterans benefits, cuts in heating assistance for low-income elderly, cuts in education.

The last 5 years or so, 4 or 5 years, average 12.3 percent increase in education, this year a cut in education, which means that we are going to be cutting school lunches. We are going to be cutting school loans and Pell grants at the time when States are increasing their tuition. With No Child Left Behind, the president went all over the country bragging about that authorization, but the money is not there to fully fund it.

I just want to ask how bad it has to get before somebody realizes that the budget is not working and we have to do something. We are cutting veterans benefits, housing, health care, and education.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for that excellent presentation.

Mr. Speaker, I yield now to the distinguished gentleman from New York (Mr. OWENS), who is a leader in the area of education and has consistently stood up for our young people.

Mr. OWENS. Mr. Speaker. I thank the gentleman for organizing this Special Order. I think all Members should be listening and should get the kind of education we have just gotten from the gentleman from Virginia (Mr. SCOTT).

We have, the Congressional Black Caucus along with the Congressional Progressive Caucus, produced a budget, an alternative budget, to guide our people into understanding what the priorities should be. This is a budget which we call Leave No Family Behind because it addresses the needs of working families.

The New York Times just this past Sunday said that the military, the people who are fighting in Iraq right now, mirrors a working-class America. New York Times, Sunday, March 30, 2003. I urge all Members to get it and read it. It goes into an analysis of who is in the military in great detail. It is working families, representatives of working families. Those are the people who are fighting for America. It is our country as much as it is anybody else's country, and certainly the budget that the Republican majority has put forward starting with the president does not mirror a concern for working families. The concern is not there.

We have heard from my colleagues quite a number of examples of items that are being cut. I will not go through all of that again, but the fact that food stamps for low-income families are being cut drastically, temporary assistance to needy families is being cut. The members of these families are out there fighting. Student loans are being cut. Schools are going to have to close early in some States because the States are running out of money, and they should be the beneficiaries of revenue sharing which is proposed in our budget.

The Federal Government would give the States money to help them make up some of the gap in their budgets. We need a budget which reflects a concern for the working families, members who are out there fighting in Iraq for our country. We need to let them know that this country cares about them and appreciates them and the benefits of the Federal Government certainly are going to be there for them when they come home. That is not true in the President's budget proposed by the Republican majority. We need to make certain that between now and the time we pass the appropriations, we correct this great injustice, this great gap between what is needed for working families and what is there.

Mr. CUMMINGS. Mr. Speaker, I began this evening dedicating this hour to a young man from Baltimore, and I talked about how we wanted to make sure that we kept America strong for him although he has gone on, SGT Kendall Damon Waters-Bey. And the things that we have talked about tonight, Mr. Speaker, is about balance, balancing addressing our needs, for protecting ourselves from the outside, and for protecting ourselves from some home-grown enemies, and at the same time balancing our needs to take care of the American people.

It is so important to us in the Congressional Black Caucus that we focus in on this budget which, while it addresses a year or two now, it addresses expenditures for now, we realize that those expenditures that are made today or those cuts that are made today will affect people for a lifetime. A child only has 1 year to be in the first grade or to be in pre-K. If that child is denied Head Start, that might affect that child until she or he dies.

□ 2115

When it comes to prescription drugs and things of that nature, when our seniors simply want medicine and they cannot get it, it can affect them today and can cut their lives short immediately.

So we have come today to focus in on this budget. It is a budget that we have concluded is very unfair to the American people.

EDUCATING AMERICA ABOUT THE WARTIME SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to first of all thank my colleague on the opposite side of the aisle for his generosity in granting me the opportunity to address the House prior to the hour that he has reserved for himself. I would also like to thank all of the Members of the Congressional Black Caucus for being here this evening to help highlight the problems with our budget.

I think that the case has been made. I think that the Members who came to the floor this evening were able to point out all of the devastating cuts in the President's budget that are going to wreak havoc on America. I think they have been able to make a very, very clear picture about what is happening in education, what is happening in housing, what is happening in health care. So I do not need to revisit all of that, but I would like to take time to talk about an action that I tried to take just earlier this evening.

Earlier this evening I went to what is known as our Committee on Rules. I went to the Committee on Rules because this is the committee that will decide whether or not we can amend the supplemental appropriations legislation that the President has asked us to pass in this House. The President has asked for supplemental appropriations legislation because the President needs to have more money to fund the war in Iraq. We understand, whether one agrees with the war or not, that once we deploy our soldiers it costs an awful lot of money. They have to be fed, their clothing, all of the supplies and the equipment, and I think every Member of this House is prepared to support our soldiers and the funding that is needed.

But, Mr. Speaker, as we examine the supplemental appropriations, one can readily see that there is something else going on in that appropriations bill. It is not simply a bill that is designed to support our soldiers and that war in Iraq. What it appears is we are literally paying some people off. We are rewarding some folks, maybe because they voted with us in the U.N., maybe because we want them to vote with us; certainly, Turkey is in the bill for $1 billion. But in addition to Turkey, what I discovered in the bill was money for Afghanistan, for Israel, for Jordan, for Bahrain, for Oman and Pakistan, Poland, Hungary, the Czech Republic, Estonia, Latvia, Lithuania, Bulgaria, Romania, Slovakia, Slovenia, Djibouti, the Philippines, Colombia, and on and on and on.

Now, I went to that committee because I decided that if they can fund all of these countries for whatever reasons, billions of dollars, and, in addition to that, Mr. Speaker, in this bill we will find a very generous allocation for educational needs for not only Afghanistan, but also for Iraq where we are talking about rehabilitating schools and providing building and rehabilitating buildings, and building new schools. We are also talking about providing health care. As a matter of fact, it is the universal health care system that we wish for in America that we will be providing to Iraq. I am not jealous of the fact that we have torn up the countries and we need to in fact do something about funding them.

So I went and I asked that we appropriate $5 billion for our rural and poor communities that need health care clinics and transportation systems to get people to the hospital, and that we fund urban communities so we can get rid of buildings that are burned out and that are boarded up and that have been standing for 35 and 40 years on land that we can have people investing in for growing these communities, if we could but clear them and package it so that we can do some economic development. Of course it is not going to be made in order.

But, in addition to a president's budget that is cutting and slashing domestic programs, now we have a supplemental appropriation that is asking for more money for all of these countries, I guess because they voted for us in the U.N.

Mr. Speaker, it is not right, and the people are going to want to know why we are doing this. We come to this floor tonight to do some educating.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I rise tonight to talk about the issue of immigration and immigration reform and a specific aspect of that particular problem that we face here in the United States. I have, over the course of the last couple of weeks anyway, tried to enter into a dialogue here; perhaps it is more of a monologue, I suppose, at this time of night and in this particular setting, and the discussion that I have tried to focus on is one that I believe is of paramount, or should be at least, of paramount importance to the Members of this body. It is true that I am concerned about that particular issue and I intend to spend at least most of the evening tonight discussing this particular point, and I should say more particularly, more specifically, the issue of the drug importation into this country which is allowed by the porous nature of our border and the various hazards that that poses, because there are a wide range of problems that confront us because our borders are porous.

We are going to explore these one at a time; we are going to take them in sections, I guess, if you will, and we are going to talk about, as I did last week, we are going to talk about the issue of national security and how that is affected by porous borders. We are going to talk this evening about the importation of illegal narcotics into the United States and how that threatens the country and how that phenomenon is made more, I guess prevalent, and it is, of course, much easier to import illegal narcotics into the United States because our borders are porous, and we are going to focus on that. And then we are going to talk about maybe in the next week or so, environmental degradation that comes as a result of millions of people crossing this border illegally and what they do to the land as they trespass upon it.

But let me just for a moment or two reflect upon some of the things that have been said in the prior hour by members of the Black Caucus.

Time and again we heard reference to the "cuts" that were part of the budget we passed, the Republicans introduced and passed in the House. And I am certainly not going to spend a lot of time talking about each of the issues, each of the different kinds of budget issues that were identified here, but I am going to talk for just a moment about one aspect of this, and that is, I think 13 or 14 times I heard the phrase "cuts in funding for veterans." I am going to only focus on that to show my colleagues the difficulty of debating this kind of an issue and actually getting the facts out to the general public.

Now, if anybody did in fact hear the last hour, Mr. Speaker, they would think certainly that there has been a cut in funding to veterans, and actually proposed, that is to say, by the Republican budget. A cut not just to veterans, but to a whole host of groups, the elderly, children, schools, you name it. So let me just focus on this one point, just on veterans, in order to put this thing in some sort of perspective for anyone who was actually listening to that discussion.

Cuts in the budget to veterans. Cuts. Now, I am not sure exactly how Webster defines the word "cut," but it has to do, I am sure, with a reduction from one level to another. I am just going to assume that. So if someone stands up in front of us and says there has been a cut proposed in the Republican budget for veterans, one assumes that the money that is being proposed to be spent for veterans benefits next year, 2004, is less than what is or what has been spent or will be spent in the 2003 fiscal year.

So that we again can actually understand what is going on here, let me tell my colleagues what the figures are. These are undeniable, undebatable; they are in black and white; they are produced for the public consumption by the printing office when it prepares these budgets. So anyone can determine whether or not I am being truthful here when I tell my colleagues that the budget for veterans for the fiscal year 2003 was about $57 billion. I believe $57.6 billion, to be a little more specific.

Now let me tell my colleagues what the budget is for veterans for the year, in our budget, in the Republican budget for the fiscal year 2004. It is $61.6 billion.

Now, let me think. Let me think. Mr. Speaker, $57.6 is this year; $61.6 is next year proposed; somehow or other, only in this place, only in this kind of debate can we say things like the Republican budget is proposing a cut. I do not know how they come to that conclusion. It may be because they established for themselves some mythical number that should be in the budget of $100 billion, and then say, do you realize the Republicans have cut the budget for seniors by $40 billion? Because I think they should get $100 billion, therefore the proposed budget of $61 billion is a cut from my figure. Now, maybe that is what they meant. It is, of course, irrelevant because nobody does math like that; or perhaps, I should say, nobody does anything but fuzzy math in that way.

Or maybe it is a product of a school system. Maybe it is the fact that the schools are so bad, as was discussed in the last hour, that people simply cannot figure out, they cannot do the math and figure 57 minus 61; let me think, that is about, oh, yes, that is $4 billion. That is an increase proposed for the next fiscal year. So I am going to go out and say that because I wanted $70 billion or $100 billion, there is less money available, or that the Republicans had cut the budget.

Now, I am just pointing at that particular thing because it is really and truly an example of this entire debate. The president's budget, by the way, was a 4 percent increase, higher than inflation. It proposes a 4 percent overall increase for all Federal spending. An increase, I-N-C-R-E-A-S-E.

□ 2130

No matter how many ways we try to construct this debate, it is impossible if we do the math to figure out or to come to the conclusion, I should say, that there is a "cut." Yet people can say things like that over and over and over and hope that somebody actually believes it. It is amazing. What a country, as the comedian says, what a country.

There is another aspect of that last debate that I wanted to bring up. It is a very, very controversial aspect. I certainly understand that what I am about to discuss here for a moment or two has that dimension, or that characteristic. It is controversial.

I am concerned about the fact that in this body, and certainly throughout the country, we do things that are designed, maybe not purposely, but certainly have the effect of pulling America apart, pulling us apart and putting us into camps as individuals. This is one of the issues that we deal with when we talk about immigration reform, and the problems with massive immigration into this Nation that occur simultaneously with the development of this philosophy of multiculturalism.

It is not just massive immigration into the United States that is problematic. We have, as a Nation, dealt with it over the last couple of hundred years. As a percentage of the population, it has risen; it has fallen. We have been able to deal with it. We would be able to deal with it even today, even though the numbers are far greater today. The massive immigration into this country exceeds, in just the numbers, anything we have ever witnessed before.

But I am sure that we could handle it if we did not have to also deal with, internally, this issue of, I would call it, a pernicious multiculturalist philosophy. What that philosophy boils down to is something like this: that, you know, the United States as a whole, as a Nation, cannot really be defined. America cannot really be defined easily if we are talking about a group of people that are coming together in support of and in a complete understanding of and an allegiance to a certain set of ideals and goals, because of course we are not a country of people that can easily be identified any other way.

We are not a people that you can look at and say, yes, he or she is an American. We do not know that, because we are people of different color and different religious perspective and cultural habits; and all the things other countries maybe have to hold them together we do not have in America.

People say diversity is our strength. Of course, there are certain positive aspects of diversity; but there are certain times when diversity, driven to the extreme, becomes something other than a positive aspect of our society. It is when we become pulled apart as a Nation and divided up along ethnic lines, as opposed to along the lines that would divide any other sort of republic; that is to say, along the lines of ideas: ideas about how we should be governed, ideas about what it is to be an American, some communal thing.

There can certainly be differences. Absolutely there are differences, as evidenced by the division in this House, right and left, conservative and liberal, Republican and Democrat. Those are good. They are healthy differences to be discussed, to be debated, and for the Nation to work through. Those are healthy differences, and I applaud them.

I wonder sometimes about those things that are designed, however, to divide us on other lines; not into camps based on ideas about how government should be formulated and how government should actually react to the citizens of this country and reflect their opinions. But we should in fact be divided on other lines: on racial lines, such as the Black Caucus, the Hispanic Caucus.

I respect every single person in this body. I respect people; and I certainly have great, great respect and love for my colleagues who serve here. I do believe that they are capable, competent individuals who have gained this seat in this body because of their individual abilities. They are, for the most part, I think, enormously competent people, and people who come to serve here for all the right reasons, because they want to do what they can to improve the quality of life for people who live in this country; but I hope it is for all the people who live in this country.

I am concerned to a certain extent about the division even in this body into groups that are based on things other than ideas, and that are based on things like race. Certainly, I would be opposed to a white or Anglo caucus, and certainly the media would go crazy. Everybody would say, what kind of a thing is that? That is a racist concept. I would have to agree that such a caucus would be, I think by its very nature, racist, because I do not think that the problems that confront the United States are problems that are uniquely black, white, or Hispanic. I believe they are problems that confront us as human beings.

I want to reiterate that I respect every single Member of this body, and certainly every member of the Black Caucus, every member of the Hispanic Caucus. But I do wonder about the kind of message that even the creation and existence of those caucuses, those two caucuses, what is the message that it sends, that we are as a Nation dividing up into these camps, and that it is appropriate to do so: white, black, Hispanic.

Mr. Speaker, I think that is a dangerous thing. It is one of the reasons why I do, in fact, take the floor often to talk about the implications of massive immigration that are combined with this multiculturalist philosophy that permeates our society, a multiculturalist philosophy that says there is nothing unique about America, or if there is anything unique, it is maybe about how bad it is compared to other cultures and civilizations; that there is nothing special about America.

It is the philosophy that we see in the textbooks of the children in our classrooms throughout this country that downplays American history, that downplays the role of Western Civilization in the development of world history, the positive aspects of Western Civilization, all of Western Civilization and the participants therein, be they black or brown or white or yellow.

Western Civilization offers much to the world and has provided enormous opportunities. Certainly there are warts. Certainly there are aspects of Western Civilization that we can condemn or criticize. But overall, overall, I think it can be said and empirically proved that Western Civilization has contributed far more than it has taken away from human liberty.

We should extol that virtue, especially, especially when Western Civilization is in fact under attack, which I believe it to be. Western Civilization is confronted by many rivals, and we are seeing some of those battles being played out, I must tell the Members, right now, I think, in Iraq, in Afghanistan, in other places in the world. Because, yes, I think part of what we are facing is a clash of civilizations. I believe Western Civilization and the values thereof are being confronted by other values.

Perhaps we can, for our purpose here for just a moment, describe those other values or those other concepts as fundamentalist, or radical Islam. I believe that Islamists, radical Islamists, are in fact threatening Western Civilization, confronting Western Civilization. I believe that what is happening even today in Iraq is a reflection of that conflict.

I know that what I am saying here tonight is controversial. It is certainly not politically correct. It will tend to make people respond with the usual epithets of "ethnocentrism" and "racism." Those are the words that are usually used to describe a person who feels as though Western Civilization does have a significant role to play in the development of mankind, and intrinsically has a great positive benefit; but I believe it does. I believe it can be proven.

I believe there is nothing to be ashamed of in this, as being a sort of representative of Western Civilization; or a participant in, a member of, however we want to put it. There is nothing to be ashamed of, and I think there are many things to be proud of.

I am proud, but I do worry about all of those things that are part of this multiculturalist philosophy that tend to tear us apart and make us, therefore, less able to actually confront an opponent; in this case, fundamentalist Islam.

Islam, I should say, is not a monolithic entity. It is made up of over 1 billion people who have different opinions and attitudes and ideas, so I do not want to suggest that everyone who is of the Muslim faith is a foe of Western Civilization. But I will tell the Members that the fight we fight in Iraq and that we will be fighting after the war in Iraq ends and after Saddam Hussein is deposed, that war, it will go on; and it is a war that I think can be characterized accurately as a clash of civilizations.

So we have to know who we are, Mr. Speaker. We have to know exactly what it is that we as Americans and that we as representatives and leaders of Western Civilization are all about, whether the ideas and ideals of Western Civilization matter, whether or not they are worthy of the battle and of our defense.

I think they are. I do not mean for a second to suggest that people who come to the floor and who argue for their particular point of view, certainly because it differs from mine, are not as committed to this Nation and to its future as I am. I just would want to bring to the attention of the body this fear, this problem, this one aspect of that debate.

When it strays from a debate over ideas and into a debate that divides us up on racial or ethnic lines, this is, I think, problematic, to say the least. It is something that we need to talk about, to discuss in candor and without vitriol. It is something that we must not be afraid to talk about, even though, I admit, it is controversial.

Certainly there are a lot of people who will be on edge when we begin to discuss this thing, but perhaps that is not a bad thing. Putting Americans on edge when confronting these kinds of questions is perhaps not the worst thing in the world; and it is, perhaps, absolutely necessary.

We have to think about this: What does, in fact, tie us together? What makes us come together as Americans? Can we actually define what that means, American? Can we leave out any reference to the color of our skin or to our ethnicity in that definition? Can we, to paraphrase someone else, can we forget about the color of our skin and concentrate on the nature of our character?

That would be the ultimate goal, and that would be the most positive development and the most positive aspect of any debate over what is America, what is the definition of America, or Americanism.

□ 2145

It is worthy, I think, of our allegiance, but we have to tell our children about it. I hope that the President of the United States and leaders of this country, elected leaders and cultural leaders and people in the pulpits of the country, I hope all of them will think about the importance of advancing this concept of America as one Nation, as an ideal, an ideal that has many components and one of the wonderful aspects thereof is the ability to debate those ideas in a forum like this.

So I hope that I will be given some leeway by those who are listening in terms as they get very on edge, I guess I should say, about what I am saying here tonight. Let me suggest that it is important for us to discuss these topics in a way that I think would make us all better people and better Americans.

So with that let me go to the point or to the discussion now of the issue of immigration specifically, and even narrow it down to a greater extent to the problem we face as a Nation of porous borders and the amount of very dangerous things that come across those borders. And so tonight for the rest of the evening I am going to talk about just one aspect of porous borders and the problem with lax immigration laws, and that is what happens to the United States and in the United States as a result of those porous borders, and specifically as a result of the drugs that come across those borders.

First, I am going to take a look at the Canadian border. Now, it is an interesting thing that although marijuana is by far the drug that is trafficked across that border more than anything else, there is one little thing that is happening up there that is worthy of our attention. That is the amount of a different kind of narcotic, in this case methamphetamines, that are coming across the border.

This is a series of pictures of meth labs that we have uncovered on our border, on our northern border, and what we are finding is that there is an enormous amount of methamphetamine traffic from Canada to the United States. Due to the lack of legal control measures in Canada, both Canadian- and American-based drug traffickers are able to purchase chemical products used in making methamphetamines openly from legitimate distributors. So they buy the component parts of methamphetamine in Canada. They ship them into the United States. They are cooked. They are brought together in meth labs like this that we see all over the northern border States and some, as a matter of fact, down in the Southwest, but primarily again up in Canada. The drugs are put together in these meth labs and then transported farther inland in the United States, sold, and the money goes back to the drug cartels in Canada.

Now, here is one little interesting aspect of this whole thing that I think relatively few people may be aware of; that in Calgary, Canada, we now see a relatively large community of Muslims, about 25,000 in Calgary. There are about maybe 100,000 in Vancouver, and I am not sure, estimates are about a quarter of a million or so in Canada generally. But the 25,000 Muslims that are in Canada can be identified as the primary source of that drug trafficking activity into the United States.

I was on the northern border not too long ago. I was a guest of the Forest Service and the Border Patrol. They were telling me about this particular phenomenon. They were telling me about the group in Calgary, Canada, about how they transport the methamphetamine components into the United States, about how those components are put together in these meth labs, and how then the money goes back to the Muslim group inside Canada, and then that money is used to support terrorist activities and terrorist organizations all over the world. I confirmed this, when I got back, with Asa Hutchinson who is, I guess we can call him our drug czar, but a Member whom I served with some time ago and a Member for whom I have the greatest respect. And it is true. What I just told you is true. There is this group in Canada, primarily Muslims, who are the source of this methamphetamine trade into the United States.

Now, not only, of course, do we know the damage that this particular drug does in the United States to our children and to adults, there is also an environmental component of this, and we will talk about that more at a different time, the environmental degradation of the land as a result of illegal immigration and of porous borders, but specifically with regard to this particular problem, the methamphetamine and the labs that are operating all over the northern part of the United States, that environmental degradation is caused by dumping of toxic by-products resulting from this methamphetamine production, and it is a very scary thing. It is a very costly thing.

On average, 5 or 6 pounds of toxic waste are produced for every pound of methamphetamine produced. It costs us about 3- or $4,000 every time we go into these areas and clean up these meth labs that are left around. They will dispose of much of these chemicals, by the way, in caves, in abandoned mines and that sort of thing. And the problem is, of course, people come across it, kids, hikers, whatever, will go in there, animals; the danger is great. These toxic chemicals are very, very dangerous, and very lethal.

In addition to the chemical and other kinds of threats to health and safety of officers in dismantling these laboratories, these sites often contain additional dangers such as blasting caps, dynamite, explosive booby traps, grenades, pipe bombs, and plastic explosives of a variety of kinds.

The Canadian border sometimes, well, we just are sometimes astounded by it. We cannot believe this is happening up there. We do not pay a lot of attention to it. The media does not pay a lot of attention to the porous nature of that particular border. But while I mentioned earlier that I was up there along the Canadian border, this was not too far from Bonners Ferry, Idaho, an incredibly beautiful part of the North American continent. And I went to the border to observe an exercise being conducted by 100 marines who had been sent up there to see what kind of technology we could employ along with the military to try to control just one section of the border there, just one little tiny, maybe 100 miles of border.

And while we were there, we were using by the way, I say "we," I was really just an observer. But the marines were using three drones, unmanned aerial vehicles to patrol the skies over that border to identify people coming across that border. And by the way, this is the most rugged territory you have ever seen in your life. And there are no roads, and people coming across that border are usually coming because they would not be welcomed at the port of entry. And sure enough, while we were there, one evening a drone that was being operated, it was about 2 o'clock in the morning, it was being operated by this young marine, and it pops up on the monitor, on the screen there, some sort of activity on that border. And they closed in on it and found. I think it was four people coming across on ATVs, All Terrain Vehicles, carrying 4- or 500 pounds of narcotics on the back of these ATVs. And they were able to be interdict because we were using the military in conjunction with the Border Patrol and in conjunction with the Forest Service to apply technology and human resources to try to see whether or not we could actually control the border. Actually it worked.

We also, I was not there at the time, that same exercise was responsible for interdicting, as I understand it, a light plane that was carrying a lot of drugs. And planes are often used, of course, for the transportation of narcotics across that border. Oftentimes drugs are smuggled across the Canadian border commingled with legitimate cargo in commercial vehicles. For example, in February of 2001 a bus driver from British Columbia was arrested for transporting 135 kilos of Canadian-produced marijuana into Washington State aboard a tour bus. Marijuana was secreted inside garbage bags located in the spare tire compartment of the bus.

The Coast Guard seized 240 pounds of marijuana from a Canadian military vehicle that crossed the border from British Columbia in the Blaine port of entry.

Canadian Customs in Montreal discovered 350 kilos of cocaine concealed in pallets loaded with a shipment of coffee. The shipment which originated in Brazil was transported by vessel to the United States through the port of Philadelphia, then transported by tractor-trailer to Canada through the St-Bernard-de-Locolle port of entry on the northern end of Interstate 87.

The Office of National Drug Control Policy reports that drug smugglers along the northwestern corridor of the United States have been increasingly exploiting the open skies policy between the United States and Canada. Due to this agreement, law enforcement reports contain several examples of drug smuggling by aircraft from Canada to the United States. It occurs in a number of locations, including from British Columbia to Washington State, from the Vancouver area across the Idaho and Montana borders, across Lake Erie into Pennsylvania, and from Quebec to Maine.

In January 2001, law enforcement authorities in the Western United States arrested 13 members of a smuggling group that regularly transported and air-dropped a potent type of Canadian marijuana into Washington State via fixed-wing aircraft and helicopter. There is even intelligence that suggests four trafficking groups transporting Canadian-produced marijuana into Pennsylvania using small aircraft and a corporate jet.

As with the southern border, we are seeing a higher degree of technology being employed and of sophistication being employed by the people smuggling drugs across that northern border. Intelligence reports indicate that drug smugglers are increasingly using night vision optics, global positioning systems in order to navigate in remote areas.

Furthermore, again, not unique to just the northern border, but what we see is smugglers increasingly are carrying weapons to protect their cargo. This is of course a threat to any law enforcement officer that may approach them. You have to remember that most often they are being approached by Forest Service personnel. Park Rangers and other, who are really not being trained for this kind of thing. They are not really able to be the first line of defense against drug traffickers, narcotics smugglers into the United States. Their job has been mostly dealing with people who are violating some camping regulation or whatever. But they are not really all that prepared to deal with this enormous amount now of smuggling that is going on on our borders.

Now, the northern border, as I say, it has unique problems that we have to confront. Incredibly difficult terrain, a government in Canada that takes sort of a blind eye towards the issue of smuggling and narcotics in general. We have actually had, we have actually had Royal Canadian Police call our folks on our side of the border, both Forest Service personnel and Border Patrol people and say, look, we are chasing a load of drug smugglers into the United States. But we are going to let them go. We are not going to actually interdict them. We are just going to keep chasing them because we know if we stop them, they are going to be let loose by our government because our government does not care about drugs, especially when they are going into the United States. So they actually warn us so that we can interdict them as they get across the border and hopefully they will be charged, sent to prison, and pay for the crime. But the Canadian police know that their government will not do it, so they call us and ask us to help them.

Those are some of the unique problems on the Canadian border. Those are some of the problems we incur because our friends, the Canadians, are not so friendly when it comes to these border-related issues.

□ 2200

Canadian borders are themselves porous. People can come in and do often come into Canada, claiming refugee status. That is all they have to do, and at that point, they are admitted into Canada, and they are allowed, of course, to actually traverse Canada.

I have often joked, but it is not really much of a joke that Osama bin Laden could land. I am surprised in a way that one of the countries that are not offering some sort of refuge to Saddam Hussein, I am surprised it is not Canada or Mexico because frankly their immigration policies would indicate that they would be wide open to it. I said that it was not really a joke, but I have suggested that Osama bin Laden could shave off his beard, come into Canada, call himself Omar the Tent Maker or anybody else, not have to produce any document of identification, just claim refugee status. He would be allowed to go into Canada, and of course, because our borders are porous and because we refuse to actually do anything to control those borders, he could come into the United States; and of course, people do by the thousands, by the hundreds of thousands, yes, by the millions.

We are focusing tonight on just the drug importation problem. It is a serious one, but it is certainly not the only problem that results from porous borders.

Now we are going to move to the southern border. Magnify everything I just told about that northern border by 50 times, and this is the problem we have on the southern border. The problem there is we not only have a government that looks the other way when it comes to drug smuggling activities, we have a government, a large portion of which is involved with the drug smuggling activity.

Mexican drug lords, backed by corrupt Mexican military officials and police officers, will move tons of marijuana, cocaine and heroin this year over rugged desert trails to accomplices in Phoenix and Tucson for shipment to willing buyers throughout the United States as per an article printed not too long ago in the Washington Times by Jerry Seper.

He goes on, "Most of the smuggling routes pass through the Tohono O'odham Nation, a sprawling Indian reservation, where undermanned and outgunned tribal police will confiscate more than 100,000 pounds of illicit drugs this year, about 300 pounds a day." I am going to talk more about the Tohono O'odham Indian reservation in just a moment or two, but believe me, the problem is not just there, that 71-mile chunk of the border.

The people coming across that border, according to Detective Sergeant Kray says, again, they have become very, very sophisticated. They have two way radios, night vision gear, body armor, and carry automatic weapons. They put people on the hills to act as lookouts and use portable solar panels to power their communications equipment. They have powerful four wheel drive vehicles that are under orders not to stop, to shoot their way through if they have to.

This is an example of that sophistication, of that level of danger, I should say, that is developing on those borders. Oftentimes we have seen probably on television when the police are in a chase, the police in the United States are chasing someone, they will put out spikes and try to stop the car and blow up the tires. The drug traffickers are doing exactly the same thing, but only to us. When they are being chased, they throw out these spikes here behind them so as to puncture and disable the tires of the border patrol or law enforcement agents that are coming after them.

They will also put across the road these barriers. They will cut down trees. They will place rocks across the border to stop people, carjack them, take their vehicles, use them for drug transportation and then abandon them;

and we can go across the Southwest, we can fly over the desert areas in Arizona and Mexico, and we will see cars, literally hundreds and hundreds of abandoned cars all over the desert.

These cars are oftentimes stolen from Americans, stolen from people who are just traveling in the area. As I say, they are carjacked. People are sometimes hurt in the process, sometimes killed. Their cars are taken, used in the drug transportation and then abandoned.

This article goes on to say that the smugglers, according to U.S. law enforcement authorities, often are protected by heavily armed Mexican military troops and police, who have paid handsomely for the privilege of escorting the drug traffickers and their illicit shipments across the border and into the United States. The drug lords are expected to spend more than $500 million this year in bribes and payoffs to a cadre of Mexican military generals and police officers to ensure that the illicit drugs reach their destination. Mexican smugglers will account for 80 percent, 80 percent of the cocaine and nearly half the heroin that reaches the streets of America this year.

Law enforcement authorities all along the U.S.-Mexico border are concerned about the involvement of Mexican military troops and police in the alien and drug smuggling business.

Another visual portrayal of that, 2001 Mexican military police incursions into the United States. Hear what I am saying. Mexican military and Mexican Federal police have come into the United States along these points. The blue arrows indicate the Mexican military, the red the Mexican police. The yellow are the ports of entry.

"Several officials said in interviews that Mexican police agencies along the border have been 'totally corrupted' by drug smugglers and that the corruption included a number of key Mexican generals and other commanders.

"Violence along the border, fueled by the drug trade, has spiralled out of control."

Corruption among Mexican police is so extensive that, they said, some U.S. law enforcement agencies refuse to work with their Mexican counterparts. Mexican police officials have been tied not only to alien and drug smuggling, but also to numerous incidents of extortion, bribery, assault, kidnapping and murder along the border.

"Border patrol agents in Douglas, Arizona, were pulled from their duty stations after police in Aqua Prieta, Mexico, tipped U.S. authorities of a pending drug shipment. Supervisors were fearful of putting their agents in the middle of a shootout between rival drug gangs, each supported by competing Aqua Prieta police."

This is absolutely incredible in a way, if we think about it. Members of a foreign military, members of a foreign government's military establishment and police establishment routinely cross our border for the purpose of aiding and abetting a drug trafficking cartel, actually several cartels.

We have had over 200 of these incursions since about 1997. I have written the President of Mexico. I have written the Secretary of State of the United States. I have asked our administration what do they intend to do about this. What they say periodically is we intend to bring it up at the highest levels of government. We know what that means. Let us define that down to regular speak, okay. Nothing, that is what we intend to do, nothing.

Because, of course, these issues, if understood by the American public, Mr. Speaker, would certainly arouse some degree of ire, and they would probably result in people suggesting to their congressional representatives, let us say, that something should be done about the border, that, in fact, if the Mexican Government can put troops on the border for the purposes of helping the narcotics traffickers into the United States, that certainly the United States could put American troops on our border for the purpose of protecting our own sovereign Nation, if it is sovereign anymore.

We have had instances where Mexican military and/or Mexican police have fired on and injured people in the United States, specifically our border patrol agents. A recent documented Mexican military incursion on May 17 of last year when a border patrol agent was fired on by three Mexican soldiers in a military HUMVEE near now what is known as the San Miguel Gate on the Tohono O'odham Indian reservation, I mentioned it earlier, about 30 miles northwest of Nogales. The gunfire, which erupted shortly after 8:30 p.m., shattered the rear window of the U.S. agents' four-wheel-drive vehicle.

An unnamed agent, after spotting the soldiers, sought to avoid a confrontation, according to U.S. authorities, and had turned his clearly marked green and white border patrol vehicle away from the HUMVEE when it was hit by gunfire. Mexican soldiers were armed with assault rifles. One bullet was deflected by the vehicle's prisoner partition located directly behind the agent's seat, and knocked out the right rear window. The agent involved had been on the job for about a year, authorities said. I actually interviewed this fellow when I went down and visited the border some weeks later.

Earlier that day, in the same area, border patrol agents had confiscated 2,200 pounds of drugs from a vehicle that had crossed into the United States, although a second vehicle escaped back into Mexico. I am sorry I am getting ahead of myself here because we get into some other very dangerous situations along that border.

Let me move ahead here. Let me talk a little bit about those cartels that I mentioned, the cartels in Mexico that actually control most of the drug smuggling into the United States, five main cartels: the Arellano-Felix organization, the Vincente Carrillo-Fuentes organization, the Armando Valencia organization, the Miguel Caro-Quintero organization, and the Osiel Cardenas-Guillen organization. They are responsible for the majority of the cocaine, heroin, methamphetamine, marijuana, and precursor chemicals entering the United States.

In April 2000, an investigation revealed that Mexican marijuana organizations were working in conjunction with Jamaican traffickers in the United States. A large-scale Jamaican marijuana trafficking smuggling group had numerous distribution sales throughout the United States and a primary marijuana source supply Mexico-based traffickers with ties to Mexico and to these different organizations.

We have uncovered tunnels. There is no two ways about it. These organizations are very creative and industrious. We have identified a whole series of tunnels that were dug across the border near Nogales and other cities along our border with Mexico through which both people and drugs were smuggled.

Let me talk a moment or two about the Tohono O'odham Indian Reservation in Arizona because this is a microcosm of the problem we are facing. I just want my colleagues to think about it. What I am going to tell my colleagues here is just one little part. It shares just a 71-mile-long border with Mexico; and of course, our border with Mexico is close to 4,000 miles, so extrapolate this any way you want to.

"They're being overrun by illegal aliens. They're being overrun by drug smugglers. And they're caught in a war zone," says Judge Pogo Overmeyer of the Tohono Indian Nation courts.

Homes burglarized by illegals, deadly car wrecks caused by reckless smugglers, drug runners brandishing weapons as they demand help from the local people, this is daily fair on the reservation. Overmeyer said that she noted that Tohono O'odham police reported seizing 33,000 pounds of marijuana during the first 4 months of the year. During the same period, the police located 1,877 vehicles that smugglers had abandoned on the reservation.

One of the busiest smuggling routes through the reservation begins about 25 miles to the West where taxis finish a 15-minute run from the Mexican town of Sonoyta by depositing passengers at a flimsy border fence.

This is a little publication put out by the Tohono O'odham Indian Nation. Four separate land areas comprise 2.86 million acres, three counties, 75 miles, I said 71, 75 miles contiguous with Mexico, nine villages in Mexico.

Narcotics seized in 2002, 65,000 pounds. Illegal immigrant traffic, over

1,500 a day, 1,500 a day coming through there. Towing vehicles out of there, 30 to 40 a day. Refuse, trash, every immigrant leaves behind over 8 pounds a day, equal to 6 tons per year.

☐ 2215

In just December of 2002, the Indian Nation, and this is a very small contingent of police on that reservation, they alone took in 5,400 illegals. They have spent millions and millions, $6.5 to $7 million, in treating illegals that are getting sick on the transportation, 85 cases of death, exposure, drug smuggling, other death investigations, homicides, vehicle towing, immigrant interaction cases and Sells Indian Hospital. Sells is the little community there that has a hospital. Treatment of illegal immigrants, over 50 cases a month, summertime over $500,000.

And these are not just Mexican nationals, they say. In 2002, over 200 undocumented immigrants were apprehended in the Nation that were not Mexican nationals. On August 6, the Tohono O'odham Police Department drug enforcement officers found a plane ticket stub dated August 21, 2001, a plane ticket paid for Yousif Abdelkaber, paid for in cash.

Mexican military incursions into the Indian reservation in March 1999, April 2000, January 6, May 17, February 7. All this on this little Indian nation. They are overrun. Their entire life has been destroyed. Their children are being taken into these cartels, sometimes forcibly, but oftentimes of course just led into it for the money. I saw 5-year-old children on this Indian reservation who were walking around stoned. These parents are going crazy. They do not know what to do. They cannot deal with the fact that they are being invaded essentially.

But let me tell you, they are just one part of that border problem. It is just a microcosm. We can identify it, we can quantify it, because it happens to be an Indian nation and they have their own organization. They have their own police department and they keep numbers and track of it, so we can do that there.

But let us talk about the Tucson area, where in the month of November of last year they accounted for 100,000 people. They stopped about 23,000, but 100,000 people came through there illegally. This is a picture of the plane flights coming out of Mexico. I do not know if this can be seen, but there are literally hundreds, thousands, of plane flights just in the last year.

In the green, these are all over the area here; these are fades, where we catch them on radar then they duck under and we do not see it. The blue are low flyers. The red are called short landings. Now, what these red are, that means we catch them, they land in the United States, and we see them back on the radar going back out in 15 to 20 minutes. These are all drug related, coming into the United States. Okay?

How about this? How about this? Talk about the creative and inventive nature of the drug cartels down there. They stole a vehicle, an SUV, and they painted it with Border Patrol logos. They found and were able to obtain government plates for this thing. They used it to transport drugs into the United States. They packed it full of marijuana, but we caught it. That was pretty smart, right, decking out a vehicle to look like a Border Patrol vehicle, and then using it to smuggle drugs in? But they are pretty stupid at the same time, because they are smuggling the drugs through at about 2 a.m. in the morning with their lights off, so we caught them.

This is the kind of thing that goes on and on, on that border. And here is what it ends up. We have a Park Service that is also under siege. We have a situation where 40 percent of our border on the southern border and 10 percent of the northern border are national parks. They were being inundated. They are being trashed. The drug traffickers are coming through. Sometimes there are caravans of people walking through; a guy with an M-16 on the front end, a whole bunch of people carrying 60 pounds of drugs in backpacks on their backs, and a guy with an M-16 on the back. Meantime, here is mom and dad in a Winnebago down in the Coronado or the Cactus Pipes National Park, and they are camped out, and all of a sudden they look out their camper window and see a whole bunch of people coming through with guns and drugs.

This is happening, and people are getting killed in these parks. The parks are being destroyed by these drug traffickers who could not care less about the land. They leave trash, they set the place on fire. When we were down there in the Coronado, a fire had been started by an illegal alien who had started the fire at night to keep warm, and then walked away from it. By the time I got back to Denver, 35,000 acres had been burned to the ground. This is what is happening on our southern border, yet we do not have much of an intention to do anything about it. And on the northern border, of course, this is what is happening to us.

And let me say this. This is a face I wanted all of my colleagues to remember. I want all of America to remember this face, Mr. Speaker, because this is the face of a gentleman by the name of Kris Eggle, who at the young age of 28, last August, was killed by drug traffickers.

A drug bust went down near the border. We got about 400 pounds of drugs that we confiscated. That drug load was not actually completed, because the guys that were responsible for it lost the load. We got it. The cartel sent somebody to take care of them. They killed four of them in Mexico, who were escaping across the border, and they ran into Kris Eggle, who was doing his job as a park ranger. He confronted them and they killed him.

I visited the spot where he died. I visited it with his father, who had been there four times to commemorate his son's death and to relive that experience. It is a difficult thing to do for anybody, but he did it because he does not want this death to go in vain, and I do not either.

These borders are porous. We refuse to protect them and we send people like Kris Eggle down there and we do it at their peril. This is a shame, Mr. Speaker; a shame that we do not defend these borders and defend the people we send into harm's way there. It is a war zone also.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McINNIS (at the request of Mr. DELAY) for today on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Ms. GINNY BROWN-WAITE of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 704. An act to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces; to the Committee on Armed Services.

S. 711. An act to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

S. 712. An act to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; to the Committee on Armed Services.

S. 718. An act to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; to the Committee on Armed Services.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, April 3, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1638. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting certification that the current Future Years Defense Program fully funds the support costs associated with the CC-130J/KC-130J multiyear program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

1639. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1640. A communication from the President of the United States, transmitting the Third Annual Report on the Inter-American Convention Against Corruption; to the Committee on International Relations.

1641. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: January 2003 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

1642. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1643. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance Report for FY 2002; to the Committee on Government Reform.

1644. A letter from the Secretary, Department of Homeland Security, transmitting a plan for ensuring the elimination, to the maximum extent practicable, of unwarranted disparities in the pay and benefits of employees being transferred to the Department of Homeland Security, pursuant to Public Law 107—296; to the Committee on Government Reform.

1645. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2002; to the Committee on Government Reform.

1646. A letter from the Chair, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1647. A letter from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1648. A letter from the Chairman, Occupational Safety And Health Review Commission, transmitting the FY 2002 Annual Program Performance Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

1649. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1650. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1651. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Government Performance and Results Act Annual Performance Report for FY 2002 and the Annual Performance Plan for FY 2004; to the Committee on Government Reform.

1652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286-02; I.D. 030703B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1653. A letter from the Senior Staff Attorney, United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

1654. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Palm Beach County Bridges, Atlantic Intracoastal Waterway, Palm Beach County, FL [CGD07-03-031] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1655. A letter from the Secretary, Department of Transportation, transmitting notification regarding the Coast Guard's report on the Feasibility of Accelerating the Integrated Deepwater System; to the Committee on Transportation and Infrastructure.

1656. A letter from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2002, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

1657. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax-Exempt Bond Look Through (Rev. Proc. 2003-32, 2003-16 I.R.B.) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1658. A letter from the Under Secretaries of Defense, Department of Defense, transmitting the Department's report entitled, "Plan for Improving the Personnel Management Policies and Procedures Applicable to the Department of Defense Civilian Acquisition Workforce"; jointly to the Committees on Armed Services and Government Reform.

1659. A letter from the Vice Chairman, Federal Election Commission, transmitting the Commission's FY 2004 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration and Appropriations.

1660. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives as a part of the National Defense Authorization Act for Fiscal Year 2004; jointly to the Committees on Armed Services, Science, Small Business, Government Reform, Education and the Workforce, International Relations, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–55). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1280. A bill to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. 108–56). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 172. Resolution providing for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–57). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. OBERSTAR, Mr. NEY, Mr. HOYER, Ms. DUNN, Ms. HART, Mr. LIPINSKI, Mr. DEFAZIO, Mr. MENENDEZ, and Mr. WEINER):

H.R. 1553. A bill to provide for additional temporary extended unemployment compensation for certain displaced workers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1554. A bill to amend title 38, United States Code, to make certain improvements to the National Service Life Insurance and United States Government Life Insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOGGETT (for himself, Mr. Allen, Ms. Baldwin, Mr. Becerra, Mr. Crowley, Mr. DeFazio, Ms. DeLauro, Mr. Frost, Mr. Jefferson, Mrs. Jones of Ohio, Mr. Kleczka, Mr. Levin, Mr. Lewis of Georgia, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Markey, Mr. Matsui, Mr. George Miller of California, Mr. Neal of Massachusetts, Ms. Loretta Sanchez of California, Mr. Sanders, Mr. Sherman, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Tierney, and Mr. Waxman):

H.R. 1555. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. Allen, Ms. Baldwin, Ms. Berkley, Ms. Bordallo, Mr. Brown of Ohio, Ms. Carson of Indiana, Ms. DeLauro, Mr. Emanuel, Mr. Filner, Mr. Grijalva, Mrs. Jones of Ohio, Ms. Lee, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Matsui, Mr. McDermott, Ms. Norton, Mr. Owens, Mr. Sanders, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Tierney, Mr. Waxman, and Ms. Woolsey):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to require greater transparency of corporate tax accounting measures, to facilitate analysis of financial statements, to permit inspection of true corporate tax liability and understand the tax strategies undertaken by corporations, to discourage abusive tax sheltering activities, and to restore investor confidence in publicly traded corporations; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. Brown of Ohio, Ms. DeLauro, Mr. Gonzalez, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Matsui, Mr. McDermott, Mr. Neal of Massachusetts, Mr. Pomeroy, Mr. Rangel, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Sherman, Ms. Slaughter, and Mr. Stark):

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to disclose taxpayer identity information through mass communications to notify persons entitled to tax refunds; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Ms. DeLauro, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Sanders, Mr. Sandlin, and Mr. Stark):

H.R. 1558. A bill to amend the Internal Revenue Code of 1986 to allow a married couple conducting an unincorporated trade or business to elect out of partnership status; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. DUNCAN (for himself and Mr. Young of Alaska):

H.R. 1560. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself and Mr. Berman) (both by request):

H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

By Mr. BEAUPREZ (for himself, Mr. Smith of New Jersey, Mr. Evans, Mr. Simmons, and Mr. Rodriguez):

H.R. 1562. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself, Mr. Rohrabacher, Ms. Lee, Mr. Kildee, Ms. Lofgren, Mr. Schiff, Mr. McNulty, Mr. Lewis of California, Mr. Wu, Mr. Israel, Ms. Berkley, and Mr. Bartlett of Maryland):

H.R. 1563. A bill to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. Michaud):

H.R. 1564. A bill to provide for the full funding of the Individuals with Disabilities Education Act and the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Ms. Lee, Mr. Frost, Mr. Sanders, Mrs. Jones of Ohio, Mr. McDermott, and Mr. Conyers):

H.R. 1565. A bill to establish a National Center for Military Deployment Health Research in the Department of Health and Human Services to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, the Budget, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 1566. A bill to replace the existing Federal price support and quota programs for flue-cured and burley tobacco with a licensing program designed to assist the actual producers of flue-cured and burley tobacco, and for other purposes; to the Committee on Agriculture.

By Mr. DEAL of Georgia:

H.R. 1567. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. DOOLEY of California (for himself, Mrs. Tauscher, Mr. Kind, Mr. Davis of Florida, Mr. Smith of Washington, Mr. Stenholm, Mr. Emanuel, Mr. Cooper, Mr. Hill, Mr. Ford, Mr. Peterson of Minnesota, Mr. Cardoza, Mr. Case, Mr. Cramer, Mr. Moore, Ms. Harman, Mr. Miller of North Carolina, Mr. Davis of Alabama, Mrs. McCarthy of New York, Mr. Israel, Mr. Wu, Mr. Marshall, Mr. Lucas of Kentucky, Mr. Matheson, and Mr. Larsen of Washington):

H.R. 1568. A bill to amend part B of title XVIII of the Social Security Act to provide for a prescription drug benefit with a high deductible at no additional premium and access to discount prices on drugs and to provide for the operation of such benefit without a deductible for certain low-income Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 1569. A bill to designate the facility of the United States Postal Service located on Kinderkamack Road in Emerson, New Jersey, as the "Gary Albero Post Office Building"; to the Committee on Government Reform.

By Mr. JOHN:

H.R. 1570. A bill to accelerate natural gas exploration, development, and production from oil and gas wells drilled to deep depths on existing lease tracts on the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY:

H.R. 1571. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years; to provide that the Director of the Census report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mr. MILLER of Florida:

H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. Costello, Ms. Norton, Mr. McGovern, Mr. Doyle, Mr. Holden, Mr. Waxman, Ms. Woolsey, Ms. Watson, Mr. Faleomavaega, Mr. Hinchey, Mr. Thompson of Mississippi, Ms. Lee, Mr. Olver, Ms. Slaughter, Mr. Lipinski, Ms. Bordallo, Mr. Case, Ms. Schakowsky, and Mr. Capuano):

H.R. 1573. A bill to amend the Truth in Lending Act to require credit card issuers to mail monthly statements at least 30 days before the due date of the next payment, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 1574. A bill to amend the Farm Security and Rural Investment Act of 2002 to require, as a condition on the receipt of direct payments or counter-cyclical payments under such Act for rice produced by tenants and sharecroppers in Texas, that the producers on the farm agree to retain the rice cropland in production for the next crop year; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 1575. A bill to amend the Internal Revenue Code of 1986 to provide assistance with elementary and secondary educational costs to parents of children with disabilities; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. Holt):

H.R. 1576. A bill to amend the Individuals with Disabilities Education Act to establish a method to provide outcome-based funding increases to States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TANCREDO (for himself and Mr. Hoekstra):

H.R. 1577. A bill to designate the visitors' center in Organ Pipe National Monument in Arizona as the "Kris Eggle Memorial Visitors' Center", and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1578. A bill to promote and coordinate global change research, and for other purposes; to the Committee on Science, and in addition to the Committees on the Budget, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. Radanovich, Mr. Abercrombie, Ms. Eddie Bernice Johnson of Texas, Ms. Lee, Ms. Woolsey, Ms. Norton, Ms. Lofgren, Mr. Filner, Ms. Carson of Indiana, Mr. McDermott, Mr. Wu, Mr. Towns, Ms. Corrine Brown of Florida, Mr. George Miller of California, Ms. Roybal-Allard, Mr. Gonzalez, Mr. Case, Mr. Kind, Mr. Conyers, Mr. McGovern, Ms. Watson, Mr. Baca, Mrs. Napolitano, Mr. Matsui, Mr. Scott of Virginia, Mr. Sanders, Ms. Berkley, Mr. Frank of Massachusetts, Mr. Ney, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Wynn, Mr. Larson of Connecticut, Ms. Solis, Ms. Millender-McDonald, Mr. Rangel, and Ms. Bordallo):

H.J. Res. 45. A joint resolution posthumously proclaiming soldiers of Asian descent who fought in the Civil War to be honorary citizens of the United States; to the Committee on the Judiciary.

By Ms. LOFGREN:

H. Con. Res. 135. Concurrent resolution expressing the sense of Congress that secondary schools should begin classes no earlier than 8:30 in the morning; to the Committee on Education and the Workforce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Allen):

H. Res. 170. A resolution recognizing the 40th anniversary of the sinking of the U.S.S. Thresher; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. Sabo, Mr. Ramstad, Mr. Peterson of Minnesota, Mr. Gutknecht, Ms. McCollum, Mr. Kennedy of Minnesota, and Mr. Kline):

H. Res. 171. A resolution commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISAKSON introduced a bill (H.R. 1579) to authorize the vessel Stad Amsterdam to carry certain persons who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Gerlach, Mr. Price of North Carolina, Mr. Miller of North Carolina, Mr. Meek of Florida, Mr. Thompson of California, and Mr. Engel.

H.R. 25: Mr. Franks of Arizona, Mr. Bonilla, and Mr. Lewis of California.

H.R. 49: Mr. Gallegly, Mr. DeMint, and Mr. Hunter.

H.R. 58: Mr. Boswell, Mr. Hoeffel, Mrs. Jo Ann Davis of Virginia, Ms. Kaptur, Mr. Fattah, and Mr. Hayes.

H.R. 100: Mr. Bilirakis, Ms. Corrine Brown of Florida, Mr. Rodriguez, Ms. Hooley of Oregon, Mr. Strickland, Ms. Berkley, Mr. Holden, Mr. George Miller of California, Mr. Murphy, Mr. Renzi, Mr. Udall of New Mexico, Mr. Abercrombie, and Mr. Ryan of Ohio.

H.R. 135: Mrs. Napolitano and Mr. Doolittle.

H.R. 218: Mr. Abercrombie, Mr. Kennedy of Rhode Island, Mr. Crenshaw, Mr. Israel, Mr. Herger, Mr. Goss, Mr. Rogers of Michigan, and Mr. Clay.

H.R. 303: Mr. Marshall, Mr. Pascrell, Mr. Walden of Oregon, Mr. Udall of Colorado, Mr. Ford, Ms. Waters, and Mr. Gutierrez.

H.R. 306: Mr. Taylor of Mississippi.

H.R. 348: Mr. Ryan of Ohio.

H.R. 428: Mrs. Musgrave and Mr. Leach.

H.R. 445: Ms. Loretta Sanchez of California.

H.R. 463: Ms. Ginny Brown-Waite of Florida and Mr. Ehlers.

H.R. 489: Mr. Burgess.

H.R. 533: Mr. Stupak.

H.R. 543: Mr. Hastings of Washington, Mr. Sensenbrenner, and Mr. Terry.

H.R. 716: Mr. Israel, Mr. Duncan, Mr. Pastor, Mrs. Capito, Mr. Frost, Ms. Norton, and Mr. Markey.

H.R. 717: Mr. Etheridge.

H.R. 752: Mr. Israel.

H.R. 775: Ms. Hart.

H.R. 779: Mr. Filner and Ms. Schakowsky.

H.R. 826: Ms. Eshoo.

H.R. 832: Ms. Carson of Indiana and Mr. Lampson.

H.R. 850: Mr. Bishop of Georgia.

H.R. 857: Mr. Fattah.

H.R. 870: Mr. Herger.

H.R. 876: Mr. Goode, Mr. Ross, Ms. Ginny Brown-Waite of Florida, Mr. Herger, and Mr. Pascrell.

H.R. 879: Ms. Corrine Brown of Florida, Mr. Bishop of Georgia, and Ms. Ginny Brown-Waite of Florida.

H.R. 887: Mr. Bilirakis.

H.R. 898: Mr. Turner of Texas, Mr. Dicks, Mr. Thompson of California, Mr. Dooley of California, Mr. Abercrombie, Mr. Ortiz, Mr. Pastor, Mr. Frost, and Mr. Baird.

H.R. 937: Mr. Lucas of Kentucky.

H.R. 941: Mr. Engel.

H.R. 973: Mr. Kirk.

H.R. 983: Mr. McDermott and Mr. Meeks of New York.

H.R. 990: Mr. Carson of Oklahoma, Mr. Lucas of Kentucky, Mr. Platts, Mr. Turner of Texas, Mr. Wilson of South Carolina, Ms. Ginny Brown-Waite of Florida, Mr. Schrock, Mr. Gingrey, Mrs. Miller of Michigan, Mr. Janklow, Mr. Chocola, Mr. Barrett of South Carolina, Mr. Baker, and Mr. Nethercutt.

H.R. 1008: Mr. Graves.

H.R. 1040: Mr. Farr, Mrs. Christensen, Mr. Davis of Illinois, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Owens, Mr. Payne, Mr. Sanders, Ms. Schakowsky, Mr. Towns, Ms. Woolsey, Mr. Clay, Mr. Ballance, Mr. Lewis of Georgia, Ms. Watson, Mr. Jefferson, Mr. Meeks of New York, Ms. Eddie Bernice Johnson of Texas, Mr. Hastings of Florida, Mr. Rangel, Mr. Scott of Georgia, Mr. Thompson of Mississippi, and Ms. Carson of Indiana.

H.R. 1083: Mr. Gordon, Mr. Grijalva, Mr. Wynn, and Ms. Kaptur.

H.R. 1102: Mr. Stupak, Mr. Dooley of California, and Mr. Gephardt.

H.R. 1103: Ms. Eshoo.

H.R. 1115: Mr. Shays.

H.R. 1119: Mr. Boozman.

H.R. 1148: Mr. Blumenauer, Mr. Honda, and Mr. LaTourette.

H.R. 1157: Mr. Pascrell.

H.R. 1179: Mr. Paul and Mr. Wicker.

H.R. 1181: Mr. Norwood.

H.R. 1182: Mr. Shaw.

H.R. 1229: Mr. Smith of New Jersey, Mr. Feeney, Mr. Tancredo, Mr. Aderholt, Ms. Ginny Brown-Waite of Florida, Mr. Wilson of South Carolina, Mr. Barrett of South Carolina, and Mr. Paul.

H.R. 1231: Mr. Evans, Mr. Farr, Mr. Boozman, Ms. Berkley, Mr. Bonner, Ms. Loretta Sanchez of California, Ms. Eshoo, Mr. Gibbons, Ms. Eddie Bernice Johnson of Texas, Mr. Jefferson, Mr. Jackson of Illinois, Mr. Bartlett of Maryland, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 1252: Mr. Franks of Arizona.

H.R. 1321: Mr. Hinchey and Mr. Faleomavaega.

H.R. 1355: Mr. George Miller of California, Mrs. Jones of Ohio, Ms. Bordallo, and Ms. Schakowsky.

H.R. 1409: Mr. Hayworth.

H.R. 1422: Mr. Gordon.

H.R. 1426: Mr. Honda, Ms. Lee, Mr. Carson of Oklahoma, Ms. Norton, and Mr. Kennedy of Rhode Island.

H.R. 1429: Mr. Miller of North Carolina, Mr. McGovern, Mr. Engel, and Mrs. Jones of Ohio.

H.R. 1442: Mr. Porter, Mr. Frost, Mr. Frank of Massachusetts, Mr. Peterson of Pennsylvania, Ms. Pelosi, Mrs. Christensen, Mr. Beauprez, and Mr. Wolf.

H.R. 1470: Ms. Norton.

H.R. 1472: Mr. Doyle.

H.R. 1477: Mr. Grijalva, Mr. Honda, and Mr. Nadler.

H.R. 1479: Mr. Hunter.

H.R. 1511: Mr. Gingrey, Mr. Rogers of Michigan, Mr. Foley, Mr. Blunt, Ms. Harris, Mr. Franks of Arizona, Mrs. Musgrave, Ms. Ros-Lehtinen, Mr. Kirk, Mr. Beauprez, Mr. Gerlach, Ms. Dunn, Mr. Renzi, Mr. Flake, Mr. Weller, Mr. Boozman, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. Shaw, Mr. Hayes, Mr. Shays, and Mr. Wilson of South Carolina.

H.J. Res. 37: Mr. Bass.

H. Con. Res. 103: Mr. Otter.

H. Con. Res. 121: Mrs. Jones of Ohio and Mr. Frost.

H. Con. Res. 122: Mr. Hoeffel, Mr. Skelton, and Mr. Allen.

H. Res. 56: Mr. Etheridge, Mr. Kucinich, and Mr. Waxman.

H. Res. 60: Mr. Payne, Mr. Costello, Ms. Berkley, Mr. Evans, Mr. Ryan of Ohio, and Mr. Jones of North Carolina.

H. Res. 127: Mr. Combest.

H. Res. 149: Mr. Cardin.

H. Res. 154: Mr. Ballenger, Ms. Berkley, Mr. Burton of Indiana, Mr. Castle, Mr. Dooley of California, Mr. English, Mr. Forbes, Mr. Goode, Mr. Houghton, Mr. King of New York, Mr. Manzullo, Mr. McCotter, Mr. McNulty, Mr. Miller of Florida, Mr. Ney, Mr. Oxley, Mr. Pence, Mr. Pitts, Mr. Saxton, Mr. Schrock, Mr. Sherman, Mr. Stenholm, Mr. Weller, Mr. Wilson of South Carolina, Mr. Wolf, Mr. Wynn, Mr. Smith of Michigan, and Mr. Schiff.

H. Res. 165: Ms. Berkley.

DELETONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Uncer clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mrs. Christensen.

H.R. 857: Mr. Smith of Washington.

H.R. 1014: Mrs. Christensen.

H. Res. 59: Ms. Loretta Sanchez of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1559

Offered By: Mr. McGovern

Amendment No. 1: In chapter 3 of title I, in the item relating to "Drug Interdiction and Counter-Drug Activities, Defense", after the aggregate dollar amount, insert the following: "(reduced by $34,000,000)".

In chapter 4 of title I, in the item relating to "Andean Counterdrug Initiative", after the aggregate dollar amount, insert the following: "(reduced by $27,000,000)".

In chapter 5 of title I, in the item relating to "Office for Domestic Preparedness", after the first and second dollar amounts, insert the following: "(increased by $61,000,000)".

H.R. 1559

Offered By: Mr. McGovern

Amendment No. 2: In chapter 3 of title I, in the item relating to "Drug Interdiction and Counter-Drug Activities, Defense", after the aggregate dollar amount, insert the following: "(reduced by $34,000,000)".

In chapter 4 of title I, in the item relating to "Andean Counterdrug Initiative", after the aggregate dollar amount, insert the following: "(reduced by $27,000,000)".

In chapter 5 of title I, in the item relating to "Office for Domestic Preparedness", after the first and second dollar amounts, insert the following: "(increased by $34,000,000)".

H.R. 1559

Offered By: Ms. Millender-McDonald

Amendment No. 3: Page , after line , insert the following:

Sec. . (a) Definitions.—In this section, the following definitions apply:

(1) Frontline transit employee.—The term "frontline transit employee" means an employee of a mass transportation agency who is a bus driver, transit operator, transit maintenance employee, or community representative or is otherwise employed in a position with direct interaction with the public.

(2) Eligible transportation agency.—The term "eligible transportation agency" means a designated recipient as defined in section 5307(a) of title 49, United States Code, and any other transportation agency designated by the Secretary.

(3) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(b) Public Transportation Systems Vulnerability Assessments.—

(1) Assessment.—The Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall—

(A) conduct a review of all government assessments conducted after September 11, 2001, of terrorist-related threats to all forms of public transportation, including public gathering areas related to public transportation; and

(B) as necessary, conduct additional assessments of vulnerabilities associated with any public transportation system.

(2) Adequacy of training.—In conducting the review and assessments under paragraph (1), the Secretary shall determine the percentage of frontline transit employees who have received training in emergency preparedness and response activities.

(3) Reports.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the President and Congress a report on the results of the review and assessments conducted under this paragraph (1), including the Secretary's finding under paragraph (2), and the Secretary's recommendations for legislative and administrative actions.

(B) Updates.—The Secretary shall update the report, including the Secretary's finding under paragraph (2), annually for 2 years and transmit the updated reports to the President and Congress.

(c) Grants for Emergency Preparedness and Response Training of Frontline Transit Employees.—

(1) In general.—The Secretary may make grants to eligible transportation agencies for—

(A) the training of frontline transit employees in emergency preparedness and response activities; and

(B) the acquisition of equipment and technologies, approved by the Secretary, to assist in carrying out such training and activities.

(2) Training activities.—Training activities under paragraph (1)(A) may include the teaching of best practice methods, planning, testing, drills, and the development of agency and regional emergency preparedness and response programs.

(3) Applications.—To be eligible for a grant under this subsection, an eligible transportation agency shall submit to the Secretary an application at the time and containing the information that the Secretary requires by regulation.

(4) Terms and conditions.—A grant to an eligible transportation agency in a fiscal year under this subsection shall be subject to the following terms and conditions:

(A) Emergency management committee.—The agency shall certify that the agency will establish a committee on emergency preparedness and response training consisting of at least one frontline transit employee representative and at least one management employee representative. The committee shall be composed of an equal number of frontline transit employee representatives and management employee representatives. Committee positions shall not be vacant for any period in the fiscal year of more than 30 days.

(B) Report.—The agency shall agree to submit to the Secretary before the last day of the fiscal year a report on the use of the grant, including a statement of the number of frontline transit employees receiving training under the grant.

(5) Allocation of grant amounts.—The Secretary shall allocate amounts made available for grants under this subsection in a fiscal year among eligible transportation agencies based on the needs of the agencies for emergency preparedness and response training and equipment. Not less than 10 percent of such amounts shall be allocated to eligible transportation agencies in non-urban areas.

(6) Federal share.—The Federal share of the cost of activities funded using amounts from a grant under this subsection may not exceed 90 percent.

(7) Regulations.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue final regulations to carry out this subsection.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $8,000,000 per fiscal year for each of fiscal years 2004, 2005, and 2006. Such amounts shall remain available until expended.

H.R. 1559

Offered By: Ms. Millender-McDonald

Amendment No. 4: Page , after line , insert the following:

Sec. . (a) Frontline Transit Employee Defined.—In this section, the term "frontline transit employee" means an employee of a mass transportation agency who is a bus driver, transit operator, transit maintenance employee, or community representative or is otherwise employed in a position with direct interaction with the public.

(b) Public Transportation Systems Vulnerability Assessments.—

(1) Assessment.—The Secretary of Homeland Security, in consultation with the heads of other appropriate Federal departments and agencies, shall—

(A) conduct a review of all government assessments conducted after September 11, 2001, of terrorist-related threats to all forms of public transportation, including public gathering areas related to public transportation; and

(B) as necessary, conduct additional assessments of vulnerabilities associated with any public transportation system.

(2) Adequacy of training.—In conducting the review and assessments under paragraph (1), the Secretary shall determine the percentage of frontline transit employees who have received training in emergency preparedness and response activities.

(3) Reports.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the President and Congress a report on the results of the review and assessments conducted under this paragraph (1), including the Secretary's finding under paragraph (2), and the Secretary's recommendations for legislative and administrative actions.

(B) Updates.—The Secretary shall update the report, including the Secretary's finding under paragraph (2), annually for 2 years and transmit the updated reports to the President and Congress.

H.R. 1559

Offered By: Mr. Emanuel

Amendment No. 5: At the end of the bill (before the short title), insert the following:

TITLE

FINANCIAL ASSISTANCE

Sec. . (a) Payments to State and Local Governments.—The Secretary of the Treasury shall, in accordance with the provisions in this title, make payments to States and local governments to coordinate budget related actions by such governments with

Federal Government efforts to stimulate economic recovery.

(b) Appropriation.—There is appropriated to the Secretary of the Treasury $1,700,000,000 for fiscal year 2003 for payments under this title.

ALLOCATION

Sec. . The Secretary of the Treasury shall establish a formula, within 30 days after the date of the enactment of this Act, for determining the allocation of payments under this title. The formula shall give priority weight to the following factors:

(1) The unemployment rate in relation to the national average unemployment rate.

(2) The duration of the unemployment rate above such average.

(3) Median income.

(4) Population.

USE OF FUNDS BY STATE AND LOCAL GOVERNMENTS

Sec. . (a) In General.—Funds received under this title may be used only for priority expenditures. For purposes of this title, the term "priority expenditures" means only—

(1) ordinary and necessary maintenance and operating expenses for—

(A) primary, secondary, or higher education including school building renovation;

(B) public safety;

(C) public health, including hospitals and public health laboratories;

(D) social services for the poor or aged;

(E) roads, transportation and water infrastructure; and

(F) housing; and

(2) ordinary and necessary capital expenditures authorized by law.

(b) Certifications by State and Local Governments.—The Secretary of the Treasury may accept a certification by the chief executive officer of a State or local government that the State or local government has used the funds received by it under this title only for priority expenditures, unless the Secretary determines that such certification is not sufficiently reliable to enable the Secretary to carry out this title. The Secretary shall prescribe by rule the time and manner in which the certification must be filed.

EMERGENCY DESINGATION

Sec. . The entire amount provided by this title is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1559

Offered By: Mr. Emanuel

Amendment No. 6: At the end of the bill (before the short title), insert the following:

TITLE ___

EXECUTIVE OFFICE OF THE PRESIDENT

Unanticipated Needs

EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to detect, prepare for, prevent, protect against, or respond to a potential terrorist attack, $8,000,000,000, to remain available until December 31, 2003: *Provided*, That such funds may be transferred to any authorized Federal Government activity for such purposes: *Provided further*, That the Director of the Office of Management and Budget shall notify the Committees on Appropriations at least 15 days prior to transfer of any amount of such funds.

H.R. 1559

Offered By: Ms. Waters

Amendment No. 7: At the end of the bill (before the short title), insert the following:

REQUIREMENT THAT UNITED STATES URGE THE INTER-AMERICAN DEVELOPMENT BANK TO RESUME LENDING TO HAITI

Sec. . The Secretary of the Treasury shall direct the United States Executive Director at the Inter-American Development Bank to use the voice, vote, and influence of the United States to urge the Inter-American Development Bank to immediately resume lending to Haiti, and disburse all loans to Haiti that have been approved by the Inter-American Development Bank.

H.R. 1559

Offered By: Ms. Waters

Amendment No: 8: At the end of the bill (before the short title), insert the following:

Sec. . (a) Limiting Conflicts of Interest.—If an officer described in subsection (b) was, at any time during the covered period, a member of the board of directors of a company or a senior management official of a company, such officer may not—

(1) be present at, or participate in any way in, any negotiation of a contract for the procurement of goods or services by the Federal Government with such company or any exercise of authority in connection with an existing contract with such company (other than to delegate authority to another officer); and

(2) otherwise directly or indirectly communicate with such company, or any officer or employee of such company, during the period any such negotiation is in progress or the exercise of authority is being considered.

(b) Designated Officers.—The following officers are described in this subsection for purposes of subsection (a): the President, the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Commerce, the Assistant to the President for National Security Affairs, the Senior Advisor to the President, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Deputy Secretary of Defense, and the Administrator of the United States Agency for International Development.

(c) Covered Period.—For purposes of subsection (a), the term "covered period" means the 4-year period preceding the beginning of a negotiation of a contract or the exercise of authority in connection with an existing contract.

H.R. 1559

Offered By: Ms. Waters

Amendment No. 9: At the end of title ___, insert the following new item:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for assistance to States and units of general local government for carrying out a variety of development and renewal projects, $5,000,000,000, to remain available until expended: *Provided*, That such funds may be used only for urban and rural development and renewal projects that are designed to provide resources to urban and rural communities, to create jobs and economic opportunities, and to facilitate community growth, including projects for housing rehabilitation and construction, construction and development of health clinics, water projects, and transportation systems, acquisition and demolition of dilapidated buildings, and urban reconstruction and environmental cleanup: *Provided further*, That in administering such funds, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds: *Provided further*, That the Secretary may request the head of any appropriate agency to administer the use of the funds for any project, in lieu of or in conjunction with the Secretary, if the Secretary determines that such agency has more appropriate experience and expertise with respect to such project: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by any State or unit general local government or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

H.R. 1559

Offered By: Mr. Rodriguez

Amendment No. 10: At the end of the bill, before the short title, insert the following:

Sec. . The amounts otherwise provided by this Act are revised by reducing the amount made available in chapter 4 of title I for "Iraq Relief and Reconstruction Fund" by, and appropriating under the heading "DEPARTMENT OF VETERANS AFFAIRS" an additional amount for "Veterans Health Administration—Medical Care" of, $90,000,000, of which, in the case of the amount appropriated for "Veterans Health Administration—Medical Care", $70,000,000 is for additional health care preparedness, as authorized by law, and $20.000.000 is for implementation of section 7325 of title 38, United States Code (relating to the establishment of medical emergency preparedness centers in the Department of Veterans Affairs).

H.R. 1559

Offered By: Mr. Nethercutt

Amendment No. 11: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act for reconstruction efforts in Iraq may be used to procure goods or services from any corporation or other business entity organized under the laws of France, Germany, the Russian Federation, the People's Republic of China, or Syria.

SENATE—*Wednesday, April 2, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Glory and praise to You, Lord God of heaven and earth. You give us life that we may know, love, and serve You here and now. We are to find and to show goodness and truth in this often troubled but beautiful world.

You are the maker and lover of peace. Protect us from all anxiety. Keep us and our military safe from the weapons and the hatred of others in this time of war. Help our wounds continue to heal, that the United States of America may lead the world with new freedom through this new millennium, which has begun with such strife.

The eyes of many are on bombs dropping on a city far away. But because we are human, our vision is often clouded. Help us also to see the explosive power of Your divine blessings in our lives, so that we may respond with lives of service and love.

Father, may these Senators and all who work for peace, security, and the common good find satisfaction in their work for the progress of peoples. There is urgency in our prayers these days, Lord. Show us the way to the fullness of life. Teach us again. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSAY GRAHAM, a Senator from the State of South Carolina, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 11 a.m. to allow Members to continue to make statements supporting our troops who are participating in Operations Enduring Freedom and Iraqi Freedom.

At 11 a.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are anticipated to that measure. I take this opportunity to encourage Members to notify the managers as early as possible today if they intend to offer any amendments. Our goal will be to complete the supplemental by tomorrow sometime. I would love the opportunity to finish it today, but I think realistically we should have as our goal to complete it tomorrow at some point. In order to do that, it will be critical for our colleagues to bring to the managers any amendments they may wish to offer.

At 2 p.m. today, the Senate will conduct the fourth cloture vote in relation to the Miguel Estrada nomination. Following that cloture vote, the Senate will resume consideration of the supplemental appropriations bill. The Senate will complete action on the supplemental this week. Therefore, I inform all Senators to expect rollcall votes throughout the day.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, I take a couple of moments to comment on the actions in support of our troops in Iraq. First, our condolences, as always, go out to the families of those who have lost loved ones. Being from Tennessee, I particularly express my sympathies to the family of Marine LCpl Patrick Nixon from Gallatin, TN, who was killed while attempting to secure a critical bridge across the Euphrates River in Nasiriyah.

I also offer our prayers and condolences for those who have lost loved ones, and also offer prayers to those in the field fighting for us.

I commend the tremendous performance of our Armed Forces and continue to be amazed by their degree of professionalism, their boldness, and the courage they represent each and every day. There will be tough days ahead, as we all know, but we all feel the steady progress being made.

I take a moment to commend the Navy SEALs and Army rangers who rescued PFC Jessica Lynch from a hospital in Nasiriyah where she was being held. Most people had the opportunity to see the very dramatic footage a few hours ago of her being rescued by those special forces. We join with her family and friends in Palestine, WV, in celebrating her recovery. This is one more example of the outstanding flexibility, training, and performance of America's military men and women.

I should mention, because it relates to a trip I took this weekend in visiting the base at the 101st Airborne in Tennessee, I had the opportunity to visit with Major General Petraeus's wife, Holly Petraeus, whom I first met 11 years ago when they previously had been stationed at Fort Campbell. I got to know her at that point in time and saw her when General Petraeus and I had the opportunity to start the Army 10-miler together a few months ago. I say "start" because I am a slow runner; when we started the race, he took out ahead of me after the first 20 yards.

General Petraeus now is on the front page of the Washington Post. The opening paragraph:

> U.S. Army troops seized the southern edge of this key Euphrates River city today as Iraqi militia fighters appeared to retreat in the face of overwhelming firepower. . . .
>
> Shortly before 2 p.m., Maj. Gen. David H. Petraeus, commander of the 101st Airborne, drove in an armed convoy up a rocky escarpment into Najaf, urged on by clapping Iraqis who gestured impatiently for the Americans to press deeper into the city center.

It gives me a great deal of pride for the 101st Airborne to be able to hear these real-life stories of the bravery and boldness of General Petraeus. I was with Holly Petraeus this past Sunday at the 101st Airborne. She hosted Karen, my wife, and me to lunch and attending a church service. She is doing a tremendous job of keeping up the spirit of all the families there and has become a real focal point for the community efforts in Hawesville, KY, Clarksville, TN, and on the base to support our troops. We have a lot to be proud of, with tough days ahead.

Meanwhile, the Senate will be addressing the supplemental emergency spending in order to support our troops, as well as the underlying budget, which I hope to complete—which we will complete by April 11.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to exceed beyond the hour of 11 a.m., with the time to be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or his designee, the Senator from Nevada.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HONORING OUR ARMED FORCES

Mr. ENSIGN. Mr. President, I rise today to pay tribute to the troops. I am totally amazed when I watch the television reports at the bravery displayed by those who are serving our Nation in harm's way.

There is a saying from the Scriptures that:

> A man can have no greater love than to lay down his life for his friends.

The motto of my home State of Nevada is: All for our country. Nevada has a long and proud history of patriotism and contributing to this Nation's defense in times of peace and in times of conflict. Many brave Nevadans have proudly donned the uniform of our armed services. Unfortunately, some of our finest have lost their lives in service to our Nation.

Nevada has lost several servicemen during the ongoing war on terrorism, and last week we learned of our first casualty in Operation Iraqi Freedom. LT Fred Pokorney was killed during a cowardly ambush on our marines near An Nasiriyah, Iraq. His death has brought the reality of war to families across Nevada. His life and dedication have touched and inspired me.

I wish I had known Fred when he played for the Tonopah High School basketball and football teams. I only had the opportunity to learn about this gentle giant, for that is what he was, since he made the ultimate sacrifice for me, my family, for all Nevadans, and all Americans.

It should not come as a surprise, but when I learn about these brave men and women who risk their lives and sacrifice so much to defend our freedom, I am awed by the caliber of their character, integrity, and dedication. Fred Pokorney is the perfect example.

Nothing was handed to Fred. He overcame challenges that would have been an excuse for others to quit. He was incredibly well liked for his positive attitude and competitive spirit. He joined the Marines right out of high school and graduated with a degree in military science from Oregon State University, also my alma mater. He loved being a marine.

A tremendous void is being felt by those who knew Fred best. Just as it is inspiring to hear about the character of men and women who serve in our military, it is heartening to speak to those left behind and hear the pride they somehow find the strength to share. When I spoke to Fred's wife—she goes by Chelle—it was obvious her husband is a hero to her as he is to us all. She is comforted by the knowledge that she knew what it was to have peace and love.

Now she is charged with raising their 2½ year old daughter Taylor—and passing Fred's legacy on to her, and Fred's love for country on to us all.

On the telephone last week, Chelle read me the last letter Fred wrote to her and to his daughter Taylor. I would have brought those letters to the floor but, frankly, I could not have read those letters without breaking down because of the emotions that were communicated from one of our soldiers on the battlefield to his family.

Chelle told me Fred's death, though, gave her hope. She feels a responsibility to take Fred's pride, strength, and deep patriotism, and instill it in other Americans. So long as freedom thrives and she can help other Marine families heal, Chelle knows Fred's death will not have been in vain.

What Chelle does not realize is that she, too, is a hero. The families who support our military wait anxiously for word from their loved ones and continue the motions of life while their loved ones are away. They are heroes also. Without their strength and support, our troops could not be the best in the world. I stand here today, grateful for the bravery of Fred Pokorney and inspired by the courage of Chelle Pokorney and others like them.

For Taylor, I pray she grows up to know that her father's death on the battlefield of freedom was not in vain. I pray when she is older, Taylor will know the gratitude of this Nation for her father's sacrifice, and for her sacrifice.

God bless LT Fred Pokorney and God bless his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while I know there are some who may have different views about what is happening in Iraq and our country's role in it, I think there is really no disagreement in our country about what our sons and daughters do for America when they are sent to fight for freedom. There should be no disagreement about our support for the troops that are in harm's way halfway across the world.

My colleague from Nevada and others have spoken eloquently about the commitment these young men and women have made to their country. They leave home, they leave the comforts of their community, they leave their family, and they march in the face of danger.

This morning I went to Bethesda Naval Hospital to visit a young man whom I had appointed to the Naval Academy some 12 years ago. His name is Jason Frei from Hazen, ND. A wonderful young man, he has kept in touch with me each year since he graduated from the Naval Academy, sending me Christmas cards, telling me how he is doing and what he is doing.

He left his wife and two children to go to Iraq with his Marine unit. Jason was wounded last week and is now back at Bethesda Naval Hospital. He has lost a part of his arm. His eardrum was punctured. He was injured by a rocket-propelled grenade when it hit his vehicle.

He is a remarkable man. This morning he was very positive. He was in good spirits and he told me about the men and women with whom he served. This morning in the hospital he was most concerned about his unit, which is still in Iraq—how they were doing, what they were doing. He is, I think, symbolic of those brave men and women who always answer the call for our country.

This is a young man from a small town in North Dakota, but he could be a young man or woman from a town anywhere in America who, when his country needs him, answers the call.

In North Dakota, we have the highest percentage of callups in the Guard and Reserve of any State in the Nation. More than one-third of our National Guard and Reserve have been called to active duty.

A young woman on my staff in Bismarck has been called to active duty with the National Guard, a young lieutenant. They go and serve because they are called to serve our country.

I recall one day at a veterans' hospital in Fargo, ND, pinning the medals on the pajama tops of a Native American named Edmund Young Eagle who served during World War II. He had never gotten his medals. His sisters asked if I could help get the medals for him, whom I didn't know just a week from death. He had lung cancer. We got his medals and on a Sunday morning we went to the VA hospital, and his sisters came and the doctors and nurses came in the room, and I pinned the medals he won during World War II on his pajama tops.

This very sick man, with lung cancer, who had answered the call from his Indian reservation to go to Africa and Europe and fight for this country, came back from the war and lived a life that was pretty spartan. He didn't ever have very much. But this man, with the medals now pinned on his pajama tops, told me it was one of the proudest days of his life because he had served his country and his country was saying to him: Thank you.

There are so many young men and women today who are serving their country. This Congress and the American people need to say to them, in every way, every day: Thank you.

An author once wrote:

> When the night is full of knives, the lightning is seen, and the drums are heard, the patriots always step forward, ready to fight and die if necessary to preserve freedom.

This country should have enormous gratitude for having such men and women, such patriots who always step forward. One of those patriots is Jason Frei, who, I am proud to say this morning, is doing well at the Bethesda Naval Hospital and who, we hope, will be released in a matter of days but who, again, worries a great deal about the troops with whom he served. He cares a great deal about this country and about their fate.

Let us all hope very much that this war is over soon, that its result is decisive, that Saddam Hussein is replaced, that the people of Iraq are no longer the victims of his tyranny, and that our sons and daughters come back to our country and return to their loved ones.

When they do, let America again say thank you, thank you for serving this great country.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to talk about joy and also apprehension. In Palestine, WV, they are celebrating the rescue yesterday of PFC Jessica Lynch from an Iraqi hospital. I am sure most people who watch C–SPAN have also seen the incredible pictures of that operation, seeing our Navy SEALs, our Army special forces, our Marines teaming up to go in and take a hospital because they had information that some of our prisoners of war might be there. It was a great act of courage on their part.

We are all celebrating the return of Jessica Lynch. In her Army hometown of El Paso, TX, they are celebrating. Her rescue has given hope and comfort to the families of the other missing or captured members of Fort Bliss's 507th Maintenance Company that they, too, might be returned to their homes and families.

Retired MSgt Claude Johnson, father of prisoner of war SP Shoshana Johnson, was thrilled to learn PFC Jessica Lynch had been found. I quote:

> I am very, very, very glad that Jessica has been returned and that she is safe. As I have said previously, it is not just about Shoshana. It's about all the prisoners who are over there, and I hope and pray that each and every one of them can come home safe, just like Jessica did. The rescue of Lynch gives everybody hope that the rest of [those missing or captured] will be returned.

I talked to Mr. Johnson early on after Shoshana was taken captive and was shown on Iraqi television. She is a former Army personnel person. I was able to share with him the great attention that all of us are giving to all of those prisoners of war and missing in action. I told him that everything would be done to find them and to rescue them if possible. We hope this is the first of good news. But we also know that our forces are doing everything possible to determine if there are others there and also to try to get them home if they are.

We commend the brave marines and special ops forces and the SEALs who were involved in this dramatic rescue. As details come out, I know we will be even more proud of what they have achieved. Now we hope that in the days ahead there will be other good news for those families of soldiers from Fort Bliss and Fort Hood; that they, too, will be reunited with their families.

All of America is riveted on that wonderful story, but we also know there is more news to come, and we will wait anxiously to hear about others.

I also want to take time to discuss personal stories we get from the field because the press over there is seeing the individual sacrifices our young men and women in the military are making that show so much about our values. I want to share one of those vignettes. Then I want to ask my friend and colleague from Idaho to also do the same because he, too, has troops from Idaho in the field.

This morning I start by talking about CPT Chris Carter. This comes from Chris Tomlinson, the Associated Press, from Hindiyah, Iraq. I want to show this picture because it illustrates exactly what these forces are doing. This is a story that goes with this picture. You see in this picture a woman in a black veil sitting on a bridge. Here are the American troops who are trying to take this bridge.

> "We've got to get her off that bridge," he said.
>
> Capt. Chris Carter winced at the risks his men would have to take. Engaged in a raid on this Euphrates River town, they were battling for a bridge when, through the smoke, they saw the elderly woman. She had tried to race across the bridge when the U.S. soldiers arrived, but was caught in crossfire.
>
> At first they thought she was dead, like the man sprawled in the dust nearby. But during breaks in the gunfire that whizzed over her head, she sat up and waved for help.
>
> Carter, a 32-year old Army Ranger, ordered his Bradley Fighting Vehicle to move forward while he and two other men ran behind it. They took cover behind the bridges' iron beams. Carter tossed a smoke grenade for more cover and approached the woman, who was crying and pointing at a wound on her hip.
>
> She wore a black abayah, a robe common among older women in the countryside. Blood soaked through the fabric onto the pavement around her.
>
> Medics put the woman on a stretcher and into an ambulance; Carter stood by, providing cover with his M–16 automatic rifle. Then she was gone, and the battle raged on for the town of 80,000 about 50 miles south of Baghdad.
>
> By the end of the day, the Army unit would fight street to street, capture or kill scores of Iraqui soldiers, blow up a Baath Party headquarters and destroy heaps of ammunition and mortars. No U.S. soldiers were killed, but from the beginning officers in the 4th Battalion, 64th Armor Regiment described the mission as "hairy."
>
> "Yeah, hold a strategic bridge with one infantry company that has only two platoons—a hell of a mission," Lt. Col. Philip DeCamp, the battalion commander, said with a smile.

I yield to my colleague from Utah.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to address the Senate today with my colleague from Texas and others who have joined us and will in the future to take the time set aside by our leadership to talk about our troops and to give them the thanks of a grateful Nation as they fight in Iraq to protect our freedom.

Today I want to begin by sharing another vignette, this one is from the Army Times written by Robert Hodierne and Jane McHugh. It is about a heroic act that occurred in Iraq during some of the early days of the fighting. This is a picture with the wrong name on it. I will explain. When it was first reported, it said "Joseph DeWitt." But after further evaluation—this picture made it on the front page of a number of newspapers around the country, and people started checking into it.

It was actually Joseph P. Dwyer, age 26, who is still in the field in Iraq. A few days ago, when this report I will discuss was written, he was still 80 miles outside of Baghdad with his division, the 3rd Infantry. What we see is obvious. It is one of our soldiers carrying a young Iraqi boy to safety. But there is a story behind this picture that illustrates the bravery and commitment of our troops in Iraq, not just to cause a regime change and to overthrow Saddam Hussein and restore peace and freedom in Iraq and peace and freedom in the world, but also to do so in a way that causes the least amount of collateral damage.

I will stop before I go into this vignette to make a point. There are many nations in the world that, when war begins, would not pay attention to the collateral damage, the injuries of innocent civilians. Saddam Hussein, as we know, has killed tens of thousands of innocent people just for the accomplishment of an objective of war.

But our Nation, as we conduct this battle, is conducting it in a way that literally puts our men and women in the military at greater risk because of the decision to try to reduce the risk presented by the war to those who are innocent. I think it is important for us to note that our men and women in the armed services are incurring this greater risk because of our commitment and theirs to make sure that we do not injure one unnecessary person as we conduct this war.

You can see here a young grimy soldier in full battle gear. You can see the level of concern on his face as he carries this wounded young Iraqi boy to safety. What is the story behind this picture? As I have indicated, Joseph Dwyer is 26, and he is still with the 3rd Infantry Division in Iraq. Until just a few days ago, he didn't really have a clue how famous he was. His name was misidentified in the first prints of the picture. By the time he was identified, his picture was one that people around the world had seen. When he was told about it, his reaction was that he laughed out loud. For a few moments, he could not stop laughing. He said afterward that he was both amused and embarrassed at the notoriety he had achieved. "Really, I was just one of a group of guys. I wasn't standing out more than anyone else," he said during this telephone conversation during some rare down time.

Dwyer has lived for the past 6 years in Wagram, NC, where his parents moved after his father retired as a New York transit policeman. This young man's family has been in law enforcement. His father is a retired policeman. He grew up in Mt. Sinai on New York's Long Island. His three older brothers are New York City policemen. If you think about that and remember 9/11, he had three brothers who were New York City policemen when he found out the news about what was happening on 9/11. None of his brothers was lost on 9/11, but one of them lost a partner on 9/11. That is how close the casualties came to his personal family.

He said: "I mean everybody lost someone, a lot of good people." He said he was sure for a long time that he had lost someone too. He believed one of his brothers had probably been killed. He said: "I thought he was gone." But when he talked to his brother on the night of September 11 and learned he was safe, Dwyer said: "I knew I had to do something." So 2 days later he enlisted in the Army and became a medic. He said: "It was just what I could do at the time."

People from across America jumped in and did what they could after 9/11. This young man joined the Army to help protect and defend the United States interests and is now doing that in Iraq. On Tuesday morning, when the now-famous image of Dwyer was taken, his unit, the 3rd Squadron of the 7th Cavalry Regiment, had been ambushed repeatedly the night before as they worked their way along the north side of the Euphrates River. Just as the Sun was rising, they were ambushed again by Iraqi troops firing from tree lines on both sides of the road. The Americans fired back with everything they had and called in airstrikes to help them. In the middle of this firefight, an Iraqi family was caught in the crossfire. When the fighting stopped, the father of the family came running out screaming that his family needed help. Dwyer says: "It came over that there was a family that had some injuries. We went down there. It was kind of hectic at first. . . . We didn't know what was going on. Who was friendly and who wasn't."

Here is an example of how our troops are putting themselves in harm's way because of their interest in making sure that we reduce the casualties to innocent people.

"We didn't want to get too close to the village, knowing that there could be possible enemy there," he went on. "We saw him with the child. He came running out to where we had the hospital set up."

Then he and some other soldiers, guns at the ready, bolted from their cover to help. Dwyer reached the father and grabbed his son from him, cradling the young boy in a protective embrace as he raced back to safer ground. That is when Army Times photographer Warren Zinn snapped this picture.

The boy, who is about 4 years old, "grabbed right onto me, that was the weird thing," Dwyer said. "The kid was doing all right. I could feel him breathing real hard, and I was just carrying him and he didn't cry one bit and you know he was a cute little kid. He was scared, though, you could tell. You know, for the father to trust us to take his child over and know that we would take care of him, maybe it's just me being optimistic, but I think it was a good feeling knowing he trusted us to take his child. It was a little kid. I have little nieces and nephews back home. . . . It was just a kid, it wasn't an enemy. This is what I signed up to do, to help people."

That day was the first time Dwyer treated any wounded. The little boy had a broken left leg, but Dwyer says he is going to make a quick recovery. Though gratifying as the encounter may have been, it left him with lingering concerns. He wishes he could talk to the family.

"I wonder how they felt about us," he said. "I mean, if I was in their position and this was going on, I'd be mad at me, you know, for being here. I don't know. I wouldn't mind being able to talk to him, that's for sure."

Dwyer nevertheless is glad to be in Iraq. "I know that people are going to be better for it. The whole world will be. I hope being here is positive because we are a caring group of people out here. If they find out, that would be great. Maybe they'd stop shooting."

Mr. President, here we have one more specific example of an act of bravery, heroism, which is happening time and time again in Iraq. As we see the scenes on TV of the bombs exploding and the troops moving, we think about our troops being engaged in battle, but we don't think about the fact that, as they are engaged in battle, they are also doing everything they can to help those who are innocent, who didn't start or cause this war, to be protected from harm's way.

I conclude my remarks by again expressing on my behalf, and I believe on behalf of the entire Senate and the Congress, and, frankly, the United States people, our thanks to our men and women in the armed services for the service they are giving.

I spoke in the Chamber a few days ago about an Idahoan who has given the extreme sacrifice. He lost his life in this battle. We will have, unfortunately, more stories like that. As a nation, we give our thoughts and our prayers and our grateful thanks to the men and women in our Armed Forces who are putting their lives on the line for our freedom.

Mr. President, I yield the remainder of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Idaho for sharing that story with us. It reminds us of what is being done that we might not see over here, but it is those one-on-one things that that Iraqi father is going to remember.

I want to do another story from the field. This one is written by Julian Barnes of U.S. News and World Report. He is with the 101st Airmobile Division Apache Pilots. Here we have the picture of an Apache helicopter firing an antimissile flare. This was taken April 7. The story:

> Chief Warrant Officer Ted Hazen has been flying attack helicopters for years. Last week, he finally flew one into combat. "It was everything I expected," he says, "and not anything like I expected." It was the first deep-strike attack by the 101st Airborne Division, and Hazen was at the controls of the command chopper, helping direct the fleet of Apache Longbows into battle some 50 miles south of Baghdad. In front of him, the other pilots locked on the Republican Guard tanks and armored vehicles and let loose their hellfire missiles. "I saw that first shot go out and bang, hit," he says. "Then there was a hellacious secondary explosion. Flames went 100 feet into the air."
>
> After engaging the first tank, the Apaches' fuel began running low. A squadron of British Harrier jets continued the attack as the Apaches turned south, back to base. But heading home is almost as tough as attacking. Powerful tailwinds can cause blinding brownouts. The first two of the 101st's Apaches crashed while trying to land. Hazen is philosophical. After all, it's tricky business trying to land a big chopper totally blind. How tricky? "The best thing to say," Hazen mused, "is open your garage door, turn your lights off, line yourself up, go 20 miles per hour and hit your brakes and see if you stop in time."

That sort of thing brings it home.

I wish to read an article about the 173rd Airborne Brigade. This is a picture of the paratroopers who took the airfield in northern Iraq. A U.S. soldier stands guard next to his colleagues digging in near the Harir airstrip. They are excavating earth into trucks northeast of Arbil in northern Iraq. Harir airfield is in Kurdish-controlled northern Iraq where U.S. soldiers from the 173rd Airborne unit parachuted into position.

The article is by Bay Fang, U.S. News & World Report. He is with the 173rd Airborne Brigade:

> The man is covered in mud. "I landed in a puddle," he says sheepishly. "It was a great

landing, other than where I landed." He and the other members of the 173rd Airborne Brigade dropped into northern Iraq the night before, but they still have not had a chance to clean up. They are fanned out across the airstrip here, dun-colored figures dotting the lush green fields, diggings foxholes, setting up their guns.

Another paratrooper checks a jeep-mounted machine gun and gestures at the fields and mountains shrouded in mist. "I have total sympathy for the men in Vietnam, walking through the rice paddies," he says. "I don't see how they did it. This isn't half as bad. And it's tough, this terrain out here."

Up the road, a special forces officer haggles over a truckload of wood his men need for heat. They chose to send the troops in by parachute rather than plane, he says, for reasons of both efficiency and psychological impact. "It sends a dramatic message to the whole region that U.S. forces are here," he says. "I think we can say that the northern front is already underway."

The north has indeed begun to move. Late that afternoon, I hear that Iraqi forces have pulled back from the ridge overlooking Chamchamal, the frontline town where I have been staying, to positions just outside Kirkuk. Kurdish fighters, known as peshmerga—

Described as "those who face death"—

and curious townspeople have rushed up the mountainside. Some are here to inspect the area inhabited by their enemy for the past 12 years. Some have come to loot. But most are simply tourists, hoping to visit places once forbidden to them.

Arivan Ahmed stands on the remains of a hilltop bunker. He used to pass through this place every day on his smuggling run from Kirkuk to Chamchamal and bribe the soldiers at what was called the Challenger checkpoint. "They sometimes took my shoes from me, so I would have to go back barefoot to Chamchamal," he says. That was before the American bombing started and all traffic stopped. "I used to be very afraid every time I came through here. Now I am just happy to stand here on this ground." He holds a rusty hammerhead in his fist that he scrounged from the rubble, and says that is enough of a memento for him.

The road is now open 12 miles deep into what was Iraqi territory. All along it, I see scenes of defiance and celebration. A man drives a bulldozer into a cement plaque in the middle of the road. It bears pictures of Saddam Hussein—wearing a western-style suit on one side, and Kurdish dress on the other. It takes him 15 minutes to topple the plaque, and he wipes the sweat off his forehead with a laugh. "It is very strong—he spent all of Iraq's money on plaques like these!" he says. I just wish I could go to Baghdad and do the same to the man himself."

The peshmerga express the same impatience with beginning the drive down south. But their commanders, sensitive about being seen to cooperate with America, make sure we understand that their forces will not move in unilaterally. It is not the peshmerga taking the newly vacated regions, they say, it is the people themselves. "These areas we are moving into, they belong to us," says Gen. Rostam Hamid Rahim, the top peshmerga commander from Kirkuk. "The citizens have moved back to the liberated area, and we are just protecting them."

At the end of the newly opened road, Kirkuk shimmers like a mirage on the horizon, still about 12 miles away. "It is the Jerusalem of Kurdistan, and we would like to be free," says the mayor of Chamchamal, walking briskly toward it as the sun sets. He and everyone else here want to return soon, fighting their way through if necessary. But they have a new phrase for their suppressed hopes: Instead of inshallah, meaning "God willing," it is "Insha-Bush."

This is the picture taken that first day after the paratroopers landed in the north of Iraq.

I will show a few more pictures because I do believe that pictures say a thousand words. A lot of people have seen the pictures from the field of our troops in combat doing everyday activities. I want to show some pictures about what life is like over there for our soldiers.

Here our soldiers are sleeping next to their tanks on a highway that they have taken. They just laid down on the cement, covered their heads, and are taking what I am sure is a long hoped for respite right in the middle of the day because they have been moving at night. They are taking the rest when they can get it. We see a couple of soldiers just cannot sleep. They are awake and talking. But some of them are sleeping with their rifles on and their boots on the ground.

This is another picture showing soldiers sleeping. This was during that sandstorm that many of us saw. These soldiers are wrapped up, trying to protect their faces, their noses from inhaling that dust and sand. We see one soldier sleeping sitting up with a rifle on his lap, and we see another soldier laying down also with a face mask on trying to protect from that dust. Clearly,, they are so tired that they will sleep anywhere.

These are troops digging trenches, trying to set up for potential warfare. They, too, are trying to rest before the battle that might ensue. We see them sleeping in their trenches, standing in their trenches that they just worked so hard to dig. We see the trucks that are lined up to protect them in case there is an enemy out there.

That is a fitting end to showing what our troops are enduring every day as they are on the front lines fighting for every one of us, fighting for our way of life, fighting for our right to speak on the Senate floor, the right to be in the Galleries listening, the right to watch C-SPAN2 cover the Senate every day. They are fighting for the right of each of us to kiss our babies in the morning as we go off to our jobs or as we give them the chance to play with some of their friends. Every one of the activities we are doing every day is being protected by those men and women in the field as we speak today.

We are starting the Senate every morning with 1 hour of tribute to our troops, talking about something that has happened that shows American values shining through to the people of the world. We are doing this to honor our troops, to let their families know we will not forget them for 1 minute, and that we appreciate what they are doing every single minute of the day.

We will do this every day our troops are in the field in Iraq, until this war is over.

I yield the floor.

Mr. BYRD. Mr. President, I want to speak briefly about the miraculous rescue of a young West Virginian. Today, a community in West Virginia is celebrating amazing news. For many days, the people of the small town of Palestine—very appropriate—in Wirt County, WV, have been gripped with concern for PFC Jessica Lynch. She is part of the Army's 507th Maintenance Company convoy that was ambushed near the southern Iraqi town of Nasiriyah on March 23. Since that day, no word had been heard from PFC Jessica Lynch. The Army did not know where she was. The Defense Department did not know where she was. Her family did not know where she was. Her family could only be told that she was missing.

For each painstaking hour, over each nerve-racking day, the family and friends of Jessica Lynch awaited word. They held on to each other, they prayed together, they grasped for hope, and they held on to faith.

Then last night, in the afternoon late, the telephone rang. Good news. Amazing news. A miracle had happened: PFC Jessica Lynch has been found in a hospital in Iraq. She was rescued in a daring effort by the brave Army Rangers and Navy SEALS. Today, she is safe—safe once again.

Her State of West Virginia is relieved. Her community is exuberant. Her family is overjoyed. I spoke with Jessica Lynch's father last evening and shared with him our thoughts. The news of Jessica's rescue spread through the county and throughout the State like wildfire. Wirt County has fewer than 6,000 residents, and it appeared as though every one of those people were out honking horns and hugging neighbors last night. Jessica Lynch's parents and siblings were not alone. Jessica has become a part of everyone's family.

As a nation, while we celebrate this rescue, we remain steadfast in our concern for the other members of the armed services who are listed as missing or captured. We look forward to one day celebrating their safe rescue and return.

We also pray for those families whose loved ones will not be coming home. When we say we pray for them, that is what we mean. Jessica Lynch was found and is safe today. She was preserved. She lived because of the prayers that went up to Heaven from the people of the community and from people all over the Nation.

Hundreds of people gathered yesterday for the funeral service of West

Hamlim, WV, native Therrel Shane Childers, a U.S. marine who became the first American combat casualty in the war in Iraq. The Chaplain at the service yesterday noted that First Lieutenant Childers "emanated a courageous sense about him, that nothing scared him."

We must continue to wrap our arms around the hundreds of thousands of families of those men and women engaged in military action. Each day, each hour they struggle with worry and concern. They do not struggle alone. To those families, know that the Nation is with you at each step and at every turn. May God have mercy on your loved ones and may He bring them safely home.

I yield the floor.

Mr. INHOFE. Mr. President, today I want to recognize Oklahoma's first loss in the fight for our country's security and our country's freedom and future.

LCpl Thomas "Tommy" Alan Blair from Broken Arrow, OK, was killed in the line of duty on or about March 23. Lance Corporal Blair was described as a born leader, an enthusiastic student, and a confident young man who loved Oklahoma and his country.

I remember when I went out and talked to him and some of the others before their deployment. All of them were enthusiastic, all of them were courageous, but all of them knew they were risking their lives.

He was killed when an enemy rocket-propelled grenade hit and destroyed his amphibious assault vehicle as it was traveling near Nasiriyah, Iraq.

This battle was described as the sharpest battle in the war to date, and Lance Corporal Blair paid the ultimate price—his life. Let me say again, he gave his life. Why would a person pay this price? Why would a person risk facing this fear and die in combat? Lance Corporal Blair fought and died because he was an American, he was a marine, and he knew what freedom really means—the freedom most Iraqis have never known, and a freedom most Americans take for granted.

He fought for Americans who have already forgotten our freedoms were attacked on 9/11. He fought for the pundits who think this war is about oil. He fought for the protesters who have always had the freedom to express their opinions but never considered what it requires to protect and secure these freedoms for the future.

Expressing your opinion in Iraq may cost your tongue being cut out of your mouth, it may cost your wife being raped in front of your children, or your family may just disappear. If you are lucky, it may only cost a bullet in your head without the suffering.

How could such a place void of these fundamental freedoms exist on God's green Earth? This place does exist. It is Iraq under the rule of Saddam Hussein.

Does the average American consider life without these freedoms? Does the average American consider the life of an Iraqi? Does the average American know the bravery Lance Corporal Blair felt in the last seconds of his life? I would say not.

Lance Corporal Blair considered these freedoms and he considered them important enough to join the Marine Corps, serve his country, and eventually sacrifice his life. He gave his life for the continued freedom and security of the American people. He gave his life for the new freedom the Iraqi people will enjoy.

I do remember talking to his group. Many of the people at that time were saying: Why are we so concerned about Iraq? Why not go after Osama bin Laden or some of the other terrorists? They forget what we are going through now is not a war, it is a battle in Iraq. The war was declared by the President of the United States at 8:30 in the evening on September 11, that fateful day. This is the No. 1 terrorist out there, by any measure. How many people has he tortured? How many people has he murdered? He is the premier terrorist of our time and has to be eradicated.

I ask us and all Americans to think about the freedoms we take for granted, to think about the fear the Iraqi people feel every day, and think about the sacrifice LCpl Thomas Blair and his fellow countrymen have made to ensure we will always enjoy these fundamental freedoms.

Our thoughts and prayers are with his family as they deal with the tragic loss of their son, LCpl Thomas Alan Blair.

Mr. ROCKEFELLER. Madam President, last night, an extraordinary event happened in Iraq: The extraction and rescue of PFC Jessica Lynch of West Virginia who comes from the small town of Palestine in Wirt County with a population of about 5,800. She was in a hospital in Nasiriyah, with others, where she had been held captive.

Through superb coordination of the Navy SEALs, Marines, and Army Rangers, U.S. forces went in, created diversions, rescued her, and brought her to safety. She is now on a C–17 on her way to Ramstein Air Force Base where she will receive treatment. She has many broken bones and other injuries, but none of them are life threatening.

She was part of the Army's 507th Ordnance Maintenance Company and was moving with the 3rd Infantry Division north toward Baghdad. It was that classic case where the group made a right turn instead of going straight ahead, and they were captured. Not all of her fellow soldiers were so lucky, but she is known to be in very good spirits. I have seen pictures of her, as I think we all have, and I have spoken with her parents to express my thoughts of her being rescued.

I have to say that in a time of great stress, worry, and loss in this country, there do come high points and this is one of them. This private is 19 years old. She wants to be a teacher. She was rescued by people who showed the most extraordinary skill and heroism.

What is interesting is her desire to be a teacher. Even when she went overseas, she told a kindergarten class in her hometown of Palestine, WV, that she wanted to have a pen pal relationship with them from the field. By having this communication, she believed they could get a better sense of what war was like rather than just watching TV, reading the newspapers, or listening to the radio.

As my senior colleague, Senator BYRD, knows well, Palestine is a very friendly, very proud place where people struggle hard in a rural county to give the best possible life for their daughters and sons. I think Jessica Lynch has already started her role as a teacher. She has taught all of us. The Nation took her to heart because of the innocence and the beauty of her young face. The Nation prayed over her, worried over her, as we all did. She was rescued. She was delivered back to us, so to speak. So I think her career, in being inspiring to all of us, has already begun as a teacher. She has taught us enormously. Then again, so did those who rescued her teach us, because they took extraordinary skill and courage and used the proper techniques. They were under fire and brought her home safely to an ambulance.

There are still others who are missing, of course, and we worry about them. I know she does, even as she hurts with her wounds. For now, for this moment, and in West Virginia for a long time to come, we can rejoice about this extraordinary miracle of Jessica Lynch. She would like to know and surely can know that all Members of the Senate join their colleagues in other bodies of Government, and Americans in general, in offering our warmest congratulations to her as a person, to her family, and to her neighbors who, in fact, became her family and always had been her family.

Jessica Lynch's story has lifted our hearts, and I think her rescue is a cause for rejoicing throughout our land.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise today to speak about a brave New Jersey resident, 31 year old Sgt. James Riley, one of the prisoners of war now being held in Iraq. On behalf of the Senate, I would like to express my support for his family and for the families of the other American POWs being held in Iraq.

On March 23, 12 members of the 507th Maintenance Co, part of the 111th Air Defense Artillery Brigade stationed in Fort Bliss, Texas, took a wrong turn near An Nasiriyah, a key battle ground city on the Euphrates River in southern Iraq. Iraqi forces ambushed their unit. Five soldiers, including Riley, were taken prisoner of war. The remainder were most likely killed, although their deaths have not been confirmed. Subsequently, Iraqi state-run television aired a gruesome videotape of interviews with Sgt. Riley and the other POWs, and displayed chilling shots of four murdered American servicemen and women. This videotape was then broadcast by television networks all over the world, including the influential Qatar-based Al Jazeera.

Sgt. Riley's family, including his parents Athol and Jane Riley, are waiting anxiously for information on their son's condition. The Rileys have experienced a tremendous loss this week; their daughter, age 29, died last Friday after suffering from a rare neurological illness that had left her in a coma since late January. My heart goes out to the Rileys and their friends and family during this painful time.

James Riley moved to New Jersey from New Zealand when he was 10 years old. He attended West Field Friends Grade School and he graduated from the Pennsauken High School in 1990. According to his parents, he had always dreamed of serving in the Army and he enlisted immediately after he graduated from high school.

I am confident that our superior military will find and rescue the American POWs. In the meantime, I pledge my support for all service men and women serving in the Persian Gulf and for their anxious families at home.

I ask unanimous consent to have printed in the RECORD a moving story about James Riley printed in the New York Times on April 2, 2003. This story illuminates the quiet courage displayed by the Rileys as they wait for news of their son, as well as the communal support extended to them by their neighbors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 2, 2003]

A P.O.W. BRINGS WAR CLOSE TO HOME

(By Matthew Purdy)

PENNSAUKEN, N.J.—In the 10 days since he was taken prisoner in Iraq, Sgt. James Riley has become something of a symbol in this working-class town where he grew up—a homegrown argument for or against the war, depending upon who is talking.

Joseph McCollum, a maintenance worker who lives next to the Rileys, said that when he heard the news, "I said 'Maybe we should go over there and drop the bomb and suffer the consequences.' "

"Since 9/11, I think we needed the war," Mr. McCollum said. "This makes me feel like we really have to get them."

Around the corner, Charlene Walls, a school aide, said the capture of Sergeant Riley, 31, perfectly illustrated why she opposed invading Iraq: "It's just people losing people."

"We've already lost too many people for something no one can tell you why we're in there," Ms. Walls said.

If people are being made to think twice by the war's unexpected difficulties, they seem to be coming down even more firmly where they were already standing.

Antiwar protests are growing in vigor, while polls show the country supports the war as much as ever. Everyone is rallying around the flag, or a banner.

When Sergeant Riley's maintenance company was ambushed outside Nasiriya, yellow ribbons blossomed amid the red, white and blue in this South Jersey town. Even the giant water tower that rises behind the houses has a yellow bow on it.

There's also a big yellow bow outside the local tavern Bryson's Pub. Inside, Tom McVeigh, a landscaper, said that Sergeant Riley's capture only brought home the cost of the war in people and world opinion. "We look like a bully," he said.

But few people in the neighborhood appear to question the war.

Ed Russell, who works in finance for I.B.M., trusts what the Bush administration says about Saddam Hussein. "I don't think it's in the nature of the American people to go out and start a war," he said. "They must have critical evidence that something bad was about to happen and they needed to stop this guy."

Mr. Russell said he hardly knew the Rileys, but Pat Dimter, who grew up down the street from James Riley, sees her friend's capture as more justification to fight. The United States treated the Iraqis "like they're our own people," she said. "And it's not fair what they're doing to us with 9/11 and how they're treating our P.O.W.'s."

Greg Sassone, an eighth grader, was walking through the neighborhood park on Monday when he picked up a piece of yellow ribbon from the ground and tied it to a tree. One of Sergeant Riley's sisters was his baby sitter, and the ordeal has hit too close to home.

Greg's father is in the Air Force Reserves. "If my dad gets called, he could get captured," he said. And his 20-year-old brother could get called if there were a draft, he said. "My mom says she would move him to Canada."

At school, students fear another terrorist attack, Greg said. That's why, despite Sergeant Riley's capture, he supports the war against Saddam. "We have to get rid of him before it's too late," he said.

It's hard to find someone without an angle on Sergeant Riley's capture.

Monday night, at the close of a stirring vigil detected to Sergeant Riley, the Rev. Guenther Fritsch pulled out a Bible to show what the enemy "is all about." He read a passage about Ishmael, from whom Arabs are said to be descended: "He will be a wild donkey of a man; his hand will be against everyone."

The only people who seemed to find no larger significance in Sergeant Riley's capture were his parents.

Athol Riley, a building inspector, was calm and simple when he addressed the crowd. He said that in addition to his son's being captured, a daughter had died on Friday after a long illness. Mr. Riley thanked the township that employs him, the publishing company where his wife works, the store where his surviving daughter works, and the family that runs the McDonald's where his deceased daughter had worked. "I would like to thank everyone for the show of support," he said.

Afterward, mobbed by television cameras and reporters, he was asked how he felt about the course of the war. Mr. Riley expressed no thoughts about Saddam Hussein or George Bush.

A stout man in a dark coat, Mr. Riley obliged the cameras only when he was asked if he had a message for his son. A sad smile on his face, Mr. Riley had no angle, only words from the heart: "Hang in there, and hurry home."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of the arrival of the chairman of the Appropriations Committee, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. First, I thank the distinguished Senator from Texas for her comments and recognition of the valor of our troops. There was very good news yesterday concerning the rescue of a female soldier. There was great pursuit by her fellow comrades to bring her back. I think it is very important, as the war proceeds, to put the Iraqis on special notice that war crimes will be prosecuted and that when the war ends, it will not be over for those who have violated the requirements of the Hague and Geneva Conventions.

Last Saturday, when four U.S. soldiers were murdered with a car bomb by an Iraqi soldier masquerading as a civilian, that constituted a war crime. Then Tariq Aziz, the Deputy Prime Minister, appeared on international television boasting about the incident and saying there would be many more who would come forward, with reports of some 4,000 volunteers willing to engage in such suicide bombing. It is important to put Tariq Aziz on notice that such conduct is a violation of international law, and it will be prosecuted. Similarly, it is important to put Iraqi Vice President Taha Yasin Ramadan on notice that this is a violation of international law.

Today in the Hague the former President of Yugoslavia, Slobodan Milosevic, is on trial. In an international jail, the former leader of Rwanda is serving a life sentence for violation of international law. On Monday, I filed a resolution at the first available date to put the Iraqi leaders, as well as the Iraqi followers, on notice they will be liable for prosecution as war criminals. It is not a defense for the followers to say they have been operating under orders.

I see the distinguished President pro tempore, the chairman of the Appropriations Committee, is in the Chamber.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 762, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 762) making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, before we start this supplemental, these are difficult times so I will take this opportunity to recognize all of those in uniform who are serving our country both at home and abroad during these wars, the war against terrorism, the war in Afghanistan, and the war in Iraq. I especially want to ask the Senate to keep in mind those who have given their lives in the defense of our country and in our opposition to these terrible scourges that beset us now.

We do have a war going on, and the President, as our Commander in Chief, has asked for our help to provide vitally needed funds in the most expeditious manner possible. I have spoken to each of the Joint Chiefs of Staff and they tell me that their money will start running out. For most of them, that will start in May. For the Navy, it will start in June. In any event, the only way to ensure these funds will be available and get to the services in time to meet their needs is to send this bill to the President before we leave Washington for the usual Easter recess. If we do not have it done before then, I am going to do my best to insist we stay here and forego the recess until we get this bill done. I believe that will not be necessary, and so far I have seen good bipartisan support to meet the objective of getting this bill to the President so that funds will be available to our troops. I hope that attitude will continue on the floor.

The House Appropriations Committee completed its work on the version of this bill yesterday. They will begin consideration on the floor very soon. We all know that they act first on a bill of this type so we will have to wait. It is my hope I can ask the Senate to get this bill to third reading by no later than tomorrow evening so it will be ready and our staffs can work over this next weekend to get ready for a conference. I will propose that the Senate actually take this bill to the point where it is actually sent to conference as soon as the House has passed its bill so we can go to conference early next week. It is my sincere hope the Senate and the House will act together to get this bill, as I said, to the President as quickly as possible.

The President of the United States asked for $74.7 billion in new budget authority in the supplemental request he sent to us. The bill before us provides $76.7 billion in new authority. It also contains an aviation relief portion that will provide both new budget authority and other benefits. The budget authority is $2.025 billion, and other benefits are $1.475 billion. The total for this bill, including the airline relief portion, in both new budget authority and other benefits then totals $78.7 billion.

This supplemental responds to the immediate needs of the troops in the field, provides important international assistance to our allies, and tries to deal with the most vital homeland security and defense needs facing our Nation.

We fully funded the President's request of $62.6 billion for defense efforts in prosecuting the war with Iraq. These funds will be used to conduct military operations in Iraq, support our coalition partners, and replenish crucial munition and other vital military procurement funds that have already been consumed in getting our troops to the war zones. The President's request included $30.3 billion for costs that were already committed or incurred. The sealift, the airlift, and equipping our combat forces has come at great expense.

Last week in our hearing with Secretary of Defense Rumsfeld, Senator BYRD and others raised concerns with respect to the Department's request that these funds be appropriated to what we call the Defense Emergency Response Fund.

We will hear the acronym DERF on the floor. That means Defense Emergency Response Fund. In developing the bill before the Senate, Senator BYRD, Senator INOUYE, and I have tried to strike a proper balance between congressional oversight and providing the Department with the necessary flexibility to prosecute the ongoing war in Iraq. Senator BYRD, I am sure, will speak for himself with regard to the flexibility in this bill. There is some flexibility for the President.

In this bill we provided $11 billion to the Defense Department in the Defense Emergency Response Fund. It can be spent in response to the Commander in Chief's directions. It is an account to give them the enhanced flexibility they need to manage the conduct of the war. The House has provided a larger amount. I am sure we will meet in conference to decide what is the proper amount of flexibility necessary for the present Department of Defense.

We also are proposing that the great majority of the defense funds, totaling nearly $51.5 billion, be appropriated into specific accounts for the services so that wherever possible they meet the needs directly. We have provided $35 billion for operation and maintenance activities; $13.7 billion for military personnel to maintain critical operation capability and readiness; and $3.7 billion to replenish munitions expended in combat operations.

We have also included $500 million for the Defense Health Program to provide adequate care for both Active and military Reserve personnel and their families.

There is another $550 million for fuel costs and $489 million for the Department's efforts to combat the oil well fires started by the Iraqi forces so far.

This bill appropriates $1.7 billion to cover costs associated with classified activities undertaken in Iraq and in the global war on terrorism.

We have also responded to the President's full request for $7.8 billion for international relief and recovery efforts in Iraq, international support for allies in the region, and other critical needs to continue the fight on global terrorism. The committee's recommendation includes $2.4 billion for the Iraqi relief and reconstruction fund. That is over $2 billion for the Foreign Military Financing Program, which we call FMF. The bill also provides up to $9 billion in loan guarantees to Israel, $300 million in assistance to Egypt, and $1 billion in assistance for Turkey. It includes the request for $150 million for the U.S. emergency fund for complex foreign crises, a new account that enables a quick response to unforeseen global challenges.

Finally, the bill reimburses fiscal year 2003 foreign assistance accounts that Congress authorized the President to borrow from to pre-position humanitarian assistance for Iraq.

The bill also reflects the commitment of Congress to address homeland defense requirements by providing $4.6 billion, roughly $400 million above the President's request, for key homeland security requirements.

We have provided the President's request of $2 billion for the Office of Domestic Preparedness to assist State and local governments in federally coordinated terrorism readiness and other security enhancements during this time of heightened threats.

The committee recommendation also included $1.1 billion for the Department of Homeland Security for counterterrorist activities. Secretary Ridge has given the flexibility in this account to allocate funds both within and outside the Department of Homeland Security for terrorism preparedness and response.

The bill also includes $580 million for the Coast Guard operations to enhance the protection of our ports and borders and in support of the Department of Defense activities in Operation Iraqi

Freedom and Operation Liberty Shield. We have also supported the recommendation of $34 million to provide compensation to individuals who have sustained injuries due to our smallpox vaccination program.

As I mentioned earlier, the bill includes a package of targeted relief to address the dire situation facing the aviation industry.

I highlight the main provision in that package and I will speak at greater length later. In this bill is a total of $2.9 billion in relief for air carriers, the airlines. Specifically, the bill suspends the fee that both passengers and carriers pay for the 6 months of the balance of this current fiscal year. It will suspend this fee that is currently charged on the ticket taxes, but it is actually currently being borne by the industry because the cost of flying is so low due to competitive factors of the economy. It also provides $1 billion to reimburse the carriers for the costs incurred with the new security mandates of the Transportation Security Administration imposed following the terrorist attacks on September 11. These were unfunded mandates, and in this bill we fund those that have been completed since September 11 until the end of this fiscal year.

The bill extends for 1 year the war risk provisions included in our bill in previous years. Specifically, we passed last November a bill to establish the Department of Homeland Security or specific insurance provisions for war risk in that bill. The result of this provision in this bill is we anticipate will save the airlines about $800 million.

The package also includes $375 million to address security-related costs at our airports. I congratulate my colleague from Washington for bringing up this issue. Those are also unfunded mandates. They were funds expended by the airports to meet the requirements of the Transportation Security Administration, and the funds in this bill should reimburse airports for security readiness operating expenses and provide additional funding for the modification of airports necessary to the installation of bomb detection equipment for the balance of the fiscal year.

Finally, this bill also extends unemployment benefits for an additional 26 weeks for qualifying aviation workers who have lost their jobs because of the downturn in the economy that affected the airlines.

I see my friend is here. I don't want to speak too long, but I believe this bill is very important. There is no question we need the funds to sustain our vital military operations around the world. There are really three wars still going on: The war against terrorism, the war in Afghanistan, and the war in Iraq. This is a very serious problem for those overseas and for those who manage our Department of Defense. I think the worry over where funds are coming from to meet the increasing demands in the three different wars is pressing upon our military commanders and civilians in charge of the Department of Defense.

It is my hope the Senate will be considerate in the number of amendments that are offered and the issues before the Senate.

I thank the former chairman from West Virginia, Senator BYRD, for the insight and advice he has given to me. I do not represent that this bill reflects entirely his point of view, but he has been a partner, once again, in working with me as I tried to work with him. I do think he has been very instrumental in seeing to it that this bill is before the Senate at this time.

I have stated to others, and I say it again publicly, one of the reasons I am trying to get through this bill tomorrow night is I hope to be with my good friend from Hawaii when he receives the recognition he deserves in his home State on Saturday.

I recommend the bill to the full Senate. I urge Senators to come forward and identify their amendments so we can see what we can work out, if there are subjects that can be worked out. I admit readily there may be some items we have not addressed in this bill so far. I would very much like to do that.

I do hope as the Senate proceeds with this bill, we keep in mind the fact that within instantaneous communication, I am informed that some of the forces that are overseas in both Afghanistan and in the Iraqi war watch us almost as much as we watch them. This is one bill they are going to watch. They are very astute young people. They understand this country. They understand the risks they are taking. They understand in particular they want this country's economy to be healthy when they come back.

We must keep in mind what we are doing, continuing the expenditures that are extraordinary expenses brought upon this country by the events of September 11. During this period. I will recite some of those amounts that we put forward already.

There has been a tremendous strain on our economy because of these three different types of wars, but they are wars that I personally believe we must fight. We must provide those who are fighting those wars everything they need to be successful and to be safe.

I recommend this bill to the full Senate and hope we will finish it by tomorrow night.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I consider it an honor, I consider it a great honor to be able to work with the very distinguished Senator from Alaska, the senior Senator, the President pro tempore of the Senate, in bringing this bill to its present status.

I laud the distinguished chairman of the committee for his extraordinary knowledge of the subject matter here that we are going to discuss. He has been on the Appropriations Subcommittee on Defense for a long time, where he has worked arm in arm and hand in hand with our very distinguished senior Senator from Hawaii, DANNY INOUYE, who is my hero. Together, these men have brought their wisdom, their dedication, their knowledge to great usefulness, and I thank Senator STEVENS for his work. He also is a hero of mine. I am proud to serve with him.

The Senator has stated that we are fighting three wars: the war in Afghanistan, the war on terrorism here at home, and the war in Iraq. I support the appropriations that we are going to recommend for all three wars. I do not support the policy that brought us where we are today in Iraq. I have no hesitancy in saying that. I can defend that position any time, anywhere. I am sure not everybody will agree with me, but I have reasons for my position. So, although I do not support the policy that puts our men and women in Iraq, I do support the appropriations for those, for the support of and the safety of those men and women in Iraq, and I do so wholeheartedly.

In a short time I will speak of one young West Virginian by the name of Jessica Lynch. I will have more to say about her shortly.

The Senate Appropriations Committee, under the very able leadership of the chairman, the distinguished President pro tempore of the Senate, Mr. STEVENS, has unanimously reported the fiscal year 2003 supplemental appropriations bill. The Senate committee-reported bill totals $78,736,600,000 in benefits and appropriations; $4,011,600,000 more than the President's request. In that proposal, the President sought an unprecedented level of flexibility in the use of these funds. I was astounded at the request that the President put forth with respect to these "flexibilities." While I understand the unique circumstance in which the Nation finds itself, the situation is not unprecedented—not unprecedented. We have been at war before many times.

I served in this Senate and in the House in several of these wars, so we have been at war before. This isn't something new, the matter of being at war. But these "flexibilities," so-called, have startled me, in a way. But I am not so startled either, keeping in mind the whole of our experience with this administration. Yes, we have been at war before, but the Nation never wandered—never sought to wander away from the Constitution, never sought to impinge upon the congressional power of the purse as we have seen in this instance.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces. This is what I said the other day during the appropriations hearing, the Appropriations Committee hearing on this bill, when Secretary of Defense Rumsfeld was before the committee. I said: Why all these flexibilities?

I called them "flexibilities" because the Secretary of Defense, in his opening statement, used the word "flexibility" seven times.

I said: We fought previous wars. Why do we need these "flexibilities" now? I said: Congress can pass additional supplementals. That has been done before.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces and there is little reason, in my view, why this war in Iraq should require more flexibility for the administration than was granted during World War II to administrations.

This Republic rests on a system of checks and balances: three branches, two legislative Houses, and separate powers—shared powers, mixed powers. Our system reflects the hundreds of years of history behind it.

I said hundreds—yes. Yes, Mr. President, you didn't hear me wrongly. Our system reflects the hundreds of years behind it, going back to the Revolutionary War; going back to colonial days; going back to the history of the Englishmen who fought and bled and gave their lives in the struggle against tyranny, in the struggle against a monarchy that sought to gather all power unto itself.

The roots of our Constitution go back even to the Magna Carta, 1215. This is not a Constitution that came about just in 1787. Its roots go back 1000 years—and the blood of Englishmen is on it, as is the blood of our forefathers here in this, our country.

In our Madisonian system, divided power may not be as expedient as some would like. That is stating it well: not as expedient as some would like. I say it again. I will state it more loudly: In our Madisonian system, divided power may not be as expedient—hear me now down at the White House—may not be as expedient as some would like, but it guarantees the American people's liberties. Quite simply, our representative form of democracy depends upon power divided and power shared.

The Constitution grants to the Congress the authority to appropriate funds and the solemn responsibility to exercise that authority wisely. And for us to agree to the many sweeping grants of new, so-called "flexible" authority sought by this administration would be to abdicate—to abdicate—that heavy constitutional responsibility. We have a duty to the American people to exercise the authorities granted to Congress in our Constitution, and we have a duty to those Framers, those men who wrote the Constitution, to keep faith with them and to honor and respect and uphold and support and defend that Constitution against all enemies foreign and domestic.

In the case of this bill, and for the many years ahead, it will take maximum effort to preserve the prerogatives of the legislative branch. I hope my colleagues will understand that. I hope they will hear that. And the RECORD will be there for those of our future colleagues to read.

Let me say that again. I say it to my colleagues. I hope my colleagues will remember: In the case of this bill, and for the many years ahead, it will take maximum effort on the part of our colleagues today, and those who will serve in this Chamber in the future, to preserve the prerogatives of the legislative branch.

Now, when it comes to the executive branch, we will always find those in the executive branch who will uphold, who will extol, and who will seek to add to the powers of the executive branch. The same can be said for the judicial branch. The judicial branch will always speak out for the protection of the constitutional authorities given to it.

But what about the legislative branch? This is the one branch in the three in which we will find increasingly—I might say, based on my 50 years in Congress—we will find increasingly those in the legislative branch who are always ready to stand up for the executive branch for whatever power grabs it may have in mind, and they will seek to defend that executive branch and to push its desires. I am sorry to say, it is usually about half of the legislative branch that is willing to do that, depending on what party is in power and what party controls the two Houses of the legislative branch. And I regret this.

As I look back over my 50 years here, I have seen great, great changes in the way the Members of the legislative branch view their role under the Constitution. Sometimes I wonder if they have read the Constitution lately. I am sorry to say I don't think our Constitution means a great deal to some of those who have served in this branch. They seem to think this is a monarchy and that we have a king. I look at the future with grave concerns, as I think about the changes I have seen sweep over this branch of Government.

Twenty-four hours a day, 365 days every 3 years, 366 days the 4th year, out there always is the executive branch. And it is awake. It seeks power. It seeks to aggrandize the authorities to itself. It is always awake. It is never sleeping.

Members of the legislative branch are here, they recess, they go to the four points of the compass. They are not always here. They are not always alert to the protection of the authorities of this branch of Government. And at this time, and under this administration, I have to say, I have seen more of that than ever before.

Members must understand their institutional role. Citizens must understand their Constitution and value the congressional role in protecting their freedoms. This is another thing that gives me concern—sorrow in many ways. All too few citizens think about the role they play and the responsibilities that are theirs under the Constitution.

Leaders in the Congress itself must guard its prerogatives. I have been a leader in this body. I have been majority leader. I have been minority leader. I have been President pro tempore and chairman of the Appropriations Committee. And I have never lost sight of the fact I must help to guard the prerogatives, the authorities, the powers that are enumerated in the Constitution, the powers that devolve upon this body, its duties, its responsibilities.

So leaders in the Congress itself must guard its prerogatives and resist succumbing to expediency, to political expediency, and to partisanship.

While I fully support the funding in this legislation for the men and the women engaged in battle in Iraq, I do not support additional grants of authority to this administration, or to any other administration, that would infringe upon the congressional power of the purse. That is the greatest power. The power of the purse is the greatest power in existence under this constitutional system.

As Cicero, that great Roman Senator, said: "There is no fortress so strong that money cannot take it." "There is no fortress so strong that money cannot take it"—the power of the purse.

Senator STEVENS and I, together with the subcommittee chairmen and ranking members, have worked, in most cases, to improve the President's supplemental budget request.

We have eliminated or significantly reduced most of the sweeping grants of new authority requested by this administration while still providing very limited flexibility where appropriate.

More specifically, for defense the bill includes $62.6 billion, the full amount of the budget request, to cover the costs related to military operations against Iraq and to sustain the continuing global war on terrorism. The budget request proposes that $59,863,200,000 of the amount for national defense would be included in the unallocated Defense Emergency Response Fund. The Defense Appropriations Subcommittee, the full Appropriations Committee, and the Congress rejected this type of transfer account in the fiscal year 2002 supplemental, rejected it in the fiscal year 2003 Defense appropriations bill, and rejected it in the defense chapter of the fiscal year 2003 omnibus appropriations bill.

In this supplemental, the amount allocated to the Defense Emergency Response Fund has been reduced from the request of approximately $59.9 billion to $11,019,000,000. The remainder of the funds, some $49 billion, have been allocated to the specific appropriations accounts. This is an improvement over the budget request, but I call the attention of my colleagues to the fact that on an annualized basis, it amounts to a blank check for more than $20 billion—on an annual basis. Because the taxpayer has a right to know how this $11 billion will be used, this so-called flexibility gives me great concern. I hope we will get away from these DERFs. I am concerned about them.

The administration's supplemental request sought $1.4 billion for the Department of Defense to allow the Secretary of Defense to allocate funds to reimburse and otherwise pay nations that have provided support primarily for the global war on terrorism. Most of the funding is anticipated to be for Pakistan. In the past, the Senate Appropriations Committee has taken a position that such reimbursement could take place only in response to vouchers presented to the Department of Defense for reimbursement for activities conducted on behalf of the global war on terrorism. This supplemental bill again includes this provision. In addition, we require 15-day advance notification prior to obligation.

The President sought $150 million to be paid at the discretion of the Secretary of Defense to indigenous forces abroad. We have one Secretary of State; we don't need two. A similar proposal was rejected by Congress last year. It has been rejected again in this legislation.

The administration wanted to increase the Department of Defense reprogramming authority from an annual amount of $2 billion to 2.5 percent of its total budget, a staggering sum which would exceed $9 billion. I expressed opposition to this large new grant of authority to the Department of Defense. I expressed my appreciation and compliments to the chairman, Senator STEVENS, for the fact that he has brought us a bill that reins in the administration, tightens up the limitation so that rather than provide an unprecedented $9 billion transfer authority, the legislation before us includes a $3.5 billion transfer authority.

The administration also sought authority to expend any funds from the defense cooperation account that may be received from other countries for the prosecution of the war against Iraq or the reconstruction of Iraq without first having these funds appropriated by Congress. The administration wanted to get away from that. They wanted a free hand with no strings attached.

During the first gulf war, Congress appropriated those funds after they were received. Let me repeat that. During the first gulf war, Congress appropriated those funds after they were received. The legislation before us takes the same approach and preserves the prerogatives of the Congress and of the people. No new authority is granted. Any funds collected from foreign countries for reconstruction of Iraq or for any other purposes will remain in the Treasury under this bill, unless appropriated by law. That is the way it should be.

The administration requested similar extraordinary grants of authority for the Secretary of Homeland Security, for the Attorney General, and for the Office of the President. More specifically, the Secretary of Homeland Security would receive $1.5 billion for a new counterterrorism fund for transfer to any Department of Homeland Security agency. The Attorney General would receive $500 million for transfer to any Justice Department organization for terrorism-related activities. The President would receive $2,443,300,000 for Iraq reconstruction and relief, without even as much as a reporting requirement. So they not only want no strings attached, they don't want to have to make any report—an absolutely free hand in expending the taxpayers' money.

We must all remember, we are having to borrow all this money. The taxpayers are going to have to pay interest on all this money. When our soldiers and sailors and airmen and marines get home, they are going to be paying interest on the money that has been borrowed to send them across the ocean. Each proposal, if the administration had its way, would leave the Congress out of the decisionmaking process in the allocation of the funds—no details, no explanation.

In the case of the Iraq reconstruction funds, the President proposes to spend the money "notwithstanding any other provision of law."

With regard to the funds to be provided to the President for the reconstruction of Iraq, the supplemental before the Senate stipulates that funds may not be transferred to the Department of Defense, and that all funds available under this appropriation shall be subject to the regular prior notification procedures of at least 5 days in advance of the obligation of the funds. The funds will be used for feeding and food distribution, water and sanitation infrastructure, electricity, transportation, telecommunications, and other such humanitarian activities.

With regard to the $500 million for the Attorney General, the legislation has been improved to require that these funds be subject to the regular reprogramming process. Likewise, the funds provided to the Secretary of Homeland Security also require prior approval notification of the committee under the usual reprogramming procedures, which are long-established and long-respected by the Congress and the executive branch.

Overall, the President requested over $9 billion for aid to foreign countries and for the State Department. Yet his request for homeland security programs is only $3.8 billion, $3.8 billion for homeland security he requested; while, on the other hand, he requested over $9 billion for aid to foreign countries and for the State Department. The Secretary of Homeland Security has said that another terrorist attack in America is inevitable. He has said attacks, such as the attacks of September 11, are long-term threats that will not go away. If there is one lesson we should learn from 9/11, it is that terrorist attacks on our Nation can no longer be viewed as distant threats from across the oceans. The enemy may attack our troops or citizens overseas or it may attack civilians here at home. So we must provide all of the necessary resources to support our troops overseas. But we must also provide significant homeland security resources now to meet the real needs that have been overwhelmingly authorized by Congress and signed into law by the President for port security, airport security, border security, and nuclear security.

When it comes to funding homeland security initiatives, partisan politics has no place. Protecting a vulnerable nation is a duty that we all must shoulder together. Congress knows the needs at the local level, and Congress has tried time and time again to address those needs. The administration's request takes a step in the right direction, but at this time, when the Nation is acutely aware of the increased threat of terror attacks at home, one step is not enough. We must do more to address the critical vulnerabilities all across the country. We live under an orange alert, a heightened concern for terrorist attack. The American people are nervous about safety at home. I know I am nervous about safety here at home. That apprehension ripples through our economy. We read about it every day in the Wall Street Journal, the New York Times, the Washington Post. We should all have an interest in doing what we can to secure obvious vulnerabilities and allay citizen concerns.

To that end, I hope to work on a bipartisan effort, as this bill moves forward, to responsibly invest in first responders, in protections at our airports and seaports, and in other areas to better ensure the safety of Americans at home.

Let me again congratulate the chairman of the committee, the distinguished President pro tempore, and let me thank all the members of the Appropriations Committee, especially the ranking member of the Defense Subcommittee, Mr. INOUYE, for their cooperation in bringing this bipartisan legislation to the floor of the Senate. I expect its speedy passage, and I hope for its speedy passage. I join with the chairman in hoping to complete this bill in the Senate by tomorrow evening, or sometime tomorrow.

I congratulate the excellent staff we have for their hard work, especially Jim Morhard, the newly appointed staff director for the majority. Let me also thank my own two excellent staff persons, Terry Sauvain, and Charles Kieffer, for their dedication, hard work, and the long hours.

For certain, this legislation is not perfect and it is susceptible to improvement. I expect and hope to assist in such improvement over the next few days as the Senate proceeds to work its will on this important legislation, as it goes to and returns from conference. I thank all Senators.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

AMENDMENT NO. 435

Mr. STEVENS. Madam President, I want the Senate to be on notice—this is an issue we have to face. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 435.

SEC. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

AMENDMENT NO. 436

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be temporarily set aside. I will discuss it soon. I have another amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 436.

At the end of chapter 3 of title I, add the following:

SEC. ___. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$200".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

MODIFICATION TO AMENDMENT NO. 436

Mr. STEVENS. Madam President, there is a typing error in the first line of amendment No. 436. It should be "chapter 3," and it appears "chapter 2." I ask that the typing error be amended.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STEVENS. Madam President, I raise this subject of combat pay, or pay for imminent danger. Having received such combat pay in World War II, I have been interested in this issue. During the gulf war in 1991, when combat pay was $110 a month, we raised that to $150 a month. Right after that war, the imminent danger pay was made permanent at $150. It has gone up 40 percent since 1991. We suggest it go up 50 percent to $225 a month. With regard to family separation and allowance, it is currently $100. We recommend it go up 100 percent to $200.

That is an expensive proposition. The cost of this for the balance of the year is $375 million, and the cost for a full year will be $650 million. This is a reachback amendment. It covers everyone from the time they were exposed to imminent danger. For family separation, it is the same, from the time they were separated.

I know there is a controversy, and I have had a little discussion with the Senator from Illinois. As I told the Senator, there are probably—I believe this is the case—more families in Alaska connected with the military than any other State in the Union, as the current occupant of the chair knows.

On the other hand, the moneys we have to have for modernization, for munitions, and for many other items come out of the same account. This is the operations and maintenance account. This bill already contains a massive amount, $30.3 billion, to replace in that account what has already been spent in mobilizing the military, including, by the way, the amount that has been spent so far for paying imminent danger pay at the rate of $150 a month. It is an issue we should address, but we ought to keep in mind that what is going to happen after this war is this will become permanent. It is a new base and it is a staggering increase in cost for personnel. I fully support it. As a matter of fact, I wish I could say we have nothing but billionaires in this country, and we could pay these people what they really deserve for being overseas, what their families really deserve when one or both parents are overseas.

As a practical matter, there has to be a reasonable balance in what we are doing. This subject can be reviewed by the Armed Services Committee later. We have the 2004 bill coming, and we can have this discussion again. I believe we ought to take this action and be as reasonable as possible in doing it.

I know there is a difference of opinion. I hope the Senate will agree to this amendment.

I ask unanimous consent that Senator WARNER be added as an original cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask the distinguished Senator of the Armed Services Committee to review it. I raised this at one of the first hearings we had before the Appropriations Committee. I raised the question of what to do about imminent danger special pay. The Department has not given us a recommendation yet. I think they have other things in mind right now, but we have in mind the families in particular.

I spent some time with families in Alaska this last weekend, an enormous number of military families. Not one of them raised the question of imminent danger pay. Not one of them raised the question of their family separation pay. I was with literally 200 or 300 members of the armed services over the weekend at a special recognition in Fairbanks, AK, for the members who serve in the armed services.

I think this is the right thing to do, and I think this is the right time to do it, but I hope the Senate will do it right and not just have a figure that is pulled out of the air. These are figures that represent an increase, again, of 50 percent for imminent danger pay and a 100-percent increase for the family allowances on a monthly basis. I think that is very reasonable under the circumstances.

If there are additional amounts that should be provided, I welcome the Department of Defense so informing me. I do believe the Senate ought to agree with it without debate. As I said, if the Armed Services Committee and our Appropriations Committee believe more is needed as we go on, if this war goes on, God forbid, into fiscal year 2004, then we should address it.

Again, I say, in all sincerity, we are doing a lot of things for our military families, and I think they are all wonderful. When I was overseas, I did not talk to my family for over 18 months. Now a military person can call his or her family every day, thanks to Senator MCCAIN. They have absolute assurance of instant communication whenever they can get to a phone.

I remember seeing one young man who was wounded, and the embedded journalist had a satellite phone. He asked: Would you like to call home and tell them you are all right? And we all watched him call his family. That is the wonder of technology.

These are the realities of money, and our job is to manage the money of the United States. The first amendment I put in was to raise the debt ceiling of the United States because of what we have had to do since September 11. I want people to think about—and Senators should think about—the hundreds of billions of dollars of taxpayer money we have spent so far because of September 11.

Let's stay reasonable as we continue to increase that spending. We have to pass that amendment. We are going to have to raise the debt ceiling of the United States. Other people want to pick a figure out of the air. I say let's raise it by the amount of what we have already authorized to be spent in these three wars and homeland security. That seems to me to be reasonable. I will debate that one later, but right now I think this is a reasonable request in the Senate: Increase the imminent danger pay by 50 percent, increase the overseas allowance for families and the family separation allowance by 100 percent. I hope the Senate will support this move. It is a reasonable thing to do.

I call on the Department of Defense to come up with some basic studies as to what is necessary. It may be that portions of that family separation allowance should be bifurcated. These are all volunteers now. In the past, we went to war with draftees. Most of us did not have families. During World War II, it was a rare thing to meet somebody who was a married person. Now, practically all of them are married. As a matter of fact, in some instances, such as the families I visited over the weekend, I remember distinctly talking to three different couples who are both in the armed services. When they go overseas, they get two family separation allowances, and necessarily so. This may not be enough in some of these circumstances, but I think it is the duty of the Department of Defense to come up with a recommendation for a permanent solution to this problem. There is no question that the $150 we had in place has not been adjusted now since 1997, and it should be. This is the time to adjust it. I think this is a reasonable adjustment, 50 percent for the imminent danger pay, $100 for the family separation allowance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 437 to amendment No. 436.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$250".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

Mr. DURBIN. Madam President, as copies of the amendment are being made, I say to my colleagues that my amendment raises the combat pay, imminent danger pay for the soldiers, sailors, airmen, marines, and coastguardsmen presently in combat from the figure of $225 a month suggested by Senator STEVENS to $250 a month, and the family separation allowance from $200 a month to $250 a month.

I have spoken to my colleagues, whom I respect very much and whom I acknowledge to be certainly doing the very best they can with an extraordinary bill at an extraordinary time, and urge them to consider this new figure. I have not pursued my original request, which was $500 a month for both, nor a modification of it of $400 a month. I have come down to what I consider to be a reasonable increase in light of the reality of the circumstances.

I do not know that any person in the Senate will stand before us and argue that he is going to find complaints from military families about this family separation allowance or even about combat pay. Thank God we have the very best people in America serving in our military. Their families are at home keeping the families together, praying for their safe return. They are not importuning and begging this Congress for more money. That has not happened. God bless them for not putting pressure on us to deal with that. But let us accept the reality of our responsibility. We have a responsibility not just to pass resolutions in support of the troops. We have a responsibility beyond the kind words which we offer in debate in this Senate. We have a specific responsibility to these men and women in uniform and their families.

Look at what they are facing. They are facing the separation of families, which undoubtedly has to be traumatic and difficult. They are trying to raise their children in a circumstance that may be more challenging than ever because of the need for child care costs, which certainly are extraordinarily large even under the best circumstances. They are dealing sometimes with activated reservists and guardsmen who have left a good paying job and are now on military pay, taking a substantial economic cut. That is why I have started this debate. That is why I offered the amendment on the budget resolution. And that is why I bring this issue up today.

I hope when my colleagues consider what I am offering today, they will remember the vote we cast last week. Last week, I asked my colleagues, with the support of Senator WARNER, Senator CHAMBLISS, and Senator LANDRIEU, to entertain an increase in combat pay and an increase in family separation allowance. I asked that $2 billion be set aside for that purpose in the budget resolution, and the record vote in this Senate was 100 to 0. That is a rare unanimous vote of the Senate in support of something that everyone agreed needed to be done.

Now let's look at what I am offering today. The cost of $250 a month in combat pay and the cost of $250 a month in family separation allowance comes to barely $500 million for the remainder of this year. That shows that I am really coming with a request that is a little more than one-fourth of what the Senate approved by a 100-to-0 vote last week.

So why would we stand here and say unanimously, by a 100-to-0 vote, that we are willing to spend four times as much in support of military personnel and now a week later, when the bill comes before us, we are saying, no, we will not?

I say to my friend from Alaska, I thank him for acknowledging the need for an increase but I want him to seriously consider the second-degree amendment which I have offered. This amendment does not reach my original goal of $500 or a compromise of $400 a month but comes to $250 a month, which we are offering the families of servicemen who are struggling with childcare costs, additional medical expenses, the need to deal with additional family pressures. That is not too much for us to give. The current reimbursement of $100 is inadequate. Going to $250 is not extravagant at all. It is important that we do it.

For combat pay, let me quickly add, there is no amount of money we could pay our men and women in uniform that would compensate them for putting their lives on the line for our country, but I hope what we do today will be an important message and symbol to them that we not only stand with them when it comes to holding our flag and saying kind words on the Senate floor but we stand with them when it comes to combat pay and imminent danger pay.

When we look at the images of men and women on the television risking their lives, the prisoners of war, and all the horrors they face, $250 a month in combat pay seems like something this Senate should approve without controversy, and $250 a month for their family back home should not be controversial. It is, in fact, an effort to accept the reality of family obligations.

Senator DANNY INOUYE, one of my heroes in the Senate, last year gave a speech which I recall today as we stand

and talk about this issue. He reminded us that back in World War II, when he served with such great distinction, over 80 percent of the men and women in uniform were not married, they were single. Today, we know that 60 percent of those serving in the Iraqi war, Afghanistan, and in combat zones have families back home. The face of the military has changed. Where family separation allowance used to apply to a very small group for very limited expenses, families today have additional expenses.

A year or two ago, I had a detailee in my office from the U.S. Army, MAJ Pat Sargeant, who works with medical evacuation now and is currently serving our country with his wife. He recently sent an e-mail to my office. He noted an article in the Army Times, which said: "Legislators set out to boost war pays."

The article stated I had sponsored an amendment to include an increase in monthly imminent danger pay from $150 to $250 and family separation allowance from $100 to $250.

Pat Sargeant—wherever you are—sent me the greatest note and said: You cannot believe what it did to morale for us to hear that the Members of Congress were going to try to help our families and try to help the individuals involved.

Let's stand together today on a bipartisan basis for all the States, as we did last week; 100 to 0 should be the vote in favor of $250 a month for combat pay, $250 a month for family separation allowance. That is a reasonable amount. It is not an exorbitant amount.

Some have argued that is just for the remainder of this fiscal year; we may have to face this expense in the future. I say, so be it. So be it. If we are going to activate guardsmen and reservists, if we are going to ask the men and women in uniform in this country to risk their lives, the first obligation we have is to them and their families before we discuss the myriad of other issues that will come before the Senate.

In this supplemental appropriations bill, there is a substantial amount of money to pursue this war in Iraq. I believe it will receive a unanimous vote in the Senate. There is also $9 billion in this bill for foreign aid, which I will support.

Put in perspective what we are asking for: $500 million first and foremost to the men and women in uniform and to their families. That is not an unreasonable request in a bill that may total $80 billion; $500 million for the men and women in uniform so that $250 a month in combat pay will be there for them, $250 a month will be there to help their families get through this very difficult time.

I hope the Senators who have considered this issue will consider my second-degree amendment in friendly terms and accept it so we can vote for this on a bipartisan basis. The Senate should stand together. I urge my colleagues to accept the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I must state my surprise at the distinguished chairman having offered an amendment that would provide for an open-ended increase in the national debt. I didn't even know this was going to happen. No one spoke to me about this. Yet this is open ended.

I had hoped to finish this bill tomorrow night, by tomorrow night. I don't think that I would ever offer an amendment of this nature without consulting with my colleague.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I yield.

Mr. STEVENS. I am sorry. It is my memory we discussed that ceiling problem and the Senator said he did not want to take it up.

Mr. BYRD. I don't have that memory.

Mr. STEVENS. We don't have the same memory, as a practical matter.

I understand the Senator's position. I did introduce it and set it aside because I wanted people to understand I believe it is my duty to see to it that this subject is addressed during the consideration of this bill. I am informed we will reach this problem sometime in June, July, or August, unless we do lift the debt ceiling. I do not think we can go through this period of war and have that hanging out there and be a subject that might constrain defense spending.

What I have done is introduced an amendment to this bill that says we will increase the debt ceiling by the amount we have spent since September 11 to meet the interests of our Department of Defense, homeland security, and reaction to September 11. If the Senator says that is open ended, I don't think it is open ended. I can figure it out fast and we will be glad to put the number in there if that will satisfy the Senator's objection. I do think it will be an interesting debate. We, undoubtedly, will have to raise the question, but based on our long friendship, I sincerely apologize if my memory is incorrect.

Mr. BYRD. Madam President, ours has been a long friendship. It is going to continue. But I expect to be a partner in this fight. I expect to be told at least by the chairman that he anticipates calling up an amendment of this nature.

A point of order would lie against this amendment. That would have been the very reaction I would have had if he had mentioned such an amendment to me. I would say a point of order might lie against it.

Mr. STEVENS. Unless it is perfected as the Senator suggests in terms of a problem with regard to the money.

Mr. BYRD. That constitutes legislation on an appropriations bill.

Mr. STEVENS. The whole bill is legislation.

Mr. BYRD. Well, I know.

I hope in the future I will not be taken by this kind of surprise.

Mr. STEVENS. I repeat my apology. My memory is we discussed whether we should address it, the debt ceiling.

Mr. BYRD. When did we discuss it; I ask where did we discuss it?

Mr. STEVENS. In my office, sir.

I apologize. I have addressed this with several other Senators. I apologize and I have taken it upon myself to say it is my error, but the amendment is there and it is my duty to raise the subject of the debt ceiling.

Mr. BYRD. Well, that is quite all right, but I would at least like to know in advance that it is being done, that is No. 1.

No. 2, this is an open-ended increase in the debt ceiling.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I yield.

Mr. STEVENS. That is the reason I introduced it and had it set aside so we could address the question of whether we should make it a closed subject. We can calculate that amount right now. But it may be changed before this bill is over. The bill keeps going up. It is already up more than the President asked for, and I believe it to be another $5 or $6 billion before we get the bill to conference.

In any event, the problem is, what are we going to do? Do we proceed with the three wars we have going up on, and then, my God, we may not be able to do that because if we do that we will exceed the debt ceiling.

The President has the power—under food and forage—to start spending money. We have a program for other purposes, for the conduct of these three wars. I take the position he should not be constrained at all by a debt ceiling. It is my duty to raise that debt ceiling.

Again, I apologize to my friend. I would like to address, when the Senator is finished, Senator DURBIN's comment about the pending amendment. This is not the pending amendment.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have spoken to the manager of the bill and the ranking member, Senator BYRD, and I am going to speak on an amendment I will offer at some subsequent time. Senator STEVENS has indicated the amendment that is the first one that was offered here today will not be discussed until after we have the cloture vote on the Estrada nomination. That will be at around 2 o'clock. After that time, we will again discuss that, if necessary.

Madam President, as I indicated, at some subsequent time, I will offer an amendment. The Democratic leader has indicated he wants just a few amendments offered. He has gone over the amendments he feels would be appropriate, and this is one of them.

So I would just simply say, if you watch television—as we all do every night—you see the explosions going off in Baghdad and other places in Iraq. Lights coming up, flashes—they go away very quickly. These violent occurrences we see on television are tiny, little babies compared to what this amendment is all about.

A nuclear explosion makes everything that has happened in Iraq appear as if it is nothing. For everything that has happened in Iraq to this point, one nuclear explosion would be far more devastating than everything that has taken place throughout the country of Iraq these past 2 weeks.

We have some knowledge in Nevada of the violence of a nuclear explosion. For those who have been to the Nevada test site, as you drive through the very remote area, you see holes in the ground that are bigger than the United States Capitol, where a nuclear explosion has taken place—bigger than the United States Capitol.

You see where they have done aboveground tests. They still have the remnants of a small town that was destroyed. There are parts of it left, but not much.

And then throughout the desert, where you do not see the large holes bigger than the United States Capitol, there are almost 1,000 indentations in the land where shafts have been sunk and these nuclear devices set off far in the ground, thousands of feet into the ground—not hundreds, thousands of feet in the ground—but yet the ground settles. And as you drive through it, it is like the landscape of the moon.

And then, things you cannot see are the tunnels. There are tunnels all over those mountains in the Nevada test site, where scores of nuclear explosions have been set off. We cannot see the devastation that takes place inside the earth, but it has taken place.

We were concerned here in the Capitol when Senator DASCHLE's office was anthraxed. Somebody sent him some poisonous material, and it took millions of dollars to clean up the building the anthrax was in, the Hart Office Building—millions of dollars. It took several months to clean that up.

We hear so much about dirty bombs. The explosion in most dirty bombs would not be real big. It would be plenty big, but not as big as what I have described at the Nevada test site. But one dirty bomb would so contaminate a building, a neighborhood, a community, that it would be basically useless for scores of years.

The amendment I am going to offer provides $400 million to the Department of Energy to safeguard nuclear weapons and nuclear material in the United States and throughout the world.

I want to make sure that Members in the Senate understand what I am doing, what this amendment is attempting to do. The amendment provides $300 million for the Nuclear Nonproliferation Program and $100 million in additional funding to the Department of Energy to fund enhanced safeguards and security programs at the Nation's nuclear weapons laboratories and plants, at environmental management cleanup sites throughout the Nation, and at DOE Office of Science laboratories. All of these sites are home to nuclear material which needs to be protected.

There are large amounts of money in the supplemental appropriations package for the Department of Homeland Security. And I supported that. It is for first responder training and chem-bio detection and related activities. It is a good thing. There will be efforts made to increase that.

However, most of our Nation's nonproliferation activities and nuclear detection activities are not housed within the Department of Homeland Security. These activities are funded under the National Nuclear Security Administration, a semiautonomous organization within the Department of Energy. The administration request for nonproliferation and nuclear security was zero—nothing.

The broad authority to transfer funds to meet homeland security needs would placate me a little bit if it were not for the fact that the transfer authority is only available within the Department of Homeland Security, and the Department of Homeland Security is not in a position to transfer funds to the National Nuclear Security Administration for nuclear nonproliferation or security activities.

This is really a big concern. The GAO issued a Weapons of Mass Destruction report last week concerning the faltering cooperation the United States is receiving from Russia in terms of securing fissile nuclear material, and other weapons of mass destruction, in the former Soviet Republics. After years of effort, the United States is still struggling to get access to most locations where nuclear material is stored. The ramifications of this report should frighten everyone. More importantly, it is time for Congress to get moving on doing something about this problem.

We have not even talked much about it, let alone done anything about it. It is incumbent upon this and all future administrations to get the material secured as quickly as possible just as it is critical to ensure that we do a better job protecting nuclear material in the country. However, since September 11, it has been like pulling teeth, for lack of a better description, to get this administration to request supplemental funding to better secure nuclear material at our weapons labs and plants, DOE sites, and other laboratories run by the Department of Energy.

The administration has paid little heed to calls from within the Department to do a better job of transporting this stuff safely. Last year, the Department requested hundreds of millions of dollars but OMB simply wouldn't approve anything other than $26 million. In response, Congress appropriated $300 million in contingent emergency funding. The President refused to release this.

These moneys go to making a safer world. The reason we are doing this is to try to make sure that homeland security really means something and we have a program to do something about nuclear materials.

The neglect we have shown as a country is frightening. I am grateful to my colleagues and good friends, Senators DOMENICI and STEVENS, for adding almost $100 million to this supplemental for many activities about which I have spoken. They also added $54 million in additional safeguards for Army Corps of Engineers and Bureau of Reclamation facilities. That was important. My amendment seeks to build on that base. This amendment pays for everything in the underlying amendment Senator DOMENICI worked to put in this and then funds many additional activities that are crucial to our Nation's efforts to keep nuclear materials safe and secure.

The $400 million in this amendment is spread out as follows: The largest proportion of this money goes to nuclear detectors at mega-seaports around the world, not here in the United States necessarily. The global shipping system can deliver a containerized weapon of mass destruction more accurately than a missile from the Soviet Union, according to the Department of Energy. This isn't something I am making up. Vessels move 90 percent of our warfare fighting material and the bulk of goods our Nation purchases from abroad. Current U.S.-based systems for protecting radioactive weapons are not oriented toward when a port itself is a target of a weapon of mass destruction.

The Department of Energy has performed an analysis of shipping in the United States and has identified 60 foreign mega-seaports overseas where goods/containers from many nations first go before they are shipped to the United States. DOE indicates that, for example, about 10 percent of all containers shipping to the United States go through Hong Kong and about 6 percent go through Shanghai and Singapore.

DOE has developed nuclear detectors that can be given to port authorities in such mega-seaports in conjunction with U.S. Customs which provide port-wide alert of nuclear material. Detecting and impounding illicit nuclear material before it is even sent to the United States provides the best protection we can get.

We have the technology; it is just expensive. This amendment would pay for our going to Shanghai, to Singapore, to Hong Kong, these mega-ports where we get so much of our material, and determine if any of those shipments are nuclear in nature before they get here.

DOE is in the process of deploying the first radiological detection system to a foreign mega-seaport, but it has no funds appropriated in the 2003 fiscal year or even budgeted for 2004 to do this. They are in the process of deploying, but you can't deploy if you have no money. This additional $135 million would provide protection for nine mega-seaports. It would not get all of them, but it would get the big ones. This would be for a total of 10—the 1 they are trying to work out and the 9. This additional money would allow screening of approximately half of all containerized shipping entering the United States. Right now, we basically check none of it. This amendment would allow us to check 50 percent of it. This is something that is vitally important.

I talked about dirty bombs; radiological dispersal devices is the technical name. On March 11, Secretary Abraham addressed an International Atomic Energy Agency meeting, which he initiated to discuss the menace of radiological dispersal devices, with over 600 people from 100 nations in attendance. It was our meeting, the United States of America. The use of radioactive sources for peaceful purposes is widespread. They have many beneficial industrial, agricultural, research, and medical applications, but terrorists also may seek such devices for their radiological content to construct dirty bombs and cause panic and economic disruption by spreading radioactive material over a wide area and detonating high explosives. I repeat, what happened in the Hart Building with anthrax is nothing compared to any dirty bomb.

The Secretary said at that international gathering:

> "It is our critically important job to deny terrorists the radioactive sources they need to construct such weapons. The threat requires a determined and comprehensive international response. Our governments must act, individually and collectively, to identify all the high-risk radioactive sources that are being used and have been abandoned." The Secretary told the conference "We are ready to assist other interested countries to speed the needed improvements, and we want to begin immediately."

I am sure his heart was in the right place, but he had no ability to deliver on the statement he made to this conference.

He went on to say:

> We are prepared to work with other countries to locate, consolidate, secure, and dispose of high risk radiological sources by developing a system of national regional repositories to consolidate and securely store these sources.

The administration has never requested a penny for this purpose. It seems now that this supplemental appropriations bill is where we should make the Secretary's offer of assistance to the international community credible.

This bill calls for $20 million for nonproliferation assistance to nations other than the former Soviet Union. The Materials, Protection, Controls, and Accounting Agency nuclear nonproliferation programs to date have only targeted nations of the former Soviet Union. There is no money to do anything about it, to assist countries all over the world, especially in Southeast Asia—no money. Obviously, the point is made there.

We have $20 million in this bill for funds that are needed to develop the analytical capability to determine the nature and origin of a stolen nuclear weapon or captured improvised nuclear device or what happened and who did it in the event of nuclear detonation on U.S. soil.

We need research and development. If a nuclear device is found, we need to be able to determine what kind of a device it is, how it will detonate, how to defuse it. We have $20 million, a relatively small amount, the Department needs to improve material and radiochemical analysis methods, the sampling and modeling of nuclear explosion debris, and the implications of nuclear weapons design.

Our weapons labs around this country have the best scientists in the world. I have been to the weapons labs: Livermore, Sandia, Los Alamos. They have the best and the brightest. But they can't do anything to help us unless they have money to do the research. That is what this will do.

In this amendment, we have $15 million for nuclear nonproliferation verification, $12 million for nonproliferation assistance to Russian strategic rocket forces. What is this amount? Certain elements of the Russian military prefer to deal with our Department of Energy rather than the Department of Defense. For example, all work by the United States to secure Russian Navy warheads has been done by DOE. The fiscal year 2004 budget proposes for the first time for DOE to assist the Russian strategic rocket force ICBMs to secure its weapons. It contains funds to secure 2 of the first 10 most viable sites. Additional funds in the supplemental would start the program much earlier and increase the number of sites to be protected.

I have worked with Senator DOMENICI for many years, as the ranking member and chairman—going back and forth—of the Energy and Water Subcommittee on Appropriations. We have the responsibility to take care of our nuclear weapons. Large amounts of money are appropriated every year. We in the United States appropriate large sums of money to make sure our nuclear stockpile is safe and reliable. A nuclear stockpile is not like storing a car. It is not like storing canned goods. These weapons have elements that go bad, and you need to constantly review, examine these weapons to find if they are safe and reliable. The Russians know this. But they have not had the resources to help. It is in our best interest to work with them, with Nunn-Lugar and other such methods, to try to help them make their stockpile safe and reliable. Here is $12 million for additional funds that, as I have indicated, would help the ICBMs in Russia be safe and reliable.

When the war with Iraq ends and we find weapons of mass destruction in with nuclear material, we need to make sure we will have some way of disposing of them. We have provided in this bill for that. We want to make sure there is money for nuclear material detection regarding materials and devices.

Funds are also needed to help develop advanced materials that will enable the fielding of room-temperature, high-resolution, hand-held and portable radiation detection and identification equipment. Our labs can do that with the scientific community, many of which are in the private sector.

We have another problem. We need to be able to detect any nuclear explosion from proliferant countries that have very low yield. We don't have the equipment to do that. We need $10 million to do that. What we have in this amendment is a number of efforts to simply make our country safer, to make homeland security apply also to things nuclear.

I am going to offer this amendment when we get the parliamentary problem worked out. The threat of loose nukes worldwide scares me as much as anything that I am afraid of. We have to do something about it. We have not talked about it. It is like the perennial ostrich sticking his head underground so he cannot see what is going on. I see what is going on, and the Senate must see what is going on. This bill, which is extremely important—as important as anything we do for homeland security—contains $400 million, directed totally to things nuclear.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the distinguished chairman is on his way over. As we have evenly divided time and time is running, I will begin and will yield when he arrives.

We have another in a series of cloture votes on this divisive nomination today. Actually, nothing has changed significantly since the leadership forced the three previous cloture votes.

I did read in the New York Times over the weekend that Mr. Estrada spoke about the memos he wrote as being perhaps somewhat divisive. Maybe that is why the White House does not want us to see them. The only reason we are having these problems is the administration has refused to bring forward the writings on which one could form an idea whether he should have a lifetime appointment to the second highest court in the country.

The White House has had access to all these writings and they eagerly committed the political capital to go forward. But they don't want us to see them. The administration remains insistent that the Senate rubberstamp nominees without fulfilling the Senate's constitutional advise and consent role in this most important process.

Everyone has known for a long time how to solve the impasse in the Miguel Estrada nomination. The Democratic leader's letter pointed the way back in early February. Some say that the administration is proceeding this way because they do not care whether he goes through or not. They think somehow it is a political issue. That is the problem if this administration continues in its efforts to politicize the Federal courts.

There has been too much politicizing. The Federal courts are not a branch that belongs to either the Republican or Democratic party. They are not a branch of whoever is in the White House or in control of the Congress. They are the one independent branch of Government. They are supposed to be above politics, outside of politics, and yet in this case the White House could easily move forward with this nomination but is choosing to keep it in limbo. Unfortunately, too many Members are willing to dance to that tune.

Remember, it says advise and consent not advise and rubberstamp. The administration and Mr. Estrada do not want to show Members his writings. This is part of the work and experience that made the White House such an eager supporter of him. The American people and their representative ought to know how he thinks and have the best basis to predict how he would act as a judge, whether as an ideologue or as an impartial judge.

Past administrations—and I have been here with President Ford, President Carter, President Reagan, former President Bush, and President Clinton—they have all shown similar type writings to the Senate. We had nominations of Robert Bork, William Rehnquist, Brad Reynold, Ben Civiletti, and others. Even this administration did so for a nominee to the Environmental Protection Agency.

We have had senior members in the Republican Party say they wish the White House would show some cooperation, as past White Houses have, to get forward on this. Instead, we continue being blocked by the administration's position when we should be going forward.

Mr. DURBIN. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. DURBIN. I thank the Senator for his service as ranking Democrat on the Senate Judiciary Committee. I would like to put the Senator from Vermont on the spot with a question.

If the White House will allow these writings that are in controversy here by Miguel Estrada to be released to the Congress for review, and if we are then given a chance to review them, to bring Mr. Estrada for a hearing, if necessary, so we can ask questions, some of which he has not answered completely before, at that point would the Senator from Vermont personally urge the Democrats in committee to allow this process to move forward in an orderly fashion to consideration in committee, to a vote in the committee, and to a vote on the floor?

Mr. LEAHY. I say to my friend from Illinois, of course I would. I have said this right along. I may or may not vote for Mr. Estrada based on what is in the writings, but I will never give a blank check to any President—I have not—Democrat or Republican. I want to know what is in there. After all, there have been statements by this person's supervisor that he did not fairly state the law in the course of his work. We should have the basis to determine the quality of his work.

As the Senator from Illinois knows, when I was chairman of the committee, in 17 months we certainly moved far more of President Bush's nominees than the Republicans did when they were in the chair the previous 17 months for President Clinton. I believe that we actually moved more than the previous 30-month period under them. I did not allow the secret holds they had used extensively to block President Clinton's nominees. At times, they actually required 100 Senators to be for somebody before they would go through it.

A former Republican leader accepted part of the blame for how the Senate came to this, and I appreciate him doing that. He acknowledged you filibuster a lot of different ways. The Republican majority often defeated nominees by making sure they were never given a hearing or a vote. I don't believe in that.

If a nominee will go through the normal process, if the White House will stop playing games, if they will stop stonewalling, I am perfectly willing to go forward.

Mr. DURBIN. I might say to the Senator from Vermont, if he will yield further, in my experience in trial practice before I was elected to Congress, one's curiosity was always raised when the party on the other side refused to disclose a document. You had to go to court and have a decision made by the judge in discovery as to whether they would be required to produce the document. You naturally believed, if they were holding back a document, then certainly it might be a document that would compromise their position or jeopardize their position.

I would like to ask the Senator from Vermont, is it not a fact now that because of this long delay and because of this intransigence by the White House to release these documents, there is more and more curiosity as to what is contained in them? Here we have a nominee who, despite an excellent academic resume, really has little to show in terms of legal writings or things that give us an insight into why he should be selected for a lifetime appointment to the DC Circuit Court.

I ask the Senator from Vermont, isn't it fairly obvious at this point that, if the White House will release these documents and start the orderly process, then we can have a final disposition of Mr. Estrada, just as soon as they respond?

Mr. LEAHY. I would think so, I say to my friend from Illinois. Again, the point is the White House has had access to these papers. Surely they did a thorough review of this nomination. Surely someone in the administration must know what these documents contain if they are refusing to provide them and Republican Senators are asserting that they are "privileged". I would hope that no one, and certainly no one with legal training, would assert a privilege without knowing whether it applies. My recollection is that the administration took several weeks to respond to our request for the documents. Surely they were not simply ignoring our request for those weeks. I would have assumed they were using that time to review the documents and determine what could be produced immediately and what might require further discussion. They want to put this young man, at 41 years old, on the second highest court in the land. But they don't want us to know about his legal work and judgment when he was working for the government. They are saying: We'll nominate; you rubberstamp. I am saying it is advice and consent. That has worked in the Constitution for all the history of this country and will continue to work.

We had an example of internal Justice Department documents that were the work on another of the President's controversial nominees that have previously been produced to the Senate. At least the papers came forth. We find that she, working for a previous Republican administration, had strongly organized, in fact, went out of her way to help support a tax exemption for a college that discriminated against African Americans, discriminated against Catholics, discriminated against Mormons, took the most radical position, but was a darling of the Republican Party. Her nomination to a major court of appeals position by this administration is now pending. But at least we knew of her work and at least she could be questioned on it.

I would say to my friend from Illinois that we began this because we were waiting for the distinguished chairman. He is here. I suggest I reserve the remainder of my time and yield to the distinguished chairman as I had agreed when we called off the quorum at the request of the Republican side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 15 minutes remaining. The other side has 6 minutes 30 seconds remaining.

Mr. HATCH. Mr. President, this is the first true filibuster in the history of a circuit court of appeals nominee—the first one in history. It just has never happened before, no matter how controversial the nominee—and this one certainly is not controversial. They just haven't found anything to criticize him with, and that is the problem.

The distinguished Senator from Vermont says he is not going to rubberstamp anybody. Don't anybody worry about that. The Democrats have not rubberstamped one of these judicial nominations of President Bush so far. In fact, they voted against a high percentage of President Bush's nominees.

Frankly—ask all those who have gone through this process—it is an arduous, difficult, and in many ways a demeaning process as a result of the way my colleagues on the other side seem to be attacking these nominees.

The White House has been accused of political games in putting Miguel Estrada up, and in not allowing fishing expeditions into the most sensitive documents in the Justice Department. Those documents are the appeal, certiorari, and amicus recommendations made by people such as Mr. Estrada while they are there.

Seven living former Solicitors General have all said there is no way that any administration should give those documents to the Senate. I might add, four of those are Democrats, three of whom were Democratic Solicitors General with whom Miguel Estrada worked and for whom they had great affection. Seth Waxman, who is a great lawyer here in this town and a partisan Democrat, basically said Estrada has every qualification a person should have for the bench and basically said he did a good job while at the Department.

I heard the distinguished Senator from Illinois say he has little to show in legal writings. What about the 15 briefs he has written for the U.S. Supreme Court? That is a lot of legal writings, more than almost any nominee we have had here in the history of my 27 years on the Judiciary Committee. What about all the appeal briefs he has written and the reply briefs he has written, not only on the Supreme Court but in the circuit courts of appeals? They have access to every one of those. What about all the written questions they have given him? Only two asked for them after the hearing, and then we agreed to provide him to answer more written questions, and only one or two have asked further written questions.

There is no desire on the part of my Democratic colleagues to learn more about Miguel Estrada. There is a desire to find something they can hang their hat on to stop him because he is on the fast track to the Supreme Court, they believe. The best way they can show President Bush they are not going to have a conservative Hispanic on the court is by attacking Miguel Estrada, and that is what is behind this matter.

Today we are debating a historic fourth cloture vote on the nomination of Miguel Estrada. No other Executive Calendar nominee, judicial or nonjudicial, has ever been subjected to four cloture votes in this body.

Let me state that a clear majority of this body supports this nomination, as has been determined by the past three cloture votes. So it is regrettable that a minority of Senators have followed their script of obstructionism to prevent the Senate from concluding this debate on this nomination and allowing the Senate to proceed to a final vote. However, it is not surprising they have stalled this nomination. In September of last year, a Democratic staffer on the Judiciary Committee is quoted in The Nation magazine as saying:

> Estrada is 40, and if he makes it to the circuit then he will be Bush's first Supreme Court nominee. He could be on the Supreme Court for 30 years and do a lot of damage. We have to stop him now.

That, by the way, is a Democratic staffer on the Senate side.

Mr. LEAHY. Will the Senator yield? Do you have the name?

Mr. HATCH. I am not going to name names on the floor.

Mr. LEAHY. Is this one of those unnamed sources?

Mr. HATCH. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. It appears the real reason for the filibuster—I suggest to the distinguished Senator, just read The Nation magazine and you can find out for yourself. Why should I provide information to you anymore?

It appears that the real reason for this filibuster is the threat of a Justice Estrada on the Supreme Court. Of course, I take issue with the assertion that Mr. Estrada would do any so-called damage on any court. In fact, I am confident that he would be a fair and unbiased judge who would follow the law. He would not be an activist, which is probably what this staffer meant when he said that Mr. Estrada would do a lot of damage. But I find it ironic that this staffer knew enough about Miguel Estrada last September to proclaim that he must be stopped at all costs, when some of my Democratic friends insist on continuing this filibuster because they allegedly do not know enough about his views. Read the Nation magazine. I think the real reason for this filibuster lies in the rest of the staffer's quote: That Mr. Estrada is a Supreme Court caliber attorney whose ascension to the Federal bench must be stopped now.

This unparalleled filibuster is one of many weapons of obstruction designed to prevent the President from having his nominees fairly considered and voted upon by the Senate. This is according to a partisan game plan, developed and coordinated as early as April 2001, when, according to the New York Times, Senate Democrats met in a private retreat to forge a unified party strategy to combat the White House on judicial nominees. I would like them to deny this. I would like them to tell me The New York Times misquoted and didn't tell the truth here. They can't deny it. As one participant in the meeting stated, according to that press account, it was "important for the Senate to change the ground rules" on judicial nominations.

One of the three noted liberals who coached Senate Democrats on changing the ground rules on judicial nominations was University of Chicago law professor Cass Sunstein. Just the other day I came across a Yale Law Review article that Professor Sunstein co-authored in 1992 entitled The Senate, the Constitution, and the Confirmation Process. This article advocates a confirmation process in which the Senate plays a more aggressive and high-profile role. I found surprisingly familiar many of the principles he propounds in that article because I have heard a number of my Democratic colleagues also arguing for their adoption time and again in the Judiciary Committee and on the Senate floor.

For example, Professor Sunstein says:

> [T]he criticisms of the current process are telling. Supporters of the administration object that members of the Senate, and private groups generally critical of the Administration, expend enormous energy not in disinterested inquiry but in trying to 'catch' the nominee: to find some statement in her record that reveals a belief so extreme as to be 'out of the mainstream.'

When I read this statement, I thought it sounded familiar, so I took a look at the remarks of my colleague from New York Senator SCHUMER, when he chaired a hearing in June 2001 at which he argued that a judicial nominee's ideology should play a role in the confirmation process.

Sure enough, here is what my good friend said:

> [T]his unwillingness to openly examine ideology has sometimes led Senators who oppose a nominee to seek out non-ideological disqualifying factors, like small financial improprieties from long ago, to justify their opposition. This, in turn, has led to an escalating war of "gotcha" politics that, in my judgment, has warped the Senate's confirmation process and harmed the Senate's reputation.

Professor Sunstein also argues that:

> [t]he senate should place the burden of proof—with respect to character, excellence, and point of view—on the nominee.

He continues:

> In exercising its consent power, the Senate is entitled to reject nominees simply because they have not established that they have the requisite qualities, even if there is considerable uncertainly on that point.

Well, as we all know, after Senator SCHUMER's hearing on ideology in the confirmation process, he held a second hearing arguing Professor Sunstein's precise point: That the burden of proving worthiness for confirmation should be on the nominee. In fact, this is one of the factors sustaining this filibuster: The ill-formed perception that Miguel Estrada has not proven that he deserves to be confirmed to the DC Circuit.

Back to Professor Sunstein. He also says:

> The President, his opponents say, chooses 'stealth' nominees whom he has reason to believe are deeply conservative, but whose views the Senate will not be able to uncover.

This, of course, is precisely how Senator SCHUMER characterized Mr. Estrada in The Nation magazine last fall. He said:

> Estrada is like a Stealth missile—with a nose cone—coming out of the right wing's deepest silo.

I have heard a number of my other Democratic colleagues join in the chorus of labeling Mr. Estrada a stealth nominee.

Mr. President, I think I have made my point. This 1992 article written by Cass Sunstein provided the basis for the model that some of my Democratic colleagues are using to stall up or down votes on President Bush's judicial nominees, including Miguel Estrada. This filibuster is part of a coordinated attack designed to deny President Bush's circuit nominees a seat on the Federal bench.

Don't get me wrong—Professor Sunstein is an unabashedly liberal law professor, and as such it can be argued that he has carte blanche, or even an obligation, to push the far-left envelope, which he regularly does. But this does not mean that my Democratic colleagues have an obligation to blindly follow him into the far-left. Some of them have refused to do so, and I commend them for that.

For the others, I will repeat my sentiments which I stated here on the Senate floor just a few weeks ago. This historic cloture vote represents another opportunity for my Democratic colleagues to reverse course. This is the time to end their dangerous obstructionist tactics and grant Mr. Estrada the up or down vote any judicial nominee deserves. They are free to vote against confirming him if they truly believe that he has not answered their questions, or that his record is incomplete without examining the Solicitor General memoranda. But they should not continue to obstruct the will of the majority of this body that desires to give this nominee a vote.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes 10 seconds.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. To date, there have been at least 77 editorials and op-eds in support of the position of Democratic Senators on the nominations of Mr. Miguel Estrada's nomination to the Court of the Appeals for D.C. Circuit. On March 6, 2003, I placed in the CONGRESSIONAL RECORD excerpts of the editorials and op-eds that had been published by that date, because Republicans had been asserting that there were only a handful of editorials or op-eds in support of our concerns. Here are some excerpts from 24 additional editorials and op-eds expressing concerns about Mr. Estrada's nomination, bringing the total to at least 77. This controversial nomination continues to divide, rather than to unite, the American people.

I ask unanimous consent to print in the RECORD excerpts of 24 recent editorials or op-eds, in addition to those printed last month.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 13, 2003]

HOLD FIRM ON ESTRADA

[Supporters] argued that handing over Mr. Estrada's memorandums would be a violation of privacy, although other nominees, including Chief Justice William Rehnquist and Judge Robert Bork, did so in their own confirmation hearings. Supporters have also contended, shamefully, that opposition to Mr. Estrada is anti-Latino, even though his nomination is opposed by the Congressional Hispanic Caucus, the Mexican American Legal Defense and Educational Fund and other leading Latino groups. Now Republicans are attacking Democratic senators for using a filibuster. The criticism rings hollow, given that some Republicans making it, including the majority leader, Bill Frist, voted to filibuster when President Clinton nominated Richard Paez, a Mexican-American, to an appeals court. Rather than demonizing Democratic senators, the White House should look for common ground. In the case of Mr. Estrada, it should respect the Senate's role in the process by making his full record available. And going forward, it should choose judicial nominees from the ideological mainstream, who do not prompt the sort of bitter partisan divisions that Mr. Estrada has.

[From the Connecticut Law Tribune, Mar. 24, 2003]

NOMINATION BATTLES

Because federal judgeships are for life, what is at stake is what the law of the land will be for the next two or three decades. That's why the continuing Senate filibuster transcends Estrada. Its aim is to use what little Democratic power is left to force the White House and Senate Republicans to the table to hammer out a more bipartisan, more balanced approach to judge-picking.

[From the Daily News, Mar. 31, 2003]

THE QUOTABLE LINCOLN

By President Lincoln's reasoning, Mr. Estrada is not qualified for the court appointment if his opinions are unknown publicly. The full quotation comes to light as the Senate Republicans vow to keep bringing up the Estrada nomination against the opposition of all but a handful of the Democrats. The Republicans, including both Maine senators, have been unable to muster more than 55 of the necessary 60 votes to break the filibuster.

[From the Times Union, Mar. 20, 2003]

ESTRADA SHOULD ANSWER QUESTIONS IN PUBLIC

Since Mr. Estrada doesn't have experience to bolster his candidacy, he must provide convincing evidence of his ability to perform. If he is qualified to serve, he should step up to the plate and tell us, in a public hearing. If not, he should step aside and let the Senate get on with its business.

[From the Orlando Sentinel Tribune, Mar. 23, 2003]

WILL ESTRADA PROTECT THE RIGHTS OF LATINOS?

At his hearing before the Senate, Estrada failed to answer senator's questions, and he hid his views from the Senate and the public. Because of his limited record, it was important for Estrada to be forthcoming and give senators the opportunity to find out more about the kind of judge he would be; yet he chose to remain silent. . . . The little we do know about his record is very troubling. . . . Defeating his nomination would not send the message to Latinos that "only a certain kind of Latino need apply." On the contrary, it would send the message that everyone in America is judged by the same standard. If you cannot be fair and protect the basic constitutional rights of the common person, you do not deserve to serve in a judicial appointment, no matter what your race or ethnicity is.

[From the Connecticut Law Tribune, Mar. 24, 2003]

Nominations Battles

Miguel Estrada is being treated the same way Republicans treated Democratic nominees for years, Hispanic or otherwise. The battle is intense because the stakes are high. At issue is the American principle of checks and balances, and more. Republicans already control the White House and Congress and are now aiming for the third branch of government. Not only will Bush likely get the chance to push the divided Supreme Court rightward with an appointment or two. He already is reshaping the appeals courts one level below the Supreme Court. Because federal judgeships are for life, what is at stake is what the law of the land will be for the next two or three decades. That's why the continuing Senate filibuster transcends Estrada. Its aim is to use what little Democratic power is left to force the White House and Senate Republicans to the table to hammer out a more bipartisan, more balanced approach to judge-picking.

[From the Troy Record Editorial, Mar. 10, 2003]

Senate Judgment Wise in Estrada Nomination

In reality, a Court of Appeals judgeship is a lifetime appointment. This means that the 39-year-old Estrada could be making decisions from the bench for 30 or 40 years. . . . Democrats on the Committee want to get a feel for how Estrada will rule when the rubber meets the road, and that is certainly fair. Is it out of the question for Estrada to let the committee know the name of a judge he admires? Why wouldn't he name a Supreme Court decision he disagrees with, or approves of? These are not unreasonable questions. . . . The Senate is right not to simply rubber stamp his nomination.

[From the American Prospect, Mar. 17, 2003]

Rule Breaker: When It Comes to Helen Thomas, Miguel Estrada and Acts of War, George W. Bush Isn't big on Convention

Then there's the tussle over judicial nominee Miguel Estrada. Bush doesn't like the fact that Democratic senators are filibustering Estrada's nomination. So he suggested changing the rules to "ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is the president or what party controls the Senate." According to the Senate's Web site, filibusters have been around since the early days of Congress and have been popular since the 1850s. It's hard to remember the last time a president suggested that the Senate change one of its oldest traditions. There have been plenty of presidents who haven't liked congressional rules, but that doesn't mean they've suggested changing them just to accomplish one goal.

[From the Times Herald-Record, Mar. 9, 2003]

How To End the Filibuster

That's not nearly as bad as the charge by some Republicans that Democrats are opposing Estrada because he's Hispanic and, as a result, Democrats are preventing a group of people from achieving a milestone. Do these people ever listen to themselves? For a host of reasons, including support of immigration and education reform, pro-union and pro-labor policies and a philosphy that embraces affirmative action, the Democratic Party has enjoyed the support of a majority of the nation's growing Hispanic community for some time. In fact, many Hispanic groups oppose Estrada's nomination because they do not think he understands or is sensitive to issues and aspirations that are important to Hispanics in America. . . . It would have been nice, then, had Clinton been able to secure a floor vote for other highly qualified Harvard Law School graduates whose nominations languished and eventually died in the Senate Judiciary Committee, which was controlled by Republicans. . . . The Senate should not rubber stamp a president who wants to tilt the court heavily to one side.

[From the Dayton Daily News, Mar. 14, 2003]

There's Easy Fix for Judge Holdups

President Bush has called on the Senate to permanently ban any filibustering over judicial nominations. . . . A president genuinely interested in a judiciary that works won't map a strategy that allows presidents to push through any nominee at will. Doing so allows for, even invites, an ideological judiciary prone to extremes. It undermines merit appointments in favor of lifetime appointments handed out like so many political plums.

[From the Sarasota Herald-Tribune, Mar. 16, 2003]

Power, Not Ethnicity, at Issue

The Republican strategy is to win his approval by charging that opponents are motivated by prejudice. . . . It is also a totally despicable tactic, designed to avoid discussion of the reason most Democrats oppose Estrada. This reason has nothing to do with Estrada's ethnicity or legal ability, but rather the drive by Bush and like-minded Republicans to pack the federal courts from top to bottom with radical rightists. Not, mind you, conservatives interested in preserving our institutions and values but radical activists who want to uproot many of the laws and court decisions of the last 50 years. Estrada would be such a judge. . . . Senators who try to keep that from happening deserve the thanks of the American people, not the calumny heaped on them by a president who last week showed his lack of understanding of the roles of the separate branches of government by pressuring the Senate to change its rules for debate and allow a one-vote majority to ramrod presidential appointments through the Senate.")

[From the Copley News Service, Mar. 20, 2003]

Wise Words for the Senate

Republicans like to blame Democratic stalling for judicial vacancies. But that starts the book in the middle. The early chapters, which the GOP ignores, deal with Republican inaction on Clinton's nominees.

[From the Capital Times, Mar. 11, 2003]

Blocking a Bad Choice

The White House has stonewalled the request for the papers and has refused to allow Estrada to participate in a public hearing where he could be asked further questions. Those hardball tactics have upset even moderate and conservative members who might be inclined to support Estrada. Daschle and the Democrats are right on this one. Unless Estrada and the White House are willing to cooperate with the confirmation process, the Senate need not consider this nomination.

[From the Reno Gazette Journal, Mar. 11, 2003]

Your Turn: Judicial Candidate Should Answer Questions

When asked his views on civil rights, women's rights, environmental protections, workers' rights, Mr. Estrada said he had no views. When asked which Supreme Court justice he would emulate, Mr. Estrada said he couldn't answer. The service promoting Mr. Estrada—the White House—surely asked these questions before nominating him. To be sure, they got the answers . . . . Other nominees have asked similar questions. They are provided the same type of documents. . . . Would you hire him for the job? Would you hire him if you couldn't fire him? Of course not.

[From the Orlando Sentinel, Mar. 16, 2003]

Senate Needs More Information on Estrada

[T]he issue we are debating, the relative roles of the executive and legislative, is not a trivial issue. It goes to the heart, as John Adams said, of the stability of government, because it goes to the independence of the judiciary. . . . I believe we are being called to resist an effort to inappropriately utilize executive power and to exclude the legislative role in the appointment of federal judges.

[From the San Antonio Express, Mar. 13, 2003]

An OK For Estrada Won't Help Nation

We should expect more than a federal judicial nominee, and we should not set a precedent that would allow future presidents and nominees to act without regard for the Senate's role in a system of checks and balances.

[From the Chattanooga Times/Chattanooga Free Press, Mar. 12, 2003]

The Case Against Estrada

Senate Democrats are hanging tough against President Bush's nomination of Miguel Estrada for a federal appellate judgeship. Wish them well. They are doing righteous work. The Constitution obliges the Senate to advise and consent on judicial appointments. This is the advise part and, no, this meltdown does not have anything to do with who is pro- or anti-Hispanic, as Republicans are charging in a campaign that is cynical even by Washington standards. There is a very serious issue at the core of this dispute—nothing less than the fundamental nature of the federal judiciary—and the attempt to defame opposition to Estrada as anti-Hispanic prejudice is absurd on its face.

[From the Sarasota Herald-Tribune, Mar. 16, 2003]

Power, Not Ethnicity, at Issue

The Republican strategy is to win his approval by charging that opponents are motivated by prejudice. This is a powerful weapon in states with heavy Mexican or Cuban populations. It is also a totally despicable tactic, designed to avoid discussion of the reason most Democrats oppose Estrada. This reason has nothing to do with Estrada's ethnicity or legal ability, but rather the drive by Bush and like-minded Republicans to pack the federal courts from top to bottom with radical rightists. Not, mind you, conservatives interested in preserving our institutions and values but radical activists who want to uproot many of the laws and court decisions of the last 50 years. Estrada would be such a judge. At least that is a fair assumption based on the record of the Senate committee hearing on his confirmation. He wasn't willing to offer his views on many of the most pertinent and controversial constitutional questions of concern to courts, Congress and the public. He declined to make available memoranda he wrote for the office of solicitor general when he worked there. The solicitor general has provided such documents in other confirmation hearings, including those of Rehnquist, Bork and Esterbrook.

[From the New Republic, Apr. 7, 2003]

PRIVATE OPINION

One reason Senate Democrats haven't been swayed by these arguments is that they're really not true: Democratic researchers have unearthed records from at least five judicial-confirmation hearings in which government legal memoranda were delivered to the Senate. Their favorite example is the Justice Department's release of memos during Robert Bork's 1987 confirmation battle, written by a lawyer in the solicitor general's office who held precisely the same job as Estrada.

[From the Chicago Sun Times, Mar. 14, 2003]

IF ESTRADA THINKS THAT BEING LATINO IS ENOUGH TO GET HIM CONFIRMED, HE'S IN FOR A RUDE AWAKENING

Bush obviously wants to score political points with Latino voters. . . . Latinos deserve and demand better. Estrada may be well-qualified, but so are other Latinos whose legal writings are not being guarded as if they were state secrets. Bush may be able to get Congress to pass a bill without allowing it to be read first, but the Senate should not abdicate its constitutional obligation to give its advice and consent on these lifetime appointees. Bush's political stock is sinking, and Latino political stock is rising. The way I see it, Bush needs us more than we need him. So Bush should nominate someone most Latinos can live with, be proud of and support, or no one at all. Time is on our side. Bush doesn't get it: Not just any Latino judge will do.

[From the Copley News Service, Mar. 6, 2003]

THE DECISION OF A LIFETIME

Miguel Estrada, along with the White House and Republican Senate leadership, would do well to take notice. They complain that the Democrats seek too much information as their price for putting Estrada's nomination to a vote. . . . Under White House coaching, perhaps, Estrada proved strangely tight-lipped. Inasmuch as he has not served a previous judgeship, there was no "paper trail" by which to gauge the man's legal philosophy.

[From the Houston Chronicle, Mar. 16, 2003]

OH, NO, IDEOLOGICAL JUDGES; SAY IT ISN'T SO

Estrada is bright and far right. Just how far right is a question that the Bush administration doesn't want to answer. The White House is refusing to let senators see memos Estrada wrote while working in the solicitor general's office and that would shed plenty of light on the issue. Instead, Republicans are offering a second Estrada appearance before the Judiciary Committee. Judging by Estrada's lock-jawed performance last September, it would be a gigantic waste of time (which, of course, the White House knows). There is a common theme in Estrada's and Owen's attempts to get on the circuit court bench. It involves, to put it mildly, evasion and equivocation.

[From the Ventura County Star, Mar. 16, 2003]

WHAT DO WE KNOW ABOUT JUDICIAL NOMINEE?

Judges are supposed to be able to look at attorney's arguments with impartiality and determine which side has a stronger case within the letter and spirit of the law. To be effective and just, the judiciary must be neither liberal nor conservative. The judiciary must be independent, concerned only with the integrity of law. That's a high ideal and, of course, nearly impossible to reach, but it's what we should be reaching for. The fact is we have no idea if Mr. Estrada is capable of impartiality, and he's not willing to discuss it.

[From the Houston Chronicle, Mar. 7, 2003]

YAKETY, YAK—KEEP TALKING SENATORS

So undemocratic, wail the Republicans desperate to get on with a vote on the nomination of Miguel Estrada to the U.S. Circuit Court of Appeals for the District of Columbia before anyone can find out how right-wing the former Justice Department official might actually be. Some of these Republicans are the same people—and are certainly of the same party—who over the years have attempted to talk to death many bills and nominations.

Additionally, here is an excerpt of an additional news article that is noteworthy for its assessment of the refusal of the White House to release the documents requested, despite the precedent and despite the interest of some Republican Senators in doing so:

[From the Weekly Standard, Mar. 17, 2003]

FILIBUSTER SI, ESTRADA NO!

The White House refused . . . access to Estrada's working papers. Period. This adamantine posture, in the eyes of some in Senate GOP leadership circles, handcuffed Frist. "There's some frustration," said a top GOP leadership aide. "From the very beginning we told them that was the only way out and a face-saver for everyone. But it came down to the fact that no one on the White House or Justice team wanted to walk into the Oval Office and say to the president, "You might have to give up these memos." The administration's position on the memos reflects its deeply held ethic of aggressively defending executive branch prerogatives. Though the White House has never characterized the Estrada matter as one of executive privilege . . . it falls into the broad category of executive branch muscularity. And while most Republicans generally support this posture, some Bush allies on and off Capitol Hill have come to question the administration's fastidiousness in the Estrada fight.

In addition, there have been dozens and dozens and dozens of letters to the editor published in opposition to editorials supporting the Republican position on this nomination. Here is just one sample of those many letters from citizens across the country:

[From the Washington Post, Mar. 20, 2003]

BEHIND THE ESTRADA FILIBUSTER

The depth of Mr. Estrada's sentiments on issues facing the federal courts seems to be known only to the far-right members of the legal community who support him and to the Bush administration. The question is whether the Senate, which has an equal say in whether Mr. Estrada will sit on the U.S. Court of Appeals for the D.C. Circuit, has an equal right to the information, including Justice Department memorandums, that is available to the administration. It is far from extortionate that senators not be forced to vote without the information the administration holds.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I try to keep a straight face when I hear my good friend, the distinguished Senator from Utah, speaking, but it is hard. He has been able to master the ability to look stern and self-righteous, as he has throughout a recitation of the revisionist history here.

The question of precedent? The Republicans joined the filibusters of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, Judge Richard Paez to the Ninth Circuit, and Judge Marsha Berzon to the Ninth Circuit. We had to have cloture votes on all but one of these and on several others.

But as the former Republican leader admitted—and I commend him for this—they did not have to go to filibusters on most of these because they never brought them up at all. They never had a hearing on them. They never had a vote on them in committee or anywhere else. In effect, they had a filibuster of one. If any one Republican Senator objected to any one of President Clinton's nominees, or just a few, the caucus would make the determination they would never get a hearing. The distinguished chairman at that time would not give them a hearing. They would not get a vote. It was only if the caucus decided that they would be allowed to go forward would they even get a vote.

So it begs credulity to hear this kind of sophistry on the Senate floor and the nature of a "filibuster" being constantly redefined. They would not allow them to come to a vote at all.

During the 17 months when we controlled the Senate Judiciary Committee, we confirmed 100 of President Bush's nominees. We had hearings on 103. We voted down 2. We confirmed 100. There was no similar period of time when President Clinton was in office and the Republicans were in control that they passed anywhere near as many judges for President Clinton.

I wonder if I could have order just for the sake of precedent.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. We moved them through. And we got rid of the anonymous holds. We got rid of the secret holds. I will explain in greater detail.

Mr. President, the Republican leadership in the Senate has chosen today for another in a series of cloture votes on this divisive nomination. Nothing has significantly changed since it forced the three previous cloture votes. The administration's obstinacy continues to impede progress to resolve this matter. The administration remains intent on packing the Federal circuit courts and on insisting that the Senate rubber stamp its nominees without fulfilling the Senate's constitutional advise and consent role in this most important process. The White House could have long ago helped solve the impasse on the Estrada nomination by honoring the Senate's role in the appointment process and providing the Senate with access to Mr. Estrada's legal work. Past administrations have provided such legal memoranda in connection with the nominations of Robert Bork, William Rehnquist, Brad Reynolds, Stephen Trott and Ben Civiletti, and even this administration did so with a nominee to the Environmental Protection Agency. In my statement in connection with the last cloture vote I outlined additional precedent for sharing the requested materials with the Senate as did Senator KENNEDY.

We have the statement of Attorney General Robert H. Jackson, who later became one of our finest Supreme Court Justices, when he wrote an Attorney General Opinion in 1941 acknowledging that among the occasions when exceptions should be made and Executive department files would be produced to the Congress would be confirmations. As Attorney General Jackson noted:

> Of course, where the public interest has seemed to justify it, information as to particular situations has been supplied to congressional committees by me and by former Attorneys General. For example, I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light.

I mentioned the additional example of similar materials that were provided to Congress in 1982 by the Reagan administration when the Senate Finance Committee held a hearing to consider legislation to deny federal tax-exempt status to private schools practicing racial discrimination. A number of Justice Department memoranda, as well as communications between high-level officials, were turned over by the Reagan administration to the Senate Finance Committee in connection with the hearing, just months after the documents were first written. The issues at that hearing reveal that some of the documents turned over were much more sensitive than those requested of Mr. Estrada, but they were still provided to Congress by the Reagan administration.

The documents turned over to the Senate included:

Letters from Representative TRENT LOTT to Secretary Regan, IRS Commissioner Egger, and Solicitor General Lee, urging change in the administration's position on Bob Jones; memorandum from Associate Deputy Attorney General Bruce Fein to Deputy Attorney General Edward Schmults, advising Schmults on private schools; memorandum from Carolyn Kuhl, Special Assistant to the Attorney General, to Ken Starr, noting Reagan/Bush campaign statements on private schools; memorandum from Peter Wallison, Treasury General Counsel, to Secretary Regan briefing him on meeting with Representative LOTT; memorandum from Treasury General Counsel Wallison to Deputy Secretary McNamar and Secretary Regan on Government's position in Bob Jones case; memorandum from Civil Rights Division Head, William Bradford Reynolds, to Attorney General Smith justifying changes in administration's position on Bob Jones; memorandum from Treasury Assistant Secretary for Public Affairs, Ann McLaughlin, to Deputy Secretary McNamar on "press strategy" for releasing Bob Jones decision; memorandum from IRS Chief Counsel Gideon to Treasury Deputy General Counsel Government's statement in Bob Jones; letter from IRS Chief Counsel Gideon to Civil Rights Division Head Reynolds on formulation of Government's statement in Bob Jones; and memorandum from Assistant Attorney General Theodore Olson, Office of Legal Counsel, to Attorney General Smith and Deputy Attorney General Schmults responding to the analysis in Reynolds' memo on Bob Jones.

In 1982, the Republican administration at that time released to the Senate documents that included internal memoranda among high-level Justice Department officials, inter-agency communications, and documents relating to the government's position in an important Supreme Court case. They also included letters to the Solicitor General.

Moreover, the Reagan administration turned over these documents within months after being written, and no harm was done to the workings of the Justice Department or the administration. The Bush administration is claiming that it is unprecedented to turn over such documents—and that the release of documents written by Mr. Estrada 6 to 10 years earlier would irreparably harm the government. I urge the administration and Republican Senators to consider this additional precedent.

I also noted how in 2001, this White House agreed to give access to memoranda written by Jeffrey Holmstead, nominated to be an Assistant Administrator of the Environmental Protection Agency. The Senate Committee on Environment and Public Works requested memoranda from Holmstead's years of service in the White House counsel's office under former President Bush. In particular, the Committee was interested in materials related to Holmstead's handling of an amendment to the Clean Air Act and other environmental issues. In the summer of 2001, the Bush administration resolved an impasse with the Committee over the nomination by permitting Committee staffers to review memoranda that Holmstead wrote while in the White House counsel's office. In sum, the administration allowed access to documents from the White House counsel's office—a more sensitive post than the one Mr. Estrada held when he was in the Department of Justice.

So, despite this administration's continued insistence on confidentiality, it has turned over, allowed access or worked to reach an accommodation on access to documents similar to those requested in connection with the Estrada nomination in other cases and for other committees. In the matter of the Estrada nomination, the question before the Senate concerns a lifetime appointment to the second-highest court in the land.

The former Republican leader accepted "part of the blame" for how the Senate has come to consider judicial nominations. I appreciate that because it is one of the few times a Republican Senator has accepted responsibility for what happened during the years in which the Republican majority in the Senate blocked and delayed so many of President Clinton's judicial nominees. The Senator from Mississippi also acknowledged that "you filibuster a lot of different ways." I thank the Senator from Mississippi for trying to be constructive and for suggesting that "something can be worked out" on the request for Mr. Estrada's work papers from the Department of Justice.

A recent edition of The Weekly Standard, a report suggests that other Senate Republicans, "several veteran GOP Senate staffers" and "a top GOP leadership aide" asked the White House to show some flexibility and to share the legal memoranda with the Senate to resolve this matter, but they were rebuffed. It is regrettable that the White House will not listen to reason from Senate Democrats or Senate Republicans. If they had, there would be no need for this cloture vote. The White House is less interested in making progress on the Estrada nomination than in trying to score political points and to divide the Hispanic community.

The real "double standard" here is that the President selected Mr. Estrada based in large part on his work for four and a half years in the Solicitor General's Office as well as for his ideological views, but the Administration says that the Senate may not examine his written work from the office that would shed the most light on his views. The White House says that the Senate should not consider the very ideology the White House took into account in selecting a 41-year-old for a lifetime seat on the country's second-highest court. Another double standard at work here is that this is a nominee who is well known for having very passionate views about judicial decisions and legal policy and is well known for being outspoken, and yet he has refused to share his views with the very people charged with evaluating his nomination. It seems to be a perversion of the constitutional process to require the Senate to stumble in the dark about his views, when he shares his views quite freely with others and when this Administration has selected him for the privilege of this high office, and for life, based on those views.

Just this past weekend, a story in The New York Times reported that during his nomination hearing which I scheduled and Senator SCHUMER chaired last September, "Mr. Estrada took what is often called 'the judicial fifth,' declining to answer many questions by saying that he could not comment on issues that might come before him should he be confirmed." The report correctly continued: "It is a common approach for judicial nominees, but Mr. Estrada was more reticent than most." The report also notes that: "Mr. Estrada gave a hint that what the memorandums might disclose was his impatient manner when he told the committee he might have harshly dismissed some arguments by junior lawyers." Our review of the requested documents would end the mystery and speculation.

One of the most disconcerting aspects of the manner in which the Senate is approaching these divisive judicial nominations is what appears to be the Republican majority's willingness to sacrifice the constitutional authority of the Senate as a check on the power of the President in the area of lifetime appointments to our federal courts. It should concern all of us and the American people that the Republican majority's efforts to re-write Senate history in order to rubber stamp this White House's federal judicial nominees will cause long-term damage to this institution, to our courts, to our constitutional form of government, to the rights and protections of the American people and to generations to come.

Republicans are now willing to breach the 24-year-old rule of the Judiciary Committee that had always protected the right of the minority to debate a matter. Republicans have now established a double standard with respect to the opposition of home-state Senators. If the opposition to a judicial nominee is that of a Republican home State Senator to a nominee of a Democratic President, it is honored and no hearing may go forward. But if the opposition is to a judicial nominee of a Republican President by a Democratic home State Senator, well that is too bad and the Republican majority does not choose to defer or care or honor that objection.

The White House is using ideology to select its judicial nominees but is trying to prevent the Senate from knowing the ideology of these nominees when it evaluates them. It was not so long ago when then-Senator Ashcroft was chairing a series of Judiciary Committee hearings at which Edwin Meese III testified:

> I think that very extensive investigations of each nominee—and I don't worry about the delay that this might cause because, remember, those judges are going to be on the bench for their professional lifetime, so they have got plenty of time ahead once they are confirmed, and there is very little opportunity to pull them out of those benches once they have been confirmed—I think a careful investigation of the background of each judge, including their writings, if they have previously been judges or in public positions, the actions that they have taken, the decisions that they have written, so that we can to the extent possible eliminate people who would turn out to be activist judges from being confirmed.

Timothy E. Flanigan, an official from the administration of the President's father, and who more recently served as Deputy White House Counsel, helping the current President select his judicial nominees, testified strongly in favor of "the need for the Judiciary Committee and the full Senate to be extraordinarily diligent in examining the judicial philosophy of potential nominees." He continued:

> In evaluating judicial nominees, the Senate has often been stymied by its inability to obtain evidence of a nominee's judicial philosophy. In the absence of such evidence, the Senate has often confirmed a nominee on the theory that it could find no fault with the nominee.
>
> I would reverse the presumption and place the burden squarely on the shoulders of the judicial nominee to prove that he or she has a well-thought-out judicial philosophy, one that recognizes the limited role for Federal judges. Such a burden is appropriately borne by one seeking life tenure to wield the awesome judicial power of the United States.

Now that the occupant of the White House no longer is a popularly-elected Democrat but a Republican, these principles seem no longer to have any support within the White House or the Senate Republican majority. Fortunately, our constitutional principles and our Senate traditions, practices and governing rules do not change with the political party that occupies the White House or with a shift in majority in the Senate.

The White House, in conjunction with the new Republican majority in the Senate, is purposeful in choosing these battles over judicial nominations. Dividing rather than uniting has become their modus operandi. The decision by the Republican Senate majority to focus on controversial nominations says much about their mistaken priorities. The Republican majority sets the agenda and they schedule the debate, just as they have again here today.

I have served in the Senate for 29 years, and until recently I have never seen such stridency on the part of an administration or such willingness on the part of a Senate majority to cast aside tradition and upset the balances embedded in our Constitution, in order to expand presidential power. What I find unprecedented are the excesses that the Republican majority and this White House are willing to indulge to override the constitutional division of power over appointments and longstanding Senate practices and history. It strikes me that some Republicans seem to think that they are writing on a blank slate and that they have been given a blank check to pack the courts.

They show a disturbing penchant for reading the Constitution to suit their purposes of the moment rather than as it has functioned for more than 200 years to protect all Americans through its checks and balances.

The Democratic Leader pointed the way out of this impasse again in his letter to the President on February 11. It is regrettable that the President did not respond to that reasonable effort to resolve this matter. Indeed, the letter he sent last week to Senator FRIST was not a response to Senator DASCHLE's reasonable and realistic approach, but a further effort to minimize the Senate's role in this process by proposing radical changes in Senate rules and practices to the great benefit of this Administration.

A distinguished senior Republican Senator saw the reasonableness of the suggestions that the Democratic leader and assistant leader have consistently made during this debate when he agreed on February 14 that they pointed the way out of the impasse. Regrettably, his efforts and judgment were also rejected by the administration.

The Supreme Court, in an opinion authored last year by none other than Justice Scalia, one of this President's judicial role models, instructs that judicial ethics do not prevent candidates for judicial office or judicial nominees from sharing their judicial philosophy and views.

With respect to "precedent," Republicans not only joined in the filibuster of the nomination of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First

Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common through Republicans' own actions.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. In effect, these were anonymous "filibusters."

Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them, and they eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and committee votes.

Beyond judicial nominees, Republicans also filibustered the nomination of executive branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture but he was successfully confirmed.

Other executive branch nominees who were filibustered by Republicans include Walter Dellinger's nomination to be Assistant Attorney General, and two cloture petitions were required to be filed and both were rejected by Republicans. In this case we were able finally to obtain a confirmation vote after an elaborate effort, and Mr. Dellinger was confirmed to that position with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in cloture petitions.

In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture petitions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture petitions were required to get a vote on the nomination of Derek Shearer to be an Ambassador. And it likewise took two cloture petitions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Nonetheless, in spite of all the intransigence of the White House and all of the doublespeak by some of our colleagues on the other side of the aisle, I can report that the Senate has moved forward to confirm 115 of President Bush's judicial nominations since July 2001. That total includes 15 judges confirmed so far this year, including two controversial nominees to the circuit courts.

Those observing these matters might contrast this progress with the start of the 106th Congress in which the Republican majority in the Senate was delaying consideration of President Clinton's judicial nominees. In 1999, the first hearing on a judicial nominee was not until mid-June. The Senate did not reach 15 confirmations until September of that year. Accordingly, the facts show that Democratic Senators are being extraordinarily cooperative with a Senate majority and a White House that refuses to cooperate with us. We have made progress in spite of that lack of comity and cooperation.

We worked hard to reduce federal judicial vacancies to the lowest level it has been in more than seven years. That is an extremely low vacancy number based on recent history and well below the 67 vacancies that Senator HATCH termed "full employment" on the federal bench during the Clinton administration.

It is unfortunate that the White House and some Republicans have insisted on this confrontation rather than working with us to provide the needed information so that we could proceed to an up-or-down vote. Some on the Republican side seem to prefer political game playing, seeking to pack our courts with ideologues and leveling baseless charges of bigotry, rather than to work with us to resolve the impasse over this nomination by providing information and proceeding to a fair vote.

I was disappointed that Senator BENNETT's straightforward colloquy with Senator REID and me on February 14, which pointed to a solution, was never allowed by hard-liners on the other side to yield results. I am disappointed that all my efforts and those of Senator DASCHLE and Senator REID have been rejected by the White House. The letter that Senator DASCHLE sent to the President on February 11 pointed the way to resolving this matter reasonably and fairly. Republicans would apparently rather engage in politics.

Republican talking points will undoubtedly claim that this is "unprecedented". They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing. The only thing unprecedented about this matter is that the administration and Republican leadership have shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That this is the fourth cloture vote on this matter is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out as these matters have always been worked out in the past. What is unprecedented is the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

I urge the White House and Senate Republicans to end the political warfare and join with us in good faith to make sure the information that is needed to review this nomination is provided so that the Senate may conclude its consideration of this nomination. I urge the White House, as I have for more than two years, to work with us and, quoting from a recent column by Thomas Mann of The Brookings Institute, to submit "a more balanced ticket of judicial nominees and engag[e] in genuine negotiations and compromise with both parties in Congress."

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our nation and, in this case, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the nation on these issues.

Mr. President, does the Senator from Massachusetts wish the remainder of my time?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Vermont for making very plain for the record and to the American people exactly what has happened over the last period of time. As he has pointed out, there have been more than 100 judges who have been recommended by President Bush, many of them pro-life, which have been favorably considered by this body.

It was not the Members on this side who have changed the rules. The fact is, it has been this administration's attempt to shape the Federal judiciary. And as the constitutional debates showed so clearly, there was to be a balance.

Initially, during the Constitutional Convention, the Senate of the United

States was to be the sole namer of Federal judges. It was only at the end that that was to be a shared responsibility.

There are some who just want us to rubberstamp whatever the President recommends. We do not believe that is what our Founding Fathers intended us to do, as bearing responsibility for the Federal judiciary.

The fact remains, this nominee is known only to the administration, but not to the Judiciary Committee or the American people. They know how he stands. They have understandings of all of his positions. But the Judiciary Committee and the American people do not. That is what is being asked of now.

There have been other times in our history where we have had nominees who did not respond to questions, but they had written documents, and they had articles, speeches, and other decisions that reflected their judicial philosophy. This does not exist here. This is a unique, special situation. And the Senator from Vermont has stated time in and time out over the course of the debate the reasons for it. He should be supported on it. I stand with him. I stand with the institution, the Senate, that says to be able to exercise our responsibility in advice and consent, we ought to be exercising balanced judgment based on the views of the nominee and his views of the Constitution of the United States. We have not received his views on it. And he refused to give it. Nor do we understand from past writings, statements, or other positions what his views are. And the American people are entitled to it.

Mr. President, we must be very clear about what is at stake in this debate over the nomination of Miguel Estrada to the second highest court in the land. Confirming Mr. Estrada to the DC Circuit would give a major victory to the Republican drive to pack the Federal courts with judges who are hostile to civil rights, workers' rights, and many other basic guarantees that define the rights and liberties of all our citizens.

Confirming him would also deal a blow to the Senate's advice and consent role in the selection of federal judges. This role is among the most important of the checks and balances that make our government work. It has ensured that whoever is in the White House cannot use their short term in power to pack the courts by giving lifetime appointments to judges who will decide cases for years in a biased way.

As we all know, the debates at the constitutional convention make clear that the Senate has a very important role in the selection of judges. In fact, the power initially was to rest solely with the Senate. Although now the power to nominate rests with the President, it is clear that the Senate's advice and consent role is a substantive role, and a critical role. As Alexander Hamilton said in Federalist No. 77:

> If by influencing the President meant restraining him, this is precisely what must have been intended.

The role of the Senate is vital to ensuring a strong and independent judiciary that will protect citizens' rights. When Republicans try to force the Senate to confirm Mr. Estrada without any significant information about him, they are attacking the role of the Senate and undermining this important constitutional provision.

Despite a growing and disturbing trend during this administration, of giving the Senate less and less information about judges, the Senate has made clear our position that we need this information to fulfill our constitutional role. We have had many nominees who were not particularly forthcoming in their committee hearing about their views on certain topics. But we typically had a large written record to help us understand those nominees' approach to judging. Often, the Senate attempted in good faith to accommodate the President and review the record as it was given to us. In other cases, if a nominee had only very little record to examine, we could rely on their answers at their hearing to give meaningful advice and consent.

Mr. Estrada represents the extreme of this trend. At his hearing, he was silent on important issues that would help us determine what kind of judge he would be. He does not have a written record to review. The one thing that would help us is the body of work by Mr. Estrada at the Justice Department. But the White House will not turn these documents over, despite the fact that they have turned over similar documents for other nominees in the past.

Confirming Miguel Estrada on this record would not only undermine the Senate's important advice and consent role, it would also threaten the rights of millions of Americans who are affected by the judges of the DC Circuit.

Unless we preserve this important role, the independence of the Federal courts will be lost. And it is this independence of the judicial branch from the executive and legislative branches that gives the Federal courts an indispensable role in protecting and upholding the basic rights guaranteed by the Constitution.

In defending the role of the Senate in confirming judicial nominees, we are also protecting the role of the Federal courts in our constitutional form of government. It is our responsibility to defend both of these important aspects of our democracy, and we intend to continue to do so. I urge my colleagues to vote against cloture today.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes 7 seconds.

Mr. HATCH. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. The other side has 1 minute 22 seconds.

The Senator from Utah.

Mr. HATCH. Mr. President, I think the Senator is correct to say that opponents have a right to feel the way they do, but they do not have a right constitutionally to filibuster a judicial nominee, in my opinion. And they can vote against this nominee if they want to. If they feel that deeply about their points of view, they ought to vote against the nominee, but they should not use some phony fishing expedition request, knowing that no administration can give up these documents because they are the most privileged documents in the Justice Department. And the former Democrat Solicitors General who are alive say that.

I talked to the current Solicitor General, and he said there is no way they can give those documents up. It would ruin the work of the people's attorney, the Solicitor General. And they know that. So that is just a phony excuse to be able to try and stop this nominee.

By the way, with regard to what the distinguished Senator from Vermont said—he brought up that certain nominees Stephen Breyer, Rosemary Barkett, Richard Paez, and Marsha Berzon were filibustered. Not one of them was filibustered. He brought up they were not confirmed, but they were all confirmed. There has never been a judicial nominee to the circuit court of appeals in this country stopped by a filibuster—never—until this one. And, as far as I am concerned, this one is not going to be stopped either, if we do what is right.

And, of course, a cloture vote does not always signify a filibuster. A lot of these cloture votes we have had in the past—that is why I talk in terms of true filibusters versus time management devices used by the majority leader, whoever that may be. In some cases, our own majority leader moved for cloture. So don't give me the argument that this is not the first filibuster. This is the first filibuster, first true filibuster of a circuit court of appeals nominee in history.

Now, no Republican has claimed that Lavenski Smith or Julia Smith Gibbons were filibustered, but both of these Bush circuit nominees were subjected to cloture votes last year. So that is just a phony argument.

Now, they have so much information on this man there is little or no excuse for not proceeding to a vote. The problem is, they cannot find anything wrong with him. There is so much that is right about Miguel Estrada. And I just cannot quite see some of the arguments that have been given.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes 30 seconds.

Mr. HATCH. Mr. President, I would like to be interrupted at the end of 1 minute so I can give 2 minutes to the distinguished Senator from Pennsylvania.

Let me say something about the memoranda that my Democratic colleagues demand the White House release. These are appeal, certiorari, and amicus recommendations that Mr. Estrada authored while a career lawyer at the Justice Department. Let's be clear on that.

I keep hearing my Democratic colleagues say there is all this precedent for the release of documents by the White House. Well, of course, the White House releases documents to the Senate every day. But they are not appeal, certiorari, and amicus recommendations, and there is absolutely no precedent for the large-scale fishing expedition they seek on Mr. Estrada—not any.

I agree with the seven former living Solicitors General, four of whom are Democrats, who say that the White House is right not to release Mr. Estrada's memoranda.

The PRESIDING OFFICER. The Senator from Utah has 2 minutes 30 seconds remaining.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the chairman for yielding time to me.

When you strip this argument down, it boils down to an effort by the other side of the aisle to rewrite the advice and consent clause of the Constitution. For more than 200 years, the President has had discretion in the nomination of Federal judges. And unless there is some reason not to confirm them, they then are confirmed.

Miguel Estrada has an extraordinary record, Phi Beta Kappa, Columbia; magna cum laude, magna at Harvard, Harvard Law Review, 15 cases in the Supreme Court. The issue of wanting to see some of his writings is a red herring. The issue of wanting further amplification of his views on the Constitution is another red herring. This is simply an effort, when 41 Members from the other side of the aisle decide to oppose cloture, to continue this filibuster.

It is my view that we are not going to resolve this matter until we have a real, live, honest to goodness filibuster, and that where the other side of the aisle has to talk. We haven't had one since 1987. The American people do not know what is going on inside the beltway and are likely not to find out until this issue is raised in the conscious level of the American people. Then I think we will find more than four Members of the other side of the aisle joining 51 on this side of the aisle to invoke cloture and to confirm this worthy nominee.

I do believe there is going to have to be some dramatic action taken so that Americans understand the travesty going on in the Senate Chamber today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Vermont.

Mr. LEAHY. Madam President, as my statement indicated, the Senate did have filibusters on Judge Stephen Breyer, Judge Rosemary Barkett, Judge H. Lee Sarokin, Judge Richard Paez, and Judge Marsha Berzon, contrary to the implication of my good friend from Utah.

I actually have sympathy for my friend from Utah. He has been put in an untenable position. He is seeking to uphold an unreasonable position taken by the White House. The White House is trying to tell the Senate what to do. He is being a good soldier and I commend him for that.

The fact is, if the Senate was allowed to be the Senate and make its own decisions and not let the White House dictate what to do, this matter would have been settled a long time ago. We would have followed the tradition and logic set forth by former Supreme Court Justice Robert Jackson when he was Attorney General. He indicated that such material should be provided to the Senate. He wrote:

> . . . I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light.

The White House has access to Mr. Estrada's papers. It is hard to believe that they have not reviewed these papers. They are part of the information that the administration has about one of its nominees. All previous administrations followed the path of working with the Senate and making sure that the entire history of the person would stand the light of scrutiny. This administration does not want us to know.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, Secretary Rumsfeld will be here at 2:30. I spoke briefly to the manager of the bill, Senator STEVENS. He indicated to me he would have no problem with a recess. I checked with our leader. He said he would have no problem with it either. During this break, the two leaders will have to determine whether there is going to be a recess for Secretary Rumsfeld. I wanted to say this to alert Members that there may be a break after this vote to go listen to the Secretary.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit:

Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—55

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, is the pending business the Durbin amendment to the Stevens amendment?

The PRESIDING OFFICER. The Senator is correct, that is the pending question.

Mr. STEVENS. Madam President, I am pleased to yield to the Senator from Illinois. I believe we have reached an agreement on this amendment, and I would be glad to have him modify his amendment if he wishes to do so.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436, WITHDRAWN

Mr. DURBIN. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I ask unanimous consent to withdraw my second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 436, AS MODIFIED

Mr. DURBIN. Madam President, I thank the Senator from Alaska. I particularly thank the Senator from Virginia, Mr. WARNER, who has acted as good counsel to both the Senator from Alaska and the Senator from Illinois.

Let me tell my colleagues what this amendment does because I think the Senate can be proud of the outcome. What we are going to do is to increase combat pay for the men and women in uniform by 50 percent from $150 a month to $225 a month, and we are going to increase the family separation allowance by 150 percent from $100 month to $250 a month. Our action in this fiscal year will be retroactive to October 1. So it covers the entire fiscal year. It is going to mean a helping hand through a difficult time for the men and women in uniform, and their families.

As I have said, and I am sure the Senator from Alaska will agree, there is no amount of money that we can give these men and women, nor their families, to compensate them for what they are giving to our country, but this effort on the Senate floor, in a bipartisan fashion, shows we are dedicated to work together to express our gratitude not just in speeches but by giving a helping hand to these families who are struggling.

I send a modification of the amendment to the desk on behalf of myself, Senators STEVENS, INOUYE, WARNER, CHAMBLISS, MIKULSKI, DOLE, DASCHLE, LANDRIEU, CLINTON, and PRYOR.

Mr. STEVENS. Madam President, I now ask that this be deemed the original amendment before the Senate, that it be the Stevens-Durbin amendment, plus any other Senators who wish to add their name to it.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. STEVENS. I ask that the Senate cast a unanimous vote in support of this raise of combat pay and family allowances for our men and women who are in harm's way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 436, as modified.

The amendment (No. 436), as modified, was agreed to, as follows:

> In the amendment strike are after the first word and insert the following:
>
> (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code is amended by striking "S150" and inserting "S225".
>
> (b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States code, is amended by striking "S100" and inserting "S250".
>
> (c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.
>
> (2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.
>
> (d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I would like to make sure we show this was a unanimous vote. Beyond that, I have a letter I received from the Boeing Company which is relevant to what we have just done, because some of the people who are covered by this amendment are men and women of the National Guard and Reserve. The Boeing Company has notified me it has 2,000 valued employees who serve our Nation in the military as members of the National Guard and Reserve. They state:

> Over the last 3 years, some 950 men and women have proudly stepped forward for differing periods of military duty in support of the September 11-related operation. To date, 371 Boeing teammates have been activated for Operation Iraqi Freedom, with many more receiving notice of impending call-up. To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days.

I am not doing this to blow up Boeing, although I think it is a tremendous gesture. I ask unanimous consent that the letter, in full, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BOEING COMPANY,
Arlington, VA.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Boeing Company is honored to have more than 2,000 valued employees who also serve our Nation in the military as members of the National Guard and Reserve. Over the last three years, some 950 Boeing men and women have proudly stepped forward for differing periods of military duty in support of September 11th-related operations. And to date, 371 Boeing teammates have been activated for Operation Iraqi Freedom—with many more receiving notice of impending call-up.

To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days, with reviews for adjustments depending upon circumstances.

The Boeing Guard and Reserve Network was created to help focus support to these men and women. With membership from employees and senior staff, this network was instrumental in President Bush naming Boeing a winner of the prestigious Employer Support Freedom Award in 2001 for continued support to National Guard and Reserve employees.

Boeing is proud of this leadership role and firmly committed to all our talented men and women called to serve the Nation.

Sincerely,

RUDY F. DE LEON,
Senior Vice President,
Washington, DC Operations.

Mr. STEVENS. This shows much of the problem that the Senator from Illinois has been trying to handle, the problem of people who have been called up who are not regulars. Theirs is a problem that is more acute than those who are in the military and are called up and they have their full military pay continue. The civilian pay of those who have been called up is many times quite a bit in excess of what they get in the military.

We have very complicated problems in a period of the callup cycle we are in right now because our country has called up people for the war on terrorism, called up people for the war in Afghanistan, and are now calling up people for the war in Iraq. Sometimes there have been multiple callups in the same calendar year. It is a very difficult problem to deal with, and I urge the Armed Services Committee to work on it and give us a comprehensive package so we do not have to deal with it in regard to appropriations bills.

That is my point I make now. I prefer that not be the case.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STEVENS. Madam President, the Secretary of Defense is giving a classified briefing, and I ask unanimous consent that the Senate recess until 3:30.

There being no objection, the Senate, at 2:43 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 435

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 435, by the Senator from Alaska.

Mr. STEVENS. I ask that that may be set aside for the Senator from Nevada.

Mr. REID. Madam President, I debated my amendment. I have an amendment at the desk. I would call that up, ask that it be set aside, and then yield to Senator HOLLINGS.

Mr. STEVENS. Set them both aside, I assume.

AMENDMENT NO. 440

Mr. REID. I ask unanimous consent that the pending amendment be set aside and the clerk report my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW, proposes an amendment numbered 440.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world)

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General," $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources," $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support safeguards and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses necessary to safeguard nuclear weapons and nuclear material, $70,000,000, to remain available until expended: *Provided*, That $30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least $15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for emergency expenses necessary to safeguard fissile nuclear material, $300,000,000, to remain available until expended: *Provided*, That $135,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That $40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further*, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further*, That $12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further*, That $10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further*, That $5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further*, That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further*, That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management," or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for "Defense Facility Closure Projects" for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities," $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

The PRESIDING OFFICER. Under the previous order, the amendment is set aside.

The Senator from South Carolina.

AMENDMENT NO. 445

Mr. HOLLINGS. Madam President, port security is much like the weather: Everybody talks about it, but we haven't done anything about it. The fact is, we are in a crisis, in an emergency. If anything would respond to an emergency supplemental, port security would.

I just had a word with the distinguished chairman. The chairman believes there are pots of money. I wanted to make sure I wasn't duplicating everything. I have in my hand the particular reported emergency supplemental. On page 20, what we find is the Department of Homeland Security; you have the various items, as you can see, listed beginning at that second paragraph, where they get $1.135 billion. I said: Well, we have $1.135 billion we can get for port security.

Then I looked at the breakdown. The $580 million for the Coast Guard has been spent. The Coast Guard has been waiting on this money. They are deployed in the Gulf. The distinguished Commander in Chief only 2 days ago, in Philadelphia, emphasized what a magnificent job the Coast Guard was doing in the gulf, around the clock, doubling up their effort. So this is for reimbursement of that $580 million.

We have the rest of the year to deal with, and we have an authorization bill trying to deal with it. But that is not the appropriation. I do not think we can wait for an authorization appropriation and then go through the rest of the spring and summer with the Coast Guard unfunded. So that $580 million is not for the Coast Guard for the rest of the year but that is to reimburse it.

Otherwise, the $215 million you see under the $1.135 billion is for terrorism; the $120 million goes to the Transportation Security Administration. That is for aviation, that is the overtime for screeners and everything else of that kind; $65 million of that is for overtime of the Customs and Border Patrol; $10 million is for the Secret Service; $10 million for the vulnerability assessment; and $15 million for emergency support teams. That is just a little over a billion some-odd million, which takes up the amount on page 20 of the Department of Homeland Security.

There are not any pots of money that we can take from. That has been a concern of the Senator from South Carolina. In the past, we spoke with one voice. This is not a partisan amendment whatsoever; 100 Senators, all Republicans and all Democrats, voted for port security. This is only $1 billion of the $2.8 billion that we authorized. We have only had, of that authorized and appropriated, some $93 million that has been released. They are now trying to complete this and compete for $105 million, but then they will run out of money.

Right to the point, we have to join forces together and take care of one of the finest entities you have ever seen.

Let me divert for a second and talk about the ports of America. There are some 365 ports; 55 of those are major ports. We didn't want to rush in last year and just start throwing money at the problem. They have to get a concerted plan for each of the ports, particularly those that have been designated major ports and are subject to serious terrorist action.

We have put the money up. They have completed five ports. They will only complete some six or seven additional, so it will be about nine by the end of the fiscal year under the present circumstance.

That is totally unacceptable. We can't be running around waiting to get through by 2009, planning for port security with al-Qaida, with the terrorists, with the most vulnerable target you could possibly imagine.

Let's go to Philadelphia. Osama bin Laden has 10 vessels, according to Lloyd's of London, and he controls 10 more. He easily knows terrorists who can crew those vessels. It was his ship that went into Mombasa, the port in Kenya, and blew up the embassy at Nairobi and the one at Dar es Salaam in Tanzania. So he knows about ship operations. He is intimate with it. He could easily put his crew in. He could get a shift on a particular ship of Exxon, let's say, going up the Delaware River to the port in Philadelphia, and just before they get there, they can take the crew and captain, throw them overboard, kill them, or whatever, just as they did in New York and at the Pentagon. Then they can blow that ship up at that tank farm in Philadelphia.

We have studied this. The eastern seaboard would close down. I have seen port security war games—there has been a lot of work done on this. This is not just an amendment of the moment. On the contrary, we find out from Booz Allen Hamilton in their particular study—it is too voluminous to have printed in the RECORD at this point—that the eastern seaboard could close down. And what would happen if they would have to close down the stock market and everything else? There would be total chaos just from one particular incident of that kind.

So we know the jeopardy that we experience here. We have to take care of these ports. We also have to take care of the waterway systems such as the Golden Gate Bridge and those other things.

We tried to get $2 billion for 2 years and in the supplemental and budget we just passed, we passed unanimously, $1 billion. This is just what we voted on a week before last, $1 billion.

I know my distinguished chairman is going to say we don't have any money. We have money, come on. Here we are already $232 billion in the red that we borrowed, and that stopped the first week in March. So for the month we have just been saying it is $232 billion public debt to the penny that the Secretary of Treasury puts out. That will go up, up, and away. We will get a kicker here in 14 days with the April 15 tax returns, but then just as we had in 2001, we were in the black on June 1, we passed a tax cut on June 8, and on June 28 we were $50 billion in the red. And by September 10, 2001, it was $99 billion in the red.

Everyone says: Well, 9/11 caused the deficit. No. It is the fact that we have been having voodoo tax cuts that caused the deficit to balloon. The distinguished Presiding Officer of the Senate knows what voodoo is because that is what Vice President George Herbert Walker Bush called President Reagan's tax cuts that were supposed to grow and grow the economy.

You only have to turn to this morning's paper and look at the cartoon to see that with so-called growth, the only thing growing are these deficits. And they are going up, up, and away.

So let's not start getting frugal and careful. Let's do get responsible and vote for the money that gives our ports a start at security. You have the Coast Guard. You have the Drug Enforcement Administration. You have the Customs. You have the various other entities of the State port administrations. You have the FBI.

We are trying to coordinate them all under the particular plan. It has to be approved by the Transportation Security Administration before any money is disbursed. This is not just sending back grants and that kind of thing—unless and until we can get this money here to help out these local folks.

When I talk about security at the port, let me talk about the actual practice before 9/11. Operators of ports were not concerned with security. It was about No. 10 or 20 on their list of concerns. As a result, the FBI has found that between $12 and $24 billion in theft is going through the ports of America every year. They just added that into the cost of doing business.

The name of the game in port operation is swiftness, speed, expedition; get the cargo in, get it out, don't let it stay on the dock. It costs those ships at the dock $15,000 to $20,000 a day. So they try to compete with each other on speed, and it is a healthy competition.

But now they have to change their attitude—and I don't have any lobbyists looking out for port security. I wish they would hire the airline lobbyists. We gave out $1 billion—just gave the money—$1 billion for airlines. We gave them another $1 billion just for the cost of security. But $1 billion was just because they did not know how to run the airlines.

And now we are going to talk about $1 billion for all the ports of America.

I hope I can get the help of the distinguished Senator from Texas. She has a very dangerous situation in Houston. You can come 50 miles up that river, and those gas plants on either side—propane plants and otherwise—you could blow it. And according to these studies by Booz Allen, it blows down the economy for a year. We are playing around with the airlines not having enough business so we give them $1 billion. And we give them another $1 billion for the security.

This particular amendment—which should be bipartisan because this is what we all voted for last year—is just exactly what is needed.

Go to the expenditure of that $1 billion, and it calls for $93 million to remain available until December 31 for the Coast Guard. That is $50 million for port vulnerability. That is the boarding equipment and everything else of that kind with respect to those assessments.

There is $7 million for the purchase of radiation detection equipment. And there is some $36 million for the maritime safety and security teams.

We know every plane that approaches the United States of America. We have alerts, and they respond. But we do not know with respect to the ships themselves.

So we need not only a transponder arrangement, but we have to have at least, at the 12 major ports, the equipment to receive the message. We don't have that. Even if they all had transponders like the aircraft in America, we don't have the equipment within the Coast Guard to identify them.

So this $57 million is for radar coverage of two-thirds of the United States with positioning systems to pick up that broadcast. A third, of course, goes into the internal river system, such as the Mississippi River and everything else for which the Coast Guard is responsible. That is exactly what is needed in the Coast Guard.

I felt bad two days ago when I was watching the President on TV, and the nearest thing we have to port security at the Port of Philadelphia was his Coast Guard jacket. He had all the Coasties standing behind him, but they didn't have any money in their pockets. They were dead broke, I can tell you that right now. If you don't believe it, just read the headline in this morning's Washington Post: "Traditional Coast Guard Duties Suffer, Study Says."

> [Admiral] Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001. . . .

But he said:

> I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence.

I quote from the this particular article:

> After questioning from lawmakers, [Admiral] Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

And they are working on those.

We have had hearings with Admiral Loy, and now with Admiral Collins, and with Commissioner Bonner of the Customs Service. We have gone overseas to try to streamline this issue so that we can actually inspect the cargo and facilitate it when it comes to port here in the United States. And he has worked that out with some 17 ports; that is, Commissioner Bonner. You have to give him credit. We have all been working. We have not just sat around pouting and sucking our thumbs waiting for the money. But here it says:

> Do we have more business than we have resources?

The answer is:

> Yes, Collins said. We are challenged like never before to do all that America wants us to do.
>
> The GAO cataloged a 60 percent decline in Coast Guard hours spent on drug interdiction. . . . [They got] a 38 percent decline in fisheries enforcement. . . .

And I could go on. Madam President, I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington (DC) Post, Apr. 2, 2003]

Traditional Coast Guard Duties Suffer, Study Says

(By Christopher Lee)

Coast Guard efforts to capture drug traffickers and patrol commercial fisheries have suffered as it has turned its focus to homeland security since the Sept. 11, 2001, terrorist attacks, according to a study released yesterday.

The declines uncovered by the General Accounting Office, the congressional watchdog agency, stoked concerns among some lawmakers that the Coast Guard might neglect its old missions as it trains its energy on securing the nation's ports, waterways and coastal areas.

At a hearing yesterday on the Coast Guard's transition to the Department of Homeland Security, which it joined March 1, Rep. Frank LoBiondo (R–N.J.), chairman of a House subcommittee on Coast Guard and maritime transportation, called the GAO report "thorough and eye-opening."

"The Coast Guard's traditional missions such as search and rescue, drug and migrant interdiction, pollution prevention, boater safety and fisheries law enforcement must be preserved." LoBiondo said.

Adm. Thomas H. Collins, head of the Coast Guard, tried to assure lawmakers that his agency could meet all of its old obligations while ramping up its counterterrorism efforts, such as conducting vulnerability assessments at all of the nation's ports and, more recently, supporting military operations in the Middle East.

"I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence," he testified yesterday.

Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001, and mobilized thousands of reservists. He said Bush has asked for an additional $580 million for the agency in his 2003 supplemental funding request.

After questioning from lawmakers, Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

He also conceded that the Coast Guard is behind schedule in completing its vulnerability assessments of 55 ports.

"Do we have more business than we have resources? Yes, "Collins said. "We are challenged like never before to do all that America wants us to do."

The GAO catalogued a 60 percent decline in Coast Guard hours spent on drug interdiction in the past three months of 2002, compared with the same period in 1998. It also found a 38 percent decline in fisheries enforcement—protecting fishing grounds from foreign encroachment and enforcing domestic fishing laws.

At the same time, the Coast Guard dramatically shifted resources to protect the nation's ports and waterways, including redeployments of search-and-rescue boats for harbor patrols. The Coast Guard devoted 91,000 "resource hours"—a measurement of equipment used on missions—to coastal security in the first quarter of fiscal 2002. That was up from 2,400 hours during a similar period in fiscal 1999. The number fell to 37,000 hours during the beginning of fiscal year 2003.

Other areas, such as search-and-rescue efforts and maintaining navigation aids, remained at more or less the same levels as before Sept. 11, 2001, the GAO said.

JayEtta Z. Hecker, the GAO analyst who presented the report, told lawmakers the Coast Guard "cannot be all things to all people."

"Even if you give them more money," she said, "the challenge of absorbing more money is such that you cannot naturally solve this."

Collins agreed with the GAO figures, but said they account for only resource allocation, not results. He noted, for instance that the Coast Guard seized 72.2 tons of cocaine in fiscal 2002, its third-highest yearly total.

"We're getting outcomes and high productivity," he said. "That's efficiency."

Committee members told Collins they recognized that Congress has heaped new responsibilities on the Coast Guard.

"We're yelling about security and we're saying, 'Keep your traditional roles' at the same time," said Rep. Bob Filner (D–Calif.). "We've put you in a very difficult position."

Mr. HOLLINGS. So, Madam President, we are not just for ports, and are going to come and get a lot of money, and ride in on an emergency supplemental. We begin with this fact: this is an emergency. We have these folks working around the clock.

And let me continue, before I yield, to make sure that we have outlined exactly what we need the amount for.

Now, there is an additional amount for customs and border protection of $160 million. That is broken down with $110 million for the deployment and installation of port screening equipment. We have $110 million for the radiation detection equipment at U.S. ports. Already, the railroads at the tunnels have that particular radiation equipment. So when it goes into the tunnel, they know, bam, that train has to stop, there is radiation there. We do not have that equipment at ports.

And we get the poor Coast Guard captains at the port, or these young lieutenants in their twenties, with all of this responsibility. If something went awry in one of the ports of America this afternoon, the captain of the port, some 20-year-old lieutenant, would be in charge and be the responsible one. And he has not been given the resources.

Congress has outlined his responsibility in law, but by way of appropriation, they have not given him the help. And he is trying to get the Customs and the DEA, the Ports Authority, the Immigration Service, the sheriff's department, the FBI—he is trying to get them all together.

We have done that, for example. I can show where it has been done in our own backyard. I won't include the entire report in the RECORD, but you can see the particular work involved and the deliberateness now. It is not just to put money in. It is detailed. That is $50 million of the $160 million for the evaluation, implementation, and coordination by the Transportation Security Administration to secure the systems of transportation such as the container security initiative. That container security initiative is exactly what I was talking about. The Commissioner of Customs is already overseas and making arrangements with 17 different ports so far. But then you have for the cargo and employees, the standards, the good conduct, the inspection equipment, the computers and everything else. That fleshes out that particular $160 million. What I just referred to was under the Customs and border protection.

Now to the Transportation Security Administration. For an additional amount of salaries and expenses, it is $680 million, but that is one half of what we authorized. The $600 million will be available for port security grants. It is just like during the Walter Mondale campaign, when he asked, Where is the beef? Well, where is the beef in your port security measure, Senator? I say this is the beef. This is the one thing the ports are really interested in so they can finance the different endeavors going on.

The weekend before last we raised the alert to orange. At that particular time, we had everybody fighting over the same personnel. Secretary Rumsfeld wanted them in Iraq, and my National Guard and my Reserves are gone. My Reserves are in the C–17 field in my own backyard. They have been going since September 12, 2001, around the clock, 8-hour shifts. There are three teams. I have been there to the hangar and visited with them. They have been doing a magnificent job. But they are concerned because some of them are mechanics, security officers, that kind of thing. So the Governor of South Carolina, on this orange alert the week before last, had to get patrol officers to place around the port of Charleston. I saw it myself. That is the kind of strain and stress from the emergency we are in.

But $30 million is for the worker identification card. That was a tough one for us. We worked with the unions on the background checks, and they are ready to move quickly. Now the unions said, you put that in law. You know how it is when they recommend somebody for a judge, then sit another 3 months before the FBI gets around to them. That is the situation here with all of these security personnel. Anybody who enters that secure area has to have a criminal background check. That is the money that is needed there. It is not in the emergency bill.

Otherwise, there is $50 million for the Bureau of Customs and Border Protection to flesh out their Operation Safe Commerce which is the Coast Guard assessment in the Register. The Coast Guard submitted into the Federal Register exactly what it would cost to get these assessments and things going. I ask unanimous consent to print that in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Based on this analysis, the first year cost would be approximately $1.4 billion, with costs of approximately Present Value (PV) $6.0 billion over the next 10 years (2003–2012, 7 percent discount rate). The preliminary cost analysis in Appendix C presents the costs in three sections: vessel security, facility security, and port security. The following is a summary of the preliminary cost analysis.

Vessel Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is approximately $188 million. Following initial implementation, the annual cost is approximately $144 million. Over the next 10 years, the cost would be PV $1.1 billion approximately. The paperwork burden associated with planning would be approximately 140,000 hours in the first year and 7,000 hours in subsequent years.

Facility Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is an estimated $963 million. Following initial implementation, the annual cost is approximately $535 million. Over the next 10 years, the cost would be PV $4.4 billion approximately. The paperwork burden associated with planning would be approximately 465,000 hours in the first year and 17,000 hours in subsequent years.

Port Security. The first-year cost of establishing Port Security Committees and creating Port Security Plans for all port areas is an estimated $120 million. The second-year cost is approximately $106 million. In subsequent years, the annual cost is approximately $46 million. Over the next 10 years, the cost would be PV $477 million approximately. The paperwork burden associated with planning would be approximately 1,090,000 hours in 2003, 1,278,000 hours in 2004, and 827,000 hours in subsequent years.

Mr. HOLLINGS. You can see this is not going to solve the problem, but it shows an awareness of the Congress of what they have mandated in law. We have required these local communities to do lots of things, and they haven't done anything about it. And we need this money. It is an emergency.

The Senate and the House last year said it would cost $2.8 billion. The Senate just the week before last in the budget resolution said $1 billion at least for this year. And we are trying our best to do that with this particular amendment, just put the money to where the mouth is.

I yield to our distinguished chairman.

The PRESIDING OFFICER. Does the Senator wish to send his amendment to the desk.

Mr. HOLLINGS. I thought the amendment was called up by Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 445.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $93,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less then $36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", $57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $160,000,000, to remain available until December 31, 2003, of which not less than $110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for "Salaries and Expenses", $680,000,000, to remain available until December 31, 2003, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure system of transportation such as Operations Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

Mr. BYRD. Mr. President, the amendment before the Senate addresses what many experts view as the largest vulnerability in the Nation's defenses here at home. This amendment would direct critical funds to the Nation's seaports.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports "are the only part of an international boundary that the Federal Government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire."

Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and 6 million containers per year that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals; that there are 68 nuclear power plants located along U.S. waterways; that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds; and that a ship or tanker transporting cargo can hold more explosives and dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet, despite the clear danger, the best port protection the American people have is a chain link fence? It is unfathomable why we have not insisted that this amendment be signed into law months ago.

Last November, the President signed the Maritime Transportation Safety Act. This amendment provides $1 billion to begin addressing these Federal requirements.

Specifically, this amendment provides $600 million in port security grants to begin to assist our seaports in hardening their physical security to comply with the Federal law. Additionally, the authorizing legislation requires that all vessels operating in U.S. waters carry equipment which will allow the Coast Guard to actively track and monitor their movements. This amendment provides $57 million so the Coast Guard can establish a system to track these vessels.

The amendment also addresses other critical port security needs such as providing additional cargo screening equipment for our seaports and funds to expedite the port security assessment program. Funds are also included to establish three additional Coast Guard Maritime Safety and Security Teams for domestic port security needs.

Funding is providing to improve secure systems of cargo transport from the port of departure overseas to the port of arrival in the United States.

The Port of Los Angeles and the Port of Long Beach, each in California, account for 35 percent of the international trade moving into and out of the United States. Port officials estimate that they need $10 million to build a container inspection facility where suspicious packages and freight can be opened and inspected. Similar realities face ports up and down the Atlantic and Pacific seaboards. Last December, the U.S. Coast Guard issued a report stating that the first year cost to implement port security authorizing legislation that the President signed in November would total $1.3 billion and that total costs for the next decade would be $6 billion. But despite the clear danger, and despite the overwhelming vote of approval by Congress to authorize security improvements at our seaports, the dollars have not been forthcoming.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by bin Laden business interests, while others are on long-term charter. The Times of London reported in October 2001 that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania in 1998.

This amendment would make sure that more than a chain link fence is protecting the nation's ports. Children learn to hop a fence at an early age. How hard would it be for a terrorist?

I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor the port security amendment offered by Senator Hollings.

In the wake of the terrorist attacks on September 11, ports are struggling with an entirely new set of challenges to protect ports, citizens and the economy from the possible threat of terrorism. This is a huge task.

I was fortunate to be named as a conferee on the port security bill last year. The bill that became law was a good bill.

It will greatly improve security at our Nation's port in light of the challenge following September 11. But only if we provide the money. And so far, we have failed to do so.

I feared this would happen. Many potential funding options were suggested during the conference. But, all of them were rejected by the other body. So, we had no funding source. We had to rely on appropriations. And, we are not providing enough funding for our local ports.

Let me explain why this law is so crucial and why we must fund it with this amendment.

The law creates national and regional maritime transportation/port security plans to be approved by the Coast Guard, including better coordination of Federal, State, local, and private enforcement agencies.

The law mandates the development of regulations to determine secure areas in ports and to limit access to these areas through background checks that will result in a transportation security identification card.

The bill also establishes a grant program for local ports, waterfront facilities operators, and State and local agencies to provide security infrastructure improvements.

But again, there's no money.

Port Security must be a priority.

The Hart-Rudman report was released last October. Their report, "America Still Unprepared—America Still in Danger," discusses the shortcomings in port security. This report recommends making "trade security a global priority."

According to the report, 43 percent of all maritime containers that arrived in the United States in 2001 came through the ports of Los Angeles and Long Beach.

The ports of Los Angeles and Long Beach requested $70 million in post-September 11 security grants. To date, they have received only $6.175 million.

That's just one port. The American Association of Port Authorities estimates the costs of adequate physical security at the Nation's commercial seaports to be $2 billion. Only $92.3 million in Federal grants have been authorized and approved.

We know that last year with the closing of the West Coast ports because of a lockout, the cost to the economy was $1 billion per day for the first five days. Then, the costs increased exponentially. This shows how vital it is for our economy to keep the ports operating.

If there was an incident at any port in the country, all the ports would be closed. This would cost billions and billions per day.

The Hart-Rudman report also says we need to be proactive. We have identified the threat, but we haven't done enough to protect our ports.

This amendment provides $1 billion for port security, including $600 million in grants for local ports.

We cannot leave our homeland unprotected against terrorism. This is why I encourage my colleagues to support this amendment to add more funding for port security.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am grateful to my friend from South Carolina for the way he has put this amendment. Unfortunately, it is part of a large stream of amendments. If this were the only amendment offered for Coast Guard expenses and to homeland security in addition to this bill, as manager of the bill, I would have no difficulty in dealing with it. But we expect a whole series of amendments during this period.

I want to point out this bill came to us as a defense supplemental for the purpose of meeting the needs of the conduct of three separate war operations. We have a war on terrorism, a war in Afghanistan, and a war going on in Iraq. Of the total that we have coming out on the committee bill, we have $78.7 plus billion. It is really $78,736,600,000. Even Everett Dirksen thought that was a lot of money. But when you look at this, what was asked for, for the total for homeland defense, $4,676,000,000, that is on top of what has already been appropriated for the Department of Homeland Security in the omnibus bill we just passed and what will be appropriated in the fiscal year 2004 that is coming.

I know many people, including myself, believe there should be more money allocated to homeland security. But what should we do? If I were to say I would accept the Senator's amendment, but behind it there is a total of $6.5 billion that I have been told so far dealing with homeland security amendments, another $6.5 billion will lead this bill to being assaulted in the House and severely questioned by the President. We don't have the emergency procedure available. We don't have a budget. So this can't be dubbed an emergency under the Budget Act and just sent downtown and ignored by the President, which is something we have done in the past. This either has to be in the bill or it is not going to be in the bill.

I want the Senator to know, as I have said, we believe there is money here. Requests are going to come at us for purchasing of community-oriented policing policies, interoperable equipment problems, the problem of firefighters and emergency medical service teams in terms of their equipment that is currently not interoperable. We have money I certainly think is needed in terms of the screening equipment and new technology screening at ports. That is another $110 million.

Once you start down this line, you have to ask yourself, why aren't these being raised in the 2004 bill. None of them are going to be spent this year. This isn't money for the immediate emergency. This is money that should be addressed in the 2004 bills. They are still pending out there. We will have this same debate on the 2004 bills. These same amendments will be offered then.

Why don't we wait until then? That is my advice to the Senate. Let's wait. We know these are pending requests. We know many of them are very important, and some of them I shall join in urging we try to get money. But right now we are trying to get money for the President so he can handle these wars. This is not port security. It is not interoperability of equipment. It is not money for Guard and Reserve equipment. It is not money that is going to be spent next year.

(Mr. CORNYN assumed the chair.)

Mr. STEVENS. This is money for this year—not only this year, but within the next 8 weeks it has to be to the armed services. I say to my friend, very respectfully, when the time comes, I am going to have to move to table this amendment, although I hate to do it because I agree with it in many ways. But it is not the only thing coming at us. Every one of these, like another straw on the camel's back, will take more time to deal with in conference with the House and with the President, and meanwhile we don't get the money out there for the troops.

I hope the Senate will stay with us. Let's restrict this bill to the emergencies related to the war effort, and the homeland security money in here is related to the war effort. It is nuclear security, it is a transfer of treasury for homeland security. One of the items is a smallpox amendment which is already in the bill. Those moneys can and will be spent before September 30 of this year. They must be. We don't have an extension on them. They are all money to be spent this year.

This money the Senator seeks is money that could be spent over the next 2, 3 years. Who knows how long it will be before we identify the tracking systems that can track and monitor vessels in U.S. waters that are better equipment than we have now. We have some, but it is not good. We know that. It is not up to date. In particular, I seek to join in trying to check the backgrounds of transportation workers. I would very much like to be involved in finding ways to finance the screening equipment that deals with containers coming into our ports. But this isn't the place to do it.

I told the Senate before this morning—I have asked the Chairman of the Joint Chiefs and the individual service chiefs when this money is needed. They started in early May and continued through June, so this money has to be there. It cannot be there if we get items to continue this bill and carry us into a period beyond the recess we intend to take for Easter. I say respectfully to my friend, it is just not something we can handle.

The administration takes the position that the 2003 bill and 2003 supplemental and the 2004—those are all fiscal years—appropriations bills have started the process of providing money for port security, customs, transportation, law enforcement, domestic preparedness, and other items.

The bill we have in place—the 2003 Appropriations Act—contains the largest increase for Coast Guard in the history of the United States, over $1 billion more than 2002. The Senator from South Carolina and I were partially responsible in that. We joined together in that fight on the omnibus bill. At 2004, the discretionary funding of the Coast Guard will be increased by another billion and a half, another 36 percent over 2002. That will add to the Coast Guard in excess of $2.5 billion for the period of 2004.

Now, we are moving toward these things, but we cannot do them all in this bill, which is designed to be a supplemental for 2003.

By the way, I am very concerned about the container security initiative. The Senator from New York and I have worked on that. We are continuing to try to push and push and push to identify the type of technology that could give us the ability to increase the surveillance on containers as they are placed on ships destined for the U.S. We want to reach out and put them on the foreign ports. We don't have to wait until they are in our ports before we discover things dangerous to us.

I commend the Senator from New York and the Senator from South Carolina for working on this, but we don't need more money now. We need some results, as far as the basic investments in technology. The President's budget has $375 million in the 2004 budget for just that—initiatives and technology investments, radiation detection, x-ray machines for cargo containers. That is not even available yet. We don't have the state-of-the-art equipment to do what some of these amendments insist we must do—and things I want to do in the long run.

This Senator still represents more than half of the coastline in the United States. Everything we eat and consume and put on our backs comes to us from outside of our State. We are the one State totally dependent upon transportation, particularly marine transportation. I will work night and day with my friend to see we can get there when we develop the technology that we can approve. But we cannot put the money out in front of the technology. I think we have to have more money for assessments, portal monitors, maritime safety, and response teams—I support those—automated identification system, long-term security programs, transportation worker IDs. But these are not wartime-related costs.

We are in three wars at one time. Please, let me ask the Senate to remember that. That is what my job is—to try to get the bill passed as quickly as possible to address wartime-related costs at the request of the President of the United States. That is what I intend to do.

This amendment should not be included in wartime supplemental funding. I regret that when the time comes I shall move to table my friend's amendment. I don't know whether he wants to respond or not. I don't know whether we want to vote at this time or not. A lot of things are going on in the building. I will rely on the leadership. I ask my friend if he wishes me to allow him to respond.

Mr. HOLLINGS. I want to respond.

Right to the point, the distinguished chairman says that, yes, he generally agrees, and he talks knowingly of the importance of the ports and the need for security. He knows because Alaska has coastlines. We have ANWR that we have all been debating. I wish they would read the book on John D. Rockefeller. Rockefeller made his money not on oil, but on the delivery of oil. This is the delivery of ANWR and oil out of Alaska at the Port of Valdez, which has no security whatever. It is a typical port, just like in my hometown, that wasn't interested in port security. But after 9/11 things changed, and we are just bringing them in now and getting those plans promulgated.

Let me emphasize that this was done totally in conjunction with Secretary Mineta and the Transportation Security Administration. Specifically, Admiral Loy was then head of the Coast Guard when he found those needs out. He reaffirms those needs as the Administrator of the Transportation Security Administration.

Now, my distinguished friend talks about things "wartime related." Oh, yes, Iraq is a war, Afghanistan is a war, but here at home is terrorism not a war? What is he talking about? We are responsible for the security and we ran around and did just that—we passed the port security measure 100 to 0 through here, but we didn't put the money behind it. So they haven't had but $93 million distributed out of $29.8 billion that we authorized.

I have served on the Appropriations Subcommittee on Defense for over 30 years. I know about wartime-related expenses. We would not deny in a second the troops in uniform, but the troops out on the line at the ports, at the airports, and different other places in America, we say, well, that is pork, or there just wasn't money back home.

I told you about our Governor. He had to put parole officers around the Port of Charleston last week. That is the way it continues with all these particular ports over America.

This is not a measure to be tabled and say we have other amendments coming. I cannot defend or talk for or against the other amendments coming. I know this particular need. I can tell you here and now, it has been justified by the administration and by Senators, both Republican and Democrat.

We did not say we have all these amendments for the airlines. We just gave them a billion dollars because they did not know how to run an airline. Their troubles were long before 9/11. Many have gone into bankruptcy.

Then we gave them another billion dollars for security, and then we gave them $1.5 billion more to make sure they had $3.5 billion all together, but we will not give money for port security.

Yes, this is going to be spent not in 8 weeks, but in 5½ months. We have the rest of April, May, June, July, August, and September—5½ months. It is not just that the money is not going to be spent. The ports have been waiting for the money. They have been holding on endeavors. This is not just the amendment of the Senator from South Carolina, this is the amendment that should be supported by all for ports in America, but the ports have not learned what the airlines have learned. I am going to try to get them on the line and see if they can't hire the airline lobbyists where they get $3.5 billion for not knowing how to run an airline, and yet when I come forward with this amendment, the Senator says: We have some other amendments coming and, therefore, I do not want to approve this amendment. He says he is going to have to table this one. In other words, we are on a course to table all amendments.

The Senator says this bill is for wartime-related items. The war started on 9/11, the terrorism war, and that is just as serious a war as anything going on in Afghanistan or in Iraq. We just do not have uniforms, and we have taken those frontline troops and have sent them to Iraq. The policemen, the firemen, the Reserve officers, the National Guard—we have drained them all for Iraq, and then all of a sudden act like there is not a terrorism war.

The Senator says this is a wartime-related Defense supplemental. That is what I am talking about: Money to be expended on defense, on home security defense, that we are all worried about, and we act like it is not important at all; that it is just some domestic program we can get to later on. I wish I had a ship. I would run it up some river and blow it up and wake this crowd up, and then the money would come. But right now we have a system where the chairman—I can't even get anybody on the floor, the chairman has told them to stay off the floor—but this chairman is going to table all these amendments.

Since I have the floor, let me talk about paying for these expenses. In January, I offered an amendment to pay for the war. I did not think back in April we were going to be debating and appropriating some $75 billion for the war. We are not paying for the war. We are going to borrow for the war. The distinguished chairman is saying, I am just not going to borrow anymore, like there is some restriction against borrowing in America.

What we have is not a stimulus, and I am going to bring it in to focus. Everybody runs around here cutting taxes. Why? To get reelected. That is Carl Rove's tax cut. That is all it is. It is a Carl Rove tax cut to get reelected. He told the President: To get reelected next year, you have to have a tax cut.

That is outrageous nonsense. We do not have any taxes to cut. We ran a $428 billion deficit last year. We have under the President's budget a $554 billion deficit this year. I say to the distinguished Presiding Officer that does not include the cost of Iraq, which the President says is $75 billion, just for 6 months. God knows what it is for a year. Next year, the deficit will be $569 billion without the cost of the war and the occupation, by that time, I take it, of Baghdad.

What we will have is a $600 billion to $700 billion deficit in the election next year. Tell Carl Rove that. The interest cost, instead of $350 billion, is going to be $400 billion to $500 billion. We are in a meltdown because there is no responsibility.

I resent the idea of my distinguished friend from Alaska acting like "I am not going to spend the money; I am just trying to get money that could not be spent in the next few months and is not needed" when we vetted this issue, Republicans and Democrats. We need this money. We need this kind of security, but, oh, no, they will pass $3.5 billion for the airlines, and they will pass nothing for port security. They will pass a tax cut to get reelected next year.

We have a country that will be worse than we inherited. This will be the first time in history that one generation is going to leave the country worse off for the next generation. We always received a better country.

We have to go through these gymnastics up here of playing games for tax cuts, playing games for the lobbyists and the airlines, and then when they do not have the lobbyists, they act as if this is a casual one and I will just move to table the amendment.

We aren't going to table right now because I have the floor. We are going to talk some more about paying for the war.

I think it is a disgrace that we would send our GIs to Iraq and say: We hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back so we can give you the bill. We aren't going to pay for it. We have to have a tax cut so we can get reelected.

We look out for No. 1, not for the fellow on the battlefield. Oh, yes, we have the Flag in the lapel. We recite the Pledge of Allegiance to the American Flag. We have a moment of silence before we meet in subcommittee and other hearings. We stand up. We are very reverent. There are millions and millions for tribute, but not one red cent for defense. This is homeland defense. That is what it is.

I am sure the distinguished chairman of the party of Lincoln remembers well that Lincoln, to pay for the Civil War, put a tax on dividends; to pay for the Civil War, he put a tax on estates.

Now this party of Lincoln wants to take the tax off dividends and off estates and lecture about the port security that somehow the money is not needed; that we could not spend it; that we have other measures coming along the line and we are going to move to table all the amendments; we have already met in caucus, so we are going to table all the amendments and say: We got this money for the war effort; we did not get it for the terrorism war. That is what the Senator from South Carolina is talking about. We do not have any idea what is happening on the floor of the Senate. It is all politics. It is all applesauce, as Will Rogers said, and we are not paying attention to the real needs.

Here we have a real need, and we have to get the security around the ports of America.

As I said, there are some 55 important ports that terrorists could blow up and close down the economy for 1 year to 2 years. We all know that, but we pass it over because we have a system: We are going to leave this weekend, and we want to make sure we get rid of this bill before the weekend; what he wants to do is move to table these kinds of amendments.

Let me speak about this port security. I ask unanimous consent to print the details of my port security amendment to the supplemental appropriations bill in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' PORT SECURITY AMENDMENT TO THE APPROPRIATIONS SUPPLEMENTAL

Sen. Hollings amendment to the "Iraqi Freedom/Liberty Shield" supplemental appropriations bill would add $1 billion for seaport security needs through the Department of Homeland Security. Sen. Hollings recommends that the money be spent consistent with the Maritime Transportation Security Act of 2002, as follows:

THE BORDER AND TRANSPORTATION SECURITY DIRECTORATE ($840 MILLION)

$110 million to Customs for the installation of screening equipment, and to be used to help develop new technologies to help develop and prototype screening and detection equipment at US ports.

$100 million to TSA and Customs; $50 million each, to evaluate and implement cargo security programs.

$30 million for the Transportation Security Administration (TSA) to develop and implement the Transportation Worker ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

$600 million for grants to states, local municipalities, ports and waterfront facilities for port security contingency response and to help ensure compliance with federally approved security plans.

COAST GUARD ($150 MILLION)

$50 million for port security assessments.

$57 million to help implement the Automated Identification System (AIS) and other tracking systems designed to actively track and monitor vessels operating in US waters.

$36 million for Maritime Safety and Security Teams (MSST's) to increase the number of teams and provide capital equipment.

$7 million for radiation equipment development and implementation at cargo portals.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ($10 MILLION)

$10 million to develop a seaport security training curriculum, in conjunction with the Maritime Administration, for the certification of federal and state law enforcement officers and private security personnel working at seaports.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to print on page 20 and 21 of the supplemental appropriations report, under chapter 5, Department of Homeland Security, the itemizations for the sections listed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQI RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

2003 appropriation to date	
2003 supplemental estimate	$2,443,300,000
Committee recommendation	2,468,300,000

The Committee provides $2,468,300,000 for the Iraq Relief and Reconstruction Fund for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq. The Committee expects that the transfer authority provided by this provision will not be used to transfer funds to the Department of Defense. Prior to the initial transfer of funds, the Secretary of State shall consult with the Committee on Appropriations on plans for the use of the funds appropriated under this heading.

The Committee provides that funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury, and the United States Agency for International Development for expenses relating to the pre-positioning of relief and reconstruction assistance for Iraq prior to the enactment of this Act. The Committee notes that the following accounts should be reimbursed from funds appropriated under this heading: $157,000,000 for "Development Assistance"; $3,900,000 for "Transition Initiatives"; and $100,000,000 for "Economic Support Fund". The Committee requests to be notified when reimbursements have been requested and fulfilled.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committee on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. The Committee includes transfer authority between certain accounts, and requests to be consulted before this authority is exercised.

SEC. 502. The Committee provides the request for authority to provide assistance or other financing in this chapter for relief and reconstruction efforts in Iraq notwithstanding any other provision of law. Funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 503. The Committee provides the request for the repeal of the Iraqi Sanctions Act of 1990, and other limitations on assistance for Iraq.

SEC. 504. The Committee provides the request for the authority to export to Iraq any item subject to the Export Administration Regulations or controlled under the International Trafficking in Arms Regulations on the United States Munitions List, if the President determines that to do so in the national interests of the United States. The Committee requests the President, after consulting with all relevant departments and agencies, to report to the appropriate congressional committees on a semiannual basis on all Commerce and Control Munitions List items transferred to Iraq, and the person or entity to which each item has been transferred. The Committee requests that the first report be submitted to Congress no later than 90 days after enactment of this Act.

SEC. 505. The Committee provides $10,000,000 in "Economic Support Fund" assistance for the establishment of a tribunal for the prosecution of Saddam Hussein and other Iraqi war criminals.

SEC. 506. The Committee includes the Sense of Congress providing that, to the maximum extent practicable, contracts and grants for relief and reconstruction in Iraq should be awarded to United States companies and organizations, those located in the Near East region, and those from countries who have provided assistance to Operation Iraqi Freedom. The Committee believes that reconstruction efforts should include employment and other opportunities for the Iraqi people.

SEC. 508. The Committee provides the Secretary of State with a national security interest waiver for certain restrictions on assistance for Ukraine contained in Public Law 108–7.

Mr. HOLLINGS. That is a total sum of $1.135 billion, not a thing of what the Senator's amendment encompasses. We have $12 billion to $20 billion that is stolen from the ports, and we are trying our best to change the culture there. We have had good success with respect to the background checks. That was a big holdup on the Senate side. We worked with the unions and they agreed that we should have background security checks for the workers. So in checking that out, they now are anxious because they said now you have it in law that we have to have the cards, but they are not coming through with the cards in the system. So how can we comply? That is in this Senator's provision for port security. The distinguished Senator from Maine, Ms. OLYMPIA SNOWE, was asking questions at the hearings and Admiral Collins said he was hopeful by the end of fiscal year 2003 we will have 17 of the 55 port plans done.

Here is Admiral Collins's answer:

> We have an $11 million recurring base to do port-security assessments. Part of the feature of the 2004 budget was that $11 million was moved to the Department, Under Secretary for Information Analysis and Infrastructure Protection. The same approach taken with TSA, Transportation Security Administration also has money to do assessments in other modes of transportation. They have been centralized. The funds—as part of the President's budget, those funds have been centralized in the Under Secretary for Information Analysis and Infrastructure Protection. Although we remain the executive agent, if you will, of that Under Secretary to perform in the maritime.

So we have not gotten the money.

> It is an $11 million issue. As that new Under Secretary, who is still filling empty chairs as we speak matures, we will develop the working relationship, a very collaborative, congenial relation to date on the issue, no contention. And we will continue to pursue our assessments.

But then we are only going to have by the end of the year some 17 of the 55 done.

This is an emergency. I implore my colleague from Alaska, the chairman of our Appropriations Committee, get some money into this endeavor. I do not know about these other amendments that are coming along. He knows this better than any Senator in the Senate because I know Alaska, and I know the Senator's record. We do not have that money. That is why I went down and itemized. I knew that I was not going to ask for money that the Senator knew more about than I did, so I had to rehearse myself and break down every particular item in the supplemental appropriation. I did not have the money, so that is why I pointed out where in the billion it comes from.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the Hollings amendment to this supplemental appropriations bill, which would provide $1 billion to this Nation's seaport security programs.

Seaports are one our Nation's greatest assets, serving as the lifeline for economy and trade, for the fishing and cruise ship industries, and to military operations. But they remain one of our greatest vulnerabilities.

Our ports are susceptible to misuse by a terrorist organization. When a cargo container arrives on our shores, it is quickly loaded onto a truck or a train, and is transported to any of our cities, leaving all Americans vulnerable to a security lapse.

Right now, the Federal Government is not completely fulfilling its responsibility to protect our seaports. I am very pleased that the Maritime Transportation Security Act was signed into law last year. But for this legislation to be effective, it must have a predictable and sustained funding source for the agencies tasked with maintaining the security of our maritime borders.

We will never have enough law enforcement personnel or the perfect intelligence to detect and deter all potential threats. Technology is a promising approach to closing this gap—it may aid in container tracking, security, anti-tampering, and examination. These systems may also eventually have the ability to detect the presence of chemical, biological, and nuclear weapons at our Nation's ports.

I agree with Senator HOLLINGS that an attack on our seaports would be devasting. Compounded by the reality of our economic dependence on ports and the available intelligence on threats, it is inexcusable that we have not done more. Senator HOLLINGS' amendment would provide funding for industry and port security grants, State and local entities, the Maritime Administration, the Coast Guard, the Customs Service, and the Transportation Security Administration.

Since the tragedy of September 11, 2001, the threat and impact of terrorism has become real to many Americans. The global war on terrorism must be waged with equal intensity and commitment, both overseas and here in our own Nation—including at our seaports.

My colleagues may argue that this amendment is not war related, but I disagree. Our war effort depends on access to our 13 strategic military seaports, which support our operations in Iraq. These ports, like the rest of our 361 ports, are insufficiently vulnerable. If a terrorist threat were to affect one of our ports, our military operations could be negatively impacted.

The security of our borders is a national responsibility. Investing in maritime security is as vital as investing in our intelligence capabilities or investing in our Nation's airports.

I urge my colleagues to support the Hollings amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret the problem we have with regard to the funding for these items. I call attention to the fact that we are trying to get a supplemental appropriations bill to deal with the costs of the war primarily, not just one war but the war against terrorism, the war in Iraq, and the war in Afghanistan.

I know of no other way to do it than to say we have reached a limit as far as what we are going to do. This thought just came to my mind. We have gone beyond the President's request to deal with the most pressing need, and that is the aviation industry relief. We have some benefits for that industry, almost $4 billion, that deal with trying to give that industry the ability to rejuvenate the economy. If they come back, the whole economy comes back, in my judgment.

In any event, the more we put in the supplemental, the more we will have a situation where we will not get that either. The aviation industry relief, I am told, needs to be finished almost immediately. Some of these companies are going into chapter 11 right now. Others are indicating that they may cease operation.

I really believe the major factors in this bill are defense, homeland defense and aviation industry relief. I urge the Senate to think about it and confine it to that.

I move to table the amendment of the Senator from South Carolina, and I ask that the vote on that amendment take place following the amendment of the Senator from Louisiana, Ms. LANDRIEU. I further ask that prior to Ms. LANDRIEU, the Senator from Colorado and the Senator from Arkansas share 15 minutes on the amendment they have, which it is my understanding we are in the position now where we will adopt that amendment. I do not know the final status of the amendment of the Senator from Louisiana so I will not move to adopt it, obviously, since it is not before us yet. But that will be my intention when we finish.

My friend from Nevada and I are trying to estimate when these votes would take place. I want 5 minutes to respond to the Senator from Louisiana after she offers her amendment. So it would be 5:15 that we would be voting.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished Senator will yield, I ask that the matter proceed as the Senator from Alaska has outlined: that there would be no second-degree amendments in order, and following the offering of the amendment by the Senator from Louisiana and the statements of the two Senators from Arkansas and Colorado, we would proceed to vote on the motion to table; and then following that, the Landrieu amendment, whatever the Senator decides to do on that.

On our side, Senator CORZINE is ready to offer his amendment. Following that, Senator BYRD is ready to offer his amendment. That is not a UC. That is just for the information of Senators. The rest of the unanimous consent agreement, I ask be adopted.

Mr. STEVENS. Reserving the right to object, I think we should go back and forth.

Mr. REID. That is not part of the deal.

Mr. STEVENS. I certainly have no objection to the Senator's unanimous consent request.

Mr. REID. Mr. President, the staff had some question about the time on Landrieu. The time was 15 minutes for the Senator from Louisiana and 5 minutes for the Senator from Alaska.

Mr. STEVENS. It is my understanding that there will be no second-degree amendments to the Landrieu amendment or to the amendment of the Senator from Colorado.

The PRESIDING OFFICER. That would be the Chair's understanding.

Mr. STEVENS. That does not apply to subsequent amendments.

Mr. REID. That is right.

The PRESIDING OFFICER. That is the Chair's understanding.

Is there objection?

Mr. ALLARD. No. I want to ask for a clarification. Will I introduce my amendment following the Landrieu amendment?

Mr. STEVENS. The Senator from Colorado is first. He and the Senator from Arkansas share 15 minutes.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Colorado will be first.

Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I ask that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 451

Mr. ALLARD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. ALLARD], for himself, Mr. WARNER, Mr. MCCAIN, Mr. PRYOR, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, and Mrs. CLINTON, proposes an amendment numbered 451.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a panel to determine responsibility for an atmosphere at the United States Air Force Academy that was conducive to the recent acts of sexual misconduct at the United States Air Force Academy)

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. ALLARD. Mr. President, I thank the chairman for giving me an opportunity to offer this amendment. Twice this past week, the Secretary of the Air Force, James Roche, and the Air Force Chief of Staff, GEN John Jumpers, testified before congressional committees on the progress of the Air Force's investigation into the allegation of sexual misconduct at the U.S. Air Force Academy.

Like many of my colleagues, I was stunned to hear these officials exonerate the leadership of the Academy. The Air Force investigation has not been completed, yet Secretary Roche and General Jumper have already determined that these officials were not responsible. To make this determination before the investigation is completed is irresponsible and inappropriate, in my view.

Mr. President, 42 former and current cadets who allegedly were sexually assaulted or raped have contacted my office. Some of these cases are between 5 and 10 years old. Most, however, took place within the last 5 years; 20 have occurred within the last 2 years. Let me repeat that: 20 cadets say they were sexually assaulted or raped in the last 2 years at the U.S. Air Force Academy.

The Air Force said the current leadership did not know about this problem. I disagree. I believe they chose to ignore it. Since 1998, the Academy Office for Character Development has been conducting student surveys on sexual assaults. The surveys, which were reviewed by the Academy's leadership, clearly indicated a pervasive problem with sexual assaults at the Academy.

Here are some of the results from these surveys. In 1998, 22 cadets said they had been sexually assaulted at the Academy. In 2000, 17 cadets say they had been sexually assaulted at the Academy. In 2001, 167 cadets indicated they had been sexually assaulted—167. In 2002, 80 cadets said they had been sexually assaulted at the academy. These surveys were, at the very least, a warning that the Academy leadership chose to ignore.

I served on the Academy's Board of Visitors for 4 years, and never during that time did the Air Force leadership or Academy officials bring up this issue. The first time problems of sexual misconduct at the Academy were discussed was last week. I issued repeatedly over the last year at Board of Visitors meetings a concern about sexual misconduct. Last June, for example, I urged Academy officials to investigate a highly sexual drama competition put on by cadets. I was assured that the Academy would review sexual misconduct at the Academy.

Last September, I again brought up a number of concerns raised by parents of cadets about sexual assaults at the Academy. Again I was assured the Academy would look into it.

Enough is enough. It is time to take action. I appreciate the fact that the Air Force moved so quickly on its investigation. I am also pleased the Air Force has issued a number of directives. But clearly, given the history involved and the lack of action in the past, an external review is necessary.

Therefore, Senator WARNER, Senator PRYOR, Senator MCCAIN, Senator GRAHAM, and I, along with several others, will offer an amendment to the legislation currently before the Senate. This amendment will create an independent panel that will review the Air Force's directives and determine those who were responsible for the atmosphere that was conducive to recent acts of sexual misconduct at the Air Force Academy. The panel will begin its work by May 1, 2003, and submit a report to the President, Secretary of Defense, Secretary of the Air Force, and Congress within 90 days.

I still believe in the Air Force Academy. It is a fine institution. It has trained and equipped thousands of Air Force officers. Yet this current crisis has tarnished the reputation of the school and cast doubt on its graduates. It is time for us to take action. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the Senator from Arkansas, the prime cosponsor, along with the Senator from Colorado. I will briefly make a comment to thank them for producing this amendment. I thank Senator WARNER, as well as Senator CHAMBLISS and others on both sides of the aisle who are responsible for this amendment. It is much needed.

We had a hearing on this issue yesterday. It was one of the most remarkable evasions of responsibility I have ever seen. Basically, in summary, testimony by the Secretary of the Air Force and Chief of Staff of the Air Force said, really, no one is responsible.

We know people are responsible and people are held responsible, including the Chief of Staff of the Air Force and the Secretary of the Air Force. The Secretary of the Air Force has proven, to our satisfaction, that he cannot and will not address this situation, this crisis, at the Air Force Academy in a mature and efficient fashion. That is what triggered this amendment by Senators ALLARD and PRYOR. I strongly support it. Clearly, the quicker this panel will act and send its recommendations, the sooner we will implement changes in policy that will prevent a recurrence.

I might add, the situation apparently has been going on for 10 years. That is clearly an unacceptable situation at one of our finest institutions.

I thank the Senator from Arkansas, the Senator from Colorado, and others involved in this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I concur and join in the comments of my esteemed colleague from Arizona and my colleague from Colorado on this very important amendment the Senate is now considering. I believe the Senate needs to send a very strong signal that we will not tolerate sexual misconduct at our military academies. It is not only important for the cadets and their families but also for the Nation.

Yesterday I received notice that a young woman in Arkansas has now been accepted to the Air Force Academy. I called her on the phone. She is excited, eager, ready to go. We talked about the situation at the U.S. Air Force Academy. I have no doubt it will be a great experience for her, it will be a great education, and she will excel and achieve great things in her military career.

As I continue to recommend that young men and women go to our military academies, I want to proceed with confidence and know they are going into a healthy environment. These institutions are institutions of honor. There have been dozens of allegations of sexual misconduct at the U.S. Air Force Academy. It is time we stop and honor these victims, that we listen to them.

One thing that became very clear the other day in the hearing we had was that there were a lot of facts we did not know. There is a lot of evidence we still need to uncover. We need a clear picture of the atmosphere at our military academies. We need to ensure this Nation, the Air Force, the cadets, and the families that when we send young men and women to the Air Force Academy, they are going to a constructive environment, they are going into a culture that will not tolerate sexual impropriety.

This is not about a witch hunt. It is not about pointing fingers. It is about admitting to a problem, identifying the problem, and making sure it never happens again.

I thank my colleague from Colorado for all of his hard work. The chairman of the committee also had a hand in this and is a cosponsor. We are honored to have him. I thank the Members of this body for their time and patience, especially Senator STEVENS of Alaska, who has worked this in on short notice, along with Senator BYRD of West Virginia, who has been very kind with the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I add an additional cosponsor to the amendment, Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I join my colleague from Arkansas in thanking Senators and thanking Senator MCCAIN personally for his efforts on this amendment. It has been a delight to work in a bipartisan manner with the Senator from Arkansas. I also thank Senator WARNER and his staff. All our staffs have worked hard, as this has been a last-minute amendment.

We are happy to yield back.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. The only addition I would like to make is Senator CORZINE would like to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 452

Ms. LANDRIEU. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 452.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $1,047,000,000 for procurement for the National Guard and Reserves)

In chapter 3 of title I, under the heading "PRO-CUREMENT", insert the after the matter relating to "PRO-CUREMENT, DEFENSE-WIDE" the following:

NATIONAL GUARD AND RESERVE EQUIPMENT.

For an additional amount for "National Guard and Reserve Equipment", $1,047,000,000.

Ms. LANDRIEU. Mr. President, I come to the floor to support the supplemental appropriations bill that is before us because it is a bill that supports our troops, it strengthens our Nation, and it sends a very positive and I hope united signal that we are unified in support of our men and women on the battlefield and our men and women who are supporting our warriors on the battlefield.

We are acting as quickly and as deliberately as we can to debate and delve in some detail into a bill that is fairly significant in size, almost $75 billion. I support that effort.

I also say I support the course of this administration. I supported the use of force. I support the course of action we are on, a tough and aggressive action toward this rogue regime. I believe, as the political leadership of this Nation, leading the world in this effort, we need to continue our support, morally, spiritually, and politically as represented by the bills we pass in Congress.

Last week, Senator DURBIN and I offered an amendment in a bipartisan partnership with Senator WARNER and Senator CHAMBLISS from Georgia. We received 100 votes for an amendment that would steer or direct some of the funding—a very small portion of the funding but funding very much needed by the Guard and Reserve—to the Guard and Reserve, which are picking up a larger share of the burden of this war, this campaign.

I am here today to offer another amendment that will support the 100-to-0 vote of last week to actually fund a portion of that amendment.

Last week, we said we wanted to raise the combat pay for Guard and Reserve and for Active military. I am pleased the Senator from Alaska has worked out an arrangement that is going to actually make that possible. We have, I think, agreed on a doubling of the amount and have fit that within the framework of this bill. I know that is going to be received with gratitude and happiness on the part of the families who have their loved ones right there on the battlefront.

In addition to increasing the combat pay and the separation pay for all our Guard and Reserve units, I also think we need to do everything we can possibly do to send our Guard and Reserve on the battlefield with the equipment they need to win the war and to protect themselves, to stand up the American flag and be victorious in this effort. I am very concerned, as a member of the Appropriations Committee, as a former member of the Armed Services Committee, that our budgets do not reflect the commitment to our Guard and Reserve that their actions and their contributions warrant.

Let me quote the Deputy Assistant Secretary of Defense, Mr. Charles Cragin:

> The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force.

If we are not members of the Reserve ourselves or do not have family members in the Reserve, I am not sure we recognize the significant change that has occurred in the last 20 years in the makeup of our armed services. Mr. President, 45 percent of the total force is made up by our National Guard and National Reserve; 1.2 million men and women who serve as reservists today are being called up to an unprecedented extent.

He goes on to say:

> We are currently calling reservists to duty involuntarily under three separate Presidential orders: For Bosnia, Kosovo, Southwest Asia. Thousands of reservists have served with great distinction around the globe, including more than 5,000 who recently deployed to Europe in support of the air campaign over Kosovo.

Of course, this was several years ago. The bottom line is they are a significant part of the total force; weekend warriors no more.

Let me state for the Record the Center For Strategic and Budgetary Assessment says:

> The reserve component represents 47 percent of our military structure but consumes only 8.3 percent of the Department of Defense budget.

There is a bias in the Department for the Active units. I am not saying one is more important than the other, but our budget needs to reflect the contributions that both the Active-Duty and the Guard and the Reserve are contributing, reflective of their contribution and their position in the total force. Our budget does not, today, do that.

My amendment attempts to add $1 billion. It is not going to bring the percentage up to where I believe it needs to be, but it is a step in that direction and it is something we can do right now. There is no reason to wait. The supplemental bill I hope to vote for—I am proud to vote for, I want to vote for—has $62 billion for Active Forces but only $271 million for the Reserve Force. Let me repeat, $62 billion for the Active Forces but only $271 million for the Reserve Forces. Yet every day, every night in America, the telephone rings in households in Louisiana, in Texas, in Mississippi, with a commanding officer saying: "Sir or Ma'am, report for duty. You will get your orders when you arrive. Please make arrangements."

Do you know what those arrangements are that the Guard and National Reserve make? They write their wills. They kiss their spouses goodbye. They tell their children goodbye. They call all the friends they went to school with to tell them goodbye because they may not see them again.

Those are the arrangements that are made when that telephone rings. Yet this budget that is supporting that effort fails to give them the equipment and support they need.

I know that is a strong statement. But the facts support that statement. This Senate and House have a responsibility to begin to fix that. We can fix it. We have $65 billion. My amendment asks to add $1 billion. I am prepared to take it out of the $65 billion. We are prepared to add it. We are prepared to find an offset. But to continue to ask our Guard and Reserve to make arrangements—perhaps we should make arrangements to provide them the equipment they need to fight a war we are asking them not only to fight but to win.

If people say, Senator, let's just wait until the 2004 budget, I can tell you it is not any better. We are going to spend $400 billion on defense, but a meager $1.9 billion is devoted for Guard procurement. That means we are prepared as a nation to spend less than the cost of one submarine for all the equipment needs of nearly 50 percent of our troops.

That does not make any sense. When we talk about force protection and minimizing casualties, you don't have to be an expert in warfare to understand one of the ways you can minimize casualties is to give your Guard and Reserve the best training and the best equipment, so when they ship out, they have a chance to ship back.

I am going to spend a few minutes. I wish I had more time because I want to talk about the thousands of men and women who are called up, State by State, so when people come down in a few minutes to vote on this amendment, they will know exactly how many families they are voting for in their districts and their States, and how many families they are voting against.

Let's start with the States that have over 50 percent of their forces called up: Alabama, 5,961. This is a portion of the forces. That means the telephones rang in 5,961 houses and a voice said, "We need you. Close your business. Leave your employment. Make your will. Tell your wife, your spouse goodbye. Hug your children. Tell your family goodbye, and we will let you know when to ship off." These people are gone. And then there are going to be thousands more who are called up.

In Washington State: 4,066. In my home State of Louisiana, which is over, I think, 35 percent: 2,328.

Now, this is the number of personnel mobilized out of the Army Guard. This isn't all of the Reserve components. And we are trying to get a handle on those numbers. Some of those numbers are classified for obvious reasons.

But suffice it to say, they are not showing up for a weekend of work in Iraq. They are going for 6 months or for a year.

Some people say, "Senator, you don't need equipment for the Guard and Reserve because they get the equipment when they go over there."

Let me ask you, on the television that we have seen, just think about what the visuals have been about the war. Have we seen any tanks that don't have people in them? Have we seen any armored vehicles just sitting there waiting for a driver? Because that is not true. The truth is, the soldier shows up with his rifle, with his uniform, with his chemical detection equipment. The planes have to have the radar on them already. They have to show up with their equipment to fight the battle. And we are not funding the Guard and Reserve at the level we should.

I want to tell my people in Louisiana, when that phone rings, their Senator was on this floor fighting for them to have this equipment. And the argument is, "Well, they can't buy it in 30 days, so we can't put it in this bill." And then the next time we have a bill, they will say, "We can't buy it in 30 days, so let's not put it in that bill." And then the next time we have an appropriations bill, it is going to be the same story.

I am saying today, as we call up 100,000 more troops, half of whom are going to be Guard and Reserve, please, let's give them the equipment they need to win the war. And that is what my amendment does.

I have talked to the chairman. I have asked the chairman. We could add the money. We can take it out of the $65 billion. We can offset the money that is going to Turkey, $1 billion. I would rather send it to the Reserves. I don't want to cut it in half, but I am willing to compromise. But to tell our Guard and Reserve, no, I just am not willing to do it.

I want to list some of the items this money will buy. A great many of these items do not take a great amount of time to order. You could pick up the phone and dial it and ask them to deliver it. Let me just give you a couple of examples in the few minutes that I have.

The collective protection fund would be used to procure collective protection shelters for deployed forces in the event that chemical and biological weapons are fired on them. They would have a shelter to protect themselves.

Skin exposure reduction paste, I am sure someone produces that and manufactures it now. It is not something we have to invent. All they have to do is pick up the phone and order it. The skin is exposed, and it helps them against chemical warfare agents.

Increased resources will be used to procure additional mobile chemical agent detectors for use by forces performing the mission of determining whether weapons of mass destruction are present. How will they know if they don't have the equipment to detect it? And there are some things that are classified in this list that I cannot speak to.

I think our Active Forces would agree with this amendment. I think our Active Forces realize how important the Guard and Reserve are, what capable soldiers they are. And some units are better trained than others. I understand that. And some States have it better organized than others.

I happen to represent a State that has one of the finest National Guards in the Nation. I guess I am so proud of them, I want to do my very best by them, and to say we are doing a disservice by having $62 billion in this bill for Active Forces and we have added up only $271 million for Reserve Forces. Yet almost 50 percent of the men and women fighting the war are in the Guard and Reserve.

It just does not make sense. And perhaps it was an oversight. I do not think anyone means—I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I do not think anyone means harm to the Guard and Reserve. And I know that every Member of the Senate is most certainly patriotic and wants to do their best. But I have spoken about this in meetings. I had to bring it to the Senate floor to give it attention. And I must ask for a vote because, that way, then people can go on the RECORD, and they can then be on the RECORD explaining to these 5,000 families why we could support these billions of dollars of equipment for the Active Forces and shortchange our Reserves.

I know that is not the intention of the Chair. And I would not in any way say he does not have an extremely difficult job of managing this bill. And I have no intention of holding up the bill. But I thought it was only fair to offer this amendment, to speak for 20 minutes, to ask for the money that I think our Guard and Reserve need.

So when the phone rings in Louisiana, and the Smith family or the James family or the Fonteneau family or the Thibodeaux family is called, they can say our Senator did her very best to try to convince people that maybe there was a slight imbalance in the money that was given for the Actives versus the Reserves, and that she is not sending my son, my husband, my wife, my grandmother, or my grandfather out there, at a loss to his or her income, a sacrifice to the family, without the equipment he or she needs to fight a war we asked them to fight, which is what we are doing in Iraq.

So I offer my amendment. I ask for support. I am sorry if the leadership cannot support this amendment, but I am going to ask for a vote. And I will continue, every time there is an appropriations bill on this floor—whether it is a supplemental appropriations or whether it is part of our next year's budget—I will continue to say, if 47 percent of our force fighting the war today—not next week; today—are Guard and Reserve, don't they deserve more than 8 percent of the money we are sending to support the war.

I say that answer is yes. And I want the families in Louisiana to know that I get it, I understand it, and I don't want them to put their lives in any more danger than what is absolutely necessary.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from Louisiana would add over $1 billion, which would be earmarked for National Guard and Reserve equipment.

The amendment proposes to increase the supplemental appropriations fund to add funding for something that the Department of Defense does not tell us is a high priority.

Equipment is not requested to be funded in the supplemental or in the budget that was submitted by the President for the next fiscal year.

Most of the items the Senator is describing are for the purposes of training. What we are trying to do today is provide funds for the Department of Defense to wage the war on terror and to pay for what is needed now so that we can win a victory in Iraq and protect the security of our homeland, not for items that will reach their destination or be usable by the Guard and Reserve Forces 2 years from now. And that is what these funds will do. They are for future projects.

Three of the projects are for construction—$20 million worth of construction projects—so they are not warfighting funding program dollars that are requested by the administration of this Congress at this time.

The committee has made available a sum of $11.019 billion in the Defense Emergency Response Fund that can be used for any of these items that the military thinks are necessary in order to wage the war on terror, so we are not denying the military the opportunity to spend funds for purposes such as the Senator describes. But we are not telling them they have to. We are not earmarking funds and saying you have to spend this for this purpose at this time.

The bill that is before the Senate also contains $1 billion in procurement accounts that can be used for Guard and Reserve Forces. So we are not ignoring the Guard and Reserve in this bill. The Guard and Reserve equipment, and the use of them in the operations at this time, is fully provided for in the bill.

We hope the Senate will reject the amendment. It has not been requested by the Department of Defense. The requests the Department are making for waging the war are met by the funding provided in the bill.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. What is the pending measure? The first vote will occur on the amendment of the Senator from Colorado?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina. The Landrieu amendment is currently pending.

Mr. STEVENS. But under the unanimous consent request, we vote first on the Hollings amendment; is that correct?

The PRESIDING OFFICER. The Hollings vote was scheduled after the Landrieu amendment.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mr. STEVENS. One second till I straighten this out. I don't care which one. This Senator has no priority on it. I am agreeable to either one first. The amendment I am trying to address after that, though, is the amendment of the Senator from Colorado. What has happened to it in my absence?

The PRESIDING OFFICER. That has been set aside.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska indicated he didn't care. The Senator from Louisiana thought her vote would be second. She would rather that her vote follow the Hollings amendment motion to table.

Mr. STEVENS. The Senator has that right. I ask unanimous consent that the vote on the motion to table the Hollings amendment occur first.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that there be 2 minutes equally divided between the two votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. One minute on each side.

Mr. STEVENS. I have no objection. I ask for the yeas and nays on the Hollings amendment.

The PRESIDING OFFICER. On the motion to table.

Mr. STEVENS. On a motion to table. I have made that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to table amendment No. 445.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "no."

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 452

Mr. STEVENS. Madam President, parliamentary inquiry: What is the pending business now?

The PRESIDING OFFICER. The pending business is the motion——

Mr. STEVENS. Madam President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The pending business is the motion to table the amendment offered by the Senator from Louisiana, Ms. LANDRIEU.

The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. I yield to the author of the amendment first. The Senator from Louisiana is entitled to 1 minute. I hope my colleagues will let her speak.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will be in order. We will not proceed until the Senate is in order. Senators will cease their conversations and move from the aisles to their seats.

Mr. STEVENS. Madam President, where is the Sergeant at Arms?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

This is a very important amendment, and I ask my colleagues to consider carefully their vote. Last week, we voted 100 to 0 in a bipartisan fashion to support an increase in combat pay for Active and Reserve and to increase the funding for necessary equipment for our Guard and Reserve. This amendment adds $1 billion to this bill for a very good reason: Because the Reserve component represents 47 percent of our military structure and only 8.3 percent of the budget. In the underlying bill, we have $62 billion for Active and $271 million for the Reserves.

In every State, thousands of people are being called up. When they get the call, they put on their uniform and go. This amendment gives them the equipment to fight and win the war. I ask for everyone's support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, of the $62.6 billion requested by the President for defense, no less than $10.8 billion in this bill is for the direct support of the Guard and Reserve for this fiscal year. The monies that the Senator from Louisiana wishes would be spent in 2004.

I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we are addressing the immediate needs. This is an emergency supplemental. The needs as identified by the Senator from Louisiana are all nice to have, but they should go through the orderly process, through the Senate Armed Services Committee, a request by the President of the United States, and then a full and open debate. This is neither the appropriate nor, I believe, fiscally responsible thing to do at this time. I urge a "no" vote.

Ms. LANDRIEU. Madam President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. On each side is all right with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Is the Senator from Arizona suggesting the $6 billion that is on the list for the Reserves has not gone through the regular order?

Mr. MCCAIN. I am suggesting to the Senator from Louisiana, this is a very large appropriation which has not been examined by members of the committee themselves in this context and is added after carefully thought out, carefully requested amounts of funds have gone through the Appropriations Committee in the form of an emergency supplemental. I am sure these are all worthy causes. There are billions and billions of dollars of worthy causes.

Ms. LANDRIEU. With all due respect to the Senator from Arizona, I am a member of the Appropriations Committee, and this $6 billion has gone through, and we are asking $1 billion of the $6 billion.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

The Senator from Alaska.

Mr. STEVENS. Madam President, the money that is in this bill will help the Guard that has been called up. That is the case. We want to help the people who are fighting the wars now. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KERRY), would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding Senator MCCAIN is on the floor to offer an amendment. He has graciously consented, since we are going back and forth on amendments——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Nevada.

Mr. REID. The senior Senator from Arizona has graciously consented to allow Senator EDWARDS to speak for up to 5 minutes on an amendment that will be offered at a subsequent time by Senator CORZINE and himself. Following that 5-minute statement by the Senator from North Carolina, then Senator MCCAIN will be authorized to offer an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today to talk about an amendment Senator CORZINE and I plan to offer later during debate. At the outset, I thank Senator CORZINE for his leadership and say he is far and away the Senate's greatest champion on this particular issue.

The issue is simple. Will we protect our chemical plants from terrorist attacks? The answer to that question has to be yes. All Americans are praying for our soldiers overseas today. Their courage, patriotism, and dedication is an inspiration to every one of us. Today it is time for folks here in this Chamber to summon a little bit of courage to make sure we do our part to protect America.

Folks have been talking about chemical security for months. Everyone knows the vulnerability of these plants is a major problem, but nobody is acting. The time for talk is past. It is time for us to put the security of the American people ahead of special-interest lobbyists and pass this bill now.

Our chemical plants remain dangerously at risk for terrorist attack. According to the EPA, there are 123 chemical plants that would endanger a million people each if they were attacked, and those are just the chemical plants that are located near big cities. The U.S. Army Surgeon General found the No. 2 threat to the American public, second only to a major biological attack, is a terrorist attack on a chemical plant. And the terrorists know it.

Government officials at the National Infrastructure Protection Center have warned that al-Qaida operatives may plan to launch attacks on our chemical and nuclear infrastructure, "to cause contamination, disruption, and terror."

Based on their information, chemical plants remain viable targets for terrorists. Despite these enormous and serious threats, our Nation's chemical plants remain unprotected. The Agency for Toxic Substances and Disease Registry issued a report just a few weeks ago that found the security at chemical plants ranged from fair—which is the best—to very poor.

Last fall, on the anniversary of September 11, Newsweek gave the chemical industry an F for failing to beef up its security—an F. Newsweek described the threat to chemical plants as 1,000 points of vulnerability, risk that has remained largely below the radar. One blown-up plant, truck, or train, and the press will be calling for the scalps of those who let it happen.

We have a chance to stop it. We cannot let this happen. That is our responsibility.

Senator CORZINE has been on top of this issue from day one. He has taken the lead on getting an effective chemical plant safety bill through the Senate and signed into law. He introduced his bill, the Chemical Security Act, back in October of 2001, more than a year and a half ago. It passed unanimously out of the Environment and Public Works Committee. Back then, everyone agreed we needed to protect our chemical plants and keep all the American people safe.

Unfortunately, since then, some of our colleagues have changed their minds. In fact, some of the Members who voted for the Chemical Safety Act in committee later reversed themselves and attacked it when it was considered in legislation to create the Department of Homeland Security.

Senator CORZINE has reintroduced the bill, but now it is stalled in committee. Why is it a bill that was so popular to Congress has now become so controversial? I will tell you one thing that has happened. The industry lobbyists have gotten the word out that they are against this bill. They do not like it. They say they don't want Government telling them what to do. They want voluntary standards, not mandatory standards. Now it is beginning to look as if the administration is going to take the same line.

I have a few questions for these lobbyists. Do we have voluntary standards for whether the air our family breathes is going to be clean? Do we let each powerplant decide how much it is going to pollute? That may be what some people want, but I don't think it is a good idea.

Do we let sewage plants decide how much toxic waste they are going to send into the water our kids drink? Of course not. When it comes to physical security, do we have voluntary standards for security at airports, standards where each airport gets to decide whether they are going to check bags and how? Of course we don't. When thousands of Americans lives are on the line, we set minimum standards. We have to do exactly the same thing here.

Let me go into what this amendment would do. First, it would require minimum standards for improving security and reducing potential hazards at chemical plants and other industrial facilities that store large quantities of hazardous materials. Specifically, the bill would require identification of high-priority chemical facilities within 1 year of enactment. These high-priority facilities are the very dangerous ones, the plants that have significant quantities of toxic or flammable chemicals and the ones located near major population centers.

This amendment would not affect facilities located in remote areas, including the vast majority of agricultural facilities.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. EDWARDS. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, and I will not object, I always enjoy hearing from candidates for higher office.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. EDWARDS. The Senator from Arizona should know, having been a candidate for higher office himself. I appreciate his courtesy.

For the high-priority plants, the amendment would create a process where the plants are required to figure out what their vulnerabilities are and then address them. It is that simple.

Senator CORZINE has been extremely reasonable in accommodating legitimate concerns. For example, we heard from some farm groups that they wanted the Department of Homeland Security taking on key tasks under the bill, not EPA. Therefore, we have made those changes.

But let me mention one thing in this bill that has not changed and that has become controversial for reasons I do not understand. This bill requires what is called hazard reduction. It says to chemical plants: If you can use a safer chemical, you have to use a safer chemical. This should not be a controversial idea. We all try to practice hazard reduction every single day. We put our kids in car seats when we are driving, and we cover up electric outlets. We wear seatbelts. That is what we are talking about. We are talking about individual lives.

Here we are talking about thousands and thousands of lives. We have to reduce these hazards. Terrorists want to attack targets where they can hurt as many people as possible. If we can make chemical plants less dangerous, the terrorists are less likely to attack them.

This works in the real world. Right near Washington, DC, the Blue Plains sewage treatment plant has completely eliminated its use of chlorine gas. Before, if it had been attacked, the chlorine gas could have been released and blanketed this city in a deadly cloud. Now they use a less dangerous substance that gives them the same results. We need to make sure that every plant takes the same approach.

A GAO report, issued last month, found that neither the EPA nor other Federal agencies have gone far enough to gather information about plants' vulnerabilities and to reduce their level of risk. The report recommended legislation that would:

> require these chemical facilities to expeditiously assess their vulnerability to terrorist attack and, where necessary, require these facilities to take corrective action.

This should not be a partisan issue.

Let me quote a recent statement by former Senator Warren Rudman, a Republican, and one of the country's acknowledged experts on homeland security. Here's what he said about chemical security:

> The federal role needs to be able to set standards and make sure those standards are observed just as we do with clear air and clean water and workplace standards. I think we have to have security standards, and people are going to have to meet those standards.

When hundreds of thousands of Americans' lives could be at risk, it is not enough to hope that chemical plants will change their ways. It is not enough to ask. We have to make certain they are doing what needs to be done to make the American people safe.

I thank Senator CORZINE for his leadership, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona.

AMENDMENT NO. 456

(Purpose: To strike the appropriation of $50,000,000 for the Maritime Loan Guarantee Program under title XI of the Merchant Marine Act, 1936)

Mr. McCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 456.
>
> On page 42, strike lines 16 through 22.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, with the consent of the Senator from Arizona, I ask unanimous consent that there be 30 minutes equally divided for debate prior to a vote in relation to the McCain amendment, with no amendments in order to the language of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I also ask that the consent include the fact that Senator CORZINE be recognized following the disposition of the matter about which the unanimous consent agreement is made.

Mr. COCHRAN. I so modify my request.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. McCAIN. Reserving the right to object, and I will not object, if I need a few more minutes than that—I don't think I will—I hope the Senators from Mississippi and Nevada will indulge me.

Mr. COCHRAN. Mr. President, the Senator has my assurance that will be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, before I get into the amendment, we have made a preliminary examination of the—this is the reason I said to the Senator from Mississippi we may need a few more minutes—we have made a preliminary examination of the bill, and the first time through it, tragically—I say tragically because the title of this bill is "making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes."

The first thing we find is $98 million under the Agriculture Research Service, buildings and facilities, to complete a research center in Ames, IA.

What is that all about? How in the world do you call $98 million for an agricultural research service center in Ames, IA—remember, it is designated for Ames, IA, not Des Moines, IA; Ames, IA,—that fits into a bill that is called "making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003." Disgraceful.

We have $1 million for the Jobs for America's Graduates school-to-work program for at-risk young people. I am sure that is an important program. Someone will have to tell me how that is related to the title of this legislation.

There is $6.8 million from O&M Air Force to build and install fiberoptic and power improvements and upgrades at the 11th Air Force Range in Elmendorf Air Force Base in Alaska.

There is $3 million from O&M Army to build a rifle range for the South Carolina National Guard.

There is $12 million for research, development, test, and evaluation Defense-wide for airfield improvements in Alaska that may be associated—may I emphasize: may be associated—with the ground-based midcourse missile defense program.

There is requiring a study regarding delivery of pediatric health care in northeastern Oklahoma.

There is $225,000 for the Mental Health Association of Tarrant County, TX.

There is $200,000 for the AIDS Research Institute at the University of California, San Francisco, for developing a county medical program to facilitate clinician exchange between the United States and developing countries.

There is $1 million for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism.

Why can't we, for once—for once—bring forward a bill—especially when we are at war, especially when we have young men and women fighting and dying—that is free of these outrageous kinds of spending? Can't we do that just once?

Well, now let's get to the $50 million for the title XI Maritime Loan Program, which is the subject of the amendment.

Mr. President, chapter 10 of the bill would provide $50 million in funding to the Maritime Administration's title XI loan guarantee program for shipbuilders and shipyards. It is not justified as part of an emergency supplemental to fund the ongoing war. Not only is the program riddled with problems, but the administration has proposed no funding for it in either its fiscal year 2004 budget or for the prior year, and for good reason. The title XI program does not serve any defense or homeland security purpose, and it should not receive funding under the guise of a wartime need.

I have never been a proponent of the Title XI program. I think that many of my colleagues must be as shocked as I to learn that $50 million for this program has been added to this emergency supplemental appropriations bill in the name of defense. The Appropriations' Committee report accompanying this bill claims that this funding is needed to help transport military equipment and supplies to deployed military forces during the time of war. Such an allegation is simply not true.

According the Maritime Administration, there are 51 vessels currently being utilized in direct support of Operation Iraqi Freedom. Only one of those 51 vessels was constructed with the use of a title XI loan guarantee. Any claims by the proponents of this mismanaged pork barrel program that it serves an essential military purpose are ridiculous.

The title XI program is, without question, one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, loan defaults—loan defaults—have totaled $490 million. On Monday of this week, the Department of Transportation's Office of Inspector General released a report that details the multiple problems with the program's administration.

The IG's report details the increasing number of loan defaults, coupled with the increasing number of bankruptcies of companies that have been granted loan guarantees. The report notes that Enron—Enron—has three loan guarantees that will soon go under and cost the taxpayers $122 million—Enron.

The DOT Inspector General found that "MARAD needs to improve administration and oversight in all phases of the Title XI loan process . . ." The report says:

> The financial interests of the United States would be better protected through use of compensatory loan provisions to reduce risk, improved loan application review procedures, more rigorous financial oversight of borrowers during the term of loan guarantees, better monitoring and protection of vessels and shipyards while under guarantee, and more effective stewardship of assets acquired through foreclosures.

The Senate Commerce Committee will hold a hearing next month to consider the IG's findings, along with a report being prepared by the General Accounting Office. I am informed that the GAO's preliminary findings fully support the Department of Transportation IG's findings and provide even greater detail on missteps by MARAD that, again, have led to this program having suffered losses of nearly $500 million.

I close by reminding my colleagues of just how awry this program can go when Congress jumps in without full and complete consideration of what is being done. In exchange for a Congressionally ordered monopoly for service among the Hawaiian Islands, American Classic Voyages entered into a contract to build two cruise ships in a U.S. shipyard. It is that requirement that has led to the most outrageous example of how provisions inserted to benefit special interest can and often do lead to waste and burden American taxpayers.

To help push the program, MARAD, in the face of strong political support for the project, approved a $1.1 billion title XI loan guarantee for the construction of these two vessels. Loan guarantees and commitments to this company represented over one quarter of the title XI portfolio.

On October 19, 2001, American Classic Voyages filed a bankruptcy petition under Chapter 11 of the U.S. Bankruptcy Code. The petition listed total assets of $37.4 million and total liabilities of $452.8 million. The cruise line said in its petition that it had more than 1,000 creditors, including the American taxpayers being represented by the Department of Transportation.

MARAD never once sounded the alarm that this project was in trouble. It did nothing to further protect the taxpayers' interest. To the contrary, as noted by the DOT IG in its report, just weeks before American Classic Voyages filed for bankruptcy, MARAD granted ACV additional exemptions and modifications to the requirements of the program and their contract.

The failed project is the most costly loan guarantee ever granted under the Maritime Loan Guarantee Program, resulting in the U.S. Maritime Administration paying out over $187.3 million of the American taxpayers' money to cover the loan default for this project. Only $2 million was recovered from the sale of some of the construction materials and parts.

Overall, American Classic held a total of six loan guarantees that cost the American taxpayer $329 million.

I ask my colleagues to learn from this lesson. Fifty million dollars in MARAD guarantees on a bill like this is, first, wrong. And to continue to fund this program until it is fundamentally reformed, according to the Department of Transportation's inspector general's report and an upcoming GAO report, is a criminal waste of American tax dollars. It has no place on this bill.

The Senator from Arizona and I were talking, and I believe the best thing to do, given these projects I just listed, is probably to have one amendment that we will propose tomorrow, Senator KYL and myself, to strike all of these provisions so we give everybody a chance to vote yes or no on all these provisions of the bill.

Then we can answer to the American taxpayer as to whether $98 million for Agricultural Research Service building facilities; whether money for the Mental Health Association of Tarrant County, TX; whether the Geisinger Health System in Harrisburg, PA, to establish centers of excellence for the treatment of autism are what is needed to win the war on terrorism and the war in Iraq today.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I find, in reviewing the report of the subcommittee with jurisdiction over appropriations for the Department of Transportation, that $50 million is needed by the Maritime Guaranteed Loan Program. This is a program that provides subsidies for guaranteed loans for purchases of vessels built in U.S. shipyards and includes the guarantee for facilities or equipment pertaining to marine operations related to any of those vessels.

The committee report contends that the program is critical for those who transport military equipment and supplies to deployed military forces during time of war. There is currently only $1 million available in this account for pending and new loan guarantees. There are future maritime projects also which can use these funds.

There is a critical need for auxiliary maritime sealift capacity during time of war. This program has provided loan guarantees for companies that have ordered cargo ships which are available to serve as a military auxiliary fleet to the Department of Defense during overseas operations. Without the funding in the committee recommendation, ship owners will not have access to this financing system which has proven to help sustain our Nation's commercial, energy transportation, and military sealift needs.

I urge the Senate to reject the McCain amendment.

I yield such time as he may consume to the distinguished Senator from Mississippi, Mr. LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again that I appreciate what Senator

McCain does with this amendment and the effort he makes on a lot of these bills, to come to the floor with projects that are pretty hard to explain and justify. I know he is acting in good faith. I think his amendment, sort of a wraparound amendment, is going to be a very interesting one to hear discussed tomorrow.

Let me talk about title XI because I am sure he will not be surprised to hear me speak on it. I have supported the title XI program over the years. It is an important program in helping to meet our national objectives, our energy self-sufficiency, increase domestic commerce, strengthen shipbuilding, our industrial base, and a large commercial fleet of militarily useful ships to meet DOD sealift requirements in our war on terrorism, the war we are involved in right now.

The point that Senator McCain made, that of the 51 ships that are carrying cargo now and perhaps, I guess, some equipment, both liquid and dry cargo, 51 of them that are involved in the effort now in the war in Iraq, only 1 of them had the title XI funds. In fact, probably if you check, you will find that most of those ships are foreign ships, ships built in foreign shipyards. I suspect probably there are some Dutch and German and, who knows, maybe even some French ships on which we are dependent. Some of them have American flags and I guess are crewed by American crews. That is all important.

But it is a tragedy in America if we don't have a maritime industry. When I go to the port in my hometown and look at the grain elevators and look at the ships hauling poultry products to Russia, there is no American flag on those ships. It is Liberian, Panamanian, Ukrainian, Russian. It is everywhere in the world but the United States.

Is this program perfect? No. Should we try to make sure that it is run better and we get more money for our investment? Yes. But I still have a real trouble with a country such as the United States not having the capability to build our own ships and be crewed with American crews. More and more and more we are dependent on foreign ships.

There are good explanations for that. I guess the market is supposed to take care of those problems, but it is a danger. How many countries in the history of the world have survived very long without their own merchant fleet? Our shipyards now are building Navy combatants basically. That is it. No cruise ships, no cargo ships. We are getting out of the business. Maybe that is OK. But I think there is a danger there.

We are dependent now on these maritime vessels to move cargo and equipment. Right now they are involved in what is going on in Iraq. This program did not get any funds in fiscal year 2003. It is true the administration didn't ask for additional funds. It did not receive any funds in the omnibus bill. That is one of the reasons why it is badly needed now. If we don't have some funds, they might have like $1 million in funds. There are no funds for the backlog in this area.

By the way, title XI is not so important to the big shipyards. The big shipyards are not in this business. When they try to get into this business, it doesn't work. The best example in the world, I guess, even though it was a victim of timing, was the cruise ship situation.

Most of this money goes to the medium and small yards, and it is a loan program. Maybe it is not administered closely enough, and I acknowledge that. We need to understand what we are doing. If we don't fund it with this $50 million, or fund it in 2004, the program is dead. I think that is a mistake for our country.

I still believe we need our own merchant fleet. I hate to see all those jobs lost—engineers and other workers—and go to the shipyards around the world. I still would like to think that those ships are on call to America as American ships.

I understand that maybe this is not the right place for it, but there is a relationship to the war that is going on right now. It does affect our future ability to make sure we have our ships and crews on call that can deliver the dry products, liquid products, and the equipment around the world.

So I urge defeat of this amendment. I reserve my right to look at the package that Senator McCain may be offering later on this week.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield such time as I have remaining to the Senator from Arizona, Senator Kyl.

Mr. KYL. Mr. President, how much time is left?

The PRESIDING OFFICER. There are 4 minutes 53 seconds remaining.

Mr. KYL. Mr. President, I support the Senator's amendment. One could make an argument for this particular case, as the Senator from Mississippi has just done. That argument should be made in a place and a time that doesn't, however, attempt to take advantage of this funding resolution for the war.

The President sent up a request for funding for the war specifically, and Congress is responding to that in this legislation. By and large, this legislation is directed specifically to that. What is perplexing to the other Senator from Arizona and I is why we have this handful—just a handful, six or seven—of items that have absolutely nothing to do with the war, such as an agricultural research station at Iowa State University, or mental health, autistic help, and others that have nothing whatsoever to do with this war effort. There may be a good case to be made for every one of these. And there is an appropriations process for that case to be made. So why are they being put on this bill at this time? It is not fair to all of those other people who can make equally good cases for other things.

There are a lot of things that need to be done in an emergency way or with timing as a factor. There are other provisions in the bill that don't necessarily relate to the war, but don't cost any money, such as a study for this, or a change in the language on something. We don't have objection to that.

Our objection is taking advantage of this process for the expenditure of money on items that have nothing to do with the war. One of the reasons for it is because it only relates to a handful of projects, primarily for people who happen to be on the Appropriations Committee. That is not fair to the vast number of Members of this body who have equally good requests but don't happen to be in the room when the bill is put together.

That is why, as an ordinary proposition, these bills are presented to us on the floor clean. For those who are not familiar with the Senate process, that means without extraneous provisions, little pieces of pork that specific Members add on. The reason for that is because we can all trust the process from the Appropriations Committee to put out a clean bill that supports the President's request to run the war.

I commend the chairman of the Appropriations Committee and the chairman of the subcommittee. They have done a great job. That is almost entirely what was done in this case. But for these few provisions, which we will move to strike tomorrow because they don't belong on the bill, if they can sustain themselves in debate and there really is a good case for them, they will prevail through the ordinary process. If they cannot, they should be permitted to fall.

That is the reason we will urge support for the amendment when offered tomorrow and why I support the Senator's amendment this evening.

The PRESIDING OFFICER. The Senator from Arizona, Mr. McCain, is recognized.

Mr. McCAIN. Mr. President, I ask the Senator from Mississippi to grant me 2 minutes.

Mr. COCHRAN. I have no objection to the additional time the Senator is requesting.

Mr. McCAIN. Mr. President, I just say that, in consultation with Senator Kyl, and thinking about this, rather than force the Senate through a series of votes, this is an important piece of legislation. So tomorrow I will be proposing an amendment that includes the provisions that I described that I believe are extraneous and not related to this bill, as is stated in the title. I will include the $50 million for the MARAD loan guarantees.

Shortly, I will ask unanimous consent to withdraw the amendment because I will include it in the wraparound amendment that will be considered tomorrow on behalf of myself and Senator KYL and, I hope, others.

Let me finally say that I do believe the appropriators exercised great restraint. I congratulate the Senator from Alaska and the Senator from Mississippi. I believe this contains probably less unnecessary spending than any appropriations bill I have seen. Now I would like to see if it is possible to send an entirely clean bill to the President of the United States, and that would be a monumental achievement.

AMENDMENT NO. 456, WITHDRAWN

Mr. President, I ask unanimous consent to withdraw my amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. What was the request, Mr. President?

The PRESIDING OFFICER. The Senator asked to withdraw his amendment.

Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 462

(Purpose: To help the public against the threat of chemical attacks)

Mr. CORZINE. Mr. President, in a few minutes, I will send an amendment to the desk on behalf of Senator EDWARDS and me. About a half hour ago, Senator EDWARDS talked about an issue that has been one of the most serious concerns of mine and a whole host of Americans—about the state of our security and the threat to the American people, which they face by the potential of a terrorist attack on our Nation's chemical plants. There are literally thousands of chemical producers, refineries, and similar facilities in the United States where chemicals released by any of these plants could kill or injure tens of thousands—and, frankly, even millions—of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists.

Unfortunately, there are no Federal security standards for chemical facilities—none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. Far too many facilities simply have not stepped up to accept the responsibility. There are a number of private companies that have done everything ever thought to be necessary, but there are many that have been left out and keep vulnerabilities in front of the American people and are basically putting millions of Americans at risk.

I have a chart here that will show where—in red—these facilities are that put more than a million Americans at risk. There happens to be 11 in my State of New Jersey. It is a serious issue. There is one of those in the State of the Presiding Officer. But in a broad cross-section of our country, there are huge numbers of these facilities located in highly populated areas.

According to the EPA there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals.

There are 750 facilities in 39 States where chemical release can expose more than 100,000 people to these chemicals. Those are the States in yellow. There are 3,000 facilities spread across 49 of the 50 States where chemical release could expose more than 10,000 people. Frankly, these are pretty staggering numbers, and I think it represents a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially so horrific that it is hard for me to understand or accept inaction in this area. In fact, I would argue this body has been in sort of psychological denial, I guess, about this problem. If September 11 taught us anything, it taught us that America can no longer avoid thinking about the unthinkable. We have to face up to the Nation's most serious vulnerabilities. We have to focus on them, and we have to confront them head on.

Let me repeat one statistic. There are 123 chemical facilities around the Nation that, if attacked, could threaten over 1 million American lives. This is a big deal in New Jersey. To bring this home in specific terms, there are 11 facilities in my home State, and one petrochemical plant in the middle of downtown Newark and south Carney that exposes nearly 8 million people in the greater New York-New Jersey region—8 million people potentially exposed to toxic fumes if there were a terrorist attack, a criminal attack, or, by the way, even if there was a safety violation bringing about an explosion. We have had a number of those incidents in my State that have taken lives just because of safety considerations, let alone if the plants were under an attack by a terrorist or criminal activity.

These facilities pose a serious threat to public safety because they contain the kind of toxic chemicals that, if released, could cause those injuries I am talking about—chemicals such as chlorine, ammonia, hydrogen fluoride, the types of chemicals that were used to manufacture the bomb in Oklahoma City and the type of chemicals in Bhopal. There are all kinds of these chemicals in our cities, in our States, chemicals that serve very positive and important industrial functions but could instantly be transformed into weapons of mass destruction at the hands of terrorists.

This is not just my opinion. This is not an enviroview. This is not some hyped-up point of view. It has been documented and acknowledged time after time by experts and by the current administration.

Most recently, on March 18, the General Accounting Office issued a new report on the matter. GAO found that chemical facilities may be attractive targets to terrorists because of the extent of harm they could inflict. Yet, as GAO explained, there are no Federal laws requiring chemical plants to assess vulnerabilities and to take action to guard against terrorist attacks.

I am going to submit a summary of the GAO report. For those who need thoughtful and systematic information about the vulnerabilities, about what is not being done, I suggest they read the whole report. I ask unanimous consent to print a brief summary of the GAO report in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOMELAND SECURITY—VOLUNTARY INITIATIVES ARE UNDER WAY AT CHEMICAL FACILITIES BUT THE EXTENT OF SECURITY PREPAREDNESS IS UNKNOWN

WHAT GAO FOUND

Chemical facilities may be attractive targets for terrorists intent on causing economic harm and loss of life. Many facilities exist in populated areas where a chemical release could threaten thousands. EPA reports that 123 chemical facilities located throughout the nation have toxic "worst-case" scenarios where more than a million people in the surrounding area could be at risk of exposure to a cloud of toxic gas if a release occurred. To date, no one has comprehensively assessed the security of chemical facilities.

No federal laws explicitly require that chemical facilities assess vulnerabilities or take security actions to safeguard their facilities from attack. However, a number of federal laws impose safety requirements on facilities that may help mitigate the effects of a terrorist-caused chemical release. EPA believes that the Clean Air Act could be interpreted to provide authority to require chemical facilities to assess their vulnerabilities and to make security enhancements that protect against attacks. However, EPA has not attempted to use these Clean Air Act provisions because of concerns that this interpretation would pose significant litigation risk and has concluded that chemical facility security would be more effectively addressed by passage of specific legislation.

The federal government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks. EPA, the Department of Homeland Security, and the Department of Justice have taken preliminary steps to assist the industry in its preparedness efforts, but no agency monitors or documents the extent to which chemical facilities have implemented security measures. Consequently, federal, state,

> and local entities lack comprehensive information on the vulnerabilities facing the industry.
>
> To its credit, the chemical industry, led by its industry associations, has undertaken a number of voluntary initiatives to address security at facilities. For example, the American Chemistry Council, whose members own or operate 1,000, or about 7 percent, of the facilities subject to Clean Air Act risk management plan provisions, requires its members to conduct vulnerability assessments and implement security improvements. The industry faces a number of challenges in preparing facilities against attacks, including ensuring that all chemical facilities address security concerns. Despite the industry's voluntary efforts, the extent of security preparedness at U.S. chemical facilities is unknown. Finally, both the Secretary of Homeland Security and the Administrator of EPA have stated that voluntary efforts alone are not sufficient to assure the public of industry's preparedness.

Mr. CORZINE. Mr. President, in addition to this GAO assessment, they recommended the Department of Homeland Security and EPA, working together, develop a strategy, including a legislative proposal, to address the threats of attacks on chemical plants. I listed the highlights of their report which has a recommendation that there is a need for legislation in this area. There is a need now to protect the American people against chemical plant risks. The GAO report was released on March 18 of this year.

To continue with the acknowledgment that this is real, only a month earlier, the Department of Homeland Security, when it raised the Nation's alert to code orange, sounded the alarm about the threat facing chemical facilities. In its bulletin it sent out to State and local officials, the Department stated:

> Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption, and terror. Based on information, nuclear powerplants and industrial chemical plants remain viable targets.

That is from the Department of Homeland Security to all State and local officials: "Chemical plants remain viable targets," and we have not done anything. It is time to recognize that there is broad recognition by the administration and by those who study this issue that it is time to act. That was on February 12 of this year.

Let me go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter published in the Washington Post. They stated in that letter:

> The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

They go on to say that while there have been good steps taken by private industry, there are over 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals, and they must be required to take steps that mimic industry leaders in this area.

That letter was from Secretary Ridge and EPA Administrator Whitman last October. I ask, Has the administration proposed such bipartisan legislation? Have they proposed any legislation? Have they issued any regulations to address the threat facing chemical plants? Have they even proposed any such regulations? Have they done anything—anything at all—to meaningfully address the security threats facing chemical plants? I think the fair answer is no to each and every one of those questions.

Periodically, we have seen press reports that the administration may be working on some type of proposal, and I commend that effort. I hope they will. But so far, they have shown no willingness to work on a bipartisan basis. I have sent letter after letter, question after question, made phone call after phone call, trying to enter into a negotiation, not only with the administration, but the other side of the aisle, on this issue.

The bottom line is, a year and a half after the attacks of September 11, there still has not been a serious response with regard to what we are doing here.

In fact, the Nation has known about this problem for a very long time. The Department of Justice issued a report on this matter a year and a half before September 11. Let me read a brief excerpt from a summary of that report which was issued on April 18, 2000:

> We have concluded the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible.

Again, April 18, 2000:

> Terrorists or other criminals are likely to view the potential of chemical release from an industrial facility as a relatively attractive means of achieving these goals.

That report was issued before September 11. Its conclusion has been echoed by other Government agencies and in private studies with regard to vulnerabilities in our infrastructure.

I will not relate them all, but the warnings have been repetitive, from the Hart-Rudman Commission to the Department of Homeland Security on February 12 when they issued their code orange alert.

While some companies may well be doing an outstanding job in securing their facilities, many are not. Simply relying on voluntary standards just is not working, and if we are going to protect America from the threat of terrorist attacks on chemical facilities, we need to do more. That is why in October 2001 I introduced the Chemical Security Act. That is why I worked with Senators on both sides of the aisle to move the legislation through the Environment and Public Works Committee. Ultimately, the committee approved the legislation on a rollcall vote of 19 to 0. Not a single Senator voted no—not a single Senator.

The amendment I am offering today, along with my good friend, the distinguished Senator from North Carolina, Mr. EDWARDS, is based on the legislation that was approved by the committee on a 19-to-0 vote. However, we have made a few changes in good faith to make it more acceptable to industry and to win broader support.

The legislation requires the Department of Homeland Security and EPA to do three things: First, the Department has to identify high-priority chemical facilities, those that potentially put a large number of people at risk.

Second, they must require those high-priority facilities to assess their vulnerabilities to develop and implement plans to improve security and use safer technologies.

Third, these assessments and plans would have to be submitted for review by the Department of Homeland Security. The changes could be required if deficiencies are identified. That is the amendment in a nutshell. It is a simple, commonsense approach that would establish standards and ensure some balance at this time.

Last year, after my legislation was approved unanimously in committee, some in industry expressed concerns. Industry opposition ultimately killed the bill, kept it from even coming up for debate on this floor. Opposition to the bill was largely based on two points, both of which I am going to try to address, with changes from what came out of committee.

First, opponents argued that the responsibility for overseeing chemical security should rest with the Department of Homeland Security rather than the Environmental Protection Agency. I proposed giving the responsibility to EPA for a reason. They have the expertise on chemical plants. They have the expertise on dealing with these highly toxic chemicals. Under the Clean Air Act, they already have a requirement to oversee. They have the expertise. DHS does not.

On the other hand, I recognized from the start that the EPA did not have the expertise to evaluate security arrangements. So we originally asked the Department of Justice back in October of 2001—we have subsequently changed that to the Department of Homeland Security—and now we have put the Department of Homeland Security as the lead agency in charge of what has been requested by those in industry because they wanted security to be the primary element. So we have responded.

Having said that, I also acknowledge that in spite of EPA's expertise, the latter was necessary. So in an effort to broaden support for our proposal, we continue to modify and we reflect others' concerns.

The second concern raised by industrial lobbyists about the bill, again unanimously approved by the EPW Committee, focused on the bill's provision to require businesses to shift to safer technologies, to the extent practical.

I will take a moment to explain why this provision was included and why it is so important. It is not just enough to put barbed wire on high fences around the place when some attacks could come over those walls—planes and other things—which we have begun to understand can happen post-September 11. We know no matter how high we build those walls a committed terrorist can get to those facilities, and it becomes important to make sure the facilities are as safe as they possibly can be without putting companies out of business. To truly protect the public, we need to do more. We need to take steps to build in better inherent technology.

I have seen a great example of that in Washington, DC, as I think Senator EDWARDS mentioned, at the Blue Plains Sewage Treatment Plant. Prior to September 11, they were storing chlorine and sulfur dioxide in car trains just across the river. Both are volatile, dangerous chemicals. If those tanks were attacked, a poisonous cloud could have been over Washington, DC. It would have been one of those places where roughly a million people could have been exposed—certainly hundreds of thousands, including the Capitol and the White House.

Business recognized this was a risk and did something about it. In fact, we should be quite proud of business taking an initiative on a voluntary basis to address this problem. They changed from chlorine to sodium hypochlorite, which is a strong version of bleach but much safer, less volatile. It is going to cost 25 to 50 cents a year for those who drink water in the District, but I think it is a small price to pay to bring about the kind of safety considerations that the public and the community would expect. It sounds like a bargain to me.

To the extent practical, we need to find ways to move away from dangerous and toxic chemicals to other chemicals or other processes that protect and make the processes safer. I understand it is an expensive process. So what I have done in this amendment, as opposed to in the original bill, is I have offered economic incentives and economic support to those companies that transform to safer technologies. For those businesses that need help, I have put $50 million into this bill to make that process better. So we have a second element that really has tried to accommodate some of the concerns that people had in this regard and how onerous it might be.

We have a problem. We have some obvious steps to deal with it and we have tried to get the private sector to move in a direction that will enhance both the security and bring about safer technologies that will protect people.

So that is it. I think it is an extremely important initiative that needs to be taken in the context of the homeland security efforts that are included in this supplemental. I hope people will take this seriously, as Senator EDWARDS, Senator JEFFORDS and others have, as 19 Senators in EPW did when we voted on this after much review and discussion.

I am eager to work with the administration. I am eager to work with those on the other side of the aisle to make sure we have an initiative to protect our chemical plants, which is really about protecting the American people. I hope we can move to this goal. This should be one of the No. 1 steps we have in this process.

I send the amendment to the desk on behalf of myself and Senator EDWARDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, and Mr. EDWARDS, proposes an amendment numbered 462.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORZINE. Again, I urge my colleagues, before we have a chance to vote on this amendment in the coming days, to sit down and look at this in a serious minded way, knowing that we have addressed some of the problems and that we can move forward to have a positive embracing of real steps to protect the American people from exposure we have to chemical plants.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I deeply regret that as manager of the bill I am constrained to make a point of order that the Senator's amendment violates rule XVI and that it is legislation on an appropriations bill. It is a totally new title, and while we do have some clauses that might be legislation, we have not accepted any bills as such. I make a point of order under rule XVI that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair is prepared to rule. The amendment does constitute legislation on an appropriations bill. The point of order is sustained.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent that the amendment be considered in order notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 451, AS MODIFIED

Mr. STEVENS. Mr. President, I am informed there is a modification of the Allard amendment at the desk.

The PRESIDING OFFICER. Yes, there is.

Mr. STEVENS. I ask unanimous consent that the Allard amendment be replaced by the modification—a total substitute.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

The amendment (No. 451), as modified, is as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. STEVENS. I ask that we consider the Allard amendment as pending before the Senate and it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 451), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, on behalf of myself, Senator SNOWE and Senator BENNETT, I am offering an amendment to the FY2003 Supplemental Appropriations bill in order to make available an additional $1 billion in government guaranteed loans to small businesses.

Let me make clear to my colleagues that we are not requesting additional money for the Small Business Administration. This amendment is technical, clarifying a provision enacted as part of the Conference Report to H.J. Res. 2, the FY2003 Omnibus Appropriations Act. It clarifies that Congress intends that the SBA to use a more accurate method—known in the technical terms as an econometric model—to estimate the cost of all small business loans authorized under Section 7(a) of the Small Business Act of FY2003.

Right now the SBA is only using the new method to estimate the cost of "regular" 7(a) loans, treating differently 7(a) loans—known as Supplemental Terrorist Activity Relief (STAR) Loans—made to small business victims of the 9/11 terrorist attacks. This inconsistently affects the overall program by leaving it short on lending dollars at time when demand for loans through the SBA's flagship loan program is up 38 percent. If the SBA will use the new, more accurate method to calculate STAR loans, it will mitigate the shortfall by making available an additional $1.2 billion in loans to small businesses. This amendment clarifies the SBA's authority to do this.

I thank Senator HOLLINGS, GREGG, BYRD and STEVENS for their help on this important issue.•

Mr. STEVENS. I am advised by the majority leader, with the consent of the minority leader, there will be no more votes tonight. We expect a series of votes in the morning, and we urge Senators to let us know if there are any amendments that have been hinted at, to let us know if they intend to raise them tomorrow.

We expect a full day tomorrow, and we hope to finish this bill tomorrow night. I thank all Members for their courtesy and consideration and yield to my friend from Nevada.

Mr. REID. I confirm that the Democratic leader has said he believes it is very important to finish this bill tomorrow. That way, we can conference this and have the bill on the President's desk before we take a break for Easter. As we know, this is wartime and we need to finish this legislation as quickly as we can. We are going to do everything within our power on this side, and I know the Senator from Alaska will do everything on his side, to move this along.

Mr. STEVENS. I thank the Senator from Nevada. He is very cooperative and very much aware of the problems dealing with the floor from his own experience, and I appreciate his help on this bill no end.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULES OF THE COMMITTEE ON APPROPRIATIONS OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 108th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE APPROPRIATIONS COMMITTEE RULES—108TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by

Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER ,

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of Procedure for the Committee on the Judiciary for the 108th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a major vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

MILITARY CONTRIBUTIONS OF THE MARSHALL ISLANDS, MICRONESIA AND PALAU

Mr. AKAKA. Mr. President, I join my colleagues on the Senate Committee on Energy and Natural Resources in clarifying the portrayal of the military contributions of three island nations with which the United States has a unique political relationship referred to as free association: the Republic of the Marshall Islands, RMI, Federated States of Micronesia, FSM, and Palau. Last week an article in The Washington Post entitled "White House Notebook: Many Willing, But Few Are Able" referenced the military contributions of the Freely Associated States, FAS, in a droll and flippant manner. Regrettably, this poorly researched attempt at wit missed its mark. I want to set the record straight.

The Compact of Free Association between the United States and these strategic Pacific island nations serves our national security interests in the Pacific region by providing the U.S. strategic denial in the region. While title I of the Compact of Free Association recognizes that the peoples of the FSM and RMI are self-governing and retain authority over their internal affairs, it mandates consultation with the United States on any defense and security matters. In addition, FAS citizens may volunteer in the U.S. Armed Forces, and FAS citizens who reside in the U.S. under the compact's provisions are subject to our Selective Service laws, and in the event of the return of conscription, could be drafted for military duty.

There are hundreds of FAS citizens currently serving in the U.S. military, including a number of soldiers assigned to the 101st Airborne Division and 3rd Infantry Division, Mechanized, currently deployed to Kuwait and Iraq in support of our military efforts. FAS citizens have served in the U.S. military for decades, and have participated in combat in every major U.S. engagement since the Korean war. Given the small populations of the island nations, almost every citizen has a relative or friend currently serving in the U.S. military, including FSM President Leo Falcam, whose son is a lieutenant colonel in the U.S. Marine Corps.

I have worked with FAS citizens for a number of years. I have visited these islands and have worked with my colleagues to successfully accomplish the goals of the Compact of Free Association. I applaud the patriotism of these soldiers, sailors, airmen, and marines, as well as their families, who are volunteering to defend our great Nation.

DANIEL PATRICK MOYNIHAN

Mr. FEINGOLD. Mr. President, today I pay tribute to one of our Nation's greatest public servants: Daniel Patrick Moynihan. As a professor, as an advisor to four presidents, and through 24 years in the Senate, he lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship.

Senator Moynihan's example reminds all of us of what a Senator was intended to be. He was a leader who not only addressed the needs of his State, but who wrestled with the challenges facing the Nation. Senator Moynihan was a great servant to the people of New York. But the legacy of accomplishments he leaves reaches beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, Senator Moynihan helped us to think through some of the toughest issues before this body, from welfare reform to tax policy. He worked to return secrecy to its limited but necessary role in government, an effort which I applaud, and an effort which we should continue to maintain even in times of national crisis. Especially right now with our Nation at war, I know we all miss Senator Moynihan's keen grasp of international relations, his ability to put world events into a historical context, and his talent to tell us where they will lead us.

Senator Moynihan's lifetime of public service, his wisdom and experience, were a wonderful gift to this body. I know my colleagues join me in my admiration for Senator Moynihan as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It was a distinct honor for me to serve with Senator Moynihan since I came to this body in 1993. My deepest sympathies go out to Liz Moynihan and the rest of Senator Moynihan's family and friends.

I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in September 2000, at Fort Jackson, SC. Ronald Chapman was physically assaulted by other soldiers after a drill sergeant called Chapman a "faggot." He was sleeping in his bed when soldiers entered the room and beat him up with blankets filled with bars of soap. Chapman feared for his safety after the beating, and felt compelled to tell his superior officers that he was gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PASSING OF GOVERNOR TAUESE SUNIA

Mr. AKAKA. Mr. President, it is with great sadness that I rise today to inform my colleagues of the passing of a great leader in the Pacific Islands, Gov. Tauese Pita Fiti Sunia, who died on Wednesday, March 26, 2003, en route to Honolulu from Apia, Samoa. Governor Sunia was a dear friend and Millie and I join the people of Samoa, Hawaii's Samoan community, and Samoans throughout the United States in sending our deepest sympathy and condolences to his wife Fagaoalii Satele Sunia, as well as his family, including his 10 children, and many grandchildren.

Governor Sunia was an educator. He earned a master's degree in educational administration from the University of Hawaii, and spent many years as a teacher, educational television instructor, and administrator. Governor Sunia also served as vice president of the American Samoa Community College and territorial director of Education. One of his top priorities was to make sure that every child in Samoa was computer literate, and he worked hard towards his goal of ensuring that every school in American Samoa had a computer room with Internet access.

I had the pleasure of meeting and visiting with Governor Sunia on a number of occasions during his visits to Washington, DC, and Honolulu, and during my visits to American Samoa. He was an immensely engaging and congenial man, and our official meetings frequently departed from the agenda to discussions of Polynesian history, anthropology, and the Native Hawaiian and Samoan cultures. In 1997, Senator Frank Murkowski, who was chairman of the Energy and Natural Resources Committee, and I visited American Samoa. We met with Governor Sunia and heard about his efforts to bring economic development and opportunities to Samoa. We were able to exchange ideas and assist him at the Federal level to bolster the local economy. Whether the issue was economic development, local agriculture, or educational opportunities for Samoan youth, Governor Sunia worked hard on behalf of the people of American Samoa. He understood the importance of balancing the preservation of culture with maximizing opportunities for American Samoa in today's global economy.

Governor Sunia was well respected not only in American Samoa, but in the Pacific Basin. He was also a man with a strong and abiding faith. He was deacon, vice chairman, and chairman of the Congregational Christian Church in American Samoa, and worked for both the spiritual and temporal well-being of the Samoan people. He cared deeply for all Pacific islanders, and we will all truly miss him. Well done, good and faithful servant.

NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, as we celebrate National Women's History Month during this time of war, I rise to pay tribute to the extraordinary women, past and present, who have served this country selflessly and courageously in the armed services.

Over 20 years ago, my distinguished colleagues, Senator BARBARA MIKULSKI and Senator ORRIN HATCH, cosponsored legislation that first established the National Women's History Week. I salute my colleagues for their leadership in establishing this now month-long celebration of women and their many contributions.

This year's theme for National Women's History Month is "Women Pioneering the Future." As we anxiously await a safe and swift end to the war in Iraq, it seems appropriate to honor and remember the pioneering women of the armed services. Today it is common, and perhaps unremarkable, to see women serving in a variety of capacities in the Persian Gulf. As a result, it is easy to forget that at one time the women who served this country in every major military conflict were unwanted and ill-treated.

During the Revolutionary War, women were prohibited from enlisting in the Continental Army, but that did not stop many women from following their husbands to war where they served as cooks and nurses. One brave woman, Margaret Corbin, took over her fallen husband's cannon at the Battle of Fort Washington. During the battle she was wounded and taken prisoner by the British. On July 6, 1779, Mrs. Corbin became the first woman to be awarded a Federal pension for being wounded in battle.

During the American Civil War, hundreds of women disguised themselves as men in order to serve in the Union and Confederate Armies. Many women were never discovered and most were not discovered until they were wounded or found dead on the battlefield. One woman enlisted in the 95th Illinois Infantry as Albert Cashier. Under the guise of a 19-year-old Irish immigrant, she served for 4 years, participating in almost 40 battles.

Following the Spanish American War, where more than 1,500 women were contracted to serve as nurses, the Army Nurse Corps of 1901 and the Navy Nurse Corp of 1908 were created, making women official members of the military for the first time. Twenty contract nurses died in service during the Spanish-American War and over 400 nurses died in the line of duty during World War I.

In addition to serving as nurses, during World War I, women were enlisted in the Navy and the Marine Corps to serve as stenographers and typists. In addition to these 12,185 female Yeomen, 230 women were hired by the Army to serve in France as bilingual telephone operators. These "Hello Girls" routed messages between headquarters and the front lines. Despite the great service of the women of World War I, Congress soon took action to close the loopholes that had allowed women to serve in the military.

Decades later, in order to meet the huge demands of World War II, all four services of the military formed women's components which were to last "for the duration of the emergency and six months." Four hundred thirty two military women were killed in that war and 88 became prisoners of war. Sixty-six Army nurses endured an incredible 33 months at the Santo Tomas prison camp in the Philippines.

Finally, in 1948, women achieved permanent status in the Army, Navy, Air Force, and Marine Corps, when President Truman signed the Women's Armed Services Integration Act of 1948. Unfortunately, that act restricted the number of women who could enlist and the award of promotions. Despite these restrictions, many thousands of women have served in a variety of capacities during the major military conflicts in Korea, Vietnam, and the Persian Gulf.

In fact, according to the Department of the Navy, the deployment of women in the Persian Gulf was "highly successful." More than 37,000 women served as administrators, air traffic controllers, logisticians, engineer equipment mechanics, ammunition technicians, ordinance specialists, communicators, radio operators, drivers, law enforcement specialists, and guards during Desert Shield/Desert Storm. Tragically, during that conflict, 5 women were killed in action, 21 were wounded in action, 2 were taken as prisoners of war, and 4 Marine women received the Combat Action Ribbon.

Today, women make up about 15 percent of the military and nearly 85 percent of all positions and occupations in the military are available to active-duty women. The progress that has been made in opening military service to the women of the United States is no doubt a reflection of the incredible service records of the pioneering women soldiers who have served this country since the Revolutionary War.

One such pioneering woman is National Women's History Month Honoree, BG Wilma L. Vaught. General Vaught grew up in rural Scotland, IL, and attended the University of Illinois. After college and some time spent in the corporate world, she joined the Air Force, in part, because of the opportunity it offered for managerial advancement.

While serving in the Air Force, General Vaught achieved several "firsts": first female Air Force officer to attend the Industrial College of the Armed Forces, first woman to command a unit that received the Joint Meritorious Unit Award, first woman promoted to Brigadier General in the comptroller career field, and the first and only woman to serve as president of the board of directors of the Pentagon Federal Credit Union. In addition, General Vaught is one of the most highly decorated women in history. It was my honor to meet General Vaught several years ago and feature her on my monthly cable television show.

This March, as the Nation prays for the safe return of our soldiers in Iraq, let us remember the incredible contributions that women like BG Wilma Vaught have made in service of our country.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF SAM H. JONES

• Mr. BAYH. Mr. President, it is with great sadness that I rise today to honor the life of my friend, Sam H. Jones, who passed away on March 26, 2003 after 3-year battle with leukemia. Sam was a pioneer of civil rights who dedicated his life to building a community of equality where people of all races, religions, and backgrounds could have a stake in the American dream. He was a soft-spoken man yet he had a commanding presence that gave him the power to bring people of diverse backgrounds together in order to achieve great things.

While serving as the president of the Indianapolis Urban League for the past 36 years, Sam Jones worked to build bridges across tumultuous waters of racism, helping to ensure economic prosperity, equal opportunity in education, and improved police relations for African Americans and other minorities in the Indianapolis area. Sam championed issues ranging from suicide prevention to economic development. He was never afraid to explore new policy areas or to take an unpopular or unorthodox approach to solving problems. For these reasons, he was one of the most respected leaders in our community.

Born in Heidelberg, MS in 1929, Sam saw segregation in its most brutal form at a young age, which profoundly impacted him. He did not hold grudges. Instead, he took action to effect positive change, working with those whom he opposed, not against. Sam was known for his ability to calm opposing sides in difficult situations in order to reach compromise. This attitude helped him to build many strong partnerships and lifelong friendships.

In 1966 Sam Jones cofounded the Indianapolis Urban League and served as its president and CEO until last December. He built the organization in Indianapolis from the ground up, starting his work in a small motel room, and 36 years later, opening a $3 million Indiana Avenue headquarters. The new building bears his name, and rightly so; Sam was the heart and soul of the Indianapolis Urban League and was widely considered the dean of all 112 chapters of the national organization.

Sam Jones was a truly unique leader and humanitarian whose shoes will be difficult, if not impossible, to fill. For this reason, the sense of loss to all those who knew him in the city of Indianapolis, the State of Indiana, and the Nation, is tremendous. He will be greatly missed by his family and close friends, to whom he was extremely dedicated. He is survived by his wife, Prethenia, and their children, Marya Overby, Sam H. Jones, Jr., and the Rev. Michael Jones.

It is my sad duty to enter the name of Sam H. Jones into the CONGRESSIONAL RECORD. As Martin Luther King, Jr. once said: "The hope of a secure and livable world lies with disciplined nonconformists who are dedicated to justice, peace and brotherhood." The world has been left a better place because Sam Jones lived his life based on that principle.•

HONORING LEXISNEXIS

• Mr. VOINOVICH. Mr. President, today I am pleased to offer special recognition to a great Ohio company, LexisNexis, on the auspicious occasion of the Thirtieth Anniversary of online legal research.

Thirty years ago today in a Dayton, OH office building, a team of employees and consultants developed the world's first full-text commercial search engine to use for legal research. LexisNexis thus launched the first online legal research system, an innovation that revolutionized the way legal and business professionals, government officials, and academics conduct online legal and business research.

This special milestone offers a unique opportunity to reflect on the company's tradition of innovation and to look with optimism to the future. Today, LexisNexis is a global leader in legal, news and business information services, a distinction supported by product lines that date back more than a century.

With more than 3,000 employees in Ohio and over 13,000 employees worldwide, LexisNexis has enhanced the quality of life within the communities where it employees live and work, and it is truly deserving of high praise. I am certain that as this worthy enterprise maintains its commitment to deliver superior services and solutions to its customers, it will continue to grow and prosper and will follow in the tradition of innovation which has long been the hallmark of the company.

Thus, with sincere pleasure, I congratulate LexisNexis on this Thirtieth Anniversary and extend best wishes for the future.•

LEXISNEXIS 30TH ANNIVERSARY

• Mr. DEWINE. Mr. President, I rise today to recognize LexisNexis, an Ohio company celebrating a very important milestone. LexisNexis, the first commercial, full-text legal information service, is celebrating its 30th anniversary today. This company, headquartered in Dayton, provides a service that has become an indispensable information resource to a wide range of professionals, not only in many of our congressional offices, but also in the legal, business, and academic arenas.

In an era when many professionals frequented the library looking for the necessary documents, LexisNexis introduced desktop terminals that allowed subscribers to call up a variety of documents from their desks, making LexisNexis the preferred search engine of countless professionals. Today, the LexisNexis continues to revolutionize legal research by providing its over 1.6 million subscribers with up-to-date information covering a variety of topics, from worldwide newspapers and magazines to tax and accounting information and legislative records. Currently, there are an astounding 2 billion documents available in the LexisNexis database, with 6.8 million documents added each week, providing its subscribers with a wealth of knowledge.

I commend LexisNexis on the success it has achieved over the past 30 years and wish the company, and all of its

13,000 employees worldwide, continued success in delivering high-quality, invaluable resources and information.•

HONORING THE UNITED PARCEL SERVICE

• Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize the United Parcel Service, UPS. Recently, the Women's Business Enterprise National Council named UPS an "Elite Eight" member.

Each year the Women's Business Enterprise National Council selects and recognizes the efforts of eight companies that actively seek business contacts with companies owned and operated by women. For the second consecutive year, UPS is the recipient of this distinguished industry award.

One element specifically praised by the council was UPS's Supplier Diversity Program. This exceptional program was formally launched in 1992 as a way of promoting business opportunities through UPS contracts to companies either owned by minorities or women. Contracts with the 25,000 businesses included in this program vary from legal services and advertising to computers and uniforms.

Late last year, UPS completed a $1 billion expansion of the UPS Worldport facility at the Louisville International Airport located in Louisville, KY. I am pleased that more than 40 Supplier Diversity Program participating businesses were involved in the completion of this project.

Since the creation of the company in 1972, UPS has received multiple recognitions for its commitment to community development and improvement. These numerous awards and distinctions are well deserved, and UPS should be commended for this commitment.•

THE CELEBRATION OF THE 125TH ANNIVERSARY OF THE UNIVERSITY OF DETROIT JESUIT HIGH SCHOOL AND ACADEMY

• Mr. LEVIN. Mr. President, today it is my great pleasure to congratulate the University of Detroit Jesuit High School and Academy for 125 years of excellence in education. On April 4, 2003, faculty, students, and members of the community will gather to commemorate not only U of D Jesuit's achievements in education, but also its commitment to the community of Detroit.

For 125 years, the University of Detroit Jesuit High School and Academy has provided expanding educational opportunities to a wide array of students across the Detroit metropolitan area. Since its founding in 1877, U of D Jesuit has continually increased its academic offerings to students. The school added an academy serving seventh and eighth grade students in 1973 and is now known as one of Michigan's premier private college preparatory schools.

In 1977, U of D Jesuit made the critical decision to remain in Detroit. Despite pressure from teachers and alumni to move the school out of the city, the Jesuits in Rome urged the school to remain in Detroit to continue pursuing their mission of justice in education. Since then, U of D Jesuit has strived to offer its students a rich multicultural environment while also providing a challenging and meaningful educational experience. The diversity that now exists within the school is both an incredible asset and an essential component of its character.

Today, U of D Jesuit offers its students excellent educational opportunities while teaching them the importance of diversity and commitment to their community. The student body at U of D Jesuit draws from nearly 70 different communities in the Detroit metropolitan area. Students come from a variety of religious and cultural backgrounds, yet they all share the common goal of improving their school and community. The University of Detroit Jesuit High School and Academy truly demonstrates an unwavering commitment to shaping young men into "Men for Others."

I am pleased to join with my colleagues in the Senate in offering my deepest congratulations to the University of Detroit Jesuit High School and Academy as they celebrate 125 years of commitment to the Detroit area and excellence in education. I wish them continued success in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committee.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 289. An act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

H.R. 622. An act to provide for exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

H.R. 758. An act to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institution at Federal reserve banks, and for other purposes.

H.R. 762. An act to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

H.R. 1412. An act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation national emergency.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

The message further announced that the House disagree to the amendment of the Senate to the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference: Mr. NUSSLE; Mr. SHAYS; and Mr. SPRATT.

MEASURES REFERRED

The following concurrent resolutions, previously received from the House of Representatives for concurrence, were referred as indicated:

H. Con. Res. 104. Concurrent resolution expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom; to the Committee on Armed Services.

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities; to the Committee on Foreign Relations.

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 289. An act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 622. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 758. An act to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 762. An act to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; to the Committee on Energy and Natural Resources.

H.R. 1412. An act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency, to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1790. A communication from the Assistant Secretary, Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule entitled "Alternate Locking Devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines (1219–AA98)" received on March 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1791. A communication from the Assistant Secretary, Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule entitled "Criteria and Procedures for Proposed Assessment of Civil Penalties (1219–AB32)" received on March 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1792. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Administration's Annual Energy Review 2001, received on March 20, 2003; to the Committee on Energy and Natural Resources.

EC–1793. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a several documents that the Environmental Protection Agency (EPA) recently issued related to EPA regulatory programs, received on March 24, 2003; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

*Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

*Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

*Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

*Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

*Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

*Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. HATCH, Mr. STEVENS, Mr. INOUYE, Mr. DOMENICI, Mr. LEAHY, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. HOLLINGS, and Mr. LEVIN):

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself, Mr. LEAHY, and Mr. HATCH):

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself and Mr. LUGAR):

S. 765. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. MILLER):

S. 766. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. SMITH (for himself, Mr. BAYH, Mr. CHAMBLISS, Mr. MILLER, and Mr. WARNER):

S. 767. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. STEVENS):

S. 768. A bill to provide for reform of the Senior Executive Service, adjustment in the rates of pay of certain positions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN , Mr. MCCONNELL, and Mr. SCHUMER):

S. 769. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 770. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 771. A bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. 772. A bill to provide that the apportionment of funds to airports for fiscal year 2004 shall be based on passenger boardings during calendar years 2000 and 2001; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DEWINE, Mr. BIDEN, Mr. SHELBY, and Mrs. LINCOLN):

S. 773. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 103. A resolution to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Daniel K. Akaka, et al.; considered and agreed to.

By Mr. GRAHAM of South Carolina (for himself, Mr. INHOFE, Mr. SANTORUM, Mr. BUNNING, Mr. NICKLES, Mr. CRAIG, and Mr. CRAPO):

S. Con. Res. 32. A concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 7, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes.

S. 13

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 224, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 251

At the request of Mr. LOTT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 271

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 310

At the request of Mr. THOMAS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 471

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 471, a bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes.

S. 498

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 498, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 504

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 504, a bill to establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 665

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fisherman, and for other purposes.

S. 722

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 724

At the request of Mr. ENZI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 749

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 749, a bill to authorize the Secretary of the Interior to establish the Votes for Women History Trail in the State of New York.

S. 760

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month," and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. HATCH, Mr. STEVENS, Mr. INOUYE, Mr. DOMENICI, Mr. LEAHY, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. HOLLINGS, and Mr. LEVIN):

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"; to the Committee on Finance.

Mr. LUGAR. Mr. President, today I am introducing legislation to name the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, IN, as the "Birch Bayh Federal Building and United States Courthouse."

I am pleased to introduce this measure today to honor my colleague from Indiana, Senator Bayh. I am joined by my colleagues Mr. BYRD, Mr. DOMENICI, Mr. HATCH, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. SARBANES, and Mr. STEVENS, who served in the Senate with Senator Bayh during his tenure 1963–1981.

Birch Evan Bayh was born in Terre Haute in 1928. He attended the public schools; served in the United States Army 1946–1948; graduated Purdue University School of Agriculture at Lafayette in 1951; and attended Indiana State University, 1952–1953. Bayh graduated from the Indiana University School of Law in 1960; and was admitted to the Indiana bar in 1961.

He worked as a lawyer and farmer in Terre Haute, and served as a representative to the Indiana General Assembly from 1954 to 1962. In the Assembly, he rose to become minority leader in 1957 and 1961 and Speaker of the House in 1959. Senator Bayh was first elected to the U.S. Senate in 1962; reelected in 1968 and 1974; and served from January 3, 1963, to January 3, 1981.

I am pleased to introduce this companion legislation in the Senate at the request of Representative CARSON who introduced a bill in the House of Representatives. I hope this measure will be approved by the Congress.

By Mr. CAMPBELL (for himself, Mr. LEAHY, and Mr. HATCH):

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2003, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. This bill represents another in a series of law enforcement initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Chairman of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH.

Two years ago, Congress passed, and the President signed into law, the Bulletproof Vest Partnership Grant Act of 2000 (P.L. 106–517), and before that in 1998, P.L. 105–181, which we were privileged to introduce. Since its inception in 1999, this highly successful Department of Justice grant program has provided law enforcement officers in 16,000 jurisdictions with nearly 500,000 vests.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. Each year, on average, more than 60 law enforcement officers are killed by gunfire in the line of duty. The felonious use of guns and the increased use of larger caliber handguns and assault rifles has created an even greater risk for law enforcement officers and an increasing need for higher threat level, better quality, and more comfortable vests that can be worn in a variety of circumstances. The use of body armor to provide protection against the use of deadly force and assaults as well as its demonstrated value in protecting officers involved in vehicle accidents, provides compelling reasons for officers to be equipped with and to wear body armor.

In 2002, 149 Federal, State and local law enforcement officers gave their lives in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 230 officers were killed. A number of factors contributed to this reduction including the availability of better equipment and the increased use of bullet-resistant vests.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines, protecting our communities. Currently, more than 850,000 men and women who serve this nation as our guardians of law and order do so at a great personal risk. Every year, about 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. There are few communities in this country that have not been impacted by the words "officer down."

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 2,700 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own, especially in America's smaller communities. The Bulletproof Vest Partnership Grant Act of 2003 would continue the partnership with State and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by continuing to authorize up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program provides 50–50 matching grants to State and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate can help, and I urge our colleagues to support prompt passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2004" and inserting "2007".

By Mr. NELSON of Florida (for himself and Mr. MILLER):

S. 766. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans Affairs.

Mr. NELSON of Florida. Mr. President, it is a central element of our national character to pay solemn tribute to the service of those who have worn the uniform of our Armed Forces and placed themselves in harm's way to defend our freedom and way of life. We raise monuments to the deeds of our great wartime leaders as well as the countless, often nameless heroes of those battles fought throughout our history. We also set aside special days to remember the sacrifice of generations of Americans who have stepped forward in America's defense.

This Nation also sets aside special places, hallowed ground, where we lay to rest those who have served us in our hour of greatest need. Our National Cemetery system is not only hallowed ground, National Cemeteries are monuments to military service, the places where we go on those special days to pay tribute to the sacrifice of so many in our history. National Cemeteries remind us of where we have been as a Nation, and inspires future generations to uphold the legacy of our veterans' devotion and sacrifice.

Today I offer legislation to establish a National Cemetery near Jacksonville, Florida to meet the needs of thousands of veterans who have chosen to live out their lives in Northeast

Florida and Southeast Georgia. Florida's veteran population is the second largest in the Nation. Right now in Northern Florida and Southern Georgia, there are nearly half-a-million veterans. Florida has the Nation's oldest veteran population and one of the largest remaining populations of World War II veterans. We are all aware that this greatest of generations is passing away at higher and higher rates.

Unfortunately for these hundreds of thousands of veterans in Florida and Georgia, the nearest National Cemetery is located in Bushnell, FL, which is a three-hour drive from Jacksonville. The National Cemetery in St. Augustine is full and closed. The nearest National Cemetery in Georgia is in Marietta just north of Atlanta.

Our veterans have defended our country in her days of peril, and certainly deserve to rest in honored respect in a National Cemetery. To meet our obligations to the veterans of Northeast Florida and Southeast Georgia, we must act now, in order to have this facility established by 2006 when our World War II veterans' deaths are expected to reach their peak.

I am proud to sponsor this important bill, and look forward to the support of my colleagues as we provide for our veterans who have given so much for our country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Jacksonville, Florida, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Florida and local officials of the Jacksonville metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment of the national cemetery and an estimate of the costs associated with such establishment of the national cemetery.

By Mr. SMITH (for himself, Mr. BAYH, Mr. CHAMBLISS, Mr. MILLER, and Mr. WARNER):

S. 767. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of myself and my friend and colleague Senator BAYH of Indian, I rise today to introduce legislation that will repeal a ten year old tax increase on our senior citizens. We are joined by Sens. CHAMBLISS, MILLER, and WARNER. This tax increase was passed in 1993 and has been an onerous and unjust tax on the Social Security benefits of America's seniors.

I am pleased to have the support of the following organizations for this important legislation: United Seniors Association, National Taxpayers Union, The Seniors Coalition, Americans for Tax Reform, The 60 Plus Association.

Mr. President, I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED SENIORS ASSOCIATION,
Fairfax, VA, March 13, 2003.

Hon. EVAN BAYH,
Senate Russell Building,
Washington, DC.
Hon. GORDON SMITH,
Senate Russell Building,
Washington, DC.

DEAR SENATORS: On behalf of United Seniors Association's 1.5 million-plus nationwide grassroots network, we enthusiastically support your legislation, the Social Security Tax Equity Act of 2003.

For over a decade, United Seniors Association has led the charge to eliminate all taxes on Social Security benefits. Your legislation will substantially lift financial burdens from millions of Seniors and I commend you for your leadership.

Before 1984, no one paid federal income taxes on their Social Security benefits. President Clinton signed the Omnibus Budget Reconciliation Act of 1993, which raised to 85 percent the amount of Social Security benefits subject to income taxes. Each year since 1993, more and more Seniors have been hit by this Seniors-only tax. Proponents of the tax hike maintained that it would only affect "rich Seniors." However, that was not true. The tax has hit Seniors with moderate incomes most heavily.

The taxation of benefits is confusing, unfair, and makes middle class Seniors pay higher marginal tax rates than many millionaires. Every year, more Seniors feel the tax pinch because the income thresholds are not indexed for inflation. Over 9 million Seniors now pay this unfair cax. This tax is not only bad policy, but it is a disincentive for continuing a productive work-life after age 65.

Again, we applaud both of you for your efforts. United Seniors Association stands ready to help you pass this important piece of legislation not only for Seniors, but for their children, and their grandchildren.

Sincerely,

CHARLES W. JARVIS,
Chairman and Chief Executive.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 12, 2003.

Hon. GORDON SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH AND BAYH: On behalf of our 335,000 members, the National Taxpayers Union (NTU) strongly supports, in addition to the urgently needed tax relief contained in the President's plan (S. 2 by Senators Nickles and Miller), your proposed legislation to repeal the 1993 imposed upon Social Security recipients. While NTU would prefer the repeal of all taxes on Social Security benefits, we are pleased to endorse your proposal as a good first step.

As you know, prior to 1993, seniors paid taxes on half of their Social Security benefits if their combined income exceeded certain levels. In 1993 the taxable portion of Social Security benefits was increased to 85% for individuals with income exceeding $34,000 and couples with incomes exceeding $44,000. This punishing level of taxation applies to almost a fourth of all Social Security recipients. It penalizes seniors who choose to save their money or keep working. For many seniors, just as in the case of dividend income, this taxation is clearly double taxation.

Again, in addition to the critical need for the Senate to pass the "Jobs and Growth Act of 2003," we would urge your Senate colleagues to pass your repeal of the 1993 tax on Social Security benefits as an important first step on the road to total repeal of all such taxes on Social Security income for retirees.

Sincerely,

AL CORS, Jr.,
Vice President, Government Affairs.

THE SENIORS COALITION,
Springfield, VA, March 18, 2002.

Hon. GORDON H. SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. EVAN BAYH
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH & BAYH: On behalf of our four million senior members and supporters nationwide, I commend you for introducing the Social Security benefits that unfairly targets seniors and results in a disincentive for them to work, invest and save. We likewise applaud you for your commitment to a more equitable and nondiscriminatory tax system for older Americans.

As you know, Congress passed a law in 1983 that required Social Security beneficiaries to pay taxes on 50 percent of their benefits when they exceeded certain income levels. In 1993, Congress increased the threshold to 85 percent of Social Security benefits for single retirees with income above $34,000 and for couples with income over $44,000. Since Social Security taxes are only 50 percent deductible (the employer's share), and seniors have already paid taxes on their payroll tax contribution, they are currently taxed twice when they pay taxes on more than 50 percent of benefits.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, however, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burdens it imposes at certain levels of earned and investment income.

While this double tax on Social Security clearly targets seniors, our entire society bears an incalculable economic penalty as an experienced and knowledgeable senior workforce opts to sit on the sidelines rather than work and invest for substandard returns. In the midst of this current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

Your bill would put an end to the unfair and discriminatory practice of double taxation of seniors' Social Security benefits and encourage senior Americans to continue contributing to the nation's growth. We therefore strongly support the "Social Security Tax Equity Act of 2003" and are ready to assist you in securing its passage.

Sincerely,

MARY M. MARTIN,
Executive Director.

AMERICANS FOR TAX REFORM,
Washington, DC, March 12, 2003.

Hon. GORDON SMITH,
Russell Senate Building,
Washington, DC.

DEAR CONGRESSMAN SMITH: On behalf of Americans for Tax Reform (ATR), I want to thank you for introducing the Social Security Tax Equity Act of 2003. ATR pledges full support for this critically important legislation.

As you know, the 1993 Clinton tax increase levied on Social Security was on attack on senior citizens and workers. Worker payroll contributions finance Social Security benefits. Yet the benefits that senior citizens receive are again taxed—a second time—if these citizens have incomes above a threshold amount. This is an unjust form of double taxation and it must be eliminated.

Before the 1993 tax increase, single retirees with incomes above $25,000 and $32,000 for couples paid taxes on half of Social Security benefits. The 1993 increase, however, raised the threshold income for single retirees to $34,000 and $44,000 for couples. The increase also imposed levies on 85 percent of Social Security benefits—a 35 percent increase on benefits. Roughly a quarter of Social Security recipients now pay higher taxes.

ATR is encouraged by your bold leadership to roll back this unfair form of double taxation. Repealing the 1993 tax increase will yield economic benefits that will grow our economy and reward productive behavior. We applaud your effort to fight for working men and women and especially for our elderly citizens.

Sincerely,

GROVER NORQUIST.

THE 60 PLUS ASSOCIATION,
Arlington, VA, March 25, 2003.

Hon. GORDON H. SMITH,
Hon. EVAN BAYH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH AND BAYH: On behalf of the 60 Plus Association, I want you both to know you have our complete support for legislation you soon plan to introduce, the Social Security Tax Equity Act of 2003.

Increased taxes for Social Security benefits are a crystal clear example of government greed at the expense of America's seniors. Social Security benefits are already financed by worker payroll tax contributions—but to tax senior citizens a second time on their Social Security benefits should they elect to continue working only burdens retired Americans unfairly.

The 60 Plus Association stands foursquare with any group or individual dedicated to maintaining and strengthening Social Security. This vital program ought not be the catalyst for exacting tax revenues on hard-earned retirement benefits.

Working allows seniors to earn income that in turn boosts economic growth. Tax penalties on these additional retirement incomes discourage seniors from continuing to lead active, productive lives according to their ability and choosing. That's wrong and needs to be remedied.

Senior, the 60 Plus Association is with you in eliminating this double taxation of Social Security benefits.

Kind regards,

JAMES L. MARTIN,
President.

Senior citizens pay Federal taxes on a portion of their Social Security benefits if they receive additional income from savings or from work. As ludicrous as it seems, our seniors who have worked hard their lives, and planned and saved for their retirement are being taxed a second time, when they need their income the most.

One of the most unfair tax increases occurred in the 1993 tax bill. Before 1993, seniors paid taxes on half their Social Security benefits if their combined income—which includes adjusted gross income and one-half of their Social Security benefits—exceeded $25,000 for individuals or $32,000 for couples. In 1993 this tax was increased—individuals with incomes above $34,000 and couples with income above $44,000 now had a portion of their Social Security benefits taxes at 85 percent.

I strongly believe that this increase in the taxable portion of Social Security benefits violated the contract seniors had with the United States government. This tax increase was unfair and it provided a disincentive to our seniors who chose to save or chose to work. This single provision increased taxes for almost one-quarter of Social Security recipients.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burden it imposes at certain levels of earned income.

This tax hits middle income seniors, kicking in as soon as that senior crosses the $34,000 mark.

While this double tax clearly targets seniors, our entire society carries the economic burden as an experienced and knowledgeable senior workforce chooses to sit on the sidelines rather than work and invest for substandard returns. In the middle of the current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

I have been a cosponsor of various bills in the past few Congresses to repeal this unfair tax. As a member of the Senate Finance Committee, I am pleased to announce the introduction of the Social Security Tax Equity Act of 2003.

I believe that we must do everything possible to turn back this 10 year old tax increase and return some small measure of equity and fair play to those senior citizens affected by that tax. I urge you all to join me and my fellow senators by becoming cosponsors of this legislation, and roll back this unfair form of double taxation on our senior citizens and encourage them to continue contributing to the Nation's growth. Those who have helped build this great country through their lifetimes deserve our support now.

I ask unanimous consent that the text of the Social Security Tax Equity Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.

(a) REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Paragraph (2) of section 86(a) of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

"This paragraph shall not apply to any taxable year beginning after December 31, 2002."

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

(b) REVENUE OFFSET.—The Secretary of the Treasury shall transfer, for each fiscal year, from the general fund in the Treasury to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount equal to the decrease in revenues to the Treasury for such fiscal year by reason of the amendment made by this section.

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. MCCONNELL, and Mr. SCHUMER):

S. 769. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, today I am joined by Senators ALEXANDER, LIEBERMAN, MCCONNELL and SCHUMER in introducing the Private Security Officer Employment Authorization Act of 2003, a bill that would provide private security firms an opportunity to have national criminal history information searches undertaken to determine whether or not employees or applicants for employment pose a threat to the facilities and persons they are supposed to protect. There would be no expense to the government and the searches would require the consent of the employee or applicant for employment.

Large numbers of critical non-governmental facilities from power plants to schools to hospitals are protected by private security firms and their civilian security officers. Keeping these facilities secure from terrorism or other forms of violent attack is critical to our national security. Yet currently most private security employers cannot request timely national criminal background check information on the very people they need to hire to protect these key facilities. This legislation seeks to correct that. This bill would authorize private security firms to request Federal background checks on current or prospective employees through the appropriate state agencies, thereby permitting relevant criminal history information to be considered in the licensing and employment of private security officers.

The Criminal Justice Information Services Division of the FBI maintains complete criminal history records for both Federal and State crimes on individuals with criminal records in the United States. Searches are most effectively conducted using fingerprints to ensure efficiency and accuracy. We have already passed legislation specifically permitting other industries—for instance, the banking, nursing home, and child care industries—to check their prospective employees against the FBI's comprehensive records. Many of the reasons that supported passage of those laws, particularly the desire to ensure that those who provide certain important services have a background commensurate with their responsibilities, support passage of this bill as well.

This legislation will enhance our Nation's security. As an adjunct to our Nation's law enforcement officers, private security guards are responsible for the protection of numerous critical components of our Nation's infrastructure, including power generation facilities, hazardous materials manufacturing facilities, water supply and delivery facilities, oil and gas refineries, and food processing plants. The approximately 13,000 private security companies in the United States employ about 1.5 million persons nationwide. Given the critical nature of the facilities private security officers are hired to protect, it is imperative that we provide sufficient access to information that might disclose who is unsuitable for protecting these resources.

Currently we do not. Relying upon a Federal bill passed in the early 1970's, 37 states and the District of Columbia have passed legislation authorizing State agencies to request both State and Federal criminal history record searches. Despite this authorization, security firms report that searches of both State and Federal databases for private security officers are the exception rather than the rule. That is because only 20 States plus the District of Columbia regularly access the Federal database for private security officers, and only two—California and Illinois—do so in a way that ensures a timely response. In many jurisdictions with authorizing statutes, reviews of the Federal database are conducted sporadically, if at all. Indeed, in approximately 17 of the 37 States with authorizing statutes, typically only State databases are searched for private security officers. An additional 13 States have not even passed legislation authorizing any form of Federal criminal background check. What that means is that in approximately 30 States neither the State agencies nor the private security employers typically have any access to any Federal criminal database information. In these 30 States, an employment applicant in one State could have a serious criminal conviction in another State and still be permitted to perform sensitive security work. The state reviewing the applicant would have no idea a conviction in another State existed without access to the Federal database.

Further, even in those few States that actually conduct Federal records searches, the Federal searches conducted on new employees often take 90 to 120 days, if not longer. While checks are pending, security guards frequently are provided temporary licenses. This 90 to 120 day period is more than enough time for a guard with a temporary license to perpetrate dangerous acts. In light of our urgent need to strengthen the security of our homeland, this lack of timely access to criminal history information is unacceptable. An article that appeared earlier this year in USA Today entitled "Private Security Guards Are Homeland's Weak Link" got it right when it said, "more often than not, private security guards who protect millions of lives and billions of dollars in real estate offer a false sense of security." We need to act in order to make it easier for States and employers to gain timely access to this crucial criminal history information.

This bill strikes the appropriate balance between the interests of all parties involved.

First, the bill permits private security employers to request a prompt search of the FBI criminal history database for prospective or existing employees. Requests must be made by the employers through their state's identification bureau or similar state agency designated by the Attorney General. Employers will not be granted direct access to the FBI records. Instead, states will serve as intermediaries between employers and the FBI to: 1. ensure that employment suitability determinations are made pursuant to applicable State law; 2. prevent disclosure of the raw FBI criminal history information to the employers and the public; and 3. minimize the FBI's administrative burden of having to respond to background check requests from countless different sources. The program will not cost the Federal Government anything. The legislation allows the FBI, and states if they so choose, to charge reasonable fees to security firms to recover their costs of carrying out this act.

Second, the bill protects employee and prospective employee privacy. Before an FBI background check can be conducted, the employee or applicant for employment must grant an employer written consent to request the FBI database search. In addition, the criminal history reports received by the States will not be disseminated to employers. Instead, in States that have standards regulating private security guard employment, designated State agencies will simply be required to use the information provided by the FBI in applying their State standards. For those States that have no standards, the States will be instructed to inform requesting employers whether or not employees or applicants have been convicted of either: 1. a felony; 2. a violent misdemeanor within the past ten years; or 3. a crime of dishonesty within the past ten years. Thus, in these situations, only the fact that a particular conviction exists or not will be provided by States to employers, and the privacy of the records themselves will be maintained. All information provided to employers pursuant to this act must be provided to the employees or prospective employees. Furthermore, the bill establishes strong criminal penalties for those who might falsely certify they are authorized security firms or otherwise use information obtained pursuant to this act beyond the act's intended purposes.

Third, the bill protects States' interests. The bill does not impose an unfunded mandate on the states. It reserves the right of States to charge reasonable fees to employers for their costs in administering this act. Moreover, if a State wishes to opt out of this statutory regime, it may do so at any time.

This legislation is long overdue. It strikes the right balance between the need for States and employers to gain access to this critical information and the privacy rights of current and prospective security guards. We have worked with the FBI to expedite the administrative process, and it will cost the Federal Government nothing. There is no undue burden being placed on our States. Most importantly, passage of this act will plug a hole in our homeland defense. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Security Officer Employment Authorization Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

SEC. 3. DEFINITIONS.

In this Act:

(1) Employee.—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) Authorized employer.—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) Private security officer.— The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) Security services.—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) State identification bureau.—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

SEC. 4. CRIMINAL HISTORY RECORD INFORMATION SEARCH.

(a) In General.—

(1) Submission of fingerprints.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(2) Employee rights.—

(A) Permission.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(B) Access.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(3) Providing information to the State identification bureau.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(A) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(4) Use of information.—

(A) In general.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in subparagraph (B).

(B) Terms.—In the case of—

(i) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(ii) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(5) Frequency of requests.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(b) Regulations.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(1) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(2) standards for qualification as an authorized employer; and

(3) the imposition of reasonable fees necessary for conducting the background checks.

(c) Criminal Penalty.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(d) User Fees.—

(1) In general.—The Director of the Federal Bureau of Investigation may—

(A) collect fees pursuant to regulations promulgated under subsection (b) to process background checks provided for by this Act; and

(B) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(2) Limitations.—Any fee collected under this subsection—

(A) shall be credited as offsetting collections to finance the activities and services for which the fee is imposed;

(B) shall be available for expenditure only to pay the costs of such activities and services; and

(C) shall remain available until expended.

(3) State costs.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(e) State Opt Out.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

By Mr. FEINGOLD (for himself, Mr. Kennedy, and Ms. Landrieu):

S. 770. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year, the Senate will consider the first reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current federal welfare program, the Temporary Assistance for Needy Families, TANF, program.

I supported the legislation that created TANF because I believed that the welfare system was failing recipients and their families and that we needed to do better. Now, seven years later, the welfare rolls are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged state-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis.

I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Louisiana, Ms. LANDRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require states to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under state TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the states. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by a broad array of more than 40 organizations, including the Leadership Conference on Civil Rights, the NAACP, the AFL-CIO, the American Association of University Women, the American Bar Association, the American Civil Liberties Union, the Center for Community Change, Hmong National Development, Inc., the National Association of Social Workers, the National Campaign for Jobs and Income Support, the National Council of Churches, the National Council of La Raza, the National Organization for Women, the National Partnership for Women and Families, the National Urban League, Nine to Five, and the Welfare Law Center.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Fair Treatment and Due Process Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

Sec. 101. Provision of interpretation and translation services.
Sec. 102. Assisting families with limited English proficiency.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

Sec. 201. Sanctions and due process protections.

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

Sec. 301. Data collection and reporting requirements.
Sec. 302. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 303. Longitudinal studies of TANF applicants and recipients.
Sec. 304. Protection of individual privacy.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

(c) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

"(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

"(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

"(E) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

"(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

"(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

"(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

"(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

"(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

"(16) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

"(13) SANCTION PROCEDURES.—

"(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

"(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

"(I) The specific reason for the proposed sanction.

"(II) The amount of the proposed sanction.

"(III) The length of time during which the proposed sanction would be in effect.

"(IV) The steps required to come into compliance or to show good cause for noncompliance.

"(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

"(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

"(ii)(I) Ensure that, subject to clause (iii)—

"(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

"(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

"(II) An individual to which this subclause applies may—

"(aa) modify the determination to impose a sanction;

"(bb) determine that there was good cause for the individual or family's failure to comply;

"(cc) recommend modifications to the individual's individual responsibility or employment plan; and

"(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

"(iii) The review required under clause (ii) shall include consideration of the following:

"(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

"(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

"(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

"(IV) Whether the individual or family has good cause for any noncompliance.

"(V) Whether the State's sanction policies have been applied properly.

"(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

"(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual's or family's native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

"(ii) resume the individual's or family's full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

"(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

"(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting ", and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program" before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

"(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, and to train program personnel to respect such rights.—A State to which a grant is made under section 403 shall—

"(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

"(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

"(ii) to all such recipients on a semiannual basis; and

"(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

"(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.".

(2) Penalty.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

"(18) Penalty for failure to provide notice to applicants and recipients of rights and of potential program benefits and services, and to train program personnel to respect such rights.—

"(A) In general.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "(except for information relating to activities carried out under section 403(a)(5))" and inserting ", and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible";

(B) by striking clause (v) and inserting the following:

"(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.";

(C) in clause (vii), by striking "and educational level" and inserting ", educational level, and primary language";

(D) in clause (viii), by striking "and educational level" and inserting ", educational level, and primary language"; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting ", including, to the extent such information is available, information on the specific type of job, or education or training program" before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

"(B) Information regarding applicants.—

"(i) In general.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

"(ii) Requirement.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.".

SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) Case Closure Reasons.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

"(C) Development of comprehensive list of case closure reasons.—

"(i) In general.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

"(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

"(II) The medical or health problems of a recipient.

"(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

"(IV) Changes in eligibility status.

"(V) Other administrative reasons.

"(ii) Other requirements.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

"(iii) Public comment.—The Secretary shall promulgate for public comment regulations that—

"(I) list the case closure reasons developed under clause (i);

"(II) require States, not later than October 1, 2004, to use such reasons in accordance with subparagraph (A)(xvi); and

"(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

"(iv) Review and modification.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.".

(b) Inclusion in Quarterly State Reports.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking "or" at the end;

(B) in subclause (V), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.";

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

"(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.".

SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) In General.—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

"(d) Longitudinal Studies of Applicants and Recipients To Determine the Factors That Contribute to Positive Employment and Family Outcomes.—

"(1) In general.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a Statewide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(2) Requirements.—The studies conducted under this subsection shall—

"(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

"(B) collect information on—

"(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

"(ii) family income (including earnings, unemployment compensation, and child support);

"(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

"(iv) the reasons for leaving or returning to needs-based assistance programs;

"(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

"(vi) sanction status (including reasons for sanction);

"(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

"(viii) recipient views regarding program participation; and

"(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

"(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

"(4) REPORTS.—

"(A) INTERIM REPORTS.—Not later than October 1, 2006, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

"(B) SUBSEQUENT REPORTS.—Not later than October 1, 2008, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.".

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "(including types of sanctions or other grant reductions)" after "financial characteristics"; and

(ii) by inserting ", disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed" before the semicolon;

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.".

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

"(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.".

SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

"(c) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2003.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FEINGOLD and Senator LANDRIEU in introducing the Fair Treatment and Due Process Protection Act of 2003, which will benefit low-income families across the Nation by providing inportant civil rights protections to welfare recipients.

Many families who apply for welfare benefits do not speak English or have limited English proficiency. Yet when they arrive at the welfare office, there is no interpreter or translator to assist them. Too often, eligible families leave the welfare office not enrolled in the program and without access to needed benefits and services. Even those who succeed in enrolling often leave the welfare office without understanding the rules for participation, and are later penalized and lose benefits.

In virtually all of these cases, families want to play by the rules, but barriers such as limited English language skills prevent them from doing so. By helping to eliminate the language barriers, we can help them to play by the rules.

Under the Food Stamp program, States are already required to evaluate applicants' English language skills and provide translation and interpreter services when necessary. Our bill will extend this same requirement to the welfare program to ensure that families who need benefits actually get them and can understand how to comply with the program.

States would also be required to advise adults on the programs available in their community to help them learn English. For individuals who elect to participate in an English language program, states would be able to count these activities toward the federal work requirements.

Clearly, families must be able to play by the rules, but the rules must be fair, especially when children are at risk. Today, however, when States impose penalties, they often penalize the entire family. Even money to support the children in these families is suspended. Our bill provides important protections against unnecessary penalties.

States would be required to inform families of the specific reasons for imposing a penalty and what the families can do to avoid it. States would also be prohibited from continuing a penalty after the family has come into compliance. It is unfair to penalize families for noncompliance because they did not understand the rules. The children in these families deserve to be cared for.

An additional provision in this bill encourages States to collect data on welfare outcomes, including why families leave welfare and how they fare over the long term. It also encourages States to collect data by race, ethnic background, and primary language, so that disparities in access, use, or well-being become known and can be addressed by changes in policy and programs. The knowledge obtained from these data will help to ensure that welfare policies help more people in better ways.

Protecting families from discrimination because of their native language, safeguarding them from unnecessary and harmful penalties, and understanding how policies affect families are important parts of genuine and fair welfare reform. The Fair Treatment and Due Process Protection Act of 2003 will help many more families to obtain the support they so desperately need, and I urge my colleagues to approve these important protections.

By Mr. BIDEN.

S. 771. A bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce a bill that I believe will bring renewed focus to the battle against child abuse and the services we provide child victims of crimes. Today, I am introducing the Victims of Child Abuse Act of 2003, which reauthorizes the Children's Advocacy Centers. These centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. Operating in all 50 States, Children's Advocacy Centers served over 116,000 child victims last year. Of these victims, 26,934 received onsite medical exams, 27,684 received counseling and 69,443 went through a forensic interview process specially designed for children. Seventy-six percent of the children they serviced were under the age of 12.

In 1994, this body passed a piece of legislation that I authored and had been advocating for a number of years, the Violence Against Women Act. When we passed this landmark legislation, what we said as a Congress, and were saying as a Nation as a whole, was that domestic violence is not a family problem to be dealt with quietly behind the scenes, but a national crisis in need of a coordinated response from law enforcement, courts and the medical community. Backed by a nearly $1½ billion commitment of Federal funds, the Violence Against Women Act spurred a sea change on the Federal, State and local levels in how police, prosecutors, judges, medical personnel and others, process and handle cases of domestic abuse. The Violence Against Women Act made it clear that victims of domestic violence were, in fact, victims: Victims in need of the full extent of this nation's medical and legal resources. The bill I am introducing today is designed to bring this same type of concentrated focus, general awareness, and coordinated response to victims of child abuse, the most heinous and incomprehensible form of violence against the most vulnerable and innocent people in our lives.

In 1987 Congressman BUD CRAMER, then District Attorney of Madison, County, AL, founded the Nation's first Children's Advocacy Center. As stated earlier, these centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, coordinated services to child victims of crimes. Congress responded several years later. As Chairman of the Judiciary Committee, I sponsored, along with Senator THURMOND, the Crime Control Act of 1990, P.L. 101-647, which created the Court Appointed Special Advocates, (CASA), program, to provide for the appointment of advocates on behalf of abused and neglected children. Two years later, Congress created the Children's Advocacy Centers as part of the 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 102-586. The 1992 legislation amended the Victims of Child Abuse Act to include Child Advocacy Centers with a fiscal year 1993 total authorization level of $20 million and such sums as necessary for fiscal years 1994 through 1996. In particular, Senator NICKLES and Representative CRAMER were instrumental in championing the Children's Advocacy Centers. The Child Abuse Prevention and Treatment Act of 1996, P.L. 104-235, reauthorized the Children's Advocacy Centers through fiscal year 2000 but made no substantive changes to the program, nor did it provide specific authorization levels.

The Children's Advocacy Centers were a logical complement to the CASA program I authored in 1990, by bringing together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. The centers provide immediate attention to the young victims of sexual and physical abuse, so that they are not "twice abused," first by the perpetrator and second by a system which used to shuttle them from a medical clinic to a counseling center to the police station to the D.A.'s office.

Communities with Children's Advocacy Centers report increased successful prosecution of perpetrators, more consistent follow-up to child abuse reports, increased medical and mental health referrals for victims, and more compassionate support for child victims and their families. Widely cited as an efficient, cost-effective mechanism of handling child abuse cases, these centers are widely supported by police, prosecutors and the courts. In a May 1998 publication titled, New Directions from the Field, the Department of Justice included Children's Advocacy Centers as their number one recommendation for improving services to children who directly experience or witness violence in their homes, neighborhoods and schools—number one.

Today in my state of Delaware, there are two operational Children's Advocacy Centers. One is located in Wilmington and one is located in Milford. A third center is scheduled to open in Dover. These centers provide a safe, comfortable setting in which cross-trained professionals interview alleged victims and begin initial investigation and evidence collection. Like other centers they offer on-site physical exams by specially trained pediatricians, prosecutors on hand to make immediate contact with victims and families, referrals to mental health services and most importantly, one-time minimally intrusive taped interviews of child victims. This last service, one-time minimally intrusive taped interviews, is particularly important. Let me read to you from a letter I received from John Humphrey, a retired police officer who now acts as executive director of the Delaware Children's Advocacy Centers, to demonstrate why:

> I am a retired New Castle County Police Lieutenant that for 12 of my 21 years investigated child abuse and child death cases. One of the most important pieces of the entire case is the interview of the child victim. . . . Often times I saw children subjected to at least 3-4 interviews by 3 or 4 different interviewers, all with varying levels of interviewing expertise. The end result is three or four versions of events . . . answers vary because of the manner in which questions are asked and the skills of the interviewer. . . . Defense attorneys use that alone to poke holes in a child's story. . . . Children's Advocacy Centers bring all of the involved parties to the table at the same time to work as a team. . . . We use forensic interviewers specially trained in interviewing children. . . . This results in video taped interviews of such quality that most defense attorneys are asking for pleas to escape trial. We are getting good pleas with good sentences. Most importantly, this process minimizes the trauma a child victim and witness must endure by doing one interview of such quality that the child may be spared from walking into a courtroom full of strangers to tell what happened. I would have given anything as a police detective to have a children's advocacy center. It expedites the process, minimizes the problems associated with duplicative and unnecessary interviews, opens the lines of combination between agencies, and provides the best professional assessment of a case.

Last year Children's Advocacy Centers in Delaware handled 1,000 cases where child victims as young as 3 alleged physical or sexual abuse. Mr. Humphrey estimates that the centers eliminated 2,500 unnecessary interviews by using the multidisciplinary approach.

The child abuse and crime statistics in this country are outrageous. Nationally, 3.9 million of the nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted and one in three girls and one in five boys are sexually abused before the age of 18. We have to do more to protect our children, by reauthorizing Children's Advocacy Centers we can.

I want to believe that we are doing everything we can to prevent crimes against children and, if God forbid they do occur, that we are doing everything we can to treat the victims. This piece of legislation would do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Child Abuse Act of 2003".

SEC. 2. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE ACT OF 1990.

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 211 (42 U.S.C. 13001) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively; and

(B) inserting after paragraph (5) the following:

"(6)(A) the National Children's Alliance (NCA) is a nationwide not-for-profit membership organization whose members are local Children's Advocacy Centers;

"(B) the NCA's mission is to assist communities seeking to improve their response to child abuse by supporting the development, growth, and continuation of Children's Advocacy Centers (CACs); and

"(C) the NCA provides training, technical assistance, and networking opportunities to CACs nationally;

"(7)(A) CACs are community partnerships committed to a multidisciplinary team approach by professionals pursuing the truth in child abuse investigations; and

"(B) CACs are based in child-friendly facilities that enable law enforcement, prosecutors, child protective services, and the medical and mental health communities to work as a team to investigate, prosecute, and treat child abuse;

"(8)(A) working in partnership with the National Children's Alliance, Regional Children's Advocacy Centers were established by the Office of Juvenile Justice and Delinquency Prevention to provide outreach and assistance to communities seeking to develop a Children's Advocacy Center; and

"(B) Regional Children's Advocacy Centers provide information, consultation, training, and technical assistance helping to establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. Regional Children's

Advocacy Centers also provide regional services to help Children's Advocacy Centers already in existence;";

(2) in section 212 (42 U.S.C. 13001a)—

(A) by striking paragraphs (3) and (6);

(B) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) redesignating paragraphs (7), (8), and (9) as paragraphs (5), (6), and (7), respectively;

(3) in section 213 (42 U.S.C. 13001b)—

(A) by striking the caption for the section and inserting "**CHILDREN'S ADVOCACY CENTERS**"; and

(B) in subsection (a), by striking beginning with "the Administrator" through paragraph (1) and inserting the following: "The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall establish Regional Children's Advocacy Centers to—

"(1) focus attention on child victims by assisting communities to develop and maintain local Children's Advocacy Centers which are child-focused community-oriented facility based programs designed to improve the resources available to children and families affected by child abuse and neglect;";

(C) in subsection (b)(1), by striking ", in coordination with the Director,";

(D) in subsection (c)—

(i) in paragraph (1), by striking the text and inserting "The Administrator, in consultation with the National Children's Alliance, shall solicit proposals for assistance under this section when existing contracts with Regional Children's Advocacy Centers are close to expiration."; and

(ii) in paragraph (4)(B), by striking the matter before clause (i) and inserting the following: "The Administrator shall select proposals for funding that—";

(E) in subsection (d)—

(i) in paragraph (1), by striking ", in coordination with the Director,"; and

(ii) in paragraph (2), by striking "and the Director"; and

(F) by striking subsection (e);

(4) in section 214 (42 U.S.C. 13002)—

(A) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The Administrator, in consultation with the officials from the Office of Victims of Crime, shall make grants to develop and implement local multidisciplinary child abuse investigations and prosecution programs. The National Children's Alliance shall serve as the subgrantor of these funds."; and

(B) in subsection (b)(1), by striking ", in coordination with the Director,"; and

(5) in section 214B (42 U.S.C. 13004), by amending the text to read as follows:

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 through 2008.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 through 2008.".

By Mr. LEAHY (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DEWINE, Mr. BIDEN, Mr. SHELBY, and Mrs. LINCOLN):

S. 773. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the "Protecting Our Children Comes First Act of 2003," which will double funding for the National Center for Missing and Exploited Children, NCMEC, reauthorize the Center through fiscal year 2007, and increase Federal support to help NCMEC programs to find missing children across the Nation.

I am pleased that Senators HATCH, KENNEDY, DEWINE, BIDEN, SHELBY and LINCOLN join me as the original cosponsors of this bipartisan legislation. Today, Senators DEWINE, LINCOLN and SHELBY launched the new Senate Caucus on Missing, Exploited and Runaway Children. I am honored to join the Caucus co-chairs as a founding member of the Caucus, and thank them for their leadership in this area.

It pains us all to see on TV, in the newspapers or milk cartons photo after photo of missing children from every corner of the Nation. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 and 90 percent of missing person reports. These families deserve the assistance of the American people and helping hand of the Congress.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The Center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's (DOJ) Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children.

The Center's professionals have disturbingly busy jobs—they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 70,000 children, and raised its recovery rate from 60 percent in the 1980s to 94 percent today. The Center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the U.S. in the search for missing children and the quest for child protection.

NCMEC is headquartered in Alexandria, Virginia and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with a $10 million annual DOJ grant, which expires after fiscal year 2003. We must act now both to extend its authorization and increase the Center's funding to $20 million each year through fiscal year 2007 so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the bipartisan legislation we introduce today will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our children Comes First Act also increases Federal support for NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigating assistance to the NCMEC, as well as any State or local law enforcement agency, in any investigation involving missing or exploited children.

The bill also amends of the Missing Children's assistance Act to coordinate the operation of the Center's CyberTipline to provide all online users an effective means of reporting Internet-related child sexual exploitation, including the distribution of child pornography, online enticement of children for sexual acts, and child prostitution. Since its creation in 1998, the CyberTipline has fielded almost 100,000 reports, which has allowed Internet users to quickly and easily report suspicious activities linked to the Internet.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and House. Efforts to protect our children do not deserve to be used as pawns by groups who play politics by attaching it to more controversial measures. I applaud the ongoing work of the Center and hope both the Senate and the House will promptly pass this bill to provide more Federal supply for the NCMEC to continue to find missing children and protect exploited children across the country.

I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Children Comes First Act of 2003".

SEC. 2. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(f) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency or the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.".

SEC. 3. CREATION OF CYBER TIPLINE.

Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(H) coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of—

"(i) distribution of child pornography;

"(ii) online enticement of children for sexual acts; and

"(iii) child prostitution.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking "fiscal years 2000 through 2003" and inserting "fiscal years 2004 through 2007.".

(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking "$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003" and inserting "$20,000,000 for each of the fiscal years 2004 through 2007".

Mr. HATCH. Mr. President, the National Center for Missing and Exploited Children is a critical component of our Nation's battle against child pornography and child exploitation. It is absolutely dedicated to eradicating these evils, and its members work tirelessly towards this end. The Center deserves more than just kind words for these heroic efforts; Federal funding is necessary for it to continue this good work. Indeed, Congress has tasked the Center with many missions, including maintaining the cyber-tipline that receives reports of on-line child pornography, which the Center forwards to appropriate law enforcement officials. In this, as well as many other areas, the Center forms a valuable partnership with both Federal and State law enforcement officials and prosecutors in redressing a host of crimes against children.

The Center's cause is just and its history of performance is excellent. I am pleased to be the lead cosponsor of legislation that will continue to authorize funding for the National Center for Missing and Exploited Children for the next four years. Senator LEAHY and I introduced this legislation in the 107th Congress, and our bipartisan effort continues in this new Congress. Our bill again authorizes funding at $20 million per year—twice the previous authorization—in recognition of the severity of the problem and the increased duties the Center has taken on.

As the Chairman of the Judiciary Committee, I am confident that this bill will become law very soon. I hope all of my colleagues will join Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 103—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JOHN JENKEL V. DANIEL K. AKAKA, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03-0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

SENATE CONCURRENT RESOLUTION 32—EXPRESSING THE SENSE OF CONGRESS REGARDING THE PROTECTION OF RELIGIOUS SITES AND THE FREEDOM OF ACCESS AND WORSHIP

Mr. GRAHAM of South Carolina (for himself, Mr. SANTORUM, Mr. BUNNING, Mr. NICKLES, Mr. CRAIG, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 32

Whereas throughout time various groups have felt special attachment to places that they considered sacred and holy, and the sacred texts of the great historical religions include accounts of specific places where individuals or groups experienced significant encounters with God;

Whereas holy places create a memory of these encounters with the divine and are a part of the character of every religious tradition;

Whereas holy places are as much a common feature of the religious traditions of humanity as are sacred time, ceremonies, and prayer;

Whereas one of the results of the identification of locations as sacred is that these places can become the focus for the tensions between the members of different religious communities;

Whereas a place that is considered holy by one group can come to be claimed by adherents of another tradition, and as a result holy places can become the source of conflict as much as of spiritual expression;

Whereas when religious communities tragically fall into estrangement or antagonism, the holy places of each community often become the target of violence or vengeance instead of veneration and reverence, and people act out their contempt and anger through occupation, desecration, and destruction;

Whereas the location of many holy sites of the three main monotheistic religions are located in the State of Israel and in the Palestinian territory;

Whereas this region is especially important to the followers of Judaism, Islam, and Christianity, and many visitors from around the world travel to these sites for personal and religious inspiration;

Whereas under British control the Palestine Mandate of 1922 contained a number of provisions ensuring freedom of religion and conscience and protection of holy places, as well as prohibiting discrimination on religious grounds;

Whereas the Palestine Order in Council of that same year provided that "all persons . . . shall enjoy full liberty of conscience and free exercise of their forms of worship, subject only to the maintenance of public order and morals" and "no ordinance shall be promulgated which shall restrict complete freedom of conscience and the free exercise of all forms of worship.";

Whereas these provisions of the Mandate and the Palestine Orders in Councils have been recognized in the Israeli legal system and are instructive of Israeli policy in safeguarding freedom of conscience and religion;

Whereas the Israeli Declaration of Independence of 1948 is another legal source that guarantees freedom of religion and conscience, and equality of social and political rights irrespective of religion;

Whereas this document states "the State of Israel . . . will be based on freedom, justice, and peace as envisaged by the Prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture.";

Whereas this document expresses Israel's vision and its credo, and adherence to these principles is guaranteed by law;

Whereas each religious community within Israel is free to exercise its faith, observe its own holy days and weekly day of rest, and administer its own internal affairs;

Whereas the Israeli Protection of Holy Places Law of 1967 states that freedom of access and worship is ensured at all places of worship and religious significance;

Whereas this law states "the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of members of the various religions to the places sacred to them, or their feelings with regard to those places.";

Whereas Israel has worked to abolish discriminatory laws and adopt standards of safeguarding access to holy sites;

Whereas in the past fifty-five years Israel has striven to assure the safety of all religions;

Whereas the holy sites in Israel and Palestinian regions should be protected from desecration and any other violation;

Whereas two years ago, in Nablus, the Tomb of Joseph was ransacked and set on fire on live television, and in retaliation a group twice attempted to burn a mosque in the center of Tiberias;

Whereas these actions were followed by attempts to destroy an ancient Jewish synagogue in Jericho;

Whereas last spring, during the Easter season, heavy unrest in the West Bank resulted in a stalemate between Israeli soldiers and over 100 Palestinian fighters in the Church of the Nativity in Bethlehem; and

Whereas this deadlock lasted over a month and prevented anyone from visiting this church of great historical and religious importance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) holy sites around the world, particularly in the Israeli and Palestinian region, should be protected from desecration and any other violation;

(2) the freedom of access of members of the various religions to the holy sites sacred to them should not be hindered;

(3) to assure the safety of American citizens, the holy sites currently under the sovereignty of the State of Israel should remain under Israeli protection, and that all holy sites in the region remain open to visitors of all faiths;

(4) the Department of State should continue to warn and protect Americans overseas at holy sites and regions of historical and religious significance; and

(5) we should condemn all violence directed against holy sites.

SEC. 2. DEFINITION OF HOLY SITE.

As used in this resolution, "holy site" means a historic location specifically set apart for religious purposes.

AMENDMENTS SUBMITTED & PROPOSED

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

SA 436. Mr. STEVENS (for himself, Mr. Inouye, Mr. Durbin, Mr. Warner, Mr. Chambliss, Ms. Mikulski, Mrs. Dole, Mr. Daschle, Mr. Corzine, Mr. Levin, Mrs. Boxer, and Mrs. Clinton) proposed an amendment to the bill S. 762, supra.

SA 437. Mr. DURBIN (for himself and Mr. Levin) proposed an amendment to amendment SA 436 proposed by Mr. Stevens (for himself, Mr. Inouye, Mr. Durbin, Mr. Warner, Mr. Chambliss, Ms. Mikulski, Mrs. Dole, Mr. Daschle, Mr. Corzine, Mr. Levin, Mrs. Boxer, and Mrs. Clinton) to the bill S. 762, supra.

SA 438. Mrs. CLINTON (for herself and Mr. Leahy) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 439. Mrs. FEINSTEIN (for herself, Ms. Mikulski, Mr. Dodd, and Mr. Dayton) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 440. Mr. REID (for himself, Mrs. Clinton, Mr. Schumer, Mr. Lieberman, and Ms. Stabenow) proposed an amendment to the bill S. 762, supra.

SA 441. Mr. LEAHY (for himself, Mr. Craig, Mr. Kerry, Mr. Schumer, Ms. Mikulski, Mr. Bingaman, Mrs. Lincoln, Mr. Harkin, Mr. Pryor, Mr. Sarbanes, Mrs. Murray, Mr. Warner, Mr. Grassley, Mr. Feingold, Mr. Jeffords, Mr. Crapo, Ms. Cantwell, Mr. Kennedy, Mr. Kohl, Mrs. Feinstein, Mr. Wyden, Mr. Allen, Mr. Baucus, Mr. Corzine, Mr. Lautenberg, Mr. Johnson, Mr. Reid, Mrs. Clinton, Mr. Campbell, Mr. Lieberman, Mr. Dayton, Mr. Coleman, Ms. Snowe, Mr. Chafee, Mr. Reed, Mr. Allard, Mr. Burns, Mr. Dorgan, Mr. Lugar, Mr. Durbin, Mr. Nelson of Nebraska, Mr. Roberts, Ms. Landrieu, Mr. Levin, and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 445. Mr. HOLLINGS (for himself, Ms. Stabenow, Mrs. Boxer, Mr. Schumer, Mr. Graham of Florida, Mr. Kerry, and Mr. Breaux) proposed an amendment to the bill S. 762, supra.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 448. Mr. KERRY (for himself, Ms. Snowe, and Mr. Bennett) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 449. Mrs. FEINSTEIN (for herself, Mr. Bingaman, and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 451. Mr. ALLARD (for himself, Mr. Warner, Mr. Pryor, Mr. McCain, Mr. Graham of Florida, Mr. Graham of South Carolina, Mrs. Dole, Mr. Chambliss, Mr. Nelson of Florida, Mr. Corzine, Mr. Cornyn, Mrs. Clinton, Ms. Collins, Mr. Lieberman, and Mr. Dodd) proposed an amendment to the bill S. 762, supra.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, supra.

SA 453. Mr. ALLEN (for himself, Mr. Harkin, and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 455. Mr. KOHL (for himself, Mr. Leahy, Mr. Byrd, Mr. Biden, Mrs. Murray, Mr. Harkin, and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 456. Mr. McCAIN proposed an amendment to the bill S. 762, supra.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 458. Mr. WYDEN (for himself and Mr. Smith) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 459. Mr. GRAHAM of Florida (for himself, Mr. Kerry, Ms. Mikulski, Mrs. Murray, Mr. Dorgan, Mr. Dayton, Mr. Daschle, Mr. Johnson, Ms. Landrieu, Mr. Lautenberg, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 462. Mr. CORZINE (for himself and Mr. Edwards) proposed an amendment to the bill S. 762, supra.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 466. Mr. SMITH (for himself and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 467. Mr. KYL (for himself and Mr. Campbell) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 468. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 469. Mr. FRIST (for Ms. Collins (for herself, Mr. Carper, and Mr. Lieberman)) proposed an amendment to the bill S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

SA 470. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

SA 436. Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 3 of title I add the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

SA 437. Mr. DURBIN (for himself and Mr. LEVIN) proposed an amendment to amendment SA 436 proposed by Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$250".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

SA 438. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following:

SEC. . REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the terms of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 439. Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. DODD, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 10, insert the following:

ADDITIONAL AMOUNTS

SEC. . For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 197, $200,000,000, to remain available until expended. *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.

SEC. . For an additional amount, not otherwise provided for, to carry out activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (including administrative costs), $200,000,000, to remain available until expended. *Provided*, That this amount shall be for the COPS Interoperable Communications Technology Program to provide grants to improve public safety communications and interoperability.

SA 440. Mr. REID (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Operations and Maintenance, General

For an additional amount for homeland security expenses, for "Operations and Maintenance, General", $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support safeguard and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses necessary to safeguard nuclear weapons and nuclear material $70,000,000 to remain available until expended: *Provided*, That $30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least $15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for emergency expenses necessary to safeguard fissile nuclear material, $300,000,000, to remain available until expended: *Provided*, That $135,000,000 of the funds provided shall be available for the development of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That $40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further*, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification program, including $2,500,000 for the Caucasus Seismic Network: *Provided further*, That $12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further*, That $10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further*, That $5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further*, That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further*, That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for "Defense Facility Closure Projects" for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $18,000,000, to remain available until expended, for increased safeguard and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after notification to the Congress of the proposed transfers.

SA 441. Mr. LEAHY (for himself, Mr. CRAIG, Mr. KERRY, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mr. PRYOR, Mr. SARBANES, Mrs. MURRAY, Mr. WARNER, Mr. GRASSLEY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. CRAPO, Ms. CANTWELL, Mr. KENNEDY, Mr. KOHL, Mrs. FEINSTEIN, Mr. WYDEN, Mr. ALLEN, Mr. BAUCUS, Mr. CORZINE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REID, Mrs. CLINTON, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. CHAFEE, Mr. REED, Mr. ALLARD, Mr. BURNS, Mr. DORGAN, Mr. LUGAR, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ROBERTS, Ms. LANDRIEU, Mr. LEVIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the "." insert the following:

On page 46, line 13, strike "$106,060,000" and insert "$117,060,000".

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. . (a) None of the funds appropriated or otherwise made available by this Act for purposes of reconstruction in Iraq may be obligated or expended to pay any person who is a citizen of a country named in subsection (b), any person that is organized under the laws of such a country, any person that is affiliated with a person organized under the laws of such a country, or any person that is owned by a person organized under the laws of such a country.

(b) Subsection (a) applies with respect to France and Germany.

(c) Subsection (a) does not apply to an individual employed by the United Nations or any other international organization, or by a nongovernmental organization operated on a not-for-profit basis, with respect to the performance of the duties of the individual's position of employment with the United Nations, such other international organization, or such nongovernmental organization.

(d) Subsection (a) does not apply to a person who is a citizen of the United States or that is organized under the laws of the United States.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the law enforcement technology program under the heading "Community Oriented Policing Services" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, $5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

SA 445. Mr. HOLLINGS (for himself, Ms. STABENOW, Mrs. BOXER, Mr. SCHUMER, Mr. GRAHAM of Florida, Mr. KERRY, and Mr. BREAUX) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place insert the following:

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $93,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less than $36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", $57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $160,000,000, to remain available until December 31, 2003, of which not less than $110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for "Salaries and Expenses", $680,000,000, to remain available until December 31, 2003, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure systems of transportation such as Operation Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the "." insert the following:

On page 46, line 13, strike "$106,060,000" and insert "$117,060,000".

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . The Secretary of the Army, acting through the Chief of Engineers, shall use previously provided funds to expeditiously complete dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 448. Mr. KERRY (for himself, Ms. SNOWE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill:

SEC.   . Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), is amended by inserting before the period at the end: "and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108–8,' after 'until expended,' ".

SA 449. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 6, insert the following:

ADDITIONAL AMOUNTS

SEC.   . For an additional amount for the Department of Justice $315,000,000 shall be made available for the State Criminal Alien Assistance Program (SCAAP) to restore funding for fiscal year 2003 to the fiscal year 2002 level of $565,000,000.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13 strike the period and add the following ": *Provided further*, That of the funds appropriated under this heading $4.3 million shall be made available to the Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for Iraqi Reconstruction: *Provided further*, That such sums are in addition to funds otherwise made available to the Office of the Inspector General."

SA 451. Mr. ALLARD (for himself, Mr. WARNER, Mr. PRYOR, Mr. MCCAIN, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DODD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) Pay of Members.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) Travel Expenses.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, under the heading "PROCUREMENT", insert after the matter relating to "Procurement, Defense-Wide" the following:

National Guard and Reserve Equipment

For an additional amount for "National Guard and Reserve Equipment", $1,047,000,000.

SA 453. Mr. ALLEN (for himself, Mr. Harkin, and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. .

"28 U.S.C. Section 1605 is amended by adding, at the end, a new subsection "(h)" that reads:

'(h) Any United States citizen, and their immediate family at the time, shall have a claim for money damages against a foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering) caused by the foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking. This subsection abrogates any other provision of law and any international agreement that purports to bar, preclude, terminate, extinguish, or suspend the claim. This subsection is retroactive to November 1, 1979.'"

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

SA 455. Mr. KOHL (for himself, Mr. Leahy, Mr. Byrd, Mr. Biden, Mrs. Murray, Mr. Harkin, and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 7, insert the following:

"PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, $600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act. *Provided*, That of this amount, $155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003. *Provided further*, That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.".

SA 456. Mr. McCAIN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 42, strike lines 16 through 22.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 13, strike "$106,060,00" and insert "$117,060,000". On page 47, line 5, before "." insert the following ": *Provided further*, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network".

SA 458. Mr. WYDEN. (for himself and Mr. Smith) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 15, insert before "Section" the following:

"In addition to amounts otherwise available for water and related resources, not to exceed $3,000,000, the Secretary of Interior shall make available reimbursement for operation and maintenance costs to eligible producers in the Klamath Basin, pursuant to Public Law 107–349, the Klamath Basin Emergency Operation and Maintenance Refund Act of 2002;"

SA 459. Mr. GRAHAM of Florida (for himself, Mr. Kerry, Ms. Mikulski, Mr. Murray, Mr. Dorgan, Mr. Dayton, Mr. Daschle, Mr. Johnson, Ms. Landrieu, Mr. Lautenberg, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $375,000,000; *Provided*, That such amount shall remain available until expended.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF ENERGY SAVINGS PERFORMANCE CONTRACTING AUTHORITY.

Section 801 (c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "October 1, 2003" and inserting "December 31, 2004."

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7)) is amended by adding at the end the following:

"(3) GRANTS.—

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).".

SA 462. Mr. CORZINE (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE —CHEMICAL SECURITY

SEC. 01. SHORT TITLE.

This title may be cited as the "Chemical Security Act of 2003".

SEC. 02. FINDINGS.

Congress finds that—

(1) the chemical industry is a crucial part of the critical infrastructure of the United States—

(A) in its own right; and

(B) because that industry supplies resources essential to the functioning of other critical infrastructures;

(2) the possibility of terrorist and criminal attacks on chemical sources (such as industrial facilities) poses a serious threat to public health, safety, and welfare, critical infrastructure, national security, and the environment;

(3) the possibility of theft of dangerous chemicals from chemical sources for use in terrorist attacks poses a further threat to public health, safety, and welfare, critical infrastructure, national security, and the environment; and

(4) there are significant opportunities to prevent theft from, and criminal attack on, chemical sources and reduce the harm that such acts would produce by—

(A)(i) reducing usage and storage of chemicals by changing production methods and processes; and

(ii) employing inherently safer technologies in the manufacture, transport, and use of chemicals;

(B) enhancing secondary containment and other existing mitigation measures; and

(C) improving security.

SEC. 03. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHEMICAL SOURCE.—The term "chemical source" means a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2))) that contains a substance of concern.

(3) COVERED SUBSTANCE OF CONCERN.—The term "covered substance of concern" means a substance of concern that, in combination with a chemical source and other factors, is designated as a high priority category by the Administrator under section 04(a)(1).

(4) EMPLOYEE.—The term "employee" means—

(A) a duly recognized collective bargaining representative at a chemical source; or

(B) in the absence of such a representative, other appropriate personnel.

(5) FIRST RESPONDER.—The term "first responder" includes a firefighter.

(6) FUND.—The term "Fund" means the Technology Transition Fund Established under section 08(a).

(7) SAFER DESIGN AND MAINTENANCE.—The term "safer design and maintenance" includes, with respect to a chemical source that is within a high priority category designated under section 04(a)(1), implementation, to the extent practicable, of the practices of—

(A) preventing or reducing the vulnerability of the chemical source to a release of a covered substance of concern through use of inherently safer technology;

(B) reducing any vulnerability of the chemical source to a release of a covered substance of concern through use of well-maintained secondary containment, control, or mitigation equipment;

(C) reducing any vulnerability of the chemical source to a release of a covered substance of concern by implementing security measures; and

(D) reducing the potential consequences of any vulnerability of the chemical source to a release of a covered substance of concern through the use of buffer zones between the chemical source and surrounding populations (including buffer zones between the chemical source and residences, schools, hospitals, senior centers, shopping centers and malls, sports and entertainment arenas, public roads and transportation routes, and other population centers).

(8) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(9) SECURITY MEASURE.—

(A) IN GENERAL.—The term "security measure" means an action carried out to increase the security of a chemical source.

(B) INCLUSIONS.—The term "security measure", with respect to a chemical source, includes—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) protection of the perimeter of the chemical source;

(iv) the installation and operation of an intrusion detection sensor; and

(v) a measure to increase computer or computer network security.

(10) SUBSTANCE OF CONCERN.—

(A) IN GENERAL.—The term "substance of concern" means—

(i) any regulated substance (as defined in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r))); and

(ii) any substance designated by the Administrator under section 04(a).

(B) EXCLUSION.—The term "substance of concern" does not include liquefied petroleum gas that is used as fuel or held for sale as fuel at a retail facility as described in section 112(r)(4)(B) of the Clean Air Act (42 U.S.C. 7412(r)(4)(B)).

(11) UNAUTHORIZED RELEASE.—The term "unauthorized release" means—

(A) a release from a chemical source into the environment of a covered substance of concern that is caused, in whole or in part, by a criminal act;

(B) a release into the environment of a covered substance of concern that has been removed from a chemical source, in whole or in part, by a criminal act; and

(C) a release or removal from a chemical source of a covered substance of concern that is unauthorized by the owner or operator of the chemical source.

(12) USE OF INHERENTLY SAFER TECHNOLOGY.—

(A) IN GENERAL.—The term "use of inherently safer technology", with respect to a chemical source, means use of a technology, product, raw material, or practice that, as compared with the technologies, products, raw materials, or practices currently in use—

(i) reduces or eliminates the possibility of a release of a substance of concern from the chemical source prior to secondary containment, control, or mitigation; and

(ii) reduces or eliminates the threats to public health and the environment associated with a release or potential release of a substance of concern from the chemical source.

(B) INCLUSIONS.—The term "use of inherently safer technology" includes input substitution, catalyst or carrier substitution, process redesign (including reuse or recycling of a substance of concern), product reformulation, procedure simplification, and technology modification so as to—

(i) use less hazardous substances or benign substances;

(ii) use a smaller quantity of covered substances of concern;

(iii) reduce hazardous pressures or temperatures;

(iv) reduce the possibility and potential consequences of equipment failure and human error;

(v) improve inventory control and chemical use efficiency; and

(vi) reduce or eliminate storage, transportation, handling, disposal, and discharge of substances of concern.

SEC. 04. DESIGNATION OF AND REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.

(a) DESIGNATION AND REGULATION OF HIGH PRIORITY CATEGORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with State and local agencies responsible for planning for and responding to unauthorized releases and providing emergency health care, shall promulgate regulations to designate certain combinations of chemical sources and substances of concern as high priority categories based on the severity of

the threat posed by an unauthorized release from the chemical sources.

(2) FACTORS TO BE CONSIDERED.—In designating high priority categories under paragraph (1), the Secretary and the Administrator shall consider—

(A) the severity of the harm that could be caused by an unauthorized release;

(B) the proximity to population centers;

(C) the threats to national security;

(D) the threats to critical infrastructure;

(E) threshold quantities of substances of concern that pose a serious threat; and

(F) such other safety or security factors as the Secretary and the Administrator determine to be appropriate.

(3) REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with the United States Chemical Safety and Hazard Investigation Board, and State and local agencies described in paragraph (1), shall promulgate regulations to require each owner and each operator of a chemical source that is within a high priority category designated under paragraph (1), in consultation with local law enforcement, first responders, and employees, to—

(i) conduct an assessment of the vulnerability of the chemical source to a terrorist attack or other unauthorized release;

(ii) using appropriate hazard assessment techniques, identify hazards that may result from an unauthorized release of a covered substance of concern; and

(iii) prepare a prevention, preparedness, and response plan that incorporates the results of those vulnerability and hazard assessments.

(B) ACTIONS AND PROCEDURES.—A prevention, preparedness, and response plan required under subparagraph (A)(iii) shall include actions and procedures, including safer design and maintenance of the chemical source, to eliminate or significantly lessen the potential consequences of an unauthorized release of a covered substance of concern.

(C) THREAT INFORMATION.—To the maximum extent permitted by applicable authorities and the interests of national security, the Secretary, in consultation with the Administrator, shall provide owners and operators of chemical sources with threat information relevant to the assessments and plans required under subsection (b).

(4) REVIEW AND REVISIONS.—Not later than 5 years after the date of promulgation of regulations under each of paragraphs (1) and (3), the Secretary and the Administrator shall review the regulations and make any necessary revisions.

(5) ADDITION OF SUBSTANCES OF CONCERN.—For the purpose of designating high priority categories under paragraph (1) or any subsequent revision of the regulations promulgated under paragraph (1), the Secretary and the Administrator may designate additional substances that pose a serious threat as substances of concern.

(b) CERTIFICATION.—

(1) VULNERABILITY AND HAZARD ASSESSMENTS.—Not later than 1 year after the date of promulgation of regulations under subsection (a)(3), each owner and each operator of a chemical source that is within a high priority category designated under subsection (a)(1) shall—

(A) certify to the Secretary that the chemical source has conducted assessments in accordance with the regulations; and

(B) submit to the Secretary written copies of the assessments.

(2) PREVENTION, PREPAREDNESS, AND RESPONSE PLANS.—Not later than 18 months after the date of promulgation of regulations under subsection (a)(3), the owner or operator shall—

(A) certify to the Secretary that the chemical source has completed a prevention, preparedness, and response plan that incorporates the results of the assessments and complies with the regulations; and

(B) submit to the Secretary a written copy of the plan.

(3) 5-YEAR REVIEW.—Not later than 5 years after each of the date of submission of a copy of an assessment under paragraph (1) and a plan under paragraph (2), and not less often than every 3 years thereafter, the owner or operator of the chemical source covered by the assessment or plan, in coordination with local law enforcement and first responders, shall—

(A) review the adequacy of the assessment or plan, as the case may be; and

(B)(i) certify to the Secretary that the chemical source has completed the review; and

(ii) as appropriate, submit to the Administrator any changes to the assessment or plan.

(4) PROTECTION OF INFORMATION.—

(A) DISCLOSURE EXEMPTION.—Except with respect to certifications specified in paragraphs (1) through (3) of this subsection and section 05(a), all information provided to the Administrator under this subsection, and all information derived from that information, shall be exempt from disclosure under section 552 of title 5, United States Code.

(B) DEVELOPMENT OF PROTOCOLS.—

(i) IN GENERAL.—The Secretary, shall develop such protocols as are necessary to protect the copies of the assessments and plans required to be submitted under this subsection (including the information contained in those assessments and plans) from unauthorized disclosure.

(ii) REQUIREMENTS.—The protocols developed under clause (i) shall ensure that—

(I) each copy of an assessment or plan, and all information contained in or derived from the assessment or plan, is maintained in a secure location;

(II) except as provided in subparagraph (C), only the Administrator (or a designee) and individuals designated by the Secretary may have access to the copies of the assessments and plans; and

(III) no copy of an assessment or plan or any portion of an assessment or plan, and no information contained in or derived from an assessment or plan, shall be available to any person other than an individual designated by the Secretary.

(iii) DEADLINE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall complete the development of protocols under clause (i) so as to ensure that the protocols are in place before the date on which the Secretary receives any assessment or plan under this subsection.

(C) FEDERAL OFFICERS AND EMPLOYEES.—An individual referred to in subparagraph (B)(ii) who is an officer or employee of the United States may discuss with a State or local official the contents of an assessment or plan described in that subparagraph.

SEC. 05. ENFORCEMENT.

(a) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall review each assessment and plan submitted under section 04(b) to determine the compliance of the chemical source covered by the assessment or plan with regulations promulgated under paragraphs (1) and (3) of section 04(a).

(2) CERTIFICATION OF COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall certify in writing each determination of the Secretary under paragraph (1).

(B) INCLUSIONS.—A certification of the Secretary shall include a checklist indicating consideration by a chemical source of the use of 4 elements of safer design and maintenance described in subparagraphs (A) through (D) of section 03(6).

(C) EARLY COMPLIANCE.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall—

(I) before the date of publication of proposed regulations under section 04(a)(3), review each assessment or plan submitted to the Secretary under section 04(b); and

(II) before the date of promulgation of final regulations under section 04(a)(3), determine whether each such assessment or plan meets the consultation, planning, and assessment requirements applicable to high priority categories under section 04(a)(3).

(ii) AFFIRMATIVE DETERMINATION.—If the Secretary, in consultation with the Administrator, makes an affirmative determination under clause (i)(II), the Secretary shall certify compliance of an assessment or plan described in that clause without requiring any revision of the assessment or plan.

(D) SCHEDULE FOR REVIEW AND CERTIFICATION.—

(i) IN GENERAL.—The Secretary, after taking into consideration the factors described in section 04(a)(2), shall establish a schedule for the review and certification of assessments and plans submitted under section 04(b).

(ii) DEADLINE FOR COMPLETION.—Not later than 3 years after the deadlines for the submission of assessments and plans under paragraph (1) or (2), respectively, of section 04(b), the Secretary shall complete the review and certification of all assessments and plans submitted under those sections.

(b) COMPLIANCE ASSISTANCE.—

(1) DEFINITION OF DETERMINATION.—In this subsection, the term "determination" means a determination by the Secretary that, with respect to an assessment or plan described in section 04(b)—

(A) the assessment or plan does not comply with regulations promulgated under paragraphs (1) and (3) of section 04(a); or

(B)(i) a threat exists beyond the scope of the submitted plan; or

(ii) current implementation of the plan is insufficient to address—

(I) the results of an assessment of a source; or

(II) a threat described in clause (i).

(2) DETERMINATION BY SECRETARY.—If the Secretary, after consultation with the Administrator, makes a determination, the Secretary shall—

(A) notify the chemical source of the determination; and

(B) provide such advice and technical assistance, in coordination with the head of the Office and the United States Chemical Safety and Hazard Investigation Board, as is appropriate—

(i) to bring the assessment or plan of a chemical source described in section 04(b) into compliance; or

(ii) to address any threat described in clause (i) or (ii) of paragraph (1)(B).

(c) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If, after the date that is 30 days after the later of the date on which the

Secretary first provides assistance, or a chemical source receives notice, under subsection (b)(2)(B), a chemical source has not brought an assessment or plan for which the assistance is provided into compliance with regulations promulgated under paragraphs (1) and (3) of section 04(a), or the chemical source has not complied with an entry or information request under section 06, the Secretary may issue an order directing compliance by the chemical source.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—An order under paragraph (1) may be issued only after notice and opportunity for a hearing.

(d) ABATEMENT ACTION.—

(1) IN GENERAL.—Notwithstanding a certification under section 05(a)(2), if the Secretary, in consultation with local law enforcement officials and first responders, determines that a threat of a terrorist attack exists that is beyond the scope of a submitted prevention, preparedness, and response plan of 1 or more chemical sources, or current implementation of the plan is insufficient to address the results of an assessment of a source or a threat described in subsection (b)(1)(B)(i), the Secretary shall notify each chemical source of the elevated threat.

(2) INSUFFICIENT RESPONSE.—If the Secretary determines that a chemical source has not taken appropriate action in response to a notification under paragraph (1), the Secretary shall notify the chemical source, the Administrator, and the Attorney General that actions taken by the chemical source in response to the notification are insufficient.

(3) RELIEF.—

(A) IN GENERAL.—On receipt of a notification under paragraph (2), the Secretary or the Attorney General may secure such relief as is necessary to abate a threat described in paragraph (1), including such orders as are necessary to protect public health or welfare.

(B) JURISDICTION.—The district court of the United States for the district in which a threat described in paragraph (1) occurs shall have jurisdiction to grant such relief as the Secretary or Attorney General requests under subparagraph (A).

SEC. 06. RECORDKEEPING AND ENTRY.

(a) RECORDS MAINTENANCE.—A chemical source that is required to certify to the Secretary assessments and plans under section 04 shall maintain on the premises of the chemical source a current copy of those assessments and plans.

(b) RIGHT OF ENTRY.—In carrying out this title, the Secretary or the Administrator (or an authorized representative of the Secretary or the Administrator), on presentation of credentials—

(1) shall have a right of entry to, on, or through any premises of an owner or operator of a chemical source described in subsection (a) or any premises in which any records required to be maintained under subsection (a) are located; and

(2) may at reasonable times have access to, and may copy, any records, reports, or other information described in subsection (a).

(c) INFORMATION REQUESTS.—In carrying out this title, the Secretary or the Administrator may require any chemical source to provide such information as is necessary to—

(1) enforce this title; and

(2) promulgate or enforce regulations under this title.

SEC. 07. PENALTIES.

(a) CIVIL PENALTIES.—Any owner or operator of a chemical source that violates, or fails to comply with, any order issued may, in an action brought in United States district court, be subject to a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

(b) CRIMINAL PENALTIES.—Any owner or operator of a chemical source that knowingly violates, or fails to comply with, any order issued shall—

(1) in the case of a first violation or failure to comply, be fined not less than $2,500 nor more than $25,000 per day of violation, imprisoned not more than 1 year, or both; and

(2) in the case of a subsequent violation or failure to comply, be fined not more than $50,000 per day of violation, imprisoned not more than 2 years, or both.

(c) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—If the amount of a civil penalty determined under subsection (a) does not exceed $125,000, the penalty may be assessed in an order issued by the Secretary.

(2) NOTICE AND HEARING.—Before issuing an order described in paragraph (1), the Secretary shall provide to the person against which the penalty is to be assessed—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed order.

SEC. 08. TECHNOLOGY TRANSITION FUND.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and administer a fund to be known as the "Technology Transition Fund", consisting of the amount transferred to the Fund under subsection (c)(1).

(b) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be used by the Secretary and the Administrator to provide grants to chemical facilities that demonstrate financial hardship to assist those chemical facilities in transitioning to use of inherently safer technology.

(c) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund, for use by the Secretary and the Administrator in carrying out this section, not later than 30 days after the date of enactment of this Act, $50,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary and the Administrator shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred to the Fund under paragraph (1), without further appropriation.

(3) AVAILABILITY OF FUNDS.—Funds transferred under paragraph (1) shall remain available until expended.

SEC. 09. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this title affects any duty or other requirement imposed under any other Federal or State law.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place; insert the following:

Sec. .

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ADJUSTED PAY DIFFERENTIALS FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) ADJUSTED DIFFERENTIALS.—

(1) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after "follows:" and inserting the following:

"Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%

"Area	Differential
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%".

(2) SPECIAL RULES.—For purposes of the provision of law amended by paragraph (1)—

(A) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area; and

(B) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)—

(A) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(B) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Paragraph (2) shall be applied in a manner consistent with the preceding sentence.

(b) SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this paragraph, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers".

(2) DEMONSTRATION PROJECT.—

(A) IN GENERAL.—If, after completing its report under paragraph (1), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in paragraph (1)) would result in improved Federal personnel management.

(B) APPLICABLE PROVISIONS.—Any demonstration project under this paragraph shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this paragraph shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(C) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(i) its evaluation of the system tested under the demonstration project; and

(ii) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(3) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this subsection, the term "Federal law enforcement officer" means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "5545a,";

(B) in subsection (c), by striking "or 5545a"; and

(C) in subsection (d), by striking the period and inserting "or a criminal investigator who is paid availability pay under section 5545a.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1239).

(d) APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $125,000,000, for purposes of subsection (a) of this section.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 6 of title I under the heading "BORDER AND TRANSPORTATION SECURITY" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", increase the amount appropriated by $150,000,000.

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) AVAILABILITY OF FUNDS FOR FIRE PREVENTION AND CONTROL.—Of the amount appropriated by this chapter under the heading "BORDER AND TRANSPORTATION SECURITY" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", $150,000,000 shall be available to carry out activities under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(b) RELATIONSHIP TO OTHER FUNDS.—The amount available under subsection (a) for the activities referred to in that subsection is in addition to any other amounts available in fiscal year 2003 for such activities.

SA 466. Mr. SMITH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) None of the funds made available during fiscal year 2003 by this or any other Act may be made available to the Government of the Russian Federation unless the President determines and certifies in writing to the appropriate congressional committees that such Government is not enforcing any statute, executive order, regulation, or other government policy that would discriminate, or would have as its principal effect discrimination, against a religious group or a religious community in violation of an international agreement on human rights or religious freedoms to which the Russian Federation is a party.

(b) In this section the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(c) The prohibition in subsection (a) shall take effect on the date that is 45 days after the date of the enactment of this Act.

SA 467. Mr. KYL (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

PROHIBITION ON PROVIDING FUNDS FOR RECONSTRUCTION IN IRAQ TO ENTITIES FROM COUNTRIES THAT DID NOT PUBLICLY SUPPORT A UNITED NATIONS RESOLUTION AUTHORIZING THE USE OF FORCE IN IRAQ

SEC. 501. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, directly or indirectly through a subcontract or otherwise, to a person that is a resident of or is organized under the laws of a country that did not publicly commit to vote in favor of the draft resolution introduced in the United Nations Security Council by the United Kingdom, Spain, and the United States on March 7, 2003.

(b) The President may waive the prohibition described in subsection (a) for a person if the President determines that—

(1) such person possesses unique capabilities or expertise that are critical to the reconstruction of Iraq; and

(2) it is in the national interest of the United States to grant the waiver.

SA 468. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 16 through 22.

SA 469. Mr. FRIST (for Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 280, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Civil Service Retirement System Funding Reform Act of 2003".

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking "'normal cost'" and inserting "'normal-cost percentage'"; and

(B) by inserting "and standards (using dynamic assumptions)" after "practice";

(2) by amending paragraph (18) to read as follows:

"(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

"(A) the Federal Employees' Retirement System; or

"(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;"; and

(3) by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by adding at the end the following:

"(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

"(A) investment yields;

"(B) increases in rates of basic pay; and

"(C) rates of price inflation.".

(b) DEDUCTIONS AND CONTRIBUTIONS.—

(1) IN GENERAL.—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)";

(B) by designating the matter following the first sentence as subparagraph (B)(i) and aligning the text accordingly;

(C) in subparagraph (B)(i) (as so designated by subparagraph (B)), by striking "An equal" and inserting "Except as provided in clause (ii), an equal"; and

(D) by adding at the end the following:

"(ii) In the case of an employee of the United States Postal Service, the amount to be contributed under this subparagraph shall (instead of the amount described in clause (i)) be equal to the product derived by multiplying the employee's basic pay by the percentage equal to—

"(I) the normal-cost percentage for the applicable employee category listed in subparagraph (A), minus

"(II) the percentage deduction rate that applies with respect to such employee under subparagraph (A).".

(2) CONFORMING AMENDMENTS.—Section 8334(k) of title 5, United States Code, is amended—

(A) in paragraph (1)(A), by striking "the first sentence of subsection (a)(1) of this section" and inserting "subsection (a)(1)(A)";

(B) in paragraph (1)(B)—

(i) by striking "the second sentence of subsection (a)(1) of this section" and inserting "subparagraph (B) of subsection (a)(1)"; and

(ii) by striking "such sentence" and inserting "such subparagraph"; and

(C) in paragraph (2)(C)(iii), by striking "the first sentence of subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(c) POSTAL SUPPLEMENTAL LIABILITY.—Subsection (h) of section 8348 of title 5, United States Code, is amended to read as follows:

"(h)(1)(A) For purposes of this subsection, 'Postal supplemental liability' means the estimated excess, as determined by the Office, of—

"(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service, over

"(ii) the sum of—

"(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter pursuant to section 8334;

"(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

"(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, including earnings on those payments; and

"(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

"(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

"(2)(A) Not later than June 30, 2004, the Office shall determine the Postal supplemental liability as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

"(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

"(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

"(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent dynamic actuarial valuation of the Civil Service Retirement System.

"(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

"(F) An amortization schedule established under subparagraph (B) or (C) shall supersede any amortization schedule previously established under this paragraph.

"(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

"(4) Notwithstanding any other provision of this subsection, any determination or redetermination made by the Office under this subsection shall, upon request of the Postal Service, be subject to reconsideration and review (including adjustment by the Board of Actuaries of the Civil Service Retirement System) to the same extent and in the same manner as provided under section 8423(c).".

(d) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsection (m) of section 8348 of title 5, United States Code.

(B) Subsection (c) of section 7101 of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to affect any payments made before the date of the enactment of this Act under either of the provisions of law repealed by paragraph (1).

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act—

(1) shall, to the extent that such savings are attributable to fiscal year 2003 or 2004, be used to reduce the postal debt (in consultation with the Secretary of the Treasury), and the Postal Service shall not incur additional debt to offset the use of the savings to reduce the postal debt in fiscal years 2003 and 2004;

(2) shall, to the extent that such savings are attributable to fiscal year 2005, be used to continue holding postage rates unchanged and to reduce the postal debt, to such extent and in such manner as the Postal Service shall specify (in consultation with the Secretary of the Treasury); and

(3) to the extent that such savings are attributable to any fiscal year after fiscal year 2005, shall be considered to be operating expenses of the Postal Service and, until otherwise provided for by law, shall be held in escrow and may not be obligated or expended.

(b) AMOUNTS SAVED.—

(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management for each such fiscal year in accordance with paragraph (2).

(2) METHODOLOGY.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) REQUIREMENTS.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report rendered under section 2402 of title 39, United States Code, the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used in the computation of any bonuses for Postal Service executives.

(e) POSTAL SERVICE PROPOSAL.—

(1) IN GENERAL.—The United States Postal Service shall, by September 30, 2003, prepare and submit to the President, the Congress, and the General Accounting Office its proposal detailing how any savings accruing to the Postal Service as a result of the enactment of this Act, which are attributable to any fiscal year after fiscal year 2005, should be expended.

(2) MATTERS TO CONSIDER.—In preparing its proposal under this subsection, the Postal Service shall consider—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) delaying or moderating increases in postal rates; and

(v) any other matter; and

(B) the work of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits its proposal pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(4) LEGISLATIVE ACTION.—Not later than 180 days after it has received both the proposal of the Postal Service and the evaluation of such proposal by the General Accounting Office under this subsection, Congress shall revisit the question of how the savings accruing to the Postal Service as a result of the enactment of this Act should be used.

(f) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a "surplus")—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(g) DEFINITIONS.—For purposes of this section—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act shall, for any fiscal year, be equal to the amount (if any) by which—

(A) the contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund for such fiscal year if this Act had not been enacted, exceed

(B) the contributions made by the Postal Service to such Fund for such fiscal year; and

(2) the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, except that the amendments made by section 2(b) shall apply with respect to pay periods beginning on or after such date.

SA 470. Mr. BAYH submitted an amendment intended to be proposed to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, add at the end the following:

SEC. 314. Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE" under the heading "OPERATION AND MAINTENANCE, ARMY", $6,000,000 shall be available for the reactivation of two bomb lines at Crane Army Ammunition Activity, Indiana, in order to provide additional support and production for the Joint Munitions command bomb manufacturing capability.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet on Wednesday, April 2, 2003, at 2:30 p.m., in SR–253, for a hearing on human space flight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 2 at 9:30 a.m. to conduct an oversight hearing to examine issues relating to military encroachment.

The meeting will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, April 2, 2003, at 10 a.m., to mark up original bills, entitled, the Energy Tax Incentives

Act of 2003; the Clean Diamond Trade Act; and the Tax Court Modernization Act. The Committee may also consider any or all of the following nominees: Mark Everson, to be Commissioner of Internal Revenue; Diane L. Kroupa, to be Judge of the United States Tax Court; Harry A. Haines, to be Judge of the United States Tax Court; Robert Allen Wherry, Jr., to be Judge of the United States Tax Court; Joseph Robert Goeke, to be Judge of the United States Tax Court; and, Raymond T. Wagner, Jr., to be Member of the Oversight Board, U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 2, 2003 at 9:30 a.m. to hold a hearing on Foreign Assistance Oversight

Witnesses

AF Panel (Senator Alexander to Chair): Mr. William A. Bellamy, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State, Washington, DC; The Honorable Constance Berry Newman, Assistant Administrator, Bureau for Africa, United States Agency for International Development, Washington, DC.

EUR Panel (Senator Allen to Chair): Mr. Charles P. Ries, Acting Assistant Secretary of State, Bureau of Europe and Eurasian Affairs, Department of State, Washington, DC; The Honorable Kent R. Hill, Assistant Administrator, Bureau of Europe and Eurasian Affairs, United States Agency for International Development, Washington, DC.

WHA Panel (Senator Coleman to Chair): Mr. J. Curtis Struble, Acting Assistant Secretary of State, Bureau of Western Hemisphere Affairs, Department of State, Washington, DC; The Honorable Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, United States Agency for International Development, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 2, 2003 at 10:00 a.m. to consider the nominations of the Clay Johnson, III to be Deputy Director for Management, Office of Management and Budget and Albert Casey and James C. Miller, III to be Governors for the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, April 2, 2003.

The following agenda will be considered: S.   Genetics Information Nondiscrimination Act of 2003; S.   Smallpox Emergency Personnel Protection Act of 2003; S.   The Improved Vaccine Affordability and Availability Act; S.   Caring for Children Act of 2003; S. 231, the ADAM Act.

Any nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 2, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Communications, be authorized to meet on Wednesday, April 2, 2003, at 9:30 a.m., in SR-253, for a hearing on Universal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 2, 2003, at 10 a.m., in open session to receive testimony on the Department of Energy's Office of Environmental Management and Office of Legacy Management in review of the Defense Authorization Request for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 58, S. 380.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Governmental Affairs, with an amendment.

[Strike out all after the enacting clause and insert the part printed in italic.]

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Postal Civil Service Retirement System Funding Reform Act of 2003".

[SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

[(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

[(1) in paragraph (17)—

[(A) by striking "normal cost" the first place that term appears and inserting "normal cost percentage"; and

[(B) by inserting "and standards (using dynamic assumptions)" after "practice";

[(2) by striking paragraph (18) and inserting the following:

["(18) 'Fund balance'—

["(A) means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards; and

["(B) shall not include any amount attributable to—

["(i) the Federal Employees' Retirement System; or

["(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;";

[(3) in paragraph (27), by striking "and" at the end;

[(4) in paragraph (28), by striking the period and inserting "; and"; and

[(5) by adding at the end the following:

["(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

["(A) investment yields;

["(B) increases in rates of basic pay; and

["(C) rates of price inflation.".

[(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended by striking the matter following the section heading through paragraph (1) and inserting the following:

["(a)(1)(A) The employing agency shall deduct and withhold from the basic pay of an employee, Member, congressional employee, law enforcement officer, firefighter, bankruptcy judge, judge of the United States Court of Appeals for the Armed Forces, United States magistrate judge, Court of Federal Claims judge, member of the Capitol Police, member of the Supreme Court Police, or nuclear materials courier, as the case may be, the percentage of basic pay applicable under subsection (c).

["(B)(i) Except in the case of an employee of the United States Postal Service, an equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

["(ii) In the case of an employee of the United States Postal Service, an amount shall be contributed from the appropriation or fund used to pay the employee equal to the difference between—

["(I) the product of—

["(aa) the basic pay of that employee; and

["(bb) the normal cost percentage applicable to the employee category of that employee under paragraph (1)(A); and

["(II) the product of—

["(aa) the basic pay of that employee; and

["(bb) the percentage applicable to that employee under subsection (c) deducted from basic pay under paragraph (1)(A).".

[(c) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—

[(1) IN GENERAL.—Section 8348 of title 5, United States Code, is amended by striking subsection (h) and inserting the following:

["(h)(1)(A) In this subsection, the term 'Postal supplemental liability' means the estimated excess, as determined by the Office of Personnel Management, of the difference between—

["(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service; and

["(ii) the sum of—

["(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

["(II) the actuarial present value of the future contributions to be made under section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

["(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and employees of the United States Postal Service, including earnings on those payments; and

["(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

["(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

["(ii) Military service included in the computation under clause (i) shall not be included in computation of the payment required under subsection (g)(2).

["(2)(A) Not later than June 30, 2004, the Office of Personnel Management shall determine the Postal supplemental liability, as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

["(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

["(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

["(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

["(E) The United States Postal Service shall pay the amounts determined under this paragraph for deposit in the Fund, with payments due not later than the date scheduled by the Office.

["(3) Notwithstanding any other provision of law, in computing the amount of any payment under any provision other than this subsection that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.".

[(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 8334 of title 5, United States Code, is amended by striking subsection (m).

[(d) OTHER PAYMENTS.—

[(1) IN GENERAL.—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

[(2) EFFECT ON PRIOR PAYMENTS.—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

[SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

[(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury shall specify, consistent with succeeding provisions of this section.

[(b) AMOUNTS SAVED.—

[(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

[(2) METHODOLOGY.—Not later than July 31, 2003, for fiscal year 2003, and October 1 of the fiscal year before each fiscal year beginning after September 30, 2003, and before the date specified in paragraph (4), the Office of Personnel Management shall—

[(A) formulate a plan specifically enumerating the methods by which the Office shall make its computations under paragraph (1); and

[(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

[(3) REQUIREMENTS.—Each such plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

[(4) DURATION.—Nothing in this subsection or subsection (a) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

[(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period after the date of the enactment of this Act and before the date specified in subsection (b)(4), the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

[(d) POSTAL DEBT DEFINED.—For purposes of this section, the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

[(e) SENSE OF CONGRESS.—It is the sense of the Congress that—

[(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

[(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

[(3) none of the savings referred to in paragraph (1) should be used to pay bonuses to Postal Service executives.

[(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.—

[(1) IN GENERAL.—The United States Postal Service shall, by December 31, 2003, in consultation with the General Accounting Office, prepare and submit to the President and the Congress a report describing how the Postal Service proposes to address its obligations relating to unfunded postretirement healthcare costs of current and former postal employees.

[(2) PRESIDENT'S COMMISSION.—In preparing its report under this subsection, the Postal Service should consider the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

[(3) GAO REVIEW AND REPORT.—Not later than 30 days after the Postal Service submits its report pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

[(g) DETERMINATION AND DISPOSITION OF SURPLUS.—

[(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a "surplus")—

[(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

[(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

[(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be

September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

[SEC. 4. EFFECTIVE DATE.

[(a) In General.—This Act shall take effect on the date of enactment of this Act.

[(b) Application.—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Civil Service Retirement System Funding Reform Act of 2003".

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) Definitions.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking "normal cost" the first place that term appears and inserting "normal cost percentage"; and

(B) by inserting "and standards (using dynamic assumptions)" after "practice";

(2) by striking paragraph (18) and inserting the following:

"(18) 'Fund balance'—

"(A) means the current net assets of the Fund, as determined by the Office in accordance with appropriate accounting standards; and

"(B) shall not include any amount attributable to—

"(i) the Federal Employees' Retirement System; or

"(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;";

(3) in paragraph (27), by striking "and" at the end;

(4) in paragraph (28), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

"(A) investment yields;

"(B) increases in rates of basic pay; and

"(C) rates of price inflation.".

(b) Deductions, Contributions, and Deposits.—Section 8334 of title 5, United States Code, is amended by striking the matter following the section heading through paragraph (1) and inserting the following:

"(a)(1)(A) The employing agency shall deduct and withhold from the basic pay of an employee, Member, congressional employee, law enforcement officer, firefighter, bankruptcy judge, judge of the United States Court of Appeals for the Armed Forces, United States magistrate judge, Court of Federal Claims judge, member of the Capitol Police, member of the Supreme Court Police, or nuclear materials courier, as the case may be, the percentage of basic pay applicable under subsection (c).

"(B)(i) Except in the case of an employee of the United States Postal Service, an equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

"(ii) In the case of an employee of the United States Postal Service, an amount shall be contributed from the appropriation or fund used to pay the employee equal to the difference between—

"(I) the product of—

"(aa) the basic pay of that employee; and

"(bb) the normal cost percentage applicable to the employee category of that employee under paragraph (1)(A); and

"(II) the product of—

"(aa) the basic pay of that employee; and

"(bb) the percentage applicable to that employee under subsection (c) deducted from basic pay under paragraph (1)(A).".

(c) Civil Service Retirement and Disability Fund.—

(1) In general.—Section 8348 of title 5, United States Code, is amended by striking subsection (h) and inserting the following:

"(h)(1)(A) In this subsection, the term 'Postal supplemental liability' means the estimated excess, as determined by the Office of Personnel Management, of the difference between—

"(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service; and

"(ii) the sum of—

"(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

"(II) the actuarial present value of the future contributions to be made under section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

"(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and employees of the United States Postal Service, including earnings on those payments; and

"(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

"(ii) Military service included in the computation under clause (i) shall not be included in computation of the payment required under subsection (g)(2).

"(2)(A) Not later than June 30, 2004, the Office of Personnel Management shall determine the Postal supplemental liability, as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

"(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

"(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

"(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles based on the dynamic interest rate.

"(E) The United States Postal Service shall pay the amounts determined under this paragraph for deposit in the Fund, with payments due not later than the date scheduled by the Office.

"(3) Notwithstanding any other provision of law, in computing the amount of any payment under any provision other than this subsection that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.".

(2) Technical and conforming amendment.—Section 8334 of title 5, United States Code, is amended by striking subsection (m).

(d) Other Payments.—

(1) In general.—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

(2) Effect on prior payments.—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) Definition.—In this section, the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

(b) In General.—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury, in consultation with the United States Postal Service, shall specify, consistent with this section.

(c) Amounts Saved.—

(1) In general.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

(2) Methodology.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit the plan to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) Requirements.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(4) Duration.—Nothing in this subsection or subsection (b) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

(d) Reporting Requirement.—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period

after the date of the enactment of this Act and before the date specified in subsection (c)(4), the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (b), during the period covered by the report.

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least calendar year 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to under paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to under paragraph (1) should be used in the computation of bonuses to Postal Service executives or managers.

(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.—

(1) IN GENERAL.—Not later than December 31, 2003, the United States Postal Service shall prepare and submit to the President and Congress a report that—

(A) describes how the Postal Service proposes to address its obligations relating to unfunded postretirement healthcare costs of current and former postal employees; and

(B) outlines how prior and future actuarial accrued costs for postretirement healthcare benefits and the amounts necessary to prefund those costs are treated for purposes of financial statement reporting and establishing rates of postage and fees for postal services.

(2) PRESIDENT'S COMMISSION.—In preparing the report under this subsection, the Postal Service should consider the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits the report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(g) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a "surplus")—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to Congress a report describing how the Postal Service proposes that surplus be used, including a draft of any necessary legislation.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(h) DISPOSITION OF SAVINGS REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2004, and after that date, not later than 8 months preceding the date on which the Postal Service submits any request for a recommended decision of rate adjustments under section 3622 of title 39, United States Code, the Postal Service shall submit to the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the General Accounting Office a report (including a letter of comment on the report from the Secretary of the Treasury) on recommendations for the disposition of future savings accruing to the Postal Service as a result of the enactment of this Act that considers—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) maintaining postal rate stability; and

(v) any other matter; and

(B) the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(2) GAO REVIEW AND REPORT.—Not later than 45 days after the Postal Service submits a report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) POSTAL SERVICE ACTION ON RECOMMENDATIONS.—The Postal Service may not take any action to implement any recommendation for the disposition of future savings in any report submitted under paragraph (1), until 90 days after the date on which that report is submitted.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.

AMENDMENT NO. 469

(Purpose: To amend chapter 83 of title 5, United States Code, to reform the funding benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.)

Mr. FRIST. Mr. President, on behalf of Senators COLLINS, LIEBERMAN, and CARPER, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Ms. COLLINS, for herself, Mr. LIEBERMAN, and Mr. CARPER, proposes an amendment numbered 469.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be agreed to; the committee amendment, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 469) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 380), as amended, was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 103, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Daniel K. Akaka, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03–0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to Public Law 100–696, appoints the following Senators as members of the United States Capitol Preservation Commission: The Senator from Utah, Mr. BENNETT, vice the Senator from Illinois, Mr. DURBIN; the Senator from Colorado, Mr. CAMPBELL, vice the Senator from Nevada, Mr. REID.

The Chair, on behalf of the Democratic Leader, pursuant to Public Law 100–696, announces the appointment of the Senator from Illinois, Mr. DURBIN, as a member of the United States Capitol Preservation Commission, vice the Senator from Utah, Mr. BENNETT.

The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101–509, the appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 101–509, the appointment of Stephen Van Buren, of South Dakota, to the Advisory Committee on the Records of Congress, vice Elizabeth Scott of South Dakota.

EXECUTIVE SESSION

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT—TREATY DOCUMENT 106–48

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 5, Treaty Document No. 106–48 on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any statements relating to the treaty be printed in the RECORD as if read; and that the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to as follows:

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT

[Treaty Doc. 106–48]

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 106–48), subject to the conditions of section 2. .

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management is subject to the following conditions, which shall be binding upon the President:

(1) COMMITMENT TO REQUEST AND REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will:

(A) request copies of all national reports submitted pursuant to Article 32 of the Convention; and

(B) comment in each review meeting held pursuant to Article 30 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 32 of the Convention by a Contracting Party that is receiving United States financial or technical assistance relating to the improvement of its nuclear and radiological safety and security practices.

(2) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 36 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 36 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other Contracting Parties that is properly identified as protected pursuant to Article 36 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other Contracting Party pursuant to Article 32 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 30 of the Convention, of any report or document submitted by any other Contracting Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear and radiological safety and security has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each Contracting Party that is receiving United States financial or technical assistance relating to nuclear or radiological safety or security improvement—

(I) a list of all nuclear facilities within the country, including those installations operating, closed, and planned, and an identification of those nuclear facilities where significant corrective action is found necessary by assessment;

(II) a review of all safety or security assessments performed and the results of those assessments for existing nuclear facilities;

(III) a review of the safety and security of each nuclear facility using facility-specific data and analysis showing trends of safety or security significance and illustrated by particular issues at each facility;

(IV) a review of the position of the country as to the further operation of each nuclear facility in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety and security of nuclear facilities;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear or radiological safety or security improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear facility, and the amount intended for expenditure by the United States on each such facility in the future.

(3) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONTRACTING PARTY.—The term "Contracting Party" means any nation that is a party to the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 1060948).

(4) NUCLEAR FACILITY.—The term "nuclear facility" has the meaning given the term in Article 2(f) of the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, APRIL 3, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, April 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or their designees. I further ask unanimous consent that at 10 a.m., the Senate resume consideration of S. 762, the supplemental appropriations bill, and that Senator BOXER be recognized at that point to offer an amendment related to antimissiles.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 10 a.m. to allow Members to continue to make statements in support of the troops. At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. The chairman has been talking to colleagues on the other side of the aisle regarding the lineup of amendments. Senator BOXER will go first, and we will try to reach a 30-minute time limitation on her amendment.

I understand that following Senator BOXER's amendment, Senator BAYH will be prepared with an amendment regarding bioterrorism, and Senator GRAHAM of Florida will have an amendment regarding VA health.

We have also had discussions about stacking the votes on amendments until early afternoon to accommodate some scheduling problems. We will be prepared to do that tomorrow morning.

The Senate will complete action on the supplemental appropriations bill tomorrow. I thank the two managers for their diligent, hard work, and I especially thank the assistant Democratic leader for helping to expedite the completion of this important bill.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the majority leader is absolutely right. We have made progress on this bill. Senator BOXER had originally agreed on 20 minutes. She would have 20 minutes, and Senator STEVENS would have 10 minutes. The amendment is not here so there was no way Senator STEVENS could look at the amendment. Senator BAYH agreed to 10 minutes and Senator STEVENS agreed to 10 minutes. Senator GRAHAM also agreed to 10 minutes and Senator STEVENS 10 minutes. We hope to work that out as soon as the amendments are here so the majority can look at them tomorrow.

We had Senator STEVENS make an announcement, as I have for the Democratic leader, to make sure people realize we are going to finish the bill tomorrow. Senator BREAUX has an amendment that Senator DASCHLE wants him to offer. So we will have to see what else we can work out. I know Senator STEVENS has amendments on his side. We have a goal in mind to finish this bill tomorrow so we can get it immediately to conference and have a bill on the President's desk before we leave for our Easter break.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, again, I thank all of our colleagues for working very hard, especially the managers of this bill, to complete it tomorrow night or tomorrow afternoon, or as soon tomorrow as possible. I think we will be able to accomplish that goal.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, April 3, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 2003:

DEPARTMENT OF STATE

STEPHEN M. YOUNG, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

STEVEN A. BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

JOHN F. MAISTO, OF PENNSYLVANIA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE ROGER FRANCISCO NORIEGA.

DEPARTMENT OF JUSTICE

WILLIAM EMIL MOSCHELLA, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DANIEL J. BRYANT.

DEPARTMENT OF THE TREASURY

TERESA M. RESSEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE EDWARD KINGMAN, JR.

LEGAL SERVICES CORPORATION

HERBERT S. GARTEN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE DOUGLAS S. EAKLEY, TERM EXPIRED.

THOMAS R. MEITES, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE LAVEEDA MORGAN BATTLE, TERM EXPIRED.

UNITED STATES INSTITUTE OF PEACE

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE SHIBLEY TELHAMI.

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE ZALMAY KHALIZAD, TERM EXPIRED.

CHARLES EDWARD HORNER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE STEPHEN HADLEY, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

ELIZABETH COURTNEY, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be captain

LEWIS J. BUCKLEY, 4403

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

CHARLES A. FORD, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

THOMAS LEE BOAM, OF UTAH

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHNNY E. BROWN, OF SOUTH CAROLINA
C. FRANKLIN FOSTER JR., OF VIRGINIA
IRA E. KASOFF, OF CALIFORNIA

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONNIE D. HAWKINS JR., 8875

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERRY L. SINN, 7044

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 6022
BRIG. GEN. JOHN J. MCCARTHY JR., 8507

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BARETT R. BYRD, 5759

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 2, 2003, withdrawing from further Senate consideration the following nomination:

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA, WHICH WAS SENT TO THE SENATE ON APRIL 2, 2003.

EXTENSIONS OF REMARKS

REMEMBERING FORMER TRENTON MAYOR TOMMIE GOODWIN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. TANNER. Mr. Speaker, today I want to tell you about Tommie Goodwin, a fine public servant who dedicated himself to the people of Tennessee during a distinguished 20-year tenure as mayor of the City of Trenton, Tennessee.

Tommie first became mayor of Trenton in 1983 and served honorably in that capacity until his passing last year. Under Mayor Goodwin's leadership, our community made great strides in economic development and improvements in the quality of life of our citizens.

Mayor Goodwin's service was also beneficial to our neighbors throughout Gibson County and the state of Tennessee, leading to his recognition as Mayor of the Year in 2000 by the Tennessee Municipal League.

Tommie Goodwin cared deeply about those around him, and that was clear in the dedicated service he provided to our neighbors in Trenton. While we all miss Tommie, we will never be able to forget all he did for Tennessee.

Mr. Speaker, I ask that you join me in honoring a distinguished public servant, an outstanding citizen and my friend, Mr. Tommie Goodwin.

HONORING MISSION SAN JOSE ROTARY CLUB'S 20TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Mission San Jose Rotary Club, which is celebrating its 20th anniversary in our community. This club has distinguished itself among the elite service clubs in this country.

Mission San Jose Rotary has completed more than 60 projects benefiting many nonprofit organizations and restoring buildings of historical significance in our community. The members of this club have assisted in making a college education a possibility for over 80 scholars; have provided over $400,000 for charities; and have made major contributions to the Rotary International Polio Plus campaign, with a goal to eradicate polio from the face of the earth by 2005.

The Rotary Club has provided water wells to Central America and built houses in Mexico. This club has received local acclaim for its chili cooking, and it prepares and serves many thousands of meals at the Centerville Free Dining Room. The generous and concerned individuals who are members of this club reach out and make a difference, ensuring promise and opportunity for this and future generations.

The spirit of community service is alive and thriving in Fremont, in some major part due to the efforts of the members of the Mission San Jose Rotary Club. I am honored to commend the Mission San Jose Rotary Club for its 20 years of generous service to the community.

RECOGNITION TO MR. BILL CLARK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. PALLONE. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of Mr. Bill Clark, the executive producer of the Emmy Award-winning police drama "NYPD BLUE." Mr. Clark is being honored with the National Police Defense Foundation's "Man of the Year" award for his work on NYPD BLUE and his longtime dedication to law enforcement.

Bill Clark was born in St. John's Newfoundland. Later he and his family moved to Brooklyn, New York where he spent most of his childhood. He joined the U.S. Army at age 17 and proudly served his country with tours of duty in Europe and Vietnam. After serving in the Army, Mr. Clark joined the New York City Police Department in 1969 and earned his gold detective shield in 1972. While on the NYPD, Mr. Clark attended the New York Institute of Technology on the G.I. Bill and graduated with a B.A. in Criminal Justice. He also entered the Army Reserve at the rank of Staff Sergeant and retired in 1989 as a major. On December 31, 1994, Mr. Clark retired from the Queens Homicide Squad as a first grade detective.

Mr. Clark subsequently joined the NYPD BLUE team as a technical consultant during the show's first season. Later, he was able to add to the show's authenticity by drawing on his 25 years of experience with New York undercover and homicide units. As executive producer, Mr. Clark continues to ensure that the series accurately and realistically portrays the work of New York City detectives. Mr. Clark also coauthored the book True Blue: The real stories Behind NYPD Blue.

Currently, Mr. Clark is married to Karen, a former NYPD lieutenant. Together they enjoy spending time with their daughters Natalie, Jennifer and Kristine.

On this day I ask that my fellow colleagues join me in commending Mr. Clark for both his longtime service to the NYPD and his commendable work as executive producer of NYPD BLUE.

GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am pleased to introduce the Global Change Research and Data Management Act of 2003. This bill updates the existing law that formally established the U.S. Global Change Research Program (USGCRP) in 1990. This bill is also similar to the Global Change Research and Data Management Act that I introduced in the 107th Congress.

Over the past decade, the USGCRP has significantly advanced our scientific knowledge of Earth's atmosphere and climate and has provided us with a wealth of new data and information about the functioning of our planet.

However, the program has not produced sufficient information, in terms of both content and format, to be the basis for sound decisions. The program has focused nearly all of its resources and efforts on scientific inquiry. Only one broad assessment of the impact of global change on society has ever been attempted by the program, and that assessment was completed nearly seven years after its Congressionally mandated deadline. The local, state, regional, and national policymakers responsible for managing resources, fostering economic development, and responding to natural disasters need information to guide their decisions. In my view, it is critical that Congress reorient the USGCRP toward a user-driven research endeavor.

Most people agree that the climate is changing, but there is widespread disagreement about how much is the result of human activities. I think this bill deserves the support of people on both sides of that argument.

We need to move beyond debates about whether global change is occurring and allocating responsibility for the changes. I continue to believe fervently that we must do all we can to soften our impact on the environment and to slow the pace of global change. But we are going to have to deal with climate change with some mix of mitigation and adaptation. We must acknowledge the interdependence of our social, economic and environmental systems and learn to anticipate and adjust to changes that will inevitably occur.

In its recent review of the Administration's draft strategic plan for the USGCRP, the National Academy of Sciences acknowledged the need for research to evaluate strategies to mitigate and adapt to the impacts of global change, and the Academy recommended that the plan be revised to enhance efforts to support decision-making. The Global Change Research and Data Management Act of 2003 reorients the program to accomplish these goals.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The NAS praised the Administration for including the development of decision support tools in the strategic plan, but criticized the plan for its failure to "recognize the full diversity of decision makers" and for failing to "describe mechanisms for two-way communication with stakeholders."

The Global Change Research and Data Management Act would address these criticisms by requiring the Administration to identify and consult with members of the user community in developing the USGCRP research plan. The bill would also mandate the involvement of the National Governors Association in evaluating the program plan from the perspective of the user community. These steps would help to ensure that the information needs of the policy community will be met as generously as the funding needs of the academic community.

The 1990 law outlined a highly specific organizational structure for the USGCRP. My bill would eliminate this detailed organizational structure and provide the President with the flexibility to assemble an Interagency Committee and organizational structure that will best deliver the products Congress is requesting. My bill would, however, retain many of the key features of current law—the requirements for a ten-year strategic plan, for periodic assessments of the effects of global change on the natural, social, and economic systems upon which we depend, and for increased international cooperation in global change science.

My bill would establish a new interagency working group to coordinate federal policies on data management and archiving. Advances in computer, monitoring, and satellite technologies have vastly expanded our ability to collect and analyze data. We must do a much better job of managing and archiving these important data resources to support the work of current and future scientists and policymakers.

As was clear from the impasse on the climate provisions of the energy bill in the 107th Congress, we have yet to agree on how much more information, if any, is needed before we take actions to slow the effects of human activities on global change. These are tough policy questions that we will continue to wrestle with. This bill does not offer specific policy direction, but it does affirm the need for the continued strong federal support for global change research, and it does map out a new emphasis on production of information needed to inform these important policy debates. As the world's leader in science and technology, it is incumbent on us to develop solutions that will protect our planet's resources and permit continued economic and social progress for our nation and for the world.

HONORING DR. WILLIS K. "BILLY" DUFFY, JR.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Dr. Willis K. "Billy" Duffy, Jr., a member of one of Orange County's pioneering black families.

Mr. Duffy was born in a small house in Santa Ana, where his father became the first black property owner in 1920. He attended Santa Ana High School where he became an all-State football star and student body president.

At 17, Billy graduated high school early to train as a Tuskegee Airman during World War II. He then went home to attend UCLA where he played halfback on the football team.

Billy also studied dentistry at Howard University in Washington, DC, and ran a successful practice in Los Angeles before his retirement in 1992. He was also active with the NAACP and the Los Angeles Police Department.

Billy's drive and ambition for success was truly an inspiration to those he met. During Black History month, we should all reflect upon the contributions of citizens like Billy Duffy who have made significant contributions to our Nation.

INTRODUCING THE REALIZING THE SPIRIT OF IDEA ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. STARK. Mr. Speaker, today I rise to introduce the "Realizing the Spirit of IDEA Act" with my colleague Representative RUSH HOLT (D–NJ) who serves on the Committee for Education and the Workforce.

For twenty-five years the federal government has made hollow promises to fully fund the Individual with Disabilities in Education Act or IDEA. This legislation makes good on these promises. However, it does more than that. By linking funding to better outcomes, it also makes sure that the spirit of IDEA is truly realized for children with disabilities.

IDEA opened the school doors to children with disabilities. But, more needs to be done to make special education work for these students. National statistics suggest that there is still a sizable disparity in the outcomes of students with disabilities when compared to other students.

When compared to students without disabilities, between 19 and 42 percent fewer students with disabilities are able to pass state proficiency examinations.

The drop out rate for students with disabilities is double that of other students.

Only 55 percent of students with disabilities receive a regular high school diploma (compared to 75 percent of individuals within the general school population).

Individuals with disabilities are 50 percent less likely to attend college than are individuals who are not disabled.

Students with disabilities often avoid the painful experience of school and their attendance suffers.

The Census Bureau reports that 50 percent of individuals with disabilities are employed, compared with 84 percent of individuals without disabilities.

The under-funding of IDEA could help explain why students with disabilities fare so poorly on these critical outcomes. While Congress has doubled federal appropriations for IDEA over the last decade, federal funding for IDEA is still less than half of what Congress originally promised.

Unfortunately, recent increases in federal funding have translated into very modest improvement in the overall outcomes of children with disabilities. This would suggest that we not only need more federal funding for students with disabilities, but we need to use our resources more wisely.

Disappointingly, the Republican bill, the "Improving Education Results for Children With Disabilities Act of 2003 (HR 1350)," provides no financial incentives for states and local school districts to close the glaring gaps in educational achievement for students with disabilities. The Republican bill requires that states and local school districts meet new performance standards, but guarantees no new funding if they achieve these goals.

Instead, the Republican legislation only authorizes appropriations to achieve full funding of IDEA over the next decade, but it leaves the fate of whether this will actually happen to the appropriations process. With Republicans recently voting to reduce spending on education in their budget, it is unlikely that schools will ever get full federal funding through the appropriations process. Just like the "No Child Left Behind Act," the Republicans want better results from schools with less federal government funded resources.

In contrast, the "Realizing the Spirit of IDEA Act" will dramatically increase the financial support for children with disabilities by making all funding mandatory. However, in order to receive increases, school districts must make sure special education students are not left behind. In return for mandatory increases in funding for IDEA, school districts must help these students: Increase their attendance, increase academic proficiency, lower the incidence of drop out, increase graduation rates, and improve rates of post-secondary employment and education.

The bill will also provide mandatory increases in funding for research and development as well as for programs that help infants and preschoolers with disabilities and their families.

Experts in the fields of special education, learning disabilities, child psychology and psychiatry and disability organizations agree that the "Realizing the Spirit of IDEA Act" will improve the quality of education for students with disabilities. Attached, please find two letters of support for this legislation, one from academic experts and the other from advocates for people with disabilities.

Linking mandatory funding to accountability will profoundly change the way IDEA works by doing just that—making it work. The Realizing the Spirit of IDEA Act is needed to move away from the status quo. Our children, regardless of their ability or disability, deserve more than a second-class education. Please join me in supporting the Realizing the Spirit of IDEA Act. It is about time we give meaning to the phrase, Leave No Child Behind.

JUDGE DAVID L. BAZELON CENTER
FOR MENTAL HEALTH LAW,
Washington, DC, March 26, 2003.

Hon. PETE STARK,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STARK: The undersigned national mental health advocacy organizations are pleased to offer our support for the Realizing the Spirit of IDEA Act, important legislation you will soon be introducing in the House.

On behalf of our diverse constituency, representing children with disabilities and their families, advocates, providers and professionals, we are concerned about the educational outcomes of students with disabilities who require special education and related services under the Individuals with Disabilities Education Act (IDEA). As you well know, students with disabilities have lower rates of graduation, attendance and overall academic achievement than students without disabilities. Improving these rates and closing the gaps in academic performance between regular education and special education students is of vital importance to our constituencies and is a goal shared by your legislation.

The Realizing the Spirit of IDEA Act would help children with disabilities benefit from education by providing schools with financial incentives to improve special education students' school performance. The mandatory federal funding provided under the legislation would be based on a school's ability to demonstrate improved outcomes on important measures, including attendance, graduation, drop out rates and post secondary education and employment. Furthermore, the legislation encourages schools to make use of available best practice interventions in an effort to assist students with special education needs to fully realize their academic potential—and ultimately realize the true spirit of IDEA.

We look forward to working with you this year to enact the Realizing the Spirit of IDEA Act. Thank you for your continued leadership on behalf of students with disabilities and their families.

Sincerely,

LAUREL L. STINE,
Director of Federal Relations.

Submitted on behalf of:

American Academy of Child and Adolescent Psychiatry.

American Counseling Association.

American Psychiatric Association.

American Psychological Association.

Children and Adults with Attention-Deficit/Hyperactivity Disorder.

Federation of Families for Children's Mental Health.

National Alliance for the Mentally Ill.

National Association of School Psychologists.

National Association of Social Workers.

National Mental Health Association.

APRIL 2, 2003.

DEAR MEMBERS OF CONGRESS: As leading academic experts in the fields of special education, child psychology and education policy, we offer this letter of enthusiastic support for "The Realizing the Spirit of IDEA Act" introduced by Representative Pete Stark. It will better educate and ultimately improve the lives of disabled children throughout the United States.

Congress enacted "The Individuals with Disabilities Education Act" (IDEA) over 25 years ago. The original intent of IDEA was to ensure that disabled children had access to the same quality public education as all other children. While IDEA has successfully opened the doors of public schools to children with disabilities, their rates of graduation, attendance, academic achievement and drop out lag well behind all other segments of the school population. After they leave school, young people with disabilities are twice as likely to be unemployed and typically do not receive a post secondary education.

We believe "The Realizing the Spirit of IDEA Act" will provide the right incentives to make the spirit of the original IDEA legislation a reality. "The Realizing the Spirit of IDEA Act" will dramatically increase the financial support for children with disabilities, and if a school continues to improve, will provide full federal funding. However, in order to receive increases, school districts must make sure disabled children are not left behind by closing the achievement gap between disabled students and their non-disabled classmates. In return for mandatory increases in funding for IDEA, school districts must help disabled students increase their attendance, academic proficiency and graduation rate, lower the incidence of drop out, and improve rates of post-secondary employment and education.

Since IDEA was enacted, social science research has provided solutions that can improve the educational and career outcomes of children with disabilities. However, the current system primarily provides incentives for schools to focus on following the letter of the law rather than implementing education policies to improve students' performance. By holding schools accountable for improving the education of students with disabilities, this bill will encourage schools to implement empirically based interventions that research has demonstrated work.

"The Realizing The Spirit of IDEA Act" will improve IDEA; moreover, it provides schools the flexibility, incentives and supports necessary to have IDEA fulfill it's original intent. That is why we encourage others to join with us and to help enact this important legislation.

Sincerely,

Gerald August, PhD, Professor of Psychiatry Division, of Child and Adolescent Psychiatry, University of Minnesota Academic Health Center Medical School.

Russell A. Barkley, PhD, Professor, College of Health Professions, Medical University of South Carolina.

Caryn Carlson, PhD, Professor and Co-Director of Clinical Training, Department of Psychology, The University of Texas at Austin.

James Comer, MD, The Maurice Falk Professor of Child Psychiatry at the Yale University School of Medicine's Child Study Center.

Kenneth A. Dodge, PhD, William McDougall Professor of Public Policy Studies, Director, Center for Child and Family Policy, Terry Sanford Institute of Public Policy, Duke University.

Douglas Fuchs, PhD, Professor and Co-Director, National Center for Research on Learning Disabilities, Vanderbilt University, Peabody College.

Terry B. Gutkin, PhD, Professor and Chair, Department of Counseling, College of Health and Human Services at San Francisco University.

Alan E. Kazdin, PhD, John M. Musser Professor, Director, Child Study Center at Yale University School of Medicine.

Michael Cateldo, PhD, Professor of Behavioral Biology at Johns Hopkins University School of Medicine and Director of the Department of Behavioral Psychology at the Kennedy Krieger Institute.

Martha Bridge Denckla, MD, Director of the Developmental Cognitive Neurology Clinic and Batza Family Endowed Chair at the Kennedy Krieger Institute and Professor of Neurology, Pediatrics and Psychiatry and Behavioral Sciences at the Johns Hopkins University School of Medicine.

George DuPaul, PhD, Professor, Department of Education, Leigh University.

Elizabeth Glennie, PhD, Research Scholar, Center for Child and Family Policy Director, North Carolina Education Research Data Center, Terry Sanford Institute of Public Policy, North Carolina Education Research Data Center at Duke University.

George W. Hynd, EdD, Distinguished Research Professor and Associate Dean, Office of Research and External Affairs, College at The University of Georgia.

Philip C. Kendall, PhD, Laura H. Carnell Professor of Psychology, Director, Child and Adolescent Anxiety Disorders Clinic at Temple University.

Thomas R. Kratochwill, PhD, Professor at University of Wisconsin-Madison, Department of Educational Psychology, Division of Child and Adolescent Psychiatry.

Risk Ostrander, EdD, Chief of Neuropsychology, Assistant Professor of Psychiatry, Division of Child and Adolescent Psychiatry at The Johns Hopkins University.

Evelyn R. Oka, PhD, Associate Professor and Co-Director, School Psychiatry, Associate Professor, Learning Technology and Culture Dept. of Counseling, Educational Psychology, and Special Education at Michigan State University.

John Reid, PhD, Senior Scientist at Oregon Social Learning Center.

Karen C. Stoiber, PhD, Professor, Department of Educational Psychology at University of Wisconsin-Milwaukee.

John R. Weisz, PhD, Professor, Departments of Psychology and Psychiatry and Biobehavioral Sciences at University of California, Los Angeles.

John W. Hagen, PhD, Professor of Psychology at University of Michigan, Executive Officer, Society for Research in Child Development.

Thomas Oakland, PhD, Professor of Educational Psychology, Norman Hall at University of Florida and President, International Foundation for Children's Education.

Thomas H. Ollendick, PhD, University Distinguished Professor, Director, Child Study Center, Department of Psychology at Virginia Polytechnic Institute and State University.

Elizabeth Stearns, PhD, Research Scholar at Duke University, Terry Sanford Institute of Public Policy, Center for Child and Family Policy.

James R. Thompson, Chairperson, Department of Special Education at Illinois State University.

Patrick J. Wolf, PhD, Assistant Professor at Georgetown University Public Policy Institute.

IN RECOGNITION OF JUDGE LESLIE CROCKER SNYDER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. PALLONE. Mr. Speaker, I would like to draw the attention of my colleagues to a remarkable woman, Judge Leslie Crocker Snyder. Judge Snyder currently sits on the New York Supreme Court where she presides over many high profile cases. This year, Judge Snyder will be the recipient of the National Police Defense Foundation's "Woman of the Year" Award. She is being awarded for her tremendous dedication to law enforcement and her success in both writing and interpreting important legislation.

Ms. Snyder began her career as an assistant district attorney in New York County where she became the first woman to try felony cases and homicides. She went on to become the chief and founder of the first Sex Crimes Prosecution Bureau in the United States. She has also co-authored a variety of legislation such as New York's Rape Shield Law, legislation concerning aggravated sexual abuse and other Penal Law Sex Crimes Reforms.

After leaving the New York County's District Attorney's office, Judge Snyder served as the Chief of Trials at the Office of the Special Prosecutor against Corruption in the Criminal Justice System and also worked for several years in private practice where she primarily handled criminal trial work. Before being appointed to the New York Supreme Court she served as the Deputy Criminal Justice Coordinator and Head of the Arson Strike Force at the Office of the New York City Criminal Justice Coordinator.

Since 1986 Ms. Snyder has held her position as a New York Supreme Court Judge, and in 2000 she was appointed to the Court of Claims. Judge Snyder presides mostly over the highest level, "A–1" multiple defendant narcotics felonies; drug gang/homicide cases; organized crime cases and "white-collar" criminal cases. She has presided over the trials of many of New York's most violent drug gangs and successfully defied death threats from major drug lords.

Judge Snyder is the author of "25 to Life" and is a continuing lecturer to Bar associations and law enforcement groups concerning narcotics, sex crimes, homicides, criminal trials and women and the law. Judge Snyder also speaks to many school groups and has adopted two classes at a local public school. She makes numerous monthly visits to schools to observe court proceedings and conduct mock trials.

Additionally, Judge Snyder has appeared on a range of television programs including: "60 Minutes," "The Today Show," and others. She has been featured on news, cable and Court TV programs regarding crime, drugs and drug gangs, rape, women and the law and law enforcement.

Finally, Judge Snyder is the recipient of many awards including: The Radcliffe College Distinguished Alumnae Award, The Justice and Compassion Award, The Association of Legal and Medical Experts' Outstanding Contribution Award and the Retired Detectives of New York Award among numerous others.

Judge Snyder is truly an outstanding woman and an integral part of both her community and the United States' legal system. I ask that my colleagues join me in honoring Judge Snyder for her countless achievements to date and her continuing devotion to this important line of work.

TRIBUTE TO BRECKENRIDGE FIRE CHIEF JOHN MOLES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of John Moles, Chief of the Red, White and Blue fire department in Breckenridge, CO. Chief Moles is retiring this month after 27 years of service to his community.

Chief Moles and his colleagues in fire departments throughout the country put their lives on the line daily to ensure our health and safety. Their service is especially critical in these times of war and threats to our homeland.

Chief Moles recognized the importance of this service and helped to make the Breckenridge fire department the proud community asset that it is today. We too often fail to acknowledge the hard, selfless work of people like Chief Moles. So, I ask that my colleagues join me in thanking John Moles for his service and many contributions to his colleagues, community, state and nation and in wishing him and his family all the best for the future.

For the information of our colleague, I am attaching a copy of a recent story about Chief Moles and his work for Breckenridge that appeared in the Summit Daily newspaper.

From the Summit Daily, March 23, 2003

BRECK FIRE CHIEF RETIRES AFTER 27 YEARS

(By Jane Stebbins)

BRECKENRIDGE.—After 27 years in the fire service, Red, White and Blue Fire Chief John Moles announced his retirement Thursday afternoon. Assistant chief Gary Green will serve as the interim chief until the fire district board selects a successor.

Moles spent Friday packing up boxes of photos, awards and other memorabilia he's collected in his years at the Breckenridge fire station.

"I've been cleaning out my desk and finding pictures from 15 years ago, ID cards from when I started with the Breckenridge Volunteers," Moles said. "I wondered where that went."

Moles doesn't plan to do anything for a couple of weeks, then he'll take a vacation with his wife, Carol, daughters, Kelly and Jennifer, and son, Tommy. Then he'll look for a second career.

"I really don't know what, though," he said. "After doing this for 27 years, I want to do something different."

Moles joined the department as a volunteer in May 1975—when the department was still known as the Breckenridge Volunteer Fire Department—and was promoted to maintenance officer a year later.

Moles worked his way up the ranks, first as a training division captain for five years, then as the assistant chief of operations. In July 1993, he was promoted to chief.

During his tenure, Moles saw two station remodels and the construction of a new station near Tiger Road and Highway 9. Several old, outdated vehicles and equipment were replaced.

He worked on some of Breckenridge's biggest fires—at the Cedars condominiums in Breckenridge and at Jack Pine in Dillon—and numerous car accidents. Emergency response, however, took a different tack on Sept. 11, 2001.

"All of a sudden, we entered a new age," Moles said. "It was a new age of anthrax and serious terrorism, biological and nuclear threats."

Over the years, the fire department has matured from volunteers responding from their homes to a 24-hour staff of career, volunteer and resident firefighters. When he started, the Breckenridge Volunteers comprised 14 volunteers. Today, Red, White and Blue comprises 15 volunteers, 30 residents and career firefighters and five administrative staff members.

Over the years, Moles helped the 911 dispatch center and spearheaded the program to get automatic external defibrillators (AED) for cardiac emergencies. He also was the first firefighter in the county to use an AED and save someone's life.

"We had just gotten certified by a hospital in Denver, and the paperwork was just coming in on a fax," he said. "But the only thing that came in was a cover sheet—no names, no acknowledgement of certifications. And then we got a cardiac arrest at the Breck Inn (now the Breckenridge Mountain Lodge), and the defibrillator was sitting in my office. I had to decide whether to use it without truly being certified. I was a little nervous, but I opted to use it."

That call was among his favorites, he said.

"It's the thrill of a victory," he said. "You have this training, and you get instant results."

Under his leadership, fire crews have expanded safety inspections, firefighter and medic training and public education.

Despite all his accomplishments, Moles said he is happiest to have watched his firefighters grow into a group of dedicated professionals with expertise and training that rivals bigger city departments.

"They're very progressive, a very young bunch of enthusiastic firefighters who want to do the best for the citizens, and they'll continue to get better every year," he said. "I'm proud of the whole system. I was proud of the firefighters when I started and where they went year after year. I feel that even back in '70s and '80s we were the best, and we kept getting better. We never settled to be 'good enough.'"

HONORING THE LIFE OF ORANGE COUNTY ASTRONOMER WILLIAM KUHN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Orange County astronomer William Kuhn.

Mr. Kuhn's fascination with astronomy began in his youth. At 18 he built his first telescope, and he continued to design and build telescopes his whole life.

In 1963, Mr. Kuhn moved to Orange County, where he taught astronomy to hundreds of people in his backyard. He helped to make the Orange County Astronomers one of the best amateur astronomy groups in the nation.

His greatest accomplishments included the discovery of eight supernovae and more than twenty asteroids, all discovered with his own 22-inch telescope.

Mr. Kuhn's contributions and dedication to astronomy will live on through future generations of astronomers. And his passion for exploring the mysteries of our universe will never be forgotten by the amateur astronomers in Orange County.

CONGRESSWOMAN LEE'S ARTICLE ON PEACE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. STARK. Mr. Speaker, I commend to my colleagues' attention the following article on Representative Barbara Lee that appeared in the San Francisco Chronicle Magazine on Sunday, March 23, 2003. Congresswoman Lee has been an eloquent advocate for peace and justice. Her tireless efforts to seek a diplomatic solution to the conflict with Iraq are vital to upholding our nation's moral leadership in the world. She is a credit to this institution and the values of democracy, freedom and human rights throughout the world. I'm honored to serve in Congress with her.

[From the San Francisco Chronicle Magazine, Mar. 23, 2003]

GIVING PEACE A CHANCE; LOCAL REP. BARBARA LEE ON HER NATIONAL FOLLOWING

(By Sam Whiting)

It isn't lonely as it used to be way out there on the far left.

A year and a half after casting the lone vote opposing President Bush's global campaign against terrorism, Congresswoman Barbara Lee has become the name attached to the anti-war movement.

When Lee came to the stage at last month's peace rally in San Francisco, she heard the chant "Barbara Lee for president." She has heard it before, and seen it on signs, from Oregon to Massachusetts.

That's a long ways from Mills College, where she graduated 30 years ago. Now a fourth-term Democrat representing Oakland and Berkeley, Lee, 55, gets all the inspiration she needs walking into her district office in the Ronald V. Dellums Federal Building in Oakland.

ON THE BARBARA LEE FOR PRESIDENT MOVEMENT

It's a humbling moment when you hear that. I recognize I have represented this area for five years in Congress, and I was in the state Senate and Assembly since 1990. But when you hear the shouts "Barbara Lee for president," you have to say, "Where's that coming from?" It's not coming from me. It's not coming from my staff. That's for sure.

ON THE "I TOLD YOU SO" TEMPTATION

On Sept. 14, 2001, right after the horrific attack, when I voted no, I knew then that it was wrong for us to give the administration a blank check. That was giving the president too much power to use force without coming back to Congress at all. I believe, and the Constitution requires, that the Congress declare war, that we engage in debate with regard to war and peace. So I would cast the same vote today. No second thoughts.

ON NO LONGER BEING THE ONE LONELY ANTI-WAR VOTE

I offered the Lee Amendment as an alternate with regard to disarmament and finding diplomatic solutions to our problems with inspections. We received 72 votes [Oct. 10, 2002]. When you look at the last vote on the use of force, we had 133 no votes on that resolution.

ON NORTH KOREAN MISSILES POINTED AT THE BAY AREA

During the debate on Iraq, some members of the Progressive Caucus really made the case for the missile scenario in North Korea and said, "That's where we need to begin talking about containment." I don't think the general public knew, because it's been "Iraq, Iraq, Iraq" from the administration.

ON THE SOLUTION

We need to re-engage. During the Clinton administration, there was engagement going on. For the first 18 or 19 months of the Bush administration, there was no engagement at all. Next what do we hear? The president goes to Congress and cites the "Axis of Evil." We must re-engage with North Korea, and we must do that immediately. It's a very dangerous situation—certainly more dangerous than Iraq.

ON THE PEACE MOVEMENT

This doctrine of pre-emption and first strike—Iraq is first on their list, and this is a policy that this administration is dead-set on implementing. We see Iraq now, Iran, North Korea. Who knows what country is next? I just hope it doesn't take hold, and that's why I'm so happy and delighted to see the peace marches throughout the world.

ON NAKED SPELLOUTS

I've seen the pictures. People are finding creative ways to protest. These women chose to express their views in this way. That's a manifestation of their determination to make their statement.

ON BECOMING AN ACTIVIST AT AN EARLY AGE

I was born on July 16, 1946, in El Paso, Texas. When my mother went to have me, they wouldn't admit her to the hospital because she was black, and she almost died. I heard my mother tell me this and I was really upset. They left her to die on a gurney.

ON GROWING UP A CIVIL RIGHTS ACTIVIST

I was raised in Texas and the schools were segregated. I wasn't allowed to go to public school. I went to Catholic schools. They were the only ones that would let black folks in. I can remember my dad in his uniform—he was an officer in the military—and we'd go to restaurants and they'd say, "I'm sorry we can't serve," and they used the N word. So I was always fighting for what was right.

ON AN ARMY BRAT BECOMING A PEACE ACTIVIST

My father is a retired lieutenant colonel. When I cast the one vote against the war, he said, "That was the right vote." He was in the Korean War and he's very clear on issues of war and peace. My mother too. They're my source of strength.

ON MENTORS

Ron Dellums is a phone call away. We work on issues together. He's probably made more of an impact on me than anybody, in terms of policy. He worked very hard to get this federal building here, and every time I walk in, I think of Ron.

RECOGNITION OF THE VISTA NATIONAL LITTLE LEAGUE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. ISSA. Mr. Speaker, today the Vista National Little League celebrates its 50th season of serving the boys and girls of the Vista area. There will be a Golden Glove Gala to celebrate this special occasion. The efforts of the many volunteers that have contributed countless hours to the success of the league deserve special recognition.

During the past fifty years, approximately 20,000 children have played baseball with the Vista National Little League. Little League baseball gives children the opportunity to learn about discipline, teamwork, respect, dedication, responsibility, competition, character, and sportsmanship. Little League baseball provides positive influences for children and promotes lifelong friendships.

Mr. Speaker, on the occasion of the Vista National Little League's 50th anniversary, I would like to personally recognize the work of those who have served as coaches, team parents, board members, snack bar workers, and field maintenance managers.

HONORING LEO MARCH

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. HUNTER. Mr. Speaker, I rise today to honor the life of my friend, Leo March, who passed away last October. Leo was a successful entrepreneur, a devoted family man and a solid public servant.

Born in September of 1932, Leo suffered many hardships through his youth, including being stricken with polio and having to leave school after the tenth grade in order to support his family. Despite these setbacks, Leo was determined to succeed.

In 1982, Leo began his own company, Integrated Sign Associates, in La Mesa, CA. Starting in a small office, his business grew to include up to 40 employees, a satellite office in Van Nuys, CA, and a complete fabrication and installation facility of 18,000 square feet located in El Cajon, CA.

Leo was very active in his community and loved San Diego. He was involved in local politics working several campaigns. Leo served on the Mayor's Sign Force Committee for the City of San Diego, was an expert witness for sign design and planning for the California Supreme Court and served as President of the California Electric Sign Association. He was a member of an advisory board to the California State Senate Select Committee on Small Business Enterprises for ten years as well as a Panel Moderator for the White House Conference on Small Business and the director of the Boys and Girls Mental Health Centers. For over a decade, Leo was the Vice Chairman of the Small Business Advisory Board in San Diego and he sat on the Selective Service

System Board Member as a Presidential Appointment for seven years.

Leo's efforts did not go unnoticed. Leo received a Commendation Service to Community Award from San Diego Congressman Bill Lowery. He also gained a California State Assembly Resolution touting his Community Service in 1991 and in the year 2000, he received the same award from the California State Senate. Due to his community service, the City of San Diego proclaimed December 6, 1999, as Leo March Day and the County of San Diego made May 16, 2000, Leo March Day for the entire county.

Leo's family was an important part of his life as well. He married his wife, Donna Jean, on November 27, 1953, and they had two children, Ronald James and Linda Ann. He enjoyed spending time with his four grandchildren, Lisa, Lori, Chanda, and Ryan, as well as his great granddaughter Nicole. Leo enjoyed flying and owned an airplane, a Piper Dakota. He was a member of the Gillespie Pilots Association and was appointed to the Gillespie Field Development Council in January 2001. Leo also enjoyed playing golf and other recreational activities, but cherished taking part in activities involving his family most of all.

Throughout his life, Leo March faced challenges with a positive attitude and a determined spirit. Leo accomplished many of the goals he set for himself and leaves behind a group of loved ones that admired his dedication to community, business and family. I ask you to join me in honoring the life of Mr. Leo March.

TRIBUTE TO REVEREND CANON DR. ALONZO CLEMONS PRUITT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Canon Dr. Alonzo Clemons Pruitt in recognition of his steadfast commitment to his community.

Reverend Pruitt served as the Sixth Rector of St. Philip's Church from September 12, 1993 to March 30, 2003. During his ministry, he made significant contributions to his community, church and congregation. For example, he helped raise an additional $20,000 for the Endowment fund; he founded the All Saints Gospel Choir and developed a movie night as a vehicle for a youth ministry in the Parish and in the Brooklyn Archdeaconry. Rev. Pruitt also established blood donation drives and was responsible for the placement of Black icons in the church.

In addition to his congregation at St. Phillip's, Reverend Pruitt served as a Chaplain to the New York State Assembly and the New York State Senate, Adjunct Professor at George Mercer School of Theology, Dean of St. Matthew's (Central Brooklyn) Deanery, Chairman of the Diocesan Department of the Budget of the Diocese, Secretary of the Board of Managers of Episcopal Health Services, Chaplain of the Clergy Caucus of Central Brooklyn Churches, Chairman of the Diocesan Commission on Addiction and Recovery, and Vice-President of Recovery Ministries of The Episcopal Church. He was also a Member of Community Board No. 3 in Brooklyn and a member of the Steering Committee of the 81st Precinct Police Clergy Caucus.

While the Rector of St. Phillip's, Canon Pruitt received numerous awards and honors including: The 1994 Community Service Award from Brooklyn Gas; 1995 Community Service Award from Crown Heights Lions Club; 1998 Community Service Award from Bedford-Stuyvesant Headstart; 1999 Community Service Award from the City of New York Police Reserve Association; 2000 Community Service Award from New York Blood Center; 2001 Community Service Award from the 81st Precinct Police Community Relations Council, and 2002 Community Service Award from The New York City Police Department. Most recently, he received the 2002 Chairman's Award for Service from the Central Brooklyn Churches. In addition to this long list of community service honors, in 1996, he was awarded a Doctor of Divinity, honors causa, from St. Paul's College, citing career excellence in community service and parish ministry.

He also raised funds to help rebuild churches throughout the country such as St. Thomas Church in Farmingdale, NY, St. Paul's Cathedral in Oklahoma City, OK, and a church in Princeville, NC.

Mr. Speaker, with his numerous awards and community contributions, Reverend Canon Dr. Alonzo Clemons Pruitt has shown that he is clearly dedicated to his community. As such, he is more than worthy of receiving our recognition today. I urge my colleagues to join me in honoring this truly remarkable human being.

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. WU. Mr. Speaker, I rise in support of House Resolution 1166, which would amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

With their native lands taken and having been relocated to the confines of reservations, the injustices of the past affect the lives of these indigenous peoples today, as many reside in economically depressed areas that make it difficult for them to make a sustainable living. This bill works to rectify part of this historical legacy, helping these communities to help themselves, by requiring small business development centers to provide technical assistance to businesses in these communities. Economic development and such capacity building would thus encourage their communities to grow and prosper.

All Americans deserve the same opportunity to advance themselves to have a better life. Our Congress should support efforts that promote the job creation, spur economic growth, and self-sufficiency for all Americans. That is why I, as Chair of the Congressional Asian Pacific American Caucus, strongly support this legislation that would assist Native American, Native Alaskan, and Native Hawaiian communities.

RICE FARMERS FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. PAUL. Mr. Speaker, I am today introducing the Rice Farmers Fairness Act. This legislation conditions the continuation of farm subsidies in the state of Texas upon the maintenance of rice production. Federal law allows for the continuation of subsidies to landowners who discontinue tenant rice farming on their land. In essence, this means that the subsidy continues to flow in spite of an end to production.

This is a "something for nothing" subsidy of the worst kind! As a result of this provision, there is a very real threat to the agricultural infrastructure. With landowners receiving subsidies in spite of lack of production, the entire warehousing, processing and "value-added" industries are put at risk.

As grain elevators, processors and others see a reduction in demand for their services because of the diminution of production permitted by federal law, they have a disincentive to continue to provide said services, services which must remain in place in order for those who remain in production to be able to bring to market the rice which they continue to produce. Thus, by way of the decimation of the infrastructure, this subsidy to non-producers comes at the expense of those who continue to produce rice. Therefore, the provisions of federal law which provide this subsidy actually amount to another form of federal welfare, taking from producers and giving to non-producers. These destructive government policies have particularly pernicious effect in Texas, where rice farming, and the related industries, are a major sector of the economy in many towns along the Texas coast.

My legislation is very simple and direct in dealing with this problem. It says that those who have tenant rice farmers producing rice in Texas must agree to continue to maintain rice in their crop rotation if they wish to receive subsidies. In this way, we can remove the perverse incentive, which the Federal Government has provided to landowners to exit the rice business and thereby put the entire rice infrastructure at risk.

America's rice farmers are the most efficient, effective producers of rice in the world, despite the many hurdles erected by Washington. The Rice Farmer Fairness Act helps remove one of these hurdles and this makes America's rice farmers even more efficient. In order to enhance our competitive position, we should also end our embargoes of other nations. Congress should eliminate the burdensome taxes and regulations imposed on America's farmers. I hope my colleagues will join me in removing these federally imposed burdens on rice farmers by supporting free trade, low taxes and regulations, and cosponsoring my Rice Farmer Fairness Act.

Mr. Speaker, I rise to help parents of children with special educational needs by introducing the Help and Opportunities for Parents of Exceptional Children (HOPE for Children) Act of 2003. This bill allows parents of children with a learning disability an up to $3,000 tax credit for educational expenses. Parents could use this credit to pay for special services for their child, or to pay tuition at private school or even to home school their child. By allowing parents of special needs children to control the education dollar, the HOPE for Children Act allows parents to control their child's education. Thus, this bill helps parents of special needs children provide their child an education tailored to the child's unique needs.

Helping parents provide their child with an education designed around the child's individual needs is far superior to the "one size fits all" cookie cutter, bureaucratized approach that has dominated special education for the past 30 years. This approach is inappropriate for any child, but it is especially harmful for special needs children. The HOPE for Children Act puts control over education resources back in the hands of those who know best, and care most about, the unique needs of children: parents.

The HOPE for Children Act allows parents of special needs children to provide those children with an education that matches their child's unique needs without having to beg permission of education bureaucrats or engage in lengthy and costly litigation. I urge all my colleagues to cosponsor this bill.

TRIBUTE TO THE WORKERS AT THE OCEAN SPRAY NEVADA PLANT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor the workers at the Ocean Spray Nevada plant for completing 1 million bottling hours without a single accident. This singular feat has been accomplished through the dedication and skill of every man and woman in the plant. One million hours equals 25,000 40-hour work weeks, and is a nearly impossible feat to accomplish. Every manufacturing plant in the United States and overseas can learn from the example provided by Plant Manager Paul Altmier and his entire team.

The Ocean Spray plant, located in Henderson, NV, was completed 9 years ago and employs roughly 200 people. This plant provides the western United States with cranberry juice and other beverages. I am honored to represent the workers at the plant on this occasion and look forward to their continued accomplishments in safety and excellence.

INTRODUCTION OF THE WATER QUALITY FINANCING ACT OF 2003

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. DUNCAN. Mr. Speaker, I am very pleased that today, Chairman DON YOUNG and I are introducing the "Water Quality Financing Act of 2003."

As many members know, the American Society of Civil Engineers recently graded the condition of the infrastructure throughout the country. Wastewater infrastructure received a "D."

Nearly half of sewer pipes in American cities are over 50 years old. Some are over 100 years old. Treatment plants built in the 1970's need to be upgraded. New mandates to manage municipal stormwater runoff have gone into effect. And water quality must be improved.

As a nation, we are not investing enough in our wastewater treatment infrastructure to ensure that we will continue to keep our waters clean. Unless we act, we could lose the significant gains in water quality that have been achieved over the last 30 years.

There are multiple reasons for our current situation.

The Federal government has redirected local resources by imposing unfunded mandates on our communities.

Some State and local governments have chosen other local priorities before maintaining wastewater infrastructure because it was "out of sight, out of mind."

But, instead of assigning blame, we need to work together to solve these problems.

We must breathe life into partnerships using the resources of Federal, State and local governments, the private sector and local ratepayers. No one sector will be able to carry this responsibility alone.

We also must meet the challenge of finding more efficient and less expensive ways to address our wastewater treatment needs.

According to an analysis by the Congressional Budget Office, the gap between current spending and needed investment could be over $200 billion over the next 20 years. The actual amount of needed future investment depends heavily on the actions of Federal, State and local governments.

If we can achieve a greater environmental return on our investment with alternative treatment systems and can increase efficiencies through partnerships, regionalization, and improved operation and maintenance, we can cut the gap between current spending and needed investment in hall

This means we need to both increase investment and take action to reduce costs.

The "Water Quality Financing Act of 2003" addresses these issues by:

(1) Authorizing $20 billion over five years in Federal assistance through State Revolving Loan Funds;

(2) Encouraging innovative and alternative approaches to solving water quality problems and financing infrastructure improvements;

(3) Encouraging appropriate management of infrastructure assets, including planning for the payment of the costs of repair and replacement; and

(4) Increasing support for small and disadvantaged communities through funding, technical assistance, and increased subsidies.

There are a variety of competing policies that continue to be discussed as we update this program. In crafting this bill we have looked at the national goal of improving water quality, the current demands on the Federal budget, and the responsibilities of local communities to provide municipal services and maintain their local wastewater systems.

We have worked closely with members on both sides of the aisle and the various stakeholders to advance the goal of improving the infrastructure in the most cost effective manner. We have received favorable feedback from diverse parties. The Water Quality Financing Act of 2003 embraces innovative solutions for these competing interests and I urge members to support this legislation.

INTRODUCTION OF ZZZ'S TO A'S

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Ms. LOFGREN. Mr. Speaker, there is a growing crisis in America. With early school start times, some before 7:00 a.m., adolescents do not get enough sleep. The National Sleep Foundation reports that children and adolescents need at least 9 to 10 hours each night. But few sleep that much, and even fewer sleep on a regular schedule. Over time sleep deprivation leads to serious consequences for the health, safety, social behavior, and academic achievement of the nation's youth. This is simply unacceptable, especially since the solution is so easy. We must encourage schools to push back their start times to at least 8:30 a.m.—a schedule more in tune with adolescents' biological sleep and wake patterns and more like the normal adult workday.

A recently published study by Dr. Kyla Wahlstrom at the University of Minnesota demonstrates the impact of later school start times. After the Minneapolis Public School District changed the starting times of seven high schools from 7:15 a.m. to 8:40 a.m., Dr. Wahlstrom investigated the impact of this change on school performance and the results are encouraging. Dr. Wahlstrom found improvement in attendance and enrollment rates, increased daytime alertness, and decreased student-reported depression. If we allow adolescents to perform in accordance with their biological clocks, we provide them with the opportunity to succeed in school. Further, adequate sleep benefits adolescents by decreasing their chances of sleep-related car accidents and child obesity.

As more research is done, picture is clear—with early school start times, we place undue pressure on adolescents' ability to perform and achieve in school. Some school districts have responded to the research and have pushed school start times back. In total, 34 school districts across 19 states have pushed back school start times. In addition, the evidence has led nearly 100 additional school districts to consider changes.

I continue to advocate for later school start times and today I am re-introducing the ZZZ's to A's resolution to encourage schools to push back their start times to at least 8:30 a.m. I urge my colleagues to join me in this initiative. By encouraging schools to push back their start times and allowing adolescents to get enough sleep, we provide students with the opportunity to function normally, achieve in school, and be their best!

TRIBUTE TO AMHERST REGIONAL HIGH SCHOOL BOYS BASKETBALL TEAM, 2003 MASSACHUSETTS DIVISION I STATE CHAMPIONS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. OLVER. Mr. Speaker, I rise today to recognize the community spirit of the Amherst Regional High School Boys Basketball Team of Amherst, Massachusetts and congratulate them on winning the 2003 Massachusetts State Championship for Boys Division I Basketball.

The team had a remarkable season this year and their accomplishment is well deserved. They finished with a record of 21–4 and the state title win was the first ever for the Amherst Boys Basketball Team. These talented young men pulled together and worked as a team to defeat an admirable and previously unbeaten foe in Central Catholic of Lawrence, Massachusetts. Each player put aside personal goals and focused intently on their common aim—to be the best in Massachusetts High School Basketball.

I also want to acknowledge their coach, Jim Matuszko, and the excellent leadership he has provided since becoming Head Coach five years ago. Jim, an Amherst graduate himself, returned to build a team that has become the pride of the entire community. With a staff of dedicated assistant coaches and a great deal of support from students and parents, he created a model program. Jim's athletes are not only dedicated team members, but leaders in the community.

Again, I congratulate the students and coaches of Amherst Regional High School on their extraordinary championship season.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. PASCRELL. Mr. Speaker, I was unable to be present for floor votes on Monday, March 31th due to a long-standing prior commitments.

If I had been present, I would have voted in the negative for final passage of H.R. 1463 the "Small Pox Vaccination Compensation Fund Act."

CONDEMNING THOSE WHO SLANDER OUR YOUNG MEN AND WOMEN RISKING THEIR LIVES FOR THE NATION

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. SWEENEY. Mr. Speaker, I rise today to condemn anyone who feels it is proper to slander the great young men and women who are risking their lives for our great nation. It is tragic enough that doubts abound about the integrity and motivations of many of our military actions in the eyes of the people of this country, but to advocate the killing of our military personnel is outrageous.

Sadly, Mr. Speaker, this is a very grim and unfortunate situation which has raised the ire of myself and countless others from all walks of life. I am speaking about an assistant professor at Columbia University, Nicholas De Genova, who stated that he hoped "there would be a million Mogadishus," which means he hopes millions of young American soldiers are shot, mutilated, and paraded through the streets; all of which are war crimes. He then went on to say, "The only true heroes are those who find ways to help defeat the U.S. military."

It is this type of outlandish anti-American sentiment I stand to condemn. It is my belief that anyone who states such absurdities is speaking in support of terrorism and is going against everything for which the United States stands.

As the War in Iraq continues, it is more important to support our troops. In an all voluntary military, it is imperative we demonstrate a commitment to supporting our military personnel at every turn by reinforcing the values they hold, not by attacking them and questioning their character and certainly not by advocating killing them. We must fight anyone who attacks those who stand side by side as one to fight and die if necessary to secure our most sacred virtue, our freedom!

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. OBERSTAR. Mr. Speaker, I hosted an important Hometown Values tour in my district on March 31 and April 1 meeting with local educators, parents and students to discuss the numerous education needs and challenges in Pine, Chisago, and Isanti counties. I also hosted an important Hometown Values Forum to examine the opportunities to promote physical activity and public health by making our communities more accessible to walking and bicycling.

As a result of these important meetings, I was unable to cast my vote on legislation that the House considered on those two days. Had I been present, I would have voted "nay" on Rollcall Vote 92, and I am pleased that the House defeated this unacceptable smallpox legislation; I would have voted "aye" on Rollcall Vote 93; I would have voted "aye" on Rollcall Vote 94; I would have voted "aye" on Rollcall Vote 95, and I am pleased that the House voted overwhelmingly to reject the proposed reductions in Medicare, Medicaid, veterans benefits and railroad retiree pensions. I would have voted "aye" on Rollcall Vote 96; and I would have voted "aye" on Rollcall Vote 97.

COCONINO AND TONTO NATIONAL FOREST LAND EXCHANGE ACT

SPEECH OF

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HAYWORTH. Mr. Speaker, H.R. 622, the Coconino and Tonto National Forests Land Exchange Act authorizes, directs and expedites two land exchanges in the Coconino and Tonto National Forests in Arizona: the Montezuma Castle/Payson Airport Land Exchange and the Diamond Point Land Exchange.

Through this land exchange, the Town of Payson will receive land adjacent to its airport that will be used for expansion and economic development activities. This is particularly valuable to Payson because the Town is totally surrounded by national forest lands, virtually land-locking the community. Local officials feel that the lack of land for industry and low-cost housing is the major obstacle to economic development in the region.

These two exchanges have been pending for 6 or 7 years, with no conclusion anywhere in sight. The administrative process unfortunately broke down, leaving the Town of Payson and the homeowners of the Diamond Point Summer Homes Association with no other alternative than a legislated exchange. What's more, the exchanges are supported by the Forest Service and are already a part of the Tonto National Forest Plan.

This is common-sense legislation that accomplishes goals that even the Forest Service has stated are a priority. These land exchanges are endorsed by the Gila County Board of Supervisors, the Rim County Regional Chamber of Commerce, the Town of Payson, the Payson Regional Economic Development Corporation, and the National Park Service, among others.

I commend the gentleman from Arizona, Mr. RENZI, for making this legislation a priority, and for bringing it to the floor so quickly.

SUPPORTING OUR MEN AND WOMEN IN THE ARMED SERVICES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. McHUGH. Mr. Speaker, as every Member of this body knows, we face a very unsettling time today. With war declared against Iraq, I fully recognize, respect, and share the concerns many people have about the crisis at hand throughout the Middle East and Central Asia. I view any conflict as a decision of the greatest consequence and an act that should be pursued only when all other possibilities have been fully exhausted.

During my more than ten years as a Member of the House Armed Services Committee, I have had the opportunity to visit our brave military men and women in hostile environments from Haiti, to Bosnia, to Kuwait, to Afghanistan, and beyond. I have seen the devastation that armed conflict can impart and witnessed the pain of our wounded troops who gave so bravely and unselfishly of themselves in the service to our nation. I assure you these experiences profoundly affect how I view any decision to commit ourselves to battle, thus placing our troops in harm's way.

With respect to military action against Iraq, I would hope we all agree that Saddam Hussein is evil personified and poses a serious threat to peace, both in the Middle East and throughout the world. As the United Nations inspectors verified prior to their forced expulsion in 1998, Iraq under Saddam Hussein has pursued a frightening program of chemical and biological weapons development coupled with an undeniable record of repeated aggression against its neighbors and the documented use of outlawed chemical weapons even on its own people. Saddam Hussein is one of the greatest threats to peace that the world has ever known.

For the past 12 years, and through a total of 17 United Nations resolutions, Saddam Hussein has repeatedly defied international law and relentlessly pursued a program of developing and stockpiling weapons of mass destruction. Had we allowed Saddam Hussein to continue unchecked, there is every reason to believe his next act of aggression would have been of a nature and scope of unparalleled destruction.

When the United Nations Security Council unanimously adopted Resolution 1441 on November 8 of last year, Saddam Hussein was given "one last chance" to comply with international law and fully disarm and destroy his weapons of mass destruction. Yet, Iraq failed to meet the requirements in substance of cooperative disarmament. In short, Saddam Hussein responded to the demands of the world community with defiance and deceit.

With Saddam Hussein's shameful record as background, and the continued failure of Iraq to fully comply with the repeatedly affirmed requirements of disarming, on March 18th—consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002—President Bush informed Congress that further diplomatic and other peaceful means alone would not adequately protect our national security against the continuing threat posed by Iraq nor likely lead to the enforcement of all relevant United Nations Security Council Resolutions.

The President informed the nation on the evening of March 19th that American and coalition forces had begun the early stages of military operations to disarm Iraq, free its people, and to defend the world from grave danger. Now that military action has commenced, I pray for our military personnel, for the liberation of the Iraqi people from Saddam Hussein's tyranny, and for a world free from the threat of Iraq's weapons of mass murder. It is my sincere hope and desire that each and every American will stand behind our military personnel and their families during this difficult time. I think we can all agree that they deserve the respect and gratitude of the American people.

An editorial recently published in my upstate New York congressional district directs readers to organizations involved in relief efforts. While the thrust of the editorial is an analysis of the efficacy of anti-war demonstrations, let me be clear that it is not my wish to suppress anyone's right to express him or herself. Instead, I want to share this editorial with my colleagues because I embrace the overall conclusion—that demonstrating support for our troops and contributing to relief efforts is something that each and every one of us can and should do, regardless of our feelings about the military operation.

[From the Eagle Newspapers, March 26, 2003]

TIME FOR PROTEST HAS LONG PASSED

Even as our forces fight in Iraq, protesters in Upstate New York and elsewhere continue the futile banner waving that started months ago, when Saddam Hussein made it clear he would ignore United Nations mandates and President Bush quickened the march toward war.

We make no suggestion that protestors shouldn't have a right to speak their minds, but protestors should realize that no sign, no chant, no assembled multitude will cease military action in Iraq. If the goal is to ensure the well-being of the Iraqi people, it's time to turn futile displays into real action. Several reputable organizations have been set up to aid in Iraqi relief efforts following the military strikes. The U.N. runs a Humanitarian Information Center for Iraq, which will help coordinate humanitarian efforts in that nation. Church World Service and World Vision are two Christian-based humanitarian organizations dedicating time and money to relief efforts.

Support for our fighting forces is most important now. Our troops are following orders. Whether we approve or decry the actions of the Bush Administration, whether we believe one motivation over another, whether we think other countries' approval is important, we must honor the commitment of our troops. It's time to lay down the signs, the banners and the unproductive rhetoric and take action that can make a difference. For more information on relief organizations, visit www.agoodplacetostart.org, www.churchworldservice.org or www.worldvision.org.

The Department of Defense website is another resource offering suggestions about how we can support our troops. It says:

Thousands of Americans are asking what they can do to show their support for servicemembers, especially those serving overseas in this time of war. Below are Web sites for several organizations that are sponsoring programs for members of the Armed Forces overseas. While it would be inappropriate for the Department to endorse any specifically, servicemembers do value and appreciate such expressions of support:

"Gifts from the Homefront" Certificates now allow you to send a gift certificate to a loved one, family member or dear friend associated with the military. These certificates are redeemable by Authorized Patrons of the PX/BX and are redeemable at all locations around the world including deployed areas. If you're looking for the perfect gift to give that special individual anytime and anywhere, then "Gifts from the Homefront" Certificates are the perfect choice, go to (http://www.aafes.com/docs/homefront.htm).

Donate to "Operation USO Care Package" at (http://www.usocares.org/home.htm).

The Gift of Groceries program at (http://www.commissaries.com/certificheek/index.htm) helps meet the family needs of our Guard and Reserve troops fighting the war on terrorism.

Donate a calling card to help keep servicemembers in touch with their families at Operation Uplink at (http://www.operationuplink.org).

Send a greeting via e-mail through Operation Dear Abby at (http://anyservicemember.navy.mil) or (www.OperationDearAbby.net).

Sign a virtual thank you card at the Defend America Web site at (http://www.defendamerica.mil/nmarn.html).

The "Stars and Stripes" newspaper includes a daily "Messages of Support" section giving family and friends of deployed service members a chance to pass along greetings, announcements, and words of encouragement. Such messages (LIMITED TO 50 WORDS OR LESS) will be printed on a first-come, first-run basis. Messages may be sent to: (messages@stripes.com).

Make a donation to one of the military relief societies:

Army Emergency Relief at (http://www.aerhq.org) Navy/Marine Relief Society at (http://www.nmrs.org) Air Force Aid Society at (http://www.afas.org) Coast Guard Mutual Assistance at (http://www.cgmahq.org).

Support the American Red Cross Armed Forces Emergency Services at (http://www.redcross.org/services/afes).

Purchase a Patriot Bond at (http://www.ustreas.gov).

Volunteer at a VA Hospital to honor veterans who bore the lamp of freedom in past conflicts.

Reach out to military families in your community, especially those with a loved one overseas.

Please do not flood the military mail system with letters, cards, and gifts. Due to security concerns and transportation constraints, the Department cannot accept items to be mailed to "Any Servicemember." Some people have tried to avoid this prohibition by sending large numbers of packages to an individual servicemember's address, which however well intentioned, clogs the mail and causes unnecessary delays.

The support and generosity of the American people has touched the lives of many servicemembers, over 300,000 of whom are deployed overseas.

Mr. Speaker, I trust my colleagues and my fellow Americans will find this information helpful. Showing our support for the men and women in uniform is the least we can do. After all, they are, at this very moment, putting their lives on the line to defend our freedom.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. DEMINT. Mr. Speaker, I was absent during roll calls 92, 93, and 94. Had I been present, I would have voted "aye" on each of those rollcalls.

COMMENDING THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. MOORE. Mr. Speaker, I rise to congratulate the University of Kansas, my undergraduate alma mater, for reaching the Final Four competition for the second year in a row. KU has shown impressive skill in this year's NCAA conference, and I am confident that they will reach the championship game.

The Jayhawks have benefited from excellent senior leadership and the outstanding coaching of Roy Williams. The team has a 29–7 record, most recently with great victories over Duke and Arizona.

Congratulations to the KU Men's 2002–2003 Basketball team on their efforts and their return to the Final Four. This team has shown an ability to thrive in the face of adversity. I know their play in Saturday's match-up against Marquette will make me proud to be a Jayhawk. Rock Chalk Jayhawk, KU!

CONGRATULATIONS BOARD MEMBERS OF THE VILLAGE OF WESTERN SPRINGS AS YOU RETIRE FROM PUBLIC SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to extend my warmest wishes to several Board Members upon their retirement from service to the Village of Western Springs, Illinois. The following members will be recognized on Saturday, April 5, 2003 for their commitment to public service.

Village Board Members: Howard Blackman, Harry Kannry, and Jane McMurray

Park Board Members: Ken Sitkowski and Greg Jonas.

Library Board Members: Leslie Karas and Mark Schilling.

All of you have proven to be a true asset to your family, friends and community. Your dedication to the community in which you live has truly been instrumental to the success of the Village of Western Springs.

As you retire, I wish to extend my heartiest congratulations to Village of Western Springs Board Members and your families as you celebrate your accomplishments in public service. May your futures be filled with much success.

AGAINST FY 2004 VETERANS BUDGET CUTS IN HEALTH CARE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to voice my opposition against the President's proposed budget for Health Care in the Veterans Affairs (VA) fiscal year 2004. Americans freedom is due to the men and women in uniform who have fought and continue to fight for us. They are the Nation's heroes, who are one of America's greatest and vital assets, to whom we owe a great debt. One way we can repay this debt is through the provision of good health care to them. Many veterans and men and women in uniform according to the American Veterans (AMVET) will agree with me that high quality health care is one of their most important benefits. Nevertheless, the President is repaying the debt we owe to them by cutting their health care benefits.

The President's budget of $27.5 billion is $2.5 billion less than what it cost to provide health care to veterans under current law in 2004. This is as a result of suspending health care enrollment of Priority 8 veterans, which will deny care to 173,000 veterans nation wide. Of the 173,000 veterans denied approximately 7,160 reside in Illinois and approximately 4,000 would have enrolled at VA facilities in the Chicago area. Nationwide, an estimated 300,000 veterans in 2002, were placed on waiting list or forced to wait for over 6 months in order for them to get an appointment for health care. Now we are going to tell over 50 percent of these people who have been expecting this benefit and bleed for their country, that we appreciate their service and are thanking them by refusing them health care access. Denying them health care tells them how much we value their service to the country and their lives. This is incomprehensible.

The budget now requires an additional annual enrollment fee of $250 for those already in the VA health care system. This will force approximately 1.25 million enrolled veterans including 425,000 active patients nationwide to drop out of the health care system due to the increased costs. In the state of Illinois, there are approximately 105,210 priority 7 and 8 veterans enrolled in the VA health care system, which will lead to an estimated 58,000 veterans dropping out due to this cost. Also, approximately 42,000 Chicago veterans and active patients would be forced to drop out of VA care due to the new fees. This new fee is telling our veterans and active men and women in uniform that their suffering for our freedom is not enough for them to earn health care benefits that they still have to pay for it.

Furthermore, those who remain in the VA health care system, will pay a lot more than they used to pay. In the State of Illinois an estimated 47,000 Priority 7 and 8 veterans will remain in the VA health care system, which will mean that their cost for VA care will increase by an estimated $16 million annually. Out of these Illinois veterans approximately 26,000 veterans are enrolled in Chicago VA facilities, their VA care cost will increase annually by an estimated $9.1 million.

Overall due to being excluded from signing up and the increased fee for VA care, approximately 65,000 Illinois 15 veterans, including 36,000 veterans in Chicago VA facilities, will lose access to VA health care. This is no way to treat our Veterans—in fact we should be ashamed. We can do better and we must begin by taking care of those who have given so much—our Veterans.

RECOGNIZING KNOXVILLE NEWS-SENTINEL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. DUNCAN. Mr. Speaker, in these challenging economic times it is important to recognize individuals and companies that invest in our future. Last month, I helped celebrate just such an investment in my district—the state-of-the-art office and production facility for the Knoxville News Sentinel, East Tennessee's largest newspaper.

This paper has been based in downtown Knoxville since its first issue in 1886. It now educates and informs more than 400,000 people every week and supports a wide variety of local civic, charitable and education organizations.

The News Sentinel has taken its community involvement a giant step further by building its $50 million headquarters in a formerly underserved part of Knoxville's city center and by bringing on-line one of the most sophisticated printing presses in the United States. The paper's parent company, E.W. Scripps, also bases its highly successful cable networks and Internet services in Knoxville.

East Tennessee is one of the best places in our Nation to do business. I applaud the News-Sentinel and E.W. Scripps for having the foresight to invest in this dynamic community.

OUR TROOPS IN IRAQ AND THE FAMILIES AT HOME MUST HAVE STEEL IN THEIR SPINES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. BEREUTER. Mr. Speaker, as our troops move into Baghdad, countless Americans are watching as embedded reporters use 21st century technology to relay the bloodshed and horror of the battlefront into their living rooms. These images cannot help but have a profound impact on all of us. We would be well advised to heed the advice of Winston Churchill that, "Nothing is more dangerous in wartime than to live in the temperamental atmosphere of a Gallup Poll, always feeling one's pulse and taking one's temperature."

A timely editorial published in the Omaha World-Herald on Saturday, March 29, 2003, reflects the situation Americans face in Iraq and on the homefront. This member commends it to his colleagues, especially noting its recommendations that only unconditional victory now will suffice.

[From the Omaha Daily Herald, Mar. 29, 2003]

BAGHDAD BOUND

Wars, many have observed, don't follow scripts. Certainly the one in Iraq underscores the point.

It it not turning out to be as quick or as clean as many seasoned observers, including some highly placed military officials, had hoped. But as the second week began, positive developments emerged.

The (official) start of the war met with unexpected contingencies. First came one of the worst sand-storms in modern memory. Only those who have experienced a major and prolonged storm of that kind can begin to imagine what it would be like to pursue a military engagement under such conditions. Another surprise has been the tenacity of some of the Iraqi soliders. They may not be the best-trained fighters, but desperation and zealotry combined have kept them in the battle longer than many expected.

Desperation and zealotry have also led to some despicable dirty tricks—war crimes, really. Much of this was expected, but is no less infuriating for that fact: Fighting from hospitals. Fake surrenders that become massacres. Forced human shields. Apparent executions of prisoners and Iraqi civilians. And more. But the tide does appear to be turning. Massive bombs are shattering strategic targets in Baghdad. Ground forces are speeding up, and bit by bit they are securing the ever-important supply line all the way back to the Persian Gulf. Helicopters (for which sand-storms are a curse) are back in the air, laying down lethal fire and ferrying troops.

Additionally, thousands of Iraqi citizens, once they feel reasonably secure, have begun to flee to safety behind American and British lines. There they are being fed and medically treated as necessary, affirming that the allies truly are on the scene as rescuers.

None of that makes this a stroll on the beach. Baghdad will be tough to pacify. Casualties among the liberators are rising. Some innocent Iraqis, inevitably, are dying. That makes this the point at which the troops—and we would add, their loved ones at home—must have some steel in their spines.

The only sensible course now is unconditional victory. The allies can win it, and we believe they will. Chapter 2 will be winning the peace.

THE PHASE III IMPLEMENTATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. COBLE. Mr. Speaker, I rise today to introduce the Phase III Implementation Act.

I believe the time has come for Congress to find a way to break the current stalemate on the tobacco buyout issue. To that end, I am calling for the creation of a non-federal trust fund—similar to the Phase II trust fund created by the 1998 multi-state settlement agreement—to provide buyout payments to tobacco quota holders and growers. This new "Phase III" Trust Fund would be coupled with tobacco program modernization which is addressed in the legislation I am introducing today.

There are three major objectives motivating this legislation. First, Congress needs to undertake major reform and modernization of the federal tobacco program. Second, we need to encourage a dialogue on alternative ways to fund a tobacco quota buyout. Third, the tobacco buyout and program reform debate needs to remain separate from a massive tobacco product regulatory debate like the one we saw in 1998.

The current program has served tobacco-growing families quite well since the 1930's and has been modified and improved several times through the years; however, the last major overhaul was in 1986, and I believe it is time to take a new look at the program. Historically, the federal tobacco program has worked well to keep supply in line with demand. Since 1986, growers and buyers alike have paid an assessment on every pound of tobacco grown to keep the program operating at no net cost to the federal government. This approach has generally been strongly supported by quota holders, growers, manufacturers, dealers, and in recent years, even public health organizations; however, certain structural problems have emerged in the last few years to make the program less efficient.

Tobacco quotas can be rented or leased by quota holders. This means that active tobacco growers seeking to increase their production can do so by obtaining the production rights from inactive quota holders. In the last few years, rent and lease costs have risen substantially, and the overall demand for tobacco leaf has been cut in half. Much of this reduction stems from the $268 billion multi-state settlement in 1998, and fears of excessive federal regulation of tobacco products by manufacturers which has driven export production overseas. In the past two years, there has been much speculation about a tobacco quota buyout. This speculation has caused many quota holders to hang on to their quotas longer than they otherwise might have, making quotas more expensive to buy and driving up rent and lease costs. At the same time, the price of domestic tobacco leaf has been supported at levels that are incongruous with international prices, making domestic leaf less competitive in world markets. As a result, support for the current program has been falling among active tobacco growers, thereby creating the need for reform.

Under my proposal, growers can opt for a modernized program or eliminate the program altogether, giving growers a vote on this issue. It calls for an up-front referendum for each type of tobacco to decide whether growers move forward with a licensing program that includes a cost-of-production safety net, or no program at all.

This bill will eliminate the current tobacco quota program and create a modernized program in its place. Quota holders would be eligible for buyout payments from non-federal sources through the existing Phase II trust fund and additional amounts provided under a new Phase III trust fund. Active tobacco growers would also be eligible for payments from these non-federal sources and would be issued tobacco production licenses based on their actual production history. The new licensing program would be administered by the Department of Agriculture, establishing licenses that are non-transferable, except to the heirs of the tobacco grower. In other words, the renting or leasing of production rights would be eliminated and tobacco leaf would be sold with a new safety net formula based on costs of production. Finally, growers would be given a vote on a new modernized program or no program at all.

The second objective of my legislation is to stimulate a discussion of alternative ways to fund a tobacco quota buyout. The current debate in Congress is at a stalemate, and I believe that it is well past time to look at alternative solutions. I continue to oppose all federal tax increases as a way to pay for a buyout including direct taxes, user fees, assessments, or new revenues by any other name.

Before the Attorneys General from the major tobacco states would sign the multi-state settlement in 1998, they wanted guaranteed relief for tobacco growers, but they did not come to Congress looking for the money. The tobacco manufacturers and the states sat down and negotiated a separate $5.15 billion trust fund, known as Phase II, that did not require taxpayer dollars. In this same vein, I believe we should begin looking at non-federal ways to fund a buyout, like developing a new Phase III trust fund with buyout payments made over 5 years. This would require a willingness on the part of manufacturers and growers to come together to find a solution, and I think it is an idea worth trying given that such a solution could potentially be accomplished far faster than waiting on the legislative process.

The third objective of my legislation is to keep the tobacco buyout and program reform debate separate from a massive tobacco product regulatory debate like the one experienced in 1998. I don't believe such a debate can be successfully concluded in the near future, yet group after group continues to meet with our tobacco growers and tell them that they need to accept FDA regulation of tobacco products if they want a tobacco buyout.

One of my major concerns with FDA regulation is its application of medical device language to tobacco products. Language regulating each machine part of a medical device will not work when applied to a tobacco leaf. Instead, it could end up giving the federal government broad authority to reengineer the compounds in the tobacco plant. Our tobacco growers have been pawns in the FDA power struggle long enough, and we simply must separate this issue and move forward to help our growers.

I hope my colleagues who represent tobacco-growing states will join with me in looking at the tobacco buyout issue in a different light. Tobacco growers cannot wait indefinitely for a solution. Let us find a non-federal, taxpayer friendly way to fund a buyout, enact sensible tobacco program reform that gives growers a choice, and move forward so that our farm families can enjoy a more stable future.

REINTRODUCTION OF CENSUS DIRECTOR LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that establishes a 5-year term of office for the Director of the Census Bureau. By establishing a fixed term of office, this legislation would lessen the role that politics plays at the Census Bureau, an agency which should be grounded in the science of counting our nation. Other agencies charged with developing critically important statistical information, including the Bureau of Labor Statistics, have a fixed term for their directors. This policy ensures the most accurate, nonpartisan data possible.

IN HONOR OF MARINE GUNNERY SERGEANT PHILLIP A. JORDAN OF ENFIELD

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to share a Connecticut family's sorrow with my colleagues and the nation.

Marine Gunnery Sgt. Phillip A. Jordan, a 42-year-old Marine from Enfield, Connecticut, was killed along with eight other Marines near the city of An Nasiriyah. Sgt. Jordan died on March 23, when enemy troops, pretending to surrender, opened fire. He served America and the cause of freedom honorably in the first Gulf War, in Kosovo and in Afghanistan.

Sgt. Jordan, a constituent of mine, is the first Connecticut resident known to have died in the war. He leaves his wife, Amanda, and a son, Tyler, who is 6 years old. He was laid to rest today with full military honors in Enfield. We mourn his passing but honor his service.

This is an old story for Americans. Since our nations birth there have been periods of time in which brave men and women have had to step forward to defend our freedom, our Nation and our Constitution. Yet, the timelessness of the story does not ease the sadness that is felt by those who mourn the loss of their loved ones. It is not only our men and women in uniform who sacrifice for our Nation—their families make profound sacrifices as well.

Sgt. Jordan reminds us that the guardians of our freedoms are the sons and daughters and the husbands and wives who volunteer to serve America and the people they love. When called upon, they leave their homes to engage in the dangerous and difficult work that must be done if we are to continue to enjoy the rights we have as Americans. Our men and women in uniform are the threads that bind together our national defense fabric. Without their courage throughout the centuries we would not be in this Chamber today.

It is the soldier and his family who above all others desires peace because it is the soldier and his family who bears the heaviest burdens of war. But the soldier and his family also know that there are even heavier burdens than those imposed by war. They know that there are some things worth fighting for and dying for.

Sgt. Jordan understood the difference between using force for liberation and defense; and using force for repression and conquest. He will take his place among the ranks of courageous and devoted Americans who gave their last full measure for this great Nation.

America will be a safer and more secure nation because of Sgt. Phillip A. Jordan. The America that we love, and that we will not falter in defense of, will forever stand as his monument. He and his family will be in our prayers. We thank them for their service and sacrifice.

INTRODUCTORY STATEMENT FOR H.R. 1562, THE VETERANS HEALTH CARE COST RECOVERY ACT OF 2003

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. BEAUPREZ. Mr. Speaker, along with Mr. SMITH of New Jersey, Chairman of the Committee on Veterans' Affairs; Mr. EVANS of Illinois, the Committee's Ranking Member; Mr. SIMMONS of Connecticut, Chairman of the Subcommittee on Health; and Mr. RODRIGUEZ of Texas, the Health Subcommittee's Ranking Member, I am introducing a bill to improve health care cost recovery programs in the Department of Veterans Affairs (VA).

The Veterans Health Care Cost Recovery Act of 2003 would strengthen VA's rights under law to collect third-party reimbursements from certain third parties for the costs the Department incurs in providing health care to veterans and others covered by a private or public health plan. It would specifically authorize reimbursement for services provided by VA to persons enrolled in and/or receiving treatment from VA health care facilities. The absence of a participating agreement or other contractual agreement would no longer serve as grounds for denying or reducing amounts the Department may collect from third party payers.

With this legislation, the Department of Veterans Affairs would be deemed a "preferred provider" for purposes of collections when a payer might be a managed care or preferred provider organization or other non-traditional payer. This bill would authorize VA to receive full reimbursement for services provided to all persons with insurance, with the exception of service-disabled veterans for health care provided related to their service connected conditions. This bill would require health plans to reimburse VA for legitimate expenses associated with a covered beneficiary. A number of payers and plans that fully cover veterans have either refused to reimburse VA or have legally been unable to do so. This bill would eliminate such barriers to reimbursements to the VA system.

The Veterans Affairs Committee is fully aware that the VA health care system is seriously under-funded and unable to meet the demands being placed on it by our nation's veterans. VA health care is under great stress, as increasing enrollment and rising health care costs have resulted in hundreds of thousands of veterans being forced to wait months, some even more than a year, to see a VA doctor for the first time. VA recently reported that over 200,000 veterans are waiting six months or more to be seen in VA primary care. These proud defenders of our freedom should not be told to wait because we lack the resources, or even more unthinkable—told to go away.

Mr. Speaker, my bill would correct serious deficiencies in VA's ability to recover costs of care provided to patients covered by other health plans. Since 1986, VA has had statutory authority to collect from traditional insurers such as Blue Cross-Blue Shield, Aetna, Mutual of Omaha and many others. These funds are used by VA to supplement appropriated funds to maintain high quality health care.

But currently, VA is unable to collect from the sizeable managed care and preferred provider sector, which accounts now for over two-thirds of all health plans in the United States. This segment of the health care industry also includes the managed care plans within the Federal Employee Health Benefits Plan. My legislation would require the private sector programs to pay VA for care it provides to covered beneficiaries. This would increase the amount of money VA could collect by hundreds of millions of dollars each year—providing funds that are desperately needed to reduce the waiting lists and promote better use of all available health care resources.

Mr. Speaker, this is a sound proposal that would increase available health care dollars for veterans. I urge prompt House action on this important measure.

LEGISLATION TO AID DISPLACED AVIATION WORKERS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. OBERSTAR. Mr. Speaker, today, I have joined with Congressmen ENGLISH, NEY, HOYER, DUNN, LIPINSKI, HART, MENENDEZ, DEFAZIO and WEINER to introduce H.R. 1553, the Air Transportation Employees Assistance Act. I strongly support this legislation to ensure that workers in the aviation industry are not asked to bear a disproportionate share of the costs of fighting terrorism and the war with Iraq. These are national responsibilities and should be borne by the entire nation. We have already recognized this principle and granted financial relief to airline companies and their stockholders. Now we should grant some relief to the workers of these companies who have lost their jobs as a consequence of terrorism and war.

The airlines were the weapons used by the terrorists of 9/11, and, as a consequence, the airlines have suffered serious financial damages—from the groundings after 9/11, from the lost traffic which has never returned to pre 9/11 levels, from increased insurance costs, and from the loss of substantial revenues because of security limitations on the carriage of freight and mail.

The war with Iraq is also having a significant impact on the airlines, producing increased fuel costs, loss of revenue from the reluctance of passengers to fly, and from the need of our military to use the airlines' aircraft to carry troops and equipment to the war zone.

Shortly after September 11, Congress responded to the aviation industry's financial problems caused by terrorism, by passing a $15 billion package of direct assistance and loans. Now proposals are going forward to furnish $3.0 billion more to help the airlines meet the costs of a war with Iraq.

While I have supported these efforts to aid the industry for the problems created by terrorism and war, I, and many of my colleagues, are deeply disappointed that there has not been the same fair treatment of aviation industry employees who have also suffered from terrorism and war.

Even prior to the war with Iraq, the financial state of the airlines and the fate of their employees was deteriorating daily, as more than 150,000 industry employees were laid-off or furloughed. The situation has reached a crisis point and Congressional action is desperately needed to avert a total collapse of several air carriers and the elimination of thousands of jobs. The air carriers are now bleeding millions more each day as bookings plummet in the wake of the war. The airline industry predicts another 70,000 layoffs due to a severe drop in business resulting from the war. Moreover, Boeing, which already cut 30,000 workers due to aircraft order cancellations and deferrals following 9/11, says it will lay off nearly 1,000 more workers.

The issue of aiding aviation employees is not new. When we passed the $15 billion assistance bill soon after September 11, many of my colleagues and I insisted that if the airline companies were to be afforded relief, so should employees who had lost their jobs. The Republican Leadership told us that there was no time to develop a consensus proposal on employee relief, but on the House Floor, Speaker HASTERT promised prompt consideration of employee relief, including financial assistance, ability to retain health insurance, and training for new careers. Regrettably, the Leadership has not followed through, and the House has never considered assistance for displaced airline employees.

Mr. Speaker, if the airline industry is entitled to special relief because it has suffered disproportionately from terrorism and war, its displaced workers are equally deserving of relief. Our bill will redress the imbalance, and help the industry's employees cope with difficulties arising from events outside their control. Our bill provides industry employees 26 additional weeks of unemployment benefits. Aviation industry employees were the first to be laid off after 9/11, and they were among the first to exhaust their state and federal jobless benefits. The current federal extension of those benefits as enacted earlier this year will soon expire, and it did not give any help to thousands of workers who had exhausted all their benefits. Aviation workers need and deserve our assistance as the war on terrorism causes a further contraction of the industry.

I urge my colleagues to support the Air Transportation Employees Assistance Act. We hope that it can be included in the Supplemental Appropriations Act which will soon be considered by the House.

HONORING THOMAS N. LESCH FOR 40 YEARS OF DEDICATED SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Mr. KLECZKA. Mr. Speaker, today I announce the retirement of a great friend of labor, Tom Lesch. Over the years, the machinists of Wisconsin have had no greater an advocate than Tom. For four decades, he has ably served in one capacity or another as a committed member and leader of Local Lodge 2110 of the International Association of Machinists and Aerospace Workers (IAMAW).

Mr. Lesch started his union career as Local Lodge President, Recording Secretary, and Shop Committee Chair representing workers at Geuder, Paschke and Frey. In 1976, he became a Business Representative with District 10 of IAMAW, AFL–CIO, and he was named Assistant Director in 1981, rising to Director in 1994.

In addition to Tom's active involvement in Local 2110, he holds the distinction of having been a leader at all levels of the labor movement. Tom has been the stalwart head of the union's state organization for over two decades. He is currently the President of the Wisconsin State Council of Machinists, a position he has held since 1982. Prior to that, he served as Financial Secretary to the Council. Active at the county level as well, he served on the Milwaukee County Labor Council Board for 13 years until leaving in 1994. And even with all he has been doing these days, Tom has also taken up the cause for workers across the nation, maintaining a position on the AFL–CIO Executive Board and Executive Committee.

Tom has served on the boards of many other worthy community and labor organizations over the years, including the Red Cross, the United Way Labor Cabinet, Guide Dogs of America, and the Wisconsin Labor-Management Council, just to name a few. But most recently, he has been the driving force behind a broad labor-management effort to come up with possible solutions to the critical problem of rising healthcare costs in our state. His personal involvement in spearheading this initiative can, in large part, be credited for the productive dialogue and progress they've made.

Mr. Speaker, I ask you to join with me in thanking Tom Lesch for his tenacity and willingness to hold out for the rights and living standards of the people he represented. His leadership was felt by all, and has left its mark on the ongoing struggle for the cause of working men and women. Along with the International Association of Machinists and Aerospace Workers and the entire Wisconsin labor community, I wish him a long, healthful, and well-deserved retirement.

CONGRESSIONAL BLACK CAUCUS ON THE BUDGET

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to talk about the budget. When the President took office two years ago the Congressional Budget Office (CBO) projected a ten-year budget surplus of $5.6 trillion. Now CBO projects a $1.8 billion deficit over the same time period.

As our nation's men and women are on the frontlines of a war in Iraq, the Republican budget cuts funds for the nation's veterans. As we talk about rebuilding and constructing schools in Iraq through the Wartime Appropriations Supplemental, we have not fully funded our own educational priorities here at home. This budget, in particular, hurts African Americans.

The Members of this Congress must not forget about the neediest Americans who will see services simply erased under the Republican's budget. In my district, as in so many others, the unemployment rate is not improving.

Yet the Republican budget proposal provides no extension of unemployment benefits for the one million Americans who have run out of federal benefits. The Republican plan also fails to create new jobs that would allow the currently unemployed to take care of their families.

Republicans are short changing vital priorities. With their budget proposals the President and the Republicans have shown their dedication to cutting taxes for the very wealthy.

The posture of the Republican majority decrees that there should be an end to Federal responsibility for domestic programs and an end to safety net compassion as we know it.

The Republican majority has snatched off their mask of patronizing charity and phony concern. Contempt for the poor is no longer camouflaged. By their current actions the Republicans have thrown a searing spotlight of exposure on their deep-seated belief that the nation, the government is primarily a structure for the protection of the privileges and interests of the rich. For Republicans the tax cuts have suddenly become the mission and purpose of this 2004 budget and this nation.

Our domestic priorities: Medicaid, Medicare, education, and benefits for veterans are underfunded in this budget. We must invest in people capital—our children, our poor, and our ill.

We do not know how much the war will cost, how long our soldiers will be fighting in the region, and how this war will impact our economy. Already, oil prices have risen and the stock market is uncertain in the face of this crisis.

We have been presented with a budget that cuts key domestic priorities and once again includes irresponsible accounting methods. It cuts domestic programs in a Draconian fashion.

We must make a commitment and investment in the education of our nation's children. Programs like Title I, which provides funds to impoverished school districts across the nation, would be cut under this budget.

We passed a landmark education law last year to reauthorize the Elementary and Secondary Education Act—now it is time to fund these programs fully, if we are serious about improving our nation's schools.

This budget cuts important higher education programs like the Pell Grant. The budget provides only $22.6 billion for programs under the No Child Left Behind Act, which is $9 billion below the amount authorized for 2004 and $199 million below the amount needed to maintain programs and services at the 2002 level.

The budget continues the theme of the previous budget by eliminating many education programs, freezing most others at the level in the 2003 continuing resolution and increasing funding for just a few programs such as special education and Title I. Education is critical to our country's growth.

In my 18th Congressional District in Houston, some of the nation's most under-funded schools rely on Title I funds to supplement state and local funding. It is absolutely unconscionable to cut this program.

The Republican budget cuts $215 billion in Medicare, Medicaid, school lunches and student loans, agriculture, and veterans' programs.

As the nation's unemployment rate remains at critically high levels, millions of Americans lack access to health care, education continues to be woefully underfunded, and veterans' benefits are cut, we must remember our moral obligation to our poor, disabled, children, and veterans. This Republican budget does not.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 3, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 7

1:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department Energy's Office of Environmental Management and Office of Civilian Radioactive Waste Management.

SD–124

APRIL 8

9:30 a.m.

Foreign Relations

To resume hearings to examine NATO enlargement.

SD–419

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold joint hearings with the House Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and consider pending legislation on the federal workforce.

SD–342

Rules and Administration

To hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service.

SR–301

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the impact of proposed RESPA rule on small business and consumers.

SD–538

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Securities and Exchange Commission.

S–146 Capitol

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine proposed legislation authorizing funds for programs of the Mammography Quality Standards Act, focusing on patient access to quality health care.

SD–430

Judiciary

To hold hearings to examine S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SD–226

2 p.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program.

SD–406

Appropriations

Homeland Security Subcommittee

To hold hearings to examine the fiscal year 2004 Emergency Preparedness and Response Budget Overview.

SD–124

2:30 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine global energy security issues.

SD–419

APRIL 9

9:30 a.m.

Foreign Relations

Business meeting to consider proposed legislation entitled "Foreign Relations Authorization Act", to authorize appropriations for the Department of State, and United States international broadcasting activities.

SD–419

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Labor.

SD–138

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Health, Education, Labor, and Pensions

Business meeting to consider proposed legislation entitled "The Improved Vaccine Affordability and Availability Act" and pending nominations.

SD–430

Judiciary

To hold hearings to examine the nominations of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice.

SD–226

1:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Severe Acute Respiratory Syndrome Threat.

SD–430

2 p.m.

Appropriations

Transportation, Treasury and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Internal Revenue Service.

SD–124

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans.

SR–222

3:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Joseph LeBaron, of Oregon, to be Ambassador to the Islamic Republic of Mauritania, Gregory W. Engle, of Colorado, to be Ambassador to the Togolese Republic, Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin, and Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique.

SD–419

4:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Moldova, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey, Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia, Reno L. Harnish, of California, to be Ambassador to the Republic of Azerbaijan, and Stephen D. Mull, of Virginia, to be Ambassador to the Republic of Lithuania.

SD–419

APRIL 10

9 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the teaching of American history and civics in the classroom.

SD–430

9:30 a.m.

Governmental Affairs

To hold hearings to examine the nomination of Peter Eide, of Maryland, to be

General Counsel of the Federal Labor Relations Authority.

SD–342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine recent developments in Hedge Funds.

SD–538

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Joint Economic Committee

To hold hearings to examine Medicare's financial crisis, focusing on the long-term financial viability of the program, proposals to add a prescription drug benefit and other reforms.

SD–562

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center.

SD–116

APRIL 29

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

APRIL 30

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

MAY 1

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.

SD–124

MAY 8

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimate for the Secretary of the Senate and the Architect of the Capitol.

SD–124

SENATE—*Thursday, April 3, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Frank Cirone of Ravencrest Chalet at the Torchbearer Bible School, Estes Park, CO.

PRAYER

The guest Chaplain offered the following prayer:

Hear my cry, O God;
Give heed to my prayer.
From the end of the earth I call to You when my heart is faint;
Lead me to the rock that is higher than I.
For You have been a refuge for me,
A tower of strength against the enemy.
Let me dwell in Your tent forever;
Let me take refuge in the shelter of Your wings.—(Psalm 61:1–4)
Know that the Lord Himself is God;
It is He who has made us, and not we ourselves;
We are His people and the sheep of His pasture.—(Psalm 100:3)

Heavenly Father, Almighty God, we come before You today acknowledging You as Creator of this universe and Sovereign Lord over all. We have so much to be thankful for. We bless You for the privilege of living in this land of freedom. We bless You for the wonderful salvation we can have through the shed blood of Your Son, Jesus Christ and life eternal by His resurrection. We praise You, Lord, for the wisdom and peace You give as we call upon Your name.

Sovereign Lord, we pause for a moment . . . to pray for the men and women of our Armed Forces that are fighting for the freedom of Iraq. May they know of Your constant strength, wisdom, and protection through this conflict. May they be reminded of our love, prayers, and support. Please, Lord, comfort the families and friends of lost loved ones in their time of sorrow.

Dear God, empower these men and women of this Senate with Your courage and understanding as they are faced with the challenges of today. Thank You, Lord, for placing them in their positions of leadership as Senators of this great Nation.

As we live in these challenging times nationally and internationally, may we learn to slow down, step up, and stand out in Your strength, allowing Your life and love to shine through our lives publicly and privately so that Your name, O God, will be exalted. Use us today, O Gracious Lord, for Your purpose and praise! We pray all of this in the name of Jesus Christ, Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SUNUNU). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. to allow Members to continue to make statements honoring and supporting our fighting men and women overseas.

At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. As I announced last night, the chairman has developed a lineup of amendments. Senator BOXER will go first with an antimissile amendment. Then we will try to reach a 30-minute time limitation on her language. I understand following that amendment, Senator BAYH will be prepared with an amendment regarding bioterrorism, and Senator GRAHAM of Florida will have an amendment regarding VA health.

Votes will be stacked in the early afternoon to accommodate the schedules of a number of Senators. The Senate will complete action on the supplemental bill today. If Members continue to cooperate and allow for short debate limitations on their amendments, it may be possible to finish at a reasonable hour today. That is my hope. In any event, we all are prepared to stay as late as necessary in order to finish the bill this evening.

The PRESIDING OFFICER. The Senator from Colorado.

WELCOMING REVEREND CIRONE

Mr. ALLARD. Mr. President, I take a moment to welcome our Chaplain for the day.

Frank and Krista Cirone, with their four children: Andrew, Benjamin, Isaak, and Anikka, live and minister at Ravencrest Chalet of the Torchbearer International Missionary Fellowship. Ravencrest Chalet is a Bible school and Christian conference center in Estes Park, CO. The Cirones enjoy hiking, mountain biking, and snowboarding in the Colorado Rockies.

Frank graduated from Philadelphia Biblical University in 1989 prior to joining the staff at Ravencrest Chalet. Frank is pursuing his master's degree in leadership from Denver Seminary. At Ravencrest, he serves as principal of the Bible school, resident instructor and coordinator of the second year leadership program.

Besides his responsibilities at Ravencrest, Frank spends time traveling and speaking at various conferences and retreats both in North America and overseas. He very much enjoys motivating people to a deeper love for Christ that influences all aspects of daily living through dynamic communication and interaction. I want to thank Mr. Cirone and his family for making the trip to Washington, DC and participating today in the opening prayer of the Senate.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, I have a short statement to make on our troops.

Very briefly, we have taken a period of time each morning to comment on the wonderful work and tremendous commitment and dedication our troops are displaying overseas for us, and we have had the opportunity to comment on the families at home, offering prayers and support for their children, and in many cases for their spouses and their parents as well. They know the men and women are fighting for liberty, democracy, and peace.

This morning, my thoughts and prayers are with the family of the soldier who died during Operation Iraqi Freedom, SP Brandon J. Rowe, Company C, 1–502nd Infantry, 101st Airborne Division, Air Assault, Fort Campbell, KY.

Two sentences caught my eye from the Army news release:

> Specialist Rowe epitomizes the best of our country—a brave soldier—who exhibited courage, selfless service, and honor in abundance. His ultimate sacrifice has contributed immeasurably to the freedom and security of both Iraq and the world.

While liberating Najaf, the 101st Airborne has been met over the last 48 hours by grateful people waving and clapping hands and saying, "Good job."

Quoted yesterday in the Washington Post, LTC Chris Hughes, a battalion commander in the 1st Brigade:

> We waited about an hour and a half, and the hair on the back of my neck began to stand up. The crowd got bigger and bigger, so we pulled back out. But it was like the liberation of Paris.

Our newspaper in Nashville, the Tennessean, reported yesterday that a soldier in the 101st will soon learn he is a new father—again showing the many dimensions of this war and its impact on families and the feelings families are expressing and sharing among themselves. SGT Chris Schornak's wife Robyn gave birth to Tristan James Schornak at 2:01 p.m. on Tuesday. He was born at NorthCrest Medical Center in Springfield. The mom and young Tristan are doing well and will soon be living with relatives in Franklin, KY.

Again, these are faces of our families and our troops, and to all of them our thoughts and prayers continue to go out.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democrat leader, or their designee.

The Senator from Colorado is recognized.

HONORING OUR ARMED FORCES

Mr. ALLARD. Mr. President, Members of the Congress have been receiving reports on a daily basis on the conflict in Iraq. At these briefings, I report back to Members of the Congress and America that things have been going well, much better than many expected, in the war in Iraq.

What we have been getting out of these briefings is just how highly trained are our men and women in the Armed Forces and how the technological developments of this country have helped make their job easier on the battlefield. We have learned to appreciate their courage and commitment to protecting America's freedom.

Today marks the 14th day of Operation Iraqi Freedom, and the fight for freedom continues in the Middle East. Our brave members of the U.S. military have shown the entire world how truly committed the United States is to ending the dangerous regime in Iraq. By sacrificing their lives so those in Iraq can finally be allowed peace, coalition forces continue to courageously march toward Baghdad.

During the last 2 weeks, I, along with many of my colleagues, have continued to come down to the Senate floor daily to honor our troops and praise their valor. While we stand in the safety of the Capitol Building, our words will not be heard by those who are directly in harm's way, but the words are still needed.

It is important for us to continue to honor these men and women, some of whom will not come home, who fight for freedom and the safety and security of the United States of America. I would like at this time to honor some of those brave men and women from my home State of Colorado who this very day are being moved into the Persian Gulf.

The 3rd Armored Calvary Regiment as well as the 3rd Brigade Combat Team have been deployed from Fort Carson over the 3 weeks and continue to do so today. Many of these individuals have been waiting for the chance to stand shoulder to shoulder with their comrades already participating in Operation Iraqi Freedom. I salute them for their bravery.

It is clear that after all of the deployments from Fort Carson are completed, it will mark the biggest mobilization from the base since World War II. I sincerely hoped that the course of events that have led to the mobilization of soldiers not only from Colorado but those stationed all over the world would not have happened. But it was apparent from the beginning that our Armed Forces would need to be involved in the manner that they are now. And they have performed admirably. I pray for a safe return for our troops and that this conflict can end as soon as possible.

I would be remiss if I did not mention the names of our military personnel who will not be returning home. I offer my condolences to those families whose sons and daughters have already been lost. To the families of LCpl Thomas Slocum and Cpl Randal Kent, I give my deepest and most sincere sympathies for the loss of their sons. In their passing, they have continued the valued Marine Corps tradition of esprit de corps, and I will continue to pray for you as you mourn your loss.

Our thoughts and prayers are with our Armed Forces both at home and overseas. Our thoughts and prayers are with the families and friends. God bless America.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, it is my understanding that the time is equally divided this morning; is that true?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. We have a lot of speakers here. How much time does the minority have?

The PRESIDING OFFICER. The minority has 10 minutes.

Mr. REID. And how long does the majority have?

The PRESIDING OFFICER. Approximately 5 minutes.

Mr. REID. We have a problem right here to begin with.

Mrs. HUTCHISON. Mr. President, if I can just assure that we are covered.

Mr. REID. OK.

Mrs. HUTCHISON. We have Senator DAYTON and Senator CORNYN, and if there is any time left I will take it.

Mr. REID. I will yield whatever time needed to the Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise also to pay tribute today to the heroic men and women of our Armed Forces who are performing so well on behalf of our country in Iraq. Their courage, their patriotism, and their valor represent the finest traditions and the best values of the American military and of the country which they serve. They have fought brilliantly, they have fought bravely, and they have fought successfully. They have now advanced to within 10 miles of Baghdad. They have been victorious thus far. They will be victorious from now on. And they will be victorious in the end.

To the brave women and men who gave their lives in the service of their Nation, to their families and friends, the people they love and the people who love them, we express our heartfelt gratitude and our deepest sorrow and condolences. We are in awe of your courage, your heroism. As the families and friends of those fallen heroes who are your friends and neighbors, your coworkers and church members, we know that you have suffered the most grievous losses and must be suffering inestimable pain. Our hearts go out to you. Our prayers are with you. We stand beside you ready to help in any way we can.

We say also to the families and friends of American soldiers wounded or captured or missing or still fighting or still deployed in Iraq, please let us know how we can support you and assist you during these difficult times. Our prayers are with you also for the swift recovery and safe return of all of our troops back to their country, their fellow citizens who are so proud and so grateful of them.

I also want to pay my respects to the military command responsible for the planning and execution of this engagement. Secretary Rumsfeld, Chairman Myers, the Chiefs, you have served our country and you continue to serve our country with great honor and distinction in carrying out your duties, your oaths of office to the best of your abilities. You are succeeding. You are winning this war. Some may not agree with everything you are doing. I don't agree myself on everything. But you have earned my utmost respect and admiration for your dedication and patriotic service to our country. You do not deserve the backstabbing, the second guessing, the carping, the Monday morning quarterbacking which has dogged your every decision. Former President Dwight Eisenhower once said:

> Any high school kid can do better with a presidential decision with 20/20 hindsight than a president can at the time when he

> only has partial information and is operating by his wits.

It is all too easy for someone with a military background to sit in judgment in hindsight. I do not disagree with their constitutional right to do so. I dispute their judgment in doing so. I question their motives for doing so, as some appear to be vying to become the next network analyst or the next Geraldo.

As the saying goes, actions speak louder than words, and the actions of these brave men and women fighting on our behalf, winning on our behalf, speak loudly. They drown out, they overwhelm any naysayers of their conduct and decisions they are carrying out, which, as I say, will be victorious for our Nation and we owe them our inestimable gratitude.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, it is an honor to join my friend and distinguished colleague from Minnesota, on behalf of the people of Minnesota, to express our support for the courage and skill of our troops fighting at this hour in Iraq. As the majority leader noted when we began this session this morning, my prayers also are with those who have died and their families. May God watch over them. Folks who are out there should know, and their families should know, there are a lot of prayers in the Senate and a lot of prayers in America now for our fighting men and women and those who have fallen.

I had a chance to talk to the family of PVT David Mahlke, a 19-year-old kid from Winona, MN. He graduated Winona High School in 2001. He was wounded, with the 3rd Infantry Division. He is recuperating, doing well. I was talking with his mom. She was waiting for a call from him. She said: If the call comes through, I am going to cut you off. And I said: Go right ahead, ma'am.

I want the Mahlkes and all the other families in Minnesota to know we are praying for them, we are behind them. As my distinguished colleague from Minnesota noted, this is not a partisan thing anymore. We are there. We are with them and so thankful they are there.

Over 100 years ago, Alexis de Toqueville said:

> The strength of America is not in its government or even its economy, but the quality of its average citizens.

Never has this been more true than for the struggle for the freedom of Iraq. Every single American soldier, sailor, airman or woman in this conflict is a volunteer. How astounding that is. They stepped forward to risk their lives on behalf of the ideals and safety of the American people, and they are willingly, enthusiastically, and boldly laying down their lives for us.

In that we are grateful. They are not just willing to die for their principles and our principles, they are living for them. The skill and compassion and care being demonstrated by the troops in the field is America at its best. It is far from the scenario we all feared: that war would demonize America in the eyes of many.

I, too, have been frustrated and angered by the second-guessing and sniping by some members of the news media. I am reminded of the story of President Lincoln, who received a series of letters from a God-fearing woman who told him: Mr. President, God has told me we should move troops here and there, during the Civil War, and hire this general and fire this one.

Lincoln responded very briefly saying: Ma'am, I find it amazing, indeed, that the Lord Almighty has given you all the answers but has given me the job.

There is a time for legitimate debate in public and among our Nation's leaders. We had that. Resolutions approving the use of force were approved by decisive, bipartisan margins in the House and Senate. Legitimate protests in favor of diplomatic solutions continued. But in my mind, that all changed when the Commander in Chief sent young American men and women into battle.

I want to say a word to the rest of our citizens. In a previous war, there was the expression, "They also serve who only stand and wait." In my view, that does not apply now to those who simply sit and watch. It is good to be informed but we have to do our jobs as Americans. Let's at times shut off the TV; let's go out there, roll up our sleeves, and make this a greater nation for the troops to come home to.

Ordinary citizens are winning this war and ordinary citizens in towns across Minnesota and America need to sacrifice and work hard, to use all their skills to get things done for America, right now, today.

I am also hopeful these events will have an effect on our work here in the Senate. We don't have Democrat units and we don't have Republican units. We don't have conservative or liberal generals. The political labels would seem silly and irrelevant in comparison to the importance of the task.

Maybe we could catch some of that spirit around here. The American people want solutions, not a partisan rugby match, and we should give them what they want.

Finally, let me close on a different note. Those of us in our Nation's Capitol these days are experiencing a stark irony. On one hand, there is a somber mood about the war, as we receive the reports of danger and sacrifice. But at the same time, the city of Washington is bursting with the beauty and hopefulness of spring. The cherry blossoms are in full bloom. They are famous all over the world. But these cherry blossoms have a tale of hope for us all in these times, and I will tell it very quickly.

The Washington cherry trees were a gift to the American people from the Emperor of Japan in the 1890s as an expression of friendship. In World War II, allied bombing of Tokyo resulted in the death of most of the cherry trees around the Emperor's palace. After the war ended, a group of Washingtonians took a set of cuttings from our trees here and brought them back to Japan to restore their trees. If you travel to Japan, you will see the trees which grew from Washington's tree which came here as a gift.

We are not fighting in Iraq for oil or territorial ambition. We are fighting to protect our own people in a world that has brought threats to our doorstep. We are fighting as the only hope for the freedom of the people of Iraq against their tyrant. Justice is being done. But what the world is about to see will have an even greater impact.

As we move to rebuild Iraq, the people of the world will see American generosity and ingenuity and values at their best. A dark cloud on the future is being removed and a new light is about to shine.

Let's do our part, my fellow Americans, and make this a better country today before we go to bed tonight, as a tribute to our brave men and women who are fighting for us around the clock. Our prayers are with them. Our support is with them. May God bless them all.

May God bless the United States of America.

The PRESIDING OFFICER (Ms. MURKOWSKI). The time on the majority side has expired.

The Senator from Nevada.

Mr. REID. I am happy to yield time to the distinguished Senator from Montana, who represents, among other things, the Marine Corps.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend from Nevada. I am having a little trouble getting organized today. I will try to pick it up a little bit to the likings of the assistant minority leader.

I am glad my good friend from Minnesota, who is newly elected to this body—and, I will tell you right now, he is a contributor, and I think he has a great future here—did bring us back to reality. The city of Washington does have quite a lot of beauty. As the cherry blossoms are out and the blossoms start to open here, I always think: Every spring, no matter what the conditions are in the world, or the problems and trials of serving in a legislative body, or an economy that continues to struggle and is on the minds of all of us as is this situation we find ourselves in, in Iraq—every spring, as we look around this city, I just think it is God's picturesque way of reminding us of the Earth's renewal. It comes every spring just as a reminder that that is one institution that we haven't been able to change.

I have a resident of Montana who is at Walter Reed Army Hospital, Army SGT Charles Horgan. I haven't been able to get out and visit him yet. He is from Helena, MT. He is recovering out there from wounds received in Iraq. I am sure the hearts of everybody who shares our concerns about one life, one human, go out to him and his folks today.

Back in 1991 I had a chance to visit a Marine unit out in the desert. It was my old Marine outfit in which I served, F–212, 3rd Marine Division. But I served back in the stone age. These are the new warriors with new equipment, new technologies. I did that back in 1991.

The mindset and the American institution of the military and their enormous ability to withstand hardships for a principle and a way of life is almost above human imagination. As we were flying out in that desert, the commanding officer, Walt Boomer, General Boomer, called me. He said: Senator, they may complain a little bit that they are not getting mail.

I said: We will try and handle that. But if you figure we had 400,000 to 500,000 people in the Middle East, if everybody wrote a letter to every soldier, sailor, marine, coastguardsman, or airman over there, that is a lot of mail to handle per day, to try to get it out to the right people in a timely fashion.

But I found out that was not what their complaint was. They were out of tobacco. We finally helped that situation.

There is a long tradition of writing letters and sending care packages to the troops stationed away from home, but the general public is urged not to send unsolicited mail, care packages, or donations to the service members now deployed in Iraq. The Department of Defense has set a strict policy of only family members sending mail and packages to their service members. So if you want to write to a person over there and he is not in your immediate family, we ask that not be done.

So this leaves many people at a loss when they want to help support the troops, to say thank you, but have no direct point of contact. We see that they are finding ways, through American imagination, to take care of that. Even without those care packages, there are many other efforts that can be made to support our troops in the field and also their families at home.

I have put together an information pamphlet, which is available in all my offices in the State of Montana, that includes national programs and local Montana programs set up to allow people to extend a helping hand to our soldiers but, more importantly, I think to provide support for their families at home. I call it Operation: Homefront. It is a program I have set up to easily and efficiently inform people about how they can help or contribute to this operation.

There is nothing better for the morale of our troops. We understand the sacrifices they are making. We understand where they find themselves. And they also understand us who are trying to support them and their families any way that we can.

It is also comforting for those in the field to know their loved ones back home are being taken care of when push comes to shove.

I think Operation: Homefront will be an excellent tool for getting information out to people. Supporting our troops is something we think about every day. We appreciate their risks and the sacrifices they are making.

There is also one other reminder to my colleagues. If you are concerned about what the war is going to cost, and you want to participate and help us out in just a little way, there is a way. Back in 1991, we offered a brand new bond on the market. We called it the Patriot Bond. And if you want to buy a bond for your child or your grandchild, or whomever, I think you can go to wherever they sell these bonds—I don't know where they sell them; I have a couple of them—and buy your grandchild a bond and help us out.

Just because there is combat today, the mission will not be over until the Iraqi people are liberated and an interim government is set up so freedom can be established to allow the Iraqi people to grow and to taste the fruits of freedom and to improve their quality of life. Every life in the world is deserving of that.

So if you are inclined to do so, go inquire about a Patriot Bond. I think it would sure help us out, and it also would, I think, maybe help you out also.

Madam President, I yield the floor.

Mr. WARNER. Mr. President, I seek recognition to honor two Virginia Marines: Staff Sgt. Donald C. May of Richmond and Sgt. Michael Vernon Lalush of Troutville, who were among the first of our servicemen killed in action in Operation Iraqi Freedom; and to express gratitude, on behalf of the Senate, for their service to our Nation. The American people, I am certain, join in expressing their prayers and compassion to the families they leave behind.

The media in Virginia have given the following important coverage:

Staff Sergeant Donald C. May, Jr. was so inspired by the military service given in past years by his father and mother that he followed in their footsteps and began to chart a course for himself with military training. He was fulfilling that dream when he was tragically killed on Tuesday when his tank went off a bridge into the Euphrates River.

He leaves behind: his mother, Brenda May; his wife, Deborah; son, Jack; stepdaughter, Mariah; and another son yet to be born.

He was a member of the U.S. Naval Sea Cadets from age 12 to 18 and was also a police explorer.

Upon graduation from Meadowbrook High School in 1990, he joined the United States Marine Corps, and served 4 years in the military police. He finished boot camp just in time to serve in the last few months of the first Gulf War in 1991, involving security over Iraqi prisoners.

After the first Gulf War, Staff Sergeant May left the Marines for 2 years, serving as a reservist, after which time he returned to active duty as a tank commander, just like his dad, who is now deceased.

During his second deployment to Iraq, Staff Sergeant May was in the 1st Tank Battalion, 1st Marine Division, based at Marine Corps Air-Ground Combat Center in Twentynine Palms, CA.

Sergeant Michael Lalush always seemed to have a knack for fixing things. He always worked with his hands on equipment, tinkering with lawnmowers and cars. As a teenager, he brought home to his own garage a pink 1965 Volkswagen Beetle, rebuilt it and in no time was driving it around the neighborhood.

Sergeant Lalush was challenged in the military and had a great longing to serve his country. After graduating from Lord Botetourt High School, he left for boot camp.

Tragically, Sgt. Lalush's short military career ended on Sunday when he was killed in a Huey helicopter crash while serving in a Marine Light Attack Helicopter Squadron in southern Iraq. He had been deployed from the Marine Corps Air Station at Camp Pendleton, CA.

Reportedly, in his final e-mail message that the family received last Wednesday, Sergeant Lalush said he was finally discovering his dream in Iraq. He told his parents that he was finally using his skills to help people.

Sgt. Michael Lalush leaves behind his parents, David and Rebecca Lalush.

Mr. President, we have lost two exceptional sons of Virginia. Their courage and unwavering service to our great country will not be forgotten. As we think of their families in mourning, let us not forget that these fine young men gave the ultimate sacrifice so that every American could continue to live in freedom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 762, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 762) making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Stevens amendment No. 435, to increase the National Debt Ceiling of the United States.

Reid amendment No. 440, to provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 472

(Purpose: To set aside $30,000,000 for the Department of Homeland Security for research and development and deployment of technology to protect commercial aircraft from the threat posed by man-portable air defense systems)

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. SCHUMER, proposes an amendment numbered 472:

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. Of the amounts appropriated by this chapter under the heading "DEPARTMENTAL MANAGEMENT" under the heading "COUNTERTERRORISM FUND", $30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development on, and for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

Mrs. BOXER. Madam President, I thank the clerk.

If my colleague would like to make a statement at this time, I would be happy to yield, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I thank the Senator from California. My only reason for standing right now is to inquire of the Senator from California if it is possible to have a time limit on her amendment.

Mrs. BOXER. I absolutely will agree. I am waiting for my coauthor, CHUCK SCHUMER. As soon as we get word as to how much time he would need, yes, we would definitely want to do that.

Mr. STEVENS. Madam President, I do thank the Senator from California. It is our hope that we will be able to get all of the amendments that are in line now completed in time to start voting by 11:50, following the Democratic caucus. So I appreciate her courtesy. And whatever is possible to enter into a time agreement, I would like to explore that. I thank her for her courtesy.

Mrs. BOXER. I thank my friend. And, yes, as soon as we get word, I will ask for a quorum call, and then we will make an agreement on the time.

Whether we speak about this for a half hour or 2 days, this is a very important amendment. I think one of the things we learned after 9/11, tragically, is that we have to take warnings very seriously—our intelligence agencies, we, as a Congress, the administration, all of us working together.

We know now that there is a threat out there that is very real. We have constructed an amendment that does not add any money to this bill but merely says that out of the funds that have been allotted for homeland defense, that $30 million be made available immediately for research and development of countermeasures that could be taken should a shoulder-fired missile be aimed at a commercial aircraft.

I want to read to you the latest statement of the FBI. This is the FBI warning, which really must not go unheeded if we are to do our job:

> . . . given al-Qaeda's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems—

MANPAD stands for shoulder fired missiles—

> and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to the potential use of MANPADs against U.S. aircraft.

How clear could this be? If this body turns its back on a threat that our commercial aircraft are facing right now, it would be a very sad day, indeed.

I see Senator SCHUMER has approached the floor. What I will do is ask that a quorum call be put in place so I might discuss with him a timeframe he will need on this amendment we have worked so hard on together.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. After conferring with the Senator from California, I ask unanimous consent that the Senator from California control the time until 10 minutes of 11 and that I control the time thereafter until 5 minutes after 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. I will take it from the top because this is such a crucial amendment. The amendment I am offering with Senator SCHUMER will provide $30 million that is already in the bill—we are not adding new money—for the Department of Homeland Security to research and develop and to initially deploy countermeasure systems for commercial aircraft to combat the threat of manned portable shoulder-launched missile systems.

I have held one of these missiles. I am a little person. They are very lightweight. They can be easily used. They have been used in the past. As I say, this $30 million is not new money. I hope, therefore, it will not be opposed on the other side of the aisle.

The chairman of the House Aviation Subcommittee, a Republican, said just yesterday that the threat of these shoulder-fired missiles being aimed at a commercial aircraft in the United States or one of our assets abroad "keeps me up at night." This is a Republican chairman of the House Aviation Subcommittee who came into this debate, in his own words, not convinced that we needed to move on this threat. But after a secret briefing—and I was there—said this threat "keeps me up at night."

Shoulder-fired missiles, such as the SA–7 and stinger missile, are available on the black market for $25,000 to $80,000 each. Most can be used with very little training and they take just minutes to fire. As I said, I have held one of these missiles in my hand. Almost anybody could do the same and fire one.

Nearly 30 guerrilla and terrorist groups are in possession of these weapons, including al-Qaida. We will show a chart of the terrorist groups, the guerrilla groups we believe have these weapons or have access to these weapons: al-Qaida, Hezbollah, Kurdistan Workers Party, the Palestinian Authority, the Popular Front for the Liberation of Palestine, the Taliban. It goes all the way down the line. These are the groups that have these missiles and could use them against a commercial aircraft.

Al-Qaida has shown it is willing to use these weapons as weapons of terror. They are suspected of targeting U.S. military aircraft in Saudi Arabia last May with an SA–7 missile.

Mr. BAYH. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. BAYH. Is the Senator aware many of these countermeasures are made in the State of Indiana at Crane Naval Depot? I thought the Senator might be interested. I had occasion to be there several weeks ago. They reported to me that these countermeasures the Senator quite rightly hopes to fund in this supplemental have been used in Afghanistan, and there have been more than 200 incidents of attacks on our military aircraft, but not one successful attack because the countermeasures are so effective in preventing the downing of our aircraft. The point the Senator makes is a good one since we have been so successful in protecting our military men and women. We have the technology. Why not make it available to the civil aviation sector as well.

Mrs. BOXER. I am so pleased my friend would come over and engage in a colloquy with me. I was not aware of where these countermeasures were made. I know there are corporations working on them.

He is right. Our military planes are protected—thank God—because these are heat-seeking missiles. They are attracted to these engines. Our military aircraft are protected. It is interesting because if you look at El Al, although they will not confirm or deny that their planes are so equipped, we believe they are. We don't have any specific information, but we believe they are.

The point is, we need to now take this technology that is used on military aircraft and do a little more work so these technologies can work on commercial aircraft. That is what the amendment does.

I say to the Senator, who I know is a fiscally responsible Member, we don't add any new funds because the first stage, $30 million, we can take out of existing money for research and development and begin to deploy a few airplanes with this system so we can make sure it works before we make a bigger investment.

Mr. BAYH. My colleague is quite right. I compliment her for this amendment. The technology is more than theoretical. It exists in large part today. We are talking about saving lives with this kind of investment. I can't think of a better use of our tax dollars. I make the point not only as a matter of State pride but that the technology is there. We are saving lives. Another way to put it, we are saving lives in Afghanistan today using these pyrotechnic technologies. Why not arm our civil aviation aircraft to save lives domestically as well. I strongly support her amendment. It is a very wise investment.

Mrs. BOXER. Before my friend leaves the floor, I want to put up the FBI warning we have been given. It is not as if we haven't been warned. That is why I want to make the case to my friends on both sides of the aisle as to how important they are.

> Given al-Qaida's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made systems and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the U.S. should remain alert to the potential use of the MANPAD'S against U.S. aircraft.

When you put that together with the list of terrorist groups that have the weapons, you are so right. The Taliban is at the top. That is why now in Afghanistan we face threats from these shoulder-fired missiles, because they have them.

Mr. BAYH. In addition, my colleague is aware that I serve on the Intelligence Committee. Without getting into detail on the floor, which would be inappropriate, this is a growing concern in the intelligence world, particularly following the attack in Kenya on the Israeli airlines. These attacks have been carried out on civil aviation aircraft. These missiles are widely available, as you pointed out, and it is a matter of growing concern to our law enforcement and intelligence officials that this is perhaps a future area for threat—the civil aviation in the United States.

We have the ability to protect the aircraft, so why not take the step before it is too late? We should not wait until after a tragedy has occurred. We have been down that road before.

Mrs. BOXER. My friend is so much on point. It is true that the attempt to down an Israel airliner in Kenya failed. However, it is estimated that over the last 25 years, more than 550 people have been killed in incidents involving shoulder-fired missiles and commercial aircraft.

I want to show my friend a statement made by a member of the travel industry, as we look at more funding for the airlines, which I think is essential right now given what they have gone through, because we have a war and we had terrorism and we have a recession. This is what Ed Adams, chairman of a big tourism industry group, said:

> The travel industry is painfully aware of what a successful attack of using a shoulder-fired missile on a commercial airliner could do to the confidence of the traveling public. It is a situation we would prefer not to even imagine, but we must understand the reality of such an event if we intend to prevent it. The blow to the economy, in general, and the travel and tourism sector, in particular, combined with the loss of human lives would be staggering. These costs would certainly outweigh the expense of the precautionary measures you are recommending today to make sure our commercial planes are safe from such a terrorist attack.

Mr. BAYH. My colleague pointed out that I pride myself as being fiscally responsible. I view her amendment in that spirit. We are in the process of appropriating, I believe, $3 billion for the civil aviation industry in this supplemental. Previously, following the 9/11 attacks, there were other billions of dollars. If that industry is going to recover and be viable economically again, it is going to have to be in part because people feel safe getting on planes and traveling across the country. So the Senator's efforts to secure the traveling public are very much in the spirit of stabilizing an industry and, in fact, being fiscally responsible so that further efforts to provide largess from the Federal Treasury won't be necessary.

Mrs. BOXER. My friend is right. We know that, right now—before we have even seen research and development in a robust fashion to bring down the cost of these countermeasures—they are about a million dollars per plane. I say to my friend that $1 million on a $120 million aircraft is not too much to ask.

We had a big breakthrough because Chairman MICA on the House side, yesterday, came on board on this amendment and is working on the other side. I have spoken to the leadership. I think if the Senate today can come together—I know we are voting so much on party lines now, and I can see that, but if we can come together on this amendment, which doesn't add any money at all, but simply says this is a priority—by the way, it is not only the Senator from Indiana, or the Senator from California, or the Senator from New York saying it is a priority; it is the FBI saying it is a priority. Who knows better what threats we face than the FBI?

The TSA is saying it is a priority, too. On Sunday, there was a report in the New York Times saying that the Bush administration has ordered major security improvements at several of the Nation's largest airports after inspections showed that passenger planes taking off or landing at those airports could be vulnerable to attack by a terrorist using a shoulder-fired missile.

So the fact is we see—I know at Los Angeles Airport dozens of National Guard troops are deployed. It is a good thing to patrol the perimeter and at road checkpoints, in part, because of concerns about shoulder-fired missiles.

So the administration now takes this very seriously. We all know that while the National Guard is going to be very helpful in this regard, and more troops are going to help in this regard—and I support these measures—we know these missiles can reach commercial aircraft up to 12,000 feet. We know that stepped-up patrols of the perimeters are only part of the solution because you can have one of these shoulder-fired missiles pretty far away from the airport—in an apartment building, or anywhere else, or in the middle of a park, and it would be very difficult.

Mr. BAYH. Or possibly from the sunroof of an SUV. It is difficult to secure the perimeter around an airport to the extent that we need it. These countermeasures would be very warranted. I apologize for interrupting the Senator's remarks. But this threat is real. We have done a great deal of good work in the military sphere combating just this kind of threat.

Why not make it available to the civil population as well? We are spending billions of dollars to bail out an industry, but if people don't feel safe flying in planes, the industry will never recover. I am in support of my colleague's amendment. Again, I apologize for interrupting the flow of her argument.

Mrs. BOXER. The Senator hasn't interrupted my argument; he has made it stronger and better. Also, we know that military transport and refueling aircraft—and you have mentioned this—such as the C–17, C–130, KC–135, and the KC–10 are some of the models that employ these countermeasure systems that we believe can be and must be used for commercial aircraft.

Just going to the Senator's point about the military, they are conducting thousands of hours of training on countermeasures. So to underscore what my friend has stated, we know these systems work. We also know there is a threat.

I think if you look at this amendment and all the parts of it, No. 1, it is a modest step because we are not adding new funding; we are simply taking out—there is more than a billion dollars in that particular section—it is $1.135 billion—and we are saying $30 million of that should go to support the research and development and getting these prototypes ready, so we know they can be put on aircraft.

Chairman MICA and I have spent time talking about this, as well as Senator SCHUMER. We have come to understand that as we do this research and development, and the price comes down, when the airlines in the future order new commercial aircraft—and they are spending up to $150 million a copy—to spend an extra million dollars on that is not going to be very much.

So we think this is a very responsible amendment. We think it would be foolish and foolhardy not to begin this work right now, because I can tell you, God forbid, if a terrorist were successful, or even unsuccessful but came close to hitting one of our commercial aircraft, everybody in this body would say: Oh, my God, we had our chance and we blew it. We didn't do what we should have done.

Whether you look at the fact that these technologies are working on military planes, whether you look at the fact that we have enormous warning from the FBI, and we have seen this administration begin to move forward, if you put this all together, it speaks loudly and clearly in favor of this amendment.

This is a chart of recent incidents of attacks. In November 2002, an Israeli jetliner was fired upon seconds after takeoff in Mombasa, Kenya, and al-Qaida is suspected.

In May of 2002, an empty shoulder-launched missile tube was found outside Prince Sultan airbase in Saudi Arabia, and our military thinks that was from a shoulder-fired missile.

In October 1998, we had rebels down a civilian Boeing 727 over the Democratic Republic of the Congo in which 40 were killed. This is just recent incidents, but if we go back 25 years, we see this occurred.

I expect Senator SCHUMER is going to be coming to the Chamber. Until he does, I am going to continue to go over these charts. If we look at any of these charts, we get the picture.

This chart shows the groups we believe have access to shoulder-fired missiles. This would make anybody shudder because we know these groups are well funded and active, and we know many of them view the United States of America as their target:

Al-Qaida, Hezbollah, Kurdistan Workers Party, Palestinian Authority, Popular Front for Liberation of Palestine, Taliban, Armed Islamic Group, Huta Militiamen, UNITA, Oromo Liberation Front, Somali National Alliance, United Somali Congress, Hark at ull-Ansar, Hizbul Majahideen, Khmer Rouge, Liberation Tigers of Tamil, United State Wa Army, Kosovo Liberation Army, National Liberation Army, and the IRA. We know these groups have access to shoulder-fired missiles. We know some groups, particularly some on the top part of this chart, would like to go after United States interests, given the past and given the present situation.

I want to read what Chairman MICA said after he came out of an intelligence briefing on this issue:

> I went into the meeting somewhat skeptical. I came out convinced that this is probably one of the most serious challenges we face in combating terrorism. I think that's important.

Then he said:

> Since that hearing, I've lost some sleep and have great concern.

We are saying this is very important.

HONORING OUR ARMED FORCES

Madam President, until Senator SCHUMER comes to speak on my amendment, I wish to pay tribute to five additional young Americans who were killed in the Iraqi war who were either from California or based in California. Sadly, these numbers are growing, and I have tried in every case to read their names on the floor.

LCpl Patrick T. O'Day, age 20, was from Sonoma, CA, which is not very far from where I live. He was assigned to the 1st Tank Battalion, 1st Marine Division, Marine Corps Air-Ground Combat Center, Twenty-nine Palms, CA. He was killed in a tank accident in Iraq on March 25.

His family moved to the United States from Scotland in 1987. He was captain of the wrestling team at Santa Rosa Middle School. He enlisted in the Marines after graduating from Santa Rosa High School in 2001. He is survived by his wife, his parents, his three brothers, and his wife is expecting their first child in September.

PFC Francisco A. Martinez Flores, age 21, from Los Angeles, CA, was assigned to the 1st Tank Battalion, 1st Marine Division, Marine Corps Air-Ground Combat Center, Twenty-nine Palms, CA. He was killed in a tank accident in Iraq on March 25. He moved to California with his family when he was 3 years old. He was expecting to become a U.S. citizen in 2 weeks.

CPT Aaron J. Contreras was assigned to the Marine Light Attack Helicopter Squadron, Marine Aircraft Group-39, Marine Corps Air Station in Camp Pendleton, CA. He was 31 years old. He was killed on March 30 in a helicopter crash in southern Iraq.

He was born on the Fourth of July in 1971. His family moved from San Jose, CA, to Sherwood, OR, in the late seventies, and he was a graduate of Sherwood High School. He joined the Marines in 1997. He is survived by his wife and three children, his parents, and four brothers.

SSgt Donald C. May was assigned to the 1st Tank Battalion, 1st Marine Division, Marine Corps Air-Ground Combat Center, Twenty-nine Palms, CA. He was from Richmond, VA. He was 31 years old. He died March 25 in a tank accident in Iraq. He is survived by his wife and two children.

Cpl Robert M. Rodriguez, age 21, was assigned to the 1st Tank Battalion, 1st Marine Division, Air-Ground Combat Center, Twenty-nine Palms, CA. He was killed in a tank accident in Iraq on March 25. He was from Queens, NY. He was born in Brooklyn and grew up in the Maspeth section of Queens. He was known to treasure his Puerto Rican heritage. He is survived by his parents, four siblings, and 17 nieces and nephews.

I have come to this Chamber to honor our fallen military personnel before. We now have 20 men who have died in the Iraqi war who were either from California or who were based in my home State. My State mourns their loss. May these beautiful young Americans rest in peace. May we have a short war. And may we also pray for the wisdom of those who sent our young men and women into their mission.

When we speak about the realities of war and how families will never be the same, as we take this bill up to make sure we have the best equipped military in the world and they have everything they need to protect them from harm, we also need to protect civilians from harm, which gets me back to the amendment that is before the body today.

We have been warned by the FBI that the chance of a shoulder-fired missile being fired at one of our civilian aircraft is real. We have been warned by the Transportation Security Agency that the threat is real. The administration has deployed National Guard to various airports in our country to try to spot one of these individuals with a shoulder-fired missile. We know there are skeptics who have now come to the conclusion that this is, in fact, a very real threat to our people. We have heard from the travel industry that such an attack would be more than catastrophic, and as we vote more and more funding for our airline industry because we do not want to lose our airline industry, we need to take steps to protect it from further harm as well.

We have an amendment that ought to get bipartisan support. We have an amendment that is fiscally responsible. We are not adding more money. We are saying this is a high priority and it ought to happen because if we can get the cost of these systems down below $1 million—right now they are about $1 million a plane. Even that is a small amount when one considers an aircraft costs $100 million to $150 million a copy. If we can get it even lower than that, it becomes less and less of a burden to both retrofit the older planes, the 6,800 planes we have flying now, and make this a mandated safety measure on all future commercial aircraft.

There is a lot of support for this amendment. I just hope the Senate will put it in place. I think all of us will be able to sleep a little bit better at night because there are folks out there who want to hurt us. We know that. They look at civilians in a way we have never seen before. On 9/11 we saw that just because you are a civilian does not protect you from terrorists. It is our job to make sure we protect our people from terrorists.

I am hopeful Senator SCHUMER will join us shortly. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, Senator SCHUMER is working hard on a major amendment dealing with first responders. I thank the Senator from the bottom of my heart for all his work on this issue and this amendment. Senator SCHUMER and Senator CLINTON had an experience that no other Senator had. Yes, we had horrific pain in this area with the Pentagon being hit. The Senators from this region dealt with the pain and suffering and grief, but Senators SCHUMER and CLINTON saw something they will never forget—none of us will, they particularly—and they deal with the fallout of this every day.

When we talked about trying to get ahead of terrorists and listening to the FBI warnings, the TSA warnings, Senator SCHUMER said: I want to work closely with you on this. God forbid something like this should happen and a shoulder-fired missile would bring down a commercial aircraft. We would all say, my God, why didn't we do something? We have the technology.

I yield to my friend for as much time as he has remaining before Senator STEVENS takes time to respond.

Mr. SCHUMER. I thank my colleague.

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. SCHUMER. I ask unanimous consent that I be given an additional 5 minutes, or 3½ minutes, so I may speak for 10 minutes, with the consent of the Senator from Alaska.

Mr. STEVENS. Reserving the right to object—I would not object—I consent that Senator BOXER control the time until 5 minutes of 11 a.m., and if we extend that time, we would then control the time until 11:15.

Mr. KENNEDY. Reserving the right to object—because I understand my friend just came from the Judiciary Committee and some of us want to get over to the Judiciary Committee, and I understand Senator BAYH was set to go on at 11:05—now we are asking consent to move Senator BAYH's amendment to a later time.

Mr. STEVENS. We do not have a time agreement on Senator BAYH's amendment. He is next in order. The Senator asked to extend the time by 5 minutes, and I asked to extend by .5 minutes. That does extend the time when another amendment would be taken up until 11:15; that is correct.

Mr. REID. Madam President, I say to the Senator from Massachusetts, it is not Senator STEVENS asking for additional time, it is Senator SCHUMER.

Mr. SCHUMER. I will be brief. I withdraw my request to accommodate my colleague from Massachusetts.

The PRESIDING OFFICER. Does the Senator withdraw the request?

Mr. SCHUMER. I withdraw the request.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I commend my colleague from California. We all know she is a fighter. She finds issues, focuses on them with passion, is able to persuade so many others. The American people are lucky that Senator BOXER has taken such a leadership role in defending the homeland. I know the citizens of California thank her, but so do the Senators of New York. This is a real danger.

If we had to make a list of how terrorists would go after us, unfortunately, shoulder-held missiles would be at the top of the list. As my colleague from California has demonstrated, we know they have them. We know al-Qaida, the most sinister right now of the terrorist organizations, has tried to use them. And there is an FBI statement that says just that.

God forbid this should happen. God forbid the loss of life, the anguished families. Would anyone fly for 3 months, 6 months, 9 months? The economy is squishy now. If one of these shoulder-held missiles were used by terrorists to bring down one of our commercial airliners, it would send the economy due south; we would have huge problems.

The good news is we can stop this. Yes, it will cost some dollars. But I cannot understand the attitude that we should not spend dollars to deal with something such as this. The Senator from California is not asking for much. I, for one, would like to see more money. I know if we do this, it will eventually cost more money, but she is being extremely modest in the amendment.

To say, against one of the greatest dangers held for our wonderful people in America, that we should not do anything defies imagination, defies belief. We have the technology on our military planes, on Air Force One, El Al Airlines. I have dealt with the former top of security of El Al Airlines. They have them. They unfortunately know what terrorists can do. Yet we are saying we should fiddle while terrorism burns. I don't get it.

The Senator from California and I carefully crafted this amendment, along with Congressman MICA from Florida, a Republican Member, to make it as modest as possible. I hope we accept this amendment. No one wants this to be a partisan amendment. Obviously, it is not. However, one of our jobs is to defend the troops. We are doing that by supporting the President's request. One of our jobs is to protect this homeland from the new scourge of terrorism.

I mourn every day for the families lost on September 11. I wear this flag on my lapel every day in their memory; God willing, I will wear it every day for the rest of my life. I don't want it to happen again in any way. Spend a few dollars to make sure that does not happen.

If we ask the American people to line up the priorities of all Federal spending, does anyone think this is at the bottom?

They say there is no more money or maybe it will come out of some existing funds. We know what that means around here. That means forget it. If you cannot earmark it, it does not happen. I cannot believe we are not going to do this. I can't believe there is opposition to this. I can't believe, on something so vital to our security, where we have spent billions of dollars to protect our military planes, that we would not apply it to commercial airliners because in the post-September 11 world, those commercial airliners are just as much targets as our F–18s and F–16s and B–1s and B–2s.

Please, colleagues, let's not be in the "what if" situation.

Let's not wake up one morning after this has occurred and say, What if we had done this? I would plead with my colleagues to support this very important amendment.

I yield the floor.

The PRESIDING OFFICER. The time yielded the Senator from California has expired. The Senator from Alaska controls the next 15 minutes.

Mr. STEVENS. The Senator from Alaska controls time at 5 minutes of 11.

Mr. REID. Madam President, parliamentary inquiry: Has the time for the Senator from California been exhausted?

The PRESIDING OFFICER. Yes, it has.

The Senator from Alaska.

Mr. STEVENS. I yield 8 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I rise to oppose this amendment because it is premature. The amendment is premature not only in my view but in the view that was held by the Senator from California on March 13 in the Commerce Committee when we marked up the cargo security bill. At that time, the Senator from California said, and I quote from the record of the hearing of the markup:

> I have a bill which I am not moving today because I think that would require a hearing. But what I thought would be good is that since the TSA has said they are studying the best way to combat this—

Speaking of protection of the airliners from missile attack—

> but yet we haven't seen the study, what I would say in this amendment is to ask them to please give us a report on their study to this committee within 90 days on the best way to defend turbo and jet passenger aircraft from these shoulder-fired missiles.

So we adopted the amendment of the Senator from California on the cargo security bill that is before the Senate which will be passed by the Senate without any doubt whatsoever.

I do not know of any living American who does not want to protect our airliners. I do not know of any living American who does not want to protect all of America, including our borders.

The fact is that it is proposed to spend $30 million on R&D and deployment of technology on commercial airliners. I can assure my colleagues that it is not that easy. It is not that easy to transfer technology which is adopted for military aircraft and then immediately transfer it to civilian aircraft. Obviously, we need some time for the TSA to look at the threat and put the threat in the scale of the threats that we face in an order of priority, and the best way may not be installing this equipment on airliners. It probably is. But we do not know for sure. All we know is that there is a threat, as there are myriad threats out there to our lives and our security, whether they be at reservoirs or nuclear powerplants or along our borders, or wherever they may be. And we do have the ability perhaps to adopt military technology. But that has to be studied, as the amendment of hers on the bill after discussion in the markup.

What type of technology is it? How can we deploy technology immediately when we do not know what technology it is that is best executed if we believe that airliners needed this protection immediately.

I am not going to take the entire 8 minutes the Senator from——

Mrs. BOXER. Will my colleague yield?

Mr. McCAIN. That the Senator from Alaska yielded, but I just say this is a premature amendment. This is an amendment that is going to spend $30 million for deployment of technology when we do not even know if that technology exists, and if it does, if that is the best technology. So that is why I am in opposition to the amendment.

Mrs. BOXER. Will the Senator yield?

Mr. McCAIN. I will be glad to respond to a question from the Senator from California.

Mrs. BOXER. I thank the Senator. I think the Senator makes a very important point that I absolutely supported a study in the committee. Since that has occurred, however, two things have happened. Chairman MICA on the other side invited me to a secret meeting.

Mr. McCAIN. Does the Senator have a question or does she want to use her own time?

Mrs. BOXER. I was hoping—I don't have any time left.

Mr. McCAIN. If the Senator has a question, I would be glad to respond. Otherwise, I do not want to use the time of the Senator from Alaska.

Mrs. BOXER. I do have a question. I was just going to let the Senator know what had happened and then I was going to ask the question.

What happened at that time was this threat had been rising and the administration took action since the time of the study that said to all the big airports around the country, national guardsmen will protect against this threat. Chairman MICA changed his mind after those hearings and I became more concerned. That is the reason why I drafted this to be both a study and a deployment on just a couple of planes.

Mr. STEVENS. Regular order.

Mrs. BOXER. I just wanted to know if my rationale made any sense.

Mr. McCAIN. I thank the Senator for her question, and I appreciate the Senator from Alaska allowing that time. It is still premature and I think that to order a study of the background within a period of a couple months would be most appropriate.

I yield back the remainder of my time to the Senator from Alaska.

Mr. STEVENS. Madam President, I say to the Senate that as a pilot, almost every pilot I know shudders over the thought of weapons that are heat-seeking missiles. I commend the Senator from Arizona for what he has done already on the commitment of trying to get a study. I do not want to leave the impression here—it is classified, but there are some commercial planes that are outfitted for some defenses against some weapons. But all you have to do is think of "Blackhawk Down" to know it is not that simple.

The Air Force has been working in research and development on a system. It is being tested on one plane so far. As a matter of fact, it is too large for most of our commercial aircraft. We don't know how soon it will be before we can get technology that can be fielded for civil aviation. There are several systems available that can detect the shoulder-fired weapons. However, they are not effective on all of them, and the problem is, if we are going to say that our civilian airlines are safe, to find a system that is safe.

Currently, we have some. As I said, one of these systems is deployed on commercial aircraft to try to see how effective it might be. These systems currently that are being deployed cost about a million dollars a plane. I just do not see many commercial airlines that are ready to put out $1.5 million for each plane to try to defend it with a system that is not deemed to be effective by the Air Force so far.

The Boxer amendment earmarks $30 million from within the counterterrorism fund for this project to equip our commercial airlines with a system to defeat heat-seeking missiles.

This will reduce the fund; the counterterrorism fund has been assumed to provide additional dollars for agencies within that department. One hundred and twenty million dollars is assumed in this bill to pay for the passenger screeners and other costs incurred at additionally secured airports.

We have tried to be very discrete about this fund. This is not a bill to deal with the problems of commercial airliners. This is a bill to deal with funding the war. Again, I want to say we have three wars going on, and this is not part of the war. We already have taken this up in Commerce. We have a study coming because of it. I hope that bill will pass.

I share the absolute fear that Senator BOXER reflects in terms of the problem of passenger aircraft having some defense against shoulder-fired missiles. Again, I wish we could all take a look at "Blackhawk Down." There is no question they are out there and they are very much a fear in terms of terrorism. But that is what the Department of Homeland Security is for and that is why the research and development money that is in the defense bill that has already been passed this year, and that research is going on.

Madam President, I regret deeply that this is not the way to solve the problem. The problem is going to be solved with a study that we have asked for of what can be done and the funding that would follow that study. I hope it gets here in time to deal with it on the 2004 bill.

Again, I do not know anyone else who fears these as much as pilots. Passengers to a great extent understand the problem but you have to be a pilot to understand total consequences of having something that you cannot control from within the cockpit.

It is true we have these systems on high-performance airplanes. They are extremely heavy. As I said, they cost more than $1.5 million apiece.

Madam President, $1.5 million added to the cost of a high-performance airplane we are buying for war purposes, that is one thing. This does not affect that. Those systems have already been perfected under the Department of Defense, and they are adequate for our needs in defense.

I point out in the 12 years we have flown over Iraq on the so-called CAPs Program, we have not lost one plane to a heat-seeking missile to my knowledge.

That is military. We are trying to say can we put them into civilian airlines? Can we put them into commuters? What size do we need?

It is a research program. I don't know how long it would take. I was told at one time it would take up to 2 years to develop this system. But we should approach this action from the point of view of research and development first and not a mandate, and particularly not take money out of the bill as it is right now.

We do have, by the way, some of them that are applicable to the commercial system. It is dealing with a laser system. That system will be available for installation in commercial airlines by fiscal year 2006, under the current system. As I said, we are trying to accelerate research and development and ability to defend small aircraft and helicopters. There just is none available today that can do that, that are affordable.

I reluctantly agree with the chairman of our committee. I believe the language in the Cargo Security Act that was the product of Senator BOXER's efforts on the Commerce Committee should be allowed to go forward. We should study this important issue. But we should not be taking money from other homeland security efforts and directing it be spent on pilot projects for systems that have not yet been demonstrated to be effective.

We are monitoring this. I say in all sincerity, I think the Commerce Committee has Senators on both sides of the aisle who are committed to following this through, to finding the best way to defend passenger aircraft from shoulder-fired missiles.

This is not the way to do it. Reluctantly, I do move to table the amendment.

I ask unanimous consent the Boxer amendment, amendment No. 472, be set aside until the hour of 1:50, and at that time the Senate proceed to a vote in relation to the amendment with no second-degree amendments in order to the amendment prior to the vote. I further ask unanimous consent there be 2 minutes of debate equally divided immediately prior to that vote.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. STEVENS. I want to announce that will be the first vote in a sequence that will start at 1:50 p.m. this afternoon.

I now ask, if it is appropriate, and I believe it is, unanimous consent with regard to the amendment Senator BAYH will offer, that there be 20 minutes of debate under the control of the proponent, 10 minutes under control of myself, and no second-degree amendments in order prior to the vote. I further ask this amendment, when we are finished, and I shall make—I may not make a motion to table this—but a vote in relation to this amendment to be taken, if required, at the hour of 1:50, following the Boxer amendment.

Mr. REID. Mr. President, I failed to tell the manager of the bill that Senator KENNEDY wants 10 minutes. So it would be 30 minutes and whatever time you want to respond to that.

Mr. STEVENS. I have no objection. The Senator has been waiting to speak. I am pleased to amend my request that there be 30 minutes under the control of the proponents and 10 minutes under my control.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Hearing none, it is so ordered.

AMENDMENT NO. 474

Mr. BAYH. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, and Ms. MIKULSKI, proposes an amendment numbered 474.

Mr. BAYH. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for grants to States for smallpox and other bioterrorism inoculation activities)

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $340,000,000, to remain available until September 30, 2004: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

Mr. BAYH. Mr. President, I offer this amendment on behalf of myself, Senator NELSON of Nebraska, Senator SCHUMER, Senator STABENOW, and my distinguished colleague, Senator MIKULSKI.

I offer this amendment because of my conviction that just as we spare no expense ensuring our military men and women in the field have the tools with which to defend themselves, have the tools with which to disarm rogue regimes that possess weapons of mass destruction so we can protect the American people, we also need to give those tools to the brave men and women working here at home who will defend the American people against biological attack. That is because it is the same fight. It is the same war.

Disarming rogue regimes of weapons of mass death, protecting American citizens who might be killed by those weapons of mass death, is the same fight. We need to make sure that both overseas in the military and here at home, in terms of civilian defense, we do what it takes to defend America's national security interests.

Simply put, in the war we are fighting today, the war against global terrorism, rogue regimes, and failed states, the distance between the front lines and the home front is not that great. We must recognize this fact and aggressively defend both; otherwise, the American people may suffer.

We are now involved in a great conflict in Iraq. This conflict has, as its genesis, our desire to avoid another tragedy like September 11, only this time involving weapons of mass destruction and casualties and loss that could be far greater.

We suffered 3,000 fatalities on September 11, worse than the attack on Pearl Harbor, the greatest loss of life in our country since the Civil War.

But I rise today to say that, unfortunately, much worse can happen. Weapons of mass death—let us call them what they are because they seek to destroy not buildings or physical property but people—weapons of mass death capable of inflicting losses of catastrophic, even Biblical proportion, now roam the international landscape. Biological weapons in particular can unleash pathogens capable of slaughtering millions, rending civil society itself and spreading terror and fear, and perhaps starting a new Dark Age.

I do not overstate the case. Not so long ago, I tell my colleagues, there was something called Operation Dark Winter that was conducted by a variety of entities, including the Center for Strategic and International Studies. Operation Dark Winter sought to anticipate what might happen if smallpox were introduced into the ventilation systems of three shopping malls in different States across our country.

Within 13 days, the disease had spread to 25 States. After 60 days, 3 million cases of smallpox had been diagnosed and more than 1 million American citizens—1 million were anticipated to die from the outbreak. That is just how bad it can get.

Colleagues, the threat is not theoretical. As we saw in this very Chamber with the anthrax outbreak of a year ago, the threat of biological weapons is all too real, all too tangible. Our intelligence services estimate the chances of a nation such as Iraq possessing smallpox are about 50–50. Other nations have it, too.

Terrorist groups such as al-Qaida and Ansal al-Islam and others are working feverishly to obtain chemical and biological weapons. Since smallpox is the worst case scenario when it comes to a biological outbreak, we have to assume that smallpox would be near the top of their list when it comes to obtaining a biological capability to attack the United States here at home or abroad.

The administration itself has recognized the threat. The President himself was inoculated against smallpox to great fanfare. The recommendation last December by the administration was to inoculate up to 10 million first responders—10 million—to ensure that our country was in a position to minimize this threat, God forbid, should it reach our shores. Unfortunately, while the rhetoric has been right on, the resources and the actual response have been left wanting.

The response to date ignores the fact that there are many other pressing needs when it comes to protecting the American people against a biological attack. Smallpox is only one of the potential risks. Inoculating our people against smallpox is only one of the steps that must be taken. We simultaneously must move forward with expanding our lab capacity so we can analyze the cases as they come in so we know what we are dealing with. Is it a plague? Is it smallpox? Is it botulism? What is the pathogen that is killing Americans? How do we treat it? What should be our next steps?

Having a lab capacity is critically important. We have to improve the communications systems between the Federal level, the CDC, State laboratories, and local hospitals because if there is not an effective communication system, the response will break down and people will die as a result.

Finally, we need better health monitoring at the local level so we can judge the ebb and flow of systems and analyze exactly what it is we are dealing with so we know how to respond and save people's lives.

The response to date ignores all these other pressing needs competing for scarce resources, leaving the very real possibility that either protecting the Nation against smallpox will be left wanting or that these other critical needs will be left wanting. That is a choice we should not be forced to make.

The response also ignores the very language of the emergency supplemental, which states explicitly that the funds can only be used for equipment and training, that they cannot be used for inoculation—they cannot be used for inoculation. So even if enough money had been provided to help defend against smallpox, by the very wording of the supplemental, the funds cannot be used for the most pressing need, to ensure that first responders, who might be infected, are inoculated against smallpox, protecting both them and others with whom they might have contact.

Third, the response to date ignores the very real, pressing fiscal crises confronting our States. I just came from a meeting with my own Governor. Indiana, as other States, is facing a deficit. It is strapped for money. So States simply are not in a position to step in and provide resources to fill in the gaps.

If this need is going to be met, if this threat is going to be met, if our people are going to be protected at this hour of national crisis, at this hour of State fiscal crisis, it is the Federal Government that must step up and protect the national security interests, the health and well-being of the American people, because we are the only level of government that is in a position to do so.

Next, the response proposed by the administration falls short of past responses in similar cases. My colleagues might be interested to know that in 1947, responding to a single outbreak of smallpox in New York City, 6,350,000 citizens were inoculated, including 500,000 in a single day—in a single day. Yet there is nothing for smallpox inoculation in this bill. Clearly, based upon past response, the current steps are inadequate and, hence, the amendment is necessary to supplement our efforts.

Finally, along these lines, the House of Representatives—not known for responding overzealously to concerns such as this, known to want to keep a firm grip on the purse strings—has recognized that the emergency supplemental is inadequate and has proposed an additional $94 million to help address this need. While $94 million is itself inadequate—the $340 million we propose in our amendment is the correct response to inoculate 4 million people who the States have said are necessary to inoculate—at least the House of Representatives has taken a tentative initial step in recognizing the very real need.

If we are going to meet this threat, the response to date proposed by the administration, however well intended, is simply inadequate to meeting the very real potential threat, the disastrous potential threat facing the American people. That is why we have proposed action.

I will spend a couple of moments addressing what the potential arguments against our amendment might be. I know some might suggest this is simply more social spending. That is simply not the case. This money will save lives. We have been attacked, as we all know. As we all know, terrorists are planning further attacks. We know they are desperately seeking weapons of mass death, including biological weapons. We know that smallpox is the worst case scenario, and that in all likelihood they are attempting to get it.

This money is needed. It is not simply just more social spending. It is needed to save lives, and to save lives now. It would be irresponsible not to ensure that we are protecting against this threat because we know how real it can be.

Secondly, the argument that enough resources have already been provided is simply not accurate. Enough resources have not been provided to meet this threat, as the House of Representatives has recognized, as the Governors of the 50 States have recognized in their State plans, saying that inoculating 4 million first responders is what is necessary to truly protect the American people.

The administration has done precious little along these lines. Not enough in the way of resources has been provided. Regrettably, responding to this need is not inexpensive. The National Association of County & City Health Officials estimates that, at a bare minimum, it takes $85—and, in fact, recent experience suggests far more—it takes $85 per case to screen, inoculate, and monitor the results of the inoculation per individual inoculated. That is the least case scenario. So taking the lowest cost estimate, multiplying by the 4 million first responders that the Governors and States, regardless of party, indicated need to be inoculated, that is how we reached our estimate of $340 million being the bare minimum needed to help protect the American people against this threat.

Finally, 58 percent of local officials indicate that smallpox inoculations are now hurting their other bioterrorism efforts. I would ask my colleagues, What do we leave the American people vulnerable to? If we emphasize smallpox, do we choose to leave them vulnerable to anthrax? Do we choose to leave them vulnerable to another pathogen that is capable of killing millions of people? That is simply not the responsible course of action. Yet it is the course we are on if we do not adopt this amendment.

In closing, let me say that my position in this amendment, offered by myself, Senator MIKULSKI, and others, is not a partisan position. I have with me an article from the Washington Post of 2 days ago, indicating the very pressing needs that States face in this arena.

It quotes several Governors, including Governor Pataki of New York, Governor Huckabee of Arkansas, and others, to the effect that States and cities are simply not being provided with the resources they need from the Federal Government. I quote:

> [G]overnors and mayors of both parties declared [the funding is] inadequate.

Our States and cities deserve better from us than that.

Finally, I have letters that I will have printed in the RECORD from city and local health officials, including the American Nurses Association, who indicate that our exposure to the West Nile virus and the recently discovered SARS respiratory problem will be much, much worse because of their efforts to fight smallpox, if we don't provide the additional funding so they don't have to confront the dilemma they are confronting: Do they protect against smallpox or some other cause of death? We should not leave them in that lurch.

In conclusion, this is a pressing problem. It is a single war: The war abroad to disarm rogue nations, to protect us from weapons of mass death, and the war here to protect America from those same sources of threats. They both deserve our attention and funding. That is the purpose of this amendment. I am pleased to offer it on behalf of myself and my colleagues today.

Mr. President, I ask unanimous consent to have relevant material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
COUNTY & CITY HEALTH OFFICIALS,
Washington DC, April 2, 2003.

Refunding for smallpox vaccination.

Hon. EVAN BAYH
U.S. Senate,
Washington, DC.

DEAR SENATOR BAYH: The National Association of County and City Health Officials (NACCHO) is committed to preparing the nation to respond to an outbreak of smallpox, should such a terrible event ever occur. Therefore, we strongly support additional funding for the large, unanticipated costs that state and local public health agencies are incurring to implement the President's smallpox vaccination program. Nearly 80% of local public health agencies already report that they are diverting resources from overall bioterrorism preparedness to work on smallpox vaccination. This situation is unsustainable and threatens to undermine our nation's ability to improve public health preparedness for other acts of biological, chemical, or nuclear terrorism.

Existing federal funds for bioterrorism preparedness are neither available nor sufficient to pay for both smallpox vaccination and other bioterrorism planning and preparedness work that is already underway. Congress appropriated $940 million in FY2002 and $940 for FY2003 to help states and localities improve their capacities to respond to public health threats and emergencies. The Department of Health and Human Services made the first $918 million available to the states in June 2002. This disbursement of federal funds occurred in a timely and responsible fashion and states were directed to spend these funds in five different areas of public health preparedness. Neither HHS nor states and localities contemplated undertaking smallpox vaccination at that time and funds have been programmed and obligated to improve overall preparedness in multiple ways, pursuant to HHS' guidance to the states.

The Administration announced a smallpox vaccination program six months later and has expected states and localities to pay the costs of this program from the FY 2002 bioterrorism funds they had received. This expectation is unrealistic for two reasons. First, as is the case with any federal program, the sums that states have spent according to HHS records do not reflect plans and obligations that have already been undertaken and cannot be reversed either for legal or practical reasons. Second, the costs of smallpox vaccination are proving to be far greater than had been anticipated. Smallpox vaccination is not like giving flu shots in the local mall. Extensive advance planning, training, and consultation in the community are necessary. Delivering the vaccine requires careful screening and counseling. Follow-up to assure a proper "take" and to prevent secondary transmission of vaccinia is essential, as are design and implementation of systems to track adverse reactions. NACCHO has found that costs for smallpox vaccination being incurred now by local public health agencies smallpox vaccination range from $154 to $284 per person, with an average of $204 per person. These do not include costs to states or to other entities, such as hospitals or police or fire departments.

NACCHO is deeply concerned that it is dangerously short-sighted to devote our resources for public health preparedness to a single potential agent. We cannot anticipate what agents might be used by a bioterrorist. Moreover, we remain highly vulnerable to natural disease outbreaks, including West Nile virus and the newly-discovered Severe Acute Respiratory Syndrome, that have a potential to cause more illness and death than would occur in many bioterrorism scenarios. We believe that we must build our public health systems so that they are well-staffed, effective and adaptable. We should avoid building separate systems for specific diseases; they will tax our resources, and unless we use them day in and day out, they won't work well when they are really needed. We must also achieve preparedness specifically for smallpox, which has the unique feature of requiring vaccination of a number of public health and medical personnel, but we cannot afford to sacrifice other improvement in that process.

We appreciate your leadership and concern for public health protection and look forward to working with you to ensure that the public health system is able to improve preparedness for all public health threats and emergencies, in addition to smallpox.

Sincerely,

PATRICK M. LIBBEY,
Executive Director.

AMERICAN NURSES ASSOCIATION,
April 2, 2003.

DEAR SENATOR: On behalf of the American Nurses Association (ANA), I am writing to urge you to support the amendment offered by Senator Bayh to the supplemental appropriations bill. This amendment will provide resources so that state and local health departments can safely implement the smallpox vaccination program.

The ANA is the only full-service association representing the nation's RNs through our 54 state and territorial constituent member associations. Our members are well represented in the Administration's plan to vaccinate 10.5 million health care workers and first responders.

Sufficient funds must be appropriated to the states to support robust education, prescreening and surveillance of the potential recipients of the vaccine. The recent death of a Maryland nurse, a Florida nurse aide and a National Guardsman only underscore the need for aggressive medical screening, monitoring and treatment. Nurses and other first responders will continue to feel uncomfortable about the vaccine until they receive the reliable information needed to make an informed decision.

Members of the armed services have received personalized education and free and confidential prescreening prior to the administration of the vaccine. This process properly screened out one-third of the potential recipients. Unfortunately, existing Federal funds for states to conduct a proper vaccination program have been exhausted. The National Association of County and City Health Officials (NACCHO) estimates that state and local health offices are incurring a cost of $204 per person vaccinated. These expenditures are diverting needed health resources away from other important bioterrorism and public health activities.

Once again, the ANA urges you to support the Bayh amendment to the supplemental appropriations bill. These funds are critical to ensure state and local officials can actually implement the crucial education, prescreening and surveillance programs.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, April 1, 2003.

DEAR SENATOR: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am willing to urge you to support amendments to the supplemental appropriations bill that will increase funding for homeland security. In particular, we urge you to support an amendment to add $4.3 billion for funding the "first responders" that will be offered by Senators Schumer, Clinton and Mikulski. We also urge you to support an amendment for $340 million for combating bioterrorism to be offered by Senator Bayh.

The cost of shoring up the nation's security needs has placed an enormous burden on state and local governments, particularly New York City, Los Angeles and other jurisdictions that face the greatest security threat. Reduced revenues from a slow economy, increased human needs and increased security needs have stretched state and local governments beyond their capacity. Today, states face their gravest fiscal crisis since World War II. If the nation is to be secure, it is imperative that the Congress help state and local governments improve security by providing more federal resources for first responders.

The amendment to be offered by Senator Bayh will provide resources so that state and local health departments can implement the President's smallpox vaccination program safely. Public health officials have estimated that the cost of each vaccination will average $204. New resources are needed to carry out the smallpox program without diverting resources away from other bioterrorism preparedness and core public health activities.

Since September 11, the nation has come to realize that it has numerous vulnerabilities to terrorist attack. These vulnerabilities must be addressed through a national commitment to improve homeland security. Accordingly, we urge you to support amendments to increase funding for homeland security, and in particular the two amendments to be offered by Senators Schumer, Clinton and Mikulski and by Senator Bayh.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. KENNEDY. Sixteen and a half minutes.

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have that divided between myself and the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I would like to retain a minute of my time, if the Chair would inform me.

This country has given focus to the battle on the war on terrorism in a variety of different ways, but one area which is enormously important is the threat we are facing from bioterrorism.

We enacted legislation even prior to 9/11 that was very helpful and important at that time. We have enacted legislation subsequently, and next week we are going to be enacting legislation which will support the President's commitment for some $6 billion that will be used to develop vaccinations in anticipation of the threat we will be having overseas by these very dangerous pathogens that are being developed.

Now we have smallpox and anthrax that are dangerous to this country. People in this city have certainly witnessed the dangers. Families have been impacted and affected because loved ones have lost their lives because of the dangers of anthrax.

This amendment is meant to provide help to local communities to make sure they have an effective vaccination program, period. There are a number of different features in the war dealing with bioterrorism. One is to make sure we have the people on the ground who are trained, supported, who have the ability to screen, have the vaccines, and will do the followup work if we expect this program to take off.

Secondly, we have to have a compensation program that will be available to provide help to these individuals if there is an adverse reaction. Why this is so important is these first responders, when they signed up for their job, didn't think they were taking on the additional responsibility of dealing with terrorism. Now we are asking them to do that. We are asking them to do something in addition.

In some instances, with some vaccines, they will be risking their lives, because we know a certain number of them are going to die and a certain amount of them will have serious disabilities as a result of taking the vaccine. That is the vaccination compensation program. That is not on this bill.

What we are talking about here is making sure individuals in local communities are going to have the resources to resist any bioterrorism that comes their way in the form of anthrax and smallpox. To do it, you have to give support to local communities. This legislation before us does not do it. There is no funding whatsoever. There are billions for our soldiers and our sailors, and all of us are for that, but it does not provide any resources.

I say that against this following background. Last year we cut support for our hospitals by $1.9 billion. Those were cuts in the Medicaid program and also in what we call graduate medical education. We provided $500 million for them under the battle of bioterrorism, but they still lost $1.4 billion in cuts to the hospitals. We say we have already provided sufficient funding for these hospitals. I will not take the time now, because it is short, to read into the record what the hospitals are saying, not just in my State but all over the country, the pressure they are under to try to get the programs started.

My friend and colleague from Indiana has indicated it costs about $80. Actually, according to better estimates, it is about $200. I will put that in the RECORD. I thank him for offering this amendment. The President's program is asking 10 million people in phase 2 of the immunization program, 10 million people. Under the Bayh program you get coverage for about 4 million. It is a very modest program. That is $85. It is done cheaper in the military because they have the trained personnel to do it.

By and large, public health officials believe if we are going to have a monitoring program—and we have seen in this past week how important that monitoring program can be, because if you have these kinds of vaccinations going to individuals who have some kind of heart complication and difficulty, it can cause death. That is why the monitoring is so important. We want to make sure we have a program that will be put in place.

Today it is suspended by 10 States. Ten States are not doing it because they don't think the program itself has been set up in a way which can provide adequate protection to the individuals who need it.

I hope our friend and colleague on the Appropriations Committee will be willing to accept this amendment. It is a bare-bones amendment. I remind the Senate what happened yesterday in the Human Resources Committee when we were dealing with the compensation program. Our friend and colleague, Senator MIKULSKI, made an impassioned statement about what happened to a particular individual in her State with this vaccination program. It was accepted unanimously, by Republican and Democrat, that there should be additional resources to make sure if we go ahead with this immunization program—I am strongly committed that we do—it is done wisely and right.

The amendment offered by Senator BAYH and Senator MIKULSKI and others—I ask unanimous consent to be added as a cosponsor, if I am not—is an absolutely essential part on the war on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Fighting against the dangers of bioterrorism is a key aspect on the war on terrorism. To do that, you need to have two components: One, you need a compensation program; secondly, you need to be able to get that program of vaccinations out there. It is not getting out there now. It is putting too great a strain on local public health officials. We should give them assistance to make sure we have the very best. We want the best for our service men and women fighting in Iraq, and we want the best for our first responders whose lives are at risk. This amendment will ensure they will receive the best in terms of support in local communities.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as a proud cosponsor of this amendment that would provide $340 million to State governments to do important education, screening, and monitoring in the delivery of the smallpox vaccine program.

I would like to share with my colleagues a story. One of my constituents, who lives on the Eastern Shore of Maryland, died last week from a heart attack 5 days after she received the smallpox vaccine. I am not drawing a conclusion that the two are linked. We will leave that to the appropriate medical and public health officials to decide. But let me tell you the story. She was 55 years old. She just got her nursing degree after having another degree. She wanted to get her nursing degree because the lower Eastern Shore of Maryland is an underserved health community in terms of doctors and nurses.

She is a Native American. She is a proud descendant of the Assateague tribe. Her name is Andrea Deerheart Cornitcher. She wanted to volunteer for the smallpox vaccine so she could serve her community, serve her country in the event of a smallpox attack. She was ready to do anything she needed to when she was called.

When I spoke to her husband, filled with grief and melancholy, I asked him what he wanted to tell me and, if he could come to the floor of the Senate, what would he tell us. He said: Senator, tell your colleagues, and if you have a chance to talk to the President, tell him, people are ready to volunteer, but they have to have a right to know what they are getting into. They have the right to know how safe the vaccine is. They have to know how safe they will be if they get the vaccine. We need education. We need screening. I might add, we need monitoring and surveillance, so that if you sign up to be part of the bioshield warriors, you will have ongoing monitoring and biosurveillance to make sure there are no physical or other repercussions from this.

That is what Mr. Glenn Standing Bear Mayo asked. He said, the way I want to honor my wife, the way we ought to protect America, is to make sure we protect the volunteers. The way to protect the volunteers is through education, better and more amplified screening, and ongoing monitoring and surveillance.

You cannot do this on the cheap. Public health departments are already stretched to the breaking point.

They are now foraging for funds to be able to meet a Federal mandate to recruit, screen, and do smallpox vaccinations for our first responders who are volunteering. This takes $85 per screening. They don't have it. They are taking money from other funds—from maternal and child health, West Nile virus, or being prepared in case SARS comes to the United States.

This is a very modest amount to put into the Federal checkbook. It doesn't even deal with the larger issue of compensation that we will debate at another time, an appropriate time.

I salute the Senator from Indiana for advocating this. I advocated it in the authorizing committee just yesterday. It was accepted by the committee. The committee knows this is important. Now is the time to make it a reality by putting screening, testing, and monitoring into the Federal checkbook.

So I really ask my colleagues: If the volunteers are going to have enough confidence to participate in the program, they need to know what they are getting into, and they need to be properly screened. They need to know that they will be monitored and that there will be surveillance to protect them as they line up to protect America. They also need to know that there is a safety net for an adequate and responsible compensation program. This amendment does not deal with compensation, but it deals with funding the usual and customary public health protections. It says that people have a right to know, they have a right to be heard about their concerns, and they have a right to be protected.

On behalf of Andrea Deerheart Cornitcher, I offer this amendment with my colleagues to the Senate.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I rise today in support of the amendment of my good friend from Indiana that will help State and local health departments pay for the cost of administering the smallpox vaccine.

The threat of terrorism, both foreign and domestic, is real and should not be taken lightly. We prepare for these threats by preparing our first responders—including our health care professionals. Whenever and wherever disasters have struck, health care professionals have responded selflessly by lending their skills, time, and expertise to help victims and their families. Now we are asking them to safeguard the health care infrastructure by being vaccinated against smallpox. The least we can do is make sure that the funds are available to provide the vaccinations.

The vaccinations are more expensive than anticipated. Vaccinating against smallpox is not like giving flu shots. Preparation and training is needed to administer the vaccine by trained professionals who must be able to carefully screen vaccine recipients for potential adverse reactions. Followup is also needed to check on health status. All of this takes time and resources. My State of Nebraska has already vaccinated 2500 workers at a cost of about $140 per person for a total of $350,000.

The resources to pay for and administer these vaccinations have been diverted from other important bioterrorism preparedness activities. The financial assistance provided in this amendment will allow States to dually safeguard against smallpox without diverting funds "from other important bioterrorism preparation efforts. Without this additional funding, vaccinating against smallpox is essentially an unfunded mandate to the States.

As any biological attack would certainly be a Federal priority, it is both unfair and ineffective not to provide Federal funds to prepare for the possibility. A virus will not stop at State lines. Our efforts to prevent the spread of a devastating illness should be national in scope, as should be the funding to pay for it.

I commend the Senator from Indiana for introducing the amendment.

The PRESIDING OFFICER. Who yields time? There are 3 minutes 45 seconds remaining on the Democratic side.

Mr. BAYH. Mr. President, I want to make two or three brief points in conclusion. The emergency supplemental contains funding for fatalities that might result from vaccination. But there is no funding specifically targeted to preventing those fatalities through screening. It seems to me this is an irony we should address and do address in this amendment—money for fatalities from vaccinations but not resources to prevent those fatalities.

Secondly, as my colleagues pointed out, money is being literally taken away from working against the West Nile virus, against SARS, and against other potential causes of fatalities. We could leave America vulnerable to other sources of sickness and death if this amendment is not adopted.

The goal here is to prevent fatalities abroad in our fighting men and women and here at home, directly or indirectly. Without the adoption of this amendment, fatalities will result either from smallpox or from other potential pathogens left wanting—West Nile, SARS, and others—because resources are being taken away from those for inoculations against smallpox because the resources are not available. That is why there is a pressing case for adopting this amendment.

I thank my colleagues for their support, and I urge its immediate adoption.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. You have 2 minutes.

Mr. KENNEDY. We will reserve our time.

Mr. STEVENS. Mr. President, I can yield to the Senator from Massachusetts or proceed now, at his request.

Mr. KENNEDY. Is the Senator prepared to yield back, or is the Senator going to talk? I would like to respond.

Mr. STEVENS. All right. I yield myself such time as I may use. I don't think I have a request from anybody else on this side.

I compliment the Senator from Indiana on this amendment. The House has $94 million in a smallpox vaccine fund. I have a little conflict of interest here because I am one of the few Members of the Senate who has taken the smallpox vaccination again. I have had it many times in my life. Going back, as a 19-year-old, I first got it when I was admitted to the Army.

There are some 4 million responders who could be vaccinated under this amendment, as I understand it. The figure that has been used by Senator BAYH is $85 per person. The current costs range somewhere from $20 to $284 a person, depending on who does the estimates. The administration's current estimate is that it would cost $13 per person to deal with 4 million responders. There are already funds allocated to health departments, and I believe we should take this up in the regular bill when we go to the 2004 bill.

I remind the Senate that this bill is for the period from now until September 30. We are not going to appropriate moneys beyond September 30 unless, on a bipartisan basis, we find it is necessary. So far, it has not been necessary. There are other health needs, such as TB, West Nile virus, and HIV. Now we have this terrible situation coming out of China.

There is no question that many people are interested in this subject, and I can state without any question that our leader, Dr. FRIST—Senator FRIST—is very interested in that subject. So I merely state that I wish to discuss the amount of this amendment with the Senator from Indiana. I do not believe we should put up more money than is necessary for this fiscal year. We should process the moneys for beyond this fiscal year in the normal bill. I will be very pleased to discuss that with him.

I have no request for Senators to speak on this side. I hope we will have a portion, at least, of Senator BAYH's amendment in this bill for fiscal year 2003, and I reserve a sufficient time to make a motion on or in relation to this amendment, if that is necessary. I hope it will not be necessary.

I am prepared to yield back the remainder of my time and listen to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. One minute 40 seconds.

Mr. KENNEDY. Mr. President, I have been briefed by the Department of Defense. The cost for the military is about $28 or $29. They have done a very effective program. The National Association of State and County Officials estimates it is $150 to $284. Senator BAYH is down to $85. There is zero in the bill at the present time.

The first responders we are talking about are at the cutting edge of defending the country against a bioterror attack. I don't believe we ought to make the case in Washington, DC, when we have seen Americans die as a result of anthrax. If you are going to have an effective program, you are going to have to support local communities to be able to implement that program. That is what this amendment provides. It is a very modest amendment.

The President of the United States says he wants, initially, 400,000 immunized, and then he wants 10 million. There is zero money to accomplish that in the supplemental. We believe there is a sense of urgency and we ought to do it now. That is what the Bayh amendment does. That is why a very modest downpayment is called for in this amendment. I hope this will be accepted.

Mr. STEVENS. Mr. President, for fiscal year 2004, this provides $3.7 billion for biodefense, and $940 million is included for grants to States and local health departments. Those departments already have funds to implement a vaccination strategy. There is no need to add more money here for State and local health departments.

I am willing to discuss the amounts necessary for the vaccine. Again, I reserve my right to reserve sufficient time that I might make a motion on or in relation to the amendment, if necessary, when the voting starts at 1:50.

I yield back the remainder of whatever time I have. I believe the Senator from Florida is here to offer the next amendment, Mr. President.

Mr. REID. Mr. President, before the Senator from Florida takes the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding on this amendment there will be 30 minutes—20 minutes to the Senator from Florida and 10 minutes to the Senator from Alaska; is that right? Does Senator STEVENS want to look at the amendment first?

Mr. STEVENS. Mr. President, I agree to the time, but I have not seen the amendment.

Mr. REID. We will withhold the request until the Senator reviews the amendment.

Mr. STEVENS. I do not think there will be a problem.

Mr. REID. We can renew that request after Senator STEVENS has had a chance to look at the amendment.

Mr. STEVENS. If the Senator is prepared to renew his request, I am prepared to agree.

Mr. REID. I renew that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the vote on or in relation to the amendment offered by the Senator from Florida occur third in line; that is, Boxer, Bayh, and Graham.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As per the other agreements, there will be no second-degree amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

AMENDMENT NO. 459

Mr. GRAHAM of Florida. I call up amendment No. 459.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. KERRY, Ms. MIKULSKI, Mrs. MURRAY, Mr. DORGAN, Mr. DAYTON, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BINGAMAN, Mrs. CLINTON, Mr. BIDEN, Mr. EDWARDS, Mr. ROCKEFELLER, Mr. AKAKA, and Mr. NELSON of Florida, proposes an amendment numbered 459.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $375,000,000 for the Department of Veterans Affairs for Medical Care for costs of medical care for certain veterans of the current conflict in Iraq)

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $375,000,000; *Provided*, That such amount shall remain available until expended.

Mr. GRAHAM of Florida. Mr. President, on behalf of a large number of our colleagues—Senators KERRY, MIKULSKI, MURRAY, DORGAN, DAYTON, DASCHLE, JOHNSON, LANDRIEU, LAUTENBERG, BINGAMAN, CLINTON, BIDEN, EDWARDS, ROCKEFELLER, AKAKA, and my colleague Senator NELSON of Florida—I offer an amendment today to address the cost of providing health care to troops serving in the war in Iraq.

This amendment would provide to the Veterans' Administration the additional funds it will require to meet the needs of returning service men and women.

There is a history behind this amendment. Following the 1991 gulf war, returning servicemembers began to report unexplained illnesses and ailments that many linked to their service. Under the law that existed and controlled at that time, only those who had been granted a claim for a service-connected disability or demonstrated financial need could turn to the VA for health care services. The effect was to leave many of the returning veterans without medical coverage. Reservists were particularly vulnerable as they lost their military health care benefits shortly after returning. In 1998, Congress acted to ensure that no combat veteran endures such a delay again.

This chart indicates the evolution of this process with the gaps that were identified after the first gulf war being filled by Public Law 105-368 which assured that combat veterans are eligible for VA care for 2 years after discharge or separation from active duty, and it also extended this coverage to include reservists and National Guard personnel, so that today any servicemember who participates in a theater of combat is eligible for free VA health care for 2 years after separation or release from active duty.

I emphasize, this is not discretionary. We are not talking about an item that we can decide to omit. These veterans have a congressionally sanctioned right, an entitlement to these VA health services.

On March 19, 2003, the United States committed itself and our sons and daughters to a second gulf war, this time in the country of Iraq. The Senate supported this second war. Now the Senate must provide support for them. We owe it to them to make certain they have the proper equipment to win the war, and we also must take care of these men and women when they have completed their duty to our Nation.

This is why I rise today to offer an amendment to provide to the Veterans' Administration $375 million in funding to provide for the care that we are obligated through the VA to make available to returning troops. This is a downpayment on the cost of paying for these returning servicemembers, a cost of war that has thus far been overlooked.

The estimated cost of $375 million is based on the percentage of veterans who sought VA health care and benefits following the 1991 gulf war multiplied by the current VA average per patient cost of care.

Briefly, to look at the math, in the 1991 gulf war, there were 582,136 persons who were subsequently separated from the military. That represents 82 percent of the force that was committed in the first gulf war. Of that number, 166,717 were able to establish that they had a service-connected disability, or 29 percent of the total of now veteran, former combat personnel in the first gulf war. In addition to that, 287,848, or half of those veterans who were combat service personnel in the first gulf war, used the VA for outpatient health care services.

We use these numbers times the $3,300 of estimated annual cost as the basis for the amendment we are offering. We assumed that the blend between those who had a service-connected disability and those who used the VA for nonservice disability would equal one-third of those who were deployed into the field. That would result in a number of 340,000 troops who would be eligible, including reservists and National Guard, times $3,300, or $375 million to meet this mandate and obligation of the VA.

No provision has been made for this responsibility of the VA in legislation today. Nearly one-third of the 582,000 veterans in the first gulf war have already been granted service-connected disability claims, and we can assume there will be a minimum of a similar number of veterans who will come from this second gulf war.

I indicate to my colleagues that this is a downpayment because as additional service personnel, including reservists and National Guard, either by the end of their term or other voluntary action, are separated from service, they will become eligible for this 2 years of VA health care.

There is an issue raised: Can the VA absorb this cost within its current budget? It has been stated that it could because on January 17, 2003, the VA cut off the future enrollment into the VA Health Care System for moderate and higher income veterans. At that time, the VA cited rising costs, long waiting times, and focusing on core constituencies as the rationale for limiting services. There was no reference in January of 2003 that the Veterans Administration was doing this in order to prepare itself financially to meet the obligation it was going to have on returning troops.

In a press release on January 17, Secretary of the VA Principi said:

> VA is maintaining its focus on the health care needs of its core group of veterans, those with service-connected disabilities, the indigent, and those with special health care needs.

Again, no reference to the new obligation the VA was going to have as a result of a war which was still almost 2 months prior to commencement.

In the article in the Gainesville Sun on March 30, Secretary Principi tried to justify ending access to VA health care services for moderate and higher income veterans because of the war. He said at that time:

> It's very important at this time, when you've got men and women in combat, that we assure we have the capability to treat them, that we're not trying to care for everybody at the expense of those who take a bullet.

Some 10 weeks later, the rationale for the cutoff of moderate and high-income veterans was because of the war, whereas at the time it was done it was because the VA needed to be able to maintain its focus on its current responsibility.

I ask unanimous consent to have printed in the RECORD the Gainesville Sun article and the VA press release.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[DEPARTMENT OF VETERANS AFFAIRS NEWS RELEASE, JAN. 17, 2003]

VA ANNOUNCES RECORD BUDGET, HEALTH CARE CHANGES

WASHINGTON.—Secretary of Veterans Affairs Anthony J. Principi today announced a record increase in the budget for Department of Veterans Affairs (VA) medical care, the annual decision required by law (PL 104–262) on health care enrollment and a new plan between VA and the Department of Health and Human Services for a program that will allow eligible veterans to use their Medicare benefits for VA care.

The President's FY 2004 Budget includes a total of $63.6 billion for VA—$30.2 billion in discretionary funding (mostly for health care) and $33.4 billion for VA-administered entitlement programs (mostly disability compensation and pensions). The budget includes $225 million in new construction funding for VA's nationwide infrastructure initiative (CARES) to ensure that VA can put services where veterans live.

"VA is maintaining its focus on the health care needs of its core group of veterans—those with service-connected disabilities, the indigent and those with special health care needs," Principi said.

"We're able to do so because of the generous budget proposed by President Bush for fiscal year 2004 beginning Oct. 1, 2003. It will be 7.7 percent more for health care than the expected FY 2003 budget. This would be the largest requested increase in VA history," he said.

In order to ensure VA has capacity to care for veterans for whom our Nation has the greatest obligation—military-related disabilities, lower-income veterans or those needing specialized care like veterans who are blind or have spinal cord injuries—Principi has suspended additional enrollments for veterans with the lowest statutory priority. This category includes veterans who are not being compensated for a military-related disability and who have higher incomes.

The suspension of enrollment affects only veterans in Priority Group 8, the lowest group in VA's eight-level system for setting health care priorities, who have not enrolled in VA's health care system by January 17. Priority Group 8 veterans already enrolled will be "grandfathered" and allowed to continue in VA's health care system.

Work is underway with the Department of Health and Human Services to determine how to give Priority Group 8 veterans aged 65 or older who cannot enroll in VA's health care system access to the "VA+Choice Medicare" plan. The plan calls for VA to participate as a Medicare+Choice provider. Eligible veterans would be able to use their Medicare benefits to obtain care from VA.

In return, VA would receive payments from a private health plan contracting with Medicare that would cover costs. The "VA+Choice Medicare" plan would become effective later this year as details are finalized between VA and the Department of Health and Human Services.

"HHS is happy to join the Department of Veterans Affairs in developing this new option for veterans who might otherwise be unable to obtain health care through the VA," said HHS Secretary Tommy G. Thompson. "This is a creative marriage of our federal health programs to serve our veterans efficiently and effectively."

VA has been unable to provide all enrolled veterans with timely access to health care services because of the tremendous growth in the number of veterans seeking VA health care. More than half of all new enrollees have been in Priority Group 8. This demand for VA health care is expected to continue in the future.

Between October 2001 and September 2002, VA enrolled 830,000 additional veterans. Since 1996, VA enrollment has increased from 2.9 million to 6.8 million today. Nonservice disabled, higher income veterans accounted for the majority of the rapid enrollment growth, hindering the ability of VA to care for the service-disabled, the indigent and those with special needs. Even with the suspension of new enrollments for Priority Group 8 veterans, another 380,000 veterans in

Priority Groups 1 through 7 are projected to enroll by the end of FY 2003.

"Last year, VA treated 1.4 million more veterans with 20,000 fewer employees than in 1996," said Principi. "Nonetheless, VA leads the nation in many important areas like patient safety, computerized patient records, telemedicine, rehabilitation and research. I not only want to see this standard continue, I intend to see it get even better."

Congress mandated in 1996 that VA established an enrollment system to manage hospital and outpatient care within budgetary limits and to provide quality care to those enrolled. By law, the VA secretary must decide annually whether to maintain enrollment for all veterans.

"With this record budget increase, I expect access to medical facilities for severely disabled veterans to improve, along with a reduction in waiting times for all veterans," Principi said.

[From the Gainesville Sun, Mar. 30, 2003]

VA: IRAQ WAR VETERANS WILL NEED CARE DENIED TO OTHERS

WASHINGTON.— As the world watched U.S. soldiers hunker down in sandstorms last week, Veterans Affairs Secretary Anthony Principi saw respiratory problems in the making.

Add lung damage from sand to the list of threats—including bombs, bullets and possibly poison gas—that could haunt soldiers now fighting in Iraq.

When soldiers return, many are likely to seek treatment and benefits from a strained VA system. Principi said recent decisions to exclude some veterans from health care will help his department cope.

"It's very important at this time, when you've got men and women in combat, that we ensure we have the capability to treat them, that we're not trying to care for everybody at the expense of those who take a bullet," Principi said last week.

The VA excluded from health care this year hundreds of thousands of higher income veterans who don't have service-connected disabilities. It also proposes new fees and higher drug co-payments designed to force 1.25 million others out of the system. Principi, who had argued the moves were intended to end long waiting lists at VA hospitals and clinics, said last week they also will make room for new combat veterans.

He told House members in a hearing last week that refocusing the VA's mission on low-income and combat veterans is especially important now. The new spin on a series of decisions that began in January tangles the politics of the Iraq war with recent disputes about the administration's treatment of veterans.

"If we have enough casualties that that's going to be the rationale for withholding services, this is going to be a hell of war," said Sen. Bob Graham, a presidential candidate from Florida who is the ranking Democrat on the Senate Veterans Affairs Committee. "If there are, then there has really been an underestimate of the degree of resistance."

Graham is a critic of Principi's plans to exclude veterans and of the administration's predictions of a quick victory in Iraq.

The debate is timely. The VA needs to tally its cost of the Iraq war. Tens of thousands of veterans of the 1991 Gulf War joined the VA health care system and sought disability benefits for everything from bullet wounds to chronic backaches.

Apart from Principi's proposals for rollbacks, that concern isn't reflected in the president's 2004 budget. Nor, several lawmakers complained, was it a factor in President Bush's request for an initial $75 billion to cover war costs.

If the 1991 Gulf War is any guide, the VA can expect soldiers to seek care. Indeed, Congress in 1998 authorized the VA to treat all combat veterans free for two years after they leave active duty. That alone could prompt waves of new patients as active military, reservists and members of the National Guard return home..

The possibility that Saddam Hussein might use weapons of mass destruction has many people hedging their predictions.

"We don't know yet whether there's going to be chemical or biological warfare," said Rep. Cliff Stearns, a Florida Republican on the House Veterans Affairs Committee.

The VA so far has granted disability claims to about 164,000 of the 581,000 troops who fought in the first Persian Gulf War and have since left the services, or nearly 30 percent. About 250,000 Gulf War veterans received treatment at VA hospitals last year, part of an upward trend in which 10,000 to 20,000 more Persian Gulf veterans sought health care each year since 1993, according to VA data.

The force deployed to Iraq is smaller this time—about 250,000 with more on the way compared to 700,000 in 1991—but many lawmakers believe the impact on the VA could be significant.

Taxpayers for Common Sense, a budget watchdog group, estimated the war could require $5 billion to $20 billion in VA benefits and health care during the next 10 years. The wide range is based on the last Gulf War's aftermath but reflects the current uncertainties.

Bush's 2004 budget includes a $2.1 billion increase for VA health care, which is intended to deal with existing shortcomings. Principi said the Iraq war will bring additional costs as soldiers require care for physical and psychological wounds.

Mr. GRAHAM of Florida. Mr. President, there is no linkage between the January action of cutting off veterans from enrolling in VA health care services and the costs which the VA is legally obligated to assume for service personnel who will be returning from the second gulf war. We gave the VA the duty to care for service members after numerous troops returned from the first gulf war. This duty stretches not only to injuries in combat but also those who suffered mysterious illnesses, the cause of which, in many instances, still remains undetermined.

The cost of this war will not end with the war itself and will not be confined to the borders of Iraq. Veterans will continue to pay those costs for years to come. We must be prepared for thus far neglected costs of war by assuring the VA will be prepared when the newly created veterans of Operation Iraqi Freedom seek their health care. It is our responsibility to assure the VA has adequate resources to fulfill this promise. It is a promise which we, the Congress, made to our servicemen. The Senate, in 1998, unanimously passed the statutory right of veterans to have VA health care for 2 years after they separated from service for those veterans who were actually in combat in this and possibly future engagements.

I urge my colleagues to join me in this effort to see our veterans are provided the care they are currently earning by their service.

I seek unanimous consent to have printed in the RECORD several letters in support of my amendment from the American Legion, from Disabled American Veterans and Paralyzed Veterans of America, organizations which, together, represent more than 2 million Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, April 1, 2003.

Hon. BOB GRAHAM,
Ranking Member, Committee on Veterans' Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 2.8 million members of The American Legion, I would like to express full support for your amendment to provide $375 million to the Department of Veterans Affairs (VA) in the Wartime Supplemental bill.

The current conflict with Iraq will regrettably create a new generation of service-connected disabled veterans. Due to the experiences from the first Gulf War, President Clinton enacted of Public Law 105–368, the Veterans Programs Enhancement Act of 1998, which extended essential health care benefits for service members returning from combat duty. This law provides a two-year window for recently-separated, combat-veterans timely access to VA's quality health care.

Currently, VA is struggling to provide services for the current veterans' population and this supplemental funding will be essential to anticipate the needs of returning service members from Operation Iraqi Freedom. While this Nation gives its full support to the war fighters, it must equally match its support for those returning from war. The American Legion urges you and your colleagues to provide the necessary funding to meet the health care needs and benefits for veterans—past, present, and future.

The American Legion supports and applauds your efforts and your continued support of the men and women who serve and have served in uniform.

Sincerely,
STEVE ROBERTSON,
Director,
National Legislative Commission.

DISABLED AMERICAN VETERANS,
Washington, DC, April 3, 2003.

Hon. BOB GRAHAM,
Ranking Minority Member, Senate Veterans' Affairs Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: I would like to thank you for your proposed amendment to the Fiscal Year 2003 Supplemental Appropriations Bill that would increase Department of Veterans Affairs (VA) health care funding by $375 million.

As you know, sick and disabled veterans suffer because of insufficient funding in VA health care. This amendment would ensure that the government is capable of meeting the needs of not only veterans currently using the system, but also those returning from Iraq and the global War on Terror.

The Disabled American Veterans fully supports this effort. Thank you for your advocacy on behalf of our nation's sick and disabled veterans.

Sincerely,

Edward R. Heath, Sr.,
National Commander.

Paralyzed Veterans of America,
Washington, DC, April 3, 2003.

Hon. Bob Graham,
Ranking Member, Committee on Veterans' Affairs, U.S. Senate, Hart Senate Office Building, Washington DC.

Dear Senator Graham: On behalf of the members of Paralyzed Veterans of America I would like to express our strong support for your amendment to provide $375 million in funding for the Department of Veterans Affairs' (VA) health care system in the Wartime Supplemental Appropriations bill.

In approving legislation, now Public Law 105–368, the Congress extended essential health care benefits for service members returning from combat duty after the first Gulf War. This law provided access to VA health care for newly separated combat veterans for a two-year period following their return to civilian life. The Department of Veterans Affairs must be prepared and Adequately funded to meet the challenges placed upon it by a new generation of returning veterans as well as, undoubtedly, health care demand from increasing numbers of veterans with service-connected disabilities sustained as a result of this new war in Iraq.

Thank you for your continuing care and concern for those who serve and have served in defense of this Nation.

Sincerely,

Richard B. Fuller,
National Legislative Director.

Mr. NELSON of Florida. Will the Senator yield?

Mr. GRAHAM of Florida. I yield.

Mr. NELSON of Florida. I join my colleague from Florida in supporting his amendment. The Senator clearly has examples all over the country but we, especially, have examples in our State of Florida of backlogs of 6 months before a veteran can get an appointment. One of the clinics has enrollment backlogs of up to 2 years just to get in the system. There are 44,000 veterans in Florida who are backlogged, waiting 6 months for appointments. Nationwide, there are 230,000 veterans waiting to get an appointment and have to wait 6 months. That is unconscionable.

Then, the administration, in trying to deal with the shortage of money, has denied enrollment of what is called category 8 veterans which are not service connected and have an income of over $24,000 a year. They cannot even get into the system. Nationwide, that is 360,000 veterans.

I think my colleague from Florida has made the case most pointedly and I certainly will support the distinguished senior Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I express my appreciation for the comments by my good friend and colleague, Senator Nelson. What the VA seems to want to do is to use the money saved by denying services to hundreds of thousands of veterans. They want to use it twice.

In January, the rationale was they could not meet their core responsibilities, for instance, for veterans who had a service-connected disability. In March, they want to use the same $375 million to pay for the veterans who will be coming out of the gulf war and will, by statute enacted by this Congress in 1998, be eligible, be guaranteed, access for 2 years to VA health care services.

They cannot have it both ways. The responsible thing to do is to recognize this as a cost of war. But for the fact we have men and women, including reservists and National Guard personnel at risk in combat, we would not be talking about an additional $375 million. However, the fact is, they are in combat and they at some point, like the 82 percent from the first gulf war, will be separated from the service and therefore become eligible.

We also have this issue of the large number of veterans who are otherwise eligible because of their previous service for VA benefits who have been cut off. We need to deal with both of these problems. At least by adopting this amendment we will deal with the most current issue which are the combat veterans from the war which is currently underway.

Mr. STEVENS. Mr. President, this amendment would provide an additional $375 million for VA medical care to address the medical needs of returning veterans from the war in Iraq.

This funding would be used to meet the funding requirements of the Veterans Programs Enhancement Act of 1998 which entitles, for 2 years following participation in combat, that any active duty service member is immediately eligible to receive VA health care upon release or separation from service.

These funds will be needed at some point in the future but this amendment does not meet the requirements of this supplemental as funding that is needed immediately to address concerns related to homeland security or the war in Iraq.

And while I agree with my colleagues that VA medical care is not meeting the medical needs of veterans in a timely manner and there is much to be improved, the problem is as much systemic as it is funding. However, this funding is not needed now on the heels of the fiscal year 2003 Omnibus Appropriations bill in which we appropriated some $23.9 billion for VA medical care. This funding level was an increase of some $2.6 billion over the fiscal year 2003 level and $1.15 billion over the fiscal year 2003 Budget Request. The VA medical system has all the funds that it can absorb this year and will be able to meet the medical needs of any returning veterans from the war in Iraq.

We will need additional funding for VA medical care in the future but that is the job of the fiscal year 2004 and fiscal year 2005 appropriations bills.

I also do not want to leave my colleagues with the false impression that VA medical care is broken. Yes, there are problems with patient backlog, but I can assure you that Secretary Principi has made a commitment to fix VA medical care and has made significant strides in addressing veteran concerns, reducing patient backlog and improving VA medical care.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Graham amendment to increase funding for VA medical care.

I am proud to cosponsor the Graham amendment. Our men and women in uniform have my steadfast support. We must support the brave men and women who are fighting for our country. Our troops need to know that America is with them, and we owe them a debt of gratitude. We need to remember our troops in the Federal checkbook.

That is why I am proud to cosponsor the Graham amendment. The amendment is simple and straightforward. It would provide $375 million more for VA medical care, so that when our troops return from war, the VA can give them the medical care they deserve.

Under a law we passed after the Persian Gulf War, the VA must give priority to returning troops for immediate medical care. But the VA medical care system is strained. Nationally, there are 236,000 veterans waiting longer than 6 months to get their first appointment with a VA doctor. In January, the VA health care system stopped accepting Priority 8 veterans. These are veterans who are not service disabled, and whose income is higher than about $29,000 per year.

Our veterans didn't stand in waiting lines when they were called up or they volunteered to serve our country. So they shouldn't have to stand in line or pay toll charges to get the medical care they deserve.

As the ranking member on the VA–HUD Appropriations Subcommittee, my guiding principle for the VA budget is that we keep the promises we made to our veterans. In the last four years, the VA–HUD Subcommittee has provided large increases for medical care, including $1.7 billion in 2000, $1.3 billion in 2001, $1 billion in 2002, and $2.4 billion in 2003. We provided these increases because we know that the failure of private health insurance companies and high prescription drug costs are really straining our veterans on fixed incomes. At the same time, our veterans population is growing and getting older. Today, the VA treats 2 million more veterans than in 1996

I am very concerned that the administration's VA budget for next year does not keep promises to our veterans, and will not support the needs of our troops. The VA's budget puts new toll charges and means tests on our veterans. Specifically, the budget proposes four things. First, the budget proposes to keep the VA closed to Priority 8 veterans. Second, the budget proposes a new $250 entrance fee for veterans. Third, the budget proposes to increase outpatient primary care copayments from $15 to $20. Fourth, the budget proposes to increase prescription drug copayments from $7 to $15.

I raised my concerns about these proposals with Secretary Principi during the VA-HUD Subcommittee budget hearing last month. We have great respect for Secretary Principi. He is a Vietnam Veteran who continues to serve his country. Now he's battling OMB against a skimpy and spartan budget. But I am concerned that the budget OMB gave VA this year leaves the VA foraging for funding. It will leave our troops without access to the medical care they deserve.

I urge my colleagues to support our troops and our veterans in the Federal checkbook by supporting the Graham amendment.

Mr. DASCHLE. Mr. President, the full attention of the Senate is focused today on legislation to fund our ongoing military campaign in Iraq. The newspapers this morning were focused on our latest military feats, including the apparent destruction of two important Republican Guard divisions and advances that leave us very near the outskirts of Baghdad.

Senator BOB GRAHAM, the ranking member of our Veterans' Affairs Committee, has asked us to look ahead and begin planning for the future to ensure that our veterans receive the counseling, health care, and other services we know they will need after the last battles are fought.

The Graham amendment, of which I am a proud cosponsor, would provide $375 million to the Department of Veterans Affairs so the VA can provide adequate care for returning troops.

I cannot stress enough how vital this amendment is.

During my career, I have been involved in dealing with the aftermath of two major wars, Vietnam and Operation Desert Storm. In both cases, there was enormous confusion, frustration, and pain—much of it unnecessary, in my view—because our government assumed that veterans would come back and pick up their lives where they left off before the war.

It didn't work that way, and it probably never will. I learned this the hard way, from talking to hundreds of veterans about post-traumatic stress disorder, Agent Orange, readjustment counseling, and Gulf War illnesses. A fascinating literature review, published in 1996, found that war syndromes, many of them poorly understood, have been associated with armed conflicts at least since the Civil War.

Today's amendment would prepare us to assist veterans from day 1, hopefully allowing us to avoid repeating the mistakes of the past. It is not the complete answer, but it begins to move us in the right direction, by adjusting VA funding levels to reflect the number of veterans who will be returning from Iraq.

The funding level in this amendment has a very logical basis. We know that about one-third of veterans from the 1991 Gulf War have been granted service-connected disability claims, which makes them eligible for VA health care. We can expect, at a minimum, a similar number of veterans to turn to the VA after the conflict. The number may well be even higher than in 1991, since our troops so far are experiencing more ground combat and higher casualties than in Operation Desert Storm. So if one-third of our returning troops seek VA compensation or health care, we can multiply that figure by the VA's average per-patient cost and arrive at an approximate dollar figure: $375 million, the amount requested in this amendment.

Remarkably, the Administration claims the VA already has sufficient resources to accommodate returning veterans. To that surprising claim, I would respond that the VA's wait list in the upper Midwest now forces 23,000 veterans to wait at least 6 months for health treatment. For next year, the Administration has told us that it needs to charge veterans $250 million in new fees and higher copayments, not to raise money, but to drive away 1.2 million veterans from VA hospitals and clinics. Everyone except the White House is using the word "crisis" to describe the current state of affairs at the VA.

Senator GRAHAM has a recent newspaper article from Florida, in which VA Secretary Anthony Principi reportedly claims that the VA can take care of returning troops because it blocked access to VA health care for thousands of middle-income veterans. But in January, when the regrettable eligibility decision was announced, the Secretary said this move was necessary just to begin working down the atrocious backlogs at VA hospitals and clinics.

Sadly, this is all just another chapter of an old story with this administration. When it comes to the VA, their budget claims long ago ceased to be credible. The ranking member of the Veterans' Affairs Committee, Senator GRAHAM, deserves our thanks for stepping into the leadership void and proposing a constructive solution.

We are all proud of the spirit, valor, and selflessness exhibited by our troops. Now is the time to show our understanding, our recognition, of the personal cost associated with wartime service. I urge all senators to join this effort to prepare the VA to meet the needs of these men and women after they return home.

Mr. STEVENS. What is the time situation?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes and the Senator from Alaska has 10 minutes.

Mr. GRAHAM of Florida. Mr. President, I do not believe there are any Senators requesting to speak under my time, so I reserve my time for final remarks until Senator STEVENS has completed his comments.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have to agree with my colleague from Florida that additional funds will be needed in the VA medical care account in the future. That, again, is a job for the 2004/2005 bill. Those people are coming out of the service and are cared for a period of time after they leave the service and the VA picks them up at the end of that time. This $365 million is strictly for the medical needs of returning veterans from the war in Iraq.

I remind the Senate we appropriated $23.9 billion for VA medical care for fiscal year 2003. That was $2.6 billion over the amount made available in 2002 and $1.50 billion more than the President request. The VA medical system was adjusted for what we believe will be the demands on the VA for returning veterans during the period of this fiscal year.

Again, there is no question there will be additional funds to meet medical needs of returning veterans and they will be defined, I am sure, as we get into the fiscal year 2004 bill.

I do know that there are some problems in the VA, but they are not in funding. They are systemic problems that need to be addressed. I have every confidence in the current Secretary of the Veterans' Administration, Secretary Principi. He has visited with me personally. As a matter of fact, he worked here in the Senate. We know him well. He was a staff member to the Senate committee. I do believe he is sincere in telling us these funds are not needed at this juncture.

The funds that may be needed in the future must be addressed on the basis of the needs as the war in Iraq and the war in Afghanistan and the war on terrorism proceed.

I state categorically to the Senate I do not oppose additional funds to meet the medical needs for returning veterans. I will oppose putting them up now. Only 3 months ago we gave the VA $2.6 billion more than they asked.

The situation is a difficult one. When the Senator finishes his statement, I intend to move to table his amendment because it is not our proper process now to deal with returning veterans' needs from the VA that might exceed funds already available for fiscal year 2003.

I hope to work with the Senator from Florida. I assure him, obviously, there are many of us here on the floor of the Senate who are veterans. We would not in any way take action to deny the funds that are necessary to meet their needs, particularly these gallant people who are over there now.

No one on the floor of the Senate yet has mentioned the stories on the front pages of all papers in America today about the gallant young lady who fought the fight in Iraq, almost to her own death, and after the death of several of her colleagues. She was trained as a supply clerk. She is one of the veterans, now, that will have needs. I assure the Senate we are going to see those needs are met. Jessica Lynch is an example for all Americans, and particularly for young women. I have had several comments about her gallantry and we are all inspired by her gallantry. But the subject now is what is her need?

There is available, for this fiscal year, the balance of the $23.9 billion that this Department already has. When the time comes, I am confident that Secretary Principi will request additional funds for fiscal year 2004 as they are defined, but let's not precede that. Let's not put additional money up.

This will be money for 2003. I state categorically there is no evidence any additional money is needed in fiscal year 2003 for the Veterans' Administration.

As soon as the Senator has completed using his time, I will make a motion to table his amendment, regretfully.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM of Florida. Mr. President, it seems the issue now is not whether we are going to meet this responsibility which we have taken on ourselves by a vote of this Senate and the House of Representatives to provide to returning combat veterans, men and women who actually were under fire, a 2-year period of access to the Veterans' Administration health care services. The issue seems to be when we should make this commitment. My answer to that question would be: Now.

The fact is, unless this war goes on much longer than the administration or any American prays that it will, there will be returning veterans, particularly reservists who, as soon as they complete their period of active duty, are going to be eligible for these health care costs. I hope we are not taking the position that this war is going to drag on so long that no reservist, no National Guard member will be eligible for these benefits prior to September 30 of this year.

There also will be regular duty combat soldiers who will be separating from service and therefore become eligible.

I believe, if we are concerned about the morale of our service men and women and wish to show American support for their gallant service, there is no better way to do it than to indicate that we are fully committed to meet our responsibilities to those men and women when they return home.

The issue is, is there enough money in the VA budget to accept this new responsibility? The VA, just 2 months ago, terminated the eligibility of several hundred thousand veterans because of the financial pressures that they were under at that time. The increase in the veterans budget, which is applauded, essentially represents the cost of medical inflation from one year to the next. There are no significant real dollar additional resources for the VA to carry this new responsibility.

I urge the Senate not table this amendment but, rather, to enthusiastically endorse it as a tangible statement of our commitment to the men and women of America who are, today, putting their lives at risk in order to achieve Iraqi freedom.

The PRESIDING OFFICER (Mr. TALENT.) Who yields time? The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I now move to table the amendment of the Senator from Florida. I ask unanimous consent that it be set aside to occur in the sequence that beings at 10 minutes of 2.

Mr. GRAHAM of Florida. Mr. President, I ask for the yeas and nays on the motion to table.

Mr. STEVENS. I am not prepared to agree to the yeas and nays at this time.

The PRESIDING OFFICER. The Chair needs to inform the Senator from Alaska the motion to table is not in order because time remains to the Senator from Florida.

Mr. STEVENS. I apologize. I thought the Senator used his time.

Mr. GRAHAM of Florida. The Senator from Alaska is correct. I have used my time and am prepared to yield it back. Let me make a parliamentary inquiry. The Senator from Alaska is now requesting a motion to table my amendment, which will be voted on later today. I want to be clear I am not foregoing my right to ask that there be a recorded rollcall vote on that motion to table.

Mr. STEVENS. Mr. President, I have no intention to deny that. I may wish to ask the Senator to modify his amendment at a later date, so I would like to not get the yeas and nays yet, but I will agree to them when the time comes, if necessary.

The PRESIDING OFFICER. The Senator has not lost the right to request the yeas and nays.

Mr. GRAHAM of Florida. I yield the remainder of my time.

Mr. STEVENS. I thank the Senator. I do make the motion to table and reserve the right to decide what to do.

Under our understanding, we will have Senators from our side of the aisle offer amendments now. I see the Senator from Nevada here. He has an amendment.

Before that, if he doesn't mind, I ask unanimous consent that we return to the amendment of Senator BAYH and have it put before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 474, AS MODIFIED

Mr. STEVENS. I send to the desk a modification of that amendment on behalf of Senator BAYH and his cosponsors and myself.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 474), as modified, is as follows:

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $105,000,000, to remain available until September 30, 2004: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

Mr. STEVENS. The amendment has now been modified according to the submission I made?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I now urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 474), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Nevada has an amendment, and I know he is willing to accept a short time agreement. But I would ask him to offer it, have it read, and then we will see how much time may be required.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 488

(Purpose: To prohibit the use of funds in a manner that benefits citizens or businesses of France and Germany unless physically located in the United States)

Mr. ENSIGN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 488.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, has it been read? Was the amendment read in full?

The PRESIDING OFFICER. The Senator asked consent to have the reading of the amendment called off.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the amendment be read.

The PRESIDING OFFICER. Without objection, the clerk will read the amendment.

The legislative clerk read as follows:

> At an appropriate place insert the following:
>
> SEC . (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

Mr. STEVENS. Mr. President, I ask unanimous consent there be 30 minutes on each side for this amendment. I do not know how much time Senators might request, but I have been informed there may be several Senators who wish to discuss the matter, and 30 minutes on a side would be sufficient.

Does the Senator from Nevada wish to be recognized?

Mr. REID. Mr. President, I say to the manager of the bill, I am going to talk to Senator BIDEN. He has called the cloakroom. I will see how he feels about this. He is at a Foreign Relations matter.

Mr. STEVENS. Mr. President, I withdraw the request for the unanimous consent, but I do believe there is going to be substantial need for time on this one.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I have a very simple amendment.

As we have seen leading up to this time of war, the United States and our President attempted many diplomatic means to try to make us not go to war. And many people, including myself, feel those diplomatic means were thwarted by some of our traditionally closest allies. And what I mean by thwarted is that the stronger of a hand our President would have had in the negotiations, I believe the better chance we would have had of not going to war.

Gerhard Schroeder, in his election bid, I believe, shamelessly used some anti-American sentiments to narrowly gain his reelection. Now, that may have been a shrewd political move for him to make, but it was certainly not statesmanlike. He started many in the world against the United States in this diplomatic effort that we were engaged in in trying to avoid war with Iraq by getting them to disarm.

After Germany started leading this battle, France joined the battle and has taken it to a new level, much to the dismay of, I believe, most Americans.

We now are engaged in a conflict to change the regime in Iraq. That regime, by all accounts, is a brutal regime and needs to be changed. And we need to disarm that country from weapons of mass destruction, which, as Americans—and I think the rest of the world looking on—we can see what a fabulous job our military is doing in accomplishing their mission.

My amendment today says when the conflict is over and we are going to rebuild Iraq, American taxpayer dollars are not to go, in the rebuilding of Iraq, to French or German companies, to French or German citizens, because of what their governments did in opposing the United States actively. It was not just that they voted against us at the United Nations. They led—especially France led—the world against the United States and, I believe, because of that, made it more difficult in Turkey. If we could have had our ground troops available in Turkey, we could end this war much sooner than when it will be ended.

So this amendment says American tax dollars, in the rebuilding of Iraq, are basically refused from going to any companies and/or citizens from the countries of France or Germany.

Now, if a company from France actually has a subsidiary in the United States that employs people, our amendment allows that company, that subsidiary to bid on the contracts. But in no case can the company that is located in France or located in Germany bid on these contracts and win the contracts from the United States.

Now, in the future, if the United Nations and other countries decide to put together a coalition and fund that coalition with international dollars or their own dollars, our President, the State Department, and everybody else in the United Nations concerned can give the contracts to whomever they want. But I believe, as an American—and I believe the American people would support this amendment—I believe it would be wrong to have our tax dollars going to companies and individuals within France and within Germany because I believe their behavior leading up to this was really quite despicable.

So, Mr. President, I offer this amendment to the Senate today. I hope it is supported widely across this body. I believe it is the right thing to do. I believe it will send a strong message in the future that when countries are trying to do the right thing, and rid the world of a brutal dictator, they should be supported, and you should not expect a reward afterward, as we are seeing countries now around the world trying to jump on board as the war looks like it is going well. We should not reward those countries who, in the first place, had opposed us.

So, Mr. President, I reserve the remainder of my time and look forward to hearing other Senators speak on this amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to oppose this amendment. I very much respect the distinguished Senator from Nevada. However, I think this amendment is enormously destructive. If America is going to become an arrogant nation, do things only our way, this is a good way to begin. I believe it would be a tragic and a terrible mistake.

The amendment is couched in such words that no one would know exactly what it means. It reads:

> No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

Just to know how this would affect an employee of a given company, an officer of a given company, or anyone else, I think creates a whole miasma of very real problems. I think to use the word "despicable" perhaps is hyperbole. I think there is a legitimate point of difference between European nations and the United States with respect to how to handle Iraq. Culturally there are differences. Diplomatically there are differences. But to pass a piece of legislation that puts America's No. 1 allies in a position of being an absolute enemy of this country, I think is a terrible thing to do. I would hope we would vote down this amendment.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I believe we will have relationships with France and Germany. We have had many good relationships with both of those countries in the past. I believe we need to have good relations with both of them in the future. But I just think it would be patently wrong for us to use money from this supplemental bill we are doing today in providing for the rebuilding of Iraq, it would be absolutely wrong to use that money for countries that actively tried to get the rest of the world to oppose us in doing what the United States believed was right in the world: To disarm a brutal dictator, to rid his own country of weapons of mass destruction which he has used against his neighbors. When a country stands up and tries to do what is right—not in an arrogant sort of a way but in a way in which it is trying to do something that is right—its closest allies should not lead some of the world opinion against it.

The United States during World War II was the leader with our allies in getting rid of a brutal dictator back then. Today the United States is attempting to do the same thing. Some countries tried to appease Adolf Hitler during

World War II. We were hearing up until this a lot of the same arguments, especially from the French, about Saddam Hussein. Well, we will just deal with him. We could just appease him, just keep him going along.

I believe brutal dictators understand force. They understand countries that will stand up to them. The more you try to appease them, the more it emboldens them. I believe that is what France was trying to lead the rest of the world to do, to make Saddam Hussein more dangerous in the future.

President Bush is leading a coalition to disarm Saddam Hussein and to disarm him from weapons of mass destruction. It is the right thing to do. When we are done with it, when we rebuild that country, liberating the Iraqi people is going to take some reconstruction. It always has to happen. A beautiful thing about the United States is, we don't just go over, liberate people, and then walk away. We actually believe there is a responsibility. We want to help rebuild that country. But I think it would be absolutely wrong for American tax dollars to go to countries and companies in those countries that have tried to turn the world against us.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to respond. The fact is, there are dozens of countries in this world that disagreed with what the United States is doing. I am one who voted to authorize the President with the use of force. Most of the larger countries in the world disagree.

Additionally, the French and the Germans, in many ways in the war against terror, have been helpful to the United States. Those of us who serve on the Intelligence Committee know this. We know that intelligence comes from both of those nations which is instrumental in helping in the war on terror.

The unilateral approach of this country is subject to some concern by other countries. That is not necessarily a bad thing. This is the first time in America's history we have unilaterally, with Great Britain, with the help of a couple thousand Australians, and with some tacit support of other countries in different ways, some public, some not public, essentially invaded another sovereign nation. There is a difference of opinion as to whether we should have stayed at the United Nations. I happen to share that view. I believe we should have worked to have made this more multilateral. I believe we should have taken the time to do so. But we chose not to do that. The administration chose not to do it.

For the Senate to pass this amendment—you might as well include a whole host of other countries in this—sets us upon a very bad course of action. I would think we would want everyone's help in the rebuilding of Iraq. I would think we would want everyone's help in the establishment of a secure and stable and open and free and, perhaps one day, democratic, new Iraqi government. To place two of America's staunchest allies, France and Germany, that have shown their solidarity with us over the years from the time—certainly the French from the time our country was founded, the Germans certainly subsequent to World War II, and not to understand that there are strong antiwar feelings in both of these countries is shortsighted.

What this Senate should try to do is bring people together, bring our allies together, to reduce America's unilateral courses in the world, to work with our friends. This does not help.

I hope there will be an overwhelming vote against this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the bill actually reflects sort of the sentiments we are talking about here today, but it is only a sense of the Senate. We actually want to put it in legislative language. Section 506, page 35 says:

> It is the sense of the Senate that, to the maximum extent practicable, contracts (including subcontracts) and grants for relief and reconstruction in Iraq from funds appropriated under this chapter should be awarded to United States companies (particularly small and medium sized businesses) and organizations, to companies and organizations located in the Near East region, and to those from countries which have provided assistance to Operation Iraqi Freedom.

Our amendment narrows it. It was said there are countries that have been opposing America around the world, not just France and Germany. I agree. But it is France and Germany that have been leading the fight. That is the reason we targeted those two countries. In World War II, European security was threatened. America came to the rescue. In Kosovo, European security was threatened. America came to the rescue. With Iraq, American security is threatened and Germany and France are AWOL. It would be entirely inappropriate for the money from an emergency supplemental bill to pay for the war and pay for reconstruction of Iraq, for those moneys to go to countries that have attempted to lead the world against us in protecting our own security, in liberating the Iraqi people, and in ridding the Middle East of one of the most brutal dictators it has ever seen.

It is highly appropriate to have this amendment. I hope we have a very strong vote from this body that shows the American people when countries come against us, we are not going to reward them. We will not reward them by giving them money to help rebuild something.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to the ranking member of the Foreign Relations Committee, Senator BIDEN, and he is unable to be here right now. He will be here in the next 15 minutes or thereabout. He indicated he would take a relatively short period of time. He may have an amendment to offer and he can discuss that with the sponsor of the bill when he arrives. So we will stay on this amendment until Senator BIDEN arrives.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to make a couple of points on this amendment. I ask the distinguished Senator two questions. The first is, is he aware that Germany has allowed over 60,000 U.S. troops to pass through U.S. Air Force bases in Germany—all troops bound for Iraq? Is he aware that the Germans have helped in many ways?

Second, is he aware that there are already contracts out from our Department of Defense with firms that would be nullified under this bill? Also, I would like to ask the question, if he does know, to what extent would those contracts be nullified by this legislation?

Mr. ENSIGN. Mr. President, I am very aware of the role that Germany is playing there. We defended Germany, with those bases, from the Soviet threat during the entire cold war. It is the reason that Germany hasn't had to spend hardly any money on their national defense—because America has been providing that umbrella of defense, and now we are using those bases, obviously, with their permission.

That is something we appreciate, but it doesn't take away the fact of the role they played in trying to turn world opinion against the United States. I still think it is inappropriate to have these funds going toward these other countries. If this nullifies those other contracts, as far as I am concerned, the purse strings are controlled by the U.S. House and the U.S. Senate. That is under the Constitution. We should be able to at least direct—when we feel strongly—where some of those funds could go. I think it would be highly inappropriate for those funds to be going toward companies and persons from Germany and from France.

Mrs. FEINSTEIN. Mr. President, if I might, I would like to read an editorial that was published in the Los Angeles Times. I think it is pertinent. It was published on the 30th of last month, a few days ago. It is entitled, "Move Past the Grudges."

> The United States should act to review tattered alliances that will be needed in the fight against terrorism.

It goes on to point out:

> Blair visited Bush at Camp David last week and readily acknowledged the bruises left by the rancorous United Nations debate before the war. When Bush was asked about the many nations that declined to join the Iraq war alliance, he replied only that the

> United States and Britain had plenty of Western allies that continue to stand with us. Blair, however, frankly conceded that many countries disagree with what we are doing. How that divide is handled now and after the war will affect global relationships for years to come.

Mr. President, I could not agree more. I don't know why we have any need to be small, to be rancorous, and to be bitter. Right now, we have our men and women in harm's way, and the battle is turning and it is favoring our side. The hope should be that we can put this conflict to an end, that we can mend the wounds, that we can rebuild the country, that we can show to the entire Muslim/Arab world that America is indeed an open, fair, democratic country, and we care about the Muslim people.

I don't believe any purpose is served by this amendment. I don't believe the world is going to be a better place because we pass this amendment. I don't believe we are going to be able to restore or bind any wounds with this amendment. I believe we will drive deeper the scars into the psyche of America with this amendment. I believe we will spread apart our alliances with this kind of amendment. I hope this amendment is not a harbinger of things to come on the floor of the U.S. Senate because I believe it does disrespect to a strong, able, competent, and compassionate United States of America. I urge its defeat.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. It has been asked, What should the United States do to repair our relationship with France? My question is, What should France do to repair its relationship with the United States? The United States is attempting to defend itself, to rid the world of a brutal dictator. September 11 changed everything. We all know that. America is vulnerable. America is the only superpower left in the world, which makes us a target.

France is taking advantage of the fact that we are the only superpower and, because of that, there are natural sentiments against one country having that much power—even though the United States doesn't go into countries to occupy them. We are going into Iraq to liberate it and rebuild it and then get out. We want to get out of there as soon as possible. We would love to be able to have a stable, democratically elected government there as quickly as possible; have infrastructure put in place and get out of there. We don't want our troops or our personnel, whatsoever, to be potentially in harm's way for any longer than they have to be.

So France, in its effort to continue to curry favor with the Saddam Hussein regime, and to continue the trade relations they have, I believe has done something that is very wrong. So I believe France has an obligation to America to try to repair the relationship they have with us. I believe it is up to them to make the first step, and they certainly have not done that—at least up to this point.

Are we open to having them do that? Absolutely. But they have not done it up to this point. At least Germany is making some strides, but France hasn't even made strides toward that. If you look at this historically, over the last many years, France has done just the opposite. France didn't even want Turkey to be able to defend itself against weapons or missiles coming in and use NATO to defend Turkey from missiles coming in from Iraq. That is how much France has wanted to keep favorable relations with Saddam Hussein and his brutal regime.

What is the motivation for this? I don't know. Maybe because France and Jacques Chirac helped them build a nuclear reactor that would lead to nuclear bombs, and then once Israel took out their nuclear reactor, he offered to rebuild it. There seems to be some interest that France has with Saddam Hussein that leads to ulterior motives and this whole idea of getting the world against the United States.

So for France to have taken this idea that the United States is a superpower, and if you want to be against the only superpower, come over here and join us, I think to take advantage of those kinds of natural sentiments in the world has been very wrong, when the U.S. is trying to do something that I believe is on the moral high ground. All you have to do is look at how this brutal regime treats prisoners of war—they torture them—or how they treat their own people, who either are afraid to fight—I mean, if you had bombs coming in night after night after night and you see people around you getting blown up in their tanks, you would think that that might be a little unnerving.

When those people try to go back to their homes, they say: You know what. This regime is not worth giving my life for. What do they do? They have checkpoints, and as those people try to leave, they are shooting them. That is the kind of regime with which we are dealing, and that is the kind of regime France was trying to prop up.

Do I want to see our relations in the future improve with Germany and improve with France? Yes, but they have to come to the table with something for those relations to improve. The United States gives and gives and gives, and it is time for the United States to hold countries accountable that come against us. That is all I believe this is doing. It is saying taxpayer dollars that are earned by the American people and sent to Washington, DC, are not going to be sent to companies and citizens of France and Germany.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Ensign amendment be temporarily set aside so we might consider an amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as I have explained to the managers of the bill, we have been waiting now for some time for the Senator from Delaware. He will be here and he will now speak after the Senator from Arizona. It is my understanding on the Ensign amendment there are others who wish to speak so Senator BIDEN would not be the last.

I have no objection.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I understand there may be several Senators who wish to speak on the amendment of Senator ENSIGN. It would be my desire that we accommodate those people but then go back to the McCain amendment until he has finished. The Ensign amendment will be with us for a little while this afternoon.

Does the Senator from Arizona wish to enter into a time agreement?

Mr. MCCAIN. I am sure it will not be long, but since my colleague Senator KYL wants to speak on it, I would like to wait before entering a time agreement.

Mr. STEVENS. For the interest of Senators, could we have some timeframe?

Mr. MCCAIN. It should not be more than 15 or 20 minutes.

Mr. STEVENS. I thank the Senator.

AMENDMENT NO. 481

Mr. MCCAIN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for himself and Mr. KYL proposes an amendment numbered 481.

The amendment is as follows:

(Purpose: To remove unauthorized and earmarked appropriations)

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:

(1) Amounts made available under sections 310, 312, and 313 of title I shall not be made available for the purposes stated in those sections.

(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:

(A) $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II.

(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County; $200,000 for the AIDS Research Institute at the University of California, San Francisco, for Developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5) under the amendments to Public Law 108-7 for matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:

(A) $98,000,000 for Buildings and Facilities under the Agricultural Research Service of the Agricultural Department as provided for under chapter 1 of title 1.

(B) $50,000,000 for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) Program Account of the Maritime Administration of the Department of Transportation as provided for under chapter 10 of title 1.

(C) $1,000,000 for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor as provided for under chapter 5 of title II.

Mr. McCAIN. Mr. President, as I said yesterday during the debate on the supplemental, I hope we can consider the bill that did not include a host of add-ons and provisions not requested by the administration. Today, with many of our young men and women in harm's way, we should be considering a measure to support the ongoing war efforts and our Nation's homeland security needs free of earmarked or unauthorized provisions. Unfortunately, that is not the case with the bill before the Senate.

I wonder why we could not once—especially with a war going on—bring forward a bill that was free of unnecessary provisions in wasteful earmarks. I hoped we could do it just once.

The amendment offered by Senator KYL and myself is intended to improve the bill to achieve that goal. This amendment would not provide funding for a number of items in the bill that are not associated with the stated purpose of the bill. If there is discussion by other Members, I make it fully understood this amendment is proposed in the framework of the title of the bill which I may repeat several times, which is: Making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and related efforts for the fiscal year ending September 20, 2003, and for other purposes.

Clearly, this legislation is to pay for the war in Iraq and other homeland security needs. It is not here to pay for agricultural facilities, for loan guarantees, for sea lamprey control in Lake Champlain, for the Mental Health Association in Tarrant County, Forth Worth, TX, or AIDS research at the University of California, for the study of treatment of autism at the Geisinger Health System, Harrisburg, PA. None of those, even in one's wildest imagination, relates to the title of this legislation.

What Senator KYL and I have done is propose an amendment, rather than drag the Senate through each individual measure and forcing votes on it—which we could have done—but lump them all together and find out whether the Senate is going to continue its porkbarreling ways, which has become, to me, a national scandal, or we are going to draw the line somewhere.

Let me go specifically through what our amendment would not fund. It would not fund $98 million for buildings and facilities under the Agricultural Research Service to continue construction for USDA research facilities. Of course, it is designated in Ames, IA.

The very first lines in the emergency supplemental bill include $98 million in funds that are intended to be used to continue modernization work on the animal and inspection services facility near Ames, IA. I note this facility received favorable attention from the appropriators previously when a $50 million earmark for the same facility was included in last year's supplemental bill that was intended to fight the war against terrorism. An additional $33 million was also earmarked in the fiscal year 2003 omnibus appropriations bill.

The administration has previously stated additional funding as suggested in last year's supplemental bill was not an essential priority at that time. As a further demonstration of the nonemergency nature of this project, the administration's 2004 budget does not request any funding to supplement this effort.

Certainly, the study of farm animal diseases and controlling known and unknown animal diseases are clearly important to national public health issues. As part of the Government's effort to improve its knowledge of disease agents and mechanisms, this research facility and other related facilities do serve an important purpose. However, this work is already underway. Adding an additional $98 million as part of this essential war spending measure is simply not required or necessary.

Finally, this ongoing project will clearly be the subject of additional appropriations in future years through the routine appropriations process. These particular renovations are not scheduled to be completed for at least a few more years. I find it difficult to believe removing this $98 million earmark at a time when it is not needed will jeopardize its continued planning and construction.

We will not fund $50 million for the Maritime Administration's title XI loan guarantee program. Chapter 10 of title I provides $50 million in funding to the Maritime Administration's title XI guaranteed loan program for shipbuilders and shipyards. As I said yesterday, this funding is not justified as part of an emergency supplemental to fund the ongoing war. Not only is the program riddled with problems, but the administration did not propose funding it, either in its 2004 or 2003 budget. The Title XI program does not serve any defense or homeland security purpose. It should not receive funding under the guise of a wartime need.

The title XI program is without question one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, loan defaults have totaled $490 million. On Monday of this week, the Department of Transportation's Office of Inspector General released a report that details the multiple problems with the program's administration. Moreover, how can this provision be aimed at supporting the current war when vessels take years to be built? It simply cannot.

I take a moment to respond to some of the comments made by my colleagues yesterday on the floor in defense of the title XI Maritime Loan Guarantee Program that warrant clarification to ensure there is no misconception about the program.

First, it was asserted that this program is a critical need for the auxiliary maritime capacity during time of war. Yet based on information provided by the Maritime Administration, nothing could be further from the truth. The fact is, as I indicated in my statement yesterday, out of the 51 vessels currently being used in support of Operation Iraqi Freedom, only 1 was built using a title XI maritime loan guarantee. Furthermore, when the Maritime Administration reviews such loan applications, it does not evaluate them to determine if the proposed vessels have any military applicability.

Second, the proponents of this funding claim that the program strengthens our shipbuilding industrial base in support of our defense needs. This argument has been used time and time and time and time again in an attempt to justify this porkbarrel program. Appropriators have claimed for years that commercial ship construction keeps shipyards open and reduces the costs associated with defense ship construction.

I cannot argue against the claim that providing subsidies helps to keep shipyards open. There is little, if any, evidence that commercial ship construction reduces the costs associated with defense ship construction. In fact, recent evidence shows just the opposite.

In February, the Department of Justice filed suit against Newport News Shipbuilding for knowingly mischarging the U.S. Navy for more than $72 million of costs related to the design and development of commercial tankers which were passed through as overhead on major Navy shipbuilding contracts. This is one case, but clearly more investigation is needed to determine how other yards are doing their work.

I point out again, $490 million in defaults over the last 5 years is a lot of money. Speaking of a lot of money, I point out the $98 million for building facilities under the Agricultural Research Service and $50 million for the Maritime administration is about $150 million that is being added. So we are not talking about small amounts of money.

Mr. President, $500,000 for another program that will not be funded is $500,000 for the Great Lakes Fishery Commission. Title 11, Chapter 2 of the bill earmarks $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain. This funding was not requested by the administration and the sea lamprey does not, in my opinion, pose a clear and present danger to our national security. I hope my colleagues will agree that a wartime supplemental is not an appropriate vehicle to fund an earmark of this nature, which has absolutely nothing to do with fighting the war in Iraq or meeting our homeland security needs.

One million dollars for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor.

The supplemental appropriations bill provides $1 million for the Department of Labor's Jobs for America's Graduates school-to-work program for at-risk youth people. This program is a school-to-career program implemented in 1,000 high schools, alternative schools, community colleges, and middle schools across the country and United Kingdom. Its mission is to keep young people in school through graduation and provide work-based learning experiences that will lead to career advancement opportunities or to enroll in a post-secondary institution that leads to a rewarding career.

No one disputes that the goals of this program are worthwhile and that this may be a valuable and effective program. But what is it doing in a appropriations bill whose purpose, by its stated title, is to "support Department of Defense Operations in Iraq, Department of Homeland Security, and Related Efforts . . ."? Can someone tell me how this program is so related to our war effort and homeland security that we must provide funding for it today in this bill? If it is so urgent, then why was it not included in the President's supplemental appropriations request?

When we consider the Labor/HHS appropriations bill for the next fiscal year, we should debate funding for this program at that time. The Labor/HHS appropriations bill is the proper legislative vehicle for debate about this program—not this war supplemental. We are doing a disservice to our young men and women fighting the war in Iraq by attaching this unrelated program to a bill designed to support their efforts.

Mr. President, there is $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, TX to provide school-based mental health education to schools in Tarrant County; $200,000 for the IDS Research Institute at the University of California, San Francisco for Developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, PA to establish centers for excellence for the treatment of autism.

The Department of Health and Human Services (HHS) portion of the emergency supplemental spending bill to fund the war in Iraq contains several earmarks. Such funding may be for worthy health endeavors. However, these provisions are earmarks and they do not belong within the text of an emergency bill devoted to funding the war. These earmarks are funded from monies allocated by the fiscal year 2003 omnibus appropriations bill which I understand were earmarked in the accompanying report. But now, the appropriators are seeking to earmark them in statute.

There is directive language that would allow West Point cadets to receive flight training during the summer at The University of North Dakota.

Last year's appropriations Senate Report—I emphasize "report," which does not have the effect of law—earmarked $2 million in Army Operation and Maintenance account for the University of North Dakota ROTC program, known as "Air Battle Captain." On this supplemental bill, there is directive language which would authorize—for the first time—a new program to teach flight training to West Point cadets during summer training at the University of North Dakota. This sounds like a good program, but shouldn't this aviation training program be competitively bid? Perhaps cadets could be better trained at the Army aviation school at Fort Rucker in Alabama. Arizona also has a very good aviation school in Prescott, AZ—Emory Riddle University. These schools should be afforded the same opportunity to train West Point cadets. At the very least, there should be competition, to determine the most cost-effective means to provide this type of initial pilot training to West Point cadets. I don't know. However, I do know the appropriations bill should not direct the West Point Superintendent to send his cadets only to The University of North Dakota, without consideration of other pilot training capabilities. That is wrong. That is wrong.

In the Senate report—not in bill language—there is an earmark for $12 million from Defense-Wide Research, Development, Testing and Evaluation for airfield improvements in Alaska that may be associated with the ground-based mid-course missile defense program. Because this is report language, I can not strike it in my amendment, however it is equally as appalling.

According to the Congressional Budget Office and the Office of Management and Budget: "Research, Development, Testing, and Evaluation covers the costs of developing and testing new systems and subsystems." My staff advises me that, this may have been included in previous appropriations tables in some form—but I could not find it. However, I question the merit of this earmark. If this was a valid program, why would we take critical dollars from research, development, testing, and evaluation funding—which Republicans and Democrats alike, understand is underfunded according to defense budget experts—to pay for airfield improvement in Alaska? Why are we robbing critical defense Research, Development, Testing, and Evaluation funds to pour concrete? Why not use Military Construction money? Mr. President, $12 million is a lot money for airfield improvements.

The Commerce, Science, and Transportation Committee provides Airport Improvement Program funding for airports in the United States for planned maintenance and construction. This is a lot of money to refurbish the airfield. Because it is report language—it is a Senate Appropriations Committee recommendation only—the Department of Defense does not need to apply the $12 million in this way, so it could simply ignore the Committee recommendation as it does not have the force of law.

Similarly, there are two other earmarks—that my colleagues will explain are not new earmarks. In fact, they were included in the Senate Appropriations Report language last year.

We have a new kind of routine that is going on here by the appropriators that certainly is a testimony to imagination, but I think it is something that is a new opening for porkbarrel spending. In an appropriations bill, you put in money for a general fund and it is in the report language, not having the force of law, so, therefore, those of us who want to eliminate it cannot do so because it is in the report language. Then in the following appropriations bill, they earmark from that report language in the law the porkbarrel project. It is wrong. It is wrong.

In any case, there is no doubt this year—the war supplemental to support Department of Defense operations in Iraq—includes directive bill language specifically to provide $6.8 million from Air Force Operation and Maintenance accounts to build and install fiber optic and power upgrades at the 11th Air Force Range in Elmendorf Air Force Base in Alaska. Furthermore, there is $3 million earmarked in the Operation and Maintenance accounts directing the Army to build a rifle range for the South Carolina National Guard. Why not use Military Construction funding, if this was a worth-while project. Why hide it in Operation and Maintenance funding?

For the benefit of my colleagues, operations and maintenance money is used to train people. This is what we could use to provide spare parts. This is the heart and soul of the movement and readiness of our military. So we are, in report language, saying they should take money from operation and maintenance accounts to build fiberoptic and power upgrades at Elmendorf Air Force Base and to build a rifle range for the South Carolina National Guard.

The one thing many of us have worried about, and worried about for years and years, is operation and maintenance. We always shortchange them because they are nonsexy items. There is no contract let, generally speaking, for operation and maintenance—to provide the spare parts, the maintenance of the high-tech equipment, the fuel, all of those things. Now, where is this directed money coming from for fiberoptic upgrades, for building a rifle range? Out of operation and maintenance.

Again, according to the Congressional Budget Office and the Office of Management and Budget: "Operation and Maintenance (O&M) includes spending on fuel, spare parts, and overhauls of military equipment. O&M also includes spending on such items as health care, environmental programs, the maintenance and repair of buildings, roadways, runways, and base operating support including telephone systems and computers."

Report language does not have the force of law. The war supplemental bill language does however. There will now be no doubt in any Pentagon general counsel's mind because the Iraqi war supplemental says: Spend the money or you will be breaking the law.

Mr. President, let me also express my deep concern about a pattern that seems to be developing. It seems to becoming a practice in which funding is provided in one appropriations bill, and then earmarked, under the guise as technical corrections, in a subsequent measure. In fact, this is the very situation that is taking place with the above mentioned earmarks under the Department of Health and Human Services. Funding was authorized and now we are expected to not even question the fact that the pending bill proposes a number of provisions to earmark the previously authorized funds.

Again, I will never underestimate the imagination and creativity of the Appropriations Committee. This is one pattern that must be halted.

I hope we can vote in favor of this amendment. It is not a huge amount of money when we are talking about the size of this overall bill. I believe all of these provisions from which we are trying to eliminate the money would probably be restored in a normal appropriations process—whether I happen to agree with it or not. But how do we tell our constituents, who are paying their taxes—and understanding they have difficult times now with unemployment high, with cutbacks, and people being laid off—that we are going to take their tax dollars, in the name of funding the war on Iraq and homeland security, and spend it on these projects? I do not think we should be doing this.

I hope my colleagues will consider voting in favor of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could direct a question to the Senator from Arizona, it is my understanding there are others who wish to speak on your amendment. The reason I mention that is because what we would like to do is arrange a vote on your amendment in the order that has been set to begin at 1:50.

Prior to that, the ranking member of the Foreign Relations Committee is here to speak on the preceding amendment. As the Senator from Arizona knows, we took the Senator from Arizona out of order.

How long does the Senator from Idaho wish to speak?

Mr. CRAIG. No more than 5 minutes.

Mr. McCAIN. I mention to my colleague, I tried to get a handle on it. My colleague from Arizona, Senator KYL, I know wants to speak on it, but I am not sure there is a lot of other significant debate on the amendment.

Mr. REID. I ask unanimous consent that when the Senator from Idaho finishes his remarks, the Senator from Delaware be recognized and we would return temporarily back to the Ensign amendment.

Mr. McCAIN. I object.

Mr. REID. The Senator from Delaware.

Mr. McCAIN. After that, return to the Ensign amendment or return to the McCain amendment?

Mr. REID. He is going to speak on the Ensign amendment. Then we would immediately go back to the McCain amendment.

The PRESIDING OFFICER. Would the Senator repeat the request?

Mr. REID. I am happy to. I ask unanimous consent that the Senator from Idaho, Mr. CRAIG, be allowed to speak for up to 10 minutes on the pending amendment, the McCain amendment, and that following his statement, the Senator from Delaware, Mr. BIDEN, be recognized to speak on the Ensign amendment; and that following the statement of the Senator from Delaware, we will go back to the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor to speak in support of S. 762, but in doing so, I have been seated here for the last few minutes listening to the senior Senator from Arizona. I must tell you, what he speaks about in relation to this appropriations bill makes a good deal of sense.

I think all of us are looking at debt and deficit at this moment and recognizing the tremendous importance of supporting our men and women in uniform and our President's request for supplemental spending for the operations in Iraq, knowing full well we will fully fund all they need in that area.

We also recognize this may well be a time for some belt tightening. We are creative around here as it relates to our ability to associate certain activities in our State with other activities in a national sense, to build a slightly different image or character of them.

I think we need, at this point in time, to be much more careful than we have been in the past, and deal with our debt and our deficit and recognize that money is very tight, and that we are struggling at this moment as a Senate, as a Congress, working with our President, to do a variety of things that, in the near future, are going to be very critical—not only the operations ongoing in Iraq but the economy itself, and being able to build a stimulus package for this economy that gets it rolling, gets investment back into the marketplace, and builds job opportunities for the men and women in America who are currently out of work. It is certainly true in my home State. It is true across the Nation at this moment.

Our economy is flat. We struggled mightily to put a budget resolution out. That budget resolution is now working its will with the House in a conference to try to resolve our differences, to set the spending trend and limits for the coming fiscal year, and, as importantly, to build a stimulus package to get this economy moving.

This is not a time for extra spending. This is not a time for that extraordinary opportunity, if you will, that clearly has value, certainly in the minds of the Senator and the home State that he or she represents but in the whole of things may not be as important in this moment in time as is funding defense, funding our war effort, making sure we hold our spending down so the deficit does not become unmanageable, getting this economy turned on, and getting the men and women of America back to work. That is really what we all ought to be about at this moment. Certainly this supplemental appropriations bill ought to address just that.

I must tell you, there is a part of this bill I am struggling with: $3.5 billion to benefit the airline industry. I do not question the value of the airline industry. I do question whether it has reorganized, restructured, asked its employees, asked its executives, asked its pilots to reshape their salaries to get them in line with other industries in our country, and, as a result of that, get their act back together instead of asking the American taxpayers to continually bail them out.

I do not, in any way, underestimate the value of the flow of commerce and industry in this country, of tourism and recreation, and business men and women flying around our country, and certainly the average person who just wishes to travel for whatever purpose. I understand the importance of the airline industry.

I will vote for this legislation, but I am struggling mightily at this moment in an industry that just has not faced the reality of the day, the reality of years and years of building a commitment to its employees that it may now not well be able to finance and, therefore, to ask the American taxpayer to bail them out in absence of significant reform.

Some airlines are doing that. Some have already announced major cutbacks, major adjustments in salary, and they are struggling to hang on. Others have not done so. I hope they will follow suit. We have put some provisions in the legislation that I trust will allow for that.

Lastly, let me say, because I have not had the opportunity in the last several days—busy in briefings on the war, busy in committees—to come to the floor and, as one of Idaho's Senators, and 1 of 100 Senators here, tell the men and women in uniform who are currently in harm's way in Iraq how proud I am of them, how proud I am of their leadership and the tremendous work they are doing there on behalf of human freedom, on behalf of the civilian population of Iraq, who for decades have only known the iron fist, the bullet, or the poison of a dictator who has brought that country to phenomenal despair—a country that has lost almost a quarter of a million people in the last decade through starvation or from fleeing their homeland just for the sake of their families and themselves and their well-being.

We are there for a purpose. Yes, it is self-serving in the sense of the stability of our country and the wiping out of terrorism around the world and those who might feed it and those who might cause it to flourish, but it says something about this great country when we are willing to put ourselves, our men and women and our resources, at risk to save others, to free others, to provide them with a better opportunity. That is what we are doing in the nation of Iraq at this moment.

The war, on the whole, goes well, and I am extremely proud of those who execute it and those brave souls who stand in harm's way on behalf of our country and on behalf of the citizens of Iraq.

The supplemental appropriations is about that. And it should be about that and not about a lot of other things that can appropriately come before the Appropriations Committee, on which I serve, and/or the authorizing committees that should be setting the necessary budgets, holding the necessary hearings as it relates to how the public resources of this country get allocated.

So I trust that my colleagues will review this critically, can, in the whole, support S. 762, and recognize its importance as we fight our deficits, work to turn on an economy, work to put the men and women of America back to work, and at the same time assure those who stand in harm's way in Iraq at this very moment that they have the support of a country, an appreciative country, and they have the resources of this country to assure them the material necessary to not only execute their mission but to keep them safe.

With that, I yield the floor.

Mr. SHELBY. Mr. President, I rise in support of the amendment by the Senator from Arizona, an amendment of which I am a cosponsor.

This amendment, if accepted, will require the Department of State to produce a report within 60 days following the termination of offensive military operations in Iraq detailing everything that is known about that country's weapons of mass destruction programs, as well as about its ability to field conventional forces after a decade of sanctions. Most importantly, it will require that the report in question provide a thorough description of the means by which Iraq acquired the designs, technologies, components, and systems with which to develop and construct weapons of mass destruction and their means of delivery.

Finally, the report required by this amendment will include a discussion of the effectiveness of the unilateral and multilateral agreements designed to prevent Iraq's acquisition of weapons of mass destruction and their means of delivery. This is not intended as an indictment of these agreements. On the contrary, they were an essential component of the structure needed to try to contain Iraqi aggression and impede its ability to acquire such weapons. Rather, it is intended to educate us as to the ways in which rogue governments seek to manipulate and undermine sanctions regimes and, in some instances, exploit the somewhat mercantilist tendencies of some nations to look the other way when logic otherwise dictates caution.

American blood is being shed in the deserts and in the towns and villages of Iraq for the principal purpose of ensuring that a brutal dictator is denied the ability to use chemical, biological or nuclear weapons against his neighbors, against U.S. interests, and against the American homeland. The reasons that we arrived at this point in time are many and are varied. Suffice to say, however, that vitally important lessons will be drawn from this conflict, and from the period leading up to it. Among those lessons will be ways in which Iraq was able to amass the capabilities that it possessed at the time of Operation Desert Storm, and that it was able to retain and accumulate in the decade since. We know, for instance, that it succeeded in exploiting oil-for-food income for illicit purposes. What we need to better understand and to illuminate for the public, however, is the extent to which others facilitated such transactions.

As the remains of Americans killed in combat and in combat-related accidents return home for burial, and as the images of innocent Iraqi victims fills the world's television screens, a reckoning will increasingly be in order. This war is a terrible necessity. I fully support the President of the United States in his decision to bring a decade-long problem that threatens our national interest to a definitive conclusion. As the elected representatives of the American public, however, it is incumbent upon us to prepare to focus our attention on the history that brought us to where we are today. Only through a thorough examination of the ways in which Saddam Hussein was able to reach the stage where we were compelled to bring the full weight of our national power to bear upon him can we hope to prevent a recurrence elsewhere in the world.

I urge support for this amendment. It is about knowledge. It is about learning from the past. It is about helping to avoid traveling the road to war again in the future because we failed to keep our moral bearings in the present. Vote yes on the Kyl amendment.

The PRESIDING OFFICER. Under a previous order, the Senator from Delaware is recognized.

AMENDMENT NO. 488

Mr. BIDEN. Mr. President, I rise to speak against the amendment of a good friend of mine, Senator ENSIGN from Nevada. He introduced an amendment that maybe I should have been aware of but was unaware of until just a few minutes ago that reads:

> No funds appropriated or otherwise made available in this Act for purposes of reconstruction of Iraq may be obligated or expended to pay any person who is a citizen of a country named in a subsection.

It goes on to name in the subsection France and Germany.

I don't want to speak for the Senator, but that view is an expression of the frustration of an awful lot of Americans and some anger at the failure of the Germans and the French to support our effort to disarm Saddam Hussein.

I begin by saying, I have just spoken with the White House and the State Department. They are adamantly opposed to this amendment. France and Germany are providing support for our effort to disarm Saddam that exceeds that of many countries who were formally members of the coalition. There are overflight and basing rights, and many of our wounded are being flown first to Germany before they come here, not to mention their absolutely critical support in the war on terrorism.

Again, I understand the motivation and the frustration and the anger that may be behind some who want to support the amendment. Our decision to use force in Iraq has created deep divisions within the Security Council. Nonetheless, America need not and cannot take sole responsibility for the challenges of postwar Iraq. That is exactly what this would produce. We can't allow the Security Council and our Atlantic alliances to become casualties of this war.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. BIDEN. I am happy to.

Mr. MCCAIN. The Senator is aware there are German military and civilians working right now, helping in the reconstruction and peacekeeping in Bosnia, Kosovo, and Afghanistan?

Mr. BIDEN. I am.

Mr. MCCAIN. And have these Germans perhaps been associated with some firm that may also be in the work of reconstruction and peacekeeping in Bosnia and Kosovo and Afghanistan? Does my friend from Delaware believe somehow we should prevent any company, corporation, or individual who may have a contract in those three parts of the world from doing so?

Mr. BIDEN. Absolutely not. Any more than they should be in Iraq. This amendment is a disaster. I understand the frustration. But this is a case where, as my dear mother would say—and my friend from Arizona has met my mom—she would look at me when we were both young—neither the Senator from Arizona nor I have a temper any longer, but when we were young we were alleged to have tempers. My mother, every time I would lose my temper, would look at me and say: JOEY, don't bite your nose off to spite your face.

We are about to, in the colloquial phrase, bite our nose off to spite our face if, in fact, we were to ever allow this amendment to become law.

Mr. MCCAIN. One more question: As the ranking member and senior and former chairman of the Foreign Relations Committee, suppose in the case of Kosovo, where Germany contributed enormously in the force of peacekeeping, medical care, other provisions of sustenance, particularly in Kosovo and Bosnia, where there was enormous devastation, suppose we had passed a law like this with regard to Bosnia or Kosovo: Do you think we would have gotten the kind of assistance from the German government and the people we have received to date, including leadership of the peacekeeping forces?

Mr. BIDEN. Absolutely, positively not. Because of the, as some view them, arcane rules of the Senate, the Senator has to make his point by asking me questions. I would be delighted to yield him some time to speak to this directly as well.

What we are both saying is, this is a fool's errand. This is a foolish undertaking. Let me lay it out, if I may. And then I will be delighted to save some time for my friend from Arizona, who is not only a good personal friend, but a person for whom I have great respect on all matters, particularly foreign policy.

The first reason this would be such a profound mistake is that rebuilding Iraq an Iraq that is secure and self-sufficient, whole and free is going to require tens of billions of dollars over many years. While Iraq's long-term economic promise is good, its short-term prospects are bleak.

This is something we don't focus on. Iraq's annual oil revenues in the first 5 years after Saddam is out—God willing—are projected to be no more than $15 billion. Iraq is saddled, as they should be, with U.N. sanctions, an estimated $61 billion in foreign debt, and $200 billion in reparation claims through the U.N. Compensation Committee. So the idea that we can thumb our nose at the rest of the world and say, we don't need you in there helping us, is profoundly mistaken.

Many Senators think that what happens once Saddam is down, once the war is over, is that the oil is going to flow and there will be plenty of money for the Iraqis to move toward democracy, reconstruct their country, all from their oil revenues.

The fact is, the estimates are, if all goes well, there will be no more than $15 billion a year, and they sit now with obligations that exceed $61 billion in foreign debt and $200 billion in claims.

Experts who have testified before the Foreign Relations Committee put the price tag at post-conflict security—a fancy phrase for saying after the war is over—humanitarian assistance and reconstruction to be between $20 and $25 billion per year for the next 10 years.

My point is, the United States should not take on that obligation alone. Yet if we bar the companies of friendly countries who did not support us in the war from taking part in the peace, what incentive will there be for their governments to help pick up the tab? I respectfully suggest it would be zero.

Secondly, as pointed out to me by the State Department and my staff—and it is self-evident when you think about it—this is going to require the so-called "iffies," the World Bank, the International Monetary Fund, and other international banking institutions, to be part of this reconstruction. We are taking a country that has been decimated by a guy named Saddam for the past several decades, and we are going to try to make it a member of the family of nations on the road to democracy. We know how hard that is, even where there has been no war. We know how important it is to have international institutions part of the process of helping fledgling democracies come into being.

Now, what prospect do you think there is that the World Bank will get involved, or the IMF, if in fact the two leading members who make decisions on those boards are German and French and they are prohibited, in an almost spiteful way, from having any German or French individuals, let alone any companies, participating in anything having to do with the reconstruction of Iraq?

Third, we need military forces of those countries to be in on the peace. That is what the Secretary of State is doing right now. He is meeting with NATO. The Associated Press published an article today entitled: "Powell Says U.S. Will Lead Postwar Effort in Iraq." And I quote:

> Powell and the Europeans did reach a tentative agreement, however, that NATO should consider deploying peacekeepers to Iraq.

I want someone else in the deal besides the United States. I don't want it merely to be for the next year or 2, 3, 4 or 5 years that there is a young American woman or man standing at every checkpoint, guarding every border crossing, guarding every oil field, and becoming the target of every malcontent and terrorist in the world.

I want the world to take on this responsibility with us. That is what the Secretary of State is trying to do. A military occupation, even temporary, that includes only Americans and British soldiers could fuel resentment throughout the Middle East, bolster al-

Qaida's recruitment, make America the target for terrorists and malcontents everywhere. If the military mission stretches beyond several months or years, as is predicted, the failure to include other countries would compound these problems and, I predict, if history is any teacher, turn us from liberators into occupiers.

We need to make peace in Iraq the world's responsibility, not just our own. If we bar their companies from the peace, we may as well forget about their help on the security side. Let's not undermine our diplomacy here by passing such an ill-conceived amendment.

Four, if the United States alone selects a new Iraqi government—even an interim one—that will call into question the government's legitimacy in the eyes of the Iraqi people, the region, and the world. Iraqis who have lived through the brutality of Saddam Hussein's rule should be given the time, the space, and the support to choose their own leaders and to develop the institutions of a stable representative government. We should work with the international community to help achieve that. Who is going to be involved with us if, in fact, we take these punitive measures because they disagreed about the course of action to begin with?

Fifth, many around the world, even long-time allies, question our motives in Iraq. They believe, wrongly, that the President was driven by a quest for oil, driven by commercial interests, or imperial designs. They are dead wrong. But barring foreign companies in the industrialized world—particularly from France and Germany—from taking part in the peace, would only go a step further to confirm the misconception that we are in this for economic gain. We are not. That is not why the President moved. If we allow that to happen, I believe we risk further erosion of those alliances and institutions that have been essential to American security and global cooperation for more than 50 years. It would undermine our interests because we cannot contend with all the threats around the world, including the unfinished war on terrorism, the dangerous nuclear programs in North Korea and Iran, and the spread of infectious diseases, such as SARS, without the cooperation of others in the world. Making friends and allies who oppose the war our partners in Iraq's peace can go a long way to repair the hard feelings that have been emerging in recent months.

Six, if we start blackballing foreign companies, we better be prepared for retaliation against the many American companies operating in France, Germany, and other countries. These American companies bring in billions of dollars that support tens of thousands of jobs in the United States of America. If we were to blackball those who disagreed with us, including France and Germany, from participating in any way in the reconstruction of Iraq, I believe you would see retribution from that which will have impacts beyond anything I am sure my friend from Nevada, Mr. ENSIGN, intended. This amendment would put a lot in jeopardy.

Let me conclude—because I see the chairman on the floor—by reiterating what I said at the outset, which is that the Ensign amendment is opposed by the White House. I spoke to Dr. Rice, and I am authorized to say the White House opposes this amendment because it would deny the President of the United States the flexibility he needs. I spoke to the State Department, the Deputy Secretary of State, who pointed out that this would significantly undermine the other projects, the other issues we are trying to negotiate with our allies.

The last point I will make is this: Some will say, why do we have to reconstruct Iraq at all? If we fail to secure the peace in Iraq, then we will fail to honor those young marines and soldiers and airmen and Navy pilots who have been killed in Iraq. The purpose of this endeavor is not only to deny Saddam Hussein those weapons of mass destruction, but to begin the process of stabilizing in that region so we don't have to send, in the future, our children—young American men and women—to Iraq to give their lives to secure our freedom.

I am not in any way suggesting the motive of my friend from Nevada, Senator ENSIGN, is not a pure one. I am suggesting that it is dangerously misguided.

I am prepared to yield the floor. I am looking to the leadership here to determine whether I should suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The senior assistant bill clerk continued to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I wish to speak against the McCain amendment. I assume that is in order.

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 481

Mr. GRASSLEY. Mr. President, I urge my colleagues to support funding for the construction of the Ames, IA, animal health facilities laboratory. That is the National Animal Disease Laboratory—a national facility, not an Iowa facility—in Ames, IA. I heard my colleagues question the relevance of this provision. I am here now to explain to all my colleagues the importance of this facility to America's national security.

In the event of an animal disease outbreak, this facility in Iowa will play a very crucial role. Whether the issue is bioterrorism or a new or emerging disease, this facility will be centrally involved. Modernization of this facility that was built three or four decades ago is a paramount priority to ensure America's agricultural biosecurity and the safeguard of our food supply. Both the Department of Agriculture in Washington, as well as this Congress, have recognized the importance of moving forward with this modernization project as quickly as possible.

I quote from a May 2001 report which was issued by the Secretary of Agriculture:

> The Agricultural Research Service and Animal Plant and Health Inspection Service partnership in Ames represents an unmatched team of scientific and response personnel providing expertise and skill to address known and emerging domestic animal disease threats.

Our current national threat level demonstrates that we need to be aware of our environment and prepared for realistic threats. Animal disease is a realistic threat to all Americans because it affects our food safety and supply.

Even without bioterrorism, we know what mad cow disease, for instance, has done to agriculture and to the people of England, as one example; and that carried over to Europe a year later and it has recently scared the consumers of Japan. That is not even bioterrorism; that is just a natural course of animal disease and, in fact, how that in turn impacts upon whether humans live.

The Ames lab is very important as we talk about the safety of our food. This lab is the best large research and diagnostic facility in the United States. Unfortunately, after all these decades, it is obsolete. It does not even meet international standards. Nearly every other livestock trading nation has superior facilities. They understand the importance of effective and expedient diagnostic competency. The Ames lab is a surveillance hub for animal disease in the United States. It is the closest thing we have for agriculture and livestock health to human health with the Centers for Disease Control in Atlanta, GA. Doesn't it seem unbelievable that the Ames facility does not have the electrical capacity to handle new computers necessary to update the facility, let alone a complex array of essential electronic diagnostic equipment? This is more than an embarrassment for our Government. It is a national security risk.

We have worked through many different scenarios to improve this facility. We have evaluated leaving the current facility in place and renovating the existing facility to bring it in to the 21st century. We found in the interest of the taxpayers that the most cost-effective method to bring this facility up to speed is to start over from the ground up.

Let me be clear. This $98 million is not full funding for the U.S. Department of Agriculture master plan. This amendment only affords us the opportunity to build the laboratory. The laboratory is clearly critical for research, diagnosis, and prevention of all animal disease threats. We cannot afford to delay construction. We need to be prepared, and this is the only way to reach an optimum level of security.

Remember, we have already appropriated some money for other aspects of this renovation, and this still will not complete the renovation of the animal disease laboratory to what is planned by the Department of Agriculture.

The fact is, the Ames laboratory is the cornerstone of the planned National Animal Health Laboratory Network. The Ames facility is a fundamental element required to protect American agriculture and to improve food safety.

For these reasons, I urge my colleagues not to support this amendment to delete but instead vote for continuing the process that is already in place, that has expended tens of millions of dollars of the taxpayers' money in partial renovation. To move one step closer toward that renovation for the safety of our food supply means to vote against the McCain amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will not waste the time of this body responding to the statement of the Senator from Iowa except to say I agree with him. It is more than an embarrassment. It is more than an embarrassment that we would be putting $98 million into a project that already received $50 million before an additional $33 million in the 2003 omnibus appropriations bill and for which there was not any additional funding requested by the administration.

There is a reason there was not any request for this money by the administration when they asked for this funding which is supposed to be for the war.

As I say, I will not waste time except to say it is more than an embarrassment to me to tell my constituents that when we are supposed to be funding a war that is going on right now when young Americans are fighting and dying and badly need the equipment and materiel and the help that is in this bill that we are going to try to stuff in a $98 million porkbarrel project for an agricultural research facility which is already more than adequately funded, rather than put it into an emergency supplemental. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a great deal of respect for Senator McCAIN. He is very consistent. I want to only argue with one point. This is a national facility. It was located decades ago in my State for reasons that I believe are closely related to Iowa State University being a very good land grant and research institution.

Second, the issue of whether this is legitimate at this point is best justified by the fact that this renovation has already been reauthorized, and this is just one more step by the Congress in carrying out a decision that Congress previously made that this facility that is now decades old should be renovated for the good of the safety of food in the United States.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I support the McCain amendment.

Mr. REID. Mr. President, will the Senator yield?

Mr. KYL. Certainly.

Mr. REID. If the senior Senator from Arizona said the junior Senator wanted to speak, we would have no objection. He wants 2 minutes.

Mr. KYL. Mr. President, I was about to say there is no more honest Member of this body than the Senator from Iowa, who spoke a moment ago. When he lays out the case for this particular facility in Ames, IA, I do not think any of us can quibble with that. That is not the point.

The point of this amendment is literally to help the chairman of the Appropriations Committee resist the very persuasive cases that every one of us can make that some great project that needs to be completed or started needs to be part of this very special supplemental appropriations bill. We are hoping to make his job a little easier in the future so he can say: No, these bills are going to be clean.

This is a bill to fund the war. It is not to complete a research facility and do other activities that may be good ideas but have no place in this bill to fund the war. Let them go the regular process. I can make the case there is something that relates to our ability as first responders to deal with an emergency from a terrorist threat in the State of Arizona. We are trying to get some money to prevent our hospital emergency rooms from closing down because we are having to treat illegal immigrants with health care under a Federal mandate, a Federal law, which we are happy to comply with, but which costs our hospitals hundreds of millions of dollars every year. We would like reimbursement for that so those emergency rooms will not close down, as they had to, but can stay open. We will not ask for that in this bill.

Instead, we think the best approach is to go through the regular process. That is why I hope my colleagues will support the amendment.

Mr. STEVENS. Parliamentary inquiry. It is my understanding there are two amendments that will be voted on consecutively now, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask unanimous consent the McCain amendment be added as the third amendment to be voted on in that queue.

Mr. REID. And that there be no second degree amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Parliamentary inquiry. Is my friend intending to move to table my amendment or will it be a straight up-or-down vote?

Mr. STEVENS. Mr. President, it is my understanding I have already moved to table the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I am trying to work out the sequence. What is the second amendment in the queue?

The PRESIDING OFFICER. The Graham amendment.

AMENDMENT NO. 472

Mr. STEVENS. I ask for the yeas and nays on the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are now two minutes equally divided on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, we have worked hard to protect aircraft by making sure pilots are equipped to defend the airplane. We need to go an extra step today. The FBI warned us that terrorists with shoulder-fired missiles are a threat to our commercial aircraft. The administration has determined airports are vulnerable to shoulder-fired missiles and they have deployed the National Guard. But we need to do more. We need to adapt countermeasures now installed in our military aircraft for commercial use. It is possible to do this: El Al is doing this.

Opponents argue, and we will hear this, we should wait until a study provision I wrote into another bill becomes law. We should not wait because things have moved on since that study.

This amendment is not even inconsistent with it. It will, in fact, make the money available for that study. This is about fighting a war on terrorism. I hope we will vote in favor of my amendment and not to table this amendment.

Mr. STEVENS. Mr. President, this amendment takes money from the Transportation Security Administration allocation for passenger screening and other costs to be incurred for additional security at airports. There is no current technology that can fulfill this need. The systems are too heavy for most commercial aircraft. We do have underway research and development in the Department of Defense and the Department of Homeland Security to try to develop the kind of devices that provide this protection.

This is not a wartime request. This bill is a wartime request. We do not want to see the Senate vote amendments that would earmark the homeland security moneys in this bill. I have opposed them before and the Senate has voted against this action before. I have previously made a motion to table.

Mr. McCAIN. I ask unanimous consent for 30 seconds.

Mrs. BOXER. Reserving the right to object, then I would like 30 seconds to conclude debate.

Mr. STEVENS. If it is 30 seconds, I don't object, but the 30 seconds have a way of going on and on. Not the Senator's 30, but with all due respect.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No objection to 30 seconds on each side.

Thirty seconds on each side.

Mr. McCAIN. I will take ten seconds. I oppose the amendment, but I assure the Senator from California we recognize this is a threat; we recognize this is a danger. I hope we defeat this amendment, but I commit to her we will work to try to address this clear and present danger, through studies and work with TSA and other agencies of government. I look forward to working with the Senator.

Mrs. BOXER. Mr. President, I am very grateful. Senator McCAIN is my chairman, Senator HOLLINGS is the ranking member. We will work together on this threat.

I have to say when we are dealing with an emergency supplemental bill where we have a study already accepted by my friend, which I am very happy about, which is moving forward, this is not inconsistent with that. This will just move along a little quicker. If you look at the FBI warning, we need to act.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. McCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mrs. DOLE) would vote "yes."

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Graham (FL)
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NOT VOTING—3

Dole
Edwards
Kerry

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 459 WITHDRAWN

Mr. STEVENS. Madam President, the next order of business is the amendment of the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I see my friend is here. Maybe he would like to announce, we have reached agreement to modify his amendment. We will put it in the managers' package because it is being withdrawn. We have reached accommodation with the Senator from Florida, after further conversation with the VA administration.

I yield to my friend for a minute if he would like.

Mr. GRAHAM of Florida. Madam President, the Senator from Alaska has very accurately described the negotiation. Therefore, I ask unanimous consent to temporarily withdraw my amendment with the understanding it will be approved in the managers' package, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I thank the Senator. It is the proper thing to do.

I yield now to the Senator from Nevada.

AMENDMENT NO. 488 WITHDRAWN

Mr. ENSIGN. Madam President, regretfully, I ask unanimous consent to withdraw my amendment. I also want to briefly say that this is a battle I plan to continue. I believe it was the right thing to do. But we are going to live to fight another day on this particular amendment. We are going to watch what the administration does with the funds for reconstructing Iraq, perhaps even join this fight at a later date. I ask unanimous consent that amendment No. 488 be withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment at this time.

The amendment is withdrawn.

The Senator from Maryland.

Mr. SARBANES. Madam President, I would like to address an inquiry to the Senator from Nevada who indicates he intends to live and fight another day on this amendment. If and when he does so, I hope he will also address the question of how much cooperation he anticipates receiving from the intelligence services in both Germany and France in our fight against international terrorism. If he is going to be laying down a marker to these countries with his amendment, I hope when he does so the consideration of its impact on our cooperation with these countries in the effort against terrorism will be in the forefront of his explanation.

AMENDMENT NO. 481

Mr. STEVENS. Madam President, we still have another amendment to vote on in the queue according to previous agreement.

The PRESIDING OFFICER. The McCain amendment is the next amendment.

Mr. STEVENS. I ask for the yeas and nays on the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. This is an up-or-down vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, could we, in this body, strike these nonessential and unnecessary projects from this bill so we can focus on the intent of the language? I don't want to debate the merits or demerits of projects that are included in the bill. They are clearly nonemergency and nonwar related. I ask my colleagues in the Senate to consider striking them. They can come in future appropriations bills, but they are certainly not appropriate at this time on this bill.

Mr. STEVENS. Madam President, the Senator from Iowa has expressed opposition to this amendment. I do express opposition to it myself. I would like to take the balance of the time to tell the Senate we are working to try to finish the bill. This is the last of the amendments that is part of this package. We will struggle to put together another series of amendments to vote on no later than 4 o'clock. We have, for very strong reasons, at least one Member and others who requested we try to finish this bill as early as possible today. I urge Senators to contact us to see if there are any further amendments we might work out and not have to vote. But there will be some votes probably by 4:30.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Regular order, Madam President.

Mr. STEVENS. I am finished.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. McCAIN. I ask for the regular order.

The PRESIDING OFFICER. The time has expired on the amendment.

Mr. STEVENS. I took the time in opposition. I thought I was entitled to take the time in opposition. As manager, I oppose the amendment. I ask unanimous consent for 1 minute on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 481. The yeas and nays have been ordered. The clerk will call the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—38

Alexander
Allard
Allen
Biden
Bingaman
Brownback
Bunning
Chambliss
Collins
Cornyn
Corzine
Craig
Crapo
Dayton
Ensign
Enzi
Feingold
Fitzgerald
Graham (FL)
Graham (SC)
Hagel
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
Miller
Nickles
Roberts
Santorum
Sessions
Smith
Snowe
Sununu
Talent
Thomas
Warner

NAYS—61

Akaka
Baucus
Bayh
Bennett
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Conrad
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Grassley
Gregg
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Specter
Stabenow
Stevens
Voinovich
Wyden

NOT VOTING—1

Kerry

The amendment (No. 481) was rejected.

Mr. STEVENS. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE CHANGE

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, on vote No. 118 I am recorded as voting aye on amendment No. 481. I ask unanimous consent that my vote be recorded as nay. This change will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Senator STEVENS, Senator KOHL has an amendment, and he wants 5 minutes on it. It may require a vote; we have not had a chance to look at it.

Mr. STEVENS. With due respect, we are still negotiating with several people, including Senator KOHL. I urge not putting that amendment in yet. If we are going to make the deadlines some want to meet, we will have to work some amendments out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I was not in the Chamber prior to the last vote, and there was an objection to having an extra minute so I could make some comments on the vote just held.

I thank the Senators for rejecting the McCain amendment for a number of reasons, but most importantly because the biggest item in that proposed amendment was funding to begin to complete the National Animal Disease Laboratory located in Ames, IA. I point out that this National Animal Disease Laboratory is fully authorized, specifically authorized. It has been peer reviewed. The USDA developed all the lands, and it is being built on an expedited basis to get it completed as soon as possible. It is a national animal disease laboratory in Ames. It is not an Ames lab, it is not an Iowa lab. Think about it like NIH. The National Institutes of Health is located in Maryland, but it is not a Maryland facility. It is a national facility. You can look at it like the Centers for Disease Control and Prevention in Atlanta, GA. That is not a Georgia facility; it is a national facility that just happens to be located in Atlanta. The same is true of the National Animal Disease Laboratory. It is a national laboratory that is located in Iowa.

I think in speaking of the Centers for Disease Control, we could also think of the National Animal Disease Lab as sort of the animal counterpart to the Centers for Disease Control and Prevention. Just as the Centers for Disease Control and Prevention is there nationally to help prevent or stop any kind of an infectious outbreak that might occur among humans, whether it is anthrax or smallpox or SARS or whatever it is, the job of the CDC is to get in there, contain it, stop it from infecting more people. The National Animal Disease Laboratory has the same function for animals. It is there to prevent, to stop infectious outbreaks among animals, infectious outbreaks that could devastate entire herds or entire populations of animals in this country, as we saw what happened with the mad cow disease in Great Britain. The National Animal Disease Lab would be charged with the responsibility, if there is any kind of bioterrorist outbreak or you had an animal infectious disease that could be transmitted to humans, the National Animal Disease Lab would be there to stop it, contain it, and keep it from spreading.

That is why it is so important at this time to make sure we complete the National Animal Disease Lab as soon as possible.

I thank my colleagues on both sides of the aisle for their support in defeating the McCain amendment that would have drastically cut back on our ability to get the National Animal Disease Lab completed as expeditiously as possible.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. May I inquire if the Senator is willing to have a time agreement for his amendment?

The PRESIDING OFFICER. Would the Senator restate his inquiry?

Mr. STEVENS. I asked if the Senator would be willing to discuss a time agreement on his amendment?

Mr. BREAUX. The answer is yes. What was the custom of some of the other amendments? What was the division of time on the others, 20–10?

Mr. STEVENS. The custom, as the Senator from Nevada says, is 20 minutes on your side, 10 minutes on this side on amendments we didn't intend to work out, with the understanding the vote will be delayed.

I ask unanimous consent there be 30 minutes, 20 minutes for the Senator from Louisiana and 10 minutes under my control, and with the vote to occur at a time to be specified after consultation with my friend from Nevada.

Mr. REID. Also with no second-degree amendment in order.

Mr. STEVENS. No second-degree amendments.

Mr. DORGAN. Reserving the right to object, I ask the Senator if that will provide sufficient time? I would like to speak for 10 minutes.

Mr. BREAUX. I have no other request for time. Ten minutes is sufficient for me.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 494

Mr. BREAUX. Mr. President, I send to the desk amendment No. 494 and ask it be reported.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 494.

Mr. BREAUX. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

TITLE III—FEDERAL HOMELAND SECURITY RESPONSIBILITIES

DEPARTMENT OF HOMELAND SECURITY

United States Coast Guard

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $200,000,000, to remain available until December 31, 2003, for terrorism-related prevention, preparedness, and response requirements associated with Operation Liberty Shield, including but not limited to operating expenses related to the increase in maritime operating tempo, the protection of critical infrastructure and enforcement of Security Zones, and the activation of Coast Guard Reservists.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $366,000,000, to remain available until December 31, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative, not less $200,000,000 shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry, and not less than $131,000,000 shall be for increased border and maritime protection operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For an additional amount for "Immigration and Customs Enforcement", $131,000,000, to remain available until December 31, 2003, for increased operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

Transportation Security Administration

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $1,355,000,000, to remain available until December 31, 2003, of which not less than $235,000,000 shall be available for costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, not less than $300,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $620,000,000 for shortfalls pursuant to Public Law 108–10, including the securing of airline cockpit doors, port security grants, and airport modifications, not less than $200,000,000 for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements;

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

Office for Domestic Preparedness

For an additional amount for "Emergency Management Planning and Assistance", $150,000,000, to remain available until December 31, 2003, for grants to States and localities to improve communications within and among first responders including law enforcement, firefighters, emergency medical services personnel, and other emergency personnel.

DEPARTMENT OF THE INTERIOR

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $18,000,000, to remain available until December 31, 2003, for expenses related to enhanced security at nationally significant facilities.

DEPARTMENT OF JUSTICE

United States Marshals Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $25,000,000, to remain available until December 31, 2003, for necessary expenses relating to courthouse security; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $225,000,000, to remain available until December 31, 2003, for necessary expenses relating to response and security capabilities and field operations: *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

Office of Justice Programs

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies, firefighters and emergency medical service personnel, $150,000,000, to remain available until December 31, 2003.

District of Columbia Federal Funds

FEBERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for critical infrastrature protection $25,000,000, to remain available until December 31, 2003, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia; *Provided*, That the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act; *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003.

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount for "Toxic Substances and Environmental Public Health",

$10,000,000 to remain available until December 31, 2003, to enhance States' capacity to respond to chemical terrorism events.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Justice, General Administration, Counterterrorism Fund, shall be zero.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Homeland Security, Departmental Management, Counterterrorism Fund, shall be zero.

Mr. BREAUX. Mr. President, the committee has done a very good job in addressing a number of concerns dealing with terrorism, particularly in the area of counterterrorism, by creating a fund that is going to give to the Department of Homeland Security $1.135 billion for counterterrorism. I think the administration actually requested a little more money than that.

Regarding the amendment I have, we think, No. 1, it should be more than that and, No. 2, we think Congress should be involved and the American people should be involved in where that money is going to be allocated, as to which department doing this type of work is going to get the additional funds.

The amendment of the committee, about which I am concerned, says: Mr. President, here is $1.135 billion. Let's throw it up against the wall and hope it comes off the wall and falls down and does some good. We take $1.135 billion and throw it up in the air and somehow hope it comes down and settles in the areas where it can do the most good to protect the American people.

I think that is not the way we should do business. We are taxing the American people for these moneys to be spent to protect the American public. We as a Congress should have a direct say-so, not just entrust it to an individual Secretary as to where the money should go.

My amendment says in the area of counterterrorism funds, instead of $1.135 billion, we are going to have $2.65 billion, an increase for counterterrorism provisions in the bill.

In addition to that, we are going to say where the moneys are going to be allocated. That is the role of the Congress. That is the appropriate role of the Congress.

For instance, in the Coast Guard, our provision provides $200 million more for the Coast Guard. The Coast Guard is being asked to do a lot more work domestically. Most of the money in the committee's bill is for Coast Guard utilization overseas. That is fine; they ought to be overseas doing this work, but they also should be protecting the ports of America, the ports of New York, and the gulf and the west coast and east coast ports. We also say the Bureau of Customs and Border Protection should have an increase of $366 million for the inspections they are going to be required to do.

We have literally millions of containers, each carrying as much as 60,000 pounds of material, coming into the ports of the United States. We ought to be looking at these containers where they are loaded, in foreign ports. The Bureau of Customs and Border Protection is going to need that additional money if, in fact, they are going to be able to get the job done.

In addition to the Bureau of Customs, we are talking about $1 billion for transportation security. We are talking about making sure that at all the airports where we are telling them now you have to put in all this fancy equipment, not just to check luggage that is carried on the plane but check every single piece of luggage that is going to go into the cargo hold of the plane—how many of us have had to be delayed at airports because they are checking not only your carry-on luggage but also the stuff that is going to be checked into the hold of the plane. You see the long lines develop. They need the equipment to make sure that type of luggage is safe and not delaying passengers and the traveling public moving into the airports.

We also say about the Federal Law Enforcement Training Center, give them an additional $20 million for enhanced training.

We are asking these organizations now to work 24 hours a day, 7 days a week training these new employees to make sure they know what they are doing. They are going to need additional funds for that.

I read the bill from the committee. It just says on page 36 of the bill: counterterrorism, give the Secretary the discretion to spend $1.135. That is what the bill says. That means throw it over to the Secretary; let him spend it anywhere he wants. I think the report language says here are some suggestions. That is fine; we all know what happens with report language. It is filed in some staff person's desk, and they don't pay any attention to it. That is not the law. They can totally ignore it. They can disregard it, pay no attention to it whatsoever.

If you put it into law, it would state that these are the categories that are necessary in order to make sure this counterterrorism provision is run the way we would like to see it run.

Mr. President, I want to yield time to the distinguished Senator from North Dakota. I think he said he would like to have 10 minutes. And if he could use less, we may get another speaker in here. But I yield 10 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by my colleague, Senator BREAUX. I am a cosponsor of that amendment.

Let me describe why I think this is so important. We have a number of wars that are going on at the moment. We have a conflict, a war in Iraq. We have a war against terrorism. So in this piece of legislation we deal with defense, the costs of defense.

Part of defense is the Defense Department, in which men and women in America's uniform are overseas protecting our country and involved in the conflict in Iraq. But, also, part of the defense is our homeland defense. The issue of homeland defense is very important.

Let me describe what happens inside this country each and every day: 1.1 million passengers come into this country processed by the Customs Service; 57,000 trucks and containers come into this country every single day; 580 vessels arrive at this country's ports; 2,459 aircraft arrive in this country; 323,000 vehicles, every single day.

No one is going to provide an adequate homeland defense in this country unless we have secure borders and are able to prevent terrorists—both known terrorists and those who associate with terrorists—from coming into our country. Frankly, we are not doing as good a job as we must in order to prevent a future act of terrorism in this country.

I speak from the standpoint of a northern border State. We have thousands of miles of common border with our good neighbor to the north, the country of Canada.

We know that at least two of those who perpetrated the September 11 attack came into this country across the northern border. We also know that, in the past, almost all of our resources in this country were targeted at the southern border, southwestern border. Border Patrol, Immigration, the Customs Service: Hundreds and hundreds and hundreds—in fact, thousands—of agents from all of those agencies were at the southern border, and a very few at the 4,000-mile northern border that we share with Canada.

So what do we do about that? Well, we need the resources at the northern border, and the new technology that is available, to make sure we try to keep terrorists out. Once again, you must have control of your borders or you do not have control inside the country to prevent an act of terrorism perpetrated against our country.

Now, when I began this process, even before September 11, I proposed something called the Northern Border Initiative. That became law. That added some resources at the northern border. It became more imperative after September 11 that we do much more. Prior to that time, when the northern border ports would close, especially in the remote areas, they would simply put an orange cone in the middle of the road, and that would be the protection in this country against terrorism. Well, terrorists, of course, were they to enter at one of those rural remote ports, would shred that orange cone at 70 miles an hour with their vehicle.

The fact is, we have to do more. And we are now doing more. But we are not doing enough. That is why the Senator from Louisiana offers an amendment that says let's make the investments we know we need to make.

He mentioned seaports. I come from a landlocked State. I do not know much about seaports, but I have made two tours of seaports, two of them recently, to understand what is happening at our ports. Mr. President, 5.7 million containers come in every single year on container ships—5.7 million. And 100,000 of them are inspected.

I was at a port one day—and I have told my colleagues this previously—but they had a refrigerated container there that they had taken off a container ship. I said: What's in that container? They said: Well, we're just inspecting that. They said: This is frozen broccoli from Poland. And they showed me one of the 100-pound bags of frozen broccoli they pulled out of this container. They ripped open the bag, and, sure enough, there it was, frozen broccoli from Poland. It didn't look very appetizing to me, but it was going to go into America's food supply.

So I said: Well, that is interesting to know. You have shown me the bag at the end of the container. What is in the middle of the bag in the middle of the container? Do you know?

They said: No, we don't know. I said: Do you know where it came from? They said: We know it came from Poland. I said: Do you know who loaded it? They said: No, we don't know. I said: Do you know that there's not something in the middle of this container that could threaten our country? They said: No, we don't know.

Mr. President, 5.7 million containers come into this country every year, and we inspect 100,000 of them.

You know the story about the person from the Middle East who put himself in a container and intended to ship himself to Canada in a container. He had a little bathroom set up in the container. He had a water supply. He had a computer. He had a GPS. He had a cot. He had a heater. He was going to ship himself to Canada, presumably then to enter this country from Canada. But he did it in a container. They caught him actually before he left the Middle East.

The fact is, we had better care about homeland security—yes, about the northern border, about the southern border, about aircraft coming into this country, and, yes, about ships that are pulling up to our seaports this afternoon in New York, Los Angeles, and the other major ports around this country.

Which of those ships might have a weapon of mass destruction in the middle of a container, piled in the middle of that ship, that will be hoisted off, by a crane, put on 18 wheels, and then sped across America's highways to Cincinnati or Toledo or Fargo or Los Angeles? That is what homeland defense has to be about: preventing these kinds of things from happening, preventing terrorists from perpetrating an attack in this country.

We have actually done pretty well since 9/11. The fact is, there is much more to do. It will not do any good to say: Well, yes, this is needed, but let's do it later.

This is the legislation. This is a supplemental appropriations bill. This is emergency funding. And this is about defense, yes, the Defense Department, but also, in my judgment, the defense of our homeland.

I have not gone through all of the portions of this bill that the Senator from Louisiana suggests we adequately fund, but it is the Immigration Service, the Customs Service, the Border Patrol, and a list of agencies that we know have to have adequate funding to do the job this country expects in order to protect itself against a terrorist attack.

So this is not some ad hoc spending for which the Senator has no justification. This is spending and funding every bit as important as every dollar that is going to the U.S. Department of Defense. This is homeland defense. That is the Department of Defense. Both are of paramount importance in protecting this country's interests. I hope my colleagues will join me in supporting the amendment now offered by the Senator from Louisiana.

There is, perhaps, an unlimited number of things we could do to protect this country, but we do not have unlimited funds. The Senator has selected specific areas of investment that all of us know are underfunded. And he said: Yes, let's do this, but, more important, let's do this now.

I just submit, in the shadow of 9/11, this country knows that terrorists want to attack this country. Homeland defense is of paramount importance. The investment—a rather small investment, in my judgment—made by the amendment offered by the Senator from Louisiana will make this a stronger country, better able to resist terrorists who wish to attack her.

Mr. President, I yield the floor.

Mr. BREAUX. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to speak in support of the amendment offered by Mr. BREAUX.

For many months now, the American people have been told that we are at war. We are at war in Iraq. We are at war here at home. We are at war against the al-Qaida terrorist network and other organizations like it. We are at war against terrorists who would use any means possible to destroy our Government, strike fear in our people, and cripple this great Nation.

But, America is still woefully unprepared to prevent or respond to another terrorist attack. Despite the constant warnings from the Department of Homeland Security about terrorist threats here at home, and despite the obvious vulnerabilities, there are some in Congress who seem to want to put off sound investment for increased protections for our people. "Hold off! Hold off! Wait for another day!" they say. Mr. President, we may wait, but the terrorists, I fear, will not wait.

The amendment before the Senate, which is offered by Mr. BREAUX, would invest dollars now—today!—in some of the most critical areas of vulnerability here at home.

The amendment offered by the Senator from Louisiana would provide $2.6 billion for border and transportation security, including $200 million for the Coast Guard, $35 million for the Bureau of Customs and Border Protection, $200 million for radiation detection equipment, $235 million for airport explosion detection systems, $300 million for mass transit security, $300 million for interoperable communications for first responders, $225 million for terrorism prevention at the Federal Bureau of Investigations, and funding to reimburse Department of Homeland Security expenses incurred as a result of Code Orange and to make up for fiscal year 2003 funding shortfalls at the Transportation Security Administration.

A March 12, 2003, General Accounting Office report concluded that the Coast Guard faces "fundamental challenges in meeting its new security-related responsibilities while rebuilding its capacity to accomplish other missions that have declined" and that these challenges are made even more difficult by the heightened terror alert and by Coast Guard deployments to the Persian Gulf.

In addition, a December 2002, GAO report identified more than $700 million in security needs at only eight transit agencies that were visited. The GAO concluded that, "Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible." Yet to date, no money—none—has been provided for transit security.

If there is one lesson that we should learn from 9/11, it is that terrorist attacks on our Nation can no longer be viewed as distant threats across the oceans. The enemy may attack our troops, the enemy may attack our citizens overseas or civilians here at home. Clearly, we must provide all of the necessary resources to support our troops overseas. But we must also provide significant homeland security resources now to meet real needs that have been authorized by the Congress and signed into law by the President for port security, airport security, border security, and nuclear security.

We should not accept the alarming deficiencies in our seaport security—an area that many experts have identified as perhaps the Nation's single greatest vulnerability. We should not accept the fact that our land borders are porous and that our airports simply cannot afford modern security equipment. We should not be satisfied that our cities and States—the front lines of this war at home—do not have sufficient equipment or expertise to handle wide-ranging threats involving madmen who may have gotten their hands on weapons of mass destruction.

The danger is clear. The need is clear. I urge my colleagues to support the Breaux amendment.

I yield back the remainder of my time.

Mr. DORGAN. Mr. President, I am pleased to join Senator BYRD, Senator BREAUX, and others in supporting this Federal homeland responsibilities amendment. In particular, I want to speak for a moment about the National Park Service component of the amendment. As the ranking member on the Interior and Related Agencies Subcommittee, I am deeply concerned that the administration's supplemental funding request will leave the National Park Service in the lurch, without the resources it needs to protect our most important national symbols.

The Statue of Liberty, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, the St. Louis Arch, the Liberty Bell, and Independence Hall in Philadelphia; these are just some of the national icons under the protection of the Park Service. These treasures are, in their own unique way, potent reminders of the liberty and freedom that are the foundation of the American experience. They symbolize the struggles this Nation has overcome, the hope we have maintained for our future, and the essence of the democracy we all cherish.

The Twin Towers of the World Trade Center were a powerful symbol of the economic might of our Nation, and that is why they were attacked. The Pentagon is a powerful symbol of our military might, and that is why it was attacked. I worry about which symbol is next. Which of these facilities, emblematic of our liberty, will the terrorists target next? I don't have the answer to that question, nor do I know anyone who does. This is precisely why we need to provide the National Park Service with the resources it needs to ensure the safety and security of these national treasures.

In fact, yesterday's Washington Post contains an article which substantiates my fears. As of yesterday, the Park Service has closed Independence Hall in Philadelphia because of security concerns associated with the elevated threat level. The very birthplace of our Constitution—the document once called the "most wonderful work ever struck off at a given time by the brain and purpose of man"—has been closed to the American people because the Park Service is unable to provide for its security. Part of the problem, as the article points out, is lack of funding. "Since the government raised its color-coded threat index to orange, or high risk, two week ago, the National Park Service's daily security costs have increased by $63,500. . . ." That is a daily cost, and comes to nearly $2 million per month, money the Park Service simply does not have. Yet despite asking for $75 billion, the administration's supplemental request did not include any funding for these additional security costs. That is wrong, and it is why we have included funding for the Park Service in our amendment.

We cannot turn our backs on the security needs mandated by the increased threat level. Nor can we expect the Park Service to just absorb these costs. It is our responsibility to provide these funds, and I urge my colleagues to support this amendment.

Mr. SHELBY. Mr. President, I rise today in opposition to the Breaux amendment for a variety of reasons, but I will limit my remarks to the provision dealing with increased funding for mass transit security.

I commend the Senator from Louisiana for bringing attention to this important issue. While I believe that transit security is an issue deserving of increased investment, the approach taken in the amendment is not one that I can support at this time.

Existing Federal transit law already requires that a percentage of formula funds be used for safety and security needs. The Federal Transit Administration has made transit security a priority. FTA has already conducted assessments for the 33 largest systems and has provided a "tool box" to help systems develop their own individualized security programs. Further, FTA has developed and distributed a checklist of the most important measures that transit agencies should implement to ensure that their systems are as secure as possible. FTA has made it a priority to work with agencies to assist in implementation of those measures.

Mass transit is perhaps one of the most difficult modes of transportation to secure. By its very nature, transit must operate in an open environment in order to provide its customers with mobility and access. We need to carefully consider how we develop transit security measures to ensure that we do not risk stranding those who depend on transit for their day-to-day mobility needs.

As chairman of the Committee on Banking, Housing, and Urban Affairs, I am cognizant of the unique need for further analysis of transit security issues. As the committee reauthorizes the Federal transit program this Congress, we intend to make the issue of transit security a high priority.

I urge my colleagues to vote "no" on the Breaux amendment.

Mr. REED. Mr. President, I rise in support of the Breaux Federal homeland security responsibilities amendment. This amendment addresses a number of important homeland security needs that the administration has failed to adequately fund, and it deserves the support of this Senate.

I particularly want to thank the author of this amendment for including specific resources to help protect our Nation's transit systems and the 14 million Americans who depend on them to get to work or elsewhere safely and securely every workday.

In the 107th Congress, as the chairman of the Housing and Transportation Subcommittee, I chaired two hearings on the topic of transit security in the wake of September 11. At these hearings, we heard from transit operators and others that public transportation is regrettably a target for terrorists. Indeed, roughly one-third of terrorist attacks worldwide have occurred against transportation systems. One only needs to watch international news to see pictures of the devastation of suicide bombers on buses.

Senator SARBANES and I also requested a General Accounting Office report on transit security entitled "Mass Transit: Federal Action Could Help Transit Agencies Address Security Challenges." The GAO found that the Federal Transit Administration and the Transportation Safety Administration were providing technical assistance and some training to transit systems, but that there are still many unmet needs. For example, when the GAO asked just eight transit systems how much they needed to address their security needs, the answer was over $700 million. Transit systems also expressed concern that there is often insufficient planning, communication and coordination with local, State and Federal law enforcement entities.

The administration, which has embraced the Senate's efforts to improve aviation security, has unfortunately not shown the same level of commitment to our transit systems. It failed to request specific funding for transit security in either its fiscal year 2004 budget or its fiscal year 2003 supplemental request.

The Breaux amendment would address this shortcoming by providing a down-payment for transit security improvements and send a strong signal to the millions of working men and women who ride our subways, buses, and commuter rail lines that their government is aggressively working to improve transit security.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it has been our hope that we could get the cooperation of the Senate in funding what are essential needs of the Department of Homeland Security for the balance of this fiscal year. In trying to determine what those amounts are for all of these new activities, the 22 agencies that have been folded into this new Department under the jurisdiction of Secretary Tom Ridge, we had hearings. We have questioned agency officials to determine how we could help support the administration's effort to improve the security of our homeland, to fund the activities of those agencies that are involved in the war effort in Iraq, such as the Coast Guard, to be sure that they could meet their responsibilities.

We did this in a very careful and deliberate way, knowing full well that because of the concerns and the fears that exist throughout the country about terrorism attacks and because of the increase in the threat levels that from time to time are announced, there is no way we could assuage the concerns of everybody with just money. But money helps. If a State or locality believes it is not able to afford what it thinks it needs to do right now to protect its citizens, there is pressure that builds on elected Members of this body. All of us feel this pressure right now to be sure that we do the best job we possibly can to put money in the hands of those agencies and those government officials that can make a difference in terms of our national security needs.

We didn't just think up these numbers and throw them in the bill. They are based upon estimates we have received from each agency, the President's request that was submitted to the Congress, and the testimony from the recent hearing when Secretary Ridge appeared before our committee and we had an opportunity to talk with him about these needs.

One reason there is some concern is that the Secretary asked for flexibility. There were some members of the committee who questioned him pretty sharply about why he needed flexibility, that it is the role of the Congress to make sure we appropriate money for specific purposes and not just write a blank check.

Well, we didn't write a blank check. We have written not only the provisions of the bill with specificity about how the funds we are appropriating are to be used, but we also have accompanied the bill with a written report that spells out, in the case of the counterterrorism fund, what our understanding of the needs are and the estimates that we received from the agencies. So in spite of the suggestions we have heard by the proponents of this amendment, we do have some specificity.

We have, for example, put in the committee report, with respect to the Department of Homeland Security's 30-day surge associated with immediate or emerging terrorism-related prevention and response activities, the following: Bureau of Immigration and Customs enforcement, $55 million. Federal Protective Service overtimes operations and maintenance for the air program and other related costs are included in that. For the Bureau of Citizenship and Immigration Services, $1 million. The Bureau of Customs and Border Protection, we have $65 million. That includes overtime, operation costs of assets, impact on user fee collections and other logistics costs, and on and on. Transportation Security Administration, $120 million, overtime for passenger screeners, operation costs of assets, contract hiring, service training, and State and local expenses. We enumerate several other activities with specificity in that connection.

One thing the Senate needs to know, the Breaux amendment deletes the entire provision, the funding for the entire provision of the counterterrorism fund. I will read it. This is what it says; it is very clear: "Notwithstanding any other provision of this Act, funding under the heading Department of Homeland Security, Departmental Management, Counterterrorism Fund, shall be zero," knocking out $1.132 billion. Then $500 million is zeroed out of the Department of Justice, General Administration, Counterterrorism Fund.

Think about what you are being asked to do. This amendment is suggesting that you disregard the efforts by the committee in the writing of a meticulously drafted committee report that specifies our understanding of where these funds are going to be spent, and you trade that for this amendment that is offered, as we are in the closing hours of consideration of this supplemental bill and assume that these recommendations are going to be superior to the ones the committee has proposed to the Senate.

I am suggesting this is not a good way to legislate. The Senate ought to reject this amendment. These are efforts and activities of our Government that are too important for the Senate to be asked to substitute the judgment of a new list of activities with new numbers beside them that are not related to estimates from the agency, are not related to any testimony we have received in any of our hearings, but yet amount to a rewrite of this entire section of the supplemental appropriations bill.

There is some money in here for States and localities. We hope the Senate understands that we have written in here some requirements that get the money out faster to States and localities. It requires that 80 percent of the funding go directly to localities in some of the grant programs administered by the Department of Homeland Security.

We have made a concerted effort to ensure that the taxpayers will get their money's worth out of the funds appropriated in this bill. For example, although this amendment adds money for the Coast Guard, we set up a separate section for funding of Coast Guard activities. We put in $580 million directly to the Coast Guard. I have to admit, that was not requested by the administration, but we wanted to be sure their activities, particularly with regard to Operation Iraqi Freedom, were fully funded.

The Coast Guard has been mobilized, in effect, as a part of our war against terror in the Persian Gulf area, so-called Operation Iraqi Freedom. But they also have responsibilities here for homeland activities. The bill reported by the Committee on Appropriations gives the Secretary discretion to use fiscal year 2003 funds from the counterterrorism account to allocate funding to the Coast Guard for additional operation expenses. That includes Operation Liberty Shield. The bill fully funds the administration's request in support of the Coast Guard and general terrorism prevention, preparedness, and response capability.

There is absolutely no basis for the $200 million estimate in the amendment offered by the Senator from Louisiana. It is just added on. If there is evidence, if there is a request, if there is documentation, then we need to see it. We ought not be asked to support add-ons to this bill to make it sound as if we are underfunding the legitimate needs of these agencies in the protection of the security of our country.

I suggest the Senate should look very carefully at this amendment.

I will cite one other area. This amendment puts in $131 million for increased border and maritime protection operations. What this amendment does is double the amount that the administration says they need, just doubles it: If what we suggest is good, then twice as much ought to be twice as good.

That is not good reasoning and the Senate ought to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes, and the Senator from Mississippi has 25 seconds.

Mr. BREAUX. Mr. President, I yield myself 5 minutes. I ask unanimous consent that Senators SCHUMER, CLINTON, STABENOW, and KENNEDY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, the idea that Congress ought to be involved in how the money is spent is not a novel idea. If we are going to spend $1.135 billion, Congress ought to be involved in saying how it is going to be spent.

The bill before the Senate now says that we are going to give $1.135 billion to the Office of the Secretary of Homeland Security, and whatever he wants to do with it, he pretty much has carte blanche to do whatever he thinks fit. I would hope he would make the right decisions, but I would like to have Congress involved in saying these are the priorities within that $1.135 billion as to what we think should be spent and how it should be spent. We do not do our job if we just appropriate money and do not indicate how the money should be spent, especially when you are talking about billions of dollars.

Here is an example. The Senator from Mississippi says we have a report that makes suggestions. Folks, this is a suggestion. This could be filed in a desk drawer at the Department, thrown in the waste paper basket, and ignored, because it doesn't have the effect of law. It is nice that people worked on it and that it was printed, but how many people will read it? Not very many, and not many will read it over at the Department of Homeland Security either.

If you want to say how money is going to be spent, it has to be part of the law. We are not saying spend whatever you want. We are giving him a specific amount. We should also say how that specific amount is going to be spent. That is what my amendment does.

Let me give an example of what the problem is. For the Coast Guard—and we know how much work they are going to have to be doing in the United States, in the ports of New York, Florida, New Orleans, Houston, and the west coast because of the problems we have—the supplemental appropriations bill puts in $580 million more for the Coast Guard. What they say is that $400 million of it is going overseas. We need it overseas. That is appropriate and proper. But we also have some homeland needs for counterterrorism.

Under the supplemental bill pending before the Senate, we would have $180 million for the domestic Coast Guard needs, and then the remainder of $400 million would be going overseas. We are neglecting homeland security. We are talking about homeland security, which means here at home.

So we are suggesting that we add an additional $200 million, which would be utilized in this country for the needs at all of the ports. They have to do a lot more, we are telling them, and the Coast Guard has to devise a security plan for every single port in the United States. They are not going to be able to do that for free, with all the work that needs to go into those ports.

If we are going to spend $1.135 billion, the Congress should be involved in saying where it is going to be spent. We should not simply say: Here is the money; we hope it does some good; whatever you want to use it for, do it, as long as it fits the generic title of counterterrorism. Well, counterterrorism is more than a word; it is the Coast Guard, the Bureau of Customs, the Immigration Service, and it is money for airport modifications to detect the luggage going into the holds of the ship; it is mass transit security, railroad security, Federal law enforcement training, and it is better communications for the men and women who work in counterterrorism.

That is what counterterrorism is. It is not just a term; it is a bunch of Agencies and Departments that have a lot of work to do. We ought to have the intelligence to be able to say where it is going to be spent, instead of just putting a term out there and saying we are going to give $1.135 billion for counterterrorism.

What is counterterrorism? I suggest that counterterrorism is outlined in the descriptions we have in the amendment now pending before the Senate, which we ask our colleagues to consider supporting. It is nice that we have suggestions in a report, but we all know—if you have been here more than a week—a report is not binding, not law; it is merely a suggestion. We are here to write laws, to direct the Departments as to how their funds should be used. I am sure they are going to read the report, but they can also ignore the report. I think it is better to spell out what we are talking about when we talk about counterterrorism. It is not just a word; it encompasses a lot of different Departments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, contrary to the suggestion of my friend from Louisiana, the committee is requiring the administration to respond and spend the money as provided in this bill. I am reading:

> Prior to the obligation of any funds, the Secretary of Homeland Security is required to submit a notice to the Committee on Appropriations. The committee expects this notice to be accompanied by a full and complete justification of the costs to be reimbursed by agency accounts, including a detailed breakdown by program, project and activity.

We are going to maintain oversight. Who is not going to get money if this amendment is adopted? The U.S. Secret Service, law enforcement training requirements, emergency preparedness and response, and other important activities are going to be zeroed out of this bill.

Mr. BREAUX. Mr. President, $2.65 billion is not zeroing out counterintelligence and counterterrorism. It is a large add-on, $2.65 billion. The only difference is we are suggesting in law where it ought to be spent, instead of saying you can do what you want and then come back to the committee and tell us why you did it that way. We should tell them where it should be spent before the fact, not after the fact. Our amendment adds money to counterterrorism. I think that is what we should be doing as a Senate.

Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, reserving the right to object, it is my understanding that the manager of the bill and the leaders have agreed this vote would occur at a later time.

Mr. COCHRAN. That is correct. I ask unanimous consent that the Breaux amendment be temporarily set aside and a vote occur on or in relation to the amendment at 4:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if I may direct a question.

The PRESIDING OFFICER. The Chair wants to clarify the situation regarding the motion to table. Did the Senator make a motion to table?

Mr. COCHRAN. Yes, a motion to table was made. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I direct a question to the manager of the bill. I have indicated to Senator STEVENS that Senator FEINSTEIN is ready to offer an amendment. It is my understanding that there has been some arrangement made on the amendment she is going to offer.

I see my friend from Missouri. Does he wish to offer an amendment? I thought we were going to the Feinstein amendment. May I have an indication from the Senator from Missouri how long he is going to take, or what the subject matter is?

Mr. COCHRAN. Mr. President, the Senator from Missouri has an amendment, and there will be a short discussion of it, and it may not require a vote.

Mr. REID. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 499

Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment is temporarily set aside.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. TALENT], for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 499.

Mr. TALENT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require certain air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers)

At the end of title IV, insert the following:

SEC. . (a) This section may be cited as the "Airline Workers Fairness Act".

(b) The purpose of this section is to require covered air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the current disruptions in air travel associated with increased terror alerts and other factors in the United States.

(c) In order to receive funds appropriated under this Act, a covered air carrier shall agree to be subject to this section.

(d) In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(e) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(f) Nothing in this section shall be construed to affect any provision of law that provides greater employee rights than the rights established under this section.

(g) In this section:

(1) The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) The term "covered employee" means an employee who—

(A) is not a temporary employee;

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.); and

(C) was an employee of a covered air carrier on April 1, 2003.

(4) The term "covered transaction" means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) was pending, or had been completed, during the period beginning on January 1, 2001 and ending on September 11, 2001; and

(D) did not result in the recognition of a single air carrier by the National Mediation Board by September 11, 2001.

Mr. TALENT. Mr. President, I rise, along with my colleagues, Senators BOND, CLINTON, and SCHUMER, to offer the Airline Workers Fairness Act, with the hope of ensuring the fair and equitable resolution of labor integration issues surrounding American Airlines and the former TWA. I want to give the Senate a brief history of these issues.

American Airlines acquired TWA in April of 2001. We all thought that was a good thing. We still hope it is a good thing. We supported it. At the time, American Airlines promised TWA employees that they would be treated fairly as a result of the buyout, and in fact that promise was one of the conditions of Federal approval of the buyout. Certainly, our expectation was that when the representative employee groups merged, their seniority lists would be dovetailed in the normal fashion. In other words, the years of service for TWA employees would count in the merged company, and years of service for former American Airline employees would count as well. For whatever reason, that didn't happen. In fact, nothing even close to it happened.

The former TWA flight attendants were stapled to the bottom of the merge seniority list, and most of the TWA pilots were stapled to the bottom of the seniority list. In all my years in public office and in the years when I practiced labor law, I have never seen a merger that was as disadvantageous to one of the former employee groups as this one.

The effect of it is that employees who have been working for TWA for decades are placed behind on the seniority list employees working for American Airlines only a year or two. All you have to do is fly American Airlines and be recognizable as a Member of Congress to see what the implications of this have been for real people.

I do not think I go on a flight where a flight attendant does not come up to me and tell a story, such as she is a 28-year flight attendant for TWA who is now going to be laid off while people who have been working for American Airlines for only a year or two will be still flying.

A specific example: Sally Young, a former TWA captain who now works for American Airlines whom I have met and talked with, is a 15-year veteran of TWA. She was demoted, because of seniority, from being a captain to a first officer, and now, after the recent layoffs were announced, is scheduled to be laid off even though pilots who have been working only a short time for American Airlines will continue to fly.

The result of this for the flight attendants is that there were 4,000 flight attendants who worked for TWA. By midsummer, all of them will be gone. These are people who have given their life to this company, people who have mortgages, people who are at a stage in life where it is very difficult for them to retrain and find other employment. People who were promised better, who clearly understood that in some way, shape, or form they would be protected in this buyout are going to be gone, and most of the pilots will be gone as well.

I am not here to blame anybody for this. It is an extraordinarily, uniquely disadvantageous situation. I do not know how it happened, but I know it is not right, and this amendment is designed to fix it in a fair and equitable fashion. It applies only to this merger.

It says that the parties will bargain for several weeks after this amendment becomes effective, and if they cannot reach an agreement, they will go to a neutral expert binding arbitration, and the arbitrator can then decide what result will be fair in light of the situation they are in now. These people who have worked for so long and given back so much over the years to keep this company afloat will have the consideration that we all thought they would have had.

Those of us who are offering this amendment and supporting this amendment would rather not do it on this vehicle. We would not have done it on this vehicle, but the underlying bill provides several billion dollars of extraordinary relief for the airline industry. We support that.

In addition, American Airlines announced several thousand more layoffs earlier this year. If we do not do something soon, it will be too late to do anything. Certainly it will be too late to do anything as conveniently as it will be if we adopt this amendment.

Again, our amendment does not impose any Government solution on the parties. It costs no money. It affects no other airline and no other situation. We are offering it now to provide some relief to a group of people who expected and deserve better and who, unless we do something, are going to be out on the street. That is the reason we are offering the amendment at this time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the amendment by my colleague from Missouri. We are dealing with another very significant bailout, using taxpayers' money, for the airlines which have been hurt.

I agree with the need to keep the airlines flying. Airlines are absolutely essential to our economy. But I believe when we are sending taxpayers' dollars to airlines, that we have at least some responsibility to ensure the employees are being fairly treated. This, to me, is simply an issue of equity and fairness.

Back when American Airlines acquired TWA, they did not just take the airplanes. They took the hub, they took the facilities, and they took the heart of TWA as well—its employees, employees we have come to know and respect and trust and whose service we have appreciated over the years.

Since April 9, 2001, American Airlines and TWA have operated under a single umbrella. On that date, Donald J. Carty, chairman and CEO of American Airlines, stated:

> Today, we warmly welcome TWA's employees to the American family. While employees and customers will see business-as-usual for some time, we're looking forward to working together and building a future as one team. Employees at American and TWA are united in our commitment to meeting our customers' needs and providing opportunities for growth in a rewarding work environment. Our theme for today's celebrations is "Two Great Airlines—One Great Future," and I'm sure that, working together, we can fulfill that promise.

I was out there and I joined in that recognition in celebrating two great airlines with one great future, and on January 1, 2002, all TWA employees officially became American employees. At that moment, all former TWA employees were now an integral part of the new team at American Airlines.

Promises were made to the hardworking TWA employees in my home State, and these employees were publicly referred to as the crown jewel of TWA. It was not as if they were "lucky to have a job at all," as some have suggested. They are employees with extensive years of background and years of seniority over a great number of their colleagues at American Airlines and, through their service to the traveling public to our communities, had developed a reputation for service that made this an extremely valuable hub.

Had they known that the promises were not going to be kept, there were other options—reorganizing in bankruptcy, seeking alliance with another airline that would treat them fairly. They were made promises of fair treatment. They gave up what they call their Allegheny Mohawk protection rights on the expressed promise that they would be treated fairly.

After American Airlines stapled the TWA seniority list to the bottom, at least the top official of American Airlines came to my office and said: We are going to protect the hub at St. Louis; we are going to put a wall around that and keep former TWA employees serving the traveling public out of that hub, and we are not going to have them laid off because they will continue the TWA service.

The wall came down. They were not protected. The crown jewel of TWA, the people in St. Louis, are losing their glitter. These promises made to them were the root of the entire agreement reached between TWA and American Airlines back when this whole deal was going down, and now these promises appear to have been broken.

If the TWA employees knew at the beginning they were merely being taken as a sacrificial lamb, then the deal would likely never have happened. Now the TWA employees, the TWA pilots, and the TWA flight attendants are the blood donors when cuts have to be made.

According to today's issue of the St. Louis Post Dispatch:

> All American Airlines flight attendants based at Lambert Field will lose their jobs if members of the Association of Professional Flight Attendants approve a contract by April 15 to help the airline avoid bankruptcy.

That is what we are providing money to support?

The situation for former TWA pilots is grim as well. Fifty-four percent of former TWA pilots will lose their job before a single former American Airlines pilot will lose his or her job because they were simply stapled to the bottom of the seniority list.

After planned furloughs, there will only be 565 former TWA employees remaining. To help everyone with the math, that is 76 percent of the former TWA pilots and 100 percent of TWA flight attendants in St. Louis who will lose their jobs. They are literally cutting off the family crown jewel.

The senior most TWA pilot hired in 1963 was integrated along with a 1985 hire from American Airlines. That is almost 22 years later, and guess which one is on the chopping block first? Promises made in fairness have not been achieved.

In this supplemental bill, we are poised to provide our airlines with $3.5 million to keep them in the air. With that assistance, more layoffs are coming. We must act before more of our talented and qualified employees are let go before junior colleagues within the same organization.

The choice before this body is simple: Support the Talent-Bond amendment and you support fairness, or oppose the Talent-Bond amendment and you decide with the bosses who are strong arming weaker unions, resulting in an extremely unfair integration of two great airlines and one great future. About 5,000 jobs are at stake.

I strongly urge my colleagues to support this fair integration proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak against the amendment. I respect my colleagues, Senator TALENT and Senator BOND very much. I am very sad and very sorry about the situation with the TWA employees. It was a difficult situation when TWA was in bankruptcy. A number of airlines sought to take over TWA. American was the one that was willing to do it.

There were agreements made at the time. American offered to preserve the jobs and pensions of the TWA employees at the time if the unions would agree to waive their seniority rights from TWA. That was the agreement. If American had not stepped up to the plate, all of the TWA pilots, flight attendants, mechanics, and ticket agents would have lost their jobs immediately and their pension funds would have been wiped out. Instead, American not only persevered their jobs but fully funded the TWA pension funds.

Everyone hoped the aviation industry would recover and that everyone would stay employed. It is still the hope of every American employee that the TWA former employees who have been laid off will be hired back. American is committed to hire back former TWA employees before anyone else.

However, the TWA employees took this matter to the National Mediation Board. The National Mediation Board has rendered a decision reinforcing the original agreement. TWA's pilots and flight attendants have appealed. That is their right.

This case is still in litigation. It is completely inappropriate to bog down a wartime appropriations bill with language that would attempt to pit winners and losers in a battle between unions or between any union and management.

This amendment is coming at a time when American's unions are set to vote on the most significant cost restructuring proposal in U.S. history, with $1.8 billion in proposed union concessions. Interference with these negotiations at this time could impact that vote and push the world's largest airline into bankruptcy. Of course, if that happens, everyone at American, not just the former TWA employees, could lose their jobs.

I do sympathize, and I hope very much the little bailout that we are giving the aviation industry, will result in American staying strong and being able to hire back everyone who has had to be laid off. That is the purpose of the bill today.

Regretfully, I must raise a point of order and offer an objection to amendment No. 499 on the grounds that it is legislation on an appropriations bill and thus violates rule 16, paragraph 4 of the Senate rules.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 499 WITHDRAWN

Mr. BOND. Mr. President as cosponsor of this amendment, I ask the amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 500

Mr. BOND. Mr. President, I have discussed this matter with my good friend from Texas, who is very understanding. I believe the sense-of-the-Senate amendment which we have prepared essentially states some of the findings in perhaps less colorful language than I have described but encourages American Airlines, or tells American Airlines to encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved. I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. TALENT, for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 500.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the sense of the Senate regarding procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers)

At the end of title IV, insert the following:

SEC. ____. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a a manner that is fair and equitable for all parties involved.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that a number of Senators want to speak for a brief time on the amendment the Senator from Missouri sent to the desk that is now pending. I ask they be allowed to speak on this amendment but that no action be taken until we have had a chance to review it on our side.

The PRESIDING OFFICER. Is this a unanimous consent request?

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. TALENT. Mr. President, I will speak briefly. First, I commend my friend and colleague from Missouri for his work on this issue for several years and his consistent advocacy for fairness to all the employees of American Airlines. I also express my deep gratitude to our friend and colleague from Texas for how she has worked with us on this amendment and indeed on this whole issue within, of course, the limits of her convictions.

Briefly, this situation is not easy for anyone and I recognize that. I emphasize that there are thousands of people who are in a uniquely difficult situation, people with 10, 15, 20 years seniority with a company. When you get that kind of seniority with a company, you order your life so far as it is job related, on the assumption that unless the company goes down—in this case, stops flying—you are not going to be laid off. You do that in terms of your financial affairs; you get mortgages; you make arrangements with your kids and their college education. Thousands of people worked for TWA for years and years and years and did that.

Then something happened. I don't know what happened; I was not there. The people who were supposed to represent their interests in this process—management, the union, the government—for some reason did not. Their interests were not represented. As a result, they are now facing layoffs contrary to all their expectations.

I support the Senator's sense-of-the-Senate amendment. I hope it means as we continue to represent those interests we will have some chance along the process to get fairness for these people who expect better and deserve better and who have worked so hard in giving so much to this company for so long.

Mrs. HUTCHISON. Mr. President, I certainly support the sense of the Senate. We all want fair treatment. If the aviation industry had stayed viable and we had a good economy, I believe every employee would have maintained their employment status and there would have been more hires. However, we all know the economy is in a very precarious situation. The aviation industry has been hit hard since September 11, particularly American. And they do not want these layoffs. That is the only alternative they have.

I know the first people hired back when business picks up are going to be these employees who have been laid off. I certainly support the sense of the Senate. We all want fair treatment for all of the employees of American Airlines.

Mr. REID. Mr. President, Senator FEINSTEIN has been waiting here all day. She has a speech she wants to give and an amendment to offer. This will not be part of the voting in 45 minutes because she and Senator STEVENS have been in discussions about how to resolve this issue.

If I could have Senator COCHRAN's attention, Senator BYRD is here. You and Senator BREAUX used up all the time on the amendment, the Breaux amendment pending, which we will vote on at quarter to 5. Senator BYRD will ask for up to 15 minutes to speak in favor of the Breaux amendment. We have no objection to that.

Mr. COCHRAN. I have no objection to that request, Mr. President.

Mr. REID. Mr. President, I ask unanimous consent the Senator from California be recognized for up to 15 minutes.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. REID. Following that speech, I ask unanimous consent that Senator BYRD be recognized to speak in favor of the Breaux amendment for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for up to 15 minutes.

Mrs. FEINSTEIN. Mr. President, I was going to call up an amendment about interoperable communications, but the text of our amendment is being worked out by the chairman of the committee and the ranking member. I believe it is going to be successfully worked out, so I would like to say a few words about what I would like to see happen.

This emergency supplemental provides $2 billion through the Office of Domestic Prepareness for State and local governments and first responders for homeland security.

It also states in the Conference Report that $30 million of the $2 billion should go to provide "technical assistance to States for a variety of activities" and mentions "assistance with interoperable communications and equipment" as one such activity.

But nowhere is there a specific earmark for interoperable communications, and none of the $30 million mentioned for "technical asssistance" will go directly to the people who need it most—policemen, firefighters, and emergency assistance personnel.

And even if some fraction of the $30 million does trickle down to public safety first responders, this is simply not enough to make a dent in the problem.

There are, today, about 2.5 million public safety first responders operating in the U.S., located at 18,000 law enforcement agencies, 26,000 fire departments, 6,000 rescue departments, and many other agencies as well.

They have historically depended on their own radio systems, even though sometimes these systems are often incompatible with other agencies with whom they work.

As a result, law enforcement, firefighters, and emergency medical service (EMS) teams can't talk to each other.

For example, while police received a radio message that the World Trade Center was going to collapse on September 11, firefighters never received the message because they use different radios.

A report from the University of New Hampshire-based ATLAS Project states:

> From numerous interviews gathered as part of a fire department inquiry into the events of September 11th, it would appear that non-interoperability was at least partially responsible for the loss of 343 firefighters at the World Trade Center.

According to an article in The New York Times on January 30, 2002, the New York Fire Department's most senior commanders report that:

> they had little reliable radio communications that morning, could not keep track of all of the firefighters who entered the towers and were unable to reach them as the threat of collapse became unmistakeable. . . . So poor were communications that on one side of the trade center complex . . . a city engineer warned officials that the towers were at risk of "imminent collapse." Those he told could not reach the highest-ranking fire chief by radio. A messenger was sent across, dodging flaming debris and falling bodies, to deliver it in person. He arrived with the news less than a minute before the first tower fell.

Let me give some other examples.

Interoperability was also a problem at both the Littleton, Colorado shooting spree at Columbine High School. During that horrific attack, over 2000 students and teachers were effectively held hostage and 15 were killed and 23 wounded.

Forty-six separate agencies responded during the incident. Many of these responders were operating on different emergency radio channels, and in different parts of the radio spectrum. Some operated on VHF frequencies, some on an Ericsson 800 megahertz system, some on an analog 800 megahertz system, and some on a digital 800 megahertz trunked system.

According to an internal report by the Jefferson County Sheriff's Office:

> With such varying systems being used, not only were agencies prevented from communicating directly with each other, but groups with similar functions also could not communicate via radio. Ideally, groups with the same responsibility, such as the various SWAT teams or those officers setting up inner or outer perimeters would have their own channel to use in order to report and obtain vital information about their particular area.

In the aftermath of the Oklahoma City bombing, the Federal, State, and local first responder agencies also couldn't talk to each other.

Things were so bad that agencies resorted to using "runners" to carry messages from one command center to another. To ensure that all agencies were on the same page, these runners often had to run between different agencies repeating the same message.

This is the same method of communication used thousands of years ago by the ancient Greeks and Romans. We all know—Senator BYRD especially—the story from 490 B.C. of the man who ran 26 miles from the plains of Marathon to the city of Athens to report victory in the Battle of Marathon and warn the people in the city of impending attack. In some ways, we are no better off today, 2,500 years later.

It is outrageous that our emergency communications systems can be reduced to levels that existed 2½ millennia ago.

And even if runners are not needed to transit messages physically from agency to agency, lack of interoperability can still spell disaster.

Lack of interoperability always means that precious minutes are lost and lives are put at risk.

The bottom line is that Congress has not provided enough money for interoperable communications—and that means we are needlessly jeopardizing the safety of our public safety first responders and the citizens of our country.

The fiscal year 2003 appropriations bill only provides $45 million in dedicated money for interoperable communications—only $12 million of which is likely to go directly to first responders. Twenty million dollars was given to the COPS program for interoperability, but $8 million of this amount was earmarked for other purposes—$5 million to the National Institute of Standards to develop minimum standards and $3 million for research and development through the National Institute of Justice's Advanced Generation of Interoperability for Law Enforcement—AGILE—program.

Another $25 million was given to FEMA under the Emergency Management Planning and Assistance account. However, my staff has been told that this money will probably go to State emergency management agencies.

There is another $400 million for equipment grants and $750 million for fire grants, but only some of this could be used for interoperable communications. There was only about $50 million set aside specifically for interoperable communications in fiscal year 2002.

And I mentioned earlier, that there is $30 million in the supplemental for "technical assistance" to the States, some of which could be used for interoperable communications.

In my view, providing only $12 million in dedicated money directly for first responders for fiscal year 2003 is simply not enough.

We have talked with the International Chiefs of Police. We have talked with all the national firefighting and first responding organizations. They are all strongly in support of increasing this amount.

I must tell you, I am delighted that both the chairman of the Appropriations Committee and the ranking member have responded, and I am assured there will be added, in the managers' package, an additional amount which will go directly to first responders.

Now, let me make one point. I recently heard from a Los Angeles city councilman, Jack Weiss, about one potential solution. It is a device called ACU–1000, which is also available in a mobile version called the First Responder Vehicle. ACU–1000 is manufactured by JPS Communications, which is owned by Raytheon.

Now, here is how the First Responder Vehicle works: They take an SUV, and fill it with software that converts the different frequencies into a compatible network that allows first responders, using different communication devices, to talk to each other. So a local community, such as one of yours, I say to the Presiding Officer, or one of mine, can purchase this vehicle for $150,000 to $200,000 and thus allow first responders to coordinate using diverse, incompatible communications systems.

A public safety first responder will drive the SUV to an emergency. Then Federal agency, State agencies, local agencies, the National Guard, police officers and firefighters can all talk to one another. This can be done for as little as $150,000 a unit.

While my amendment is for $400 million, I am hopeful that as much as the chairman and the ranking member believe is possible can be appropriated and earmarked for interoperable communications in the supplemental and go directly to these first responding communities.

I also ask that the RECORD reflect that Senator MIKULSKI, Senator DODD, Senator DURBIN, and Senator DAYTON are also very concerned about this issue and that they worked on the amendment with me. I thank them all very much.

The bottom line is that it is easy to solve this problem and that solving the problem is going to save lives. If you are going to protect the homeland, you have to enable those who first respond to a major crisis to be able to communicate.

Once again, I thank the chairman and the ranking member for working with me to include money for interoperable communications in the supplemental. I look forward to this issue being resolved in the manager's package, but I would like to reserve the right, in the event something goes wrong, to call up the amendment.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mrs. FEINSTEIN. I certainly will.

Ms. LANDRIEU. I thank the Senator from California. I particularly thank her for bringing this issue to the attention of the Senate. I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the Governor of Louisiana and a letter from

Louisiana's Department of Public Safety and Corrections. Those documents substantiate the statement outlined by the Senator from California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, March 14, 2003.

Hon. MARY LANDRIEU,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.

DEAR MARY: I am writing to request that the Senate Appropriations Committee report to accompany the Fiscal Year 2004, Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, include language in the Law Enforcement Technology Program account to provide $7 million for one-time equipment costs necessary to upgrade Louisiana's statewide 800 MHz SmartZone public safety communication system.

This system is operated by the Louisiana State Police and utilized by 75 other state and local agencies including numerous sheriffs' departments, the Louisiana National Guard, the U.S. Marshals Service, U.S. Secret Service and U.S. Coast Guard, among others.

The existing 800 MHz system is an analog one, designed over 15 years ago. The existing system has numerous gaps in statewide coverage. Upgrading to the digital system would eliminate statewide communications coverage gaps. The existing system is also limited in terms of communications interoperability. The digital system upgrade would greatly enhance communications interoperability. The requested system upgrade would measurably assist the public safety agencies in Louisiana who provide the bulk of the first responder, investigative follow-up (in case of terrorism, or other manmade disasters) and consequence management efforts in emergency situations.

The move to a digital capable system allows the state to build on the existing MHz infrastructure by reusing a large percentage of the hardware at the existing sites. These sites would be upgraded to allow for digital communications. New sites would be added to enhance coverage for the users. With the capability to add more sites and improve coverage and audio clarity, the ability to interoperate with other public safety agencies would be greatly enhanced, thus providing more agencies the capability of communications during a disaster recovery effort.

The state of Louisiana and local governments have invested approximately $42,500,000 in infrastructure and subscriber units for the statewide system. Your assistance in appropriating the necessary federal funds for the new digital communications upgrade will be greatly appreciated by the state of Louisiana, public safety community and those whom we serve.

Sincerely,

M.J. "MIKE" FOSTER, Jr.,
Governor.

DEPARTMENT OF PUBLIC
SAFETY AND CORRECTIONS,
Baton Rouge, LA, March 18, 2003.

Hon. MARY LANDRIEU,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR LANDRIEU: The Governor of Louisiana, M.J. "Mike" Foster, Jr. has sent a letter to you dated March 14, 2003 requesting that the House Appropriations Committee report to accompany the Fiscal Year 2004, Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, include language in the Law Enforcement Technology Program account to provide $7 million for one-time equipment costs necessary to upgrade Louisiana's statewide 800 MHz SmartZone public safety communication system. In addition, as Deputy Secretary of the Department of Public Safety Services, Superintendent of Louisiana State Police, and as the largest user of this lifeline communications network I am also asking for your support.

This system is operated by the Louisiana State Police and utilized by 75 other state and local agencies including numerous sheriffs' departments, the Louisiana National Guard, the U.S. Marshals Service, U.S. Secret Service and U.S. Coast Guard, among others.

The existing 800 MHz system is an analog one, designed over 15 years ago. The existing system has numerous gaps in statewide coverage. Upgrading to the digital system would eliminate statewide communications coverage gaps. The existing system is also limited in terms of communications interoperability. The digital system upgrade would greatly enhance communications interoperability. The requested system upgrade would measurably assist the public safety agencies in Louisiana who provide the bulk of the first responder, investigate follow-up (in case of terrorism, or other manmade disasters) and consequence management efforts in emergency situations.

The move to a digital capable system allows the State to build on the existing 800 MHz infrastructure by reusing a large percentage of the hardware at the existing sites. These sites would be upgraded to allow for digital communications. New sites would be added to enhance coverage for the users. With the capability to add more sites, improve coverage and audio clarity the ability to interoperate with other public safety agencies would be greatly enhanced thus providing more agencies the capability of communications during a disaster recovery effort.

As mentioned in the Governor's letter the State of Louisiana and local governments have invested approximately $42,500,000 in infrastructure and subscriber units for the statewide system. Your assistance in appropriating the necessary federal funds for the new digital communications upgrade will be greatly appreciated by the State of Louisiana, public safety community and those whom we serve.

Sincerely,

COL. TERRY C. LANDRY,
Deputy Secretary/Superintendent.

Ms. LANDRIEU. Mr. President, the Senator from California is absolutely correct, that even with the finest training, law enforcement, on the ground—and of which they are doing a better job every day—as they step up their training to address these new threats, all of that training is for naught if they cannot communicate with each other. There are some real challenges in our communication ability.

The Senator is absolutely correct, with just a small investment, the current communications systems could be made more operable.

I conclude by saying to the Senator from California that this was one of the first requests asked of the Mayor of DC and the city council here as they experienced the attack on September 11. It has been on the top of the list of law enforcement from Louisiana.

I am pleased to join her as a cosponsor. I thank her for her leadership.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Louisiana. I appreciate that. I was a mayor for 9 years. I required all of the departments to have portable radios. Every Monday we would test their radio systems at 7:30 because, in the event of an earthquake, at that time there was no other way for all the city departments to talk to one another except over a radio system. So I know firsthand the importance of interoperable communications.

I appreciate the comments. Thank you very much.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I remind Senators we are going to come up on a series of votes soon. This bill is a bill the President asked us to move quickly on to provide moneys for the ongoing events in Iraq and Afghanistan and the war on terrorism. We are now being besieged by amendments for homeland security. As a matter of fact, we have been besieged by homeland security amendments as long as I can remember.

The problem is, apparently there is an assumption here on the floor that the Federal Government is responsible for every single dime spent by any city or county or State in the interest of security. I always thought this was a mutual security society, and the cities and States and counties did what all they could do, and we would follow up and do the balance. Now it seems we are getting to the point where we are asked to provide each city, each State, each county with the full cost, not only of their systems for security against terrorism, but for their overtime.

I again ask the Senate, how much overtime are the people out in the desert in Iraq getting? How much overtime are the people right here on the floor, who are going to be working late tonight, getting? And they are going to be working over the weekend. It is high time people realized, I will not support financing every city, every town, every county, every State for every dime they say they need for homeland security. I think we should wake up. There is just so much that can be put on the Federal taxpayer.

We are running an enormous deficit. On the one hand, my colleagues on that side of the aisle are beating on this President every day for a deficit, yet there isn't one amendment here that doesn't go billions above the request the President made. What for? For war. Not for homeland security. There is a very small amount for homeland security. It was associated with moneys that were necessary to prosecute the war.

Now we are going to the total concept of homeland security, whatever it may be. Politically it may be good. I expect to read about these in 2004 in every single spot combating anyone over here who voted with me to table these amendments. I hope the American public wakes up to what is going on. I don't think the average person working for wages expects their money they pay into the Treasury is going to be used to pay overtime money in every city, every State, every village in this country.

When I inquired about several of these amounts, I was told they were to pay overtime. We have not accepted those amendments. We will continue to oppose them. Any campaign I hear about in 2004 where any of our people are attacked for votes made here, I will pay my own expense and go defend them. I will defend them and tell the American public what is right.

Everyone ought to be part of homeland security. There ought to be volunteerism. There should be people paid by the cities, by the counties, by the States, and by the Federal Government. We are providing the money for the Federal people. This bill is full of money to pay those who are in Federal employment to increase the level of homeland security. But what we are hearing now is that every city wants more. Every State wants more. It is time we realize we ought to have a debate about this in terms of what is the Federal policy.

I remember we used to have debates about federalism and what it means. It doesn't mean the Federal taxpayer pays every dime everyone wants in order to get ready for a potential terrorist attack. I have said this before. I had one mayor from a very small village in my State ask me to help him to get a new fire truck for homeland security. When I looked into it, I found out they didn't have a fire station. As a matter of fact, most of the roads weren't paved. This concept that everybody is going to get part of the money we put up for homeland security, I believe, is wrong.

As we vote, I hope the Members on my side stand up and be counted in terms of protecting this bill that the President wants. I keep hearing we have a war going on. Well, I see three wars out there, and I don't know how long any one of them is going to go.

The President deserves our support. Our people in uniform deserve our support, and the people fighting in Iraq are not the primary concern of homeland security. This bill is. This is a bill for supplemental assistance for national defense and a very small amount for homeland defense—$4.6 billion out of almost $78 billion. Yet we are spending most of our time on the floor debating adding to the $4.6 billion. I hope that does not go on much longer. As a matter of fact, it isn't going to go on much longer because I am not going to continue to accept amendments that are directed toward just beefing up homeland security for political purposes. I accepted the amendment of the Senator from Florida when he cut it down to five-sevenths of what he wanted, and we fund it after the balance of this year.

PFC JESSICA LYNCH

This gets to the point where I would like to talk about something else for a minute. I mentioned before today that I read in this morning's paper the tremendous story of one of our brave young soldiers, PFC Jessica Lynch. I asked my staff to look up more about her.

As we all know from reading the papers, she is 19 years old. She is a supply clerk with the Army's 507th Ordnance Maintenance Company supporting the 3rd Infantry Division advancing toward Baghdad. I am sure Senator BYRD knows that PFC Lynch is from Palestine, WV. I know he joins me in recognizing this brave young woman.

I remember so well standing on the floor of the Senate years ago, when we had the draft, urging that we extend the draft so it covered everybody who was 19, male and female. That was defeated. People thought that young women should not be in combat at all. This young woman shows what happens when a brave, young American woman is in combat.

She was taken captive, as we all know, by Iraqi forces on March 23, after her company was ambushed near the southern city of Nasiriyah. She was rescued Tuesday from an Iraqi hospital after 8 days in captivity. It was obvious that the hotel had been used as a military command post. She suffered two broken legs, a broken arm, and at least one gunshot wound during her ordeal. They found her at her position and the magazine on her gun was empty. Most of the people in her detail had been killed. She survived.

I think this is a tremendous example of the young people who are involved in this war. She is the first POW to be rescued since World War II, Mr. President. I believe it is something I would like the Senate to think about for a moment. We commend the outstanding work of our Special Forces and the other units involved in the joint operation, including Marines and Army Rangers, who rescued this young woman. I think their efforts are a demonstration of our military's commitment to never leave a soldier behind.

We have invested a great deal in the Special Forces. Just recently, I flew to Tampa and visited with Special Forces Command. We will continue to rely on their expertise. This recent success is proof that our investment is paying dividends in saving American lives, and it demonstrates the critical need of Congress to continue to support America's Special Forces and to support this bill and get this bill to the President as soon as possible.

Above all, I want to commend Jessica Lynch for her commitment to this country, her patriotism, her courage, and to thank her for her outstanding service.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. REID. Mr. President, we all know the President pro tempore of the Senate, the manager of this bill, is one of the great legislators in the history of this body. We also believe we have been acting responsibly on this side of the aisle during the last 2 days. We have been admonished for 2 weeks now by the Democratic leader that we must finish the bill this week.

We have tried to be responsible with the amendments we have offered. We have negotiated with the Senator from Alaska and his staff in good faith, and we have been able to work out some very big amendments, I think, to the betterment of this country.

We have not tried in any way to alter the financial package that is going to the President that relates to the military. I have told the Senator from Alaska, and anyone else who would listen, that I am grateful he was able to put in the bill something that will help bolster the airline industry in this country, which badly needs help.

But we also believe on this side of the aisle—and I personally support all $9 billion that the President has put in this bill for foreign aid—that if we can get $9 billion for foreign aid, we can reexamine what is being done for homeland security, and that is in effect what we are doing—reexamining what is taking place in the bill relating to homeland security.

So the Democratic leader and all the Senators on this side of the aisle are committed to finishing the bill tonight. We understand the importance of it. Nobody should criticize any of the amendments that we have filed. They have been responsible, targeted, and they are not political in nature. They are responsible in nature.

Before I yield the floor, the Senator from Mississippi is here. It is my understanding that we are going to have a vote in about 7 minutes. The Senator from Louisiana has an amendment to offer that has been worked out on the other side. I think it would be to everyone's advantage that we go to her until the vote. There will not be a vote required on her amendment.

Mr. COCHRAN. Mr. President, I don't have first-hand knowledge of the agreement with respect to the Senator's amendment. I assume this is the Merchant Marine amendment.

Ms. LANDRIEU. Yes.

Mr. COCHRAN. I have no objection to her proceeding until we vote at 4:45.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before I send my amendment to the desk, I want to take a point of personal privilege and comment on the remarks made by the Senator from Alaska and tell him how much I and many women and many men appreciate them. They were heartfelt and they were right on target, and they were sincere, and they were very meaningful on this day, as we all read about the extraordinary event of the last 48 hours in which this young soldier was rescued and returned safely to her unit and will be, ultimately, to her family.

As the first Democratic woman to ever serve on the Armed Services Committee in the Senate, following in the footsteps of Margaret Chase Smith; the Senators from Maine, Ms. SNOWE and Ms. COLLINS, I am particularly appreciative of the support of the Senator from Alaska and other members who have, year after year, argued—and I think successfully, as the record will show—that women can most certainly make extraordinary contributions to the strength of our military in many different ways. We have all been proud as we have watched the level of contribution grow over time and, most certainly as this war unfolds before our eyes, we are reminded again of the continued bravery and skill and expertise of the women who are serving at the highest levels of our military and challenging the notions that women can serve but not on the front lines, or women can serve but not in this capacity, that women can serve but not here. I think those glass ceilings are shattering, and women are showing themselves to be, as we all know, the brave and courageous individuals who help us strengthen our military and strengthen every aspect of our national life.

I thank the Senator for his comments and for his leadership and add my own voice to the progress we are making on that issue.

AMENDMENT NO. 504

Ms. LANDRIEU. Mr. President, I send an amendment to the desk and ask for its immediate consideration and a vote on it at whatever time the managers believe will be convenient.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Ms. MIKULSKI, proposes an amendment numbered 504.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make applicable provisions of law requiring the use of privately owned United States flag commercial vessels for the transportation of U.S. Aid and other materials)

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law:

(1) Sections 2631 and 2531a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

Ms. LANDRIEU. Mr. President, I understand this amendment has been agreed to on both sides. I brought this issue up in committee and was asked specifically by the leadership to wait until the bill was before the Senate to discuss it. I understand the amendment has already been worked out.

It is an amendment that merely restates current law regarding the merchant marines. There is in this bill a very broad waiver that the President may furnish assistance under this heading, notwithstanding any provision of law, dealing with provision of aid, cargo, and supplies that we are sending to Iraq. I do not think it is the intention of the President to use this broad waiver to diminish or to circumvent current law regarding the merchant marines which would, of course, have the effect of giving a preference, and rightly so, to vessels sailing under the American flag with American crews.

As you understand and as the Senate is well aware, in the drafting of this amendment, there is an exception in the event of an emergency; there is an exception in the event that the particular cargo could be shipped at a less expensive price if the rates are not competitive. All four sections of the law that we cite in our amendment have national security waivers.

The cargo preference is only 50 percent, which gives the President the flexibility he needs in the event that a foreign carrier is necessary, and with DOD cargo, the President can also look at cost, as I said, to ensure that fair and reasonable rates are being charged.

I hope this amendment that Senator MIKULSKI and I offer for the consideration of the Senate will be accepted. It is very important for many reasons to support our merchant marines, particularly at a time when American taxpayers have really stepped up to the plate in their support of this war effort and will pick up a huge share of the reconstruction of Iraq. It only makes sense that we also extend and restate in this supplemental appropriation our intention not to waive, unless absolutely necessary, the current law regarding cargo shipments in this time of war and also post conflict.

At the appropriate time, I will ask for either a vote or the proper disposition of this amendment. It is very important to many Members of the Senate but is something that can be supported in a bipartisan way.

In additional support of this amendment, it does not cost anything. I know there are Members who say every amendment that has come to the floor has added money to the bill. This does not add any money to the bill. It is not offered to attempt to slow down the bill. It is simply offered to make sure that our merchant marines and the laws governing flags, the vessels, and the crews of the ships that will be carrying a lot of this cargo follow the law as it is today and only grant the waiver to the President and give him broad flexibility under certain guidelines unless there is an emergency or cost is involved.

At the appropriate time, I will ask for a vote.

Mr. STEVENS. Regular order.

AMENDMENT NO. 494

The PRESIDING OFFICER. The regular order is the vote on the motion to table the Breaux amendment No. 494.

Mr. COCHRAN. The yeas and nays have been ordered, I think, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to table amendment No. 494. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter

Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Inouye
Kerry

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

Mr. FRIST. Mr. President, it is 5:20 now, and I want to update Members where we are pending the supplemental appropriations bill.

The chairman has been here throughout the day working on amendments. We have made outstanding progress, if you take yesterday and today. We have had some amendments agreed to by voice vote. Some have been withdrawn and, as you know, we have had a number of rollcall votes.

I do want to ask our Members, as much as possible, to show restraint and not feel compelled to offer every single amendment. I believe every Member in this body does understand the urgency, that it is absolutely imperative we pass this bill. It is an emergency bill. It is an emergency supplemental bill. We need to do it in a responsible way. And we need to do it expeditiously.

I once again ask for the cooperation of all Members in allowing us to move forward on this bill, which we will do, so we can keep moving in a progressively advancing way and finish this bill this evening.

We are going to stay in session until we finish this bill tonight. We will stay in as late as it takes to get this bill through to final passage. I hope it will not necessitate being here for hours and hours and hours, but it means we, as a body, must look at the individual amendments, come forward with some restraint, and understand the importance of finishing this bill in a responsible but expeditious way.

I do want to be clear that Senators should be prepared to be here until we have final passage sometime tonight.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have asked Members to stay who have amendments they might wish to consider. If the Senator from Nevada is prepared, we could go through some of those and see what the time constraints may be in getting the bill finished tonight.

Mr. REID. Mr. President, I am in the process of working. During the vote, I was not able to contact everyone. If we could go to the next amendment, it would be better in a few minutes from now.

We have been able to work quite well with Members who have offered amendments, amendments that others have offered. We still have a number of amendments Senators want to offer. I could go over those now if the Senator wanted. We are down to about half a dozen amendments over here.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have spoken to the manager of the bill. The ranking member of the Appropriations Committee has an amendment to offer. He has agreed to have a time agreement. Would 30 minutes equally divided be appropriate or 40 minutes equally divided?

Mr. BYRD. Forty.

Mr. REID. I ask unanimous consent that the Senator from West Virginia be allowed to proceed with his amendment and that there be 40 minutes equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 508

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 508.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the prerogatives of the Congress in the allocation of homeland security funding)

On page 36, Line 9, strike all through the "." on page 36, line 25 and insert the following:

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $160,000,000, to remain available until December 31, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative and not less than $125,000,000, shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, $452,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $147,000,000 shall be for shortfalls pursuant to Public Law 108-10, including port security grants, nuclear detection and monitoring equipment, and truck and intercity bus grants not less than $55,000,000 shall be for installation design, installation, and FAA certification of a system to defend commercial airliners against portable, infrared, heat-seeking missiles, not less than $100,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for "Office for Domestic Preparedness," $300,000,000, to remain available until December 31, 2003, of which $100,000,000 shall be for "Emergency Management Planning and Assistance," to improve communications within and among first responders including law enforcement, firefighters, and emergency medical services personnel, and $200,000,000 shall be for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $73,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", $40,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

DEPARTMENTAL MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund," for necessary expenses as determined by the Secretary of

Homeland Security, $105,000,000, to remain available until December 31, 2003, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds: *Provided Further:* That of the total amount provided, $20,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Federal payment for emergency planning and security costs in the District of Columbia" appropriations account within thirty days of enactment of this Act, for a Federal payment to the District of Columbia for critical infrastructure protection, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, provided that the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act, and provided that the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003: *Provided Further:* That of the total amount provided, $10,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Operation of the National Park System" appropriations account within the National Park Service in the Department of the Interior within thirty days of enactment of this Act, for expenses related to enhanced security at nationally significant facilities.

Mr. REID. Mr. President, if I could direct a question to the Senator from West Virginia, I forgot that the Senator from Louisiana has been here all day. She has 5 minutes on an amendment that is agreed upon. There would be no vote on it. I apologize because it is my fault totally. Would the Senator from West Virginia allow the Senator from Louisiana to proceed for up to 4 minutes?

Mr. BYRD. Absolutely.

Mr. REID. I ask unanimous consent that the Byrd amendment be temporarily set aside and that the Senator from Louisiana be allowed to offer her amendment and to speak up to 4 minutes and then we would return to the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 504, AS MODIFIED

Ms. LANDRIEU. Mr. President, I send my amendment to the desk with a modification suggested by Senator STEVENS.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 504), as modified, is as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

Ms. LANDRIEU. I thank the Senator from West Virginia for yielding for a few moments because I understand this amendment has been worked out.

This amendment simply clarifies the underlying bill. It doesn't add a penny to the bill. It seeks to clarify the waiver given to the President that will mirror the current law regarding U.S. flagships. It doesn't add any new legislation to the law. It simply clarifies the general waiver provisions in the supplemental provision, that the same law in effect today will remain in effect for the Military Cargo Preference Act. I understand it has been agreed to. I submit the amendment for consideration.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 508

Mr. BYRD. Mr. President, I sent to the desk an amendment and I asked unanimous consent that further reading be dispensed with, which was granted.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. HOLLINGS be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on March 25, 2003, the President sent to Congress a $74.7 billion supplemental appropriations request for "urgent and essential requirements" for the costs of Operation Iraqi Freedom and for the global war on terrorism. In his request, the President sought an unprecedented level of flexibility in the use of those funds. This request was not only for the Secretary of Defense for the prosecution of the war in Iraq but also for the Secretary of Homeland Security and for the Attorney General.

While I understand the unique circumstance in which the Nation finds itself, the situation is not entirely without precedent. We have been at war before. We have faced earthquakes and we have faced floods before. We have faced economic crises before. But the need to confront a crisis in a thoughtful or nimble way does not mandate that the Congress allow the executive branch to usurp its constitutional duties.

The Constitution grants to the Congress the authority to appropriate funds and the responsibility to use that authority to make careful choices. Yet the President has asked the Congress to hand over its responsibility to the executive branch. The bill that is before the Senate includes $1.135 billion to be parceled out by the Secretary of Homeland Security for whatever purpose he believes is most appropriate. So will he use that authority to support the Coast Guard? Will he use that authority for border security or for port security? Will he give the money to States or to localities? Will he give it to first responders—police, fire, or emergency medical personnel in our communities? Or will he use it to build up a new bureaucracy?

These are questions to which Congress should be seeking the answers. Congress itself must guard its prerogative and resist succumbing to expediency and to political partisanship.

While I fully support the funding in this legislation for the men and the women who are engaged in battle in Iraq, I do not support additional grants of authority to this administration, or to any other administration, that would infringe upon the congressional power of the purse.

Senator STEVENS and I, together with the subcommittee chairmen and ranking members, have worked, in most cases, to improve the President's supplemental budget request. We have eliminated or reduced the sweeping grants of new authority requested by this administration, while still providing some very limited flexibility where appropriate.

However, with regard to this unallocated fund for the Secretary of Homeland Security, we have not adequately protected the prerogatives of the Congress, nor have we done enough to protect our homeland. Time and again, the White House has argued that funding for securing our homeland can wait. When the Senate debated legislation to increase funding for homeland security just 2 months after the September 11 attacks, we tried to add money for homeland security, but the President said let's wait—let's wait until 2002. Then, in 2002, the Congress approved a $2.5 billion supplemental for first responders, for port security, border security, aviation security, and nuclear security, and the President refused to spend it. He claimed that homeland security could wait until 2003. Now it is 2003 and Senators on the other side of the aisle—some of them—are saying we are half way through the fiscal year; so let's wait until 2004. Well, I must ask the Senate, in the name of the people whom we represent, when will it be time to invest in securing our homeland? How much longer must we wait?

The President proposes to put more than $1 billion in a fund for homeland security, but he does not tell us what the money will be used for. He does not tell us which agencies have requested funding. He provides us with no evaluations of those requests. He does not tell us when the money will be spent. For all we know, he may take the rest of this year to decide how the money will be spent so that he can reduce his spending request for fiscal year 2004. But who knows, he may just tell us that homeland security spending can wait until 2005.

How can I reconcile this desire to wait, wait, wait, with the fact that the Secretary of Homeland Security has said that more terrorist attacks are inevitable and the threat of further attacks is a long-term threat to our Nation? I simply cannot reconcile his statements with the policies of this administration. This threat of terrorist attack will not end at the end of this war.

So today, here is an amendment that does not add one thin dime to the bill. Instead, this amendment does what the Constitution—which we all swore to support and defend—compels us to do. This amendment makes choices. Last year, the Senate Appropriations Committee held 5 days of bipartisan hearings on homeland security. It was an excellent series of hearings where we heard from Governors, mayors, first responders, six cabinet officers, the Attorney General, and the Administrator of FEMA. In those hearings, we identified numerous gaps in our security. Based on those hearings and numerous reports, such as the nonpartisan Rudman-Hart report, my amendment, which I offered together with Senator HOLLINGS, allocates the $1.135 billion contained in the committee bill for specific programs.

More than $365 million would fund critical improvements at our seaports. Six million containers enter into the United States each year through our ports and very little is known about the contents of these containers or their shippers. There is no national system in place to track who is working within our own ports. This funding would begin to develop that system.

The amendment would also pay for the installation of monitors at seaports to detect radiological, nuclear, chemical, biological substances, and weapons of mass destruction, without disturbing cargo. Additional equipment would expedite the inspection process. At the same time, we invest in port security teams and in other quick-response efforts should a terrorist strike at one of the Nation's seaports. We provide $150 million for mass transit and rail security. Transit systems throughout the world have historically been a top transportation target of terrorists. They are, by their nature, open systems used by a vast number of people and are very vulnerable to attack.

With the exception of the Metro in the District of Columbia region, no money to date has been provided to our Nation's transit system to enhance security and reduce the vulnerability of these systems.

Under the amendment, the Transportation Security Administration will receive $147 million for aviation security, while $55 million is directed toward the effort to find ways to protect commercial airplanes from missile attack.

Another key part of this amendment is the $100 million directed toward interoperable communications equipment for police and fire departments. First responders need equipment that allows them to communicate with each other regardless of the team, the squadron, or the department to which they belong.

Finally, there is funding totaling $75 million for the Secretary of Homeland Security to use for responding to unanticipated problems. The Secretary could draw on this fund by notifying the Congress 15 days in advance of spending the money. Mind you, this is no small sum. This is $75 million.

This Congress can make intelligent choices and this Congress should make intelligent choices about how to use the taxpayers' dollars. We should not abrogate that responsibility by handing it off to unelected officials in Washington.

I urge Members to support this amendment. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume under the order.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COCHRAN. Mr. President, this amendment is a modified version of the amendment the Senate just acted on a little while ago offered by the Senator from Louisiana, Mr. BREAUX. That amendment was tabled by the Senate. This amendment would strike the appropriations provided in the committee bill of $1.135 billion for the Department of Homeland Security Counterterrorism Fund and replace it with specific supplemental appropriations for various Department of Homeland Security accounts. It includes a number of specific earmarks and proposals that have been included in other amendments that have been offered to this bill but have been either tabled or defeated.

These additional amounts have no direct relationship to additional costs borne by the agencies as a result of heightened security related to the Iraqi war as part of Operation Liberty Shield.

For example, this amendment proposes to add an additional $160 million for the Customs and Border Protection account. Of this amount, $35 million is proposed for the Container Security Initiative. That is nearly three times the fiscal year 2003 regular appropriations level of $12 million; and $125 million for radiation portal monitors and other equipment, over two times the regular fiscal year 2003 appropriation level of $45.7 million.

It does not seem to me to make good sense to add these amounts of money at this time to a supplemental of immediate need to pay costs related to the war and Operation Liberty Shield.

We are 8 months into this fiscal year. The amendment proposes an additional $452 million in supplemental appropriations for the Transportation Security Administration. It includes $100 million for port security grants when the fiscal year 2002 funds have not been completely awarded. Ninety million dollars in 2002 funds have been rewarded, and $105 million in applications are being currently examined, and there is another $150 million in 2003 appropriations.

It also includes the $55 million proposed by the amendment offered by the Senator from California, Mrs. BOXER, which the Senate already tabled earlier today. This amendment being presented to the Senate now is a proposal that we have already rejected.

The amendment proposes $5 million for the Federal Law Enforcement Training Center. This is more than double any supplemental funding requirements identified to us by the agency. We have asked the center what they need to meet their responsibilities. We tried to find out what the requirements are and to make this bill coincide with those requirements. We are not talking about a full fiscal year, we are talking about the balance of this fiscal year, this supplemental appropriations.

This amendment proposes an additional $300 million on top of the $2 billion recommended separately in the bill for the Office for Domestic Preparedness. Listen to this: For the Coast Guard, it adds an additional $73 million. This is on top of $580 million provided separately in this bill for the Coast Guard costs related to Operation Iraqi Freedom and Operation Liberty Shield. Of that amount, $42 million is for port security assessments, when the highest estimate we know of to complete this is $37.8 million. Another $7 million is for the purchase of radiation detection equipment which is currently under study. Specifically, the Coast Guard is studying what the cost to purchase this equipment will be. So it is difficult to determine the funding required until that study is complete.

Further, the amendment proposes $40 million in supplemental funds to implement the Automated Identification System and other tracking systems when only $4 million is proposed for fiscal year 2004.

Think about that: This supplemental amendment proposes $40 million in supplemental funds for something when only $4 million is proposed for fiscal year 2004.

Finally, it proposes $105 million for the Counterterrorism Fund and specifies the transfer of these funds to other Federal agencies rather than proposing to appropriate these funds directly to those agencies—$20 million to the District of Columbia, $10 million to the National Park Service.

My position is the same on this amendment as it was on the Breaux amendment which the Senate tabled. We have carefully examined the proposal from the administration for supplemental funding. The request was submitted to our committee. We had hearings. We had opportunities to talk with the agencies that are going to be spending these funds. We have made a concerted effort to find out what the needs are and to respond to those needs in this supplemental appropriations bill.

We might be wrong, but we are certainly not coming in and disregarding the needs of the agencies and throwing money out here and pretending that is going to solve all the problems at a time when we are concerned about the deficit, people are worried about our economy, we are trying to be sure we do not make decisions that make it harder to create new jobs and return good health to the economy.

We are under a lot of pressure from the added costs for the war in Iraq. We know that. We are under a lot of pressure for the added costs to defend our cities and localities against terrorist attacks. It is a big challenge to do what is right and to make the best judgments on these subjects. But I can assure the Senate that a concerted effort and a very thoughtful effort has gone into the development of the funding levels in the bill before the Senate. I am prepared to defend it and to not apologize for the amounts we put in here because it reflects a good-faith effort to do what is right.

I urge the Senate to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Will the Senator yield me 3 minutes?

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I yield.

Mr. HOLLINGS. There is no one I admire more than my distinguished colleague from Mississippi, Senator COCHRAN, but he is off base. The father of homeland security studied it way better than Governor Ridge. We have been holding the hearings on all of these things, and you can see they have no idea what is going on in that so-called Department of Homeland Security.

We brought the Attorney General up, and he said: Well, the Office of Domestic Preparedness is transferred over. Then you go, by gosh, to the homeland security people, and you cannot find the money.

What the ranking member for homeland security is doing is bringing together all the chaos. We are the ones having the Coast Guard hearings for 30-some years up here. We are the ones who have been handling the Office of Domestic Preparedness. We are the ones who have been knowing the needs.

This does not add a red penny but says here is how these needs should be responded to and it is an emergency.

I commend the distinguished Senator from West Virginia for his particular amendment. He is trying to do the right thing. He is being charged with doing the wrong thing. It is the same thing as the Breaux amendment.

I remember one time they told me I had an impediment in my speech, and I asked: What was that? They said: The trouble with you, Senator, is that you can't listen.

The trouble with my friends on the other side is they didn't listen to the Breaux amendment.

Now we are getting it clearer with the amendment of the Senator from West Virginia.

Mr. BYRD. I thank my friend from South Carolina. He is a good listener. As far as I am concerned, he does not have any impediment in his speech.

The Constitution invests the power of the purse, the control of the purse, here, in Congress, section 9, article I, of the Constitution. The Constitution does not say anything about letting some bureaucrat downtown—we all appreciate the fact we have to have bureaucrats, but nowhere do I swear it is important to defend the Department of Homeland Security when it comes to the allocation of the taxpayers' money.

We are doing what we ought to do here. We are saying these funds are the taxpayers' money; Congress shall determine how they will be spent. Why should we turn over $1.3 billion to a Department and say to that Department head: You take it? That Department head does not appear on the ballot anywhere. He may have in times past. He was a good Governor, I suppose. I have a lot of respect for him. But nowhere does he appear before the elected representatives, before the electors in the various States. And we do. We have a responsibility to say where this money will be spent.

We had hearings, as Senator HOLLINGS has so ably pointed out. We had extensive hearings. We had six Department heads, we had the Attorney General, we had the Director of Homeland Security, we had mayors, we had Governors, we had local responders, we had firemen, we had policemen, we had emergency health personnel before the Appropriations Committee. Those hearings were well attended by Members on both sides of the aisle. My distinguished friend from Mississippi was there.

We then reported out bills based on the hearings and the facts that were gleaned from those painstaking hearings, and in a great way that work was for naught.

But here we are, we come back, and we are trying to say yes, we will respond, Mr. President. We will appropriate this money, but we are not just going to turn over a blank check to the Department of Homeland Security. That agency head—I have a lot of respect for him, as I say, but he was not allowed to come before our committee during those hearings. He was not allowed by this President. This President said, no, no, Mr. Ridge shall not appear before the Senate Appropriations Committee.

Now are we willing to turn it over to Mr. Ridge and say: Here it is, lock, stock and barrel, the whole kit and caboodle; you have it; we will spend it; we will set ourselves aside. I am not willing to do that, I say with great respect to my friend from Mississippi, and he is my friend. We have a responsibility to say where this money is going to be spent, how it will be spent. We ought to live up to that responsibility.

I hope Senators vote for the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is with some trepidation that I oppose the amendment of the Senator from West Virginia because I have enjoyed working with him on this committee and in the Senate for a long time.

There may very well be provisions in this amendment he offers that should be seriously considered for inclusion in the fiscal year 2004 appropriations bill.

Right now, we are having hearings in the various subcommittees of Appropriations looking at the budget requests for 2004. Every committee is involved in that process, every subcommittee is involved in that process. But this is an appropriations bill that is targeted to the needs that are arising from Operation Iraqi Freedom and Operation Liberty Shield, the functions of the Department of Defense and the Department of Homeland Security.

It is a very narrow and limited area that we are concentrating our attention on right now. Some of these programs are hard to estimate in terms of what is really needed for the remainder of this fiscal year in addition to the funds that have already been appropriated in the regular appropriations bills for the Department of Defense and Department of Homeland Security.

But the President submitted this request, asked for the funds to finish out this fiscal year. We know we can add funds and probably use them later on, but this is not the last bill we will consider during this calendar year, that funds these Departments and these activities. We have the 2004 bill coming up after the supplemental appropriation. I ask Senators to take that into account. If we have underfunded anything as a result of mistakes made, we can make up those shortfalls in the year 2004, but right now this is what the administration says they need.

I am not the Secretary of the Department of Homeland Security. I have not devoted all of my personal attention to that job as has Secretary Ridge. The President and his other staff members and the executive branch have. We have to respect their right to participate in this process. Just because we think we can improve upon what they have suggested by adding funds to these accounts—even funds that have been considered and rejected today by the Senate—let's vote on it again.

This amendment contains a lot of things that have already been considered today and rejected by this Senate. So think about that, as well.

I don't think I need to take up any more time. I am prepared to yield back my time. I do yield back the time on this side. When the Senator has used all his time, it would be my intention to move to table the amendment.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 4½ minutes.

Mr. BYRD. Mr. President, my friend from Mississippi says the folks downtown want to participate. They did not want to participate last year when we asked the Secretary of Homeland Security—who is now the Secretary of Homeland Security—to appear. The President did not want to participate then. The President said: No, he shall not go up before that committee.

So I say, Mr. President, once again, this administration is simply asking for too much authority. They want to participate? Well, this is not the first time administrations have wanted to participate. Under this Constitution, Congress has the power to appropriate funds. I say that Congress has not only the right, it has the responsibility to state how those funds shall be spent. We should not turn over the whole kit and caboodle to some unelected somebody down there, who will be the Secretary of Homeland Security. We transfer our responsibilities, we hand off our duties when we do that.

This is an effort to stand by our constitutional duties, to stand by the taxpayers of the country who provide the money. This is our responsibility. We should say where these moneys will be spent, and we are doing that based on the testimony that was given to the Appropriations Committee last year. That is where we are getting our information.

What is wrong with that? Why do Senators want to quarrel with that? It is the responsibility of Senators, I say to the distinguished Senator from Texas who is in the Chair. He shares that responsibility with the Senator from West Virginia and the Senator from North Carolina and the Senator from Mississippi. That is our responsibility. Why do we want to hand it over to some bureaucrat who is not elected by the people, who doesn't have to stand before the bar of judgment as we Senators do? Why do we want to hand that over to the administration? Just because the administration wants to have it?

This administration, time and time again, has turned the back of its hand to Congress when Congress has made appropriations for homeland security—time and time again. We appropriated $2.5 billion last year, designated as an emergency, and that money would be out there in the hands of the local responders right today if this President hadn't turned the back of his hand on that and said: No, I refuse to attach my signature designating that as an emergency.

So, there you have it. That is talk versus action.

Mr. President, I hope Senators will support this amendment.

Read the Constitution once again if need be, but take my word for it, that is in the Constitution.

I hope Senators will stand up for the Constitution, stand up for the taxpayers. See, those taxpayers are looking right at us through those electronic lenses there. I say support this amendment.

I yield the remainder of my time.

Mr. COCHRAN. Mr. President, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. I understand there are discussions with the acting leader on the other side. Senator HOLLINGS has a sense-of-the-Senate amendment dealing with taxes that we could take up now and have a debate on it and have a vote in relation to that amendment that would follow immediately after the vote on the Byrd amendment. I will be happy to yield to the Senator.

Mr. REID. If the Senator will yield, Senator STEVENS has indicated it has been cleared by both leaders that we could have a vote around 6:30.

I ask unanimous consent, in keeping with the remarks of the Senator from Mississippi, that we have a vote in relation to the Byrd amendment at the expiration of 20 minutes for the Senator from South Carolina, and 10 minutes for the Senator from Mississippi, and that there be no second-degree amendments. Following that, there would be a motion on or in relation to the Hollings amendment, there would be no second-degree amendments ordered, and we would vote on that following the disposition of the Byrd amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. That is satisfactory with this side.

The PRESIDING OFFICER. It is so ordered.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the present amendment be set aside temporarily so I can call this amendment up.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 479

Mr. HOLLINGS. I call up the amendment and ask the clerk to report the sense of the Senate.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 479.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To instruct the President to submit a bill raising revenues to offset the costs of this supplemental appropriations bill)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON PAYING THE COSTS OF THE WAR WITH IRAQ.

It is the sense of the Senate that—

(1) the President should submit a proposal to the Committee on Finance to raise sufficient revenues to offset the funds spent in this supplemental appropriations Act for the war in Iraq;

(2) the President should submit this proposal not later than 60 days after the date of enactment of this Act; and

(3) if the President does not submit such a proposal, the Committee on Finance should put forward its own proposal to offset the funds spent in this supplemental appropriations Act for the war in Iraq.

Mr. HOLLINGS. Mr. President, right to the point, the comment was made just a minute ago about taxes. I wish I could introduce a tax measure because I introduced one way back in January to pay for the war. The reason I rise now with a sense of the Senate is because under the rules, any revenue measure should arise in the House of Representatives. So I am asking that we have at least a sense of the Senate to break this syndrome of not paying for anything.

A minute ago our distinguished colleague handling the bill said, "We are concerned." They are not a bit concerned about deficits, I can tell you that. We spent a half trillion dollars last year we didn't pay for. Under the President's budget we just passed—another half a trillion dollars in deficits this year. And the President projects to spend nearly $600 billion next year, unpaid for. The particular budget we just passed increases the debt, the national debt, from approximately $6 trillion to $12 trillion. We double the debt in the next 10 years and we are going merrily along, not paying for anything.

We all say the Pledge of Allegiance. We run around with our flags in our lapels. We all have a moment of silence for the troops in Iraq. It is a sincere demonstration. But then you have to question the sincerity when we will not pay for anything.

We are sending that GI into Iraq, and we are saying we hope you don't get killed. And the reason we hope you don't get killed is we want you to hurry back so we can give you the bill. We aren't going to pay for it.

What we need, and Carl Rove has told us, is a tax cut so we can get elected next year. We are not concerned about the needs of the country. We are concerned only about the needs of the campaign. I hope this sense-of-the-Senate amendment will engender support for the troops.

The articles on the front page of the business section of the New York Times today explain why this is necessary.

I ask unanimous consent to print the two articles, "Sour Mood Pervades the Economic Front," and, "A Year-long Decline in the Dollar Is Little Help in the U.S. Trade Gap."

There being no objection, the material was ordered to be printed in the Record, as follows:

Sour Mood Pervades the Economic Front

(By Edmund L. Andrews)

Washington, April 2.—While American optimism about the war in Iraq rose sharply today, American spirits about the economy are still being battered.

Stock markets surged on hopes that American and British forces are closing in on victory in Iraq, but the mood among business executives and consumers is sour.

Every survey of manufacturers over the last month has shown a sharp increase in pessimism as executives complain about slumping demand for their own goods and higher prices for the materials they use to make them.

The Commerce Department reported today that factory orders dropped 1.5 percent in February, the steepest drop in five months. On Friday, economists predict, the government will report that unemployment rose again in March.

Though the increase in joblessness is expected to be modest, the economy has already shed more than 600,000 jobs since November and two million since President Bush took office.

Consumers, whether because of anxiety about the war or because they have been preoccupied with the television coverage, have slowed their spending. Car sales declined last month, airline travel has dropped and retailers have reduced their expectations of growth for the year.

The trend is even worse in Europe and Japan, where growth has almost stalled entirely. As if that was not enough, tourism and travel through Asia are now being hurt by fears of the spread of the disease known as severe acute respiratory syndrome, or SARS.

In effect, President Bush is being forced to fight wars on two fronts. Anxieties about the war in Iraq have slowed the economy, with businesses still reluctant to invest in new factories or expand their work forces.

But a growing number of analysts are skeptical that the economy will snap back quickly after the shooting subsides. The aftershocks of the stock market bubble still appear to inhibit investor confidence and corporate spending.

"We have had three consecutive quarters of below-trend growth," said William C. Dudley, chief United States economist at Goldman Sachs. "To explain all that on the basis of the war in Iraq seems to be a stretch."

Initial data from retailers indicates that consumers slowed their spending noticeably in the first week of the war. But it remains unclear whether they will rush back into stores when the war dies down.

On Tuesday, Instinet Research's survey of chain stores found that sales dropped by 2.8 percent last week, compared with those in the week a year earlier, and that March sales were off 1.5 percent.

A significant part of that decline stemmed from unusually bad winter weather, as well as the fact that the Easter weekend fell earlier last year.

But consumer surveys suggest that Americans have curbed their urge to shop. The most recent poll by ABC News and Money magazine, released on Tuesday, showed that consumer confidence remained near its lowest point in nine years.

In a poll by The New York Times and CBS News, taken from March 20 to 24, about 49 percent of the respondents said the economy was bad while 50 percent said it was good.

Those attitudes constituted an improvement over the month before and may have reflected the initial surge of optimism that the United States and Britain would defeat Iraq within days.

In follow-up interviews today, at least some participants had returned to their earlier pessimism.

"I would not make any purchases at this time," said Robert Micheo, a retired probation officer in Los Angeles. "The economy is going down day by day, and it's going to get worse."

Alan Greenspan, the Federal Reserve chairman, has continued to express a comparatively sunny view that confidence will revive as soon as the "geopolitical uncertainties" abate.

But Fed officials say the uncertainties about the economy are so numerous that they cannot make any predictions. And the surveys of business sentiment by Fed regional banks have been extremely gloomy.

Earlier this week, the Philadelphia Fed's survey of manufacturers showed deteriorating conditions in several areas. Companies in the region reported that new orders and hiring declined sharply in March and that its broadest measure of manufacturing conditions had plunged.

Yearlong Decline in Dollar Is Little Help on Trade Gap

(By Daniel Altman)

For many economists, the dollar's jagged yearlong slide is just a side effect of an inevitable contraction in the nation's huge trade deficit. But current economic and political conditions are making the process more perilous than it might otherwise have been.

Recently, the dollar's exchange rates have bounced up and down with news from the Iraq war: late yesterday, on news of American military progress toward Baghdad, it reached 118.98 yen, up 0.76 percent from Tuesday. But the dollar's overall trend in the last year has been distinctly downward. Weighted by the volumes of trade with other countries and adjusted for inflation, an average of the rates dropped 4.4 percent from March 2002 to last month.

A deeper decline could be on the way, though. The run-up to the war in Iraq hurt the American economy, and fears of similar conflicts to follow could deter foreigners from holding dollar-denominated securities. With less demand for the securities, there would be less need for dollars.

"Perceptions are very important," said Kermit L. Schoenholtz, chief economist of Salomon Smith Barney. "If people believe that the events we've seen in Iraq are not one-off events, it will affect their investments."

The falling dollar has helped some American companies to increase their exports, but not enough to counteract the effects of a middling global economy.

"It's only offset part of it," said Frank Mendizabal, a spokesman for Weyerhaeuser, the paper and building materials maker. The company exported 18 percent of its sales last year, and the weaker dollar helped it compete with producers in Latin America and Asia. But factors like a stagnant housing market in Japan still restrained demand, Mr. Mendizabal said.

Several forces may be combining to dull the effect of the exchange rate on exports. Mr. Schoenholtz said that weakness of incomes and demand abroad was "a very significant portion of the reason" why the deficit in international transactions had not narrowed more. Heightened world competition is also adding to the difficulty of American exporters' task.

"I can't think of an exchange rate at which U.S. exports might be competitive with those from a very low-cost country like China," said John G. Lonski, chief economist at Moody's Investors Service. And in China's case, Mr. Lonski said, the currency is tied to the dollar, which helps prevent a narrowing of its trade imbalance with the United States.

Despite the decline in the trade-weighted value of the dollar, from October (when the dollar reached a peak) to January (the last month for which the Commerce Department has data), exports barely changed and imports rose 5 percent, seasonally adjusted. At least in the short term, the dollar's movements seem to reflect foreigners' willingness or reluctance to hold American securities more than the balance of trade.

"The recent confrontation with Iraq may have convinced investors of a need to better diversify their investment portfolios away from dollar-denominated assets," Mr. Lonski said. Though he did not forecast any large-scale dumping of American securities, Mr. Lonski said that "in view of the U.S.'s record-breaking current account deficit, it seems like some decline in the dollar appears to be overdue."

Last month, according to a report by Morgan Stanley, foreign investors' demand for Treasury securities suddenly slackened. And well before the possibility of war in Iraq began to concern investors, corporate scandals pushed foreigners to shift their portfolios away from American securities, said a senior executive based in the New York office of a major European bank.

"It was more that than anything else initially, and now it has to do with them feeling uncomfortable about the war," said the executive, who spoke on condition of anonymity.

> In addition to the changes in portfolios, the pace of foreigners, direct investment in the United States has slowed. The euro zone has outpaced the United States as a target for foreign direct investment for six consecutive quarters, according to figures compiled by Morgan Stanley.
>
> All American companies, exporters or not, could suffer if foreign capital being pulled out of United States investments is not replaced by domestic savings. Though household savings rose to about $330 billion last year from $200 billion in 2001, the budget deficit of $158 billion cut the nation's total savings in half. This year, the overall deficit will probably be $250 billion to $300 billion, according to the latest estimates from the Congressional Budget Office.
>
> With national savings near zero, almost all new investment by American businesses would essentially be financed with foreign money. "The only way we can grow is to get capital from abroad," said Stephen S. Roach, chief economist of Morgan Stanley. "What we're seeing now are some early warning signs of how this will play out over the next several years."
>
> The Treasury also needs foreigners to remain interested in dollar-denominated securities. According to estimates by the Bond Market Association, a trade group, foreigners hold about 35 percent of the Nation's outstanding debt. The Treasury's borrowing requirements seem likely to balloon as a result of the Iraq war, the sluggish economy and President Bush's tax cuts. If demand for that debt falls at the same time, interest rates could rise.
>
> "We're asking the world to give us too much of their surplus savings," Mr. Roach said. "That's just not a sustainable way to run the economy, period."
>
> Mr. Schoenholtz says he thinks the United States could regain its attractiveness to foreign investors. "If concerns about the war fade, and oil prices recede sharply," he said, "then you'll be back in a position where you could argue that the chance of an economic pickup would be greater for the U.S., than in Europe or Japan." In that case, he said, the United States would be likely to resume its position as the preferred market for foreign investors.
>
> Indeed, investors may still be hard pressed to find a better place to invest. "The Europe economic data has been as bad or worse than the U.S.," said Ifty Islam, head of United States fixed-income strategy at Deutsche Bank Securities. "Just because this is not a European war, it doesn't mean Europe is not suffering."

Mr. HOLLINGS. I quote hurriedly, Mr. President, just to emphasize, if you please, the problem we are really getting this generation in:

> A growing number of analysts are skeptical that the economy will snap back quickly after the shooting subsides. The aftershocks of the stock market bubble still appear to inhibit investor confidence and corporate spending. "We have had three consecutive quarters of below-trend growth," said William C. Dudley, chief United States economist at Goldman Sachs. "To explain all that on the basis of the war in Iraq seems to be a stretch."

Moving along:

> But consumer surveys suggest that Americans have curbed their urge to shop. The most recent poll, by ABC News and Money magazine, released on Tuesday, showed that consumer confidence remained near its lowest point in nine years. . . . surveys of business sentiment by regional banks have been extremely gloomy. . . .The Philadelphia Fed's survey of manufacturers showed deteriorating conditions in several areas. Companies in the region reported that new orders and hiring declined sharply in March, and that its broadest measure of manufacturing conditions had plunged.

There is also the statement that we have lost 600,000 jobs since November.

> On Tuesday, a closely watched index of manufacturing activity by the Institute of Supply Management . . . [f]or the first time in five months . . . suggested that factories were contracting rather than expanding.

Then, Mr. President, jumping right to that next article, because you can see we have always depended on the foreigners to pay for our debt—they have been carrying over a third of our debts—I quote, again:

> Last month, according to a report by Morgan Stanley, foreign investors' demand for Treasury securities suddenly slackened.

They stopped buying that debt. I tell you, this is very dangerous to us because we are going to have to increase the interest rates, when deficits matter, according to Alan Greenspan. All my colleagues want to object, and they run around with the litany that: We are worried about deficits.

The truth is, we are not worried about deficits. This $80 billion bill before us—there is no money for it. We are going to borrow to support the troops, and then want the troops to come back and let them pay for it.

Let me read some more:

> In addition to the changes in portfolios, the pace of foreigners' direct investment . . . has slowed. The euro zone has outpaced the United States as a target for foreign direct investment for six consecutive quarters, according to figures compiled by Morgan Stanley.

So they are investing back in Europe rather than the United States, which was always their first preference.

> With national savings near zero, almost all new investment by American businesses would essentially be financed with foreign money. "The only way we can grow is to get capital from abroad," said Stephen S. Roach, chief economist of Morgan Stanley. "What we're seeing now are some early warning signs of how this will play out over the next several years."
>
> . . . foreigners hold about 35 percent of the nation's outstanding debt. The Treasury's, borrowing requirements seem likely to balloon as a result of the Iraq war, the sluggish economy and President Bush's tax cut. If demand for that debt falls at the same time, interest costs could rise.
>
> "We're asking the world to give us too much of their surplus savings," Mr. Roach said. "That's just not a sustainable way to run the economy, period."

I wish I had the time to read it all, but it is not HOLLINGS just trying to pass a tax. I would rather be tax and spend than spend and wreck. We can't get this crowd off the deficit barley corn. If we can't sober them up with a war, when troops are dying in Iraq and the amounts that we appropriate we can't even pay for—I don't know how it is ever going to happen.

We have always paid for all of our wars. For the Revolution War, they put on a property tax. Back in the Civil War, they put a tax on dividends and estates; for World War I, they raised the marginal tax rate to 77 percent; World War II, 94 percent; Vietnam, 77 percent. That is the last time—and I was here—that we balanced the budget, that we paid our way, under President Lyndon Johnson, guns and butter. The tax rate was 77 percent.

Now it has already been cut to 38.5 percent, and they want to cut it further in the budget that just passed. And to say, Why do we have deficits? and to use the statement that we are concerned about deficits—that is nonsense. There is no concern. This place has run amok. And if we can't get a sense of the Senate that we are willing to pay for the war, we are just going to have to quit, we are not doing the people's job at all.

The party of Lincoln that passed in order to pay for the Civil War the estate tax and the dividend tax, this party of Lincoln today, in 2003, says: Let's go to war. And the first order of business is to eliminate the estate tax, eliminate the dividend tax, and talk about stimulus, stimulus, growth, growth.

Do you know that in 200 years of American history, with all the wars—World War II, right on through, Korea, Vietnam—we never had a $100 billion interest cost on our debt. But, by gosh, along came President Reagan. George Walker Herbert Bush called it voodoo. And under voodoo we went not only to $100 billion, but we went to $200 billion in interest costs. And then we went to $400 billion under President Bush's father.

Then, under President Clinton, we eliminated the deficit. It took 8 years to eliminate that $400 billion deficit, but we raised taxes, which I am asking us to do, at least to pay for the war—not for any other program. I have a value-added tax. Mr. President, that is S. 112.

Mr. President, I ask unanimous consent that this particular chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAXES TO PAY FOR WAR

War	Individual increases	Corporation increases
Civil War	0–10%	Dividends.
World War I	13–77%	1–12%.
World War II	79–94%	20–40%.
Korean War	82–91%	38–52%.
Vietnam	70–77%	48–52.5%.
Afghan, Iraq and Terrorism Wars	Tax cut	Tax cut.

Mr. HOLLINGS. Mr. President, before I forget, I ask unanimous consent to have this article printed in the RECORD: "No Excuse for Tax Cuts," by E.J. Dionne, Jr.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 25, 2003]

Washington Talks a Blue Streak As Social Security's Red Ink Runs

(By Allan Sloan)

No matter how well the war goes, the United States has one problem that isn't going away: Social Security. And despite what you may have read last week, Social Security's financial situation isn't getting better. If anything, it's getting worse, because another year has passed without doing anything about the program's long-term problems.

Pour yourself a glass of warm milk or a stiff drink, depending on how you calm your nerves, then look at the numbers. Open the 2003 Social Security Board of Trustees report, issued last week, to page 184. If you don't happen to have a copy of this jewel sitting around, go to www.ssa.gov/OACT/TR/TR03/lr6F9-2.html.

You get Social Security's projected annual cash flow by subtracting the outgo column from the income-excluding-interest column. This disregards the interest that Social Security gets on its trust fund, because the interest is paid not in cash but in Treasury securities. This year's $77 billion cash surplus and $88 billion of interest that doesn't count as a budget expense produces a $165 billion Social Security surplus in the federal budget. This surplus is being pillaged to support huge tax cuts and other government expenses.

Social Security's cash surplus is projected to peak at $112 billion in 2008 and then start to decline. For 2027, the surplus is projected at $5 billion. Given that Social Security will be spending more than $1.1 trillion, the $5 billion is a rounding error, not a margin of safety. By 2018, the "crossover date," when the amount collected in Social Security taxes isn't enough to cover current benefits, the program is projected to run a $25 billion negative cash flow, and the red ink starts to run like a river.

If you subscribe to the school, consisting primarily of Democrats, that says we're okay until 2041 because we can depend on the trust fund, you're in dreamland. Take a look at the horrific projected cash-flow deficits that lie ahead. In 2020, $568 billion. by 2039, it's more than $1 trillion. You think we're going to spend that kind of money? What are you smoking?

But, you ask, why can't the trust fund, currently at $1.54 trillion and climbing, be used to fund the cash deficit? Welcome to the wonderful world of Washington math. The federal government putting Treasury securities into a federal trust fund is like you funding your retirement by writing IOUs to yourself. It's a meaningless exercise, because you have to convert the IOUs into cash—and having the IOUs on hand doesn't make it easier for you to come up with cash.

If you put Treasury securities into your file drawer to finance your retirement, you'd be fine. You'd depend on the Treasury to redeem its securities; you wouldn't have to raise the money with your own resources. If Social Security had put your IOU into its trust fund—say, by making you a mortgage loan—it would be fine, provided you paid off your loan. Instead, the government will have to redeem Social Security's Treasury securities with its own cash, by cutting other spending, getting more revenue or borrowing. Exactly what it would have to do if there were no trust fund. So the trust fund, no matter how many trillions are in it, isn't helpful when it comes to paying bills.

The cash-crossover date has been moving forward steadily for five years. Is that a sign that the problem will never actually arrive? No, says Stephen Goss, Social Security's chief actuary. "The possibility is about 50-50 that the dates will be earlier in next year's report," he says. And Goss isn't a political numbers troll. He's a career civil servant who's a total truth-teller. He said the same things during the Clinton administration that he said to me last week.

Just as Democrats engage in fantasy when they say the trust fund will protect Social Security recipients, Republicans are engaging in fantasy when they talk about "saving" the program by diverting some Social Security tax payments to individual investment accounts. For starters, the utterly imprudent tax cuts the Republicans are pushing would ensure that there won't be money available to cover the shortfall if some Social Security taxes go to private accounts rather than being used to pay current beneficiaries. Second, the whole idea of stock-based individual accounts isn't very social—it's each person for him or herself. And these accounts offer no security: If you turned a private account into a lifetime annuity today, you'd get only about half as much per month as you'd have gotten three years ago, because the market and interest rates were much higher then.

The logical solution to Social Security's long-term problem is to cut benefit growth, increase taxes or both. You could also use general revenue to pay benefits, but then there'd be no limiting the benefits level. The earlier we deal with the problem, the less pain we'll inflict. But with Democrats denying there's a problem and Republicans fantasizing about the stock market solving Social Security's ills, don't hold your breath waiting for something constructive to happen. You'll turn blue.

[From the Washington Post, Mar. 25, 2003]

No Excuse for Tax Cuts

(By E.J. Dionne, Jr.)

Do the leaders of Congress really want to make their branch of government look foolish?

The attention of Americans is focused on the war in Iraq—the successes, the sacrifices, the capture of American fighting men and women, the march on Baghdad.

Congressional leaders should not exploit this moment to push narrow ideological agendas. Ramming through enormous tax cuts is not the best way to unite the country or—the phrase is on the lips of every politician—to show our support for the men and women in uniform. At a time of war, we should not feel we are witnessing a political Ponza scheme.

The administration waited until this week to discuss what this war might cost. President Bush's aides insisted, implausibly, that they really couldn't know the price until hostilities began.

Hey, some estimates and ranges would have done just fine. The administration, already proposing far too much tax cutting in the face of rising deficits, clearly wanted to avoid putting out numbers that would make the budget picture even worse. The hope was that Congress would just push through budget resolutions containing its $726 billion tax plan.

But once the war started, the fact that it was happening became a rationale for supporting the tax cut. House Speaker Dennis Hastert told his Republican colleagues that it was important not to embarrass the president by cutting back on his tax proposal.

Since the tax plan was losing support among moderates on the merits, Hastert had to haul out the flag. Hastert is saying that to oppose the president on anything right now—even on tax policies that have nothing to do with the war and that make less sense than ever because of the war—is somehow to oppose the war effort. If the speaker really believes that, he should just put the House on automatic pilot to ratify the president's desires. Who needs a legislative branch?

The Senate, fortunately, is a more complicated place. Republicans hold only 51 of 100 seats, and many Republican moderates are restive. Sens. John McCain of Arizona and Lincoln Chafee of Rhode Island think tax cutting is senseless until we know more about the costs of war and postwar reconstruction. Sens. Susan Collins and Olympia Snowe of Maine and George Voinovich of Ohio have been trying to hold down the size of the reductions.

McCain has particular standing on this matter. He's as strong a supporter of the Iraq war as there is in Congress. On this issue, he has been unwavering in standing up for Bush—not one of his favorite people after the bitter 2000 Republican primaries. McCain is suggesting that conservatives who favor a large American role in the world should put their money where their mouth is and pay for their expansive foreign policy. The alternative is to stop pretending and go back to being a party for which tax cutting is the one and only priority.

If the five Republican skeptics held together, they could put a brake on the mad rush to unaffordable tax cuts. Last week Senate moderates carried a proposal to trim the tax cuts by $100 billion. But it's not clear that vote will stand, and it's not enough anyway.

It would take courage for moderate Republicans and Democrats in the Senate to do more. But they would only be matching the courage of moderate and conservative Democrats in the House, who put their anti-deficit principles above the convenience of voting with a president popular in many of their districts.

Perhaps the most powerful argument in last week's budget debate came from Rep. Gene Taylor, a solidly conservative Mississippi Democrat. Taylor wondered how Congress could be considering policies that would throw today's costs onto tomorrow's taxpayers—including the many young Americans now fighting for their country.

"You're sticking those 250,000 young Americans and their children with that bill," Taylor said. "And that's inexcusable."

Deficit arguments tend to be abstract. But Sen. Kent Conrad, a North Dakota Democrat who heads his party's contingent on the Budget Committee, makes the essential point. When the policies of the 1980s threw the country into deep deficits, there was time to repair the problem before the baby boomers retired. This time there will be no opportunity to correct the mistakes. If these tax cuts go through, the choices just a few years from now will be sharp cutbacks in Medicare and Social Security, big tax increases or unheard-of-deficits.

War should not be used as an excuse to evade these consequences. This tax debate should be shelved until victory is won.

[From the Washington Post, Mar. 25, 2003]

A Fair Payment for War

(By William H. Gates, Sr. and Chuck Collins)

Last week we saw something unprecedented in American history: a push for tax cuts targeted to the wealthy in a time of war. As U.S. jets prepared to bomb Baghdad, Sen. Jon Kyl (R-Ariz.) offered an amendment to the federal budget legislation accelerating the repeal of the estate tax. It is a provision that would benefit less than 2 percent of the wealthiest taxpayers. It passed by a narrow vote of 51 to 48.

There is something unseemly about Congress's obsession with repealing the estate tax, the nation's most equitable tax on accumulated wealth, at a time when life and death are at stake. The American history of estate and inheritance taxes is wound together with mobilizations for war. The first federal tax on wealth was levied in 1797, as our country was faced with the escalating costs of responding to French attacks on American shipping.

During the 19th century, federal revenue came primarily from excise taxes and tariffs. Income and estate taxes were imposed only in revenue emergencies, during the Civil War and the Spanish-American War. Wartime taxation, or the "conscription of wealth," was perceived as equitable at a time when many citizens were sacrificing their lives, sometimes as soldier proxies for wealthier citizens.

The 1916 estate tax was a fundamentally American response to the excessive inequalities of the Gilded Age and reflected the country's need to move beyond reliance on the regressive tariff and excise taxes as primary sources of government revenue. Yet it was given a tremendous push by the U.S. entry into World War I and the need for wartime funds. Even after the war, businessman Harlan E. Read argued in his book "The Abolition of Inheritance" that war debts should be paid off with heavy taxes on inherited wealth.

In order to pay for World War II, the income tax was broadened to many lower-income households. In 1942 Irving Berlin wrote a patriotic song called "I Paid My Income Tax Today" to mark the unprecedented tax collections. One verse went: "You see those bombers in the sky, Rockefeller helped to build them, so did I." President Franklin D. Roosevelt understood that national unity against Hitler depended on a sense of shared sacrifice, by both Rockefeller and Rosie the Riveter.

Top income rates were boosted, and the estate tax was increased so that fortunes exceeding $50 million would be taxed at 70 percent. FDR spoke out boldly against war profiteering, saying, "I don't want to see a single war millionaire created in the United States as a result of this world disaster."

Today the lives of some of our citizens are at risk. Others are feeling the pain of the recession, losing their jobs, savings and security. State and local governments, facing the worst budget cuts since World War II, are laying off workers and cutting education spending, children's health care and basic human services.

Rather than facing these problems and appropriating the money to resolve them, congressional leaders are using the diversion of war to pass a tax cut for the wealthy that would exacerbate budget shortfalls at all levels. While the public's attention is riveted on Iraq, the Senate acts to accelerate the repeal of the progressive estate tax.

At a time when states need $70 billion in federal aid to close their deficits, federal priorities seem to be very different. Will the costs of war be paid by reductions in spending, mostly affecting our most vulnerable citizens? Will there be clear domestic economic winners and losers in the conduct of this war?

Political scientist Michael Lipsky observed a year ago that this war "will evidently excerbate the divide between rich and poor." Wars have had this effect on the United States before, but absolutely without precedent is a push for a windfall tax cut for the wealthy as wartime expenses mount.

Mr. HOLLINGS. Right to the point, we got voodoo II here the year before last with George W. Bush's tax cuts, and we are jumping back to $400 billion deficits. And now we are asking, with the budget that we passed, for voodoo III, to really run $700 billion deficits.

I wish they would hear that and listen to me. They have no idea. The interest costs—the distinguished Presiding Officer, you come from a responsible State. In the State of Texas, I can tell you, you have to pay the bill. In fact, in my State, you cannot run for Governor unless you promise to pay the bill.

But it has gotten so that now the Republicans have taken over, and you can't run for the Senate unless you promise not to pay—not to pay—the bill. They are taking over in this miasma of growth, growth. The only thing that grows is the national debt, the interest costs, the waste. There has been $300 to $400 billion waste since voodoo 1. There it is.

We could pay for all of these particular needs—there is $80 billion here for the war—if we had a pay-as-you-go government up here in Washington. But they back off onto that deficit barley corn. They have no intent of paying for anything. Tax cuts, tax cuts, says Karl Rove. You have to do it in order to get reelected. And it is a dirty shame. It is a dirty shame.

I have been in government now for 50 years, and I have to say, immodestly, I have been the longest serving member of the Budget Committee. I have been chairman of that Budget Committee. As Governor of South Carolina, I got the Standard & Poors' and Moody's AAA credit rating for our State.

As a Senator, I voted for the balanced budget. And we cut the deficit when I was chairman of that Budget Committee, and those kinds of things. I got together with Senator Gramm and Senator Rudman, and we had Gramm-Rudman-Hollings to systematically cut $35 billion a year. We just passed a budget that increases the deficit by $350 billion, and they are fighting over at the White House to make sure they get more than $350 billion in tax cuts.

This sense of the Senate merely says to the President: You submit your program. And if you don't, we have tax revenues to pay for this war. And don't say the revenues are going to ruin the economy because it will take a year for the value-added tax to be implemented by the Internal Revenue Service. So if we pass this now, we are telling the market, like we did back in 1993, that we are going to start getting rid of the deficits, and paying down the debt.

We said, for 8 years: Pay down the debt. Pay down the debt. We don't say that any longer. We are just saying, we are concerned about deficits.

I can tell, my time is up. I thank the distinguished Senator from Mississippi for yielding me this time. I appreciate it very much.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from South Carolina is one of my best friends. It is always a pleasure to hear him address the Senate on a subject about which he feels strongly and where he is truly an expert. He served as one of the first members of the Budget Committee and helped shape budget policies in Congress for many years.

I remember that it seems like last week we were debating the budget resolution that contained provisions relating to assumptions about tax policy and fiscal policy for the next fiscal year. The Senate had an opportunity to consider and vote on a lot of amendments and provisions in that budget resolution having to do with tax policy.

Of course, we all know that what we are confronted with is a request from the President for funding for supplemental funds for the balance of this fiscal year to help finance the war in Iraq and to help finance Operation Liberty Shield by providing funds to the Department of Homeland Security and the Department of Defense.

While this sense-of-the-Senate resolution offered by the Senator from South Carolina does raise a subject about which we have thought and discussed a good bit in recent weeks, we hope the Senate will approve a motion to table the amendment and continue to work our way through this bill so we can complete action on the appropriations measure tonight if at all possible. We can go to conference with the House and work out differences between their bill and ours and get these funds in the hands of the administration so we can get about the business of protecting the security of our homeland and waging a winning war against terror. That is the purpose of this legislation. We hope the Senate does not get too sidetracked on what our mission is tonight.

I hope Senators will be aware. We called over to the Finance Committee, which has jurisdiction over tax policy, to let them know about the amendment and that we had an opportunity for them, if they wanted to, to come over and speak on the subject. Not having had a request for time, I am prepared to yield time back and proceed to a vote on the Byrd amendment or in relation to the Byrd amendment and then the Hollings amendment.

Mr. President, if there is no problem with that, I yield back the time on this side. I move to table the Hollings amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, I will vote not to table the Hollings amendment.

We still do not know how much the war in Iraq will cost, and we do not know how we will pay for those costs.

I have been concerned about the United States shouldering the entire financial burden not only of the ongoing war, but also of the necessary postwar reconstruction. The President has released a list of more than 40 nations that are supporting our effort in Iraq. However, a close look at the nations on that list will show that the overwhelming majority of them are in no position—and have made no commitment—to help pay for the effort.

In comparison, during the 1991 gulf war, our allies paid for 88 percent of the costs of the war. We have no such assurance this time.

Because of this uncertainty, I believe the Senate should be discussing and debating this issue. That is, discussing and debating how we will meet the costs of the war and the costs of reconstruction.

Will we receive contributions from our allies? Will we use revenues from Iraqi oil after the war is over? Will we cut wasteful government spending?

These questions need to be asked and debated. That is why I voted not to table the Hollings amendment. With his amendment, the Senator from South Carolina tried to raise the issue of how we will pay for the war and reconstruction. And, his amendment was intended to force the Senate to debate this issue. I believe we need to have that debate, and that is why I voted not to table the Hollings amendment.

Mr. REID. Mr. President, I ask unanimous consent that the time between the two votes be 10 minutes; the second vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I don't know if the Senator from Mississippi can answer this question. The Senator from Louisiana had talked to Senator STEVENS' staff and Senator STEVENS on the amendment. We will work on this during the vote.

Mr. COCHRAN. My understanding is Senator STEVENS wanted an opportunity to talk about that.

Mr. REID. We will go ahead and start the vote then.

VOTE ON AMENDMENT NO. 508

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Byrd amendment, No. 508. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Bunning
Inouye
Kerry

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 479

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Hollings amendment, No. 479.

Mr. COCHRAN. I ask for the yeas and nays if they have not been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING), would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—79

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Burns
Campbell
Cantwell
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—18

Akaka
Biden
Boxer
Breaux
Byrd
Carper
Chafee
Clinton
Dayton
Dodd
Graham (FL)
Harkin
Hollings
Jeffords
Leahy
Levin
Reed
Sarbanes

NOT VOTING—3

Bunning
Inouye
Kerry

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I now yield to the Senator from South Carolina.

Mr. HOLLINGS. I ask unanimous consent that the distinguished Senator from West Virginia be added as a cosponsor on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that when Senator SCHUMER offers his first-degree amendment regarding first responders, upon the reporting of the amendment it be set aside and Senator SPECTER be recognized to offer a first-degree amendment on the same subject; that the amendments be debated concurrently with a total of 30 minutes of debate to be controlled by Senator SCHUMER and

Senator SPECTER—actually, I asked my colleague to yield me 5 of those minutes—or their designees, and that no amendment be in order to either amendment prior to a vote in relation to each amendment; upon the use or yielding back of time, the Senate proceed to a vote in relation to the Specter amendment to be followed immediately by a vote in relation to the Schumer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I would like to inquire as to whether or not, in the opinion of the distinguished manager of the bill, we might be able to finish action by no later than 9 o'clock?

Mr. STEVENS. Mr. President, we are doing everything we can. I thought we were going to finish by 5:30 but we are having votes that we might otherwise not have had, if we proceeded with the agreements we had previously. But we are doing our best to be finished. My feeling is this vote will take place at about 7:30, between 7:30 and 7:35. After that, we are inquiring to see how many more votes. There are two votes, actually.

If it would be in order, I ask the second vote be 10 minutes. I ask unanimous consent that the second vote on this sequence to come be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. We will do everything we can to shorten the time.

Mr. BYRD. I wonder if it might be possible to get agreement that the vote would occur—the final passage would be voted at 9 o'clock.

Mr. STEVENS. We can't do it because we are still reviewing the managers' package.

Mr. REID. I would say, if I could, if the Senator would yield, through the Chair, I think we have a real good opportunity of finishing the bill quickly after these two votes. We will need cooperation of both sides but I think we can do that.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I send my amendment to the desk. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. STEVENS. Senator, I don't think the Schumer amendment is there yet.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The order provides that the Schumer amendment be called up first.

The Senator from New York.

AMENDMENT NO. 514

Mr. SCHUMER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, and Mr. SARBANES, proposes an amendment numbered 514.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the appropriation for the Office for Domestic Preparedness, Department of Homeland Security, by $2,330,000,000)

On page 37, strike lines 3 through 25 and insert the following:

For additional amounts for the "Office for Domestic Preparedness", as authorized by the Homeland Security Act of 2002 (Public Law 107-296), the USA PATRIOT Act of 2001 (Public Law 107-56), and the National Defense Authorization Act of 1996 (Public Law 104-201), for grants to States and local governments, $3,000,000,000, to remain available until December 31, 2003: *Provided*, That of the total amount appropriated, $2,500,000,000 shall be made available for grants to States under section 1014 of the USA PATRIOT Act of 2001, subject to the minimum grant amount requirement of that section, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: *Provided further*, That the Office for Domestic Preparedness (referred to under this heading as the "Office") shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this proviso shall be made available to units of local government based on population within 30 days of receipt by the State: *Provided further*, That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: *Provided further*, That $500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001 and the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure (as that term is defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56)), the Office shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, planning, exercise, and personnel costs, $1,045,000,000: *Provided*, That not less than 80 percent of funds made available under this proviso shall be made available to units of local government: *Provided further*, That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amounts for such office for programs as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $155,000,000, to remain available until December 31, 2003.

For an additional amount, $130,000,000, which shall be transferred to, and merged with, funds in the "Community Oriented Policing Services, Department of Justice", appropriations account for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, for the hiring of law enforcement officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.

AMENDMENT NO. 515

Mr. SPECTER. I ask that my amendment now be in order.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 515.

Mr. SPECTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for protection and preparedness of high threat urban areas under the Office for Domestic Preparedness)

On page 37, line 10, strike "$2,000,000,000" and insert in lieu thereof "$2,200,000,000".

On page 37, line 12, strike "$1,420,000,000" and insert in lieu thereof "$1,270,000,000".

On page 37, line 17, strike "$450,000,000" and insert in lieu thereof "$300,000,000".

On page 37, line 23, strike "$100,000,000" and insert in lieu thereof "$600,000,000".

Mr. SPECTER. Mr. President, the essence of my amendment is to provide additional funds for high threat urban areas. This amendment would add an additional $500 million over the $100 million currently contained in the bill for the protection or preparedness of high threat urban areas.

This increase would be achieved with $200 million in additional funds added to the supplemental appropriations bill, and a reduction of $300 million in State and local grants for other accounts in the Office of Domestic Preparedness.

The amendment which has been submitted by the Senator from New York would increase the appropriation for the Office of Domestic Preparedness from $2 billion to $4.3 billion. My amendment would increase the appropriation from $2 billion to $2.2 billion.

And while there is no doubt the high-threat urban areas and the Office of Domestic Preparedness could use additional funds, the fact is, that increase of more than $200 million which is in my amendment would, in effect, tend to break the bank.

The distinguished manager of the bill, Senator STEVENS, is trying to keep this bill within $80 billion, and that can be accommodated with the addition of $200 million.

The urban areas have very substantial risks involved. In very brief summary, the city of Philadelphia has had expenses of almost $30 million annually.

Mr. President, I ask unanimous consent that a letter dated April 2 from Mayor John Street to me be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Similarly, the City of Pittsburgh has had increases in expenditures for the years 2001 and 2002 in excess of $10 million.

Mr. President, I ask unanimous consent that chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF PITTSBURGH, DEPARTMENT OF PUBLIC SAFETY, COST INCREASES FOR TERRORISM

	2001	2002	Total
POLICE			
New Police Recruits—80			
Salaries	$93,565	$1,677,059	$1,770,624
Benefits	13,431	465,600	479,031
Uniforms	16,040	208,040	224,080
Training		1,129,760	1,1,129,760
Total Recruit Costs	123,036	3,480,459	3,603,495
Premium Pay Increases	1,478,866	898,522	2,377,388
Special Equipment for Terrorism	65,000		65,000
FIRE			
New Fire Recruits—32			
Salaries	6,591	428,209	434,800
Benefits	19,698	186,240	205,938
Uniforms		16,000	16,000
Training	29,764	158,117	187,881
Total Recruit Costs	56,053	788,566	844,619
Premium Pay Increases	1,923,229	377,129	2,300,358
EMS			
Premium Pay Increases	484,738	565,948	1,050,686
Special Training for Terrorism		24,000	24,000
Special Equipment for Terrorism	14,000	6,000	20,000
Building Security		500,000	500,000
Total Terrorism Costs	4,144,922	6,640,624	10,785,546

Mr. SPECTER. Mr. President, I also ask unanimous consent that a chart be printed in the RECORD on a survey by the U.S. Conference of Mayors, dated March 27, 2003, on additional city homeland security spending due to the war high alert.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL CITY HOMELAND SECURITY SPENDING DUE TO WAR/HIGH ALERT

City and state	Cost/Week (Est.)	Population
New York City, NY	$5,000,000	8,008,278
San Francisco, CA	2,600,000	776,733
Los Angeles, CA	2,500,000	3,694,820
Atlanta, GA	2,250,000	416,474
Fresno, CA	1,500,000	427,652
Portland, OR	750,000	529,121
Austin, TX	500,000	656,562
Baltimore, MD	300,000	651,154
Chandler, AZ	336,000	176,581
New Orleans, LA	304,000	484,674
Pittsburgh, PA	280,000	334,563
Seattle, WA	225,000	563,374
Lexington, KY	218,000	260,512
Riverside, CA	216,000	255,166
Frederick, MD	206,958	52,767
San Jose, CA	200,000	894,943
Denver, CO	192,000	554,636
Norfolk, VA	175,000	234,403
Sierra Vista, AZ	175,000	37,775
Columbus, GA	171,900	186,291
Simi Valley, CA	161,000	111,351
Columbus, OH	160,000	711,470
Tuscaloosa, AL	160,000	77,906
Phoenix, AZ	154,615	1,321,045
Houston, TX	154,370	1,953,631
Miami, FL	130,000	362,470
Pawtucket, RI	119,000	72,958
Orlando, FL	112,000	185,195
Fremont, CA	103,500	203,413
Kansas City, MO	100,000	441,545
Lakewood, CA	99,200	137,893
Everett, MA	80,000	38,037
Laredo, TX	79,250	176,576

Mr. SPECTER. Mr. President, there is no doubt that major cities, such as Philadelphia, with airports and seaports and Independence Hall and the Liberty Bell, have much higher costs than cities which do not have these facilities.

I have discussed the issue with Mayor Street. The letter which I have had printed in the RECORD is a succinct summary, so we can observe this very short time limit which has been agreed to.

Similarly, I have conferred with Mayor Tom Murphy of Pittsburgh, who, again, makes the comment about the additional costs.

I have had an opportunity—actually, I was called by Mayor Bloomberg of New York City about the very substantial increases in costs there, and during the markup in the Appropriations Committee earlier this week commented about these factors and have sought to increase the funding from the $100 million for high-risk urban areas to a total of some $600 million.

Again, it would be highly desirable if we had more money, as suggested by Senator SCHUMER, but that simply cannot be accommodated within the current budget constraints.

In the conversations with Mayor Bloomberg, he pointed out about the fact that police cost some $5 million a month, and there are other costs in the range of $8 million a month for the United Nations, with a very heavy imposition of costs on New York City, commenting in a way very similar to the mayors of Philadelphia and Pittsburgh.

There is no doubt these costs really ought to be borne principally by the Federal Government. In the bill, language was inserted by Senator GREGG and language by myself which would require the Secretary of Homeland Defense to make a report to the Congress within 60 days to identify what are the costs in safeguarding airports, seaports, landmarks such as Independence Hall, such as the Liberty Bell, and to make a recommendation as to an allocation by the Federal Government, and whether such costs, in part, should be borne by other entities. That will enable us to make a determination as to how this $600 million will be spent, and to have a rationale for what the expenses will be with the specification of the costs involved and an allocation between the Federal Government and other governmental agencies if it is determined that would be appropriate.

EXHIBIT 1

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
Philadelphia, PA, April 2, 2003.

Hon. ARLEN SPECTER,
9400 Federal Building,
Philadelphia, PA.

DEAR SENATOR SPECTER: In Fiscal Year 2002, the City of Philadelphia spent $21.2 million in increased domestic security costs. These costs include overtime incurred by the Police, Fire and Public Health employees associated with the formation of Rapid Assessment Teams. These teams, consisting of employees from each department responded to all critical incidents citywide. Additionally, $8 million was allocated for security improvements to city facilities. These improvements include installations of bollards around the perimeter of City Hall, installation of security access and surveillance systems in the One Parkway Building and installation of security cameras and metal detectors at other facilities. The Police Department enhanced coverage in Center City and provided enhanced security staffing at the Philadelphia Stock Exchange, Red Cross Headquarters and the City's Emergency Operations Center. An intensive training was given to a team of police officers and supervisors that may be called upon to respond to a hazardous materials incident.

Going forward, the Police Commissioner formed the Bureau of Counter-Terrorism absorbing the Detective Bureau's Organized Crime Unit as its foundation. The 76 member Bureau is developing new methods and initiatives to pursue counter-terrorism preparedness. These initiatives include strategic and tactical training, equipment purchase, inter-agency and regional cooperation and coordination, and community outreach. The Bureau meets regularly with task forces such as the FBI's Joint Terrorism Task Force, the US Attorney's Anti-Terror Task Force and the US Coast Guard Task Force to keep current with the latest counter-terrorism strategies. These initiatives are likely to cost about $10 million annually.

Sincerely,

JOHN F. STREET,
Mayor.

SECURITY COSTS IN RESPONSE TO SEPTEMBER 11TH

	Full year			
	Personnel	Purchased Services	Matrl., Supplies & Equipment	Total
Police Department (General Fund)	3,949,187	47,006	1,400,437	5,396,630
Police Department (Airport)	3,288,784			3,228,784
Fire Department	2,810,271			2,810,271
Public Property	891,000	360,000	17,000	1,268,000
Office of Fleet Management	54,034	102,770		156,804
Public Health	340,178			340,178
Triplex Security		8,000,000		8,000,000
Total	11,273,454	8,509,776	1,147,437	21,200,667
Total General Fund	8,044,670	8,509,776	1,417,437	17,971,883

Mr. SPECTER. Mr. President, how much of my 15 minutes remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have asked for a portion of the time of the Senator from Pennsylvania because we had worked to try to reach an agreement between the two amendments so that they would be put together and have an amendment we could adopt. We are unable to do that.

I am compelled to state I will oppose the first-degree amendment of Senator SCHUMER. It is a situation where, as far as I am concerned, there is ample money in the House bill, if we are compelled to raise the amount that is in our bill. But it is the kind of situation where we prefer to have this amendment not be adopted now, so we can find a way to work the matter out with the House.

We have $100 million in the bill. The Schumer amendment, as I understand it, as drafted, now adds $600 million. I oppose going to that height. That would, in effect, take it to the level of the House. And the administration opposes the level in the House bill.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, I believe I have time. I will yield 3 minutes to myself.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak on——

Mr. STEVENS. Mr. President, will the Senator allow me to interrupt for a problem that has come up.

Mr. SCHUMER. Please.

Mr. STEVENS. The problem has come up in connection with the unanimous consent agreement. There was no time allocated to those who might want to oppose the Specter amendment. And, as I understand it, a Senator on the Democratic side wishes to oppose the Specter amendment. In fairness, I ask unanimous consent she be given 5 minutes to speak; and if it raises additional items the Senator has not spoken to that he wishes to speak to, I would allocate an additional 5 minutes to Senator SPECTER, so there would be a comment back and forth. All right. I make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak for his amendment. I will support that amendment because it is better than what is currently in the bill, although I wish it had more money. I wish it had money for the FIRE and COPS Programs, which the amendment I am offering with my colleagues from New York and Maryland, does. And I wish it gave more funding to high-threat, high-need areas, and to all other areas. I also wish that it ensured, as my amendment does, that the Department of Homeland Security would be required to provide the funds within 30 days and that the amendment would guarantee an 80/20 split of those funds between the States and localities.

The Schumer amendment is the amendment that provides sufficient funding for police, for fire, for first responders all across the country. We all know how beleaguered they are. We know how stretched they are. We know whether they be in a large city like New York City, or a medium-sized city like Rochester or Syracuse, or a suburb, or even a rural area, our police and firefighters have been pushed to the limit. They must meet their regular law enforcement and public safety responsibilities, but now have new responsibilities under 9/11, and from the Iraq war.

And many police and fire departments have to do more with fewer people and fewer resources, because of the terrible budget deficits at the State and local level, and because many are in the Reserves and have been called up and are proudly serving our country.

So we have an obligation. If we are going to fight the war on terrorism at home, we have to vote for this amendment. We cannot just fight the war on terrorism overseas and not fight it at home. Our first responders, our police and fire, in a very real sense are on the front lines.

So I hope we will get support for the Schumer amendment. I hope we will back up our police and firefighters. I hope we will back up our local governments and our first responders.

The idea that we can win the war on terror just by fighting it overseas and giving it all the money for needs overseas—I am for that and support that proudly—but not do what we need to do domestically makes no sense. We will rue the day.

I ask my colleagues to vote for an amendment that really provides sufficient funding. Again, I am for the Specter amendment. It is an improvement. I salute my colleague from Pennsylvania for offering it. But if you really want to give the dollars to police and fire in the way that they need them, then the Schumer amendment is the answer. It is not a Democratic or Republican amendment. It is supported by police and fire organizations, both management and union throughout the country. It is supported by local governments. It is what our badly strapped local governments need in this post-9/11 world.

Again, a good team needs a good offense and good defense. Our soldiers overseas are providing the offense. But it is our police, our firefighters, our first responders who are providing the defense. We need to back them up and back them up fully as well.

I urge support of the Schumer amendment and yield 3 minutes to my colleague who has been with me all along on this issue, the Senator from New York, Mrs. CLINTON.

Mrs. CLINTON. Mr. President, I support the Schumer-Clinton-Mikulski amendment because I believe it more accurately reflects the needs that have been conveyed. Even in the materials that the Senator from Pennsylvania has entered into the RECORD, the kind of requests we are hearing from mayors and county executives and police chiefs and fire chiefs far exceed what is available. It has been now 18 months where we have failed to arrive at an understanding of what our local communities and our States require in order to fulfill their obligations on the front lines of this second front.

Once again, I believe we have an opportunity to do what is needed, but we are not taking it. The Schumer amendment provides the kind of thoughtful analysis and disbursement of funds that will most guarantee that the money, No. 1, gets out of the Federal Government within 30 days—something not in the Specter amendment—and that once it gets to the States, it has to be distributed within 60 days. And we appreciate that. But one of the problems we have had is getting the money out of the Federal Government to the States, and we also have to assure that the money gets where it is most needed—to our first responders.

I urge our colleagues to support the Schumer amendment as being far more reflective of the overall needs our country confronts when it comes to homeland security.

Across the country, there are common sounds that should trigger an alarm in all of us: the sound of a firehouse door closing for the final time; a police officer turning in his or her badge as it slides across the desk; or an ambulance door locking. In the cities and the towns in the States we represent our first responders are losing their jobs.

States and cities are trying to deal with budget deficits—some the worst in a generation, and they simply do not have the money to keep paying for additional homeland security costs.

We need to work together—Republicans and Democrats—to provide them with the resources they need to strengthen our domestic defense.

Yes, we have made progress since September 11, but we have not done enough. That same message echoes from report after report, from our experts, from independent commissions, from our police commissioners, fire chiefs, mayors, doctors and nurses—we have not done enough to prevent and respond to another terrorist attack.

I cannot find a single credible security expert who has said, "We're fine. We've done enough." "There's no need to guard our chemical plants and nuclear plants. It's okay if we only check 2 percent of the containers that come through our ports. Don't worry about hiring border guards, they don't need the extra support. We don't need to give our police officers, firefighters, and emergency response personnel the equipment they need. We're fine, and 'All's Quiet on the Homefront.'"

You know last week, the President was asked about how long the war in Iraq would take and he responded correctly, "However long it takes."

That's the same attitude we need to use for homeland security—"whatever it takes" to protect the American people. This isn't a new public work project or an example of frivolous spending; this is about securing our country on the frontlines here at home. And for 18 months our cities and States and counties have been shouldering this burden alone. Homeland security is a national priority and these costs and these responsibilities should be shared by the Nation.

So what are we doing?

What we are doing 18 months after that tragic day in September when nearly 3,000 Americans lost their lives still debating homeland security?

Still debating whether or not we should not take the steps we need to take in order to prevent another day like that from ever happening again. Still talking about whether or not we should provide our first responders with the support they need.

Homeland security is a concern we all share. We should not allow politics to prevail over our Nation's protection. We should not let it get in the way of strengthening our border and port security, improving security at our chemical and nuclear plants, and providing critical support for our police officers, firefighters, emergency personnel, and public health officials.

Why would some in this Chamber willingly say "no" to critical steps that would improve our domestic defense? Why would our colleagues who care just as much about their constituents' safety as I care about the people of New York say, "no, this isn't the right vehicle for these investments. No, this isn't the right time for homeland security because this supplemental bill is for spending that's an emergency—it's for the war."

This is the right vehicle. This is the right time. This is an emergency. This is funding that does go toward winning the war against terrorism here at home. And this would be the right moment for Washington to send a clear message to the millions of first responders across this Nation who have sacrificed in order to keep us safe—we support you too.

This amendment that I am proposing with Senator SCHUMER and Senator MIKULSKI would provide $4.3 billion for critical first responder funding. It includes $3 billion for grants to States and local governments; another $1.045 billion for high-threat areas like New York City; $155 million for the FIRE Act, and $130 million for the COPS Program.

Yes, the President's proposal last week was a good start, but it is not nearly enough for what we need to do here at home in order to fight this two-front war.

This amendment would provide $3 billion to Office of Domestic Preparedness at DHS for grants to States and Local Governments:

$2.5 billion of this funding would go toward equipment, training, exercises, planning, and first responder personnel costs.

The Federal Government must pass the money to States within 30 days.

States must pass on at least 80 percent of this money to local communities within 30 days of the date they receive it.

And States and local governments may use up to 20 percent of this $2.5 billion for first responder personnel costs, including overtime.

For the last 18 months, our majors, fire chiefs, police commissioners, and public health officials have been telling me that they need more help from Washington to better protect the American people. This amendment provides that help. It guarantees that the Federal resources will get out of Washington and to the state houses and to our local first responders quickly so that they can continue to do what they do best—keep America safe.

In January I gave a speech at John Jay in New York City to talk about how our country needed to renew its commitment to strengthen our domestic defense. I also released a report that showed how 70 percent of New York cities and counties had not received any federal homeland security funding.

I continue to work with the U.S. Conference of Mayors, national police organizations, firefighters, and emergency medical technicians from across the country to find the best way to support our first responders. And I spoke with Secretary Ridge the other day to talk about improving this formula to meet our country's needs, and he agrees.

Within the $3 billion for State grants, $500 million is setaside for States and local communities to secure critical infrastructure security—bridges, nuclear and chemical plants, water treatment facilities, communication centers to name a few.

All of this money may be used for first responder personnel costs, including overtime. The States must provide 80 percent of this funding to local communities, with states allowed to use 20 percent. And again, the federal government must send this money to the States within 30 days, and the States must pass through 80 percent of the funds to local communities within 30 days.

These ideas follow my block grant proposal of 2001 and I am very pleased that the leadership has adopted my other proposal to put aside more than $1 billion for high threat areas. And I want to thank my colleague Senator BYRD for understanding that New York's needs are different because it is the top target for terrorists.

The $1.045 billion for high-threat areas would be disbursed based on whether or not there is a credible threat, over-all vulnerability, critical infrastructure that is important to the Nation, population, and the needs of public safety organizations.

This isn't just good for New York City and DC; it's good for all of our Nation's most vulnerable targets. This applies to Arizona and the recent threat against the nuclear power plant. This amendment would help cover extra security costs. Recent news reports suggested that al-Qaida was targeting the Arizona Memorial at Pearl Harbor. This would help Hawaii cover costs and take precautions. It would assist Las Vegas, Nevada where the population doubles Friday through Sunday. This would benefit Florida and help them cover costs to secure Disney World.

These are high-threat areas. They are different and they need extra assistance. Let's look at recent "code orange" costs. According to the U.S. Conference of Mayors, they estimate that cities are spending an extra $70 million a week. In six months, when this supplemental runs out, that's $2 billion in costs. $2 billion they don't have, but costs they will incur because they are honoring their commitment to protect this country.

During the "code orange," New York and New York City are spending a total of $12 million a week. In the supplemental, the President set aside only $50 million to cover such costs for every high-risk area. New York will have exhausted those resources by the end of next week. That's why we need this extra $1 billion for high-threat areas. And we cannot forget that it's not just in our cities where extra security steps are being taken. Who would have thought that a terrorist cell was working in Lackawanna, NY? This could have been a small town in Missouri, Texas, or Pennsylvania.

I know that some of my colleagues believe that their State isn't a target—they may think that because their state is small, it's safe. I bet the chief of police in Lackawanna, NY, would beg to differ about the likelihood of terrorists turning up in small towns. He would say we cannot forget that the terrorists continue to plot and plan against us, and we can't predict exactly where they will turn up.

Yesterday, the FBI issued a new warning to their field agents to look out for people making chemicals like Ricin. Yesterday, the Wall Street Journal reported that the Bush administration was getting ready to launch a plan to increase chemical plant security. The Department of Homeland Security's spokesman said, "We realize that voluntary efforts alone will not be sufficient to assure the appropriate level of security across the chemical sector."

And in the last few weeks, we heard Secretary of State Powell, FBI Director Mueller, Secretary Ridge and CIA Director Tenet all state that another attack by al-Qaida is not a matter of "if" but "when."

We can all hope for the best, but I think it's best to plan and prepare for the worst.

Why would any of us want to take a risk that "when" that day comes, it would be in someone else's back yard—a tragedy in another state across the Continental Divide and not my problem. When any city or State or American interest abroad has been attacked like we were. America was attacked and Washington and the country united to deal with that aftermath.

Again, we have to do that today to pass this amendment and improve our domestic defense.

I believe that Retired Colonel Randy Larsen, from the ANSER Institute said it best when he testified about the Hart-Rudman report on November 14, 2002. He said, "All of us want what is best for America. But we do not have much time. We must get it right—or close to right—very soon. I cannot repeat often enough: America is at war. We need to act like it while there is still time to prepare."

But the way to prepare, the way to fund homeland security isn't by taking money from existing traditional first responder programs. That's why this amendment also includes $155 million for the FIRE Act, and $130 million for the COPS Program. We need to fully fund every traditional first responder program. Since 1994, COPS has helped nearly 12,950 jurisdictions through 27 different grant programs. As of September 2002, COPS had provided funding for 116,573 community policing professionals across the country.

It has played a critical role in reducing crime. It has worked well in the past, and it will continue to work well in the future to help our communities fight crime. And it should not be used to fund homeland security.

The same applies to the FIRE Act. The $155 million here ensures full funding—$900 million—for the FIRE Act for FY 2003. This program assists fire departments in protecting communities and fire fighters' health and safety. Local communities may use the funding for training, equipment and additional staffing.

Currently, ⅔ of this Nation's fire departments do not meet the standards for adequate staffing. Congress would never allow our Army to engage in a war with ⅔ of its divisions understaffed.

But this is exactly what we are asking our fire fighters to do. To date this grant program has received requests totaling more than $2 billion. The program's funding levels only allow it to award grants that a small percentage of that need. In the event of a terrorist act, fire fighters are the troops on the front lines. And they deserve our full support.

So when we think about all of the good that comes out of this amendment and the others that strengthen our domestic defense, why wouldn't every leader support these steps?

There are some who may try to defeat domestic defense funding by saying that the only dollars that should be included in the emergency supplemental are those that go toward winning this war. I agree, we should only be talking about funding to fight the war, but I believe we need to fight the war on all fronts that it is being waged.

Every support that our troops in Iraq need to win will have the full support of Congress. We cannot forget about our men and women who continue to fight al-Qaida in Afghanistan—they too deserve every resource they need. And so do our domestic troops, our police, firefighters, and EMT's, on the frontlines here at home. The President's proposal last week was a good start, but it is not nearly enough. The Congress and the administration have the opportunity to do so much good for our first responders and strengthen the domestic defense of our Nation. It would be a shame if we did not take advantage of this moment, use this as the moment Washington turned the page and said the time has come, whatever it takes, we will give it our all to secure our country.

But instead of using this as a chance to do more for our country, we're hearing phrases like "beat them straight up." "We will fight it out." "Defeat them." Those aren't words meant for Saddam Hussein or al-Qaida. Those are fighting words against those of us who are trying to get more homeland security funding, new masks for firefighters, extra patrols along our borders and at nuclear power plants, guards at tunnels and bridges, new high tech equipment to track radioactive material, and more help for the Coast Guard.

We seem to have gotten stuck in a dialogue that eliminates our ability to look at a great American tradition that is at stake in this debate. Some of our country's greatest successes reside in our ability to do whatever it takes to do what is right for the greater good of our country.

Imagine if George Washington had decided at the battle of Brooklyn that it was too much of a challenge for the army to retreat to Manhattan that night? That decisive act saved the majority of our army, made victory inevitable, and this debate possible.

What about Lewis and Clark? What if they turned back just after they had embarked on their journey? Or imagine if Jefferson believed that it would take too long and that it was too much for two men to search for that path to the Pacific? But his belief in them, the task at hand, and that expansion and exploration was critical to a young nation.

What about Josuah Chamberline, a professor from Bowdoin College in Maine and what he did for our country at the battle of Gettysburg. He and his regiment stood their ground at Little Round Top. Against overwhelming odds and the future of the Union resting on his shoulders, Chamberline charged. His regiment followed, they prevented the south from taking that hill, and our Union was preserved.

Or when President Lincoln gave the final speech about Reconstruction in April 1865, he did not buckle at the great challenge of uniting a divided and partially destroyed country.

Or today, what if we as a Congress decided to only partially support our troops in Iraq? What kind of victory would follow if we balked at the challenge? So then why would we not do the same for our domestic defense? Why wouldn't we support our first responders?

Again, our country's success rises and falls in our ability to confront great challenges. On September 11th, we were tested once again. The new challenges that came out of that tragic day are what we are debating today. These are the stakes.

The Senate has a choice to meet the new demands against the war on terrorism at home, to finally give it our all to protect this country, and to carry on this tradition of never giving up and doing what it takes to do what is right.

Or we can bow our heads, look the other way and pray that tragedy does not strike again on our shores and hope that if the alarms do ring in our fire stations and police stations, our brave men and women in uniform here at home are ready to answer the call to 9–1–1.

I urge my colleagues to make the right choice and support this amendment.

Mr. AKAKA. Mr. President, I am pleased to join Senators SCHUMER, CLINTON, and MIKULSKI in offering this amendment that addresses funding shortfalls for the Federal, State, and local first responders who are on the front lines of the war on terrorism. I am disappointed that since 9/11, the administration has failed to provide adequate funding for local governments to prepare for the possibility of new terrorist attacks.

This funding is critically important to Hawaii. The Hawaii State Civil Defense estimates that a response to a weapons of mass destruction attack would challenge the State's emergency response system. As with all States, in the event of a terrorist attack, Hawaii would rely on Federal, State, and local officials. However, unlike all States but Alaska, external assistance from the U.S. mainland is not immediately available. Hawaii's geographic location makes mutual aid from mainland States or from other Pacific jurisdictions impossible.

As a result, Hawaii's State Civil Defense estimates that each of the State's four counties need the capability to sustain an effective response to any weapons of mass destruction attack for up to 72 hours.

Independent experts and government officials have repeatedly warned that first responders do not have sufficient resources. A Council on Foreign Relations Task Force Report entitled "America—Still Unprepared, Still in Danger" concluded that first responders are not prepared for a weapons of mass destruction attack. According to the same report, first responders lack the training and equipment to protect themselves and the public in an emergency and do not have radios that can communicate with one another. In fact, the National Fire Protection Association estimates that only one-quarter of the Nation's fire departments have equipment to communicate with State and Federal emergency officials.

Our amendment takes important steps to respond to funding shortfalls by providing $4.3 billion for first responders, including $3 billion for State and local first responders.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator SCHUMER's amendment, which I am proud to cosponsor.

We spent much of last year on the Senate floor talking about how to reorganize our Federal Government to meet and beat the challenge of terrorism. In the end, we passed a bill creating a Department of Homeland Security that for the first time is refocusing and reorganizing the Federal Government to make America safer.

But we have said all along that while better organization is a necessary prerequisite to making us safer, it isn't enough. We need to put dollars where the danger is. You can't protect your house in a dangerous neighborhood with a jerry-rigged lock or no lock at all. A "Beware of Dog" sign isn't good enough. You need to spend some money. You need to buy a real lock. You need to get a decent dog.

The President often says that America has the resolve it needs to win this war against terrorism. And that is true. Americans are resolute. They are courageous. They are prepared to face down danger and do what it takes to overcome it. That is especially true of the men and women in our fire departments, police departments, emergency medical offices, and hospitals the men and women we call first responders.

Resolve, however, will only go so far if it isn't matched by real resources. Can resolve buy interoperable communications equipment? Pay for firefighters' overtime? Install a security system at a port? Upgrade the information sharing databases in local communities? Dramatically improve public health systems to deal with biological or chemical attacks? No all those urgent improvements and others demand more than resolve. They demand resources.

Right now the resources are nowhere to be found. This administration seems determined to do homeland security on the cheap adding just $300 million to the budget for next fiscal year for homeland security. And the reason boils down to one reason and one reason only. The administration is committed to protecting $2 trillion in unfair, unfocused, and ineffective tax cuts, at all costs. On this, it will not budge. It will not yield. It will not reconsider a single digit or a single dollar.

That irrational and ideological commitment to those unaffordable tax cuts has squeezed out every other priority. It has raided the national cupboard at a time when we desperately need new resources to tackle new threats.

America has the greatest military in the world, and that is because we have paid for it. Generation after generation, we have worked together across party lines and every other division to invest in our Armed Forces and the men and women who dedicate their lives to the common defense. We are truly, to recall President Kennedy, willing to pay any price and bear any burden to deter and defeat foreign threats.

There is no way around this: If we want the best domestic defenses, we will have to pay for them, too.

At the State and local level, where fiscal crises are already forcing cuts in services, the Federal Government's failure to invest is especially serious.

The amendment under consideration today addresses the critical shortfalls facing our local communities by providing $3 billion in first responder grants to States in the wartime supplemental budget, and over $1 billion for grants to high threat urban areas. In addition to these first responder grants, the amendment provides $155 million in grants to fire departments to fully fund the $900 million authorized level, and an additional $130 million to the COPS Program, which will fund additional police costs.

This is the least we can provide. As you may know, I have called for a still greater investment—$7.5 billion for our first responders above and beyond the President's proposal in next year's budget—and $16 billion overall in that budget above and beyond the paltry $300 million increase.

But this amendment, along with the other amendments I am proud to cosponsor that will come before the Senate today, is a good start, a necessary start. Let me give you a few examples of the urgent needs throughout America today that it would begin to address:

New York Mayor Michael Bloomberg said his city is currently spending $5 million a week to post armed units at potential targets like Times Square, conduct bioterrorism detection, and prepare police in the five boroughs to operate as independent departments should the Manhattan headquarters be disabled in an emergency.

According to The Washington Post in an article published April 1—and, no, unfortunately it wasn't an April Fool's joke—Los Angeles "has grown so desperate waiting for federal money that last week it reluctantly raided a municipal trust fund for $4.5 million and bought 1,000 chemical protection suits for firefighters and police." L.A. has also reduced staffing at its 24-hour emergency operation center in part to save money on security costs.

According to The Baltimore Sun, the mayor's office in Baltimore estimates that the city needs to spend another $8.4 million on new communications and hazmat equipment, protective gear, and training, not to mention another $122 million to upgrade water treatment plants, build a new emergency operations center, and more.

The list goes on. My own home community of New Haven, CT, has been able to outfit about 10 percent—just 10 percent—of its 300 firefighters with protective equipment that will be needed to respond in the event of a chemical or biological attack.

Let's face it. Meeting those needs and others will take more money from Washington, plain and simple. But some don't seem to understand that. The majority leader, Senator FRIST, was quoted in CongressDaily as saying that, "It is unnecessary and wasteful to spend more money at the federal level. The problem is not the federal availability of money. It's getting it down to the local level."

With all respect, that is just not the case. In fact, according to the National Governors Association, States have already obligated or spent more than 90 percent of their Federal funds. And to complicate things, many States have been spending their own money for 15 months but have yet to be reimbursed by the slow and cumbersome process through which money flows from the Federal Government to States and localities. This is only exacerbating budget crises at the State and local level, where many communities are actually laying off and reducing the number of first responders—so we are going backwards. The reality is that we need to get more funding to first responders, and we need to get it to them as quickly as possible.

The bottom line is this: We must get our first responders more resources and we need to do it without further delay. Enough posturing, enough politics. Let's rise above partisanship and put the national interest first.

The strain on our local first responders has put them in a fiscal straitjacket of historic proportions—one we must relieve now if we are to protect Americans from terrorism.

Nevertheless, let's be fair. Let's realize that, yes, we have made some progress in the 18 months since September 11. Today we are better equipped to handle a second September 11. Our skies are safer. The FBI has announced major reforms, which are in progress. I hope we are beginning to tackle the problem of intelligence coordination that plagued us in the weeks and months leading up to that dark day.

But the terrorists constantly change their methods. Next time, the threat isn't likely to come in the form of airplanes crashing into buildings. The weapon might only be visible under the microscope. Instead of arriving with a loud crash and flames, it might come quietly, secretly, surreptitiously. Just as September 11 challenged our police officers and firefighters as never before, a biological or chemical attack would challenge our public health first responders as never before.

The reality is, if that happens, we are nowhere near ready. As resolute and resourceful as our public health professionals are, they lack the support, the capabilities, and the funding they need to detect these deadly diseases swiftly and protect us effectively. We need significant new investment today to improve our readiness tomorrow.

Look at the reaction to the recent outbreak of Severe Acute Respiratory Syndrome, or SARS. An unknown microbial agent. A mysterious name. Those harrowing pictures of children with surgeon's masks covering their mouths and noses. The slow but consistent spread throughout Asia, and now around America. Travel warnings from the World Health Organization placing large swaths of the world off limits. This, by all accounts, is simply a serious disease with which we are unfamiliar—but the profile of the outbreak is frighteningly close to what we imagined a bioterror attack might look like.

The public health officials in our local communities are well informed and well trained. But working together with the CDC, they just don't have the tools to determine what is causing SARS. They don't have the tools to treat the victims. They don't have the tools to try to stop the spread of the disease in its tracks.

If SARS is 4-percent lethal, what will we do with a disease that is 80 percent lethal? What will we do with a disease that spreads faster and is harder to diagnose? Let's not cross our fingers and hope. Unfortunately, that is exactly what we are forced to do under the administration's budget, which shortchanges investment in our local public health systems and hospitals.

As a result, our hospitals—already constrained by drastic budget cuts, are now rubbing quarters together when they need to be building substantial new capabilities to contend with the new threats. Time magazine put it this way: "Speed and calm, both critical in a state of emergency, can be taught without special gear, but training in certain techniques and life-saving equipment, like $25,000 protective suits, don't come cheap. That means most of America's hospitals are ill-prepared to face a major disaster."

According to the Greater New York Hospital Association, hospitals throughout the State have spent more than $200 million on security and emergency response improvements that they never imagined would be necessary before September 11—with plans to spend more than that in the coming year. What has Washington's contribution been? About $8 million in new funding—less than the hospitals will spend on the new smallpox vaccination program alone.

These new demands are only further straining emergency rooms that are already stretched to the limit. Dr. Cai Glushak, director of emergency medicine at the University of Chicago, described the state of Chicago's hospitals this way: "The hospitals are vastly lacking in resources and have yet to address major things with brick and mortar to create truly adequate facilities to deal with a major contamination issue." He went on to say of his hospital, "If we had an onslaught of 20 people in this emergency room, it would be a catastrophe. It would be sending an external disaster on top of an internal overload."

How can we expect our hospitals, clinics, labs, and public health departments to protect us from unknown biothreats when they themselves are on the verge of being fiscally bedridden?

Now, of course money isn't all that local hospitals need from the Feds. They also need information, expertise, and guidance. They are getting some of that from the CDC. But a sustained improvement in our bioterror defense demands more than that. It demands a real investment. It demands Federal leadership. Those are sorely lacking in the budget requests that we have seen from this administration.

For the next fiscal year, I have called for $3 billion in new homeland security funding over and above the president's proposal to shore up bioterror preparedness. Mr. President, $1 billion of that increase would increase CDC grants to help State public health departments care for and track infectious disease outbreaks, $500 million would help local hospitals increase capacity, training and supplies, and $1.5 billion would help get new medical research as quickly as possible from "bench to bedside"—meaning, from the discovery phase into actual use.

Hand in hand with these efforts, we simply must jumpstart efforts to spark private sector production of the drugs, antidotes, and countermeasures we need to fight unknown chemical and biological agents. Again, the SARS example is instructive here as well.

We have no antidote for this disease. No vaccine. No countermeasure. No diagnostic. It is possible that the only effective medical response will turn out to be quarantine.

Imagine a biological weapon that spreads twice as fast and is twice as deadly. Do we really want quarantine to be our only answer? No—we need real medical shields to fight back against the biological and chemical weapons our enemies might use.

And we can't simply hope and pray for these to appear. Stocking our medicine cabinet with the right drugs to protect people from SARS will take months or years of research, months or years of investment, months or years of hard work by private and government professionals.

That is why we need to begin today—not in 6 months, not in a year—engaging every national resource we have to develop the drugs, vaccines, and antidotes we may need in the event of a biological attack. We know of dozens upon dozens of deadly agents for which we currently have no defense, and this does not even count the hybrid or genetically modified organisms we may see in the future. America is blessed with thousands and thousands of brilliant researchers in universities and companies across the country. Why not harness their ingenuity to develop those antidotes, those vaccines, those medicines? Senator HATCH and I have proposed legislation that would do exactly that.

I do not believe that Project Bioshield, the limited incentive program the President has proposed, is remotely enough. At best, it focuses on short-term procurement of existing countermeasures, not on long-term research to deal with the threats for which we have no countermeasure. It will not lead to development of a broad-spectrum antibiotic, or to the development of powerful new research tools that will enable us to quickly develop an antiviral to deal with a new threat like SARS. It is a start, but it is late and it does not reflect the urgency that is warranted by the threat.

The bill Senator HATCH and I have introduced will put in place a broad range of incentives our private sector needs to start filling our medicine cabinet today so our public health first responders are not caught emptyhanded tomorrow, as they have been caught with SARS.

We are at war against terrorism. Our first responders—whether they go to work in firehouses, police precincts, hospitals, or laboratories—are our first line of defense. Let's not frustrate and condemn to failure those whose job it is to protect us—many of whom risk their lives—by failing to provide them the resources they need to meet and beat the new and unfamiliar threats to our homeland.

The war against terrorism cannot be won with a magic wand, tough talk, or wishful thinking. It will take talent, training, and technology. It will take real, not rhetorical, partnership among every layer and level of government. It will take bipartisan action in Congress. It will take money. To begin providing our Government the resources it needs to protect us from terrorism, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I rise today in support of the amendment offered by Senators SCHUMER, CLINTON, MIKULSKI, and others. I am proud to join them as a cosponsor of this amendment that will provide desperately-needed funds directly to State and local governments to boost the emergency preparedness capabilities of our Nation's first responders. The amendment also provides much-needed funding for high threat urban areas, FIRE grants, and COPS.

Our Nation is at war, and we find ourselves facing enormous challenges, both at home and abroad. The American people have responded to those challenges and are performing with skill and determination and valor on both fronts.

We have nearly a quarter of a million troops in the Middle East. Our soldiers and marines have been engaging tenacious guerilla fighters in Iraq's harshest weather conditions. Our sailors are superbly executing their complex missions. Our Air Force already has performed thousands of missions over long distances amid withering ground fire, eliminating threats to all our troops. And we have National Guard units being called up all across the country to prepare for what could turn into a lengthy assignment overseas.

Here on the homefront, our first responders and thousands of dedicated Federal workers are giving their all to preparedness and prevention. Police officers, firefighters, and emergency medical response providers are being pushed to the limit with added duties, longer shifts, and cancelled time off. The new responsibilities they are shouldering in guarding against and preparing for terrorism have become largely unfunded mandates on them and on their States and communities. Every time the threat alert level is raised, it takes millions more in local and State costs to respond.

The administration readily accepts the need to fund our antiterrorism efforts abroad, but the administration continues to downplay and minimize the real needs in real communities across the Nation for adequate resources to meet homeland defense needs here at home. That must change. We need to do both we need a robust response to terrorism on both fronts, here and abroad.

This supplemental spending plan the President submitted to the Congress addresses costs in Iraq and other locations overseas but misses the mark by a mile in funding our needs on the homefront. We are fighting a two-front war, yet the President's request mostly only addresses the war in Iraq—as well as the needs of a few coalition allies.

It is frustrating, as well as more than a little ironic, that after all of the repeated requests from Congress and State and local officials, over a period now of a year and a half, about the need for taking care of the fight against terrorism at home, the administration has decided to request almost $8 billion in assistance on behalf of the foreign nations that it considers helpful in the war against Iraq, but only $2 billion for first responders. The Nation's Governors and mayors have made abundantly clear the urgent need for that same level of funding, $8 billion. Our hometown heroes need help now.

In recent months, the Nation's first responder needs have grown increasingly urgent. I have repeatedly joined with congressional leaders like Senator BYRD, Senator DASCHLE, and others in asking the President, in this supplemental request for appropriations, to include at least $5 billion for our State and local first responders. But the administration has fallen far short in this bill, including only $2 billion to assist State and local governments to support federally mandated terrorism preparedness during this time of heightened threats and insecurity. The amount included in the supplemental is inadequate.

No Federal agencies are doing the jobs that we need first responders to do. When terrorists attack, the first call that is made is not to a Federal agency in Washington. It is to 9–1–1, for their State and local first responders. The responsibility now falls to the Congress to boost funding for our first responders. We are in a two-front war, overseas and here at home, and we need to fund both.

The sooner we help first responders help us in the war on terrorism, the better. I hope you will agree that our Governors and mayors know what their States and communities need to be safe from and respond to terrorist attacks. My colleagues and I who introduce this amendment have heard their pleas and responded. I hope the Congress will respond accordingly, even though the administration so far has not.

Mr. KENNEDY. Mr. President, September 11, 2001, taught us that the Nation is vulnerable to terrorist attacks on our own soil. In Massachusetts, almost 200 families lost loved ones on that day, and they bear an especially heavy share of the burden of that vulnerability.

Here in Congress, we are each committed to do all we can to see that 9/11 never happens again. We need to work together to provide the resources to prevent terrorists from attacking the cities, the towns, the villages, and the communities we all care so much about in our States and across this country.

Yet we failed to live up to our responsibility yesterday during the debate on Senator HOLLINGS' needed proposal to strengthen the protection of our seaports. It would have provided $1 billion to begin to protect our Nation's notoriously porous and vulnerable ports. Yet during the debate on the amendment, opponents questioned "where will it end?" as if this was such an extravagant investment. It was defeated, and I cannot understand why.

One billion dollars was proposed to secure our seaports against sabotage, dirty bombs or worse in cargo containers. Was that really too much—even though the President has pledged $9 billion in aid to other nations to help them protect their own citizens?

These entryways into the United States are responsible for 95 percent of all U.S. international trade, but only about 2 percent of all cargo is now being inspected. An urgent proposal to do more, and do it now, should certainly get a unanimous vote in the Senate. The stakes are too high. September 11 taught us what can happen.

Obviously, we don't have unlimited funds. Obviously, we can't make ourselves 100 percent free of the terrorist threat. But can we really say that we are doing all we can when the overall bill before us provides only $2 billion to help State and local governments meet their new security requirements? Facing serious budget reductions of their own, the Nation's cities are spending an additional $70 million a week on direct homeland security costs, and tens of millions more in indirect costs.

But can we really say we are doing all we can when Federal assistance for homeland security has, to date, provided the entire State of Massachusetts with only $11 million, the entire State of Pennsylvania with only $18.5 million, and the entire State of California with only $45 million?

Can we say we are doing all we can—let alone all that we should—when the bill before us provides the grand total of only $100 million to protect all the high-level-threat urban areas in the country?

How many of these high-level-threat urban areas are there?

Is $100 million enough—or is it only a drop in the bucket—when we are talking about the security of Atlanta or Austin or Baltimore or Boston or Charleston or Cleveland or Chicago or Dallas or Denver or Detroit or Houston or Las Vegas or Los Angeles or Miami or Milwaukee or Minneapolis or New York City or New Orleans or Philadelphia or Phoenix or Portland or Pittsburgh or Seattle or St. Louis or St. Paul or San Diego or San Antonio or San Francisco or Tampa or Washington, DC, or dozens of other American cities that can legitimately be called high-threat areas.

Mr. President, $100 million for high-level urban threat areas—just for the 29 cities I mentioned above, that works out to $3.3 million for each city. That won't go very far in New York City, where the mayor is spending $5 million a week.

It won't go very far in Boston, which is struggling to meet its security obligations while confronting a potential 2-year State-aid cut of $153 million. As a result of these cuts, and declining tax revenues brought about by the recession, there will be no incoming class of police officers for Boston this year. No incoming class, when the threats to the city are unprecedented and when 18 of Boston's officers are serving their country in Iraq.

Is Boston supposed to take on these new challenges, with only token financial support from Washington?

Apparently, Boston is to go it alone in its efforts to prevent a terrorist attack on any of the 61 hazardous material storage facilities that dot its waterfront. Boston alone is supposed to protect the home heating oil depots along its expressway. And Boston alone is supposed to prevent terrorists from commandeering any one of the hundreds of cruise vessels that stop in our port every year.

Instead of wondering where it will end, a better question for us to be asking ourselves today is: How can we go back to our States without doing all we can to protect our communities?

Last week, half of the Senate had no problem voting for a massively excessive tax cut for the wealthiest Americans on the flimsiest of economic justifications. Yet now we have voted down $1 billion to protect our seaports—even though their vulnerability could have immediate and devastating effects on our economy—and we are reluctant to add another $2 billion to secure our communities.

The amendment before us is modest. It does not try to change the fundamental fiscal relationships between the Federal, State, and local governments. It simply says that we can do more. We can do more than the bare minimum that the President's Budget Director says is absolutely necessary. We can do more so that our Nation's homeland security isn't entirely dependent upon property taxes, lottery revenues, and car washes.

The amendment before us would increase assistance to first responders by $1 billion, provide a total of $1.05 billion for assistance to high threat urban areas, $155 million for firefighter's equipment grants, and $130 million for staffing and overtime expenses for COPS Program activities.

In the context of an unprecedented supplemental appropriation request of $74.8 billion, and with the backdrop of heightened domestic security, can anyone really pretend that these investments are unwise or unnecessary?

Today, I spoke to 17 mayors in Massachusetts by conference call, all of whom are struggling to meet the challenges of post-September 11 security—and none of whom know how they can go on bearing these costs alone. Their obstacles are impossible to overcome.

Mayor Fred Kalisz of New Bedford, a city of 94,000 people and home of the Nation's highest value commercial fishing fleet, has incurred $500,000 in specific homeland security expenses to date and has come up with list of $3.4 million in essential capital security requests to protect his city's port, its commercial fishing fleet, and key public facilities. He has no way to pay for these costs. He recently had to suspend drug and alcohol prevention programs for New Bedford's youth.

Mayor John Barrett of North Adams, a city of only 14,000 people, has to deploy his small town police force to secure two nuclear powerplants—including 533 spent radioactive fuel rods—against terrorist attack.

In Everett, a city of 38,000 people located just outside Boston, Mayor David Ragucci spends $10,000 a day to secure facilities containing 685,000 gallons of propane, 95 million gallons of jet fuel and a 1500 megawatt powerplant from terrorist attack. In the wake of a $4.5 million budget cut, Mayor Ragucci deserves a combat medal for his efforts to protect these facilities which are within 5 miles of nearly 1 million people.

Mayor Bill Whelan of Quincy, a city of 88,000 people, has been hit with over $300,000 in overtime and other personnel costs responding to over 300 anthrax and hazardous materials calls since 9/11. He also has had to begin patrolling the city's 27 miles of open coastline, and begin providing 24-hour police protection for a Muslim place of worship. And he is staring at $4.3 million of State local aid cuts in the face.

In Fall River, with 92,000 people, Mayor Ed Lambert has done a good job so far balancing a very difficult situation. With a reservoir that serves 200,000 people and the State's largest bridge within city limits, Mayor Lambert has had to dramatically increase security at both these critical sites. But, he has had to do it while cutting back his police and fire forces in response to difficult budget shortfalls. Over the last 18 months, Fall River has lost 15 percent of its police force and 10 percent of its firefighters because of budget cuts.

In Brockton, Mayor Jack Yunits has been trying to meet the challenges confronting his city of 94,000 while dealing with the loss of 17 police officers. Another six will soon be retiring, and there is no funding to replace them. Among the mayor's chief homeland security challenges is the safety and well-being of the 6,000 students and faculty who attend Brockton High School each day, the largest high school this side of the Mississippi River. His difficulties will soon be compounded if the proposed State cut of $2.9 million from his budget becomes law.

In Lowell, with a population 105,000, six of its police officers and a fireman have been sent to Iraq. With a police force of 220, Lowell may have to insist on 30 early retirements this year to meet its budget constraints. City Manager John Cox tells me that for the first time in recent memory, there will be no new recruits from the police academy.

Worcester is Massachusetts' second largest city, and Mayor Tim Murray tells me that he has lost over 80 police officers and 86 firefighters due to budget difficulties.

All these mayors have their backs against the wall. They are trying as hard as they can to protect their security, but they are not being given the help they need.

I think Mayor Yunits from Brockton said it best "Our first responders are fighting for their jobs, while they continue fighting to protect us."

They will keep at it, I am sure, because they care about this country. They care about their city. They care about protecting their citizens. They care about doing every last thing possible to prevent another disaster on American soil.

Shouldn't we in the Senate—with our responsibility to protect the American people—at least try to help ease this burden?

I urge my colleagues to support this amendment, and send a message to the Governors and mayors of America that they are not alone, that they can count on Congress to provide more than mere photo opportunities as they confront the threat of domestic terrorism in their communities.

Mrs. BOXER. Mr. President, first, let me thank Senator SCHUMER for offering this amendment to immediately provide more resources to our local first responders. I am pleased to be a cosponsor of this amendment.

This amendment is vital to our first responders at the State and local levels of government. We must increase the resources available so that our police, firefighters, and other emergency personnel can help prevent and respond to terrorist acts.

This amendment makes $2.2 billion available to the Office for Domestic Preparedness in the Department of Homeland Security.

This $2.2 billion is for direct grants to States and local governments. This funding will be passed to the States, and then on to local governments within 45 days.

This expediency is an important concern of many States, including my State of California. We have all heard about the budget shortages that many States are facing. These budget shortages then affect cities and counties.

My State of California is facing a budget shortfall of between $26 and $35 billion. In California, revenue from vehicle license fees helps communities pay for the equivalent of 12,000 police officers or 15,000 firefighters for one year. But, because of the State shortfall, this funding may not be passed on to local communities.

Already, the financial crunch is taking its toll. For example, the city of Marysville faces a $700,000 budget shortfall. This shortfall will affect the police payroll, which accounts for 60 percent of the city's budget. The cities of Santa Cruz, and Napa have also made cuts in police and fire departments. This amendment will assist cities like Marysville, Santa Cruz, and Napa to have full teams of first responders.

On top of this budget crunch, the Federal Government has handed additional responsibilities and a heightened terror alert to already troubled State and local governments. The states are paying for security costs that the Federal Government has asked them to cover. In California, the Governor estimates $500 million in statewide homeland defense costs for the State and local governments. These estimates are probably low, especially if the war in Iraq goes on for several months.

The city of Los Angeles spent an additional $4.2 million just during the 20 days of code orange to meet the demands of heightened security. The city of Fresno is spending between $15,000 and $20,000 per week on homeland security costs. On average, the city of San Francisco is spending $2.3 million per week, second only to New York City. In fact, of the five cities nationwide that are spending the most money on protecting the homeland, two of them—San Francisco and Los Angeles—are in my State.

This amendment is vital for our communities, vital for our local police, vital for our local firefighters, vital for the protection of the American people. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 3 minutes to another sponsor of the amendment, somebody who has fought long and hard for first responders and localities, the people of Maryland, the Senator from Maryland, Ms. MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I am pleased to join with my colleagues, Senators SCHUMER and CLINTON, who have been working steadfastly to get the resources we need to properly fund homeland security. They have stood up not only for New York but for all of America because we know that homeland security cannot be done on the cheap. We are at war. We are at war in Iraq, and we need to support our troops. But we are at war here. The President of the United States, George Bush, said we are at war here in the war against terrorism and we need to support the hometown, homeland troops. They are our first responders.

Where are they? They are in local governments. They are in fire stations. They are in police stations. They are standing sentry behind the ambulances ready to respond to any emergency need. When a citizen calls 911 because of an event that has happened in their community, it happens locally.

The Schumer-Clinton-Mikulski amendment not only gives more money, which is desperately needed, but it brings money to the local communities where it is needed.

We live in the capital region, we in Maryland, whether it is Montgomery County or Prince George's or Baltimore City. Our overtime is skyrocketing. We are spending loads of money in the protection for infrastructure. In Baltimore, every time we go to code orange we are spending $50,000 a week on police overtime. Prince George's County needs $50 million just to be able to talk to the rest of the State in interoperable radio equipment. Anne Arundel County is responsible for the protection of the National Security Agency, the Naval Academy, the capitol of the State of Maryland, and BWI Airport. We say: Oh, wow, we can't afford to do it.

Let me say this: When the country goes to code orange, our local communities go to red ink. Local governments have no place to turn except higher property taxes. We say no to higher property taxes. We say yes to more funds for homeland security. If we want to wear the flag, let's stand up for the flag and let's stand up for the flag by supporting our first responders in the local community and by putting the money where our patriotism is, right in the Federal checkbook.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Schumer amendment, but I also wanted to make a comment about the Specter amendment. I support the amendment of the Senators from New York and Maryland who are lead sponsors on this particular amendment. They are absolutely correct. We are not giving the resources that are necessary to first responders.

While the bill before us attempts in good measure to support the war underway, we always need to be prepared each and every day to fight the war on terrorism—which is broader than the battlefield in Iraq. The battlefield has now become in some sense the U.S. territory, and we need to do more faster. I realize we can't pay for every bill that is submitted, but we most certainly can do more than what we are doing. I intend to vote for the Schumer amendment.

I am not sure what I will do on the Specter amendment. I will say why. I think the offset is inappropriate. I understand there might be some consensus about the amendment of the Senator from Pennsylvania, but let me say what I object to strenuously in the amendment. To fund the high threat urban areas, a portion of the money,

$150 million, is taken from State and local governments, and a portion is taken from critical infrastructure protection. So here, as a Senator from Louisiana, I have to now be forced to choose—these are tough votes and this is a job we asked for—because on one hand, I do want to add money to the overall pot, which the amendment does, but I want to call to the attention of my colleagues that part of the offset is taking it away from protection for pipelines, chemical plants, ports, and other critical infrastructure that could be described as highways, rail, et cetera, to support high urban threat areas.

It is a dilemma. I hope, however, it is resolved. Perhaps a better offset could be found in the conference report because I agree with Senator SCHUMER and Senator CLINTON that we have to do more. I don't agree with the proposal put down by the Senator from Pennsylvania that to solve that problem, it needs to be taken from States such as Louisiana—perhaps Texas could find itself in the same situation—having a tremendous amount of critical infrastructure to protect, which I might say to my colleagues in the Senate, supplies a tremendous amount of energy for the Nation. Those critical infrastructures are all over urban as well as rural parts of Louisiana. So I rise in support of the Schumer amendment, and with great reservations about the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Senator from Michigan, who has been a great supporter of first responders.

Ms. STABENOW. I thank my colleague. I rise as a cosponsor of this amendment. I commend my colleagues for bringing it forward.

As has been said so many times, we have two front lines in the battle on terrorism. We have come together virtually unanimously in support of our troops in Iraq and for the efforts on other soils away from our country. But here at home we have not done the same. Back in Michigan, I held nine different community meetings around the State, and I heard the same thing from our urban to rural areas: They are working hard, working overtime, but they cannot do it alone.

When our country was attacked, it was not just New York or Washington. They were, in fact, attacking the United States of America. We have an obligation to our hard-working men and women, the firefighters, the police officers, the emergency medical workers, to make sure we are partnering with them to make sure they have the resources they need.

I have heard so much about the need for communications equipment, bioterrorism training, additional personnel. They are saying to me that it is very frustrating when, on the one hand, we say we are getting them more money, and then we cut the COPS Program or the Fire Grant Program.

The Senator from Louisiana raises an important point about the Specter amendment as to where the dollars come from. I will support the Specter amendment, but we have to make sure these are really new dollars and not just moving from one pot to another pot because the reality is that our first responders cannot do this without our partnership and our support.

This is the time we are bringing forth the resources to fund the war to support our troops abroad. We have troops right here. They are asking us, finally, to support them. We have tried for 18 months to provide the resources, to let them know, and today is the day.

I hope my colleagues will join unanimously to do that.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, by way of a brief reply and comment on the arguments that have been made, I agree with a great deal of what has been said. It would be highly desirable to put in more money, but what we have seen today are efforts on the other side of the aisle to add funds, and a response on this side of the aisle, pretty much on party-line votes, to deny the addition. I have sought to find a figure that is significant, such as $600 million, which will be agreed to by votes significantly on this side of the aisle, and with some votes on the other side of the aisle.

When the Senator from New York, Mrs. CLINTON, made the comment that there are features of Senator SCHUMER's amendment that expedite the disbursement of the funds, that is not included in my amendment because we don't really know what the formula should be. When Secretary Ridge testified before the Appropriations Committee on March 27, he agreed that the current formula on a population basis was inappropriate, that high-risk areas need more money. At the moment, we do not have a determination as to what those costs are. We have directed the Secretary to make that determination. Once he makes that determination, then we can make an allocation. I certainly would like to see more money.

I agree totally with the comments made about the bravery of the firefighters and of the police officers, and the threat of terrorism that has to be fought domestically as well as overseas. What I am looking for in my amendment is the art of the possible—to come up with a figure, and $600 million is substantial.

It is true, as the Senator from Louisiana points out, money has been taken in other lines for $300 million. But we have gotten the managers to agree to an additional $200 million, so it is a matter of priorities. If you look at the high-risk areas, such as New Orleans, it is in the interest of the State of Louisiana to have this allocation.

How much of my time remains?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. SCHUMER. I inquire how much time I have.

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining.

Ms. LANDRIEU. Will the Senator from Pennsylvania yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana has 2 minutes remaining.

Ms. LANDRIEU. Mr. President, I wish to respond to the Senator from Pennsylvania because this is a very important debate. I thank him, first, for the effort he has made to try to bring some compromise to the issue.

I restate how difficult it is for some of us from some States that have serious needs of critical infrastructure. We supply 20 percent of the Nation's oil and gas. I have more pipelines in my State than any other State in the Union. We are happy to provide the energy. We have more chemical plants than Illinois, New Jersey, and other States. To ask us to be forced to say we don't really need money for that and we can give money to urban areas—the fact is, we need to give money to both, and to New York, Pennsylvania, New Orleans, as well as other places where pipelines run under very small communities.

I hope the Senator from Pennsylvania will take seriously—and I know he does—what point I am making and perhaps work as a member of the Appropriations Committee as this bill moves through to try to find an additional remedy so we don't have to get rural areas giving up their money for urban areas, or urban areas giving up their money for rural areas, and we can try to make fair allocations to protect all of the critical infrastructure in the Nation, whether it is in rural or urban areas.

Mr. SPECTER. Mr. President, I think the Senator from Louisiana makes a valid point on the need for more funding. We are now on the emergency supplemental. We do not know at this moment what the costs are to protect all of these interests. We will know shortly. We have asked for 60 days. We will be moving forward with more appropriations bills. We are in the process now of moving forward.

The subcommittee, chaired by the distinguished Senator from Mississippi, on which I serve, will be taking it up. We will be interested to see the specifications as to what it costs to protect the interests identified by the Senator from Louisiana. But I think this is a substantial start. This is a combination of trying to get more funds in, and getting $200 million is not easy on this side of the aisle. Making the reallocation of the $600 million is a very material advance.

Ms. LANDRIEU. I thank the Senator for his comments. I look forward to working with him as we try to provide additional funding for the critical structure that is necessary throughout many places in the South and in the industrial East.

Mr. SCHUMER. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I yield to the Senator from New Jersey 2 minutes.

Mr. LAUTENBERG. Mr. President, I rise in support of the amendment offered by our colleagues, Senator SCHUMER, Senator CLINTON, and Senator MIKULSKI.

The amendment of the Senator from Pennsylvania, too, is an amendment that has to be considered favorably. This amendment would provide desperately needed funds to State and local governments to bolster their emergency preparedness. I am pleased the amendment sponsors have included my proposal to reimburse State and local governments for additional costs that they are incurring because they have not replaced the first responders called to active duty in the Reserves or National Guard.

Not surprisingly, many local police and fire and rescue and emergency medical service and hazardous material disposal personnel serve in the National Guard and Reserves. More and more, these men and women are being called up for longer and longer tours of active duty, and especially now that the war with Iraq is underway. It is critical that we bolster our military capabilities here and abroad but that we not do it at the expense of our safety and security at home.

I have spoken to a lot of mayors in New Jersey. New Jersey shared the impact of the terrible assault on the Trade Centers with New York, as 700 of our citizens died that day. What perplexes them is the fact that here they are being asked to bolster the defenses at home, to make sure they cover the emergency needs, and, in many instances, it takes people away to serve either in the Reserves or the National Guard, to put them on active duty.

They do not understand—and I agree with them—why it is we cannot take care of our defenses with strength at home as well as abroad.

I am pleased that the amendment sponsors have included my proposal to reimburse State and local governments and Indian tribes for the additional costs they incur replacing their first responders who are called to active duty in the Reserves or National Guard.

The 1.2 million men and women who serve in the National Guard and Reserves are a crucial component of our military. They account for just 8.3 percent of the Defense budget but give us the capability, if necessary, of nearly doubling our armed forces.

Not surprisingly, many local police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel serve in the National Guard and Reserves. More and more of these men and women are being called up for longer and longer tours of active duty, especially now that the war with Iraq has begun.

It is critical that we bolster our military capabilities here and abroad. But we must not do it at the expense of our safety and security at home.

Our local communities must have the necessary personnel to respond to terrorism, natural disasters, and other emergencies.

My proposal would reimburse State, local, and tribal governments for the additional costs they incur when their "first responders" who serve in the Reserves and the National Guard are called to active duty for 6 or more consecutive months.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty.

The effect of my amendment would be to make such reimbursements an authorized use of the $500 million contained in the underlying provision.

Increasingly, I am hearing from State and local officials who are concerned about the toll that active duty call-ups are taking on their emergency preparedness.

According to the Police Executive Research Forum, 452 of 1,002 law enforcement agencies and departments surveyed so far have lost personnel to call-ups.

The problem is worse in rural and smaller jurisdictions where just a few call-ups can decimate a police or fire department.

State and local governments are facing their worst fiscal crisis in over 50 years. We shouldn't leave them "holding the bag" when their first responders get called up. And we should not be making our communities *less* able to respond to terrorism, natural disasters, and other emergencies.

Again, I thank my colleagues from New York and Senator MIKULSKI for accommodating my proposal. I think my language makes a good amendment even better and I urge my colleagues to adopt it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the bill reported by the committee provides an additional $2 billion in supplemental appropriations to enhance assistance to State and local first responders. It does so in a manner which builds on the State strategies; provides funding for enhanced security of critical infrastructure, and allows the Secretary to target funds to high threat urban areas.

This amendment does more than just boost funding for the Office for Domestic Preparedness. It mandates mechanisms for the dispersal of Federal funds which would dilute the impact of the supplemental funding altogether.

The amendment which has been offered requires a direct pass-through of grant funds to States within 30 days. This requirement would negate the strategic planning process the Office for Domestic Preparedness has developed and implemented with States to allocate funds to those with greatest need and it would undermine the States' regional approach which is currently supported by the majority of States.

The amendment requires that funds for grants be allocated to States based on the minimum grant requirement in the USA PATRIOT Act and the remaining amounts being distributed on a per capita basis. This is what is being done currently. However, it mandates that the funds be allocated to States within 30 days of enactment of the Act. This would not allow time for the States to submit a plan for the use of the funds requested which ensures some degree of accountability that Federal funds will be used to cover allowable costs.

The amendment further requires that not less than 80 percent of each State's funds be made available to units of local government based on population. Of the 80 percent mandated to go to localities, the amendment then requires 20 percent be used "shall be for"—"costs of law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses."

In addition, the amendment allows grant funds to be used for "personnel funds". It does not define what this means. Does this mean hiring personnel or reimbursement of costs of existing personnel, or both? What is the baseline for determining this? What will ensure that Federal assistance supplement and not supplant existing levels of effort?

The amendment also does not define units of Local Government. If it truly means all local units will receive funds based on population, the Federal funding will be diluted by giving many small jurisdictions small grants. And, it will most likely cause further delay, if you consider there are over 3,100 counties, each containing townships, villages or other governmental units, and the States are required, as this amendment mandates, to disperse all these funds to this number of jurisdictions based on population within 30 days, and then to make sure that 20 percent of those funds be allocated only for specified purposes, as the amendment requires.

Where the current system relies on planning-based decisionmaking, this amendment resembles revenue sharing.

I realize that changes to the current system may be merited. Questions have been raised about the appropriate Federal share of the additional cost to States and local governments of terrorism preparedness and response efforts; what should properly be a Federal responsibility; and the formula for distributing funds, and the extent to which it properly reflects risks and vulnerabilities.

However, changes should be made after careful review by the authoring committees of jurisdiction, not done on this supplemental appropriations bill. The chairman of the Senate Government Affairs Committee has already announced a series of hearings, beginning next week, to review the Department of Homeland Security's grant programs and their effectiveness.

I do know that with respect to making a decision on this here today, the current process is preferable to what is being proposed by this amendment. This amendment would only make things worse.

The same is true for the mechanism proposed by this amendment to deliver critical infrastructure protection funds to States. It would require funds be distributed on a per capita basis to States. Once funds are available to States, 50 percent must be made available to local jurisdictions within 30 days of receipt.

Again, it would dilute the funds being made available for security costs related to protection of critical infrastructure, which are intended to help State and local governments cover additional costs resulting from Operation Liberty Shield. Again, this is not targeted assistance, it is a revenue sharing approach to a problem.

The amendment also provides an additional $155 million for grants under the Federal Fire Prevention and Control Act. There is no indication that additional funding is needed at this time. The Department of Homeland Security is still processing applications for the $745 million made available for fiscal year 2003.

Plus, this additional funding, as well as an additional $130 million proposed for the Department of Justice Community-Oriented Policing Services, is proposed on top of the amendment's requirement that 20 percent of local jurisdictions' share of State grants be used for "law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses."

The bill reported by the Appropriations Committee includes $2 billion in supplemental appropriations for the Office for Domestic Preparedness to assist State and local governments to expand their capacity to prepare and respond to potential terrorist acts.

It provides an additional $1.42 billion for grants to States, at least 80 percent of which must be passed through to local governments. This funding is for the acquisition of equipment, training, excercises, and planning. It is intended to assist States to more aggressively implement their statewide domestic preparedness strategies.

In addition, the committee-reported bill provides an additional $30 million in direct technical assistance to states for a variety of activities, as needed, including support for plan development and implementation of exercises.

It also provides $450 million, as requested by the President, for State grants to assist State and local governments with the costs of augmenting security at critical infrastructure facilities during the period of hostilities with Iraq. This recognizes the new requirements imposed on States and localities by the immediate need for heightened protection of critical infrastructure facilities. We understand that the department has already reached out to States to ensure security measures are under way for the most sensitive sites and has been working with governors in developing site protection plans so that these funds can be released rapidly.

Lastly, it provides an additional $100 million to be targeted to high-risk urban areas, as determined by the Secretary of Homeland Security.

The amendment offered by the Senator from Pennsylvania would alter the amounts recommended in the committee-reported bill to provide total supplemental appropriations of $600 million for assistance to high-threat urban areas and the total supplemental appropriations for the Office for Domestic Preparedness to $2.2 billion. I support the Specter amendment, and I urge my colleagues to oppose the amendment offered by Senator SCHUMER.

Mr. SPECTER. Mr. President, I yield to the distinguished chairman.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes 16 seconds.

Mr. STEVENS. Mr. President, I want to make clear what I stated before. I do support the Specter amendment. By virtue of the approach the Senator from Pennsylvania has enunciated, we end up with more moneys in this area of great concern, but we increase the amount of money in the bill by $200 million. There was already $100 million in the committee-reported bill.

I do accept Senator SPECTER's approach to this. I am hopeful we can convince the House to recognize that this is the proper way to allocate the money the President requested and convince them that the amount we have in this bill is sufficient to meet the objectives we all seek to attain.

I urge Senators to vote for the Specter amendment. Again, reluctantly, I state I am opposed to the amendment offered by the Senator from New York and his colleagues.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. How much time remains on our side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 7 minutes.

Mr. SPECTER. On the other side?

The PRESIDING OFFICER. The Senator from New York has 1 minute 50 seconds.

Mr. SPECTER. Mr. President, I am prepared to yield back time if the Senator from New York is.

Mr. SCHUMER. I am prepared to yield back our time as well so we can move this along.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 515.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—65

Akaka
Alexander
Allen
Bayh
Bennett
Bond
Boxer
Brownback
Burns
Campbell
Cantwell
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Durbin
Edwards
Feinstein
Fitzgerald
Frist
Graham (FL)
Grassley
Hagel
Hatch
Hutchison
Jeffords
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NAYS—32

Allard
Baucus
Biden
Bingaman
Breaux
Byrd
Carper
Chafee
Conrad
Craig
Crapo
Dorgan
Ensign
Enzi
Feingold
Graham (SC)
Gregg
Harkin
Hollings
Inhofe
Johnson
Kennedy
Kyl
Landrieu
Leahy
Nickles
Reed
Rockefeller
Santorum
Sessions
Sununu
Thomas

NOT VOTING—3

Bunning
Inouye
Kerry

The amendment (No. 515) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on vote No. 122, I voted aye. It was my intention to vote no. I ask unanimous consent that it be recorded as no. It does not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

VOTE ON AMENDMENT NO. 514

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the Schumer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, I move to table that amendment.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Bunning
Inouye
Kerry

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to be able to discuss what we are going to do now. We have the managers' package that has some problems. We have to decide how to get out of it. It is my suggestion that we listen to the Senator from Arizona on some of the objections he has to items in the managers' package and see what we can do after the Senator explains his position.

How long would the Senator like to talk?

Mr. McCAIN. Ten minutes.

Mr. STEVENS. I ask unanimous consent we listen to Senator McCAIN for 10 minutes and see what objections we can possibly remedy with the problems he has with the managers' package.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent to be recognized when he has finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, approximately 40 minutes ago, maybe a half hour ago, we were given a "managers' package." The managers' package, the first group was—we haven't yet received the second group of amendments in the managers' package—27 amendments. There is $10 million for the South Pole station in the managers' package; $10 million for NOAA; $600 million for the Department of Agriculture expert assistance; $500 million for the DOJ and FEMA; $281 million for the Department of Energy; $5 million earmarked for a Kentucky public safety communications system. I haven't finished compiling the list because we haven't even had a chance to review these amendments.

I ask my colleagues again: How do you accept a managers' package—in this case worth billions, B as in billions—worth billions of dollars without any debate, without any vote, without any discussion that I know of of any kind? How do you do that? How do you do that?

I intend to have votes on parts of the managers' package. I don't know why we need in this bill $10 million for the South Pole station. I did not know that al-Qaida had reached the South Pole. More importantly, how can we appropriate $500 million for the Department of Justice and FEMA without even talking about it? Couldn't we debate it? Maybe it won't be absolutely necessary. Do we need $281 million additional for the Department of Energy? I don't think the Department of Energy is on the frontline in the war in Iraq.

I am told by the Senator from Alaska—I have the greatest respect and, believe it or not, a great deal of affection for him—that, well, they would pass anyway and this is the best way to treat it because then he will be able to reduce it in the conference.

I am not a member of the conference. Most of us are not conferees. Most of us are just ordinary Senators who have a responsibility to our constituents, not to approve of a managers' package worth billions of dollars that none of us have ever seen or read—and you would not have seen or read it if I had not demanded that the managers' package be shown to us.

Is this the way to govern? Is this the way to spend the taxpayers' dollars? It cannot be. It cannot be the right thing to do.

I have great sympathy for what the Senator from Alaska is trying to achieve by getting this bill done, paying for the war, paying for the war on terror. But how do we sit here and accept billions of dollars in a managers' package that none of us—excuse me, all but a few of us have ever seen, debated, discussed, voted on, or will ever have anything to do with?

I trust the judgment of those who go to the appropriations conference, but I don't give them the responsibility that I have to the taxpayers of my State.

I am sure many of these amendments in the managers' package will pass. I have already seen that today. When we had an amendment to take out the totally extraneous provisions, we only got 39 votes. I am sure they will pass. At least I will be able to go back and tell my constituents that I didn't support $10 million for the South Pole Station in the name of fighting the war on terrorism and the war on Iraq. I have greater respect for the men and women in the military who are doing the fighting than to vote for $10 million for the South Pole in the name of helping them fight the war.

I will yield the remainder of my time, and I will object to the managers' package, and we will have a series of votes. I yield the floor.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Arizona. He provides really a service to the Senate to make us think about these issues. I have thought about all of these. In fact, a dozen Senators on either side are already carrying a grudge because they didn't get their amendment through the process to even get to the Senator from Arizona because they were rejected by someone in the committee of jurisdiction.

Let me say to the Senator, for instance, the $10 million for the South Pole is not an add-on. We took that money off an account and put it in there because they had a disastrous winter. This is the last supplemental for this year, as far as we know. Only another tragedy and the war could bring us to another supplemental. We are going into regular bills after this bill. We will have nights such as this on some of them, probably.

The money for the Department of Energy was identified by several Members, and that is security at nuclear facilities. It was debated on the floor. It was raised here and debated. I asked them to put it into the package because it was my opinion that it was, frankly, raising the bill a little too much, and I didn't want it to look as if I was accepting those amendments. There are a few others that we accepted that go in the bill. As you say, there are times that it is possible to reduce amendments voted on the floor in conference; but when the Senate votes overwhelmingly for an amendment on the floor, it is difficult to deal with in the House—if the House doesn't want to put the full amount up and to reduce it, or negotiate it.

We have several amendments. Senator KOHL's amendment, for instance. He has been courteous in allowing us to put that amendment—it will pass, by the way; I know it will pass. I will tell the Senate that there is not an amendment in this managers' package that I believe would pass the Senate if raised individually.

Why do we have a managers' package? Because we have cleared each amendment with the committee of jurisdiction, cleared by the majority and minority on the subcommittee involved in our Appropriations Committee, and cleared by Senator BYRD and myself, and we have cleared them or offered them to Senator MCCAIN and to Senator REID, or whoever wants to look at the package can look at it. It is a package of convenience.

By putting these amendments together on items we think would pass anyway, we might be able to go home at a decent hour tonight. I might be able to keep my commitment to the Senator from Hawaii to be in Hawaii with him when he gets his great honor on Saturday. That may not be possible because I have a job and I will stay until we do it.

It is also a problem that a couple of the Senators have already departed, and they are relying on us to put these in the package because they had other problems with family, and they are not here now. I can think of three of them who are gone who have amendments in here. We passed judgment on a collective basis. It hasn't just been myself, or myself and my colleague, or our staffs. Everybody in the system is involved in clearing a bill, including the Senator from Arizona who knows I cleared several with him as chairman of the Commerce Committee.

All I say is, I am prepared to proceed in any way that the Senate wishes to proceed with the amendments. There are 25 amendments in this package. They call it the first package. Several are being cleared that will go in this. There is a group of, I think, six that is still out there being cleared. Of these, Senator MCCAIN has agreed with 11 out of the 25. He agrees to modify four others that were not in my accounting. So we can proceed with those on a consent basis and see if the Senator wants to call up the amendments. We are going to be here for a long time if we do that, but in fairness I don't have the ability to withdraw these and say the Senators cannot offer them. They allowed us to use them in the package mechanism so we could save time for the Senate. It is obviously not going to do that. I am prepared, however, as soon as I get the balance of this, to offer them all and let the Senator object and then we will move them one at a time.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to my friend.

Mr. BYRD. Why don't we just finish this Tuesday?

Mr. STEVENS. If we finish this Tuesday, the bill cannot be finished by next weekend because we have to have time for both Houses to prepare a chart on a bill such as this, to see what our differences are, so we can go into conference and deal with the differences. If we pass this bill Tuesday, the House will pass it Tuesday or Wednesday, and we will not be able to get it finished by a week from Friday.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes, sir.

Mr. BYRD. In the request that will be propounded with respect to the appointment of conferees, how many conferees on the part of the Senate is the chairman expecting?

Mr. STEVENS. In the conference on the supplemental, following the procedures the Senator from West Virginia and I have used in the past, we will have the full committee.

Mr. BYRD. Will the Senator yield further?

Mr. STEVENS. Yes.

Mr. BYRD. Other Senators may do as they wish. This Senator is going to go home. That is my right to do. I don't have any quarrel with others who want to stay. I have cast over 16,600 votes in the Senate. I think I have been pretty loyal to my duties to my constituents. But I need to be home. I have been married almost 66 years. I have been in the Senate a little over 44 years. I have been married longer. So I think my duty is to my wife. There are only two duties that will exceed my duties in the Senate. One is my duty to my God and the second is to my family.

So I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be granted leave to go home now and not vote any further today. I will be granted a leave of absence for the rest of the day so that I can go home and be with my wife. Others who wish to stay here may do so. I have spent my time over the years here. If others want to stay, that is fine. I don't think it is absolutely necessary to finish this tonight. I think we can wait until Tuesday. But as far as I am concerned, I thank all Senators for their staying around and completing action on this bill, but count me out. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my great friend from West Virginia today told me of the difficult problems he has and wanted to leave by 5:30. I thought we might make that. Again I find myself apologizing to my friend twice in 2 days.

Mr. BYRD. The Senator does not owe me an apology.

Mr. STEVENS. I thought we would finish the bill in time for the Senator to be with his wife.

Mr. BYRD. The Senator has always been courteous to me. I have no quarrel with him or any other Senator.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not want to prolong the debate. The Senator from Alaska just mentioned there are six amendments still being cleared. This cannot be the way to spend the taxpayers' dollars—to pack 25, or how ever many amendments there are, into a managers' amendment accumulating billions of dollars.

The Senator from Alaska said "the appropriate people were notified and these amendments were discussed with them." I do not like to indulge in a show of hands, but I guarantee you, Mr. President, most of the Members of this body were not consulted on most of these amendments that are in the managers' package because I have been here most of the day and I have never heard them discussed or debated. The only reason I am seeing them now for the first time, as I say, 40 minutes before we would have had final passage on the bill is because we demanded to see them.

Again, I am not a member of the Appropriations Committee. I believe there are 20 some members of the hundred of us who are members of the Appropriations Committee. For us to simply say, I will accept a $600 million amendment; don't worry, we will work it out in conference—I am supposed to go back to my constituents and say: I spent $600 million of your money, but do not worry, we left it up to another Senator to work it out in conference.

We cannot govern this way. We cannot. We cannot have this kind of procedure. I apologize to my colleagues for this, but I am not the one who ran this procedure. I warned the Senator from Alaska time after time that the managers' package was the most egregious of everything that is done in the appropriations process. I will never forget a couple years ago when I asked the manager of the bill: What is in the managers' package, as everybody was standing in line to vote. He said: I don't know.

I let it go because I did not want to anger my colleagues and upset the schedules of my colleagues. Do you know what we found? We found about $50 million in absolutely unnecessary and unrelated projects added in a "managers' amendment." We cannot do that. We cannot do business this way.

I agree with the Senator from Alaska that he will win on every one of these votes because we just saw earlier today that if we are not going to reject $93 million for an agriculture research center and $50 million for maritime administration guaranteed loans, which is a totally failed program—and I have forgotten some of the others—we certainly are not going to turn down amendments that have as much as $600 million.

Here is another one. An amendment described as town meetings. Interesting, town meetings. It removes a 250,000-person threshold for Senate funding of town meetings. What is that all about? It may be, as the Senator alleges—I did not know they had more severe winters than others at the South Pole, but there may be a very legitimate reason to lift the cap on a 250,000-person threshold for Senate funding of town meetings. We do not know. We do not know, I say to the Senator from Alaska.

Mr. STEVENS. Will the Senator yield?

Mr. McCAIN. No. I would like to finish first.

I yield to the Senator from Alaska. I yield.

Mr. STEVENS. No, I will wait.

Mr. McCAIN. All I am saying is we do not know. There may be good reasons or there may be bad reasons. There may be good reasons, when we are trying to fight the war on terrorism and the war on Iraq, to lift the 250,000-person threshold for funding for town meetings. There may not be also. We do not know.

Mr. President, I would like to make two points. One, I propose a vote on the Kohl amendment, which is amendment No. 455, which gives an additional $600 million for agriculture. At the conclusion of that vote, then I will be ready to go to final passage, but I want to tell my colleagues for the last time, I will not—I will not—we cannot govern this way. It is not right. We are not carrying out our duties to the people who send their hard-earned tax dollars to us to handle with care and deliberation.

So if it is agreeable with the Senator from Alaska, we will have a vote, which he will win, adding $600 million, which was in the managers' package and never debated or discussed that I know of, and I bet most of my colleagues never knew of, and we will probably adopt it, giving an additional $600 million to help I guess feed the troops in Iraq, and then we will go to final passage.

But I tell my colleagues who are here on the floor, I will not do this managers' package routine ever again. If the Senator from Alaska feels he will not carry something in conference because it is a losing vote, then that is how it should be, but at least every Senator will be on record and their constituents will know how they stood on town meetings and the South Pole and all of these others—Louisville/Jefferson County Public Safety Communications System, et cetera. If it is agreeable with the Senator from Alaska, I will agree to a unanimous consent request to do that.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for that suggestion. I point out to him before we proceed—and we will proceed; I will ask Senator KOHL to be prepared to offer his amendment, and following that we will offer the managers' amendment—but just this afternoon, I was notified that travel and transportation for members of the armed services was not authorized in some circumstances. One of these amendments authorizes transportation of families of the people who have been injured to Germany, or wherever they are, so they can see their loved ones. They did not have that authority. An amendment in this bill will do that.

They also do not have the money and authorization to buy, for a young person injured and coming back not on a gurney, but needs civilian clothes, something different to wear other than a military uniform because of the injury—we have a provision in here for the purchase of civilian attire for medical evacuation of members of the Armed Forces. Those came to me at 6 o'clock. I think they are relevant to this bill, one of the six the Senator has not seen yet. There are a lot that came up.

I suggest we proceed. The managers' package concept replaces the old litany of amendments that were offered and offered and offered. I remember one time we were here 40 hours. That is what you get into when you do not have a managers' package.

Is Senator KOHL here?

Mr. DASCHLE. We can offer it on his behalf.

Mr. STEVENS. Will the Chair lay before the Senate Senator KOHL's amendment?

AMENDMENT NO. 455

Mr. STEVENS. Mr. President, I call up amendment No. 455.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida, proposes an amendment numbered 455.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide humanitarian food assistance in connection with U.S. activities in Iraq)

On page 2, after line 7, insert the following:

"PUBLIC LAW 480 TITLE II GRANTS (INCLUDING TRANSFER OF FUNDS)

"For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, $600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: *Provided*, That of this amount, $155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003: *Provided further*, That the authority contained in 7 U.S.C. 1736f-1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.".

Mr. STEVENS. Mr. President, I ask unanimous consent that following the consideration of Senator KOHL's amendment, the amendments that I shall offer en bloc be considered en bloc, and adopted en bloc as a managers' package.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. STEVENS. I withdraw the request.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Senator renew his request?

Mr. STEVENS. I intend to renew the request. This is a unanimous consent that the amendments we have here in the managers' package be considered en bloc following the vote on or in relation to the amendment offered by Senator Kohl.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 455

Mr. KOHL. Mr. President,

I am pleased to join with Senator Roberts in offering this amendment.

I offer an amendment to provide $600 million for our international food aid programs. The amendment is cosponsored by Senators Byrd, Daschle, Leahy, Harkin, Biden, Murray, Nelson of Florida, Dorgan, Lincoln, Durbin, DeWine, Baucus, Roberts, and Dayton.

Our amendment is necessary because of the intense pressure the food needs in Iraq have placed on our world food programs. Already, the Department of Defense has used $269 million from our largest international food aid program—PL–480—to feed the Iraqi people. That is $269 million from the $1.4 billion that was appropriated last year for other world hunger needs in places like Sub-Saharan Africa and Afghanistan. As the war progresses and the reconstruction begins, the draw on our existing food aid accounts will continue.

Specifically, our amendment replenishes the $269 million already taken from PL–480 for Iraq. It also adds $100 million to an emergency grain reserve—the Emerson Trust—which has recently released approximately 800,000 tons of wheat to Iraq. A final $231 million is made available for future Iraqi draws on PL–480 as that country waits for the resumption of the UN "Oil for Food" Program.

This amendment is responsible budgeting. We are asking only for the minimum dollars we need to meet an unanticipated food crisis in Iraq—a crisis that is the direct result of the war. Our actions will allow us to meet this crisis efficiently without crippling our other food aid efforts.

I do not for a moment dispute the Administration's decision to tap into PL–480 funds to meet immediate needs in Iraq. I do dispute the position that we should not replenish those funds—thus effectively defaulting on our obligations to starving people in other countries.

There is no doubt that the war has disrupted food delivery to innocent Iraqis. And everyone agrees that, as we move to liberate the Iraqi people, we have an absolute obligation to deliver humanitarian relief.

Before the war, a full 60 percent of the Iraqi population was fed through the UN-run "Oil for Food Program"—a program that turned Iraqi oil revenues into food supplies. It provided over $3 billion worth of food a year distributed at more than 40,000 food distribution sites throughout the country. On March 17, UN Secretary General Kofi Annan suspended the Oil for Food Program. Now, over 2 weeks later, the citizens of Iraq are nearing the end of their food stocks.

We are not just guessing that a food crisis is imminent in Iraq. The UN has stated unequivocally that there is a continuing and immediate need to feed the Iraqi people as they attempt to reestablish the Oil for Food Program. Last Friday, the United Nations petitioned the world community for $1.3 billion to meet that need. Just Saturday, the World Food Program announced that the operation in Iraq could "evolve into the largest humanitarian operation in history." The supplemental before us earmarks no funds for that effort.

The administration has decided—I believe correctly—to use our existing food aid programs to deliver this aid to Iraq. Our amendment simply asks that we replace the funds we are removing now—and will continue to remove—from that program—funds that were budgeted for starving people in Africa, Afghanistan, Indonesia, and North Korea.

Our amendment is endorsed by a coalition of international relief agencies called the "Coalition for Food Aid." Their members include the American Red Cross, CARE, Catholic Relief Services, and Save the Children. The amendment is also supported by the American Farm Bureau, the National Association of Wheat Growers, the U.S. Rice Producers Association, the USA Rice Federation, and the Wheat Export Trade Education Committee. I ask unanimous consent to have printed in the Record these letters of endorsement.

There being no objection, the material was ordered to be printed in the Record, as follows:

April 3, 2003.

Hon. Herbert Kohl,
U.S. Senate,
Washington, DC.

Dear Senator Kohl: The undersigned organizations appreciate your dedication to restore funding for food aid and we support your amendment to the FY03 Supplemental Appropriations bill.

Your amendment comes at a critical time as the United States prepares to provide necessary food aid for the people of Iraq. Providing additional funding and replenishing funding for current food aid programs will place these programs in a better position to meet this year's food aid needs. The amendment also provides the flexibility to purchase the mix of commodities that are needed without disrupting our own domestic market.

American agriculture is prepared and dedicated to providing U.S. commodities for those in need to help alleviate hunger. We thank you for your leadership and urge adoption of your amendment.

Sincerely,

American Farm Bureau Federation, National Association of Wheat Growers, US Rice Producers Association, USA Rice Federation, and Wheat Export Trade Education Committee.

Agriculture, Maritime and Charitable Organizations, Supporting Additional Food Aid Funding,

April 2, 2003.

Hon. Herb Kohl,
U.S. Senate,
Washington, DC.

Dear Senator Kohl: We appreciate and support your amendment to the FY 2003 Supplemental Appropriations Bill to restore funding for food aid programs and to provide adequate additional funds for emergency needs. By appropriating $600 million for PL 480 Title II, including funds to partially replenish the Bill Emerson Humanitarian Trust, this amendment will allow the US to meet commitments to many needy countries this year and to be prepared to provide adequate humanitarian food assistance in the wake of conflict in Iraq.

Because of the gap between the amount of funds available for food aid and actual food needs, the Administration has been forced to limit funding for African emergencies and to reduce ongoing food assistance in many vulnerable countries, including Angola, Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru and parts of Ethiopia. The amendment assures the restoration of funds for previously-approved food aid programs in FY 2003. It is critical that these funds be provided as soon as possible to replenish these programs, since it takes a few months to buy commodities and to deliver them abroad.

The amendment also provides funds to restore the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized level. This will replenish the value of commodities that are allocated in FY 2003 for food assistance related to the conflict in Iraq. For the rest of fiscal year 2003, it would remove the authority for the Secretary of Agriculture to sell Emerson Trust commodities on the domestic market. Because additional funds are made available by this amendment for Title II and to replenish the Emerson Trust, needed commodities can be purchased directly from the market and sales of commodities held by the Trust is unnecessary.

With America's abundant agricultural resources and long-standing tradition of helping the poor, providing funding so the United States may meet its commitments to help alleviate hunger is both appropriate and necessary. We therefore thank you for your leadership and urge the acceptance of your amendment by the United States Senate.

Sincerely,

ACDI/VOCA, Africare, American Red Cross, Cal Western Packaging Corp., Adventist Development & Relief Agency International, American Maritime Congress, American Soybean Association, CARE, Catholic Relief Services, Counterpart International, Food for the Hungry International, International Food Additives Council, International Orthodox Christian Charities, Jesuit Refugee Service/USA, Maersk Sealand, and Maritime Institute for Research and Industrial Development.

National Association of Wheat Growers, National Dry Bean Council, National Milk Producers Federation, OIC International, SUSTAIN, Transportation Institute, U.S. Rice Producers Association, USA Dry Pea & Lentil Council, Wheat Export Trade Education Committee, World Vision, Colorado Potato Growers Association, Didion Milling, Inc., Global Food & Nutrition Inc., International Organization of Masters, Mates & Pilots, International Relief & Development, Land O'Lakes, Marine Engineers Beneficial Association, Mercy Corps, National Corn Growers Association, National Farmers Union, North American Millers' Association, Save the Children, TECO Ocean Shipping Company, U.S. Dairy Export Council, U.S. Wheat Associates; USA Rice Federation; and Wilson Logistics, Inc.

Mr. KOHL. In the last month, we have heard many voices expressing many views of what it means to be American and at war. Among those disparate voices, there are strong, common themes: our pride in our brave troops; our burning hatred for tyranny and injustice; our undying compassion for the poor and hungry of the world.

Our amendment speaks to the last of these. It states simply that, even in times of war, America will remain a compassionate leader in the world community and a passionate combatant of hunger and hopelessness throughout the world.

To reiterate, I offer this amendment because through the Department of Defense and other agencies, $269 million from our largest international food program, Public Law 480, and the Bill Emerson Humanitarian Trust, have already been obligated to meet the urgent necessity to feed the Iraqi people. That $269 million is derived from funds appropriated or made available last year for other world hunger needs in countries such as Saudi Arabia, Afghanistan, Korea, and North Korea. We need to replenish that money which has been used to feed the people in Iraq.

I also thought we needed to provide more than an additional $200 million for the requirements that I anticipate we will be very shortly facing in Iraq with respect to feeding their people. The Bill Emerson Humanitarian Trust is an emergency grain reserve which recently released approximately 800,000 tons of wheat for assistance to Iraq at a cost of $100 million. The replenishment of the Bill Emerson Humanitarian Trust, restoration of Public Law 480 funds that have been diverted from areas such as Sub-Saharan Africa, and providing resources for anticipated needs in Iraq total the $600 million I have included in this amendment.

I urge my colleagues to support the amendment.

Mr. NELSON of Florida. Mr. President, as U.S. and allied forces steadfastly close on Baghdad, they come closer to liberating the people of Iraq, and closer to ridding the world of a menace to global peace. Our troops are performing magnificently. The young men and women of our armed forces have served bravely and honorably, and have made me proud.

When the bombing stops and the war is over, the world will be a safer place. But make no mistake, the American commitment in Iraq must endure for a long haul. It is incumbent upon the United States to ensure Iraq's transition to a freedom. One element critical to post-conflict reconstruction has already begun, and must continue throughout the fighting. That element is the supply of food and humanitarian relief to the people of Iraq.

The supplemental does provide some funds for humanitarian relief, but it is not enough. The Senator from Wisconsin has offered an amendment to this legislation which would provide $600 million in funding in emergency food relief for P.L. 480, Title Two and the Emerson Humanitarian Trust. This $600 million the amendment provides is based on close consultation with organizations who know the situation well from their humanitarian work. The Kohl amendment is vitally important to ongoing operations in Iraq. It: restores funds diverted from other emergency food assistance provided in P.L. 480 activities—including those in Africa—that have been redirected for assistance to Iraq; restores 800,000 metric tons of Emerson Trust, another humanitarian food relief program, because of previous releases this year; and allows for at least one third of food aid needs for Iraq, as identified by the World Food Program. Historically, the U.S. provides one half of emergency food aid needs.

At the time hostilities commenced in Iraq, the U.N. Oil for Food Program provided food to over 60 percent of the Iraqi people via over 40,000 feeding stations. These feeding stations were run by the regime of Saddam Hussein. Hopefully, U.S. and coalition forces can restore the program quickly. But hope alone will not feed Iraqi families left starving by a disruption in this program. The world Food Program has just announced an overall appeal of $1.3 billion for food aid for Iraq for the next 6 months.

We must make adequate preparations right now to provide the food assistance required of us. The Kohl amendment delivers on this moral imperative by providing funds needed for the remainder of this fiscal year in the event significant Oil for Food Program revenues are not available, or is otherwise unable to function.

In another part of the globe desperately needing food assistance, the droughts in sub-Saharan Africa have caused a massive food shortage over the last several months. The toll of this famine threatens millions of Africans and could be far worse than anything we have seen previously. The terrible epidemic of HIV/AIDS, which is currently ravaging the continent, destroys the immune systems of its victims. When further weakened by malnutrition, they are unable to fight off even the most mild illnesses thereby exacerbating the impact of the food shortage. In addition, we know there is still about $250-$350 million shortfall in food assistance to Africa for this fiscal year, which the Congress was unable to provide during consideration of the omnibus appropriations legislation for 2003. It is vitally important that food assistance to this region not be shortchanged, forcing us to choose which mouths to feed, on which continents.

Similarly, there have been droughts in regions of Haiti. The United States currently provides food assistance to Haiti from P.L. 480, Title Two, to the tune of about $22 million, or about 40 percent of our bilateral assistance. This assistance is so important because it is one of the few ways in which we can help the Haitian people, without providing assistance to a corrupt government. We do not provide Haiti with other forms of assistance commonly provided to other countries, like economic support funds or development assistance. This is due to the political stalemate, almost 3 years old, and the inability of President Aristide to take any meaningful and demonstrable steps to resolve the crisis and improve conditions. Therefore, the integrity of the food assistance to Haiti must be protected and preserved in its entirety. The Kohl Amendment does so.

This provision also provides initial resources that will be needed to win the peace in Iraq. It does not specifically designate the funds for Iraq, to be consistent with the way we have traditionally appropriated food assistance governed by P.L. 480 Title II funds, but I trust that these funds will be used for the purpose for which they are intended—feeding the Iraqi people without raiding important food assistance accounts for other regions, such as sub-Saharan Africa, and Haiti.

We must act now. I urge support of the Kohl Amendment.

Mr. McCAIN. Mr. President, the Senator from Wisconsin mentioned Saudi Arabia; I did not know the people of Saudi Arabia were in need.

But, again, it is unrequested by the administration. I am sure it is worthwhile. There is not an amendment that has come before us that is not worthwhile, but it was not felt urgent at this time by the administration.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I don't know of anyone on our side who asked for time on the amendment. I believe the Senator has explained it. I ask unanimous consent that when we start consideration of this vote, there be no further amendments in order, and that immediately following the vote on the managers' package, we go to third reading of this bill, and we have a procedure arranged so that we would hold this bill at the desk until the House bill arrived and it would automatically be married to the House bill and sent to conference as soon as possible.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I will be very brief. I am very reluctant to do this because the chairman has been very gracious to me.

Senator COLLINS and I had worked throughout the day on a bipartisan amendment. We would like a few minutes. It has been heard by the committees of jurisdiction, and we would like a few minutes to work with the chairman because if we are going to spend billions, we certainly ought to make sure there is a repetitiveness in the contracting. The Senator from Maine, the Chair of the Governmental Affairs Committee, has done exceptional work in this area. If we could work with the chairman, I think in a few minutes we could work this out.

I am very reluctant to make this reservation.

Mr. STEVENS. Mr. President, the Senator's amendment would change the procedure for every Department or Agency in the Federal Government in terms of the concept of what must be published in the Federal Register. It also has an exception for withholding publication of any document that is classified.

But in the period of time we are in right now, I don't have time to research this in terms of what does this do to the Department of Defense, what does it do to the CIA, what does it do to the FBI, what does it do to every other organization of the country. I have tried to clear this. There is a great deal of what has been eliminated, but I, too, am a member of this Governmental Affairs Committee, and I could not ever remember taking it up in the Governmental Affairs Committee. I understand what it is, but I don't understand its impact on the agencies I am supposed to protect in terms of the Department of Defense.

I cannot in good faith accept that.

I renew my request that following the vote on the managers' package, no further votes be in order and we proceed immediately to third reading under the proceedings as outlined, which will be outlined in fuller detail at that time, but it will mean that will be the last vote of the day and we will not vote past taking the bill to third reading.

The Kohl amendment comes first.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the first amendment offered by the Senator from Alaska when we started yesterday, that is going to be withdrawn; is my understanding correct?

Mr. STEVENS. We will have a dialog here about the debt ceiling amendment, and I have given my word to the Senator from West Virginia that we would withdraw the amendment. I want to have that dialog. That can take place after the vote. I assured everyone that will be handled in a proper way. I have been asked to make a record of why we did not proceed with the debt ceiling amendment, and I would like to do it at that time.

I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The parliamentary situation is: We will vote on the Kohl amendment, we will vote then on the managers' package, and then the bill will go to third reading under the outline we provided at that time, and there be no further votes or amendments in order to this bill.

The PRESIDING OFFICER. There are four amendments pending which must be disposed of prior to third reading.

AMENDMENTS NOS. 440, 500, AND 504, WITHDRAWN

Mr. STEVENS. I would say there are amendments at the desk that have been modified or agreed to and put into the managers' package. So I ask that those be withdrawn. I believe all the Members involved know what has been done on those amendments. I ask that they be withdrawn and—there are four of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I will withdraw the other amendment when we have the dialog after the vote.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered. The three amendments are withdrawn.

Mr. STEVENS. I ask for the yeas and nays on the Kohl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 455. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING) wuld vote "Yea."

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "Yea."

The result was announced—yeas 67, nays 26, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—67

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Burns
Campbell
Cantwell
Carper
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham (FL)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Warner
Wyden

NAYS—26

Alexander
Allard
Allen
Bond
Chafee
Chambliss
Craig
Crapo
Ensign
Enzi
Frist
Graham (SC)
Gregg
Inhofe
Kyl
Lott
McCain
Nickles
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Voinovich

NOT VOTING—7

Bunning
Byrd
Domenici
Inouye
Kerry
Lieberman
McConnell

The amendment (No. 455) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. Senator, let me thank all Members for their patience and consideration in expediting the bill. It is imperative that we complete this bill, get it to conference, and then get the bill on the President's desk. This next vote will be the last vote of the week. The Senate will not be in session on Friday. We will resume business on Monday with a vote occurring at 5 p.m. on a judicial nomination.

Next week we hope to take up and complete the CARE Act, the FISA bill, POW resolution, other nominations, as well as conference reports that become available.

I thank everyone for their attention and appreciate the hard work over the course of the day.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that Senators JEFFORDS and KENNEDY be added as cosponsors of amendment No. 459.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 522

Mr. STEVENS. Mr. President, I have an amendment at the desk, a series of amendments. I ask that these amendments be considered en bloc and they be adopted en bloc by one rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I withdraw that. Is it possible we might have a voice vote? I will be happy to have a voice vote.

I renew the request that the managers' package at the desk be considered en bloc and adopted en bloc. Does the Senator want a rollcall vote? Without a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I call the attention of the clerk to the fact that there are several original amendments in that package, and they will be properly handled.

Mr. MCCAIN. May I ask what that means?

Mr. STEVENS. It just means they were not numbered. We took out some amendments and put a new one in its place, but we did not make it a substitute for the amendment that is in place.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 522.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. EDWARDS. Mr. President, I rise today to speak about an amendment I have offered to provide funding for the All Hazards Emergency Warning Network. If we are truly going to improve homeland defense, we must prepare Americans to respond in time of attack. And the first step towards that goal is updating our emergency warning system. We must ensure that warnings reach all Americans at risk as quickly as possible.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. Unfortunately, for everything that has happened since September 11, if an attack happened again, many of us still would not know what to do. Today, our emergency alert system depends heavily on television and radio, and doesn't reach millions of Americans who aren't near a TV and radio at a given moment. In addition, the system doesn't provide all the information we need. Right now, the All Hazards Warning Network cannot effectively broadcast information about all types of emergencies, particularly terrorist attacks. That must change. We need to ensure that NOAA has the funds it needs to begin incorporating new warnings and new technologies within the national weather radio immediately.

I have proposed providing NOAA with $10 million right now for incorporating additional technologies for disseminating terrorism warnings within the All Hazards Warning Network. There are a lot of ways that NOAA weather radio could be broadcast using existing technology. For example, cell phones could receive emergency warnings for users in a certain area even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster. We need to encourage the development and implementation of these new technologies.

Additionally, and perhaps most importantly, NOAA needs to have full communication with emergency managers at the local level—the men and women who will be on the front lines of any emergency. The All Hazards Warning Network needs to allow emergency managers to transmit warnings about all types of disasters, including terrorism, to citizens in their area without the delays currently in place.

This is an idea I have been working on for some time. This first bill I introduced this session, together with Mr. HOLLINGS, would require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk. Today's amendment will go a long way towards reaching that goal.

Mr. LEAHY. Mr. President, today I am proud to offer an amendment with Senator CRAIG and five other Senators that will repeal a rider that was inserted without a vote, without debate, and without discussion into the Omnibus Appropriations Conference Report.

After the Conference Committee met and behind closed doors, this special interest rider gutted the organic standards just recently enacted by U.S. Department of Agriculture. This special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the "organic" certification label for his own purposes, to get a market premium for his products, without actually being an organic product.

The antiorganic rider allows producers to label their meat and dairy products "organic" even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards.

If beef, poultry, pork and dairy producers are able to label their products as "organic" without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

Opposition to this rider has been broad, deep, and extremely bipartisan. I have spoken to Secretary Veneman, who has come out publicly in opposition to the antiorganic rider. In the last month, a total of 68 Senators have joined me by cosponsoring a bill to repeal this rider.

This antiorganic rider is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part.

Now the rider has created a legal limbo for farmers. No one knows what the legal requirements for organic animal products are anymore.

I have heard from large producers—General Mills, Tyson Foods—as well as scores of farmers from Vermont and around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

Our amendment simply strikes this antiorganic rider from the Omnibus Appropriations Act, restoring the strong organic standards created by USDA. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them.

When I included the Organic Foods Production Act in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not.

The act directed USDA to set minimum national standards for products labeled "organic" so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each State, and that their products could be labeled "organic" overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. The antiorganic rider, however, has undermined public confidence in organic labeling, which is less than a year old.

This was not the first attempt to weaken the organic standards. Getting the organic standards that are behind the "USDA Organic" label right was a long and difficult process, but critically important to the future of the industry. During the rule-making process, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled "organic."

The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants "organic" to really mean something. Those efforts to hijack the term were defeated and this one should be, too.

Consumers and producers rely on the standard. I hope more members will support my amendment and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill.

We need to fix this mistake and restore integrity to our organic standards.

I urge my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, the amendment I offer today would restore fiscal year 2003 funding for the State Criminal Alien Assistance Program, SCAAP, to the level of funding Congress provided in fiscal year 2002.

Specifically, my amendment would provide an additional $315 million in supplemental funding to the SCAAP program, to bring the total fiscal year 2003 appropriations to the same amount that was appropriated in fiscal year 2002—$565 million.

Most of my colleagues have had to deal with the question of illegal immigration. Just the sheer number of illegal immigrants in our country—estimates range from 9 to 11 million—suggests that Federal strategies to curb illegal immigration have failed.

While only a relatively small percentage of the illegal immigrant population have committed crimes, nonetheless, even that small percentage represents a significant burden on State and local governments, which are forced to apprehend, prosecute, and incarcerate those who prey on our communities.

Today most States are encountering their largest deficits in more than 60 years. Indeed, the fiscal consequences of illegal immigration have contributed to this challenge. In fiscal year 2002, for instance, States and counties incurred more than $13 billion in incarceration expenses. It is the responsibility of the Federal Government to help shoulder the burden that its failures have created. The Federal Government alleviated some of that burden by providing $565 million to the States in fiscal year 2002.

Increasingly, States and local counties are relying on SCAAP funding to help supplement their homeland security activities.

Clearly, our local governments would spend the $13 billion they have spent incarcerating criminal aliens on other fiscal priorities, such as homeland security.

The amendment I offer today would not only provide a more equitable level of funding to help reimburse States for the costs they incur for incarcerating undocumented criminal aliens, it would also help free up funds that State and local governments may need for their first responder activities.

Without adequate funding, this fiscal burden will continue to fall on many of our local law enforcement agencies—including sheriffs, police officers on the beat, antigang violence units, and district attorneys offices.

At a time when cash-strapped State and local governments are being asked to do even more to protect our homeland, we cannot afford to eliminate vital funding that already falls far short of what local governments spend to incarcerate undocumented criminal aliens.

SCAAP payments have never matched the true costs to the States dealing with this problem, but they have nevertheless been critical additions to prison and jail budgets. They have also symbolized the Federal Government's obligation to pay for the results of its failed immigration strategies.

Counties and sheriffs offices across the country, and not just those along the border, are very concerned because of the severe cuts in funding this year. I have received letters from county executives and sheriffs from Virginia, Wisconsin, New York, and other States who are facing critical cuts in their law enforcement budgets because of the anticipated shortfall in SCAAP funding. Those amounts will be cut drastically.

I ask unanimous consent that I may submit for the record, a chart comparing the amount of SCAAP money States received in fiscal year 2002 to the amount they will receive with the fiscal year 2003 SCAAP allocation of $250 million.

Our Nation is facing one of the most challenging periods in our Nation's history. And, we want, to the best extent possible, our constituents to feel secure in their homes and in their communities.

At a time when the Nation is focused on enhancing security within our borders, our States, and our local communities, a vital program like SCAAP should not be vulnerable to being underfunded or eliminated altogether.

The control of illegal immigration is a Federal obligation and we owe it to our States and local communities to provide them with the critical Federal assistance they need to continue doing their job.

Therefore, I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, my amendment will increase funding by $295 million to help meet the humanitarian and other needs that are already obvious in Iraq and that are likely to mushroom in the weeks and months ahead.

To achieve victory in Iraq, we must not only win the war, but win the peace as well. And we know that in order to do this, we will have to deal effectively from the start with all the serious problems we'll face in meeting humanitarian needs, establishing law and order, and beginning the reconstruction process there.

For the next six months, to cover the additional costs that are likely to arise in the current fiscal year, the administration has requested $2.4 billion for humanitarian assistance and reconstruction. It's an essential down payment, and I commend the administration for including this provision.

Many of us on both of the aisle feel that we need to send a strong signal of our willingness to work with the UN in post-war Iraq, and put the recent harsh divisions that erupted in the Security Council behind us.

President Bush said that that if military force is required to disarm Iraq, the United States would "quickly seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people to build a free Iraq." He also said that to achieve the goal of a unified Iraq with democratic institutions, we will be "working closely with the international community, including the United Nations and our coalition partners."

Lately, however, we read stories of a tug of war between the State Department and DoD over who will be in charge of the post-war effort and how. Secretary Powell has said that the UN has "a role to play in many different ways" and that its involvement is needed to provide "international legitimacy" to the post-war efforts.

As our key ally, Prime Minister Tony Blair of Great Britain said yesterday the post-war effort "should not, in the end, be run by the Americans, should not be run by the British, should not be run by any outside force. Iraq should be run, for the first time in decades, by the Iraqi people."

These are strong statements of the importance of cooperation among our friends and allies in the major challenges facing the region and the world in the aftermath of this war.

They also make good sense. The UN will be essential in assessing, coordinating and delivering humanitarian aid, and in defusing any rage in the region over a so-called U.S. occupation.

With the resumption of the UN's Oil for Food program last week, resources will start to become available to meet the food needs of the Iraqi people. However, we still have to meet other needs, such as sanitation, health, shelter, the removal of landmines, and local emergency repairs to help civilians resume their daily lives as soon as possible. My amendment provides an additional $225 million to meet these priorities and to prevent illness, disease, and death among the survivors of the war.

It also provides an additional $45 million for law enforcement. The rule of law—the sense of public security and safety—is something that we often take for granted. As we learned in Kosovo, and again in Afghanistan, law and order are the indispensable cornerstones for building a functioning society. Without it, everything else takes longer, and costs more. Experts may doubt that Iraq will erupt into major civil conflicts, but most of them do expect local violence, revenge killing, and power struggles if there is no clear transitional force and stable government.

The bill before us contains funds for a civilian police force, but a full judicial team has not been included. This was a significant problem in Kosovo, and it can be avoided in Iraq by paying adequate attention to revising laws so that the effort to bring criminals to justice is not undermined. The immediate presence of a judicial team will assist in expediting this process and begin to establish adequate rules on arrests, detention, trials, and other aspects of a new legal system.

Fair treatment of the people of Iraq in the immediate weeks and months after the war will obviously help to smooth the way to peace and encourage other nations to join in meeting this responsibility.

The final provision of this amendment addresses a separate ongoing need. The Emergency Refugee and Migration Assistance Fund is our global fund for unforeseen refugee and migration emergencies. This program has been funded at $50 million, but its needs continue to outpace the available resources. The United Nations refugee agency recently appealed to us for $29 million to assist the refugee emergency in the Ivory Coast and another $29 million to finance the repatriation of Angolans.

The underlying bill provides an additional $75 million, but in the next six months, new demands for these emergency funds are likely for Afghanistan, Sudan, and the Congo. It makes sense to provide the funds now that we already know we will need for this account. With emergency relief, it is not a question of if but when. The amendment will add $25 million to be sure that we have sufficient monies to respond to emergencies on the horizon. As we focus on the humanitarian needs in Iraq, we cannot ignore the refugee crises in Africa and other regions of the world.

We know that the whole world is watching what we do. Reports of massive anger in the Middle East and in other countries should be very troubling to us all. We need to get the Iraq reconstruction effort right the first time. Its importance cannot be underestimated, and we can't afford to leave it underfunded.

These additional funds are a start, a downpayment on the longer effort. This bill may well not be enough even for the very short term of the next six months. Far more will be needed to meet our responsibilities, and to win the peace. We ought to be planning and preparing to meet these reponsibilites now.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. I thank all Members for their patience and courtesy. And as the leader said, this is the last vote. We will handle the problem of moving this matter to third reading after this vote. There will be no further votes tonight. Have we adopted the managers' amendment?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 522.

The amendment (No. 522) was agreed to.

AMENDMENT NO. 435, WITHDRAWN

Mr. STEVENS. Mr. President, according to the Treasury Department, the statutory limit on the national debt needs to be raised. The amendment I offered yesterday would have increased the debt limit so as to avoid the risk of a default. I understand the concerns that have been raised about this amendment by the other side, and I am willing to withdraw the amendment if the majority can be assured that the Senate will pass a freestanding bill to increase the debt limit with the cooperation of the minority and without unnecessary delay, and there will be no necessity to file cloture to bring this bill to a vote. I know the distinguished Democratic whip has discussed this with the Democratic leader and others, and I would ask if he is able to give those assurances at this time.

Mr. REID. I would say to the distinguished chairman of the Appropriations Committee that he is correct: I have discussed this matter with the Democratic leader and others, and we fully understand the importance of ensuring that the borrowing authority of the Treasury is not impeded, and we appreciate the interest of the Senator from Alaska making certain that the full faith and credit of the United States is never called into question. While we on this side cannot commit to supporting a bill we have not seen, we do assure the Senator from Alaska that when a freestanding bill to increase the debt limit in the usual form is brought to the floor, we will work with him to see to it that the bill is passed in a timely and orderly way, without any unncesssary delay. The Senator has our commitment on that.

Mr. STEVENS. I appreciate the cooperation of the Democratic whip, and given his assurances, I withdraw my amendment dealing with the debt ceiling.

The PRESIDING OFFICER. Without objection, amendment No. 435 is withdrawn.

ATAP

Mr. DOMENICI. Mr. President, I rise to address Senator McCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, about the Antiterrorism Training Assistance Program, or ATAP.

I note that the supplemental appropriations bill includes $52 million for the State Department to establish the Center for Antiterrorism and Security Training (CAST) in Maryland. These funds were deferred from the Consolidated appropriations Resolution for Fiscal Year 2003 with the understanding that they would be included in an appropriate vehicle, which is this bill. CAST will be a central training academy for the State Department.

It will be a while before the new center is operational, which makes it difficult for me to understand the actions of the State Department to eliminate and scale back existing antiterrorism training programs that have been successfully carried out by Louisiana State University (LSU) and the New Mexico Institute of Mining and Technology (New Mexico Tech) for the past several years. In fact, LSU has been carrying out this training for the State Department for over a decade. New Mexico Tech has partnered with LSU since January 2000.

The State Department has relocated the Hostage Negotiations Program from New Mexico Tech to LSU, and it has advised New Mexico Tech that it will relocate the Rural Border Operations Course to a facility on a military base in Albuquerque.

Ms. LANDRIEU. Mr. President, I join my colleague from New Mexico in questioning the State Department's actions on the ATAP training programs. Both universities and the surrounding communities have made substantial investments in facilities, curriculum, and even diplomacy in welcoming foreign law enforcement officers to their communities and providing them with training courses to help them combat terrorist and other criminal activity. Yet it appears the State Department will pull all ATAP training out of New Mexico Tech by this June. I can only guess that the State Department has similar intentions for LSU in my State.

Mr. DOMENICI. Mr. Chairman, this makes no sense to me as this Nation contiues to fight the war on terrorism and is now engaged in a war against Iraq. The antiterrorism training programs are more critical than ever, and they should continue to be carried out at LSU and New Mexico Tech, which have run successful programs for the Department of State for years.

Mr. Chairman, would you agree with me that it is premature to withdraw current antiterrorism training assistance courses out of LSU and New Mexico Tech during these troubled times?

Mr. McCONNELL. I would agree with the Senator from New Mexico that this seems to be an unusual time for the State Department to take such actions. The Foreign Operations Subcommittee has provided significant increases for the ATAP Program through the regular appropriations bill and the supplemental appropriations bill last year, and the President proposes another $106 million for this program, an increase of nearly $42 million above the current level.

I believe these programs with law enforcement personnel from other nations are more important than ever, and there is a significant benefit to the State Department in using the facilities at LSU and New Mexico Tech to continue these training programs. I would concur that the Department should continue to carry out these courses at these two universities.

Ms. LANDRIEU. I thank the Chairman for his direction on this matter.

Mr. LEAHY. I can understand the concerns of the Senator from Louisiana and the Senator from New Mexico. I join the chairman of the Foreign Operations Subcommittee in his view that the State Department should continue to carry out ATAP courses at Lousiana State University and the New Mexico Institute of Mining and Technology.

Mr. DOMENICI. I thank the Chairman and Ranking Member for their interest in, and assistance on, this most important issue.

SURPLUS FOOD AID TO IRAQ

Mrs. BOXER. Mr. President, 2 weeks ago Ambassador Wendy Chamberlain of the U.S. Agency for International Development testified before the Senate Foreign Relations Committee that there is as little as a 1-month supply of food available to Iraqi citizens. I am told that the administration has had informal discussions with the Appropriations Committee on how they plan to spend the $2.4 billion in the supplemental for the Iraq Relief and Reconstruction Fund.

After hearing about these consultations with the administration, I am very concerned to learn that there is virtually no new money in this bill for food aid. Rather, the money that is being requested will be used primarily to reimburse funds that were already borrowed from other fiscal year 2003 foreign operation accounts to pay for food aid or to pay for logistics and distribution. The good news is that the Senate may be working to increase the amount of food aid in this bill and the House version of the supplemental appropriates funds for food aid.

With this food aid, we have a chance to help not only the Iraqi people, but also America's farmers. Many of America's farmers are experiencing a surplus of commodities that could provide valuable nutrition to the Iraqi people while alleviating potential crop losses for our Nation's farmers. Our high quality food products such as rice, beans, raisings, dates, dried fruit and other relatively nonperishable items are familiar foods in that region of the world and would be appropriate for inclusion in our relief supplies.

I am wondering if the chairman and ranking member of the Agriculture Appropriations Subcommittee could tell me if this additional food aid funding can be used to purchase surplus agricultural commodities, which would both help feed the Iraqi people and benefit American farmers?

Mr. BENNETT. Yes, that use is entirely permitted. I agree that we should do all that we can to help the Iraqi people and our farmers at the same time.

Mr. KOHL. I think that this is an excellent suggestion, and I would support the use of a portion of these funds to purchase surplus U.S. commodities that are appropriate to meet the dietary needs of the affected populations and that are currently authorized for inclusion under these programs.

Mrs. BOXER. I thank my colleagues.

• Mr. KERRY. Mr. President, we are currently engaged in a war with Iraq. I strongly believe that our military must have every resource at its disposal to fully prosecute and win this war. I support the Senate fiscal year 2003 supplemental appropriations bill because it provides funding for the military functions of the Department of Defense as it prosecutes the war in Iraq. The bill also includes funding for the reconstruction efforts in Iraq and funding to continue our anti-terrorism efforts. However, I am disappointed that the bill does not provide adequate funding to protect our homeland.

The bill provides more than $62 billion to prosecute the military operations in Iraq, including replenishing munitions that have been expended and maintaining air, ground and sea operations critical to our war effort. It also provides more than $7.8 billion to support the reconstruction of health services, sanitation, transportation and telecommunications for the people of Iraq.

I also support the additional funds included in this bill to increase airline security. The bill provides $1 billion to reimburse airline security costs, $100 million to assist airlines in upgrading cockpit doors, and $375 million for airline operating and capital costs. I believe that this funding will help maintain the flying safety of the American public.

I am grateful to both Chairman STEVENS and Ranking Member BYRD for providing $150 million to the Department of Veterans Affairs for health care services to veterans of the Iraq war. I worked with Senator GRAHAM on an amendment to help pay for the health care of returning service members who are released from the military. We are not meeting our promises to our veterans. The VA has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment and instituting new regulations that require the rationing of health care. This veteran's health care crisis has been exacerbated with the recent announcement that the VA would provide free medical services to all veterans of the Iraq war for 2 years. The additional funding included in the supplemental is crucial to insure that current veterans do not receive a further reduction in health benefits.

While this legislation contains an acceptable level of funding to help prosecute the war with Iraq, I am deeply concerned that this legislation does not meet our Nation's homeland security needs. Vulnerabilities exist in our homeland security infrastructure, and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." We must act to ensure that the Federal and State agencies needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

The bill includes approximately $4.6 billion for increased border and maritime security to assist State and local governments in protecting our cities and our critical infrastructure from terrorism. But I believe that more should have been done to protect our homeland from the risk of terrorism. That is why, I supported an amendment offered by Senator SCHUMER which would have provided $3 million in additional funding for first responders and $1 billion for security in high-threat areas.

Last year I was very involved in the development of the new port security law, which included new rigorous security requirements for our ports. Given the vulnerabilities that we know exist in our port security, I am deeply disappointed that the Senate has thus far provided insufficient funding to address these problems. I strongly supported a Hollings amendment that would have provided $1 billion for port security and to screen vessels for radioactive materials.

I also support an amendment offered by Senator BOXER that would provide $30 million to the Department of Homeland Security for research, development and initial deployment of technology to protect commercial aircraft from the threat posed by stinger missiles.

While I missed the votes on these amendments, I was recorded in support of each in the RECORD.

We must continue to fight both the war with Iraq and the war against terrorism and funding for these programs is a necessary component of that fight.•

Mr. LEVIN. I am pleased that this supplemental appropriations bill contains language proposed by Senator

STABENOW and myself that will increase security inspections of trucks hauling municipal solid waste into Michigan from Canada. At a time when we are increasing security measures at all levels to protect our citizens, it doesn't make sense to allow 130 to 140 truckloads of waste cross into Michigan every day from Canada without inspection.

On January 1, 2003, the city of Toronto began shipping all of its municipal solid waste 1.1 million tons—to Michigan's landfills. As a result, thousands of truckloads of waste cross the Blue Water Bridge and the Ambassador Bridge and travel through the busiest parts of Metro Detroit without inspection.

Even though Customs recently issued a memo announcing that it would increase security measures for municipal solid waste trucks, citing security concerns related to September 11, it reversed that decision on February 7, 2003, the same day that the Homeland Security national threat level was raised to level orange. Therefore, these trucks will continue to be treated as a low-risk commodity, which will allows these trucks carrying tons of municipal solid waste to cross the Michigan-Canadian border with minimal scrutiny.

Our amendment, that has been included in this bill, will ensure that these trucks are inspected before they cross the Ambassador and Blue Water Bridges. Further, the amendment provides that the Blue Water Bridge will receive radiation detection equipment by May 1, 2003.

We cannot take the chance that harmful materials will be transported into Michigan on one of these trucks. Our amendment will help to prevent that scenario by ensuring the inspection of these municipal solid waste trucks at the border.

Mr. JEFFORDS. Mr. President, reluctantly, I am voting for this supplemental appropriations bill to provide funding for homeland defense and our military campaign in Iraq. Like it or not, the war is on and we owe it to our men and women in uniform to provide them with the resources necessary to bring the war to a rapid and successful conclusion.

We have known for more than a decade that Saddam has chemical and biological weapons, but there has been little concern that these weapons pose a direct threat to the United States. Since coming to office, this administration has raised the specter that Iraq also has been developing nuclear weapons capable of causing great harm to the United States. It has focused a great deal of America's intelligence assets on the question of Saddam's capabilities, yet the administration has not presented any evidence of an active nuclear program. In fact, one of the key pieces of evidence provided to the United Nations by the administration turned out to be a forged document. Moreover, International Atomic Energy Agency experts rejected the administration's assertion that the aluminum tubing in Iraq's possession was evidence of a nuclear program. Two months of intrusive inspections by U.N. inspectors turned up no additional evidence of new Iraqi possession or production of weapons of mass destruction. In the end, the administration has failed to demonstrate that possession of such weapons by Iraq would pose an imminent threat to the United States.

My concerns with the administration's course of action are long-standing and public. I voted against the resolution to give the President the authority to go to war because I did not believe that the threat posed by Iraq was imminent. I do not believe that the administration should have abandoned the U.N. inspection regime. Its inspectors were on the ground in Iraq and achieving concrete results in actively disarming Saddam's regime. Instead of allowing the inspection process to continue, the administration turned its back on international institutions and relationships built up over many decades and pursued a unilateralist course of action with a narrow coalition of allies.

As we all know, the military campaign in Iraq is now at a critical juncture. With countless examples of Saddam's troops using the Iraqi population as human shields, the prospect of devastating consequences looms with the impending battle for Baghdad. In recognition of this fact, Gen Richard Myers today suggested that the United States military, while consolidating its encirclement of Baghdad, might attempt to isolate Saddam Hussein and cut off his communication with the rest of Iraq without bringing the military campaign into Baghdad. I urge President Bush to use this opportunity to turn to the international community, whether it be the United Nations or the Arab League, or any other suitable or appropriate entity, to make one last effort to seek the removal of Saddam Hussein and his cadre of supporters. Time is fleeting, but I believe we must make this effort prior to exposing American lives, and the lives of untold numbers of innocent Iraqis, to the potential devastation of a door-to-door campaign in the streets and houses of densely populated Baghdad. Accordingly, I call on the administration to hold off for a period of 3 to 4 days on the invasion of Baghdad. During this time, the United States and its military allies could continue building their forces around Baghdad and consolidating control across the rest of Iraq. However, this critical period would provide Saddam Hussein one last opportunity to spare his people the inevitable destruction and loss of life that would result from the siege of Baghdad. Such an initiative also would demonstrate to the international community, particularly to the other nations in the region, America's continued commitment to seeking the removal of Saddam Hussein from power with the least possible loss of civilian life.

President Bush campaigned for President on a pledge that America would be humble in its relations with other countries. However, on issue after issue of critical international importance, the Bush administration has governed in a very different fashion. It rejected the Kyoto Treaty, despite years of negotiation and worldwide agreement on the dangers of global warming. It has refused to join worldwide efforts to bring into force the Comprehensive Nuclear Test Ban Treaty, despite the critical dangers posed by the spread of nuclear weapons technology. Instead of capitalizing on a Russian desire to reach agreement on deep cuts in nuclear weapons, and ensuring that Russian nuclear materials never fell into the hands of America's enemies, the President allowed his distaste for arms control to preclude agreement on real cuts in nuclear weapons. In its place we got the charade called the Moscow Treaty, a treaty that fails to remove even one nuclear warhead from either country's arsenal.

A decade ago, the United States went to war with the United Nations' blessing, a united NATO, and a broad, diverse coalition of nations by its side. Today, the United States is at war without U.N. support, in the face of direct opposition by longtime NATO allies, and with only a smattering of other major nations aligned with it. A decade ago, America's gulf war allies joined in the military action and funded the bulk of the war effort. Today, the administration has been forced to open the vault, offering untold tens of billions of dollars to enlist the support of allies that traditionally have stood by our side. And I am afraid the American people will be left picking up the tab for both the military operation and the rebuilding of Iraq.

I urge the President to take this opportunity to avert more bloodshed and to involve the international community in the Iraqi end-game and the critically important job of rebuilding the political and economic infrastructure of Iraq.

Mr. REID. Mr. President, I rise to support this important bill that will provide $60 billion for our troops in Iraq. I am especially proud of the Nevada sons and daughters who have been deployed to the Middle East as part of Operation Iraqi Freedom. As many of you know, Nevada has the finest military aviation training facilities in the world.

Nellis Air Force Base and Fallon Naval Air Station train the aviators serving on the front lines of this battle. Hundreds from Nellis—pilots and other mission critical personnel—are right now serving on the front lines. Hundreds trained at Fallon are there too. When you see those Navy fighters taking off from carriers in the Gulf, chances are they were trained at Fallon.

Nevada's Guard and Reserve troops are also playing a significant role. Nevada's percentage of Guard and Reserve call-ups and deployments has been one of the highest in the Nation. I understand why so many Nevadans have been called up. They are talented. They are heroes. When this action started, I promised to do everything in my power to ensure that Congress fully funds and supports the needs of our troops as this conflict proceeds. This bill provides more than $60 billion to make good on the commitment that my colleagues and I made to support our troops.

I am also encouraged by the efforts the administration made to provide additional funds for protecting our frontline defenders here at home—the emergency responders we depend on to respond to a terrorist attack. I believe we could have done more to give cities and counties in each of our states the resources they need to ensure our homeland is as secure as it can be. I am pleased that we were able to add an additional $150 million for securing nuclear materials at home and abroad. This amendment will provide additional resources to keep terrorists from getting the ingredients they need to make a dirty bomb. I want to thank my colleagues for completing this bill in a timely manner to help our troops as they help bring freedom to the people of Iraq.

Mr. STEVENS. Do we have the yeas and nays on final passage? I am too tired. We are going to third reading. We are finished. I am going to do that right now. We are done.

Mr. President, I ask unanimous consent that following the passage of S. 762, the bill be held at the desk; provided further that when the Senate receives the House companion bill to S. 762, the Senate proceed to its consideration, all after the enacting clause be stricken, the text of S. 762, as amended, be inserted in lieu thereof; provided further the bill then be read for a third time and passed, the motion to reconsider be laid upon the table, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate; finally, I ask unanimous consent that passage of S. 762 be vitiated and it be placed back on the calendar at that time and that the conferees be the entire Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry: There is no further business to be had on that bill; right?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Good night, ladies and gentlemen.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

I further announce that if present and voting the Senators from Kentucky (Mr. MCCONNELL and Mr. BUNNING) would vote "yea".

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Bunning
Byrd
Domenici
Inouye
Kerry
Lieberman
McConnell

The bill (S. 762), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I announce for Senator BYRD that at the time of final passage, he was necessarily absent, but if Senator BYRD had been here, he would have voted yea.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the chairman and ranking member, with the concurrence of both leaders, to be permitted to make technical and conforming changes as necessary to the supplemental appropriations bill. The bill was put together pretty quickly, and we want to do it carefully. We have cleared this with both leaders and with both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPETITIVE BIDDING ON GOVERNMENT CONTRACTS

Mr. WYDEN. Mr. President, of course, the debate throughout the day has been about the wise use of taxpayers' money. Yesterday in the Wall Street Journal, there was an article entitled "USAID Defends Secret Bids to Rebuild Iraq." At the same time, there was an article in the Washington Post entitled "Contracts to Rebuild Iraq Go to Chosen Few." "No Bidding War on Contracts in Iraq."

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 2, 2003]

THE ASSAULT ON IRAQ—USAID DEFENDS SECRET BIDS TO REBUILD IRAQ

NATIONAL SECURITY IS CITED AS REASON FEW FIRMS KNEW OF $1.7 BILLION IN CONTRACTS

(By Neil King Jr.)

WASHINGTON.—Amid worries that preparations aren't moving as fast as hoped, a top procurement official defended the government's decision to approach only a handful of U.S. companies to help rebuild postwar Iraq.

The U.S. Agency for International Development chose to put out the bids in secret to a limited number of companies under an exception that allows agencies to by-pass the usual competitive bidding for national security reasons, said Timothy Beans, the agency's chief of procurement.

"Anytime you are in wartime condition you don't have the four or five months to go out on the street for the kind of competition you'd like," Mr. Beans said.

USAID began approaching preselected bidders for postwar Iraq work as early as late January, when the possibility of going to war with Iraq was still being hotly debated at the United Nations. Requests for proposals went out for four contracts in mid-February, with two more early last month. Altogether, the work—including rebuilding highways and bridges and rehabilitating Iraq's school system—is expected to cost at least $1.7 billion.

Similar exceptions were made for reconstruction after the recent antiterror campaign in Afghanistan and in the mid-1990s after the war in Bosnia, Mr. Beans said. He conceded that except for those three emergencies the restricted contracting procedures are unusual.

USAID officials said last week that as many as six contract awards would be announced soon, but final decisions may now be put off until next week. Some companies competing for the contracts say they are receiving conflicting signals over the length and ambitiousness of the work.

Plans last month outlined an aggressive rebuilding campaign, including sweeping changes to Iraq's education and health systems, that would nonetheless last only 12 months. Some U.S. officials now concede that any meaningful work will take much longer than a year, but others in the administration are wary of moving forward on anything that would suggest a prolonged U.S. occupation of Iraq.

The uncertainty over how to proceed also reflects mounting unease over the U.S.-led military campaign, which has so far offered scant evidence that average Iraqis are ready to embrace American control of their country.

Reconstruction officials within the administration had planned to use the southern city of Basra as a test case for the U.S. rebuilding effort. Iraq's second-largest city has a dominant Shiite population that has long been at odds with Saddam Hussein. But continued fighting there, and signs that the local population might be less receptive than some predicted, have put those plans on hold.

Competition for the big infrastructure-rebuilding contract, valued at $600 million, was limited to seven large U.S. engineering companies, several of which have now either been dropped from the running or formed teams with other bidders. People involved in the bidding say the lead competitors are Bechtel Corp. and Parsons Corp. which has taken on Halliburton Co.'s Kellogg Brown & Root as a subcontractor. Halliburton announced Monday that its KBR division won't seek to be the prime contractor for rebuilding Iraq's infrastructure, but "remains a potential subcontractor for this important work."

The administration's postwar plans for Iraq have stirred charges in Europe that all major rebuilding work will go to U.S. concerns. While none of the contracts will go to foreign companies, those companies will be eligible to fill in as subcontractors, Mr. Beans said.

Contracts To Rebuild Iraq Go to Chosen Few

(By Jackie Spinner)

KBR, the company the U.S. government picked this week to put out oil-field fires in Iraq, has a long history of working for the military on big projects in foreign hot spots. The former Kellogg Brown & Root—a subsidiary of Houston-based energy services firm Halliburton Co., which Vice President Cheney headed from 1995 until 2000—developed a contingency plan for extinguishing the fires as part of a 10-year Pentagon logistics contract it was awarded in 2001 through a competitive bid, company officials said. So when the U.S. Army Corps of Engineers needed a firm to douse fires ignited by retreating Iraqi forces, the company was already on the ground in Kuwait. "KBR have been over there, and they had an existing contract with the Army," said Scott Saunders, a spokesman for the Corps of Engineers. "Because of that and because of that need to snuff those fires quickly, KBR was sole-sourced." The work is being subcontracted to Boots & Coots International Well Control Inc. and Wild Well Control Inc.

The latest contract was awarded under a waiver the Bush administration granted in January allowing government agencies to handpick companies for Iraqi reconstruction contracts. The U.S. Agency for International Development is handling the bulk of the contracts. KBR is also on the short list of companies the USAID invited to bid for the prime contract to rebuild Iraq's infrastructure after the war, including highways, bridges, airports and government buildings. The others include Fluor Corp., Washington Group Inc., Bechtel Group, Louis Berger Group and Parsons Corp. That contract, for at least $900 million, could be awarded as soon as today. The government is proposing to spend $2.4 billion on humanitarian aid and reconstruction in Iraq.

Halliburton plans to put KBR and another subsidiary into bankruptcy protection this summer as part of a plan to settle outstanding asbestos-related claims for about $4 billion. But KBR's government operations aren't part of that plan, Halliburton said.

Some government contract experts said the latest KBR award shows how companies with long-standing ties to the military get dibs on new work. The company has been building ships, mess halls and toilets at base camps around the world for six decades, originally as Brown & Root. Over the past decade it has won contracts to provide logistical support to troops, most recently in Somalia, Haiti and the Balkans.

But the experts said the problem is that not putting the contracts out for bid allows critics to question the fairness of the process and whether the most politically connected companies have an edge in getting the awards.

"The administration has made potential use of shortcuts and exceptions that let it put literally billions of taxpayer dollars in the hands of selected contractors," said Charles Tiefer, a law professor at the University of Baltimore and the author of a casebook on government contracting. "Naturally, a large credibility gap looms between the administration's plausible excuses that tight deadlines and exceptional security needs compelled it to forgo the usual competitive safeguards and the critics' observations that it is awfully convenient for juicy plums to land in the lap of the vice president's former company."

William H. Carroll, a government contract lawyer who also teaches at American University's Washington College of Law, said there is justification for getting the contracts out as soon as possible. But he said it could come at a price.

"Because of the intense nature of the need to do things quickly, the work may not be as well defined, and the fact that there isn't a competitor putting pressure on price, these are probably going to be expensive contracts," Carroll said. "I don't think there's an evil intent. But our procurement process relies on competition to determine what is a fair and reasonable price."

The General Accounting Office found in September 2000 that the U.S. Army had not done enough to contain costs associated with KBR's $2.2 billion work providing logistical and engineering support in the Balkans.

Officials "frequently have simply accepted the level of services the contractor provided without questioning whether they could be provided more efficiently or less frequently and at lower cost," the report said. The company and the Pentagon disputed the findings, which did not question the quality of the work KBR had performed.

The Corps of Engineers said the value of the KBR contract in Iraq will depend on the scope and number of fires it will have to extinguish during and after a war that has not yet ended. So far there are seven oil fires burning in Iraq. Steven L. Schooner, co-director of the Government Procurement Law Program at George Washington University's law school, said KBR's track record is not in question.

"They have won the hearts and minds and stomachs of the military," he said. "They have done a fabulous job, and our troops are better off for it."

Schooner said the Cheney connection to Halliburton should not be an issue. But, he said, the non-competitive nature of awarding the Iraqi reconstruction contracts has made it one.

"Had these contracts not been awarded in a secretive manner it would be easier to cut off the questions earlier," he said.

Mr. WYDEN. Mr. President, suffice it to say, the Senate missed an opportunity tonight to stand up for openness and competition in contracting and to make sure there was an opportunity to spend prudently on the effort to rebuild Iraq. It seems to me that too much taxpayers' money is at stake in rebuilding Iraq to allow Federal officials to use a secret process to handpick companies to do this work. There ought to be an open and full and competitive process to ensure the prices charged are reasonable and the contractors selected are the most qualified.

Senator Collins of Maine and I worked for 48 hours on a bipartisan basis to make it possible to offer an amendment that would ensure that there be real openness in contracting and that there be an effort to make sure that the billions of dollars that are going to be spent rebuilding Iraq be part of a contract process that is governed by competitive bid.

It is a very simple proposition. We ought to make sure it is out in the open, it is transparent, that the public can see what is going on, and that contracts should not just go to a handful who have power and influence, particularly in this city.

Unfortunately, because of an objection, that amendment was not added tonight. I come to the floor to say that I intend to keep coming back until the Senate stands up for openness in Government contracting and competitive bidding so that the taxpayers' money is used well.

That is not what is happening with $1.7 billion worth of contracts for rebuilding highways and bridges and rehabilitating Iraq's school system. Recently, the U.S. Agency for International Development handpicked a selective group of companies to participate in a secret bidding process for awarding four separate contracts totaling $1.7 billion. That is just one example of what is ahead with respect to how taxpayers' money is going to be used.

In the past, the General Accounting Office has been very critical of this kind of approach. The General Accounting Office has found that contractors had not done enough to contain costs on projects involving engineering support in areas where the military was involved.

According to a September 2000 report by the General Accounting Office, Federal officials said:

> Frequently, they have had accepted the level of services the contract provided without questioning whether they could be provided more efficiently and more frequently and at lower cost.

What could be more important for this Senate to stand up for? What could be more important than to make these contracts involving billions of dollars be let in a way that is efficient and open?

The current plan to select contractors for reconstruction work in Iraq without competitive bidding creates the potential for more of the same, more of the same where noncompetitive contracting work is conducted by the Federal Government and we have a repeat of the overpriced contracts and less acceptable services that come about when contracting is not competitive.

Given the enormous sums of taxpayer money that will be involved, there ought to be competitive bidding across the board. Certainly there ought to be competitive bidding unless someone shows a compelling national security reason to do otherwise. I am of the view that if Federal agencies are not going to use full and open competition, at a minimum they ought to have the burden of demonstrating why competition is not the proper way to avoid the contracts.

Senator COLLINS and I wanted, tonight, with the very helpful counsel of Senator CLINTON of New York, who also worked in this area, to offer an amendment to require the Federal agencies to make public the documents used to justify their decision to waive the normal requirements for open and fully competitive bidding. Think about that proposition. Heaven forbid we actually make public the documents that describe why we are not having competitive bidding. That strikes me as a very modest step when you are talking about billions of dollars' worth of taxpayer money.

But because there was an objection tonight, now we are not going to have the refusal to go forward with competitive bidding even made public. It seems to me the way to make sure the taxpayers get the best value for their money and we have companies that compete for this work is to make sure that the standards for exempting contracts from competition are strict and rigorous and are designed to protect the needs of taxpayers and the national security.

Our amendment would have required agencies to make the justification and approval documents it used, if you were to have a contract exempt, public. And it would ensure we have full and vigorous competition and would have required other Federal agencies to make their justifications public before they entered into any contracts to rebuild Iraq.

I don't think the Senate wants to sit by and see these kinds of articles in our newspapers day after day: USAID Defends Secret Bids to Rebuild Iraq. Contracts to Rebuild Iraq Go To Chosen Few.

Unless we have the Wyden-Collins bipartisan amendment to open up this process, to promote competition, to have full disclosure, we are going to have articles like this in our newspapers day after day after day. It is going to contribute to the cynicism and frustration that taxpayers have in this country with respect to how their money will be used. It will be a long year. We are going to see these articles again and again.

I intend to come back to the Senate and stay at this. I wanted to make sure we would have a bipartisan amendment on this effort and worked very closely with the bipartisan leadership throughout the day. I thought we were there. I thought we had this amendment in a fashion acceptable to both sides. It is very regrettable it has not been accepted. I will continue to work with my colleagues. The taxpayers of this country ought to be angry about this kind of process used to let contracts.

Certainly, if there is a national security reason or some sort of contract that requires an expedited arrangement, that needs to be treated in a way that protects our national security. That is not what is going on here. What we are seeing is businesses in Missouri, Oregon, Maine, and across the country not being part of the privileged circle. A lot of businesses are going to be angry about this because they are not part of that hand-picked elite that will have a chance to get the contracts. What is going on now is bad for business, it is bad for competition, it is bad for taxpayers, and I think it is bad for national security. I don't think we will get the most for our money if we continue to have the contracts, as the papers say, go to a chosen few.

The Senate made a mistake. It is particularly unfortunate because two Senators worked for the last 48 hours in a bipartisan way to try to prevent the things we have seen in the last few days from happening again and again. It will happen again and again. That is why I intend to come back to the Senate. It is unfortunate there was an objection tonight to our bipartisan legislation.

I look forward to seeing the Senate in the days ahead stand up again on a bipartisan basis for a process that is open, a process that promotes competition, that is good for taxpayers, good for business, and good for our country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. WARNER. I join all who had the privilege to serve with our late colleague, Senator Patrick Moynihan. Of the 24 years I have been here, 22 were spent with him. While my heart has sadness, it is filled with joy for the recollections of a wonderful friendship and working relationship we had in the Senate.

We shared a deep and profound love for the U.S. Navy. He served from 1944 to 1947 and was a commissioned officer. I served from 1946 to 1947 as an enlisted man. Whenever we would meet, he would shout out, "Attention on deck," and require me to salute him as an enlisted man properly salutes an officer. Then he would turn around and salute me, as I was once Secretary of the Navy, and he was consequently, at that point in time, outranked.

That was the type of individual he was. He filled this Chamber with spirit, with joy, with erudition, and he spoke with eloquence. We shall miss our dear friend.

I recall specifically serving with him on the Committee on Environment and Public Works, of which he was chairman for a while. He had a great vision for the Nation's Capital. Some of the edifices we enjoy today would not have been had it not been for this great statesman. The landmarks would not be there had it not been for him. I am talking about the completion of the Federal Triangle. The capstone, of course, is the magnificent building today bearing the name of our President Ronald Reagan.

He was a driving force behind the completion of that series of Government buildings started in the 1930s, under the vision of Herbert Hoover and Andrew Mellon. They were great friends. They wanted to complete that magnificent series of buildings, but the Depression came along and the construction stopped. Pat Moynihan stepped up and finished.

Many do not know that in Union Station, which today is a mecca for transportation, a transportation hub—we have rail, the bus, and we have the subway. Pat Moynihan was the one who saved that magnificent structure for all to enjoy for years to come.

I suppose the capstone was the Judiciary Building. I remember full well how he came before the committee and expressed the importance for the third branch of Government to have its administrative offices and other parts of that branch of the Government encased in a building befitting the dignity that should be accorded our third branch of Government. That building marks his genius.

In improving transportation, he was key in TEA-21, the landmark legislation that provided so much return to the States for their transportation needs, again, as chairman of Environment and Public Works.

He had a strong commitment to addressing poverty in rural America and was a strong supporter of the Appalachian Regional Commission which touched the States of West Virginia, Virginia, and others.

We are grateful to him. He understood the people as few did. I say goodbye to this dear friend. I salute him. I will always have joy in my heart for having served with this man who, in my humble judgment, had the wit, the wisdom, and the vision of a Winston Churchill.

Mr. SARBANES. Mr. President, when Pat Moynihan retired from the Senate in 2000, following four terms of devoted and distinguished service to the citizens of New York and indeed of the Nation, he left a great void; now, with his death, he leaves a greater void still. To paraphrase Thomas Jefferson, speaking of Benjamin Franklin when in 1784 he took Franklin's place as the Ambassador of the new American Republican in Paris, others may succeed him in the many different roles he played in our national life, but no one will ever replace him.

No simple category was ever capacious enough to accommodate Daniel Patrick Moynihan. With justification he has been called an intellectual, a scholar, an academic, an author, an editor, a politician, a diplomat, and a statesman. He has been known variously as a scholarly politician and a political-minded scholar; certainly as Nicholas Lemann has observed, "he was more of a politician, by far, than most intellectuals." He was a fierce partisan of cities and the urban landscape, but he was equally devoted to the urban and rural spaces of his State of New York. Born in Tulsa, he was a quintessential New Yorker. He was also a proud citizen of this capital city, where he and Liz, his wife and partner in every endeavor for nearly 50 years, chose to live at the very center. He was at home in academic communities wherever he found them. He was equally expert in domestic and foreign policy.

Pat Moynihan grew up poor, and never, ever forgot the grinding, corrosive effects of poverty; many years removed from poverty himself, he characterized tough bankruptcy reform legislation as "a boot across the throat" of the poor. As a child he earned money by shining shoes; later he worked as a longshoreman. He served in the U.S. Navy. He went to college courtesy of the G.I. bill, earning his B.A. from Tufts University and his M.A. from Tufts' Fletcher School of Law and Diplomacy. Some years later he earned his Ph.D. in international relations at Syracuse University, but only after spending a year as a Fulbright Scholar at the London School of Economics and working for a time in the office of the Governor of New York.

From the time he left Syracuse for Washington in 1961 until he ran successfully for the Senate in New York in 1976, Pat Moynihan held a challenging succession of positions in public service and in the academic world. Although over the years Pat represented New York in the Senate his colleagues became accustomed to that versatility, in retrospect it appears astonishing. He joined the Labor Department in 1961, eventually becoming the Assistant Secretary for Policy Planning, but left in 1965 to become director of the Joint Center for Urban Studies and a professor in the Graduate School of Education at Harvard. Four years later he returned to public life as an assistant to the President for urban affairs, only to return the following year to Harvard, only to be called upon to serve as the U.S. Ambassador to India and then to the United Nations. In those 15 years he served in four different administrations and held six different positions. In every one of them he served with distinction and his accomplishments—many of them considered controversial at the time—are remembered respectfully today. They will not soon be forgotten.

New York's voters first sent Pat Moynihan to represent them in the Senate in 1976, and returned him every 6 years for three additional terms; he declined to run again in 2000, after 24 years of service. It was as though, in coming to the Senate, he had come home. He set his sights quickly on the Finance Committee, with its vital jurisdiction over Social Security, Medicare, and other social programs. In his third term he rose to the chairmanship, the first New Yorker to chair that committee in nearly 150 years. In that capacity he worked to enact legislation that proved to be the foundation for a period of economic growth that raised millions of Americans above the poverty level.

As a member of the Committee on the Environment and Public works he worked hard, often with spectacular success, to promote awareness and assure the preservation of many of the buildings, once seemingly destined for demolition, that today we consider our priceless national heritage. For this the National Trust for Historic Preservation in 1999 honored him with the Louise DuPont Crowinshield Award, its highest honor, noting, "The award is made only when there is indisputable evidence of superlative lifetime achievement and commitment in the preservation and interpretation of the country's historic architectural heritage." Everyone who walks along Pennsylvania Avenue in this city or through New York's Pennsylvania Station is forever indebted to Pat Moynihan. He procured the necessary funding to save Louis Sullivan's Guarantee Building, in Buffalo, and promptly moved his district office into it. In his brief chairmanship of the committee he shepherded through to enactment groundbreaking legislation, the Intermodal; Surface Transportation Efficiency Act of 1991, ISTEA, which recast our thinking about surface transportation.

Pat Moynihan's formal academic training was in foreign policy. Here he will be remembered for his effective ambassadorship to India, his forceful and principled representation of United States interests in the U.N. Security Council and his early conviction, little shared at the time he expressed it, that behind the facade of Soviet military might and empire lay a system in danger of collapse. He proved to be correct. He should also be remembered for his role as one of the "Four Horsemen" in the Congress, whose work often went unremarked. These four Members, whose families had come to this country from Ireland, worked tirelessly together in support of efforts to bring peace to Northern Ireland, and especially to steer United States policy in that direction. That Northern Ireland is no longer torn apart by violence is in some significant measure due to their efforts.

Once we have catalogued all Pat Moynihan's many accomplishments, however, there remains the man himself. In everything he did he remained a teacher, with an amazing capacity to instruct and to inspire. He believed, with Thomas Jefferson, that "Design activity and political thought are indivisible"—an elliptical idea to many of us, until we find ourselves in the presence of the architectural monuments he helped to preserve. He brought to every undertaking an extraordinary historical perspective, and an astute appreciation of what he called, in his commencement address at Harvard just a year ago, "our basic constitutional design." In his turn of phrase and in his thought, he was unabashedly himself—deeply self-respecting, just as he was respectful of other people and other cultures. For all these reasons he remains a vivid part of our national life.

It is difficult to know just how to honor our former colleague, Senator Daniel Patrick Moynihan, for his lifetime of service and his legacy. In the end, our best tribute will lie not in the words of remembrance we speak but rather his tangible achievements and his legacy. The best tribute we can pay is not the words we speak but rather in our rededication to the principles for which he fought.

Mr. COCHRAN. Mr. President, the Senate was enriched enormously by the services of the late Senator from New York, Daniel Patrick Moynihan.

He was appreciated and respected for his intelligence, his sense of humor, his seriousness of purpose, and the warmth and steadfastness of his friendship.

His death last week saddened this Senator very much. His funeral services at St. Patrick's Church here in Washington last Monday attracted a large crowd of friends, former colleagues, and staff members as well as his attractive family. This manifestation of friendship reminded me why Pat Moynihan was such a successful public official. He liked people, and they liked him.

He took his job as U.S. Senator from New York very seriously. He worked hard for funding for the New York Botanical Gardens. He was also an active and effective member of the Board of Regents of the Smithsonian Institution where it was my good fortune and pleasure to serve with him.

He transformed the City of Washington, D.C. through his determined efforts to enhance the beauty and protect the architectural integrity of Pennsylvania Avenue.

His scholarly articles and books on the subject of the cultural and social history of our nation were informative and influential. The correctness of his assessment of the importance of the family unit in our society changed our attitudes about the role of federal government policies.

His influence was also felt on tax policies as a member of the Senate Finance Committee.

I convey to all the members of Pat Moynihan's family my sincerest condolences.

A NEW WAVE OF FALLEN HEROES

Mrs. FEINSTEIN. Mr. President, I rise today to pay my respects to four more Californians who have died in combat in Iraq, as well as to nine other Americans who were stationed in California and have made the ultimate sacrifice in our efforts to liberate the Iraqi people. Most of these men have left family in California.

So far, of the 44 Americans who have died, 10 were from California, while another 9 were stationed there. This accounts for around 45 percent of all those killed in action.

But first, I would like to take a moment to remind my colleagues about the two servicemen killed and another wounded late last week in Geresk, Afghanistan, when they were ambushed by Taliban forces while on a reconnaissance patrol.

As America focuses almost exclusively on the conflict in Iraq, we must not forget the bravery and sacrifice of men such as SGT Orlando Morales, SSG Jacob Frazier, and others in America's larger, global war on terror.

Of the four Californians I would like to recognize today, two of them, members of the 1st Tank Battalion of 29 Palms, were killed when their tank plunged off a bridge near Nasiriyah, during a heavy sandstorm. Both of them were still legal residents.

LCpl Patrick T. O'Day: One of these was 20-year-old Patrick O'Day, who was born in Scotland and came to the United States when he was just 3. He learned to read around the same time and quickly impressed his family and surprised his kindergarten teacher.

He was captain of the wrestling team at Santa Rosa Middle School and a 2001 graduate of Santa Rosa High School, where he met his future wife Shauna. They were married in October of last year, and they are expecting their first child in September.

His younger brother, Thomas, said that Patrick was "always someone that could make anyone in the room laugh. When he came into a room, everyone knew he was there. He could change the atmosphere very quickly. . . . He was just so much fun to be around."

PVT Francisco A. Martinez Flores: Francisco Martinez Flores was also in the tank that plunged in the Euphrates River. He was born in Guadalajara, Mexico, and settled in Duarte, CA, when only a little boy.

He attended Maxwell Elementary School and graduated from Duarte High School in 2000, where he was a popular and outgoing football player with a passion for fixing up old cars.

He had expressed a desire to be "a great soldier" ever since he was a young boy. "[The Marines] returned to me a true man," said his mother, Martha, who had gone back to Mexico to bury her father when her son was deployed to the gulf. She never had the opportunity to say goodbye.

Francisco Martinez Flores was to become a U.S. citizen in 2 weeks. But the 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl Jesus Suarez del Solar: Just 20, Cpl Suarez had already served in Afghanistan, and was ready to return to combat, this time in Iraq. This past December, he had married his longtime girlfriend Sayne. They had a baby boy, Erik.

"I'm very proud of Jesus," said his father, Fernando. "I want Americans to know that immigrants that came to the United States, we did not come to take their jobs. We came here to give them our blood, so they can have freedom and they can have a world free of terrorism. That's why my son died."

Known as something of a charmer and even a bit of a flirt, he graduated in 2001 from Valley High School, in Escondido, a town about 30 miles north of San Diego. His principal, Janice Boedeker, said that "Jesus wanted to become a marine from the time I met him, as a junior in high school. He was just a wonderful kid with maturity beyond his years."

"He was so excited about being a part of the infantry and the Marine Corps," Boedeker said. "I always ask kids about their goals what they want to do. There was never a question with him. I remember he wrote in big, capital letters: MARINES."

One of his teachers, Tom Gabriella, remembered how Jesus "felt he could build a solid life around the Marine Corps. . . . Once, he gave a presentation to a class. He always had a big smile on his face."

GySgt Joseph Menusa: Born in the Philippines, Joseph Menusa came to the United States when he was 10 and grew up in San Jose. A veteran of the first gulf war, he was killed in battle on Thursday, March 27. He was a graduate of Silver Creek High, Class of '89.

He was working his way up the ranks and was in the process of gaining his U.S. citizenship when he received his deployment orders to the gulf.

On the eve of his deployment, Sgt Menusa told his wife Stacy why he had to go. "He said he was in charge of these young kids and he was the only one who had ever seen combat. He needed to be their guide."

Capt Tuan Pham, who was born in Vietnam and worked with Sgt Menusa as a Marine recruitment officer in San Francisco, had this to say about his friend: "We are both naturalized Americans and believe in the ideals of what this country represents. He paid the ultimate price for something we all believe in—freedom."

Of those Americans stationed in California, most were from the 1st Marine Expeditionary Force based at Camp Pendleton, in San Diego County. While from all across the country, these men were so much a part of the local community, where the mood is somber, yellow ribbons are everywhere, and the flags at half mast.

I would also like to commend the local newspaper, the San Diego Union Tribune, for doing an impressive job of providing much of the information on those stationed at Camp Pendleton.

2Lt Therrel S. Childers, Harrison County, MS: While most youngsters pick a new career more often than they outgrow their sneakers, Lt Therrel Childers, the son of a Navy Seabee, first decided he wanted to be a marine when only 5 years old.

He joined the Marines a month after he graduated from high school; they sent him to college and promoted him. 25 years after he first glimpsed his future, Second Lieutenant Childers was fatally injured on a battlefield in Iraq.

"We're proud of him," his mother said from her Powell, WY, home. "He died doing what he believed in." He approached his life with a unique intensity that made him successful both in his career and in the classroom.

His professors at The Citadel, in Charleston, SC, saw the dedication that made him a good marine. "When he decided to study French, he wanted to speak French perfectly," said one of his professors, Guy Toubiana. "It really bothered him if he was making a couple of mistakes."

His intensity sometimes made him the butt of jokes, but somehow he remained a likable guy, perhaps because he maintained his sense of humor. And despite his military surroundings, he still had a sensitive side. "He was very warm," Toubiana said.

The 30-year-old spent his limited free time climbing mountains, running road races, and mountain biking. Perhaps he would be most proud that marine friends remember him as someone they could count on.

John Bacon, who met Childers at The Citadel, said Childers would always show up to help lift a heavy sofa on moving day. "He was a type of person that would never let you down," Bacon said. "The world lost a great man."

Marine Cpt Ryan Anthony Beaupre, St. Anne, IL: Cpt Ryan Beaupre, who was single, abandoned an accounting career to join the Marines in 1996. "He always wanted to fly, but his parents wanted him to get a college degree first," said Bob Themer, a friend of the family's.

Beaupre, who was from St. Anne, IL, and graduated from Illinois Wesleyan University, and worked in accounting for a year. "Then he came home and told them he could do more as a marine," Themer said.

Beaupre lived in an Encinitas apartment overlooking the sea, where he often surfed, said neighbor Ron Holdsworth. He remembers a comment the marine made after military helicopters flew by their building one day.

"At the time, we were in Afghanistan fighting, and he said, 'The thing about being a marine is you know when your brother marines are fighting, you can't sit still. You want to go help them.'"

Navy Hospital Corpsman Michael Vann Johnson, Jr., Little Rock, AR: Navy corpsman Michael Vann Johnson, Jr., was killed Tuesday while tending to a marine wounded in battle in Iraq. He was hit in the head by shrapnel from a grenade and fatally injured, his sister, Janisa Hooks, told the Associated Press in Little Rock, AR, where Johnson was born and raised.

Only 25 years old, Johnson was a hospital corpsman who had been assigned to travel with Camp Pendleton-based marines in Iraq.

"He provided medical care right up to the time he was killed," said Doug Sayers, spokesman for the San Diego Naval Medical Center, where Johnson had been stationed.

Johnson had worked at the Marine Corps Recruit Depot since June 2001, helping oversee the health care of thousands of recruits, Sayers said. "A big hole has been ripped in the soul of the clinic down there," Sayers said.

Johnson's mother Jana Norfleet said she had recently received a letter from her son saying that he was going to be all right. She said he wrote that "God had twisted a guardian angel around him."

Marine Cpl Brian Matthew Kennedy, Houston, TX: "He gave his life in an effort to contribute to the freedom of the Iraqi people," Mark Kennedy of Houston wrote in a statement about his 25-year-old son, Brian. "We are so very proud of him and his service to his country."

But sitting at home, staring at a photograph of his handsome, athletic son in his marine dress uniform, reminiscing about Brian's love of football and lacrosse, patriotism and pride seems overwhelmed by a father's pain. "We just miss him terribly already," the father said. "He was a wonderful man."

Sgt Michael V. Lalush, 23, Troutville, VA: Sgt Michael Lalush—pronounced LAW'-lish—was always busy trying to fix things, said Linda McMillan, a family friend who knew the sergeant from birth. He always had his hands in equipment, tinkering with lawnmowers and cars. As a teenager, he dragged home a pink 1965 Volkswagen Beetle, rebuilt and repainted it, and in no time was driving it around the neighborhood.

Lalush moved to Virginia with his family in 1994 from Sunnyvale, CA, settling in a quiet house on a hilltop overlooking farmland about 20 miles north of Roanoke.

A tall, gangly boy who eventually sprouted several inches above his parents, Lalush was anything but the stereotypically domineering military man, McMillan said. He was quieter, more sensitive, she said. He loved his sister Danielle and depended on his family.

More than anything, Lalush wanted to be a pilot and he wanted to be a marine. After graduating from Lord Botetourt High School, Lalush left for boot camp at Parris Island in South Carolina. He was transferred to Camp Lejeune, NC, and then to Camp Pendleton.

SSgt Donald C. May, Jr. Richmond, VA: SSgt Donald May, Jr., followed both parents into the Marine Corps and, just like his dad, became a tank commander. He disappeared in Iraq nearly a week ago and his mother learned Monday he had been killed.

May and his crew were in the 1st Tank Battalion, 1st Marine Division, based at the Marine Corps Air-Ground Combat Center in Twentynine Palms, CA.

He joined the Marine Corps the year he graduated from high school and spent 4 years in the military police, serving in the Middle East for the last few months of the first gulf war in 1991. He left for 2 years, serving in the Reserves, then "got back in as a tank commander, just like his dad," his mother said.

May's wife Deborah is 7½ months pregnant with a boy, due May 16. She went into premature labor Friday after learning that her husband was missing, but doctors were able to halt the delivery.

Maj Kevin Nave, White Lake Township, MI: A veteran of the 1991 Persian Gulf war, Maj Kevin Nave is the first Michigan native reported killed in the war with Iraq. He was from White Lake Township, about 20 miles north of Detroit, where he used to fish in the river behind his house.

He and his wife Carrie lived at Camp Pendleton with their son Anthony, 6, and daughter, Maeve, who turned 5 Thursday.

Nave graduated in 1985 from Waterford Kettering High School where he was on the school's varsity football and wrestling teams.

He was a very positive type personality, a school leader and a good citizen," said Ronald Zeeman, dean of students and a math teacher during Nave's years there. "The whole Waterford Kettering staff was proud of him. To have something like this happen, it really hits home."

After high school, Nave went to the University of Michigan on a Reserve Officer Training Corps scholarship. He graduated in 1989 with a degree in political science and attended marine officer's school immediately after college, said T.J. McCullough, a high school classmate and ex-marine.

According to T.J. McCullough, a high school classmate and ex-marine, "He was motivated, focused and driven, but one of the nicest, most easygoing guys you'd ever want to meet," said McCullough. "I know he followed his dream. He was a career marine."

Marine LCpl William W. White, NY: A shy and quiet 24-year-old with a sweet and charming smile, Marine LCpl William W. White had grand plans for his return from Iraq.

He had tested to become a New York City firefighter, a job that would take him home to his native Brooklyn. White and his wife Mychaele, 23, wanted to begin a family when they moved back east.

Instead, the Camp Pendleton marine, whose father fought with the Army in the 1991 Persian Gulf war, was killed when his Humvee overturned into a canal and he drowned.

Along with his wife, White leaves behind two younger brothers and his parents in Brooklyn. According to his mother-in-law, Debra Gentry, "He was one of the sweetest, kindest guys. He always put himself last."

SSgt Kendall Damon Waters-Bey, Baltimore, MD: A specialist in helicopter maintenance, Sgt Kendall Damon Waters-Bey was assigned to the Marine Medium Helicopter Squadron-268, 3rd Marine Aircraft Wing.

Waters-Bey was among four United States Marines and eight British soldiers killed when a CH-46 helicopter crashed Thursday in Kuwait, about 9 miles from the Iraqi border.

He grew up in the rowhouse working-class neighborhood of northeast Baltimore, graduating from Northern High School where he excelled in swimming and track. At home, his sisters recalled, he excelled in jokes and cooking. "He was always making faces, making people laugh," said his sister Michelle.

The oldest of five children, 29-year-old Waters-Bey had been living in California with his wife of 11 months, Angela, who serves in the Navy. He also leaves behind a 10-year-old son from a previous marriage.

Maj Jay Thomas Aubin, Waterville, ME: An 18-year marine veteran, 36-year-old Maj Thomas Aubin was an instructor with Marine Aviation Weapons and Tactics Squadron 1 in Yuma, AZ, before deploying for war with the Camp Pendleton force.

Aubin's hometown was Waterville, ME, where he was the first of 30 grandchildren in a family that has been in that State for generations.

"He was a very determined little boy," said his aunt, Kim Willette of Winslow, ME. "He had big dreams. He always wanted to fly planes and knew he was going to, just like his dad—a private pilot. Jay would fall asleep in the back of the Cessna."

"There's no way to soften the blow, his aunt said. "He prepared us for this all the time," she said. "But that doesn't make it any easier."

He is survived by his wife Rhonda and children Alicia, 10, and Nathan, 7.

SSgt James Cawley, Layton, UT: SSgt James Cawley, was a marine reservist and Salt Lake City police detective, was killed in a fire fight in Iraq Saturday.

"He could have been anything but he chose to be a soldier and an officer because of his strong beliefs," his family wrote in a prepared statement distributed by the police department Sunday.

Cawley leaves behind a wife, Miyuki, an 8-year-old son, Cecil, and a 6-year-old daughter, Keiko. He served for 12 years in the Marines, traveling around the world. He met his wife Miyuki in Okinawa, Japan, while serving there.

He also served a proselytizing mission with the Mormon Church in Fukuoka, Japan. "He knew that his life was not the end and that we will all be together again in a far greater place," the letter said.

Detective Mark Schuman, Cawley's partner on the Salt Lake City force for 18 months and one of his closest friends, had just received a letter from Cawley a few days ago. At the time of his writing, Cawley was in Kuwait, awaiting further instructions.

"He was a loyal and trusting friend, and he was an outstanding officer," Schuman said. "He was a very patriotic man, and he loved the Marine Corps, and he felt it was his duty to protect us and protect America."

As our troops move rapidly towards Baghdad, I continue to hope for a quick resolution to this conflict. I hope that the repressive regime of Saddam Hussein will soon collapse and the Iraqi people will be liberated. And I hope all of this can be done with as few casualties as possible, Iraqi, American and allied, civilian and military.

To those that have already fallen, we must never forget their sacrifice. They have given their future for that of our Nation—and we as a nation owe them and the others that have fallen our eternal gratitude.

THE CRACKDOWN ON PRO-DEMOCRACY ADVOCATES IN CUBA

Mr. McCAIN. Mr. President, tomorrow marks the anniversary of the assassination of Dr. Martin Luther King Jr. Dr. King's life reminds Americans of our unyielding commitment to freedom, justice, and equality for all. The peaceful civil rights movement that Dr. King lived and died for serves as a model for the ideals America promotes worldwide.

Today, just 90 miles off the shores of the United States, a desperate dictator is 2 weeks into a Stalinist-style crackdown on his country's non-violent democratic movement and its leaders. One political prisoner, Dr. Oscar Elias Biscet, has often been compared to Dr. King for his brave struggle to seek a non-violent transition to democracy in Cuba. The International Republican Institute (IRI), of which I am chairman, recently awarded Dr. Biscet with its Democracy's People Award for his courageous commitment to human rights, despite his imprisonment and the painful disease from which he suffers, and which remains untreated.

In a severe crackdown that demonstrates the true and brutal character of Cuba's dictatorship, the Castro regime has imprisoned over 80 independent journalists, human rights advocates, independent labor and pro-democracy activists, and supporters of the pro-democracy Varela project since March 18. Many of these activists are currently on trial. Dr. Biscet, who was arrested on December 6, 2002, while organizing a human rights discussion for International Human Rights Day, may be sentenced to life in prison and has apparently been threatened with the death penalty. The founder of the Lawton Foundation for Human Rights, which carries out educational campaigns to end the death penalty and forced abortions, Dr. Biscet was formerly imprisoned from 1999–2002. Dr. Biscet's wife, Elsa Morejon, had her house ransacked and her computer, phone, pictures and letters from her husband taken by the Cuba government.

Freedom-loving people everywhere condemn the use of the death penalty against peaceful political opponents of Castro's rule. Rather than threaten them with death, Fidel Castro should release all political prisoners in Cuba, which the State Department estimated to number between 230 and 300 before the current, massive crackdown.

The many brave Cubans who work and sacrifice every day for non-violent and democratic Cuba ask only that their fundamental human rights be respected. Although world attention is focused on Iraq, it is important that we not lose sight of the continued, aggressive repression of Cuba's democracy and human rights activists. The United Nations Human Rights Commission is currently in Geneva preparing what I hope will be a strong and clear condemnation of these systematic violations of fundamental freedoms. It is imperative that the Cuban government be held accountable for this repressive crackdown.

One day soon, the political prisoners now held in Fidel's gulags will be celebrated as the voices of conscience that finally brought freedom and justice to Cuba after decades of brutal dictatorship. Castro and his regime cannot extinguish the flame of freedom and hope that burns in the hearts of Cubans, who will continue to peacefully seek liberty and justice—and will one day prevail.

OPERATION IRAQI FREEDOM

Mr. ENZI. Mr. President, like so many of us in the Senate and the House, I try to get home as often as I can, not just because I miss the scenery, but because I would miss the opportunity to meet with my constituents as they share their perspective with me on the issues that concern them. I think of it as harvesting good old Wyoming common sense. After I get as much as I can, I bring it back with me to share with my colleagues.

One of my constituents, Mr. Wallace Ulrich of Moose, WY gave me a copy of his presentation on Operation Iraqi Freedom that he shared with two groups of High School students at Jackson Hole High School in Jackson, WY.

In his remarks, Wally addresses several issues about the conflict and his thoughts about them. To begin with, he correctly points out that no one is pro-war, but that responsible nations are occasionally called to step up and take action when a wrong cannot be solved or addressed through diplomatic measures.

Saddam Hussein created just such a situation when he failed to abide by the agreements signed by his government at the end of Operation Desert Storm and refused to fully comply with the terms of several United Nations resolutions. It was only when a long diplomatic effort failed to produce the necessary results that the United States had to ensure that Iraq was disarmed and no longer a threat to the peace loving world.

I hope all my colleagues will take a moment to read what Wally had to say to our young people in Jackson, WY. He has an interesting point of view and he presents his position well. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. WALLACE ULRICH

Good Day.

And thank you for that kindness. Some of you know that I am also a ski patroller on Snow King—for the last thirty years—and you've even been kind to me up there!

First, I want to say that I am here not as a spokesman for any party or entity or organization or group. While I have held elected positions I am here, just like you, a citizen (only a lot older and a little grey in the hair).

I want you to know too, that I am neither a fan of nor a practitioner of personal degradation when discussing issues. I find it a sad trend in our politics. So you won't hear it here from me.

I admire the way Casey Baux persisted; his gracious and helpful demeanor should benefit us all today. The way Casey helped this event become reality is really, how "political things" get accomplished. Your teachers are also to be commended and the administration.

It is a misnomer to be labeled pro war. Frankly, I don't understand how anyone would take that position—but there comes a time when despots who have the blood of hundreds of thousands of people on their hands have to be stopped.

In the early decades of the 20th century, the Turks annihilated the Armenians. They asked the world for help, but got virtually nothing. When Hilter was determined to wipe out the Jews, he referred back to the fact that no one remembered the Armenian genocide.

Saddam Hussein wiped out the Sumerians. The culture no longer exists.

When he lost the 1991 war he agreed as a condition of his surrender to disarm Iraq. He would not. And that is what generated this war.

A million Iranians are dead because of Saddam, 8000 Kurds we know, his own people were gassed to death and his tortures and barbarity continue unabated by international disgust.

It is always easier to do nothing. You know that. But while we stand by, hundreds of thousands of people are being tortured and killed.

Our country moving off the path of diplomacy that it has traveled so long, personally touches me. My brother in law and family live there, in the "Scud Box" zones of Saddam. We speak almost daily about what they will do. But they're some of the lucky ones. They can leave when it gets too close.

I hold simple yet solid beliefs that one can make a difference. I have learned through experience, my own in high school, and with students over the years since, that given opportunity and information you make good decisions.

I came today because my family has been deeply wounded by war. I lost two uncles in WWII. My Uncle Wallace was one of the first Wyoming casualties when the USS *Houston* was sunk. The Japanese took prisoner the other when he was a year older than some of you. Orral survived the cruel Battan Death March. He was brutally tortured, bayoneted, and his gold tooth removed, left alone and died on the compound dirt.

My family can never forget the horror of war, because it touched us personally.

Yet, in 1960, President Eisenhower chose one of our large fossil fish to be the National Gift of the American People of the Japanese Emperor Hirohito. When our family sat at the kitchen table to discuss whether we should accept the offer given the damage to our family, My Father showed us what courage and forgiveness was about in an eloquent explanation of War and the difficulty of creating peace over time, one family at a time.

The kitchen table was my great spring board, because there we were all allowed our own thoughts, ideas, solutions we were accepted, though often confronted by solid debate and fact. I hope you have a kitchen table, a family that talks and listens for that is the beginning which you carry to friends and school and business and life.

You can be empowered to change public policy or to maintain our policy. The system is simple and works.

Assure we practice mutual respect in our politics because we are largely citizens in all phases, from citizen legislator to citizen soldier.

I urge you to view and digest the remarkable objective coverage of the Free American Press. And seek out the press worldwide. One is always more enlightened by seeking differing views and information.

Be skeptical, but avoid the despair of cynicism. They are very different things.

Question. Ask questions. And listen.

Seek out all sides and all sources before you find your view, and know it may have a spectrum as wide as Wyoming and change as often as Wyoming's weather.

Travel. Travel the country, but more importantly travel the world. You will be enlightened as to how well off we are.

Trust.

Trust that you will find your own truth about these difficult times.

Trust that you will be alright.

Trust that just like those around you now as family, teachers, police, forest rangers, on and on up the system that Americans in leadership positions are decent, honest, and caring—for you, our country, and others.

Know this too, from NY Democrat Charlie Rangel, of the U.S. Congress; when asked about his criticism of the President and policy days before the war he said: "That's what I am elected to do! But let me tell you, when that flag goes up, I salute, I'm there."

When at war observe that partisan politicians cease their partisanship, that parents and brothers and sisters of soldiers, and aviators, and sailors find solitude and prayer to comfort their fear and the choking that comes in the night from knowing that one's child is defending, by fighting with their life, one nation, one people, made up of all the peoples of Earth.

And I close my comment with a quote from my favorite non-warrior Mahatma Gandhi. Said in 1931, "Peace and disarmament are not a matter of reciprocity. When real peace and disarmament come, they will be initiated by a strong nation like America irrespective of the consent and cooperation of other nations."

Thank you.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the fifth anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because the Senate is not expected to be in session on that date. I want to remind my colleagues that the resolution which establishes National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20 of 1998.

As an American of Scottish descent, I appreciate the efforts of the individuals, clan organizations, and all the many other groups who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scottish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will continue to grow in prominence, with ceremonies and activities similar to those that have been held over the past few years. Scottish Americans have helped shape this Nation. Their contributions are innumerable. In fact, three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for

America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, "We fight for liberty alone, which no good man loses but with his life." These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty—a fight that is taking place at this moment as a coalition of military forces seeks liberation for the people of Iraq.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans. I would like to thank all those groups and individuals who have continued the work of reminding the world of the stand for liberty taken on April 6th almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear, and which we are fighting for even now. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—still serves as a bright beacon today.

ANDEAN COUNTERDRUG INITIATIVE

Mr. GRASSLEY. Mr. President, I want to take a moment to express some concern to the Appropriations Committee about the report language that was included regarding the supplemental request for the Andean Counterdrug Initiative. The Senate report indicates that the committee considers their funding of the President's request as a downpayment on funding for the next fiscal year.

I would like to ask the committee to reconsider taking this position without a greater examination of both the 2004 request and how the supplemental funding will be used. I believe penalizing the 2004 request because of needed funds today will hamper the effectiveness of this program, particularly when it seems we may be turning the corner.

This request is designed to support our current efforts in Colombia, which are occurring at a significantly higher operational pace than was anticipated when the current fiscal year budget was developed. Since the fiscal year 2004 budget was created, we have seen a wave in urban bombings, the launch of a rescue mission for kidnapped American citizens, a significant increase in the violent attacks against our spray aircraft, and an increase in the violent attacks against President Uribe and other top Colombian officials. These increased threats need to be countered now, and require a revision in the original budget estimates on what will be spent both this fiscal year and next.

The supplemental funding is necessary to continue current operations at their current pace. By including the President's request in this bill, the committee is recognizing this need. But we should not penalize next year's efforts by counting this supplemental appropriations against the 2004 request. I strongly urge the committee to reconsider holding this needed supplemental funding for the Andean Counterdrug Initiative against the fiscal year 2004 request.

TRIBUTE TO GREG MASTEL

Mr. BAUCUS. Mr. President, I rise today to thank Greg Mastel for his work as the Finance Committee's chief trade adviser and chief economist during the 107th Congress.

I asked Greg to rejoin my staff in early 2001 with two specific goals in mind—significantly expanding the Trade Adjustment Assistance Program and reinstating fast-track trade negotiating authority for the President. To me, these are the twin pillars of U.S. trade policy. If the United States was to move beyond the logjam that had stalled progress on trade for nearly a decade, both of these programs needed to be in place.

Thanks in large part to Greg's hard work, both of those goals were achieved.

In August of last year, the President signed into law the Trade Act of 2002. Not only did it restore fast track to the President, it also created the largest expansion of Trade Adjustment Assistance in that program's history. And just for good measure, we renewed and expanded both the Andean Trade Preferences Act and the Generalized System of Preferences.

The Trade Act of 2002 is the most significant piece of trade legislation to come out of the Congress in over a decade. And it would not have happened without the skilled guidance and steady hand that Greg showed every step of the way.

Getting there wasn't easy. There were a lot of long nights and more than a few tense meetings. And for Greg, there were some personal challenges that didn't make the job any easier, but made his performance even more impressive.

Shortly before we went into conference with the House on the Trade Act, Greg suffered a nasty bicycling accident that left him with a broken collarbone, badly bruised ribs, and more sore muscles than I care to think about. But Greg was in the office every day, working through the pain and showing the same good humor that always made him such a pleasure to work with.

At the time, I called Greg "the Lance Armstrong of the Trade World"—although he probably needs to hone those biking skills. I stand by those comments. In conference negotiations, it is always a challenge to bridge the differences between Democrats and Republicans and between the Senate and the House. But to sit in a room negotiating the finer points of U.S. trade policy at 2 in the morning while fighting through the pain of broken collarbone takes a special kind of staffer.

Not only is Greg an expert on trade—he also understands the state of Montana. Greg is a true product of Montana. He grew up on a ranch outside of Missoula, where his childhood pursuits included hunting, camping, and archery. He is a graduate of Hellgate High School in Missoula, where he was a star second baseman on their baseball team.

He has never forgotten his roots in Montana. I have always felt that Greg's experiences back home gave him a feel for policy issues that cannot be learned.

And Greg has a long history with my office. He began as an intern in 1987, and within a few months became my youngest legislative assistance. His formal training as an economist made him a natural for covering international trade issues, vital for a State that depends on exporting its goods and services to markets around the globe. I relied on Greg to assist me with some of the most important issues to Montanans, including beef exports to Japan and wheat exports to China.

At various points, Greg has served as both my legislative director and my chief of staff. In each of these positions, he served with distinction through many years of trying to convince Montanans that trade was necessary and could be beneficial. He came up with the idea of trade missions and helped organize those to Asia and South America. Those missions did more to promote understanding than 100 speeches could have.

Greg also became an expert on U.S. trade laws, including many which he helped to draft. It was a natural that, after leaving my staff in 1994, Greg moved on to a distinguished career in academia and public policy. He is the author of three books dealing with China, United States trade laws, and WTO negotiations, and has written a column for the Journal of Commerce.

Somewhere along the way, Greg and his wife Lois found the time to raise two beautiful children—Alexander and Caroline.

I was lucky to be able to lure him back for the 107th Congress to serve as my chief trade adviser on the Finance Committee.

Greg has been a wonderful friend to me and my staff over the years. I thank him for all of this hard work and wish him the best of luck in all his future endeavors.

TRIBUTE TO VICTOR BAIRD

Mr. VOINOVICH. Mr. President, today I wish to speak on behalf of a man, Victor Baird, who, until recently, had probably one of the most thankless jobs in the Senate—Staff Director and Chief Counsel of the Senate Ethics Committee. In this position, Victor was charged with preserving the integrity of the Senate by policing the conduct of its Members and ensuring that the Senators and their staffs adhered to the Senate's high ethical standards.

The nature of the Ethics Committee is that the work we do remains confidential, except in the most egregious circumstances. Victor faced some of these circumstances and his guidance in steering the committee, the Senate, through them was invaluable. In general, though, most people didn't hear that much about Victor or the work he did in his 16 years on the committee, but to those of who sit on the committee or who have ever sat on the committee, we know that a lack of public exposure for the committee means that Victor was doing his job, and doing it well.

As I mentioned before, Victor was a 16 year veteran of the Senate Ethics Committee. He was first appointed to the committee by Senator Heflin in March 1987. He was acting Staff Director and Chief Counsel from October 1992 until March 1993 and became Staff Director and Chief Counsel from April 1993 until this January.

Before arriving in the Senate, Victor served in the United States Air Force and had a distinguished legal career in Georgia that included serving as an Assistant Attorney General in Georgia, as an Administrative Law Judge for the Georgia Department of Natural Resources, and on the Consumers' Utility Council of Georgia.

Victor's legal acumen, good nature, keen attention to detail, nonpartisan nature, and most of all, his integrity, all contributed to his success in the Senate. He will be missed by many. I thank him for his service to the United States Senate and to his country, and wish him God speed in all his journeys ahead.

TRIBUTE TO ARKANSAS GUARD AND RESERVES

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to the American troops in the National Guard and Reserves who are placing themselves in harm's way to defend our Nation against the threats of terrorism and rogue states.

As of Wednesday, April 2, 2003, there are 218,931 reservists and guardsmen nationwide activated in the war on terrorism and in Operation Iraqi Freedom. Currently, there are 2,356 Arkansans activated in the Guard and Reserves, according to the U.S. Department of Defense. I would like to ask that the attached list be printed in the RECORD following my remarks.

The sacrifices that these men and women are making protect our freedoms, defend our liberties, and ensure regional and global stability. We are very proud of each and every one of them, and we owe all them a tremendous debt of gratitude for their service and for their dedication to their country. We look forward to welcoming them home safely.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Army National Guard (1,258 Arkansans):		
N. Little Rock	State Area Command	4 Guardsmen
Ft. Smith	2nd Battalion, 142nd Field Artillery, HQ	42
Lincoln	2nd Battalion, 142nd Field Artillery, Service Battery	20
Van Buren	2nd Battalion, 142nd Field Artillery, Battery A	72
Siloam Springs	2nd Battalion, 142nd Field Artillery, Battery B	73
Ozark	2nd Battalion, 142nd Field Artillery, Battery C	73
West Memphis	216th Military Police Company	124
N. Little Rock	149th Medical Company	2
Little Rock	343rd Mobile Public Affairs Detachment	7
Ft. Smith	935th Support Battalion	101
N. Little Rock	935th Support Battalion	32
Charleston	296th Medical Company	117
Marked Tree	1123rd Transportation Company	167
N. Little Rock	25th Support Detachment	44
N. Little Rock	114th Aviation Air Traffic Control Battalion	164
N. Little Rock	223rd Regiment (Regional Training Institute)	2
Jonesboro	875th Engineer Battalion	99
Mtn. Home	224th Maintenance Company	215
Army Reserve (794 Arkansans):		
Fayetteville	362nd Psychological Operations Company	67 Reservists
Little Rock	431st Civil Affairs Battalion	140
Little Rock	460th Chemical Brigade	1
Charleston	38th Ordnance Group	56
Little Rock	468th Chemical Battalion	45
N. Little Rock	489th Engineer Battalion	452
Little Rock	90th Regional Support Command	23
Little Rock	112th Chaplain Detachment	2
Little Rock	U.S. Army Engineering Facility Group	8
Air National Guard (172 Arkansans):		
Little Rock	189th Airlift Wing	120 Guardsmen
Fort Smith	188th Airlift Wing	52
Navy Reserves (9 Arkansans):		
Little Rock	Naval Support Activity Bahrain, Detachment C	6 reservists
N. Little Rock	4 MD 3/23 I	3
Marine Reserves (123 Arkansans):		
N. Little Rock	3rd Battalion, 23rd Marines, I Company	120 Reservists
N. Little Rock	Peacetime War Support Team	3

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 14, 2001 in San Francisco, CA. An Australian software engineer was stabbed in the chest by someone who thought his friend, a man of Indian and Hispanic heritage, was an Arab. The victims say the stabbing took place when they were passed by a group while crossing the street. A scuffle ensued when the engineer was punched or bumped by one of the men. The assailant used racial slurs to describe the victims and said, "We don't like Arabs" before stabbing the engineer.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONGRATULATIONS TO DR. THOMAS FRIST

Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Thomas F. Frist, Jr., a cofounder of HCA and its former chairman and CEO, on his induction into the Healthcare Hall of Fame. The Healthcare Hall of Fame honors individuals who bring a legacy of enthusiasm, vision, and perseverance to the healthcare industry. I cannot think of a more deserving recipient of this honor.

Dr. Frist began his hospital administrative career shortly after his service as a military flight surgeon. In 1968, he founded HCA in Nashville, with his father, the late Dr. Thomas F. Frist, Sr., and the late Jack C. Massey. In 1977, Dr. Frist became president of HCA and subsequently became chairman, president and chief executive officer in 1987. When HCA merged with Columbia in February 1994, Dr. Frist served as chairman of the board and later as Vice Chairman, following the company's April 1995 merger with HealthTrust Inc. Dr. Frist returned as chairman and CEO of the company in 1997. He was chairman and CEO until January 2001 and chairman until January 2002.

Not only is Dr. Frist a great physician and hospital administrator, he is also a great benefactor to his hometown of Nashville. He served as vice president of the Vanderbilt University Board of Trust from 1995–1997. He was chairman of the board of Governors of the United Way of America in 1995, and founded the United Way's Alexis de Tocqueville Society. He was the 1999–2000 chair of the Nashville Area Chamber of Commerce. Currently, Dr. Frist is chairman of the board of The Frist Foundation and chairman of the board of the Frist Center for the Visual Arts. Dr. Frist also serves on the board of Montgomery Bell Academy in Nashville and is chairman of the Nashville Healthcare Council's 2002–2003 board of directors.

Dr. Frist is also the brother of our own majority leader, Dr. BILL FRIST, a leader on healthcare issues in the Senate. Dr. Frist's father, the late Dr. Thomas Frist, Sr., was also a member of the Healthcare Hall of Fame. Dr. Frist's induction makes them the first Hall of Fame father-son pair. All of us in Tennessee appreciate Dr. Frist's dedication and great work in the healthcare industry, and I would like to congratulate him today on this great honor.

THE POSTAL PENSION LIABILITY ACT, S. 380

Mr. SUNUNU. Mr. President, I am pleased that the Senate has taken action to pass S. 380, the Postal Pension Liability Act.

I would like to thank my colleagues on the Governmental Affairs Committee for their effort in getting this bill passed, particularly Senator COLLINS and Senator LIEBERMAN, chairman and ranking member, respectively, as well as Senator STEVENS and Senator CARPER, who have provided tremendous leadership in getting this bill through the Senate.

As my colleagues may know, the U.S. Postal Service, USPS, is required to pay into the Civil Service Retirement System, CSRS, an amount that equals the full cost of its obligation to CSRS. While the Postal Service has done so, the money it has placed into this account has earned interest at a higher rate than previously thought. Thus, the Office of Personnel Management estimated in November that the pension obligations for the USPS totaled $5 billion and not a previously estimated $32 billion.

This bill would correct the formula that overpays the Postal Service's obligation to the civil service retirement fund. In addition, this bill would stabilize postage rates through 2006 and help the Postal Service to pay down some of its debt. Stable postage rates will help keep shipping costs down as well as the indirect cost of all consumer goods.

Without this bill, the U.S. Postal Service would continue to overfund its contribution to the Civil Service Retirement System fund. If it had not been evaluated and corrected, the overpayment could have reached tens of billions of dollars in the decades ahead.

Mr. President, as a cosponsor of S. 380, I am pleased with the bipartisan manner in which the Senate has acted to pass this much-needed bill. This spirit of cooperation is truly in the best interest of the American people.

RETIRED OFFICERS' COMMENTARY

Mr. WARNER. Mr. President, there has been much discussion here in the Senate and in the press about retired military officers who have been appearing in the media throughout the coverage of the diplomatic efforts and the actual military operations to end the global threat posed by Saddam Hussein and his weapons of mass destruction.

My own opinion is that most of these retired officers have, in a very fair, constructive, helpful way, interpreted the complexity of modern military operations, the highly technical range of military equipment, and have conveyed their positive observations of the courage and professionalism of our men and women in uniform—from the generals to the privates.

In most presentations, these retired officers have shown professional responsibility and prudent restraint in giving their views and interpretations. But a few have added personal criticisms over the planning and execution of Operation Iraqi Freedom.

Professionals in the military have devoted their careers to protecting our Constitutional freedoms. Among the most cherished of these is freedom of speech. But that freedom has its legal, as well as ethical, restraints, and requires the exercise of good judgment, common sense, and taking into account the likely impact of their criticisms on servicemen and their families.

By and large, the retired officers have, through their careers of dedidated service, earned the admiration of the general public. Consequently, a special trust is accorded them by the families, the parents, the grandparents of those serving in uniform. Quite often, the families take to heart what they say, even more so than the views of others.

If retired officers have professional views and judgments at variance with the active duty chain of command, they are, like all Americans, free to speak their mind. But how to do it—publicly or privately?

They have ample opportunity to convey their views to their former colleagues—today's military commanders—through private channels, and I know many do so through a variety of forums and through personal communications. Before making critical public statements during the course of military operations, I hope they carefully consider the consequences of such statements and recall how they, and their families, felt about unexpected public criticism when they were in the "trenches of conflict."

The tradition followed by Presidents, especially in times of conflict, is a worthy precedent. A sitting President customarily receives the views of past Commanders in Chief by way of private communication rather than through the media.

Mr. President, I expressed these points to members of the media after a Capitol Hill meeting Tuesday evening with Secretary Rumsfeld and General Myers, and I ask unanimous consent that the excerpted text of my remarks at that news conference, and those of the general, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT, NEWS CONFERENCE WITH SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF; SENATOR JOHN WARNER (R-VA); REPRESENTATIVE DUNCAN HUNTER (R-CA)

Sen. WARNER.—We covered that very carefully. The general gave us a complete briefing. And I think, Duncan, I believe you will join with me, the consensus in our group just now is that a good plan has been in place, it is being executed. It is timely. Considerable progress has been made to date. And we see no reason at this time for anyone to be in criticism of this program.

And I want to talk a little bit about this retired military. I've been associated with the military a half-century or more. I think some of them have in a very constructive way interpreted the complexity of military operations today and the equipment, and I think they have done a good job in portraying the courage shown by the men and women who are executing this plan.

And if some have criticisms, we don't mean to stifle freedom of speech, but I think they should follow the tradition of President, the Commander in Chiefs. You do not see former Presidents criticizing a sitting President during a war. And in the same way, if they've got constructive criticism at variance with the plan, I think they should confidentially contact their own peers in the Pentagon and share it that way rather than open.

Question: But Senator Warner, what about current commanders? It is reported this morning, Army—(inaudible)—Army colonel—(inaudible)—concerned about doing this war—(inaudible)—not bring enough—(inaudible)—

Sen. WARNER. Well, there's always, during any conflict, going back to George Washington, complaints among his forces. I have personally been involved in the wars in Korea, and Vietnam, and Panama, and Somalia—and I could go on for a few more, and I think Duncan, you've been in them—but that's all right, we'll take that in stride. I'm more concerned about the very senior officers who by virtue of their training and experience have a lot of credibility, and I think that if they have criticism, fine. Call up the chairman——

General RICHARD MYERS. You bet.

Sen. WARNER: You'd take the call?

Gen. MYERS: Absolutely.

ADDITIONAL STATEMENTS

TRIBUTE TO SACRED HEART ACADEMY

● Mr. BUNNING. Mr. President, today I pay tribute to the Sacred Heart Academy in Louisville, KY. Their basketball team won their second straight Sweet 16 girls title last night.

Sacred Heart won their second straight Sweet 16 title after defeating Lexington Catholic 42-40. Sacred Heart is the first team in over 25 years to repeat as state champions. Their win last night was their 62nd straight victory against in-state competition.

The citizens of Louisville, KY should be proud to have Sacred Heart Academy basketball team living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I would like to congratulate the members of the basketball team for their success, along with Crystal Kelly for being named the tournament's MVP. But also, I want to congratulate their coach, Donna Moir, along with their peers, faculty, administrator, and parents for their support and sacrifices they've made to help meet those achievements and dreams.●

TRIBUTE TO BILL CANARY

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, William Canary, of Montgomery, AL. Bill Canary was recently named president of the Business Council of Alabama.

While he now calls Montgomery, AL, home, Bill is a native of New York and attended the State University of New York at Oneonta. He also holds a juris doctorate degree from the Jacob D. Fuchsberg Law Center at Touro College.

Bill came to BCA from the American Trucking Association, the national trade and safety organization of the U.S. trucking industry. He began his career at ATA nearly a decade ago, serving as counselor to the ATA president and CEO, Thomas J. Donohue. Over the years, he served ATA in various capacities including political advisor to the president and senior vice president for State, Federation and Intergovernmental Affairs. In 2001, the ATA board of directors named him their president and CEO.

Prior to his service at the ATA, Bill served as a Special Assistant to President George H.W. Bush for Intergovernmental Affairs. From January 1989 through June 1991, Bill served the White House as the President's liaison to local elected officials and mayors throughout the Nation.

Bill has also served as chief of staff for the Republican National Committee and as national political director for the Committee to Re-Elect President Bush. During the 2000 Republican National Convention he served as a senior advisor to the co-chairman, Andrew Card, currently chief of staff to President George W. Bush.

He is the coauthor of the public research product "The Alabama Poll," and is a writer, commentator, and political analyst for several Alabama television programs.

In 2001, I was proud to recommend Bill's wife Leura to serve as the U.S. attorney for the Middle District of Alabama. Leura has served in this position with distinction. Bill and Leura have a daughter, Margaret, and a son, Will.

Bill Canary is a good friend and a beloved family man. I offer him my congratulations and best wishes in his new role as president of BCA.●

MESSAGE FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes.

H.R. 743. an act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-72. A concurrent resolution by the House of the Legislature of the State of New Hampshire relative to a peaceful and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 16

Whereas, the people of the former Princely State of Jammu and Kashmir have for the past 55 years been subjected to documented and unspeakable human rights abuses, including the execution of civilians, the rape and burning of women, the immolation and mutilation of children, the deliberate shelling of civilians by military artillery, and the torture and murder of political detainees; and

Whereas, 2 wars between India and Pakistan, in 1965 and 1971, failed to justly resolve either the issue of self-determination or the ongoing and egregious violations of human rights; and

Whereas, the threat of nuclear war between India and Pakistan has reached unprecedented levels because of the volatility of the issues attendant to the accession of Kashmir; and

Whereas, resolution of this conflict, the cessation of atrocities, and the reduction of the threat of nuclear war is unquestionably in the best interests of the people of the state of New Hampshire, the United States of America, and the world community of nations: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court, fully mindful of the sacred obligation embodied in our state motto, "Live Free or Die," respectfully requests that the United States Senate and the United States House of Representatives immediately initiate hearings to discern all relevant facts and circumstances attendant to the Kashmiri conflict so as to facilitate its just, peaceful, and rapid resolution; to bring a cessation of atrocities against the people of Jammu and Kashmir; and to minimize the threat of nuclear war in Southwest Asia; and

That the New Hampshire general court hereby calls upon all parties to this conflict to adhere to the principles of the United Nations Charter on Human Rights forthwith, and grant observers from Amnesty International and Human Rights Watch free and unrestricted access to the entire State of Jammu and Kashmir to monitor the status of human rights therein; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM–73. A concurrent resolution adopted by the Legislature of the State of Michigan relative to federal transit funding for highways and transit programs; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, this shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–74. A resolution adopted by the Senate of the State of Michigan relative to the United States Coast Guard Cutter Bramble; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 21

Whereas, Since its launch in 1943, the United States Coast Guard Cutter Bramble has served our nation in a variety of capacities. Following its six decades of service, the 180-foot buoy tender is scheduled for decommissioning in the spring of 2003; and

Whereas, The people of Port Huron, the home port of the Bramble since 1975, feel a strong sense of identity with the vessel. As a result, local citizens are working hard to make the cutter a permanent educational and historical resource of Port Huron by securing title and ownership for the Port Huron Museum of Arts and History. Members of the community have expressed a commitment to renovating the Bramble for its new role and maintaining it for the future; and

Whereas, The history of the missions undertaken by the Bramble will serve as a visible reminder of the many ways the Coast Guard serves our nation. The cutter's work during World War II, its journey through Arctic waters and the Bering Straits to the Atlantic in 1957, and its long years working to secure navigation and safety along the Great Lakes will provide invaluable lessons for visitors, especially children; and

Whereas, Legislation has been introduced in Congress to provide for the Coast Guard to convey the Bramble to the Port Huron Museum of Arts and History after decommissioning: Now, therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter Bramble to the Port Huron Museum of Arts and History; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–75. A concurrent resolution adopted by the Legislature of the State of South Dakota relative to memorializing the Congress to refrain from acquiring certain additional land for Wind Cave National Park; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 1019

Whereas, the United States Congress is considering legislation to add more than 5,500 acres to Wind Cave National Park; and

Whereas, Wind Cave National Park, located in the southern Black Hills, is the location of one of the longest and most complex cave systems in the United States and includes 28,000 acres of mixed-grass prairies and pine forests that provide habitat for bison, deer, elk, and many other species; and

Whereas, the proposed addition would involve the purchase of similar adjacent, private land; and

Whereas, residents of Custer and Fall River counties by a large margin do not support the proposed purchase of additional property for Wind Cave National Park; and

Whereas, the proposed purchase would reduce property tax revenues to Custer County and the Hot Springs School District, and federal payments in lieu of taxes would not be sufficient to make up for the loss; and

Whereas, the National Park Service prohibits hunting in Wind Cave National Park and would prohibit hunting in the additional areas to be purchased, and the National Park Service does not have a strong record in the area of wildlife management; and

Whereas, the purchase price for the proposed additional acres is higher than warranted and would drive the price of land in the area beyond the reach of agricultural producers: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-eighth Legislature of the State of South Dakota, the Senate concurring therein, That the South Dakota Legislature does not support the proposed purchase of additional land for an expansion of Wind Cave National Park currently under consideration by the United States Congress. The Legislature urges Congress to refrain from making the purchase and to allocate the resources intended for the purchase to more appropriate purposes.

POM–76. A concurrent resolution adopted by the Parish of Ascension of the State of Louisiana relative to establishing a national energy policy; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

By Mr. HATCH for the Committee on the Judiciary.

Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Allen Garber, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 774. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 780. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself and Mr. BREAUX):

S. 781. A bill to restore balance to the membership of the Gulf of Mexico Fisheries Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of South Carolina:

S. 782. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 783. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON , Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. VOINOVICH, and Mr. TALENT):

S. 791. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 104. A resolution commending the University of Minnesota Duluth Bulldogs for winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 237

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 237, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 269

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 387

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 387, a bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 461

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, a bill to establish a program to promote hydrogen fuel cells, and for other purposes.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 580

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 580, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Russia.

S. 595

At the request of Mr. HATCH, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 607

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 607, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 636

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in medicare payments for home health services that are furnished in rural areas.

S. 645

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 645, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 648

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 648, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 709

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 731

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.

S. 750

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 755

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes.

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 771

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 771, a bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers.

S. 773

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 773, a bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 32

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

S. RES. 97

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

AMENDMENT NO. 436

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 436 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 439 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 439 intended to be proposed to S. 762, supra.

AMENDMENT NO. 440

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 440 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 441

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. ENSIGN), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 441 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 449

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of amendment No. 449 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 451

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 451 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 455

At the request of Mr. KOHL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. DAYTON), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. TALENT), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Maryland (Ms. MIKULSKI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 455 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, supra.

AMENDMENT NO. 459

At the request of Mr. GRAHAM of Florida, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 459 proposed to S. 762, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 774. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to simplify and restore fairness to the tax accounting rules under which our six major U.S. naval shipyards determine their tax liability on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits, a process known as the "Percent of Completion Method" of accounting.

The major shortcoming of this method is that shipbuilders must report progress payments as "revenue" rather than as a source of financing, which had been recognized and permitted for the 64 years between 1918 and 1982. Additionally, it creates a "legal fiction" of an "interim profit," when in reality a profit or loss is not reasonably known until after a ship is completed. This places a financial burden on shipbuilders during the critical construction phase; reduces the resources available to invest in facilities and processes to reduce construction costs; places a burden on the cash flow management of the shipbuilder; and weakens the financial health of the defense shipbuilding industrial base.

The legislation being proposed would simply allow naval shipbuilders and their team members to use a modified "Completed Contract Method" of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy. In other words, the delivery of each ship would be treated as the completion of the contract for "Completed Contract" purposes, regardless of how many ships are built under a contract.

Prior to 1982, Federal law permitted shipbuilders to use this method but the law was changed due to abuses by Federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders employed in the past. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill that would allow private, non-profit medical facilities which service industry-specific clients to be eligible for hazard mitigation and disaster assistance. Under the current law, institutions such as these are limited in their ability to receive the Federal funds needed for both preparedness and response in the case of emergencies.

In particular, I speak today of the Motion Picture & Television, MPTF, Hospital, located in the earthquake-prone San Fernando Valley. Set up more than 80 years ago to provide members of the entertainment industry with vital medical care and social services, the MPTF Hospital is the only institution of its kind in the United States.

With an acute care hospital, six outpatient facilities staffed with primary care physicians, a children's center, retirement facilities, and programs for the elderly, the MPTF Hospital provides comprehensive care for a significant sector of the population of the greater Los Angeles community. It is the only non-profit institution providing industry-specific health and human services to the entertainment industry and to the general public.

This legislation is important because in the aftermath of the Northridge Earthquake of 1994, considered one of the worst natural disasters in U.S. history, the MPTF Hospital was unable to receive federal assistance to repair structural and equipment damages suffered from the earthquake. Furthermore, that same year, the California Senate enacted legislation requiring all hospitals to be seismically retrofitted by 2010. The costs of both the reparations and structural upgrades are enormous, and the MPTF Hospital cannot receive federal funds because as an institution serving an industry-specific clientele, it does not qualify under the current definition of a "private, nonprofit facility" within the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, Stafford Act.

To address this problem, this legislation broadens that definition to include tax-exempt facilities that provide medical services to specific occupational or industry segments of the general public.

Under this change, facilities such as the MPTF Hospital would have the opportunity to apply for federal assistance under the Stafford Act, alongside other private, nonprofit institutions.

There is no up-front cost stemming from this amendment to the Stafford Act. This bill simply puts the MPTF Hospital on equal footing with other critical care facilities when applying for Federal disaster assistance.

This legislation is timely and necessary. Hospitals such as the MPTF deserve an opportunity to apply for Federal funding, and desperately need this financial assistance in order to both meet California's 2010 deadline for seismic retrofitting and respond adequately to future disasters. I call on this body to enact this legislation promptly.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would amend Title V of the United States Code. It authorizes the Office of Personnel Management, OPM, to make payments to a disability trust or a pooled trust which is set up for a disabled dependent of a Federal worker in a way that would allow him or her to continue to receive Medicaid benefits.

My bill would put disabled dependents of federal workers on a par with disabled dependents of those in the private sector. In 1993, Congress passed a statute allowing disabled persons to have trusts. And, in 1999, the Supplemental Security Income, SSI, statute was amended to conform with the basic Medicaid law. But, as current law is interpreted, these protective trusts cannot be set up for disabled dependents of federal workers in a way that allows them to keep their other benefits.

This oversight can cause devastating and confusing circumstances for disabled dependents and their guardians. In Colorado, Lisa Neikirk, a Downs Syndrome child, became entitled to a small civil service retirement annuity from her father when he died in 1994: This benefit in the amount of $310 per month was just high enough to push her off SSI and Medicaid and she lost her benefits at that time.

Because Congress had recently passed a Medicaid statute allowing disabled people to have trusts, Lisa's mother created a trust for her. However, the Social Security Administration took the position that OPM statutes do not permit Lisa's benefit to be assigned to a trust without negating her Medicaid benefits. The Social Security Administration accepts these trusts with other assets but the OPM statute preexisted the 1993 law and would not allow benefits to be assigned to these trusts without this change. Lisa's situation is only one of several such cases throughout the country.

The bill I am introducing would grant to OPM the discretion to pay a retirement annuity tc a disability trust which is set up for a person in a way which would allow them to continue to receive Medicaid benefits. This policy change has been very carefully drafted so that it cannot be abused. It stipulates a trust that is qualified under Medicaid law and adheres to two Medicaid statutes.

I believe it is important that we better protect disabled children of Federal workers. We need to make it clear that disabled dependents of Federal workers are protected by laws that now protect people in the private sector. In today's uncertain world, I believe dependents of federal workers need all the protection that is available to them under the law. We must not let outdated federal statutes put federal workers and their dependents at a disadvantage.

This legislation provides another step toward making our laws fair for the disabled in our country. I urge my colleagues to support its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTAIN PAYMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES RETIREMENT SYSTEM TO CERTAIN TRUSTS UNDER THE SOCIAL SECURITY ACT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended in the first sentence by inserting before the period ", or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))".

(2) ASSIGNABILITY OF PAYMENTS.—Section 8346(a) of title 5, United States Code, is amended by striking "except under" and inserting "except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))".

(2) ASSIGNABILITY OF PAYMENTS.—Section 8470(a) of title 5, United States Code, is amended by striking "except under" and inserting "except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under".

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to make the Impact Aid Program a Federal entitlement.

Impact Aid is one of the oldest Federal education programs, dating from the 1950's, and is meant to compensate a local school district for financial losses resulting from Federal properties or lands in that district. Congress met its obligation of fully funding Impact Aid until the 1970's. When the funding was cut in 1971, many districts that greatly depend on Impact Aid began to suffer. In the past few years, the Impact Aid payment formula has become increasingly complex, causing great funding disparities for the same types of students in different districts.

I have consistently supported increased appropriations for Impact Aid because it not only provides an essential revenue source for impacted districts, but it is also a Federal obligation. Often, close to 90 percent of a local school's funding is comprised of the local tax base. When the presence of the Federal Government in a community takes away from this tax base, we must compensate for this loss. When we do not fulfill our obligation by adequately funding Impact Aid, our children suffer the consequence such as lower test scores, lower attendance rates, crowded classrooms, and fewer and older facilities.

Although funding for Impact Aid has increased over the past few years, it still remains under-funded. Today, I am taking the first step to correct this inequity. My bill will require Congress to meet its duty to these children and schools that have been under-funded for so long. I urge my colleagues to join me in fulfilling our obligation by permanently fully funding the Impact Aid program.

Mr. BAUCUS. Mr. President, I rise today to join my friend and colleague Senator INHOFE in introducing a bill that will make a real difference in schools on or near military bases, Indian reservations, and other Federal lands. Our bill will make the Impact Aid Program a Federal entitlement.

We require public schools to accept all children from military families and tribal reservations. It is the right thing to do. But families in Federal housing or on reservations do not pay local property taxes, a traditional revenue source for school districts. While Impact Aid was designed to make up the difference, we have not met our obligation to public schools. Instead, we have let the Impact Aid Program fall prey to the annual appropriations process. This means that payments to Impact Aid schools are never guaranteed, are usually underfunded, and rarely arrive on time. In fact, Impact Aid has not been fully funded since the early 1980s. The result of this underfunding can be seen in Impact Aid schools in States across the country. Schools are cutting programs and staff, not buying new books and materials, and deferring maintenance on buildings to help cover classroom costs. As a result, schools like Hays Lodge Pole School in Montana cannot teach their students and maintain their school facility; in the last couple of years, the Hays Lodge Pole School has been susceptible to electrical fires and other structural hazards.

I am so proud of the students, teachers, and administrators that learn and work in our Impact Aid districts. They have gone above and beyond to make due with scant resources. In many cases, however, we have stretched school districts to the breaking point. We have an obligation to our schools and the students. We can and must do better than we have in the past.

The bill that Senator INHOFE and I are introducing today will make a difference. It requires the Federal Government to meet its obligation to these schools. As a result, districts will know when and how much they will receive. The guesswork will vanish, and school leaders will be able to focus on student achievement instead of budget games.

I recognize that creating a Federal entitlement program is not an easy task. But Impact Aid is not like other discretionary programs. It was set up to compensate school districts for the "substantial and continuing financial burden resulting from Federal activities." It is not a program that supplements local programming. It is the only game in town, and when we do not meet our Federal obligation, there is no other program to pick up the slack. Other Federal education programs, such as title I, supplement insufficient local resources.

Importantly, Impact Aid is a Federal program that addresses Federal needs. Our bill recognizes that providing Impact Aid resources on time and in full helps federally impacted students learn and achieve. It also recognizes that Impact Aid funds are better spent in our schools than on plane tickets and expenses for Impact Aid officials to come to Washington to fight for dollars that they inherently deserve.

Finally, I want to say a little about my personal perspective on education. I honestly believe there is nothing more important than giving our children the best opportunities to succeed in life. That is a principle I hold very deeply. Nothing we can do for our children will make a bigger difference in their lives than giving them a solid education. Education provides greater advantages in the workplace, and greater personal enrichment; both of which lead to future personal and professional success. I have always believed that a quality public education system is not only the right of every child, but also the key to smart economic development. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st century economy.

Our bill recognizes the importance of education and makes sure that our federally impacted school districts receive the money they deserve. More importantly, our bill makes sure that students in federally impacted schools will have an education that will prepare them for personal and professional success.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx Drug Discount and Security Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Voluntary Medicare Prescription Drug Discount and Security Program.

"PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"Sec. 1860. Definitions.
"Sec. 1860A. Establishment of program.
"Sec. 1860B. Enrollment.
"Sec. 1860C. Providing enrollment and coverage information to beneficiaries.
"Sec. 1860D. Enrollee protections.
"Sec. 1860E. Annual enrollment fee.
"Sec. 1860F. Benefits under the program.
"Sec. 1860G. Requirements for entities to provide prescription drug coverage.
"Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.
"Sec. 1860I. Determination of income levels.
"Sec. 1860J. Appropriations.
"Sec. 1860K. Medicare Competition and Prescription Drug Advisory Board.".

Sec. 3. Administration of Voluntary Medicare Prescription Drug Discount and Security Program.
Sec. 4. Exclusion of part D costs from determination of part B monthly premium.
Sec. 5. Medigap revisions.

SEC. 2. VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"DEFINITIONS

"SEC. 1860. In this part:

"(1) COVERED DRUG.—

"(A) IN GENERAL.—Except as provided in this paragraph, the term 'covered drug' means—

"(i) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

"(ii) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section or insulin described in subparagraph (C) of such section,

and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any use of a covered drug for a medically accepted indication (as defined in section 1927(k)(6)).

"(B) EXCLUSIONS.—

"(i) IN GENERAL.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

"(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered if payment for such drug is available under part A or B for an individual entitled to benefits under part A and enrolled under part B.

"(C) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary and such exclusion is not successfully appealed under section 1860D(a)(4)(B).

"(D) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—A prescription drug discount card plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered drug—

"(i) for which payment would not be made if section 1862(a) applied to part D; or

"(ii) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860D(a)(4).

"(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is—

"(A) eligible for benefits under part A or enrolled under part B; and

"(B) not eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any—

"(A) pharmaceutical benefit management company;

"(B) wholesale pharmacy delivery system;

"(C) retail pharmacy delivery system;

"(D) insurer (including any issuer of a medicare supplemental policy under section 1882);

"(E) Medicare+Choice organization;

"(F) State (in conjunction with a pharmaceutical benefit management company);

"(G) employer-sponsored plan;

"(H) other entity that the Secretary determines to be appropriate to provide benefits under this part; or

"(I) combination of the entities described in subparagraphs (A) through (H).

"(4) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

"ESTABLISHMENT OF PROGRAM

"SEC. 1860A. (a) PROVISION OF BENEFIT.—The Secretary shall establish a Medicare Prescription Drug Discount and Security Program under which the Secretary endorses prescription drug card plans offered by eligible entities in which eligible beneficiaries may voluntarily enroll and receive benefits under this part.

"(b) ENDORSEMENT OF PRESCRIPTION DRUG DISCOUNT CARD PLANS.—

"(1) IN GENERAL.—The Secretary shall endorse a prescription drug card plan offered by an eligible entity with a contract under this part if the eligible entity meets the requirements of this part with respect to that plan.

"(2) NATIONAL PLANS.—In addition to other types of plans, the Secretary may endorse national prescription drug plans under paragraph (1).

"(c) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

"(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"ENROLLMENT

"SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

"(1) ESTABLISHMENT OF PROCESS.—

"(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this subsection, such process shall be similar to the process for enrollment under part B under section 1837.

"(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive the benefits under this part.

"(2) ENROLLMENT PERIODS.—

"(A) IN GENERAL.—Except as provided in this paragraph, an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

"(B) SPECIAL ENROLLMENT PERIOD.—In the case of eligible beneficiaries that have recently lost eligibility for prescription drug coverage under a State plan under the medicaid program under title XIX, the Secretary shall establish a special enrollment period in which such beneficiaries may enroll under this part.

"(C) OPEN ENROLLMENT PERIOD IN 2004 FOR CURRENT BENEFICIARIES.—The Secretary shall establish a period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may—

"(i) enroll under this part; or

"(ii) enroll or reenroll under this part after having previously declined or terminated such enrollment.

"(3) PERIOD OF COVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

"(B) ENROLLMENT DURING OPEN AND SPECIAL ENROLLMENT.—Subject to subparagraph (C), an eligible beneficiary who enrolls under the program under this part under subparagraph (B) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B OR ELIGIBILITY FOR MEDICAL ASSISTANCE.—

"(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is—

"(i) no longer enrolled in part A or B; or

"(ii) eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

"(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of—

"(i) the termination of coverage under part A or (if later) under part B; or

"(ii) the coverage under title XIX.

"(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

"(1) PROCESS.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part shall make an annual election to enroll in a prescription drug card plan offered by an eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

"(2) ELECTION PERIODS.—

"(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

"(i) annual coordinated election periods; and

"(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug card plan under this part at the time of the election of coverage under the original fee-for-service plan.

"(B) INITIAL ELECTION PERIODS.—

"(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is entitled to benefits under part A or enrolled under part B as of November 1, 2004, there shall be an initial election period of 6 months beginning on that date.

"(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first entitled to benefits under part A or enrolled under part B after such date, there shall be an initial election period which is the same as the initial enrollment period under section 1837(d).

"(C) ADDITIONAL SPECIAL ELECTION PERIODS.—The Administrator shall establish special election periods—

"(i) in cases of individuals who have and involuntarily lose prescription drug coverage described in paragraph (3);

"(ii) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B; and

“(iii) in the case of an individual who meets such exceptional conditions (including conditions provided under section 1851(e)(4)(D)) as the Secretary may provide.

“(D) ENROLLMENT WITH ONE PLAN ONLY.—The rules established under subparagraph (B) shall ensure that an eligible beneficiary may only enroll in 1 prescription drug card plan offered by an eligible entity per year.

“(3) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization must enroll in a prescription drug discount card plan offered by an eligible entity in order to receive benefits under this part. The beneficiary may elect to receive such benefits through the Medicare+Choice organization in which the beneficiary is enrolled if the organization has been awarded a contract under this part.

“(4) CONTINUOUS PRESCRIPTION DRUG COVERAGE.—An individual is considered for purposes of this part to be maintaining continuous prescription drug coverage on and after the date the individual first qualifies to elect prescription drug coverage under this part if the individual establishes that as of such date the individual is covered under any of the following prescription drug coverage and before the date that is the last day of the 63-day period that begins on the date of termination of the particular prescription drug coverage involved (regardless of whether the individual subsequently obtains any of the following prescription drug coverage):

“(A) COVERAGE UNDER PRESCRIPTION DRUG CARD PLAN OR MEDICARE+CHOICE PLAN.—Prescription drug coverage under a prescription drug card plan under this part or under a Medicare+Choice plan.

“(B) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of an interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

“(C) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan (as defined by the Secretary), but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(D) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)) and if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(E) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(F) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

For purposes of carrying out this paragraph, the certifications of the type described in sections 2701(e) of the Public Health Service Act and in section 9801(e) of the Internal Revenue Code of 1986 shall also include a statement for the period of coverage of whether the individual involved had prescription drug coverage described in this paragraph.

“(5) COMPETITION.—Each eligible entity with a contract under this part shall compete for the enrollment of beneficiaries in a prescription drug card plan offered by the entity on the basis of discounts, formularies, pharmacy networks, and other services provided for under the contract.

“PROVIDING ENROLLMENT AND COVERAGE INFORMATION TO BENEFICIARIES

“SEC. 1860C. (a) ACTIVITIES.—The Secretary shall provide for activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding enrollment under this part and the prescription drug card plans offered by eligible entities with a contract under this part.

“(b) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in subsection (a) shall ensure that eligible beneficiaries are provided with such information at least 60 days prior to the first enrollment period described in section 1860B(c).

“ENROLLEE PROTECTIONS

“SEC. 1860D. (a) REQUIREMENTS FOR ALL ELIGIBLE ENTITIES.—Each eligible entity shall meet the following requirements:

“(1) GUARANTEED ISSUANCE AND NONDISCRIMINATION.—

“(A) GUARANTEED ISSUANCE.—

“(i) IN GENERAL.—An eligible beneficiary who is eligible to enroll in a prescription drug card plan offered by an eligible entity under section 1860B(b) for prescription drug coverage under this part at a time during which elections are accepted under this part with respect to the coverage shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

“(ii) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to eligible entities under this subsection.

“(B) NONDISCRIMINATION.—An eligible entity offering prescription drug coverage under this part shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

“(2) DISCLOSURE OF INFORMATION.—

“(A) INFORMATION.—

“(i) GENERAL INFORMATION.—Each eligible entity with a contract under this part to provide a prescription drug card plan shall disclose, in a clear, accurate, and standardized form to each eligible beneficiary enrolled in a prescription drug discount card program offered by such entity under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such prescription drug coverage.

“(ii) SPECIFIC INFORMATION.—In addition to the information described in clause (i), each eligible entity with a contract under this part shall disclose the following:

“(I) How enrollees will have access to covered drugs, including access to such drugs through pharmacy networks.

“(II) How any formulary used by the eligible entity functions.

“(III) Information on grievance and appeals procedures.

“(IV) Information on enrollment fees and prices charged to the enrollee for covered drugs.

“(V) Any other information that the Secretary determines is necessary to promote informed choices by eligible beneficiaries among eligible entities.

“(B) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an eligible beneficiary, the eligible entity shall provide the information described in paragraph (3) to such beneficiary.

“(C) RESPONSE TO BENEFICIARY QUESTIONS.—Each eligible entity offering a prescription drug discount card plan under this part shall have a mechanism for providing specific information to enrollees upon request. The entity shall make available, through an Internet website and, upon request, in writing, information on specific changes in its formulary.

“(3) GRIEVANCE MECHANISM, COVERAGE DETERMINATIONS, AND RECONSIDERATIONS.—

“(A) IN GENERAL.—With respect to the benefit under this part, each eligible entity offering a prescription drug discount card plan shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the eligible entity provides covered benefits) and enrollees with prescription drug card plans of the eligible entity under this part in accordance with section 1852(f).

“(B) APPLICATION OF COVERAGE DETERMINATION AND RECONSIDERATION PROVISIONS.—Each eligible entity shall meet the requirements of paragraphs (1) through (3) of section 1852(g) with respect to covered benefits under the prescription drug card plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

“(C) REQUEST FOR REVIEW OF TIERED FORMULARY DETERMINATIONS.—In the case of a prescription drug card plan offered by an eligible entity that provides for tiered cost-sharing for drugs included within a formulary and provides lower cost-sharing for preferred drugs included within the formulary, an individual who is enrolled in the plan may request coverage of a nonpreferred drug under the terms applicable for preferred drugs if the prescribing physician determines that the preferred drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

“(4) APPEALS.—

“(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity offering a prescription drug card plan shall meet the requirements of paragraphs (4) and (5) of section 1852(g) with respect to drugs not included on any formulary in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

“(B) FORMULARY DETERMINATIONS.—An individual who is enrolled in a prescription drug card plan offered by an eligible entity may appeal to obtain coverage under this part for a covered drug that is not on a formulary of the eligible entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

“(5) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—Each eligible entity offering a prescription drug discount card plan shall meet the requirements of the Health Insurance Portability and Accountability Act of 1996.

“(b) ELIGIBLE ENTITIES OFFERING A DISCOUNT CARD PROGRAM.—If an eligible entity offers a discount card program under this part, in addition to the requirements under subsection (a), the entity shall meet the following requirements:

“(1) ACCESS TO COVERED BENEFITS.—

“(A) ASSURING PHARMACY ACCESS.—

“(i) IN GENERAL.—The eligible entity offering the prescription drug discount card plan shall secure the participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access (as determined by the Secretary and including adequate emergency access) for enrolled beneficiaries, in accordance with standards established under section 1860D(a)(3) that ensure such convenient access.

“(ii) USE OF POINT-OF-SERVICE SYSTEM.—Each eligible entity offering a prescription drug discount card plan shall establish an optional point-of-service method of operation under which—

“(I) the plan provides access to any or all pharmacies that are not participating pharmacies in its network; and

“(II) discounts under the plan may not be available.

The additional copayments so charged shall not be counted as out-of-pocket expenses for purposes of section 1860F(b).

“(B) USE OF STANDARDIZED TECHNOLOGY.—

“(i) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall issue (and reissue, as appropriate) such a card (or other technology) that may be used by an enrolled beneficiary to assure access to negotiated prices under section 1860F(a) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug discount card plan.

“(ii) STANDARDS.—The Secretary shall provide for the development of national standards relating to a standardized format for the card or other technology referred to in clause (i). Such standards shall be compatible with standards established under part C of title XI.

“(C) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—If an eligible entity that offers a prescription drug discount card plan uses a formulary, the following requirements must be met:

“(i) PHARMACY AND THERAPEUTIC (P&T) COMMITTEE.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist both with expertise in the care of elderly or disabled persons and a majority of its members shall consist of individuals who are a physician or a practicing pharmacist (or both).

“(ii) FORMULARY DEVELOPMENT.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, outcomes research data, and such other information as the committee determines to be appropriate.

“(iii) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within each therapeutic category and class of covered drugs (although not necessarily for all drugs within such categories and classes).

“(iv) PROVIDER EDUCATION.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

“(v) NOTICE BEFORE REMOVING DRUGS FROM FORMULARY.—Any removal of a drug from a formulary shall take effect only after appropriate notice is made available to beneficiaries and physicians.

“(vi) GRIEVANCES AND APPEALS RELATING TO APPLICATION OF FORMULARIES.—For provisions relating to grievances and appeals of coverage, see paragraphs (3) and (4) of section 1860D(a).

“(2) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

“(A) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall have in place with respect to covered drugs—

“(i) an effective cost and drug utilization management program, including medically appropriate incentives to use generic drugs and therapeutic interchange, when appropriate;

“(ii) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in subparagraph (B); and

“(iii) a program to control fraud, abuse, and waste.

Nothing in this section shall be construed as impairing an eligible entity from applying cost management tools (including differential payments) under all methods of operation.

“(B) MEDICATION THERAPY MANAGEMENT PROGRAM.—

“(i) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to ensure, with respect to beneficiaries with chronic diseases (such as diabetes, asthma, hypertension, and congestive heart failure) or multiple prescriptions, that covered drugs under the prescription drug discount card plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

“(ii) ELEMENTS.—Such program may include—

“(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means;

“(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means; and

“(III) detection of patterns of overuse and underuse of prescription drugs.

“(iii) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

“(iv) CONSIDERATIONS IN PHARMACY FEES.—Each eligible entity offering a prescription drug discount card plan shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

“(C) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug discount card plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

“(i) Paragraph (1) (including quality assurance), including any medication therapy management program under paragraph (2).

“(ii) Subsection (c)(1) (relating to access to covered benefits).

“(iii) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

“(D) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR EQUIVALENT DRUGS.—Each eligible entity offering a prescription drug discount card plan shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered drug shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost drug covered under the plan that is therapeutically equivalent and bioequivalent.

“ANNUAL ENROLLMENT FEE

“SEC. 1860E. (a) AMOUNT.—

“(1) IN GENERAL.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of $25.

“(2) ANNUAL PERCENTAGE INCREASE.—

“(A) IN GENERAL.—In the case of any calendar year beginning after 2005, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment.

“(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A)(ii), the inflation adjustment for any calendar year is the percentage (if any) by which—

“(i) the average per capita aggregate expenditures for covered drugs in the United States for medicare beneficiaries, as determined by the Secretary for the 12-month period ending in July of the previous year; exceeds

“(ii) such aggregate expenditures for the 12-month period ending with July 2004.

“(C) ROUNDING.—If any increase determined under clause (ii) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

“(b) COLLECTION OF ANNUAL ENROLLMENT FEE.—

“(1) IN GENERAL.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

“(2) DIRECT PAYMENT.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Secretary. The Secretary shall establish procedures for making such an election.

“(c) WAIVER.—The Secretary shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

“BENEFITS UNDER THE PROGRAM

“SEC. 1860F. (a) ACCESS TO NEGOTIATED PRICES.—

“(1) NEGOTIATED PRICES.—

“(A) IN GENERAL.—Subject to subparagraph (B), each prescription drug card plan offering a discount card program by an eligible entity with a contract under this part shall provide each eligible beneficiary enrolled in such plan with access to negotiated prices (including applicable discounts) for such prescription drugs as the eligible entity determines appropriate. Such discounts may include discounts for nonformulary drugs. If such a beneficiary becomes eligible for the catastrophic benefit under subsection (b), the negotiated prices (including applicable discounts) shall continue to be available to the beneficiary for those prescription drugs for which payment may not be made under section 1860H(b). For purposes of this subparagraph, the term ‘prescription drugs’ is not limited to covered drugs, but does not include any over-the-counter drug that is not a covered drug.

“(B) LIMITATIONS.—

“(i) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the negotiated prices (including applicable discounts) for nonformulary drugs may differ.

“(ii) AVOIDANCE OF DUPLICATE COVERAGE.—The negotiated prices (including applicable discounts) for prescription drugs shall not be available for any drug prescribed for an eligible beneficiary if payment for the drug is available under part A or B (but such negotiated prices shall be available if payment under part A or B is not available because the beneficiary has not met the deductible or has exhausted benefits under part A or B).

“(2) DISCOUNT CARD.—The Secretary shall develop a uniform standard card format to be issued by each eligible entity offering a prescription drug discount card plan that shall be used by an enrolled beneficiary to ensure the access of such beneficiary to negotiated prices under paragraph (1).

“(3) ENSURING DISCOUNTS IN ALL AREAS.—The Secretary shall develop procedures that ensure that each eligible beneficiary that resides in an area where no prescription drug discount card plans are available is provided with access to negotiated prices for prescription drugs (including applicable discounts).

“(b) CATASTROPHIC BENEFIT.—

“(1) TEN PERCENT COST-SHARING.—Subject to any formulary used by the prescription drug discount card program in which the eligible beneficiary is enrolled, the catastrophic benefit shall provide benefits with cost-sharing that is equal to 10 percent of the negotiated price (taking into account any applicable discounts) of each drug dispensed to such beneficiary after the beneficiary has incurred costs (as described in paragraph (3)) for covered drugs in a year equal to the applicable annual out-of-pocket limit specified in paragraph (2).

“(2) ANNUAL OUT-OF-POCKET LIMITS.—For purposes of this part, the annual out-of-pocket limits specified in this paragraph are as follows:

“(A) BENEFICIARIES WITH ANNUAL INCOMES BELOW 200 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as determined under section 1860I) is below 200 percent of the poverty line, the annual out-of-pocket limit is equal to $1,500.

“(B) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 200 AND 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 200 percent, but does not exceed 400 percent, of the poverty line, the annual out-of-pocket limit is equal to $3,500.

“(C) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 400 AND 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 400 percent, but does not exceed 600 percent, of the poverty line, the annual out-of-pocket limit is equal to $5,500.

“(D) BENEFICIARIES WITH ANNUAL INCOMES THAT EXCEED 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 600 percent of the poverty line, the annual out-of-pocket limit is an amount equal to 20 percent of that beneficiary's income for that year (rounded to the nearest multiple of $1).

“(3) APPLICATION.—In applying paragraph (2), incurred costs shall only include those expenses for covered drugs that are incurred by the eligible beneficiary using a card approved by the Secretary under this part that are paid by that beneficiary and for which the beneficiary is not reimbursed (through insurance or otherwise) by another person.

“(4) ANNUAL PERCENTAGE INCREASE.—

“(A) IN GENERAL.—In the case of any calendar year after 2005, the dollar amounts in subparagraphs (A), (B), and (C) of paragraph (2) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment determined under section 1860E(a)(2)(B) for such calendar year.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

“(5) ELIGIBLE ENTITY NOT AT FINANCIAL RISK FOR CATASTROPHIC BENEFIT.—

“(A) IN GENERAL.—The Secretary, and not the eligible entity, shall be at financial risk for the provision of the catastrophic benefit under this subsection.

“(B) PROVISIONS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection, see section 1860H.

“(6) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Secretary shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no prescription drug discount card plans offered that have been awarded a contract under this part.

“REQUIREMENTS FOR ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

“SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Secretary shall establish a process under which the Secretary accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

“(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(c) ADMINISTRATIVE FEE BID.—

“(1) SUBMISSION.—For the bid described in subsection (b), each entity shall submit to the Secretary information regarding administration of the discount card and catastrophic benefit under this part.

“(2) BID SUBMISSION REQUIREMENTS.—

“(A) ADMINISTRATIVE FEE BID SUBMISSION.—In submitting bids, the entities shall include separate costs for administering the discount card component, if applicable, and the catastrophic benefit. The entity shall submit the administrative fee bid in a form and manner specified by the Secretary, and shall include a statement of projected enrollment and a separate statement of the projected administrative costs for at least the following functions:

“(i) Enrollment, including income eligibility determination.

“(ii) Claims processing.

“(iii) Quality assurance, including drug utilization review.

“(iv) Beneficiary and pharmacy customer service.

“(v) Coordination of benefits.

“(vi) Fraud and abuse prevention.

“(B) NEGOTIATED ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary has the authority to negotiate regarding the bid amounts submitted. The Secretary may reject a bid if the Secretary determines it is not supported by the administrative cost information provided in the bid as specified in subparagraph (A).

“(C) PAYMENT TO PLANS BASED ON ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary shall use the bid amounts to calculate a benchmark amount consisting of the enrollment-weighted average of all bids for each function and each class of entity. The class of entity is either a regional or national entity, or such other classes as the Secretary may determine to be appropriate. The functions are the discount card and catastrophic components. If an eligible entity's combined bid for both functions is above the combined benchmark within the entity's class for the functions, the eligible entity shall collect additional necessary revenue through 1 or both of the following:

“(i) Additional fees charged to the beneficiary, not to exceed $25 annually.

“(ii) Use of rebate amounts from drug manufacturers to defray administrative costs.

“(d) AWARDING OF CONTRACTS.—

“(1) IN GENERAL.—The Secretary shall, consistent with the requirements of this part and the goal of containing medicare program costs, award at least 2 contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Secretary under paragraph (2).

“(2) TERMS AND CONDITIONS.—The Secretary shall not award a contract to an eligible entity under this section unless the Secretary finds that the eligible entity is in compliance with such terms and conditions as the Secretary shall specify.

“(3) REQUIREMENTS FOR ELIGIBLE ENTITIES PROVIDING DISCOUNT CARD PROGRAM.—Except as provided in subsection (e), in determining which of the eligible entities that submitted bids that meet the terms and conditions specified by the Secretary under paragraph (2) to award a contract, the Secretary shall consider whether the bid submitted by the entity meets at least the following requirements:

“(A) LEVEL OF SAVINGS TO MEDICARE BENEFICIARIES.—The program passes on to medicare beneficiaries who enroll in the program discounts on prescription drugs, including discounts negotiated with manufacturers.

“(B) PROHIBITION ON APPLICATION ONLY TO MAIL ORDER.—The program applies to drugs that are available other than solely through mail order and provides convenient access to retail pharmacies.

"(C) Level of beneficiary services.—The program provides pharmaceutical support services, such as education and services to prevent adverse drug interactions.

"(D) Adequacy of information.—The program makes available to medicare beneficiaries through the Internet and otherwise information, including information on enrollment fees, prices charged to beneficiaries, and services offered under the program, that the Secretary identifies as being necessary to provide for informed choice by beneficiaries among endorsed programs.

"(E) Extent of demonstrated experience.—The entity operating the program has demonstrated experience and expertise in operating such a program or a similar program.

"(F) Extent of quality assurance.—The entity has in place adequate procedures for assuring quality service under the program.

"(G) Operation of assistance program.—The entity meets such requirements relating to solvency, compliance with financial reporting requirements, audit compliance, and contractual guarantees as specified by the Secretary.

"(H) Privacy compliance.—The entity implements policies and procedures to safeguard the use and disclosure of program beneficiaries' individually identifiable health information in a manner consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(I) Additional beneficiary protections.—The program meets such additional requirements as the Secretary identifies to protect and promote the interest of medicare beneficiaries, including requirements that ensure that beneficiaries are not charged more than the lower of the negotiated retail price or the usual and customary price.

The prices negotiated by a prescription drug discount card program endorsed under this section shall (notwithstanding any other provision of law) not be taken into account for the purposes of establishing the best price under section 1927(c)(1)(C).

"(4) Beneficiary access to savings and rebates.—The Secretary shall require eligible entities offering a discount card program to pass on savings and rebates negotiated with manufacturers to eligible beneficiaries enrolled with the entity.

"(5) Negotiated agreements with employer-sponsored plans.—Notwithstanding any other provision of this part, the Secretary may negotiate agreements with employer-sponsored plans under which eligible beneficiaries are provided with a benefit for prescription drug coverage that is more generous than the benefit that would otherwise have been available under this part if such an agreement results in cost savings to the Federal Government.

"(e) Requirements for Other Eligible Entities.—An eligible entity that is licensed under State law to provide the health insurance benefits under this section shall be required to meet the requirements of subsection (d)(3). If an eligible entity offers a national plan, such entity shall not be required to meet the requirements of subsection (d)(3), but shall meet the requirements of Employee Retirement Income Security Act of 1974 that apply with respect to such plan.

"PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

"Sec. 1860H. (a) In General.—The Secretary may establish procedures for making payments to an eligible entity under a contract entered into under this part for—

"(1) the costs of providing covered drugs to beneficiaries eligible for the benefit under this part in accordance with subsection (b) minus the amount of any cost-sharing collected by the eligible entity under section 1860F(b); and

"(2) costs incurred by the entity in administering the catastrophic benefit in accordance with section 1860G.

"(b) Payment for Covered Drugs.—

"(1) In general.—Except as provided in subsection (c) and subject to paragraph (2), the Secretary may only pay an eligible entity for covered drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860F(b).

"(2) Limitations.—

"(A) Formulary restrictions.—Insofar as an eligible entity with a contract under this part uses a formulary, the Secretary may not make any payment for a covered drug that is not included in such formulary, except to the extent provided under section 1860D(a)(4)(B).

"(B) Negotiated prices.—The Secretary may not pay an amount for a covered drug furnished to an eligible beneficiary that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860F(a) or the price negotiated for insurance coverage under the Medicare+Choice program under part C, a medicare supplemental policy, employer-sponsored coverage, or a State plan.

"(C) Cost-sharing limitations.—An eligible entity may not charge an individual enrolled with such entity who is eligible for the catastrophic benefit under this part any copayment, tiered copayment, coinsurance, or other cost-sharing that exceeds 10 percent of the cost of the drug that is dispensed to the individual.

"(3) Payment in competitive areas.—In a geographic area in which 2 or more eligible entities offer a plan under this part, the Secretary may negotiate an agreement with the entity to reimburse the entity for costs incurred in providing the benefit under this part on a capitated basis.

"(c) Secondary Payer Provisions.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

"DETERMINATION OF INCOME LEVELS

"Sec. 1860I. (a) Determination of Income Levels.—

"(1) In general.—The Secretary shall establish procedures under which each eligible entity awarded a contract under this part determines the income levels of eligible beneficiaries enrolled in a prescription drug card plan offered by that entity at least annually for purposes of sections 1860E(c) and 1860F(b).

"(2) Procedures.—The procedures established under paragraph (1) shall require each eligible beneficiary to submit such information as the eligible entity requires to make the determination described in paragraph (1).

"(b) Enforcement of Income Determinations.—The Secretary shall—

"(1) establish procedures that ensure that eligible beneficiaries comply with sections 1860E(c) and 1860F(b); and

"(2) require, if the Secretary determines that payments were made under this part to which an eligible beneficiary was not entitled, the repayment of any excess payments with interest and a penalty.

"(c) Quality Control System.—

"(1) Establishment.—The Secretary shall establish a quality control system to monitor income determinations made by eligible entities under this section and to produce appropriate and comprehensive measures of error rates.

"(2) Periodic audits.—The Inspector General of the Department of Health and Human Services shall conduct periodic audits to ensure that the system established under paragraph (1) is functioning appropriately.

"APPROPRIATIONS

"Sec. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the enrollment fees collected under section 1860E.

"MEDICARE COMPETITION AND PRESCRIPTION DRUG ADVISORY BOARD

"Sec. 1860K. (a) Establishment of Board.—There is established a Medicare Prescription Drug Advisory Board (in this section referred to as the 'Board').

"(b) Advice on Policies; Reports.—

"(1) Advice on policies.—The Board shall advise the Secretary on policies relating to the Voluntary Medicare Prescription Drug Discount and Security Program under this part.

"(2) Reports.—

"(A) In general.—With respect to matters of the administration of the program under this part, the Board shall submit to Congress and to the Secretary such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of the program under this part. Each such report shall be published in the Federal Register.

"(B) Maintaining independence of board.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

"(c) Structure and Membership of the Board.—

"(1) Membership.—The Board shall be composed of 7 members who shall be appointed as follows:

"(A) Presidential appointments.—

"(i) In general.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

"(ii) Limitation.—Not more than 2 such members may be from the same political party.

"(B) Senatorial appointments.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

"(C) Congressional appointments.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

"(2) Qualifications.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

"(3) Composition.—Of the members appointed under paragraph (1)—

"(A) at least 1 shall represent the pharmaceutical industry;

"(B) at least 1 shall represent physicians;

"(C) at least 1 shall represent medicare beneficiaries;

"(D) at least 1 shall represent practicing pharmacists; and

"(E) at least 1 shall represent eligible entities.

"(d) Terms of Appointment.—

"(1) In general.—Subject to paragraph (2), each member of the Board shall serve for a term of 6 years.

"(2) Continuance in office and staggered terms.—

"(A) Continuance in office.—A member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

"(B) Staggered terms.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as follows:

"(i) Presidential appointments.—The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

"(I) 2 years;

"(II) 4 years; and

"(III) 6 years.

"(ii) Senatorial appointments.—The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

"(I) 3 years; and

"(II) 6 years.

"(iii) Congressional appointments.—The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

"(I) 4 years; and

"(II) 5 years.

"(C) Reappointments.—Any person appointed as a member of the Board may not serve for more than 8 years.

"(D) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(e) Chairperson.—A member of the Board shall be designated by the President to serve as Chairperson for a term of 4 years or, if the remainder of such member's term is less than 4 years, for such remainder.

"(f) Expenses and Per Diem.—Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(g) Meetings.—

"(1) In general.—The Board shall meet at the call of the Chairperson (in consultation with the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairperson in consultation with the other members of the Board.

"(2) Quorum.—Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

"(h) Federal Advisory Committee Act.—The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(i) Personnel.—

"(1) Staff director.—The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

"(2) Staff.—

"(A) In general.—The Board may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out by the Board.

"(B) Flexibility with respect to civil service laws.—

"(i) In general.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

"(ii) Maximum rate.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(j) Authorization of Appropriations.—There are authorized to be appropriated, out of the Federal Supplemental Medical Insurance Trust Fund established under section 1841, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.".

(b) Conforming References to Previous Part D.—

(1) In general.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) Secretarial submission of legislative proposal.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(c) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) Implementation.—Notwithstanding any provision of part D of title XVIII of the Social Security Act (as added by subsection (a)), the Secretary of Health and Human Services shall implement the Voluntary Medicare Prescription Drug Discount and Security Program established under such part in a manner such that—

(A) benefits under such part for eligible beneficiaries (as defined in section 1860 of such Act, as added by such subsection) with annual incomes below 200 percent of the poverty line (as defined in such section) are available to such beneficiaries not later than the date that is 6 months after the date of enactment of this Act; and

(B) benefits under such part for other eligible beneficiaries are available to such beneficiaries not later than the date that is 1 year after the date of enactment of this Act.

SEC. 3. ADMINISTRATION OF VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) Establishment of Center for Medicare Prescription Drugs.—There is established, within the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, a Center for Medicare Prescription Drugs. Such Center shall be separate from the Center for Beneficiary Choices, the Center for Medicare Management, and the Center for Medicaid and State Operations.

(b) Duties.—It shall be the duty of the Center for Medicare Prescription Drugs to administer the Voluntary Medicare Prescription Drug Discount and Security Program established under part D of title XVIII of the Social Security Act (as added by section 2).

(c) Director.—

(1) Appointment.—There shall be in the Center for Medicare Prescription Drugs a Director of Medicare Prescription Drugs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Responsibilities.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Center for Medicare Prescription Drugs and shall have authority and control over all personnel and activities thereof.

(d) Personnel.—The Director of the Center for Medicare Prescription Drugs may appoint and terminate such personnel as may be necessary to enable the Center for Medicare Prescription Drugs to perform its duties.

SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking "attributable to the application of section" and inserting "attributable to—

"(1) the application of section";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(2) the Voluntary Medicare Prescription Drug Discount and Security Program under part D.".

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

"(v) Modernization of Medicare Supplemental Policies.—

"(1) Promulgation of model regulation.—

"(A) NAIC model regulation.—If, within 9 months after the date of enactment of the Medicare Rx Drug Discount and Security Act of 2003, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit package classified as 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

"(i) the coverage for prescription drugs available under such benefit package is replaced with coverage for prescription drugs that complements but does not duplicate the benefits for prescription drugs that beneficiaries are otherwise entitled to under this title;

"(ii) a uniform format is used in the policy with respect to such revised benefits; and

"(iii) such revised standards meet any additional requirements imposed by the Medicare Rx Drug Discount and Security Act of 2003;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2005 NAIC Model Regulation').

"(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2005 Federal Regulation').

"(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

"(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2005 NAIC Model Regulation or 2005 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

"(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'I' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

"(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

"(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

"(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2005 NAIC Model Regulation or 2005 Federal Regulation; and

"(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

"(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.".

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today with Senators LAUTENBERG, GRAHAM of Florida, and LIEBERMAN to introduce the Wastewater Treatment Works Security and Safety Act. This legislation provides for the safety and security of our Nation's wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and enhancing proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to protect our water supplies and infrastructure. I have spoken on the many initiatives taking place on the Committee on Environment and Public Works and at the Environmental Protection Agency to protect our Nation's critical water infrastructure. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the Nation.

Last year, Senator SMITH and I worked to include the authorization of $160 million for vulnerability assessments at drinking water facilities as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Despite our hard work during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, our task is by no means finished. We cannot forget the vital importance of protecting our Nation's wastewater facilities. Everyday we take for granted the hundreds of thousand of miles of pipes buried underground and the thousands of wastewater treatment works that keep our water clean and safe. Like all our Nation's critical infrastructure, the disruption or destruction of these structures could have a devastating impact on public safety, health, and the economy.

The legislation I am introducing today will take us one step further by authorizing support of ongoing efforts to develop and implement vulnerability assessments and emergency response plans at wastewater facilities.

Using existing tools such as the Sandia Laboratory's vulnerability assessment tool or the Association of Metropolitan Sewerage Association's Vulnerability Self-Assessment Tool, treatment works will be able to securely identify critical areas of need. With the funds provided by this bill, EPA will also ensure that treatment works remedy areas of concerns. Using the results of the vulnerability assessment, treatment works will develop or revise emergency response plans to minimize damage if an attack were to occur.

This bill authorizes $180 million for fiscal years 2004 through 2008 for grants to conduct the vulnerability assessments and implement basic security enhancements. The bill also recognizes the need to address immediate and urgent security needs with a special $20 million authorization over 2004 and 2005.

In my home State of Vermont, we have only three towns of over 25,000 people. The small water facilities serving these communities have been particularly challenged to meet today's new homeland security challenges. Many times, water managers operate the town's water facilities as a part-time job or even as a free service. We must ensure that they are afforded the same consideration under this act as the medium and large facilities. This bill authorizes $15 million for grants to help small communities conduct vulnerability assessments, develop emergency response plans, and address potential threats to the treatment works. It also instructs the Administrator of the EPA to provide guidance to these communities on how to effectively use these security tools.

To ensure the continued development of wastewater security technologies, the Wastewater Treatment Works Security and Safety Act authorizes $15 million for research for 2004 through 2008. It also provides $500,000 to refine vulnerability self-assessment tools already in existence.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect—clean, safe, fresh water is worth our investment.

By Mr. McCAIN:

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I rise to introduce legislation to authorize expansion of the Petrified Forest National Park in Arizona. I'm pleased that Representative RICK RENZI will introduce companion legislation in the House of Representatives.

The Petrified Forest National Park is a national treasure among the Nation's parks, renowned for its large concentration of highly colored petrified wood, fossilized remains, and spectacular landscapes. However, it is much more than a colorful, scenic vista, for the Petrified Forest has been referred to as "one of the world's greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning."

For anyone whom has ever visited this park, one is quick to recognize the wealth of scenic, scientific, and historical values of this park. Preserved deposits of petrified wood and related fossils are among the most valuable representations of Triassic-period terrestrial ecosystems in the world. These natural formations were deposited more than 220 million years ago. Scenic vistas, designated wilderness areas, and other historically significant sites of pictographs and Native American ruins are added dimensions to the park.

The Petrified Forest was originally designated as a National Monument by former President Theodore Roosevelt in 1906 to protect the important natural and cultural resources of the Park, and later re-designated as a National Park in 1962. While several boundary adjustments were made to the Park, a significant portion of unprotected resources remain in outlying areas adjacent to the Park.

A proposal to expand the Park's boundaries was recommended in the park's General Management Plan in 1992, in response to concerns about the long-term protection needs of globally significant resources and the Park's viewshed in nearby areas. For example, one of the most concentrated deposits of petrified wood is found within the Chinle escarpment, of which only thirty percent is included within the current Park boundaries.

Increasing reports of theft and vandalism around the Park have activated the Park, local communities, and other interested entities to seek additional protections through a proposed boundary expansion. It has been estimated that visitors to the Park steal about 12 tons of petrified wood every year. Other reports of destruction to archaeological sites and gravesites have also been documented. Based on these continuing threats to resources intrinsic to the Park, the National Parks Conservation Association listed the Petrified Forest National Park on its list of Top Ten Most Endangered Parks in 2000.

Support for this proposed boundary expansion is extraordinary, from the local community of Holbrook, scientific and research institutions, state tourism agencies, and environmental groups, such as the National Parks Conservation Association, NPCA. I ask unanimous consent that a letter of support from the National Parks Conservation Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS
CONSERVATION ASSOCIATION,
March 20, 2003.

Hon. JOHN McCAIN,
U.S. Senate, Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATOR McCAIN: I wish to express the appreciation of the National Parks Conservation Association (NPCA) for your reintroduction of the Petrified Forest National Park Expansion Act. Every day that passes without adequately protecting the remarkable resources adjacent to this gem of the National Park System places them and the park at greater risk. NPCA strongly agrees with the National Park Service's 1992 findings that the park should be expanded. Now, with your leadership and with private landowners within the proposed expansion area anxious to sell their land, we believe the time has come to pass this important legislation.

It is hard to imagine a better example of an outdoor classroom than Petrified Forest National Park. This boundary expansion will ensure long-term protection of globally significant paleontological resources outside the park, which are believed even to surpass those within the present park boundary. Only 30 percent of the 22-mile long Chinle escarpment, known to constitute the best record of Triassic period terrestrial ecosystems found anywhere in the world, is protected within the park. The opportunities for schoolchildren in Arizona and elsewhere, for the scientific community, and others to learn from the 225 million-year old record entombed in these lands is truly incredible. The lessons locked within Petrified Forest and the proposed expansion lands can give us important perspectives about how modern day challenges like global warming and biodiversity relate to historical changes in the earth's climate and environment, dating back to prehistoric times. And they can excite the next generation of scientists the nation will need to compete in the 21st century.

In addition to the Chinle, the expansion would protect major ancestral puebloan archaeological sites dating as far back as 7,000 years, and the incredible vista from the park's Blue Mesa. It will also alleviate the threat of encroaching incompatible development and will greatly enhance the National Park Service's capability to protect the resources from vandalism and illegal pothunting.

I have had the opportunity to discuss this expansion proposal with Arizona's new governor, Janet Napolitano and her staff and am very encouraged by their strong interest. NPCA looks forward to working with you, your able staff, the Arizona delegation, the new governor, and the park service to build upon the progress we made in last year's negotiations on the bill.

Expanding Petrified Forest National Park will be a gift the American people will appreciate for generations to come. In addition, I can think of no more fitting tribute to the park's late superintendent, Michele Hellickson, than saving the resource she fought to protect for so many years. Because it provides such a compelling explanation about why this expansion is so important, I am attaching an article by David Gillette, the Colbert Curator of Paleontology at the Museum of Northern Arizona, which was published in our magazine last fall. Thank you for advancing this important proposal to protect a truly remarkable resource for our nation and the rest of the world.

Sincerely,

CRAIG D. OBEY,
Vice President for Government Affairs.

The legislation I am introducing today is intended to serve as a placeholder bill for further development of a boundary expansion proposal. The legislation is identical to the version introduced in the 107th Congress. Several key issues remain that require resolution, including the exact definition of the expanded boundary acreage as well as the disposition and possible acquisition of private and State lands within the proposed expansion area.

It's encouraging to note that the four major landowners within the proposed boundary expansion area have expressed interest in the Park expansion. Other public landowners, primarily the state of Arizona and the Bureau of Land Management, have recognized the significance of the paleontological resources on its lands adjacent to the Park. The Arizona State Trust land Department closed nearby State trust lands to both surface and subsurface applications. Additionally, the Bureau of Land Management has identified its land-holdings within the proposed expansion area for disposal and possible transfer to the Park.

Other issues involving additional private landholders and State trust land must still be resolved. In particular, the State of Arizona has specific requirements which must be addressed as the legislation moves through the process, particularly with regard to compensation to the state for any acquisitions of State trust lands by the Secretary of the Interior, in keeping with the requirements of State law.

I fully intend to address these issues in consultation with affected entities and resolve any additional questions within a reasonable time-frame. A historic opportunity exists to alleviate major threats to these nationally significant resources and preserve them for our posterity.

On a personal note, I'd like to acknowledge the former Park Superintendent of Petrified Forest National Park, Michele Hellickson, who recently lost a battle with cancer a few months ago. She served as Park Superintendent for nine years, from 1993 to 2002, and was one of the most ardent supporters to protect the resources of this Park. Her commitment to protect this incredible Park will long be remembered and acknowledged.

I look forward to working with my colleagues on both sides of the aisle to ensure swift consideration and enactment of this proposal. Time is of the essence to ensure the long-term protection of these rare and important resources for the enjoyment and educational value for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petrified Forest National Park Expansion Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Petrified Forest National Park was established—

(A) to preserve and interpret the globally significant paleontological resources of the Park that are generally regarded as the most important record of the Triassic period in natural history; and

(B) to manage those resources to retain significant cultural, natural, and scenic values;

(2) significant paleontological, archaeological, and scenic resources directly related to the resource values of the Park are located in land areas adjacent to the boundaries of the Park;

(3) those resources not included within the boundaries of the Park—

(A) are vulnerable to theft and desecration; and

(B) are disappearing at an alarming rate;

(4) the general management plan for the Park includes a recommendation to expand the boundaries of the Park and incorporate additional globally significant paleontological deposits in areas adjacent to the Park—

(A) to further protect nationally significant archaeological sites; and

(B) to protect the scenic integrity of the landscape and viewshed of the Park; and

(5) a boundary adjustment at the Park will alleviate major threats to those nationally significant resources.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to acquire 1 or more parcels of land—

(1) to expand the boundaries of the Park; and

(2) to protect the rare paleontological and archaeological resources of the Park.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered , and dated .

(2) PARK.—The term "Park" means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Arizona.

SEC. 4. BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of the Park is revised to include approximately acres, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by purchase, exchange, or by donation, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance with State law, acquire from the State any State land or interests in State land within the revised boundary of the Park by purchase or exchange.

(2) PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws (including regulations) and Executive orders.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a very important piece of legislation to modify the cooperative dividend allocation rule. I would like to thank Senator GRASSLEY and my other colleagues that have signed on the bill for their support for correcting this rule.

America's agriculture industry has not had it easy in recent years. In Montana and other areas of the country, drought, low prices and the economic downturn have hit our farms and ranches hard. Over the past few years Congress has worked diligently to help our Nation's smaller agriculture producers. However, there is more work to be done.

Senator GRASSLEY and I recently introduced "The Tax Empowerment and Relief for Farmers and Fisherman Act", TERFF, with the intention of giving farmers the tools to help themselves. One provision within that Act deals with the payment of dividends on cooperatives' stock. Today we are introducing that provision on its own to emphasize the importance of changing the dividend allocation rule.

Currently, the dividend allocation rule reduces patronage income when a cooperative pays a dividend on capital stock from non-patronage earnings. This reduces the amount cooperatives can pay back to their farmer patrons and inhibits their ability to equity-finance operations.

Modifying this rule will make farmer cooperatives more competitive and provide better access to capital. This piece of legislation will help revitalize farmer cooperatives by providing more accurate tax treatment for patronage and non-patronage income.

I look forward to working with my colleagues to enact the critical piece of legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) IN GENERAL.—Subsection (a) of section 1388 of the Internal Revenue Code of 1986 (relating to patronage dividend defined) is amended by adding at the end the following new sentence: "For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, the Dividend Allocation Rule, DAR, is the result of several old court cases and subsequent IRS interpretation that applies only to cooperatives which are corporations. When a non cooperative corporation pays a dividend to its shareholder the corporation pays tax on the dividend issued and the shareholder pays a tax on the dividend received, so they pay two levels of taxation. In fact, under the President's dividend exclusion proposal as presented to the U.S. Congress, the President of the United States makes a compelling argument that being taxed twice is inherently unfair and it would be good for the Nation's economy that only one level of tax should be paid by the corporation and that the shareholder would receive the dividend tax free.

Well—if two levels of taxation on corporations and their shareholders is unfair and adverse to the creation of capital and the economy—how would you like to try to operate as a fiscally sound business entity if you had to figure out every day how you were going to generate enough cash flow to pay THREE levels of taxation.

Current law requires corporate cooperatives to treat income from their member-owners, patrons, separate from income of their non-members money. Contributions and earnings used by the cooperative to operate is typically called retained patronage. The member, unlike a shareholder, has to pay income tax on that amount even if the Cooperative retains the money for operation expenses. Then, because of the IRS' rules, when the Cooperative returns money to its non-members it loses its corporate deduction which in turn reduces the return of earnings that the patron has already paid taxes on—the result is a triple layer of tax. This rule is inherently unfair to our corporate cooperatives.

Now is the time to finally correct this injustice. The Congress passed this bill in 106th Congress, but it was subsequently vetoed by the President. It was a part of a bill I sponsored the "Tax Empowerment and Relief for Farmers and Fishermen, TERFF, Act" in the 107th, and now it is time for the Senate to pass it again in the 108th. As Chairman of the Finance Committee, I am proud to join with my Ranking Member Max Baucus to introduce the bill to repeal the Dividend Allocation Rule. We have been joined by many of our farm States' Senators in a truly bipartisan effort to correct this financial injustice.

The time to act is now and this bipartisan legislation will eliminate the adverse tax problem and will help rejuvenate over 100 of our farmer cooperative networks in Iowa and nearly 3000 of our cooperatives across the America.

By Mr. BINGAMAN (for himself, Mr. Rockefeller, and Mr. Breaux):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Business Links Act, on behalf of myself, Senator Rockefeller and Senator Breaux.

The Business Links Act is a companion bill to the Education Works Act, which I introduced a short time ago. Both of these bills address the need to support State efforts to use welfare to work strategies that combine work with a flexible mix of education, training and other supports. The Business Links Act, more specifically, provides resources to States seeking to implement one of the most effective of these types of programs: transitional jobs programs. These programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours a week, along with access to job readiness, basic education, vocational skills, and other barrier-removal services based on individualized plans. The Business Links Act would provide states with funding to implement these transitional jobs programs and other training and support programs such as Business Links.

Existing transitional jobs programs are achieving great outcomes. Research has shown that 81 percent to 94 percent of those who completed transitional jobs programs went on to unsubsidized jobs with wages, and that most of these individuals moved into full-time employment. Transitional jobs can be particularly effective for the hardest to serve welfare recipients. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to needed services provides a real chance to move into stable, permanent employment. Transitional jobs not only help individuals, but communities as well. In providing work opportunities for hard-to-employ individuals, these programs reduce pressure on local emergency systems and decrease government expenditures on health care, food stamps, and cash assistance.

Our legislation also supports "business link" programs that provide individuals with fewer barriers and those who have historically found only very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector. In my home State, just such a program is producing great results the Teamworks program. During a 12-week course, participants are provided with training in life and employment skills, necessary supports such as childcare and transportation, assistance in their job search efforts and ongoing support for 18 months after job placement. Impressively, the average wage of those completing the program is $1.50 per hour higher than other programs and job retention rates are 20 percent higher.

Additional Federal support for transitional job and business link programs is sorely needed. The Welfare-to-work funds that have previously been used to support these programs are nearly exhausted. In addition, in a period of rising caseloads and state budget crises such as we are now facing, funding transitional jobs solely with existing TANF funds will be very difficult.

I urge my colleagues to join me in supporting the Business Links Act, which will provide States with the tools they need to implement programs that work. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Links Act of 2003".

SEC. 2. TRANSITIONAL JOBS GRANTS.

(a) In General.—Section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)) is amended to read as follows:

"(4) Innovative business link partnership grants.—

"(A) In general.—The Secretary and the Secretary of Labor (in this paragraph referred to as the "Secretaries") jointly shall award grants in accordance with this paragraph for projects proposed by eligible applicants based on the following:

"(i) The potential effectiveness of the proposed project in carrying out the activities described in subparagraph (E).

"(ii) Evidence of the ability of the eligible applicant to leverage private, State, and local resources.

"(iii) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level.

"(B) Definition of eligible applicant.—

"(i) In general.—In this paragraph, the term 'eligible applicant' means a nonprofit organization, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), a State, a political subdivision of a State, or an Indian tribe.

"(ii) Grants to promote business linkages.—

"(I) Additional eligible applicant.—Only for purposes of grants to carry out the activities described in subparagraph (E)(i), the term 'eligible applicant' includes an employer.

"(II) Additional requirement.—In order to qualify as an eligible applicant for purposes of subparagraph (E)(i), the applicant must provide evidence that the application has been developed by and will be implemented by a local or regional consortium that includes, at minimum, employers or employer associations, and education and training providers, in consultation with local labor organizations and social service providers that work with low-income families or individuals with disabilities.

"(C) REQUIREMENTS.—

"(i) IN GENERAL.—In awarding grants under this paragraph, the Secretaries shall—

"(I) consider the needs of rural areas and cities with large concentrations of residents with an income that is less than 150 percent of the poverty line; and

"(II) ensure that—

"(aa) all of the funds made available under this paragraph (other than funds reserved for use by the Secretaries under subparagraph (J)) shall be used for activities described in subparagraph (E);

"(bb) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for activities described in subparagraph (E)(i); and

"(cc) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for the activities described in subparagraph (E)(ii).

"(ii) CONTINUATION OF AVAILABILITY.—If any portion of the funds required to be used for activities referred to in item (bb) or (cc) of clause (i)(II) are not awarded in a fiscal year, such portion shall continue to be available in the subsequent fiscal year for the same activity, in addition to other amounts that may be available for such activities for that subsequent fiscal year.

"(D) DETERMINATION OF GRANT AMOUNT.—

"(i) IN GENERAL.—Subject to clause (ii), in determining the amount of a grant to be awarded under this paragraph for a project proposed by an eligible applicant, the Secretaries shall provide the eligible applicant with an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

"(I) the number and characteristics of the individuals to be served by the project;

"(II) the level of unemployment in the area to be served by the project;

"(III) the job opportunities and job growth in such area;

"(IV) the poverty rate for such area; and

"(V) such other factors as the Secretary deems appropriate in such area.

"(ii) MAXIMUM AWARD FOR GRANTS TO PROMOTE BUSINESS LINKAGES OR PROVIDE TRANSITIONAL JOBS PROGRAMS.—

"(I) IN GENERAL.—In the case of a grant to carry out activities described in clause (i) or (ii) of subparagraph (E), an eligible applicant awarded a grant under this paragraph may not receive more than $10,000,000 per fiscal year under the grant.

"(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall be construed as precluding an otherwise eligible applicant from receiving separate grants to carry out activities described in clause (i) or (ii) of subparagraph (E).

"(iii) GRANT PERIOD.—The period in which a grant awarded under this paragraph may be used shall be specified for a period of not less than 36 months and not more than 60 months.

"(E) ALLOWABLE ACTIVITIES.—An eligible applicant awarded a grant under this paragraph shall use funds provided under the grant to do the following:

"(i) PROMOTE BUSINESS LINKAGES.—

"(I) IN GENERAL.—To promote business linkages in which funds shall be used to fund new or expanded programs that are designed to—

"(aa) substantially increase the wages of eligible individuals (as defined in subparagraph (F)), whether employed or unemployed, who have limited English proficiency or other barriers to employment by creating or upgrading job and related skills in partnership with employers, especially by providing supports and services at or near work sites; and

"(bb) identify and strengthen career pathways by expanding and linking work and training opportunities for such individuals in collaboration with employers.

"(II) CONSIDERATION OF IN-KIND, IN-CASH RESOURCES.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall consider the ability of a consortium to provide funds in-kind or in-cash (including employer-provided, paid release time) to help support the programs for which funding is sought.

"(III) PRIORITY.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall give priority to programs that include education or training for which participants receive credit toward a recognized credential, such as an occupational certificate or license.

"(IV) USE OF FUNDS.—

"(aa) IN GENERAL.—Funds provided to a program under this clause may be used for a comprehensive set of employment and training benefits and services, including job development, job matching, workplace supports and accommodations, curricula development, wage subsidies, retention services, and such other benefits or services as the program deems necessary to achieve the overall objectives of this clause.

"(bb) PROVISION OF SERVICES.—So long as a program is principally designed to assist eligible individuals, (as defined in subparagraph (F)), funds may be provided to a program under this clause that also serves low-earning employees of 1 or more employers even if such individuals are not within the definition of eligible individual (as so defined).

"(ii) PROVIDE FOR TRANSITIONAL JOBS PROGRAMS.—

"(I) IN GENERAL.—To provide for wage-paying transitional jobs programs which combine time-limited employment in the public or nonprofit private sector that is subsidized with public funds with skill development and activities to remove barriers to employment, pursuant to an individualized plan (or, in the case of an eligible individual described in subparagraph (F)(i), an individual responsibility plan developed for an individual under section 408(b)). Such programs also shall provide job development and placement assistance to individual participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment.

"(II) ELIGIBLE PARTICIPANTS.—The Secretary shall ensure that individuals who participate in transitional jobs programs funded under a grant made under this paragraph shall be individuals who have been unemployed because of limited skills, experience, or other barriers to employment, and who are eligible individuals (as defined in subparagraph (F)), provided that so long as a program is designed to, and principally serves, eligible individuals (as so defined), a limited number of individuals who are unemployed because of limited skills, experience, or other barriers to employment, and who have an income below 100 percent of the Federal poverty line but who do not satisfy the definition of eligible individual (as so defined) may be served in the program to the extent the Secretaries determine that the inclusion of such individuals in the program is appropriate.

"(III) USE OF FUNDS.—Funds provided to a program under this clause may only be used in accordance with the following:

"(aa) To create subsidized transitional jobs in which work shall be performed directly for the program operator or at other public and non profit organizations (in this subclause referred to as 'worksite employers') in the community, and in which 100 percent of the wages shall be subsidized, except as described in item (ff) regarding placements in the private, for profit sector.

"(bb) Participants shall be paid at the rate paid to unsubsidized employees of the worksite employer who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (commonly referred to as the 'LLSIL'), as determined under section 101(24) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(24)), for a family of 3 based on 35 hours per week.

"(cc) Transitional jobs shall be limited to not less than 6 months and not more than 24 months, however, nothing shall preclude a participant from moving into unsubsidized employment at a point prior to the maximum duration of the transitional job placement. Participants shall be paid wages based on a workweek of not less than 30 hours per week or more than 40 hours per week, except that a parent of a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may be allowed to participate for more limited hours, but not less than 20 hours per week. In any work week, 50 percent to 80 percent of hours shall be spent in the transitional job and 20 percent to 50 percent of hours shall be spent in education or training, or other services designed to reduce or eliminate any barriers.

"(dd) Program operators shall provide case management services and ensure access to appropriate education, training, and other services, including job accommodation, work supports, and supported employment, as appropriate and consistent with an individual plan that is based on the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice and that is developed with each participant. The goal of each participant's plan shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth. Services shall also include job placement assistance and retention services, which may include coaching and work place supports, for 12 months after entry into unsubsidized placement. Participants shall also receive support services such as subsidized child care and transportation, on the same basis as those services are made available to recipients of assistance under the State program funded under this part who are engaged in work-related activities.

"(ee) Providers shall work with individual recipients to determine eligibility for other employment-related supports which may include (but are not limited to) supported employment, other vocational rehabilitation services, and programs or services available under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), or the ticket to work and self-sufficiency program established under section 1148, and, to the extent possible, shall provide transitional employment in collaboration with entities providing, or arranging for the provision of, such other supports.

"(ff) Not more than 20 percent of the placements for a grantee shall be with a private for-profit company, except that such 20 percent limit may be waived by the Secretary for programs in rural areas when the grantee can demonstrate insufficient public and nonprofit worksites. When a placement is made at a private for-profit company, the company shall pay 50 percent of program costs (including wages) for each participant, and the company shall agree, in writing, to hire each participant into an unsubsidized position at the completion of the agreed upon subsidized placement, or sooner, provided that the participant's job performance has been satisfactory. Not more than 5 percent of the workforce of a private for-profit company may be composed of transitional jobs participants.

"(IV) DEFINITION OF TRANSITIONAL JOBS PROGRAM.—In this clause, the term 'transitional jobs program' means a program that is intended to serve current and former recipients of assistance under a State or tribal program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

"(iii) CAPITALIZATION.—To develop capitalization procedures for the delivery of self-sustainable social services.

"(iv) ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the funds awarded to an eligible applicant under this paragraph may be used for administrative expenditures incurred in carrying out the activities described in clause (i), (ii), or (iii) or for expenditures related to carrying out the assessments and reports required under subparagraph (H).

"(F) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this paragraph, the term 'eligible individual' means—

"(i) an individual who is a parent who is a recipient of assistance under a State or tribal program funded under this part;

"(ii) an individual who is a parent who has ceased to receive assistance under such a State or tribal program;

"(iii) an individual who is at risk of receiving assistance under a State or tribal program funded under this part;

"(iv) an individual with a disability; or

"(v) a noncustodial parent who is unemployed, or is having difficulty in paying child support obligations, including such a parent who is a former criminal offender.

"(G) APPLICATION.—Each eligible applicant desiring a grant under this paragraph shall submit an application to the Secretaries at such time, in such manner, and accompanied by such information as the Secretaries may require.

"(H) ASSESSMENTS AND REPORTS BY GRANTEES.—

"(i) IN GENERAL.—An eligible applicant that receives a grant under this paragraph shall assess and report on the outcomes of programs funded under the grant, including the identity of each program operator, demographic information about each participant, including education level, literacy level, prior work experience and identified barriers to employment, the nature of education, training, or other services received by the participant, the reason for the participant's leaving the program, and outcomes related to the placement of the participant in an unsubsidized job, including 1-year employment retention, wage at placement, benefits, and earnings progression, as specified by the Secretaries.

"(ii) ASSISTANCE.—The Secretaries shall—

"(I) assist grantees in conducting the assessment required under clause (i) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

"(II) encourage States to provide such assistance.

"(I) APPLICATION TO REQUIREMENTS OF THE STATE PROGRAM.—

"(i) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under this part who satisfactorily participates in a business linkage or transitional jobs program described in subparagraph (E) that is paid for with funds made available under a grant made under this paragraph, such participation shall be considered to satisfy the work participation requirements of section 407 and be included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of that section.

"(ii) PARTICIPATION NOT CONSIDERED ASSISTANCE.—A benefit or service provided with funds made available under a grant made under this paragraph shall not be considered assistance for any purpose under a State or tribal program funded under this part.

"(J) ASSESSMENTS BY THE SECRETARIES.—

"(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for each of fiscal years 2004 and 2005, $3,000,000 of such amount for each such fiscal year is reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this paragraph.

"(ii) INTERIM AND FINAL ASSESSMENTS.—With respect to the reports prepared under clause (i), the Secretaries shall submit—

"(I) the interim report not later than 4 years after the date of enactment of the Business Links Act of 2003; and

"(II) the final report not later than 6 years after such date of enactment.

"(K) EVALUATIONS.—

"(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for a fiscal year, an amount equal to 1.5 percent of such amount for each such fiscal year shall be reserved for use by the Secretaries to conduct evaluations in accordance with the requirements of clause (ii).

"(ii) REQUIREMENTS.—The Secretaries—

"(I) shall develop a plan to evaluate the extent to which programs funded under grants made under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants, and in improving the skills and wages of participants in comparison to the participants' skills and wages prior to participation in the programs;

"(II) may evaluate the use of such a grant by a grantee, as the Secretaries deem appropriate, in accordance with an agreement entered into with the grantee after good-faith negotiations; and

"(III) shall include, as appropriate, the following outcome measures in the evaluation plan developed under subclause (I):

"(aa) Placements in unsubsidized employment.

"(bb) Retention in unsubsidized employment 6 months and 12 months after initial placement.

"(cc) Earnings of individuals at the time of placement in unsubsidized employment.

"(dd) Earnings of individuals 12 months after placement in unsubsidized employment.

"(ee) The extent to which unsubsidized job placements include access to affordable employer-sponsored health insurance and paid leave benefits.

"(ff) Comparison of pre- and post-program wage rates of participants.

"(gg) Comparison of pre- and post-program skill levels of participants.

"(hh) Wage growth and employment retention in relation to occupations and industries at initial placement in unsubsidized employment and over the first 12 months after initial placement.

"(ii) Recipient of cash assistance under the State program funded under this part.

"(jj) Average expenditures per participant.

"(iii) REPORTS TO CONGRESS.—The Secretaries shall submit to Congress the following reports on the evaluations of programs funded under grants made under this paragraph:

"(I) INTERIM REPORT.—An interim report not later than 4 years after the date of enactment of the Business Links Act of 2003.

"(II) FINAL REPORT.—A final report not later than 6 years after such date of enactment.

"(L) APPROPRIATION.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for grants under this section, $200,000,000 for each of fiscal years 2004 through 2008.

"(ii) AVAILABILITY.—Amounts appropriated under clause (i) for a fiscal year shall remain available for obligation for 5 fiscal years after the fiscal year in which the amount is appropriated.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Senator KERRY and I are pleased to introduce the "Fair and Independent Judiciary Act of 2003." This legislation arises from our belief that we must remain steadfast in our commitment to preserving the vitality of our third branch of government. Ensuring a fair and independent judiciary is critical to preserving the system of checks and balances established in our Constitution. The Fair and Independent Judiciary Act includes measures to respond to the shortfall in real judicial compensation, to repeal the link of judicial pay to congressional pay, to improve survivorship benefits, and to instill greater public confidence in our courts.

The National Commission on Public Service, a blue-ribbon panel of experts headed by Paul Volcker, recently concluded that Congress' budgetary treatment of this co-equal branch threatens its ability to perform its essential mission. This legislation addresses a problem that the Chief Justice has repeatedly brought to our attention—the decline in real judicial salaries.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I was very disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment, COLA, for fiscal year 2003.

Earlier this year, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation in the Senate to provide the Federal judiciary with a COLA for the present fiscal year. House Judiciary Chairman SENSENBRENNER was joined by that Committee's Ranking Democratic Member, Congressman CONYERS, and others to introduce identical legislation. Congress eventually passed a measure to give the Judiciary their cost of living adjustment for fiscal year 2003 but this effort failed to compensate the judiciary for many other previously skipped COLAs.

The Fair and Independent Judiciary Act would correct the earlier failures to provide COLAs and prevent this situation from happening again.

It is important to put our budgetary treatment of this co-equal branch in historical context. In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97–92, mandating specific congressional action to give COLAs to judges.

Five times in the last decade Congress failed to provide the Judiciary with a COLA. We believe that this treatment was unfair to the judiciary and that we should restore their salaries to what they would be had the COLAs been granted. In order to have their salaries reflect the current cost of living we should unlink the salaries of Members of Congress and Members of the Judiciary by repealing Section 140.

In their thorough report, the Volcker Commission recommended that Congress unlink judicial salaries from those of Members of Congress. The Commission explained that due to "the reluctance of members of Congress to risk the disapproval of their constituents . . . Congress has regularly permitted salaries to fall substantially behind cost-of-living increases." Urgent Business for America: Revitalizing the Federal Government for the 21st Century, January 2003, Recommendation 10. Therefore, the Commission found that "executive and judicial salaries must be determined by procedures that tie them to the needs of the government, not the career-related political exigencies of members of Congress."

The Fair and Independent Judiciary Act would restore the skipped cost of living adjustments that occurred in 1995, 1996, 1997, 1999 and 2002 so that the salaries of our judges and justices are not outpaced by inflation.

Chief Justice Rehnquist has called judicial pay "the most pressing issue" facing the courts.

We look forward to Senate consideration of the Fair and Independent Judiciary Act to restore previously skipped cost of living adjustments for the Justices and judges of the United States. We hope we can all work together to preserve the vitality of our third branch of government and to instill even greater confidence in our federal courts.

I ask unanimous consent that the January 6, 2003 editorial from the Washington Post, and the text of the bill be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

MR. REHNQUIST'S PLEAS

Chief Justice William H. Rehnquist made two pleas in his year-end report. Neither is much of a surprise, because on both judicial salaries and the process by which judges get nominated and confirmed Mr. Rehnquist has spoken before. Yet familiarity should not obscure the importance of the subjects. The chief justice is correct, and the failure year after year of the political branches to remedy the problems of which he complains is harmful.

Mr. Rehnquist once again stressed that the need to increase judicial salaries is "the most pressing issue" facing the courts. There is something demeaning about the chief justice of the United States having to beg for the same cost-of-living adjustments for judges that other federal employees get as a matter of course. Congress's frequent failure in recent years to increase judicial compensation contravenes the promise it made in 1989, when it banned judges from making outside income and promised regular raises in exchange. Between 1969 and 2000, according to one study, real salaries for lower-court judges declined by 25 percent. And while judges got a raise last year, this year's cost-of-living increase is, Mr. Rehnquist notes, very much in doubt.

The problem is that Congress has irrationally linked judicial pay to the salaries of members of Congress, who face a political problem whenever they seek to jack up their own paychecks. The judges end up hostage to congressional cowardice. This disparity between their salaries and other lawyer compensation is enormous and growing. This encourages judges to leave the bench, and provides a substantial disincentive for first-rate people to become federal judges in the first place.

Mr. Rehnquist also gave a timely reminder that the judicial nominations process needs work. The chief justice is one of the few people who has advocated for a reasonable process irrespective of which party controls the presidency or the Senate. So Mr. Rehnquist speaks with unusual moral authority on this subject. And while he notes approvingly the 100 judges the 107th Congress confirmed, he warns that the problem has not gone away. Having unified government may temporarily ease the vacancy problem, he writes, but 'there will come a time when [unified government] is not the case, and the judiciary will again suffer the delays of a drawn-out confirmation process." Mr. Rehnquist rightly urged that the political branches use this respite to "fix the underlying problems that have bogged down the . . . process for so many years." On both pay and nominations, one can only wonder how many more years the chief justice will have to repeat himself before reason prevails.

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Independent Federal Judiciary Act of 2003".

SEC. 2. SALARY ADJUSTMENTS.

(a) RESTORATION OF STATUTORY COST-OF-LIVING ADJUSTMENTS.—The annual salaries for justices and judges are the following:

(1) Chief Justice of the Supreme Court, $211,300.

(2) Associate Justices of the Supreme Court, $202,100.

(3) Judges, Court of Appeals, $174,600.

(4) Judges, Court of Military Appeals, $174,600.

(5) Judges, District Court, $164,700.

(6) Judges, Court of Federal Claims, $164,700.

(7) Judges, Court of International Trade, $164,700.

(8) Judges, Tax Court, $164,700.

(9) Judges, Bankruptcy, $151,524.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT.

Section 140 of Public Law 97–92 (28 U.S.C. 461 note) is repealed.

SEC. 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS.

(a) CREDITABLE YEARS OF SERVICE.—Section 376 of title 28, United States Code, is amended—

(1) in subsection (k)(3), by striking the colon through "this section"; and

(2) in subsection (r), by striking the colon through "other annuity".

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—

(1) IN GENERAL.—Section 376 (a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G) by striking "six months" and inserting "1 year".

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply only to written notifications received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a)(1) of title 28, United States Code.

SEC. 5. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall appoint members to the Citizens' Commission on Public Service and Compensation under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.).

(2) MEMBERSHIP.—Section 225(b) of the Federal Salary Act of 1967 (2 U.S.C. 352) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) The Commission shall be composed of 11 members, who shall be appointed from private life by the President. No more than 6 members of the Commission may be affiliated with the same political party.";

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(3) QUADRENNIAL APPLICATION.—Section 225(b)(8)(B) of the Federal Salary Act of 1967

(2 U.S.C. 352(8)(B)), is amended in the first sentence by striking “1993” each place that term appears and inserting “2006” in each such place.

(b) REPORT.—The Citizens' Commission on Public Service and Compensation shall prepare a report in accordance with section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.) with respect to fiscal year 2003 and every fourth fiscal year thereafter.

SEC. 6. JUDICIAL EDUCATION FUND.

(a) ESTABLISHMENT.—Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“§ 630. Judicial Education Fund

“(a) In this section, the term—

“(1) ‘institution of higher education’ has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(2) ‘private judicial seminar’—

“(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

“(B) does not include—

“(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

“(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

“(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

“(3) ‘national bar association’ means a national organization that is open to general membership to all members of the bar; and

“(4) ‘State or local bar association’ means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

“(b) There is established within the United States Treasury a fund to be known as the ‘Judicial Education Fund’ (in this section referred to as the ‘Fund’).

“(c) Amounts in the Fund may be made available for the payment of necessary expenses, including reasonable expenditures for transportation, food, lodging, private judicial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Center. Necessary expenses shall not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the private judicial seminar. Any payment from the Fund shall be approved by the Board.

“(d) The Board may approve a private judicial seminar after submission of information by the sponsor of that private judicial seminar that includes—

“(1) the content of the private judicial seminar (including a list of presenters, topics, and course materials); and

“(2) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

“(e) If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the private judicial seminar available to judges and the public by posting the information on the Internet.

“(f) The Judicial Conference shall promulgate guidelines to ensure that the Board only approves private judicial seminars that are conducted in a manner so as to maintain the public's confidence in an unbiased and fair-minded judiciary.

“(g) There are authorized to be appropriated for deposit in the Fund $2,000,000 for each of fiscal years 2003, 2004, and 2005, to remain available until expended.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“630. Judicial Education Fund.”.

SEC. 7. PRIVATE JUDICIAL SEMINAR GIFTS PROHIBITED.

(a) DEFINITIONS.—In this section, the term—

(1) “institution of higher education” has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(2) “private judicial seminar”—

(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

(B) does not include—

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants.

(3) “national bar association” means a national organization that is open to general membership to all members of the bar; and

(4) “State or local bar association” means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

(b) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations to apply section 7353(a) of title 5, United States Code, to prohibit the solicitation or acceptance of anything of value in connection with a private judicial seminar.

(c) EXCEPTION.—The prohibition under the regulations promulgated under subsection (b) shall not apply if—

(1) the judge participates in a private judicial seminar as a speaker, panel participant, or otherwise presents information;

(2) Federal judges are not the primary audience at the private judicial seminar; and

(3) the thing of value accepted is—

(A) reimbursement from the private judicial seminar sponsor of reasonable transportation, food, or lodging expenses on any day on which the judge speaks, participates, or presents information, as applicable;

(B) attendance at the private judicial seminar on any day on which the judge speaks, participates, or presents information, as applicable; or

(C) anything excluded from the definition of a gift under regulations of the Judicial Conference of the United States under sections 7351 and 7353 of title 5, United States Code, as in effect on the date of enactment of this Act.

SEC. 8. RECUSAL LISTS.

Section 455 of title 28, United States Code, is amended by adding at the end the following:

“(g)(1) Each justice, judge, and magistrate of the United States shall maintain a list of all financial interests that would require disqualification under subsection (b)(4).

“(2) Each list maintained under paragraph (1) shall be made available to the public at the office of the clerk for the court at which a justice, judge, or magistrate is assigned.”.

SEC. 9. AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

In accordance with the Code of Conduct for United States Judges, a judge must avoid all impropriety and appearance of impropriety. The prohibition against behaving with impropriety applies to both the professional and personal conduct of a judge. Therefore, a judge should not hold membership in any organization, except for religious or fraternal organizations, that practices discrimination on the basis of race, gender, religion, or national origin.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to address a crucial issue that is affecting our competitiveness in the world economy. Since that first flight in 1903 when the Wright brothers took off on our great journey, the United States has piloted the course of aerospace and aviation technology development. Now that leading role is being threatened. The European Union has embarked on an ambitious plan to dominate the industry that historically we have led. Last year, for the first time, Airbus surpassed Boeing, by grabbing 54 percent of the market share in terms of aircraft units.

Air travel is critical to our competitiveness in the global economy. The movement of passengers and goods throughout our nation feeds American business and keeps us close to our families and friends. The impact of civil aviation on the U.S. economy exceeds $900 billion a year, which is 9 percent of the Gross National Product. In terms of jobs, civil aviation employs 11 million Americans. We can not sit idle as this important industry is threatened.

To compete we must have the most advanced and safest technology; yet the Air Traffic Management System in the United States is still reliant on ground-based technology that was developed over 30 years ago. Congress, FAA, NASA and the aviation industry must work together to update this system to accommodate future aviation demand and to take advantage of satellite navigation and advances in aircraft avionics. Historically upgrades to air traffic management have been slow and often come in over budget. We must focus on creating the next generation of air traffic management technology in a more efficient and effective manner that will enhance safety and increase capacity.

Aerospace and aviation advancement are also dependent upon a well-trained and skilled workforce. According to the Commission Report on Aerospace, 26 percent of the science, engineering and manufacturing workforce will be eligible to retire in the next five years. New entrants to the aerospace industry are at a historical low as the number of layoffs have increased. In order to maintain our dominance in aerospace, we must continue to foster a qualified workforce.

Our international competitors have been persistent in providing government support to aerospace research and aeronautical advancement. The subsidies offered by our foreign competitors, hinder the U.S. companies that often bear the majority of the burden for research and development. In order to give our companies a competitive advantage and to ensure that advances in aviation and aerospace technology continue, Congress must invest ample resources in fundamental aeronautical research. The President's FY 04 budget proposal cuts investment in FAA and NASA research, engineering and development. This will only hasten our descent in this industry. During this time of competing interests for the Federal dollar we cannot be too quick to divest ourselves from needed research that will renew our aviation business and maintain our global dominance.

To turn an idea into a product, the process is often tedious and long. NASA and FAA must promote technological advancement and enable American industry to bring their products to market. Collaboration with government and industry is critical to ensure that research efforts lead to viable products that will enhance our aerospace and aviation industry.

As we reflect on the last 100 years of advancement in the aviation and aerospace fields we cannot help to be proud of our accomplishments. But, we cannot afford to be content with those successes. We must look higher, faster, and farther than we have before—that is the American prerogative. And so with the help of my colleagues Senators BROWNBACK, ROCKEFELLER, INOUYE, CANTWELL and KERRY, I have crafted legislation to increase aeronautical research, nurture our industry's workforce, and ensure a collaborative partnership between government and private industry with the goal of ensuring the "Second Century of Flight" is as exciting and awe inspiring as the first.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise on behalf of myself and Mrs. BOXER to introduce the Citizenship for Service Members Act of 2003. This legislation reduces the waiting period for service members during peace time from 3 years to 2 years, waives all fees related to naturalization, and allows for naturalization proceedings to occur overseas.

Everyday now we see our young men and women fighting and dying in Iraq and Afghanistan to protect freedom and democracy. One of the strengths of our military has always been its diversity. From the birth of our Nation, our military has attracted people from all walks of life including people who have immigrated to the United States to pursue freedom, prosperity, and security.

Young men and women join the military in the hopes of achieving a better life while serving our country in the most difficult and honorable way. These young people enjoy various benefits for volunteering to protect American citizens such as assistance with college tuition, a secure and rewarding career in the military, and for some, the hope of gaining American citizenship.

Non-citizens fighting in our military side by side with American citizens is a tradition that dates back to the Civil War, when recently arrived Irish immigrants fought for the Union. After World Wars I and II over 140,000 legal permanent resident participants gained citizenship. Currently there are 3,400 legal permanent residents in the Marines alone who have been deployed overseas. Further, Miami, FL and Los Angeles, CA contribute the second and third highest number of legal permanent residents to the military.

Under current law, in the absence of an Executive Order eliminating the time of service requirement altogether, men and women may apply for citizenship after completing three years of service. This legislation would shorten that period to 2 years making it more likely that the service member will gain citizenship prior to finishing his first enlistment. Additionally, this legislation waives all fees related to naturalization eliminating a possible financial barrier. Finally, this bill allows for service members to complete the naturalization process overseas eliminating the sometimes unnecessarily lengthy and expensive trips back to the United States.

Citizenship is a momentous honor and the ultimate goal of nearly every person who immigrates to the United States. Naturalization is especially critical to the thousands of young men and women who are placing their lives at risk every day to defend the citizens and ideals of the United States. These men and women desire citizenship so that they can become a recognized member of the country that they have chosen to defend.

In addition, citizenship confers certain benefits upon servicemen and women. For example, while a legal permanent resident may enlist in the United States military, he or she is barred from becoming a commissioned officer, obtaining positions that require security clearances, becoming a part of any aircrews or rising to the level of special operations.

We continue to see the great sacrifices these young men and women make on a daily basis. There is no greater show of patriotism than to join our armed forces and fight under the American flag. Over 30,000 men and women from countries ranging from Canada to Japan to Cuba have volunteered to put their lives on the line to defend the United States. We owe it to these brave men and women to help them obtain the citizenship they have clearly earned.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizenship for Servicemembers Act of 2003".

SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years" and inserting "2 years".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking "honorable. The" and inserting "honorable (the"; and

(ii) by striking "discharge." and inserting "discharge); and"; and

(B) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."; and

(2) in section 329(b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.".

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill entitled the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as to make any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative Affairs dated April 2, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 2004 and 2005."

SEC. 2. ORGANIZATION OF ACT INTO TITLES; TABLE OF CONTENTS.

(a) TITLES.—This Act is organized into eight Titles as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS
TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES
TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE
TITLE IV—INTERNATIONAL ORGANIZATIONS
TITLE V—SUPPORTING THE WAR ON TERRORISM
TITLE VI—SECURITY ASSISTANCE
TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003
TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

Subtitle B—Other Matters

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title
Sec. 2. Organization of Act into Titles; Table of Contents

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of Foreign Affairs
Sec. 102. International Organizations and Conferences
Sec. 103. International Commissions
Sec. 104. Migration and Refugee Assistance
Sec. 105. Centers and Foundations

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 201. Reimbursement Rate for Airlift Services Provided to the Department of State
Sec. 202. Grant Authority to Promote Biotechnology
Sec. 203. Immediate Response Facilities
Sec. 204. Mine Action Programs Grant Authority
Sec. 205. The U.S. Diplomacy Center
Sec. 206. Public Affairs Grant Authority

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Cost of Living Allowances
Sec. 302. Waiver of Annuity Limitations on Re-Employed Foreign Service Annuitants
Sec. 303. Fellowship of Hope Program
Sec. 304. Claims for Lost Pay
Sec. 305. Suspension or Enforced Leave
Sec. 306. Home Leave
Sec. 307. Ombudsman for the Department of State
Sec. 308. Repeal of Recertification Requirement for Senior Foreign Service

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Raising the Cap on Peacekeeping Contributions

TITLE V—SUPPORTING THE WAR ON TERRORISM

Sec. 501. Designation of Foreign Terrorist Organizations

TITLE VI—SECURITY ASSISTANCE

Sec. 601. Restrictions on Economic Support Funds for Lebanon
Sec. 602. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers
Sec. 603. Bilateral Agreement Requirements Relating to Licensing of Defense Exports
Sec. 604. Authorization of Appropriations—Foreign Military Financing, International Military Education and Training, and Nonproliferation, Anti-Terrorism, Demining, and Related Programs
Sec. 605. Cooperative Threat Reduction Permanent Waiver
Sec. 606. Congressional Notification for Comprehensive Defense Export Authorizations
Sec. 607. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development Purposes
Sec. 608. Establish Dollar Threshold for Congressional Notification of Excess Defense Articles that are Significant Military Equipment
Sec. 609. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis
Sec. 610. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies to Israel
Sec. 611. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 612. Provision of Cataloging Data and Services
Sec. 613. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 701. Short Title
Sec. 702. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Reports on Benchmarks for Bosnia
Sec. 802. Report Concerning the German Foundation "Remembrance, Responsibility, and the Future"
Sec. 803. Report on Progress in Cyprus
Sec. 804. Reports on Activities in Colombia
Sec. 805. Report on Extradition of Narcotics Traffickers
Sec. 806. Report on Terrorist Activity in Which United States Citizens Were Killed and Related Matters
Sec. 807. Report and Waiver Regarding Embassy in Jerusalem
Sec. 808. Report on Progress toward Regional Nonproliferation
Sec. 809. Report on Annual Estimate and Justification for Sales Program
Sec. 810. Report on Foreign Military Training
Sec. 811. Report on Human Rights Violations by IMET Participants
Sec. 812. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance
Sec. 813. Report on Transfers of Military Sensitive Technology to Countries and Entities of Concern
Sec. 814. Nuclear Reprocessing Transfer Waiver
Sec. 815. Complex Foreign Contingencies

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State $4,163,544,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(A) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (1), $646,701,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005 are authorized to be appropriated only for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $157,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance," $1,514,400,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For "Educational and Cultural Exchange Programs," $345,346,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances," $9,000,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials," $10,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service," $1,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(8) REPATRIATION LOANS.—For "Repatriation Loans," $1,219,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan," $19,773,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(10) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General," $31,703,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations," $1,010,463,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities," $550,200,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes. Funds appropriated pursuant to this paragraph are authorized to be available until expended.

(c) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(a) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(1) for "Salaries and Expenses," $31,562,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005; and

(2) for "Construction," $8,901,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005;

(b) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada," $1,261,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission," $7,810,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(d) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions," $20,043,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities $760,197,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) ASIA FOUNDATION.—There are authorized to be appropriated for "The Asia Foundation" for authorized activities, $9,250,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the "National Endowment for Democracy" for authorized activities, $36,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the "Center for Cultural and Technical Interchange Between East and West" for authorized activities, $14,280,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

Section 2642(a) of Title 10 (10 U.S.C. 2642(a)) is amended by inserting "or the Department of State" after "Central Intelligence Agency".

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary of State is authorized to support, by grants, cooperative agreements or contract, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology, science-based regulatory systems, and the application of the technology for trade and development. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $500,000.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

(a) Section 604(b) of the Secure Embassy Construction and Counterterrorism Act of 1999 (P.L. 106–113, 22 U.S.C. 4865 note) is amended by:

(1) redesignating subsection (b)(1) as "(b)(1)(A)" and by redesignating subsection (b)(2) as "(b)(1)(B)"; and

(2) by deleting the period after the words "set forth in section 606" at the end of subsection (b), and adding the following: "; or

"(2) providing facilities to support immediate response efforts in times of emergency."

(b) The Foreign Service Buildings Act of 1926 (P.L. 69–186, 22 U.S.C. 292 et seq.) is amended by adding the following new section at the end:

"SEC. 13. Of the amounts appropriated to carry out the Foreign Service Buildings Act of 1926 and the Secure Embassy Construction and Counterterrorism Act 10 of 1999, not to exceed $15,000,000 in any fiscal year may be made available to provide immediate response diplomatic facilities through a reprogramming of funds, notwithstanding any advance congressional notification requirements contained in any other law. In the case of any such reprogramming that would otherwise be subject to a requirement of advance congressional notification, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds and shall contain an explanation of the circumstances requiring the deployment of immediate response facilities."

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Secretary of State is authorized to support public-private partnerships for mine action programs by grant, cooperative agreement, or contract. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $450,000.

SEC. 205. THE U.S. DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et. seq.) is amended by adding the following new section:

"SEC. 59. THE U.S. DIPLOMACY CENTER.

"(a) ACTIVITIES.—

"(1) The Secretary of State is authorized to provide—by contract, grant or otherwise—for appropriate museum visitor and educational outreach services, including but not limited to, organizing conference activities, museum shop, and food services, in the public exhibit and related space utilized by the U.S. Diplomacy Center ("USDC") program.

"(2) The Secretary of State may pay all reasonable expenses of conference activities conducted by the USDC, including refreshments and travel of participants.

"(3) Any revenues generated under the authority of paragraph (1) for visitor services may be retained and credited to any appropriate Department of State appropriation to recover the costs of operating the USDC.

"(b) DISPOSITION OF USDC ARTIFACTS AND MATERIALS.—

"(1) All historic documents, artifacts or other articles permanently acquired by the

Department of State and determined by the Secretary of State to be suitable for display in the USDC shall be considered to be the property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE—Whenever the Secretary of State or his/her designee determines that—

"(A) any item covered by paragraph (1) no longer serves to further the purposes of the USDC as established in the Collections Management Policy, or

"(B) in order to maintain the standards of the collections of the USDC, a better use of that article would be its sale or exchange,

"the Secretary may sell the item at fair market value, trade, or transfer it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be used solely for the advancement of the USDC's mission; in no event shall proceeds be used for anything other than acquisition or direct care of collections.

"(3) LOANS—The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the USDC, to the Smithsonian Institution or a similar institution for repair, study, or exhibition."

(c) Except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than $950,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005, for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

To the extent that the Secretary of State is otherwise authorized by law to provide for public affairs activities, the Secretary may do so by grant, cooperative agreement, or contract.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

Section 5924 of Title 5, United States Code, is amended as follows:

(a) by revising section (4)(A) to read as follows:

"(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including activities required for successful completion of a grade or course and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest United States locality where an adequate school is available, without regard to section 3324(a) and (b) of title 31. When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and post. The amount of the allowance granted shall be determined on the basis of the educational facility used."

(b) by revising section (4)(B) to read as follows:

"(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary or post-baccalaureate educational institution, not to exceed one annual trip each way for each dependent. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival at the selected educational institution under authority contained in this subparagraph (B).", and

(c) by inserting a new section 4(C) as follows:

"(C) Allowances provided pursuant to subparagraphs (A) and (B) above may include, at the election of the employee and in lieu of transportation thereof, payment or reimbursement of the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station, provided that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip."

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

(a) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis—

(i) if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

(ii) in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee."

(b) Effective October 1, 2005, section 824(g), as amended by this section, is further amended to read as follows:

"(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances."

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

The Secretary of State is authorized to establish the Fellowship of Hope program under which employees of the governments of designated countries may be assigned to an office of profit or trust in the Department of State and continue to receive salary and other benefits from those governments, in exchange for assignments of a member of the Foreign Service to the governments of the designated foreign countries. The Secretary of State shall administer this program in a manner consistent with the national security and foreign policy interests of the United States, in consultation with the Attorney General and the Director of Central Intelligence.

SEC. 304. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended by adding a new subsection (o) as follows:

"(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under the Back Pay Act as part of the settlement or compromise of administrative claims or grievances filed against the Department."

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

(a) Notwithstanding any other provision of law, and pending final resolution of the matter, the Secretary may suspend a member of the Foreign Service without pay, or place the member on enforced leave without pay,

(1) where there is an investigation regarding the revocation of an employee's security clearance or a suspension of an employee's security clearance; or

(2) where there is reasonable cause to believe a member has committed a crime for which a sentence of imprisonment may be imposed and there is a nexus to the efficiency of the Service; or

(3) for such other cause as will promote the efficiency of the service;

(b) Any member suspended or placed on enforced leave pursuant to subsection (a) shall be entitled to—

(1) at least 30 days advance written notice of the specific reasons for such suspension, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

(2) a reasonable time, not less than seven days, to answer orally and in writing;

(3) be represented by an attorney or other representative; and

(4) a final written decision.

(c) Any member suspended or placed on enforced leave pursuant to this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11 of this Act. The review by the Foreign Service Grievance Board with respect to such a grievance shall be limited:

(1) in the case of an action pursuant to subparagraph

(a)(1) only to a determination whether the procedures set forth in subsection (b) were followed, and

(2) in the case of an action pursuant to subparagraph (a)(2), only to a determination of whether the reasonable cause requirements have been fulfilled and whether there is a nexus between the conduct and the efficiency of the Service; and

(3) in the case of a suspension pursuant to subparagraph (a)(3), only to a determination whether the action promotes the efficiency of the service.

(4) In no case regarding an appeal pursuant to this section may the Foreign Service Grievance Board order prescriptive relief.

SEC. 306. HOME LEAVE.

(a) Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" wherever that phrase occurs.

(b) Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months."

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

(a) There is established in the Office of the Secretary of State the position of Ombudsman. The Ombudsman shall report directly to the Secretary of State.

(b) At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department's responsibilities and to promote the career interests of all employees.

(c) CONFORMING AMENDMENT.—Subsection (c) of section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as codified in 22 U.S.C. 2664a(c)) is deleted, and subsection (d) renumbered accordingly.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

(a) In General.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

"(iv) For assessments made during calendar year 2004, 27.1 percent.

"(v) For assessments made during calendar year 2005, 27.1 percent."

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended as follows:

(a) Duration of Designation.—

(1) In subparagraph 219(a)(4)(A), by striking the words "Subject to paragraphs (5) and (6), a" and adding "A" and by striking the words "for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)" and adding "until revoked under paragraphs (5) or (6) or set aside pursuant to subparagraph (c)" in lieu thereof;

(2) by revising subparagraph 219(a)(4)(B) to read as follows:

"(B) Review of designation upon petition.—

"(i) In general.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in (ii)–(iii) if the designated organization files a petition for revocation within the petition period. If the organization has not previously filed a petition for revocation under this subparagraph, the petition period begins once two years have elapsed from the date of designation. If the designated organization has previously filed a petition under this subparagraph, then the petition period begins once two years have elapsed from the date of its last petition.

"(ii) Procedures.—Any foreign terrorist organization that submits a petition under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) no longer exist with respect to the organization.

"(iii) The Secretary shall complete his or her review of any petition from a designated organization that is filed within the petition 20 period and shall make a determination concerning revocation of the designation within 180 days after receiving the petition. The Secretary may consider classified information in making a determination in response to a petition. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c). A determination under this clause shall be published in the Federal Register, and any revocation under this subparagraph shall be made under the procedures set forth in paragraph (6).

(3) by adding a new subparagraph 219(a)(4)(C) to read as follows:

"(C) Other review of designation.—

"(i) In general.—The Secretary shall review the designation of each foreign terrorist organization at least once every four years in order to determine whether it should be revoked pursuant to paragraph (6) . If such review does not take place pursuant to subparagraph (4)(B) in response to a petition for revocation that is filed during the petition period, then it shall be conducted pursuant to procedures to be developed by the Secretary, and neither the results of such review nor the applicable procedures shall be reviewable in any court.

"(ii) The Secretary shall publish the results of any review conducted pursuant to this subparagraph in the Federal Register.

(4) in subparagraph 219(a)(6)(A), by deleting the words "or a redesignation made under paragraph (4)(B)" and by adding "at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (4)(B) or (4)(C)";

(5) in subparagraph 219(a)(6)(A)(i), by deleting the words "or a redesignation";

(6) in subparagraph 219(a)(7), by deleting ", or the revocation of a redesignation under paragraph (6),";

(7) in subparagraph 219(a)(8), by deleting ", or if a redesignation under this subsection has become effective under subsection (b)(4)(B)," and by deleting "or redesignation.";

(b) Aliases.—By inserting a new subsection (b) as follows and relettering the following subsections accordingly:

"(b) Amendments to a Designation.

"(1) In general.—The Secretary is authorized to amend a designation under the provisions of this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged-with another organization.

"(2) Procedure.—Such amendments shall be effective upon publication in the Federal Register and the provisions of subparagraphs (a)(2)(B) and (a)(2)(C) shall apply. The procedures and rules set forth in paragraphs (a)(4), (5), (6), (7), and (8) shall also apply to amended designations.

"(3) Any such amendment shall be reported to the appropriate Congressional committees within 30 days of publication pursuant to subparagraph (a)(2)(A)(i).

"(4) The administrative record may be amended to include such new or additional names and any additional relevant information to support the amendment.

"(5) The Secretary may consider classified information in making an amendment under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c)."; and

(c) Technical Amendments.—

(i) In subparagraph 219(a)(3)(B), by changing "subsection (b)" to "subsection (c)".

(ii) In subsection 219(c)(1), as amended by this section, by striking the phrase after "publication" and before "in the United States Court of Appeals" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States" in lieu thereof.

(iii) In subsection 219(c)(2), (3), and (4), as amended by this section, by adding ", amendment, or determination" after "designation" wherever it occurs.

(d) Savings Provision.—The term "designation" includes all previous redesignations made pursuant to subparagraph 219(a)(4) prior to the effective date of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraphs (a)(5) or (a)(6).

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003" is amended by inserting after "lapses.": "c. Exception.—Subsection (a) shall not apply to such assistance otherwise subject to the restriction set forth therein that is made available to address the water needs of Southern Lebanon."

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

The Arms Export Control Act is amended—

(a) in section 36(b)—

(1) in paragraph (1)—

(A) by striking "Subject to paragraph 6, in", and inserting in lieu thereof "(1) In";

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(C) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(D) by striking "$200,000,000" and inserting in lieu thereof "$500,000,000"; and

(E) by inserting "and in any case in which the President concludes doing so would be appropriate," before "before such letter of offer is issued";

(2) in paragraph (5)(C)—

(A) by striking "Subject to paragraph (6), if" and inserting in lieu thereof "If";

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(C) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(D) by striking "$200,000,000" and inserting in lieu thereof "$500,000,000";

(E) by inserting "and in any case in which the President concludes doing so would be appropriate," before "then the President shall submit"; and

(3) by striking paragraph (6);

(b) in section 36(c)—

(1) in paragraph (1)

(A) by striking "Subject to paragraph (5), in", and by inserting in lieu thereof "In";

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(C) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000";

(D) by inserting "and in any case in which the President concludes doing so would be appropriate," before "before issuing such license"; and,

(2) in paragraph 2 by striking "(A) and (B)" and inserting in lieu thereof "(A), (B) and (C)";

(3) by striking paragraph (5);

(c) in section 3(d)—

(1) in paragraphs (1) and (3)(A) by striking "Subject to paragraph (5), the" and inserting in lieu thereof "The";

(2) in paragraphs (1) and (3)(A) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000"; and,

(3) in paragraphs (1) and (3)(A) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(4) by striking paragraph (5).

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Arms Export Control Act is amended in section 38(j) as follows

(a) by adding a new paragraph (5):

"(5) Waiver.—Any of the requirements for a bilateral agreement set forth in paragraph (2) may be waived if the President determines that to do so is important to the national interests, in particular the foreign policy, of the United States, and, prior to exercising this authority, provides notification to the appropriate congressional committees of his intent to exercise this authority, the justification for, and the extent of the exercise of this authority. The certification requirement of paragraph 3(A) may be met where the President has exercised this authority."

(b) by adding a new paragraph (4)(C):

"(C) United States origin defense items.—The term 'United States origin defense items' means those defense items that would be exempt from United States defense export licensing requirements under an anticipated country exemption extended in accordance with the authority of this subsection."

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

(a) Grants Under Arms Export Control Act.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,414,000,000 for fiscal year 2004 and such sums as may be necessary for FY 2005.

(b) International Military Education and Training.—There is authorized to be appropriated to the President $91,700,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2347, et seq.).

(c) Nonproliferation, Anti-Terrorism, Demining, and Related Programs.—There is authorized to be appropriated under "Nonproliferation, Anti-Terrorism, Demining, and Related Programs" $385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005.

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

(a) Authority To Waive Restrictions and Eligibility Requirements.—if the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) shall cease to apply, and funds may be obligated and expended under that section for assistance, to that state during that fiscal year; and

(2) funds may be obligated and expended during that fiscal year under section 502 of the FREEDOM Support Act (22 U.S.C. 5852) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of that section.

(b) Certification and Report.—

(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restrictions and requirements described in paragraphs (1) and (2) of that subsection during such fiscal year is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in paragraphs (1) and (2) of subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATIONS.

Section 36(d)(1) of the Arms Export Control Act (P.L. 90–629) is amended to add the following new sentences at the end after "subsection.":

"Notwithstanding section 27(g) of this Act, the provisions of this subsection shall also apply in the case of an approval under section 38 of this Act of a comprehensive export authorization provided for in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c)(1). The provisions shall also apply to amendments to such comprehensive authorizations that involve the addition to the authorization of a new country entering into a related cooperative agreement with the United States Government or memorandum of understanding with the Department of Defense to participate in cooperative activities referred to in such authorizations."

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

Section 65 of the Arms Export Control Act (22 U.S.C. 2796d) is amended—

(a) in paragraph (1) of subsection (a)—

(1) by striking "Except as provided in subsection (c), the Secretary of Defense, with the concurrence of the Secretary of State, may loan to a country that is a NATO or major non-NATO ally" and inserting "Except as provided in subsection (c), the Secretary of Defense may loan to—

"(i) a NATO organization or a country that is a NATO ally:

"(ii) a major non-NATO ally; or

"(iii) a friendly foreign country"; and

(2) by striking "The Secretary may accept as a loan or a gift from a country that is a NATO or major non-NATO ally" and inserting "The Secretary may accept as a loan or a gift from—

"(i) a NATO organization or a country that is a NATO ally;

"(ii) a major non-NATO ally; or

"(iii) a friendly foreign country"; and

(b) by amending subsection (d) to add after "United States)" the following:

"and the term 'friendly foreign country' means any country not a member of the North Atlantic Treaty Organization designated as a friendly foreign country for purposes of section 27(j)(2) of this Act".

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

Section 516(f)(1) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321j) is amended by striking the clause "excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or".

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM THE DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2314(f)) is amended:

(1) by striking in the second sentence "In the case of items which were delivered prior to 1985, the" and inserting in lieu thereof "The"; and,

(2) by adding after the second sentence the following:

"A waiver is not required for a country to retain such net proceeds if the net proceeds are five per cent or less of the original acquisition value of the items.".

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) Authority.—(1) Notwithstanding Section 514 of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321h), the President may transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are munitions such as armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) Concessions.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Advance Notification of Transfer.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations and Armed Services Committee of the Senate and the Committee on International Relations and the Armed Services Committee of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) Expiration of Authority.—No transfer may be made under the authority of this section five years after the date of enactment of this Act.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 as amended, (22 U.S.C. 2321h(b)) is amended—

(1) in subparagraph (A) by striking "$50,000,000" and "2001", and inserting in lieu thereof "$100,000,000" and "2004", respectively; and,

(2) in subparagraph (B) by striking $50,000,000" and "Republic of Korea" and inserting in lieu thereof "$100,000,000" and "Israel", respectively.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "or to any member government of that Organization if that Organization or member government" and inserting ", to any member of that Organization, or to the government of any other country if that Organization, member government, or other government".

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN

Public Law 107–57, an Act to Authorize the President to Exercise Waivers of Foreign Assistance Restrictions with Respect to Pakistan, is amended—

(1) in section 1(a), by striking "2002", wherever appearing (including in the caption), and inserting in lieu thereof "2004";

(2) in section 1(b), by striking "2003", wherever appearing (including in the caption), and inserting in lieu thereof "2005";

(3) in section 2, by striking "prior to January 1, 2001,";

(4) in section 3(2), by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is" and inserting in lieu thereof "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, 2004, and 2005, as are"; and

(5) in section 6, by striking "2003" and inserting in lieu thereof "2005".

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

To amend the Immigration and Nationality Act to render inadmissible to the United States certain relatives of international child abductors, and for other purposes.

SEC. 701. SHORT TITLE.

This Act shall be cited as the "International Parental Child Abduction Prevention Act of 2003."

SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C) (ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting in its place a semicolon;

(2) in subclause (II), by striking the comma before "or" at the end and inserting in its place a semicolon;

(3) by amending subclause (III) to read as follows:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, in the Secretary of State's sole and unreviewable discretion,";

(4) by separating the final general clause from subclause (III) as amended by subsection (a) (3) of this section: and

(5) by amending the final general clause to read as follows:

"is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age."

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN VISA LOOKOUT SYSTEM; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, in his sole and unreviewable discretion and at any time, cancel a designation made pursuant to Section 212(a)(10)(C)(ii)(III) .

"(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN VISA LOOKOUT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the visa lookout system of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) DEFINITIONS.—For purposes of this subparagraph—

"(I) the term 'child' means a person under twenty-one years of age regardless of marital status;" and

"(II) the term 'sibling' includes step-siblings and half-siblings."

(c) ANNUAL REPORT.—The Secretary of State shall submit to the Committee on International Relations and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the United States Senate, for the year beginning on the first day of the first full month after the date of enactment of this Act, and for each of the four subsequent years, an annual report that describes the operation of Section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this Title, during the year to which the report pertains. Each such annual report shall be submitted not later than 60 days after the end of the applicable reporting period. As part of the required description of the Act's operation, and to the extent corresponding data are reasonably available, each such annual report shall specify,

(1) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(2) the cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) since the beginning of the first reporting period; and

(3) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which an alien's name was placed in the visa lookout system on the basis of the alien's inadmissibility or potential inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(4) the cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the visa lookout system on the basis of the aliens' inadmissibility or potential inadmissibility under Section 212(a)(10)(C) at the end of the reporting period.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

Section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174, 112 Stat. 64) and Section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are repealed.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".

Section 704 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is repealed.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87–195) is amended by:

(a) striking in the second sentence "within 60 days after the date of enactment of this section and at the end of each succeeding 60–day period"; and

(b) inserting in its place "on a semiannual basis".

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is repealed.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the 2001 Military Construction Appropriations Act (Public Law 106–246) is repealed.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2656f note), as amended by section 216 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), is repealed.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended as follows:

(a) in section 6, by:

(1) striking "SEMIANNUAL" in the section heading;

(2) and by striking "every six months thereafter" and inserting in its place "each year thereafter"; and

(b) in section 7(a)(2) by striking "for an additional six month period" and inserting in its place "for an additional one year period".

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) is repealed.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is repealed.

SEC. 810. ANNUAL FOREIGN MILITARY TRAINING REPORT.

Section 656 of the Foreign Assistance Act of 1961 is amended as follows:

(a) in paragraph (a)—

(1) by striking "January 1" and inserting in lieu thereof "March 1",

(2) after "personnel" by inserting ", excluding training provided through sales,"

(3) after "State" by inserting ", which was completed",

(4) by striking all that follows after "previous fiscal year" before the period, and

(5) by inserting the following new second sentence:

"This paragraph shall not apply with respect to any NATO member, Australia, New Zealand or Japan unless the Secretaries jointly determine, after consultation with Congress, that inclusion of any such country in the report is warranted.", and

(6) by striking (a) (2);

(b) in paragraph (b)—

(1) in subparagraph (1) after "purpose for the activity," by inserting "and" and after "operation" by striking all that follows before the period,

(2) in subparagraph (3) after "activity" the first time it occurs by striking all that follows before the period;

(c) in paragraph (c) after "unclassified form" by striking all that follows before the period; and

(d) in paragraph (d) by striking "All unclassified portions of the" and inserting in lieu thereof "The"."

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS

(a) Section 549 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(h)) is repealed.

(b) Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended by striking paragraphs (b) and (c) in their entirety and inserting the following:

"(b) Information on Human Rights" Abuses. Upon request of the Secretary of State for information regarding foreign personnel or military units, the Secretary of Defense shall provide such information contained in the database to the Secretary of State. If the Secretary of State determines that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of State shall so advise the Secretary of Defense, who shall in turn ensure that the database is updated to contain such fact and all relevant information."

SEC. 812. REPORT ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

Section 1223 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2075 and 2155, respectively) is repealed.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 542, 697, 706, 748, 756, 779, and 798, respectively) is amended in section 1402, by striking subsection (b)(2).

Subtitle B—Other Matters

Sec. 814. NUCLEAR REPROCESSING TRANSFER WAIVER

Section 102(a)(2) of the Arms Export and Control Act (Public Law 90–629) (22 U.S.C. 2799aa–1) is amended in the first sentence by deleting the phrase "in any fiscal year" and the phrase "during that fiscal year".

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

(a) PURPOSES.—The President should ensure that assistance provided to address complex foreign crises is designed to respond on an urgent, flexible basis, including at the outset, to mitigate without regard to scale of the crisis, but taking account of the gravity of the crises, political crises threatening democratic institutions, food, agricultural or health crises, fiscal or economic crises affecting countries, regions or ethnic groups. The response should be designed to best serve United States foreign policy interests, including the restoration or maintenance of peace and security.

(b) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this section for the purpose of responding to complex foreign crises.

(c) There is hereby established a United States Complex Foreign Contingency Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, which may be made available notwithstanding any other provision of law. Amounts appropriated hereunder shall remain available until expended.

SECTIONAL ANALYSES

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

This section authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 2004 and 2005. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act. These expenses include an authorization for worldwide security upgrades. This section also includes authorization of appropriations for the conduct of U.S. public diplomacy programs, capital investment, representation, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan. This section includes the funding for the final year of the Department's Diplomatic Readiness Initiative aimed to hire 1158 additional employees beyond attrition over a three-year period to fill our staffing gaps (particularly in critical overseas positions), provide a "personnel complement" to allow for training, and respond quickly to crises and emerging policy priorities.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "International Organizations and Conferences." It authorizes the necessary funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. In addition, provision is made for assessed contributions to international peacekeeping activities under United Nations auspices.

This section also authorizes such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

SEC. 103. INTERNATIONAL COMMISSIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

SEC. 105. CENTERS AND FOUNDATIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 for the East-West Center, the National Endowment for Democracy, and the Asia Foundation.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

The Department of Defense provides a variety of airlift support for official Secretary of State overseas travel on a reimbursable basis. The airlift mission involves, for example, transporting armored vehicles necessary to provide a safe environment for the Secretary, when such vehicles are not available in country. The Department of Defense has a two-tiered rate structure for charging for such support. At present the Department of State is paying the higher rate, which is nearly twice as much as the lower. This section would authorize the Department of State to pay the Department of Defense for airlift services at the Department of Defense rate.

Legislation has already been enacted under which the CIA receives the Department of Defense rate on missions, which the Secretary of Defense has determined to be related to national security objectives (10 U.S.C. 2642). The Secretary of State's travel is similarly aimed at national security objectives, and similar treatment is therefore warranted. This section would therefore amend 10 U.S.C. 2642 to add the Department of State.

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Department plays a critical role in U.S. Government efforts to ensure that foreign governments consider biotechnology and its applications in agriculture/food on the basis of science. Currently, the Department does not have grant authority for funds that the Bureau of Economic and Business Affairs (EB) receives for biotechnology policy programs and for the Business Financial Incentive Fund. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. Grant and cooperative agreement authority would enable the Department to use these funds more effectively, permitting it to work more directly with universities, non-governmental organizations, international organizations, private voluntary organizations, scientific groups, and private sector associations. It is anticipated that grants and cooperative agreements, as well as contracts, would be used to support public-private partnerships, workshops, seminars, media events, speaker programs, and publications. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements. This section provides for up to $500,000 in grant authority each fiscal year.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

In recent years, the Department has experienced a need to stand up a diplomatic facility on very short notice to achieve urgent, high-visibility foreign policy objectives. The most dramatic cases were the situations in Nairobi, Kenya, and Dar Es Salaam, Tanzania, immediately after the 1998 bombings. A recent example is the immediate temporary facilities in Kabul in the aftermath of the war. Other circumstances demanding immediate action would include, for example, destruction or incapacitation of a U.S. diplomatic facility by a terrorist attack, a natural disaster, or a war or insurrection to which the U.S. is not a party. To ensure that the Department has the flexibility to respond rapidly in emergency situations, this section would provide that not to exceed $15,000,000 of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance" may be reprogrammed to provide immediate response facilities without having to provide advance congressional notification pursuant to any other provision of law, including but not limited to section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). In such instances where advance notification would otherwise be required, the Department is required to notify and provide an explanation of the circumstances requiring the deployment of immediate response facilities to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds. This post-notification procedure is similar to the one provided for in Section 34(c) of the Basic Authorities Act of 1956 for situations involving substantial risk to human health or welfare.

This authority will not be used to circumvent advance notification where a facility is not an immediately-needed response to an urgent situation. It will be used for existing posts or facilities, but not to stand up a new post or commit initial funds toward a long-term project, such as construction of a New Embassy Compound. Thus, for example, had this authority existed at the time of the war in Afghanistan, it would have been appropriately used for the Phase 1 immediate temporary facilities, but not for the Phase 2 embassy annex and reconstruction.

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Department, through its Office of Mine Action Initiatives and Partnerships (PM/MAIP), is actively working with nongovernmental organizations, foundations, and companies to raise awareness and resources for mine action. In particular, the Department has developed over two dozen public-private partnerships which promote mine clearance; survivors assistance, education programs, and research and development of promising technologies for finding and destroying landmines. To maximize the effectiveness of these public-private partnerships, it is important that the Department have the ability to enter into grants and cooperative agreements. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. This section provides for up to $450,000 in grant authority each fiscal year.

By being able to provide grants and enter into cooperative agreements with organizations participating in the public-private partnership program, the Department would be able to provide support to such private sector projects as training demining personnel and mine-detecting dogs; developing training materials and mine risk education materials that teach children and adults about how to recognize, report, and avoid landmines; and research and development into new technologies to increase the effectiveness and speed of detecting and removing landmines. To the maximum extent feasible, grants and cooperative agreements would be used to support mine action activities of non-governmental organizations. The Department will implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

SEC. 205. THE U.S. DIPLOMACY CENTER.

This section would provide necessary authorities for the operation of the new U.S. Diplomacy Center at the Department of State. As envisioned, this Center would be dedicated to creating a better understanding of the history and practice of United States diplomacy. The Center would organize and sponsor educational and outreach programs, including conferences, seminars, and educational materials. It would also include a museum area, focusing on the history of U.S. diplomacy in safeguarding U.S. security, searching for peace, increasing prosperity, promoting U.S. values, and protecting U.S. lives abroad. As is customary in connection with such activities, the Center should include appropriate visitor services such as a museum shop, and should be able to pay for reasonable expenses in connection with conferences and outreach activities, such as refreshments and travel of participants. This legislation would provide clear statutory authority in these areas. Authority is also provided to retain fees to support the Center's activities. It would also include authority to dispose and lend museum artifacts and materials, similar to the authority already provided to the Department of State for the Diplomatic Reception Areas on the seventh and eighth floors of the Harry S Truman Building. Consistent with the Code of Ethics for Museums of the American Association of Museums, the legislation provides that proceeds from disposition of museum holdings can only be used for collection purposes. This section also provides that, except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than $950,000 in fiscal year 2004 and such sums as may be necessary in fiscal year 2005 for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

The Department is actively pursuing outreach programs designed to educate the American public about foreign affairs issues and the development and implementation of foreign policy. In particular, the Bureau of Public Affairs is working with a number of nonprofit organizations (such as academic institutions of higher learning, organizations representing associations of American educators, local organizations or community groups, and broadcasting entities) in order to reach different sectors of the domestic audience.

In certain situations, a grant or cooperative agreement is a more appropriate vehicle than a contractual agreement to meet the Department's goals. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves a public good. In this case, the shared purpose is to educate the American public on foreign affairs matters in a factual and fair manner.

The Department would continue to use its existing contract authority for many activities and would exercise authority to enter into grants and cooperative agreements only in those limited instances where appropriate. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements.

TITLE III: ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

The proposed changes to the education allowance in 5 U.S.C. 5924(4) would: (1) allow for educational travel to the United States for children in kindergarten through 12th grade, when schools at post are not adequate; (2) allow for educational travel to a school outside the United States for children at the secondary and college level; (3) provide for educational travel at the graduate level for children who are still dependents; (4) permit payment of fees required by overseas schools for successful completion of a course or grade; and (5) allow the option of storing a child's personal effects near the school during their trip home, rather than transporting it back and forth.

Currently, when families are serving in a post without adequate local school facilities, the law allows for transportation of children in kindergarten through 12th grade to the nearest place where there is adequate education. For instance, if an employee is assigned to Guinea-Bissau, transportation for his/her dependents is calculated based on hub-points in Europe (London and Rome). This causes significant financial hardships for families, who are often serving in the most difficult overseas assignments, and whose children are in school in the United States. By changing the wording of the law to allow transportation back to the United States, the transportation component will ensure that parents can afford to send their children to the United States for an American education.

On the other hand, when a child has reached the secondary or post-secondary level, aside from a limited exception, current law allows payment for travel only to and from a school in the United States. This amendment would permit transportation to schools outside the United States as well. It would also allow educational travel at the post-baccalaureate level, when a child is still a dependent but has graduated from college. This would be consistent with what is allowed for military member dependents.

Overseas schools frequently require participation in programs that would not fall into the category of expenses considered "ordinarily provided without charge in the United States," as described in 5 U.S.C. 5924(4)(A). For example, students may be required to participate in a cultural studies program that may include mandatory field trips. The proposed amendment would allow associated costs to be paid with the education allowance.

Finally, the proposed amendment would allow for local storage of a child's effects in lieu of transporting them back and forth during school closings for students in kindergarten and elementary school as well as higher levels of education, provided that payment for local storage would not exceed the cost of transport. Section 319 of the FY 2003 Foreign Relations Authorization Act (P.L. 107–228) added this option for educational travel under 5 U.S.C. 5924(4)(B), and this amendment would extend the option to educational travel under 5 U.S.C. 5924(4)(A).

In addition, this section makes technical amendments including Puerto Rico as part of the "United States," eliminating language referring to the Canal Zone, and removing a reference to an irrelevant statute.

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

Foreign Service annuitants hired on a full-time basis have their annuities terminated. Those employed on a parttime, intermittent or temporary basis face a cap on the total sum of their salary and their retirement annuity. The "dual compensation restrictions" on Foreign Service annuitants, many of whom have unique experience and talents, hamper the Department's ability to hire these individuals to meet mission needs. This section amends the Foreign Service Act to allow the Secretary of State and heads of other relevant agencies to waive these restrictions for positions for which there is exceptional difficulty in recruiting or retaining a qualified employee.

Section 824(g) of the Foreign Service Act was last amended in 1988 to authorize the Secretary to waive the annuity limitations on re-employed Foreign Service annuitants on a case by case basis if the annuitant is re-employed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances. This amendment extended to the 10 Foreign Service a waiver authority that had existed and currently exists for the Civil Service.

Subsection (a) again seeks to amend section 824(g) of the Foreign Service Act, and again to extend a waiver authority to the Foreign Service that already exists for the Civil Service. It would provide the Secretary authority to waive the annuity limitations for annuitants reemployed on a temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. This authority, which we do not expect to be used very often, would better enable the Department to recruit and retain. highly qualified persons necessary, for example, to meet our mission needs in the war on terrorism and in our public diplomacy efforts.

Subsection (b) indicates that effective October 1, 2005, section 824(g) will revert to its current form.

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

This section clarifies the authority underlying a current exchange program between the foreign affairs agencies of the United States, the European Union, and its member states, created to promote collaboration among its young leaders. Under this very successful program, Foreign Service officers are identified on an annual basis to serve one-year details at the European Union in Brussels and designated European foreign ministries. After the Foreign Service Officers complete the details at the EU or in the foreign ministries, they are assigned to a position in the U.S. embassy in the relevant European capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign ministries. While the present program is limited to EU members, it may be that this program could be extended to other designated countries.

This provision renders moot a potential legal concern under the Emoluments Clause of the Constitution (Article 1, section 9, clause 8). The Emoluments Clause provides that no person holding an office of profit or trust under the United States may, without the consent of Congress, accept an emolument from a foreign state. Under the Fellowship of Hope program, diplomats from the Commission and designated foreign countries accept an emolument from a foreign state through the course of compensation by their own government. However, these diplomats are also holding an office of profit or trust in the U.S. government. Explicit Congressional authority for the exchange program would obviate any issue regarding the Emoluments Clause.

The Secretary will be responsible for administering this program consistent with the national security and the foreign policy interests of the United States. In particular, it should be noted that information security considerations have been carefully considered in the implementation of this exchange program. Moreover, the Secretary will consult with the Department of Justice or the Central Intelligence Agency, as appropriate, to meet these responsibilities.

SEC. 304. CLAIMS FOR LOST PAY.

This section clarifies the Department's authority to make technical corrections or enter into settlements of claims or grievances brought by its employees involving lost pay, allowances, or differentials. These complaints may involve simple technical "glitches" in the payment of salary or benefits, for which the Department (like other agencies) routinely retroactively corrects the payment or makes a payment as appropriate. Administrative adjustments also may be required in order, for example, that a member of the Foreign Service is made whole in connection with a retroactive promotion.

In addition, the Department routinely settles non-Title VII claims brought by Civil Service employees before the Merit Systems Protection Board, or those brought by Foreign Service employees before the Foreign Service Grievance Board. In settling or compromising such claims, the normal authority for the payment of back pay would be the Back Pay Act (5 U.S.C. 5596). However, as is the case with most settlements, the Department does not usually make any admission as to liability, and therefore does not make a finding of an unwarranted or unjustified personnel action under the provisions of the Back Pay Act. This section would make clear that no such finding would be necessary in the event of a settlement or compromise of a claim or grievance which otherwise is in accordance with all provisions of the Back Pay Act.

The Department is seeking this provision as clarification to resolve back pay claims consistent with the spirit of conciliation that underlies settlements generally. This provision is not meant to question the current ability of agencies to settle claims without admitting fault.

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

This amendment brings the Foreign Service into parity with the Civil Service. Current statutes, in particular, 5 U.S.C. 7512 and 7513, permit an indefinite suspension or enforced leave of an employee during an investigation into the revocation of a security clearance, where a security clearance has been suspended, where there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, or for such other cause as will promote the efficiency of the service. The due process requirements in this amendment are the same as those afforded Civil Service employees.

"Reasonable cause" may include, but is not limited to, an indictment or circumstances attendant to an arrest or investigation conducted by the Department or criminal law enforcement authorities. The Board is substantially constrained in what it may review with respect to suspensions and enforced leave authorized by this amendment. The Board will not, for example, have the authority to review the merits of any security clearance revocation investigation, which triggers a suspension under this amendment. In reviewing any suspension or enforced leave under this amendment, it is the Department's expectation that the considerable body of law interpreting 5 U.S.C. sections 7512 and 7513 will guide the Board. Decisions as to whether or not to grant the employee back pay upon the resolution of the underlying matter will be at the discretion of the Department. Under no circumstance may the Board grant prescriptive relief with respect to an indefinite suspension or enforced leave.

SEC. 306. HOME LEAVE.

This section reduces the time period for eligibility for home leave from 18 to 12 months. In addition, this amendment provides that members may take authorized rest and recuperation travel under section 4081(6) even if they take accrued, unused home leave authorized by this amendment. This would ensure that eligibility for R&R would not be affected if someone took home leave while on other travel to the United States.

The effect of these two amendments will be to facilitate members to take home leave during tours of duty (including at R&R posts) rather than at the end of their tours of duty as is the Department's current practice. The Department does not plan, however, to change its current policies related to the authorization of home leave travel, i.e., that members take home leave normally at the end of a two-year tour or at the midpoint of a four-year tour. This amendment simply provides some flexibility.

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

In section 172 of the Foreign Relations Authorization Act, FY 1988 and 1989 (P.L. 100-204), the Congress expressed its objective that the contributions of Civil Service employees to the Department of State would not be overlooked and would be adequately protected. It therefore established an Ombudsman for Civil Service Employees in the Office of the Secretary. This section is intended to enhance the responsibilities of the Ombudsman to better serve the Department's mission.

This provision further ensures that the Ombudsman would continue to report directly to the Secretary, and will have the ability to participate in meetings regarding management of the Department in order to be able to protect the interests of all Department employees.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

This section repeals the provision in the Foreign Service Act that requires the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service (SES).

In section 1321 of the Homeland Security Act of 2002 (P.L. 107-296), the Congress repealed the recertification 14 requirements for SES employees contained in title 5 of the United States Code. The rationale was that these periodic recertification requirements for the SES did not serve a useful purpose. We believe the same rationale applies to the SFS.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401 RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

This provision would set at 27.1% for calendar years 2004 and 2005 the cap on UN peacekeeping assessments. This would allow the United States to pay its peacekeeping assessment in full in 2004 and 2005. This provision will allow us to avoid accruing future peacekeeping arrears.

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Overview: This section amends section 219 of the Immigration and Nationality Act ("INA") (8 U.S.C. 1189), authorizing the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury (the "Secretary"), to designate foreign terrorist organizations ("FTOs"), in order to improve the statutory designation procedures. It eliminates the statute's redesignation provision, requiring the Secretary instead to review FTO designations regularly, and it adds a procedure for amending designations.

Amending the Redesignation Requirement: The Duration of Designation provision removes the requirement for the Secretary to redesignate FTOs every two years for designations to remain in effect. It permits an FTO designation to remain in effect until it is revoked by an Act of Congress or by the Secretary or set aside by the United States Court of Appeals for the District of Columbia Circuit.

The Review of Designation upon Petition provision requires the Secretary to review the designation of an FTO if a designated organization petitions the Secretary for revocation once two years have elapsed from the date of its designation. It also requires such review if an organization files another petition once two years have elapsed from the date of its last petition. This provision requires the Secretary to issue a determination on a petition for revocation within 180 days. It also permits an organization to petition for judicial review of the Secretary's determination within 30 days after that determination is published in the Federal Register.

The Other Review of Designation provision requires the Secretary to review the designation of each FTO at least once every four years in order to determine whether it should be revoked, even if the organization does not submit a petition for revocation. Absent such a petition, this automatic review would be completed according to procedures to be developed by the Secretary, and there would be no judicial review. This periodic review is intended as an 17 automatic check on the continued vitality of a designation, even in the absence of a petition for revocation by the designated organization.

With 36 FTOs designated as of March 2003, and others on the way to designation, the demands that the current statutory requirement to redesignate organizations every two years imposes on the interagency counterterrorism workforce are great. Each redesignation requires an interagency review process and preparation of an administrative record that can take months. The time demands associated with proving repeatedly that terrorist groups have retained their character as terrorists significantly drain resources from other pressing counterterrorism work, including the pursuit of additional designations pursuant to section 219 of the INA, section 212(a)(3)(B) of the INA (8 U.S.C. 1182) (designation of terrorist organizations for immigration purposes), and Executive Order 13224 (terrorist financing).

The proposed changes would streamline the current procedures and permit a more effective use of USG resources, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face has increased greatly since section 219 was enacted in 1996, and now more than ever, the USG needs to marshal its counterterrorism resources as efficiently as possible.

Aliases: Section 219 does not contain any explicit statutory authority or guidance for making additional alias designations after an organization is designated as an FTO. In designating FTOs, the Secretary of State routinely lists the names of the designated entities together with their aliases, a practice that has been upheld by the United States Court of Appeals for the District of Columbia Circuit. Recently, certain groups that have been designated as FTOs have changed their names in an effort to evade asset freezing and other consequences of designation. Some FTOs have dissolved and reconstituted themselves under a different name or names, or merged with other organizations, even while retaining the capability and intent to engage in terrorist activity or terrorism. The difficulty of identifying all of an organization's aliases also can slow down the process of designating an organization as an FTO, creating unnecessary delays that weaken an otherwise powerful tool for combating international terrorism.

This section would enhance the effectiveness and efficiency of the designation process by adding explicit, streamlined procedures for adding new aliases to an underlying designation. It would allow the Secretary, or the Secretary's designee if the Secretary subsequently delegates that authority, to amend the existing administrative record for an organization's designation, rather than requiring the Secretary to create an additional administrative record in support of the amendment.

This section would require the Secretary of State (or the Secretary's designee if the Secretary delegates that authority) to make amendments in consultation with the Attorney General and the Secretary of the Treasury (or their designees if they delegate that authority), ensuring that amendments reflect the expertise of Justice and Treasury. Because it is a criminal offence to provide material support or resources to a designated FTO, and because of the asset blocking consequences of FTO designation, it is important that designations be made in consultation with Justice and Treasury. An organization covered by any such amendment also would have the ability to seek judicial review of the amendment or submit a petition to the Secretary for revocation of an amendment.

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS (ESF) FOR LEBANON.

The annual restriction that $10M of the ESF designated for Lebanon be withheld from central government until the President certifies their armed forces effectively assert authority over Lebanon's southern border accomplishes little beyond reducing the amount of ESF available to that country. Since none of our ESF assistance monies go directly to the government, but rather to NGOs, this restriction serves neither as a carrot nor a stick from the perspective of the Lebanese government. Rather, this provision restricts our ability to promote democracy and economic development precisely when we have a strong interest in helping Lebanon rebuild its institutions. We believe that using this money in water projects in southern Lebanon will help defuse Lebanese-Israeli tensions and would directly support USG efforts to assure careful management of scarce water resources. Amending this section to allow this funding to be used for water projects would provide more transparency to Lebanese water management and thereby more comfort to Israel, than would be done by keeping this funding in escrow.

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

This section reflects the need for meaningfully increasing the congressional notification thresholds for arms sales and exports beyond the relatively modest increases for NATO and Japan, Australia and New Zealand enacted in section 1404 of the FY 2003 Foreign Relations Authorization Act. These recent increases will only minimally reduce the number of congressional notifications required and will, therefore, result in the continued notification of what are often rather insignificant sales of defense articles or services, particularly since the recent threshold increases apply to so few countries.

The proposed revision would in effect repeal the modest increases enacted last year and substitute in their place new notification thresholds for defense sales and exports applicable to all countries as follows: $100,000,000 for Major Defense Equipment; $200,000,000 for other defense articles and services; and, $500,000,000 for design and construction services, sold via Foreign Military Sales. The Administration plans to enhance its process for consultation on cases of lesser value that may nonetheless be sensitive in order to ensure an opportunity for Congressional input and oversight. In that regard, the Administration would be prepared to an exchange of letters with the chairs and ranking members of the SFRC and the HIRC, indicating that we would notify cases of concern to the committees even though they might be of a lesser value than the higher thresholds proposed by in this amendment.

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Security Assistance Act of 2000 converted into a legal requirement the policy which set as a prerequisite for a foreign country qualifying for a country exemption from defense export licensing that the country have entered into a binding bilateral agreement committing it to apply specific defense export controls comparable to those of the United States. Fundamental differences between U.S. law and the legal regimes of the two countries with which the U.S. commenced negotiations in July 2000, Australia and the U.K., have proven that the specific commitments required by the law are in many instances too strict or specific, making it very difficult, if not impossible, to conclude an agreement that will satisfy all the Act's requirements.

To overcome this undue constraint on the President's otherwise extremely flexible authorities to control commercial defense trade, it is imperative, at very least, that appropriate legislative relief be provided. The amendment would allow the President to waive any of the law's specific requirements for the agreement. This would give the Administration, in this case the State Department, latitude to conclude the best agreements that are achievable, and that represent in its judgment sufficient significant improvements in a country's defense export regulatory regime so as to justify extending an exemption from U.S. defense export licensing requirements. A second proposed revision would narrow the scope of the commitments required of a foreign country, to comport more with reasonable expectations that a country would be required to apply its enhanced defense export controls mainly to U.S. origin defense items that are exempt from U.S. licensing, which are harder to keep track of, versus those items in that country that are subject to U.S. licenses.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) authorizes $4,414,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for Foreign Military Financing ("FMF").

Subsection (b) authorizes $91,700,000 for fiscal year 2004 and such sums as may be necessary for Fiscal Year 2005 for the International Military Education and Training (IMET) program. This requested level of funding for 2004 is an increase of $6,700,000 over the Congress' authorization of appropriations for fiscal year 2003 and reflects the Administration's strong support for the IMET program.

Subsection (c) authorizes $385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs."

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

This section provides a permanent annual waiver for the restrictions contained in subsection (d) of 22 U.S.C. 5952 and the requirements of section 502 of the Freedom Support Act (Public Law 102–511). Section 1306 of the National Defense Authorization Act for FY 2003 (Public Law 107–314) provided authorization for an annual waiver only for Fiscal Years 2003 through 2005. This permanent annual waiver would ensure continuity for program planning purposes.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATION.

This provision amends section 36(d) of the Arms Export Control Act to require congressional defense export notifications for comprehensive defense export authorizations. Specifically, the existing procedures for such notifications of commercial defense exports applicable under section 36(c) shall now apply in the case of comprehensive defense export authorizations set forth in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c) (1). The amendment addresses a Congressional concern that the congressional notification provided by the Administration for the Global Project Authorization, a type of comprehensive defense export authorization provided for in the above mentioned regulation, may not have necessarily been viewed to be covered by section 36(c), despite the willingnesss to provide such notification. This amendment will clarify that such notifications are to be provided, pursuant to the statute.

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

The amendment would expand the scope of the authority under section 65 of the Arms Export Control Act to loan items for cooperative research and development beyond the current NATO and major non-NATO ally recipients to include "friendly foreign countries" as that term is used in section 27(j)(2) of the Act. It would permit the loan authority to be used in a manner that corresponds to that for the countries with which cooperative activities may be conducted under section 27.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

This proposal seeks to establish the same dollar limit for advance notification to Congress for all excess defense articles. Currently, Congress requires advance notification of all transfers of excess defense articles that are Significant Military Equipment (SME), whereas Congress only receives advance notification for those transfers of other excess defense articles valued at $7 million or more. SME are articles for which special export controls are warranted because of their capacity for substantial military utility of capability. This proposal would apply the $7 million advance notice threshold to transfers of all excess defense articles, including SME. This would reduce the number of congressional notifications sent annually to Congress.

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

This proposal allows the President to waive the requirement that net proceeds resulting from the disposal of defense articles provided to a foreign country on a grant basis be paid to the United States. Existing law limits the waiver authority to items delivered before 1985. This proposal supports the goal of reducing the volume of defense articles worldwide, and reduces the potential that Defense articles inadvertently may fall into the hands of parties hostile to the United States. This legislation would retain the requirement that the net proceeds greater than 5 percent of the original acquisition value needs to be paid to the United States Government, absent a Presidential determination that a waiver is in the national interest of the United States.

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

This proposal provides the United States increased authority to transfer obsolete or surplus defense items to Israel, in exchange for concessions to be negotiated by the Secretary of Defense. Section 514 of the Foreign Assistance Act (FAA) of 1961 (22 U.S.C. 2321h) provides that defense articles included in DoD War Reserve Stocks (WRS) be transferred to foreign governments only through Foreign Military Sales (where the foreign government buys the articles) or through grant military assistance (where the value of the article is counted against military assistance appropriations provided for the recipient country). The DoD maintains a WRS stockpile in Israel. This is a separate stockpile of U.S.-owned munitions and equipment set aside, reserved, or intended for use as war reserve stocks by the U.S. and which may be transferred to the Government of Israel in an emergency, subject to reimbursement. The DoD now seeks authority from Congress to transfer to Israel certain of these WRS stocks to Israel. In return for transferring these stocks to Israel, the U.S. would negotiate equivalent value concessions from the Government of Israel. This initiative is not without precedent. During 1995–96 pursuant to section 509 of the FY94/FY95 Foreign Relations Authorization Act (P.L. 103–236), the U.S. Government provided $66.62M (fair market value) of WRS equipment to the Republic of Korea (ROK) for equivalent value concessions. This proposal would allow the U.S. to receive fair market value consideration, relieve the U.S. Government of storage and other stockpile maintenance costs, and avoid millions in cost to demilitarize, destroy, or retrograde munitions and equipment back to the U.S.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

This proposal would allow the United States to transfer excess items to the DoD War Reserve Stock in Israel. Section 514(a) of the Foreign Assistance Act (FAA) of 1961, provides for DoD War Reserve Stockpiles in a host country that remain the property of the U.S. government. These stockpiles enable equipment and supplies to be prepositioned in key parts of the world to enhance U.S. and host country defense readiness. DoD maintains a War Reserve Stockpile in Israel that directly supports the U.S. European Command's strategy for the defense of Israel. This proposal is necessary to allow the U.S. to transfer excess items to the War Reserve Stockpile in Israel. The transfer allows excess assets to remain under U.S. title but shifts the costs for maintenance, storage, transportation, and demilitarization of the excess munitions to Israel. By agreement with Israel, the U.S. does not pay for the storage, maintenance, transport, and warehousing of assets designated as War Reserve Stockpile, although the assets remain under U.S. title.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

The United States provides cataloging data and services to the North Atlantic Treaty Organization (NATO) and member governments on a reciprocal basis. The United States also provides such services to several non-NATO countries, such as Australia and New Zealand, but on a reimbursable basis under foreign military sales. There are instances when the interests of the United States would best be served if such data and services could be provided to a non-NATO country under a reciprocal agreement. This section would authorize the President to provide such services to non-NATO countries on a reciprocal basis.

For almost 50 years, the NATO Codification System, which is based on United States standards for naming, describing and numbering items of supply, has served as the cornerstone for interoperability between the United States and its NATO allies. Many non-NATO countries that participate in joint exercises and deployments with the United States have adopted the NATO Codification System. Facilitating the provision of United States cataloging data for materials produced in the United States has been and continues to be in the Nation's strategic interest. This is especially true in light of contingency operations that have and may be initiated in the war on terrorism.

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN.

This amending legislation would extend the authority contained in P.L. 107–57 to make inapplicable for FY 2004 foreign assistance restrictions relating to coups with respect to Pakistan and. would waive for FY 2005 any coup restrictions applicable in that year so long as the President exercised that authority prior to October 1, 2005, the amended and extended date of expiration of this amendment. It would also make inapplicable foreign assistance restrictions relating to debt with respect to Pakistan through fiscal year 2005. With respect to missile sanctions, the amendment would extend the authority of current law waiving the notification period for a missile sanction waiver with respect to any sanctions imposed on foreign persons in Pakistan. It would also continue the reduced notification period for drawdowns and transfer of excess defense articles.

The coup waiver of section 508 of the Foreign Operations Appropriations Act in Section 1 is most critical for Pakistan. Section 1(b)(1), as amended, would legislatively extend the authority to waive coup-related sanctions for Pakistan for FY 2004 and FY 2005—the President has waived the sanction for FY 2003 under the current authority. Five (5) days advance notice to Congress required under P.L 107–57 is continued. Section 2, as amended, would waive the requirement for a 45 day advance notification to Congress prior to waiving the missile 26 sanctions imposed on Pakistan pursuant to section 73 of the AECA with respect to any such sanctions imposed on foreign persons in Pakistan (versus waiving only with respect to those sanctions imposed prior to January 1, 2001, which would have already expired in any event). Section 3 exempts Pakistan from foreign assistance prohibitions in section 512 of the Foreign Operations Appropriations Act relating to loan defaults by foreign nations and similar restrictions contained in the Foreign Assistance Act through fiscal year 2005, the period through which the exemptions or waiver authority with respect to the coup sanctions would be extended by these amendments.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

General: The International Parental Child Abduction Prevention Act of 2003 would amend Section 212(a)(10)(C) of the Immigration and Nationality Act (INA) and is proposed to provide additional tools to deter international parental child abduction and/or wrongful retention, and to create incentives for the return of children abducted from or wrongfully retained outside the United States by their foreign national parent or others., This measure's efficacy in particular cases of international child abduction will necessarily depend in large part on the degree to which the taking parent and/or their family members desire to travel to the United States and apply for a visa. Unlike legislation proposed last year in the Government Reform Committee, this measure would not adversely affect the lives or travel of innocent adult American citizens. This legislation also seeks. to avoid certain counterproductive definitional difficulties from which the earlier proposals suffered, while achieving many of the same results intended.

Section 702(a)(3). This provision would expand the range of persons who could be designated inadmissible by the Secretary of State in international child abduction and wrongful retention cases, even though those individuals were not culpable in the abduction or wrongful retention. This would be accomplished by amending existing subclause (III) of INA 212(a)(10)(C)(ii) to include a wider range of persons who could be designated inadmissible based on their familial connections to an abducting alien.

Sections 702(a)(4) and (5). This language specifies the circumstances under which inadmissibility based on any one of subclauses I, II, or III of INA 212(a)(10)(C)(ii) will terminate. It also makes a purely technical amendment to clarify that the concluding clause of (C)(ii) is the operative provision for subclauses (C)(ii)(I), (II), and (III). As originally enacted, the concluding clause is erroneously printed as if it were part of subclause (III), when it in fact clearly applies to each of subclauses (I)–(III). Finally, the concluding clause is amended to provide that inadmissibility based on (C)(ii) would terminate with the return of the abducted child or the child's attainment of age 21.

Section 702(b). This would create new subsections (iv)-(vii). Subsection (iv) would (1) make explicit the Secretary of State's authority to cancel designations of inadmissibility applicable to relatives of abductors, and (2) make clear that inadmissibility pursuant to subclauses (I) and (II) (which is not discretionary) will expire only on occurrence of the events specified in INA 212(a)(10)(C)(ii) (the return of the abducted child or the child reaching age 21). These amendments will maximize the leverage available to the Department when inadmissibility is used to encourage relatives to place pressure on abductors for the return of abducted children.

New subsection (v) would require the Department of State to identify the persons potentially inadmissible under clause (ii) of INA 212(a)(10)(C) .

New subsection (vi) would require the Department to enter the names of persons inadmissible or potentially inadmissible for a visa under subsections (i) or (ii) of INA 212(a)(10)(C) into the visa lookout system. Together these requirements would codify what the Department does through its intake procedures to ensure that individuals who may be inadmissible under the provisions of subsections (C)(i) and (ii) are identified and that their names are entered into the visa lookout system.

New subsection (vii) defines "child" in a way that is not inconsistent with the word's meaning throughout the INA while taking account of concerns about abducted or wrongfully retained children who marry at very young ages, often against their will. The definition proposed seeks to avoid the unintended consequences of potential alternatives. For example, H.R. 5715, introduced last session, would have effectively created a class of permanent children for purposes of the visa ineligibility laws, frustrating the Department's efforts to promote reconciliation and contact within what are often multinational families. The effect of the definition proposed in H.R. 5715 would have been to compromise the rights normally accorded adult U.S. citizens to travel while doing little to promote the return of abducted or wrongfully removed children. This subsection also changes the definition of "sibling" to include step- and half-siblings.

Section 702(c). Finally, this Title includes a requirement that the Department of State report to Congress annually for five years with a description of the operation of 212(a)(10)(C), including data on the number of visas denied and names entered into the visa lookout system on the basis of the statute. The report will provide Congress with information useful to its ongoing communication with the Department about the effectiveness of efforts to deter international parental child abductions and to promote the return of abducted and wrongfully retained American children to the United States.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

This section would eliminate reporting requirements on progress toward achieving the benchmarks for a sustainable peace process in Bosnia that must be done as long as U.S. ground combat forces continue to participate in the SFOR. Significant reductions in U.S. and allied troops have continued regularly since 1998. Regular briefings to congressional staff (and Members, as desired) are sufficient to address continuing concerns. This is a very timeconsuming report for the Departments of State and Defense.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSBILITY, AND THE FUTURE."

This section would repeal this semi-annual report required by section 704 of the FY 2003 Foreign Relations Authorization Act. The State Department, in particular the office of the Special Envoy on Holocaust Issues, offers regular formal and informal briefings to Members and staff on this issue. This report duplicates the information conveyed at these briefings. Moreover, we have no authority to require the "Eagleburger Commission" (the International Commission on Holocaust Era Insurance Claims, or ICHEIC) or the Conference on Jewish Material Claims against Germany to supply the data needed for this report.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

This report is currently due every two months. This section would change it to a semi-annual requirement. The Administration is in regular contact with Congress on the Cyprus situation. Generally, the situation does not change rapidly in two months. If it did, the Administration would brief Congress immediately.

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

This section repeals the two reports required by section 694 of the FY 2003 Authorization Act (P.L. 107–228).

Section 694(a) requires the Secretary, not later than 180 days after the enactment of the Foreign Relations Authorization Act, Fiscal Year 2003, and annually thereafter to report to Congress on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. This report duplicates material from a number of other reports on Colombia:

USAID includes much of the information that Section 694(a) requires in the Congressional Budget Justification it submits annually. For each program area, USAID provides progress on implementation.

Although it does not specifically address U.S.-funded activities, the Department's annual Country Reports on Human Rights Practices contain detailed information concerning human rights and internally displaced persons in Colombia.

Although not specifically required to report on internally displaced persons, judicial reform, the peace process, and general human rights matters, a number of other reports typically include information on these issues:

Pursuant to section 564(c) of the FY 2003 Foreign Operations, Export Financing, and Related Programs Appropriations Act (P.L. 108–7), the Secretary is required to submit two reports and certifications to Congress in conjunction with the obligation of funds for the Colombian Armed Forces describing actions taken by the Colombian Armed Forces to meet the human rights conditions on the provision of assistance in section 564(a).

Pursuant to section 3204(e) of the Military Construction Appropriations Act, 2001 (P.L. 106–246), the President is required to report to Congress semiannually through Fiscal Year 2005 on costs incurred by any department, agency, or other entity of the executive branch during the two previous quarters in support of Plan Colombia. Each of those reports includes information on subobligations of funds by the Department of State in support of Plan Colombia.

Pursuant to section 3204(f) of P.L. 106–246, the President provides a bimonthly, classified report to Congress on the aggregate number, locations, activities, and lengths of assignments for all U.S. military personnel and U.S. individuals civilians retained as contractors involved in the antinarcotics campaign in Colombia. These reports include certain information on contract personnel who are participating in U.S.-funded efforts to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, or human rights.

Finally, it is burdensome and inefficient to require the Department of State to report on activities of the Department of Defense.

Section 694(b) requires an annual report on the activities of U.S. businesses that have entered into agreements in the previous 12-month period with the Departments of State or Defense to carry our counternarcotics activities in Colombia. Information responding to some of the information sought in this report is available in the classified report we submit to the Congress bimonthly pursuant to section 3204(f) of P.L. 106–246. We also cannot easily track and report on DOD's contract activities.

We are also concerned that recurrent, public reporting of the names of businesses under contract to the Department of State to support counternarcotics activities is likely to increase the security risks to these businesses and their employees both in Colombia and the United States. The Department finances contracts for counternarcotics support in Colombia expressly because the Colombian National Police cannot meet the need for all services. P.L. 106–246, as amended by the FY 2002 Foreign Operations Act (P.L. 107–115), already provides limitations on the numbers of U.S. contract personnel permitted in Colombia in support of counternarcotics programs. Moreover, the Department is making every effort to minimize the number of U.S. citizen personnel employed by its contractors. The U.S. Embassy in Colombia continually assesses the potential for U.S. businesses to be involved in hostilities, and the risks to personal safety of their personnel. These risks vary widely from day to day and week to week. A report at any given moment in time would not have general applicability.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

This section repeals Section 3203 of the 2001 Military Construction Appropriations Act. This section requires the Secretary of State to report biannually during the period Plan Colombia resources are made available on extradition of narcotics traffickers from any country receiving assistance in support of Plan Colombia from the U.S. This reporting requirement is burdensome and duplicative of other required reports. For instance, section 696 of the FY 2003 Foreign Relations Authorization Act requires the Secretary of State to submit a report on extradition practice between the United States and governments of all foreign countries with which the United States has an extradition relationship that contains numerous similar requirements. This section 696 report includes: an aggregate list, by country, of the number of extradition requests made by the United States to that country in 2002; the number of fugitives extradited by that country to the United States in 2002; an aggregate list, by country, of the number of extradition requests made by that country to the United States in 2002 and the number of fugitives extradited by the United States to that country in 2002; any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives; and a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties and its agenda for such negotiations in 2003. Additionally, the Department's annual International Narcotics Control Strategy Report also contains certain information about extradition from countries worldwide with which we have extradition treaties in force. We would also be happy to brief members of Congress or their staffs on any issues of particular concern.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CIVILIANS WERE KILLED AND RELATED MATTERS.

This section would eliminate this semi-annual report. The information is already available elsewhere: the Americans killed overseas in terrorist attacks are prominently listed in the Introduction to the Department's annual Patterns of Global Terrorism report to Congress, and the names are available on the State Department's Rewards for Justice web-site. PLO activities are also covered in the semi-annual PLO Compliance with Obligations Under the Oslo Accords Report. Moreover, the names and details of Americans killed overseas in terrorist attacks are well covered in the press. The separate compilation and preparation of a report specifically on American casualties diverts scarce manpower resources from other activities to fight terrorism.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

This section would make the waiver and accompanying report an annual, rather than semi-annual, requirement. The Jerusalem Embassy Act prohibits obligation of more than our annual overseas building acquisition and maintenance appropriation unless the Secretary reports to Congress that we have opened an embassy in Jerusalem. This prohibition may be waived for successive six-month periods on "national security interest" grounds; each waiver must be accompanied by a report detailing progress made during the preceding six months on moving our embassy to Jerusalem. Although the reports have not significantly varied from one another, they still require a significant amount of work to draft and clear.

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

This section repeals section 620F(c) of the Foreign Assistance Act of 1961 which addresses efforts made by the United States to achieve regional agreement on nuclear nonproliferation in South Asia and a list of obstacles to such an agreement. The report is duplicative, since South Asia nonproliferation issues are covered extensively in other classified and unclassified reports by State and the CIA. For example, India and Pakistan are included in the major nonproliferation report done annually pursuant to section 1308 of the FY 2003 Foreign Relations Authorization Act and in the CIA's annual "721 Report" on proliferation activities.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a) requires the President to submit a report to the SFRC, HIRC, and the House and Senate Appropriations Committees by February 1 of each year listing all FMS and commercial sales of military hardware anticipated in the coming year. Preparation of this report is extremely labor-intensive, as security assistance officers at U.S. embassies around the world must begin compiling data in October. Unfortunately, while this report grows in size and complexity each year, its value and utility are increasingly questionable. Since the report includes *all possible* U.S. sales of military equipment (760 in 2002) and has a dollar threshold for reporting sales that is half that required for congressional notification of actual sales, it includes a large number of potential sales that are too minor to have genuine military significance, or, in fact, never materialize. In recent years, less than 20% of the entries on the report (58 pages long in 2002) result in actual sales during the reporting year. It is also redundant as a reporting channel. The congressional committees that receive this report also receive similar data for FMS sales on a quarterly basis from reports provided under DSCA under section 36(a)(6) of the AECA which cover all projected FMS sales through the end of the year. Furthermore, prenotification consultations assure that congressional staff are advised of potentially controversial transfers well in advance of formal notification.

SEC. 810. REPORT ON FOREIGN MILITARY TRAINING.

This section seeks to bring the military training report required by section 656 of the Foreign Assistance Act of 1961 into conformity with a very similar report required in the annual Foreign Operations Appropriation Acts (FOAA) and to eliminate those portions of the current section 656 requirement that make it necessary to classify major portions of the report. We intend to seek a similar amendment to the FOAA requirement.

To bring the section 656 requirement into conformity with that of the FOAA, this amendment "excludes training provided through sales" from the reporting requirement and changes the date upon which the report is due to the Congress from January 31 to March 1.

To eliminate the portions of the report that must be classified due to foreign policy or force protection reasons, this amendment would eliminate the requirement to report on projected training (i.e., "training proposed for the current fiscal year"), training locations, the U.S. military units providing the training, and training provided through sales. With these changes, a completely unclassified report could be produced that would be accessible to a wider public audience.

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS.

This section would repeal the report on human rights required by section 549 of the Foreign Assistance Act of 1961 (added by section 1212 of the FY 2003 Foreign Relations Authorization Act). This report requires the Secretary of State to submit an annual report "describing, to the extent practicable, any involvement of any foreign military or defense ministry civilian participant in . . . [the IMET program] in a violation of internationally recognized human rights." This provision sends the very dangerous signal that the USG will be tracking anyone enrolled in IMET thereafter. This will deter people from participating in IMET and, thus, damage U.S. national security interests. Moreover, while the Bureau of Democracy and Human Rights maintains data necessary to prepare the annual Human Rights Report, data is not systematically collected on individual human rights violators. As a result, if the department were required to report on human rights violators who attended IMET courses prior to the enactment of the Leahy Laws, we would be forced to rely on the records and memories of security assistance officers in U.S. embassies around the world which would likely be of uneven quality.

SEC. 812. REPORT ON DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

The provision in section 1223 (22 U.S.C. 1928 note) requires the Secretary of Defense to provide Congress with various reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance. The ESDI would enable the Western European Union, with the consent of the NATO Alliance, to assume the political control and strategic direction of specified NATO assets and capabilities. This report is obsolete and provides information of limited utility. The requested information is no longer relevant and does not reflect the shift in focus between the European Union and NATO.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The provision in section 1402(b)(2) (22 U.S.C. 2778) requires the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, to provide Congress with an assessment of the cumulative impact of licenses granted by the U.S. for exports of technologies and technical information with potential military applications during the preceding 5-calendar year period on the military capabilities of such countries and entities, and countermeasures that may be necessary to overcome the use of such technologies and technical information. This report is redundant with reports already submitted to Congress by the Department of State, the Department of Commerce, and the Central Intelligence Agency.

Subtitle B—Other Matters

SEC. 814. NUCLEAR REPROCESSING TRANSFER WAIVER.

This section would amend section 102(a) of the Arms Export Control Act so as to permit Presidential waivers to be granted once again on a one-time, rather than fiscal year, basis. When the Nuclear Proliferation Prevention Act of 1994 (NPPA) folded section 670 of the Foreign Assistance Act (the so-called "Glenn Amendment", dealing with nuclear reprocessing transfers) into the Arms Export Control Act as a new section 102(a), the NPPA modified the waiver authority originally in section 670. This change eliminated the President's ability to grant one-time waivers from sanctions (cutoff of U.S. economic and military assistance) and replaced it with a requirement that any waivers may only be granted in the fiscal year to which they will apply. The ramifications of this change only became clear after there were real cases to deal with. Specifically, any country, having once been determined by President to have violated section 102(a), is placed in an enduring and unchangeable state of annual jeopardy of a U.S. aid cutoff. This is the case even where the activity that triggered the violation was subsequently terminated, the countries involved are not proliferation threats, and the U.S. is fully satisfied with these countries' current nuclear nonproliferation policies and practices. We do not believe that this was the intent of Congress when it made the waiver provision change.

The re-establishment of the authority for the President to grant one-time waivers under section 102(a) would not eliminate our nuclear nonproliferation leverage under this section since the President has the authority to impose sanctions should any resumed or new activities occur. More importantly, the processing of annual waivers from section 102(a) sanctions for situations long since satisfactorily resolved is not a constructive use of this and future Presidents' time and has a continuing potential to be an irritant to our relations with these countries. The President has no authority to put this situation to rest once and for all absent a change in the law to allow, once again, one-time waivers for Glenn Amendment violations.

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

This section authorizes the President to provide assistance to quickly and effectively respond to or prevent unforeseen complex foreign crises. This authority will be used to provide assistance for a range of foreign assistance activities, including support for peace and humanitarian intervention operations to prevent or to respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. Use of this authority will require a determination by the President that a complex emergency exists and that it is in the national interest to furnish assistance in response. These authorities will not be used to fund assistance activities in response to natural disasters because existing contingency funding is available for that purpose. This section authorizes appropriation of such sums as may be necessary.

DEPARTMENT OF STATE,
Washington, DC, April 2, 2003.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I am pleased to transmit proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005.

The attached FY 2004-2005 Foreign Relations Authorization Bill also contains provisions related to Department of State authorities and activities, organization and personnel, international organizations, security assistance, child abduction prevention, and other miscellaneous provisions.

Key sections for the Department, in addition to the FY 2004-2005 authorization of appropriations, would raise the peacekeeping assessment cap, provide for a permanent annual CTR waiver, and provide for greater flexibility in our administration of security assistance. Also included is an emergency fund for complex foreign crises which may be important to operations in Iraq.

Title VII of the proposed legislation, the International Parental Child Abduction Prevention Act of 2003, is designed to deter international abductions and unlawful retentions and pressure an abductor to return a child to the parent with lawful custody. This could provide an important new lever in addressing child abductions worldwide.

The FY 2004 Budget contains the first step toward a capital security cost sharing program that will ensure that all agencies and departments pay a fair share of the cost of new, secure diplomatic and consular facilities. The full program implementation is now under development, and a legislative proposal may be forwarded at a later date. Other provisions may be submitted in the near future in a supplemental package. The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress and that its enactment would be in accord with the President's program.

We look forward to working with the Committee on this important legislation.

Sincerely,

PAUL V. KELLY,
Assistant Secretary,
Legislative Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS FOR WINNING THE 2002-2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4-3, having defeated Dartmouth College 5-2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002-2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team, and Caroline Ouellette was named the tournament's Most Valuable Player;

Whereas the Bulldogs were the only team in the country to earn a berth to the National Collegiate Women's Ice Hockey Championship Tournament in every year of its existence;

Whereas junior forward Jenny Potter was a top-three finalist for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey, and was named to the Jofa Women's University Division Ice Hockey All-American first team;

Whereas senior forward Maria Rooth, for the fourth time, was a top-ten finalist for the Patty Kazmaier Memorial Award and was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Jenny Hempel, Erika Holst, Joanne Eustace, Hanne Sikio, Navada Russell, Michelle McAteer, Patricia Sautter, and Maria Rooth made lasting contributions to the University of Minnesota Duluth Bulldogs women's ice hockey program;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in 3 consecutive years, has been named a finalist for the 2002-2003 Women's Ice Hockey University Division Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Duluth Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota Duluth Women's Ice Hockey Team, and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to make available enrolled copies of this Resolution to the University of Minnesota Duluth for appropriate display, and to transmit an enrolled copy of this Resolution to every coach and member of the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship Team.

AMENDMENTS SUBMITTED & PROPOSED

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, supra.

SA 480. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, supra.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 486. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, supra.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, supra.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, supra.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 511. Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. Stevens to the bill S. 762, supra; which was ordered to lie on the table.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, supra.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, supra.

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, supra.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

"(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.".

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. Of the amounts appropriated by this chapter under the heading "DEPARTMENTAL MANAGEMENT" under the heading "COUNTERTERRORISM FUND", $30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development on, and for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place insert the following:

SEC. . (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany unless such person is a resident of or organized under the laws of the United States.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $340,000,000, to remain available until September 30, 2004: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page between lines and , insert the following:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $16,000,000, to remain available until expended: *Provided*, That, of the amount provided under this heading, $6,000,000 shall be available for research and development related to the safety of threatened buildings within the Building and Fire Research Laboratory: *Provided further*, That, of the amount provided under this heading, $10,000,000 shall be available to the Computer Services Division at the National Institute of Standards and Technology to develop checklists and standards to test networked computer systems of Federal agencies for vulnerability to cybersecurity threats.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 20, strike "$2,468,300,000" and insert "$2,763,300,000".

On page 31, line 3, strike "and (12)" and insert "(12) law enforcement, and (13)".

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, after "funds" insert ": *Provided further*, an additional amount under this heading of $295,000,000 of which $225,000,000 shall be for non-food humanitarian assistance to support relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including water and sanitation, health and nutrition assistance, shelter, education, de-mining, and emergency infrastructure repairs and $45,000,000 shall be for an international police force and judicial team to provide security during the post-war transition period and $25,000,000 shall be for increasing the Emergency Refugee and Migration Assistance Fund to cover unforeseen refugee and migration emergencies".

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

GENERAL PROVISIONS

SEC. . Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting "as a member of the Ready Reserve of a reserve component of the Armed Forces or" after "has served honorably".

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON PAYING THE COSTS OF THE WAR WITH IRAQ.

It is the sense of the Senate that—

(1) the President should submit a proposal to the Committee on Finance to raise sufficient revenues to offset the funds spent in this supplemental appropriations Act for the war in Iraq;

(2) the President should submit this proposal not later than 60 days after the date of enactment of this Act; and

(3) if the President does not submit such a proposal, the Committee on Finance should put forward its own proposal to offset the funds spent in this supplemental appropriations Act for the war in Iraq.

SA 480. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 5, after the colon, insert the following

Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces:

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:

(1) Amounts made available under sections 310, 312, and 313 of title I shall not be made available for the purposes stated in those sections.

(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:

(A) $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II.

(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County; $200,000 for the AIDS Research Institute at the University of California, San Francisco, for Developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5) under the amendments to Public Law 108–7 for matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:

(A) $98,000,000 for Buildings and Facilities under the Agricultural Research Service of the Agricultural Department as provided for under chapter 1 of title 1.

(B) $50,000,000 for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) Program Account of the Maritime Administration of the Department of Transportation as provided for under chapter 10 of title 1.

(C) $1,000,000 for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor as provided for under chapter 5 of title II.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BLUE RIDGE NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Carolina.

(b) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(c) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by HandMade In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments or the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) Effect of failure to submit.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) Approval or disapproval of management plan.—

(A) In general.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) Criteria.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) Action following disapproval.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) Deadline for approval of revision.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C), the Secretary shall approve or disapprove the proposed revision.

(6) Amendment of approved management plan.—

(A) In general.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) Use of funds.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the amendment.

(f) Authorities and Duties of the Management Entity.—

(1) Authorities.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) Duties.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds, and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) Prohibition on the acquisition of real property.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) Technical and Financial Assistance.—

(1) In general.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) Priority for assistance.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) Land Use Regulation.—

(1) In general.—Nothing in this Act—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) Private property.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) Non-federal share.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(j) Termination of authority.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SA 485. Mrs. CLINTON (for herself and Mr. Leahy) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) In General.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) Contents.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 486. Mr. SARBANES (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 16, after "*Provided,*" insert the following: "That, notwithstanding any other provision of law, of the total amount appropriated under this section, not more than $4,000,000 may be made available to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States: *Provided further*, ".

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At an appropriate place insert the following:

SEC . (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

"Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each 'maximum annual fee payable' pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108–7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107–73.".

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General", $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", $29,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for expenses necessary to safeguard fissile nuclear material, $150,000,000, to remain available until expended: *Provided*, That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further*, That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That $5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the United States Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to full and open competition.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use full and open competition to solicit bids for the contract; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . In accordance with section 873(b) of the Homeland Security Act of 2002 (6

U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) GRANTS RELATING TO MOBILIZED FIRST RESPONDERS.—The Secretary of Homeland Security may make a grant of financial assistance to any State or local government or Indian tribe in order to reimburse the State or local government or tribe for costs incurred by the State or local government or tribe as a result of a call or order to active duty of one or more Reserves who are first responder personnel of the State or local government or tribe if the call or order to duty is issued under the authority of a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(b) FIRST RESPONDER PERSONNEL.—For purposes of this section, the term "first responder personnel"—

(1) means police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel; and

(2) includes such other personnel as the Secretary may specify in regulations prescribed under this section.

(c) COVERED COSTS.—(1) The costs that may be reimbursed by a grant under subsection (a) to a State or local government or Indian tribe in connection with a call or order of first responder personnel of the State or local government or tribe to active duty are any costs incurred by the State or local government or tribe as follows:

(A) Costs (including salary and benefits) of hiring first responder personnel to replace the first responder personnel called or ordered to active duty.

(B) Costs of overtime pay for other first responder personnel of the State or local government or tribe.

(C) Any other costs that the Secretary specifies in regulations prescribed under this section.

(2) Costs of a State or local government or tribe may be reimbursed by a grant under subsection (a) only if the State or local government or tribe would not have incurred such costs but for the absence of first responder personnel pursuant to a call or order to active duty described in that subsection.

(3) In seeking reimbursement for costs under subsection (a), a State or local government or tribe shall deduct from the costs for which reimbursement is sought the amounts, if any, saved by the State or local government or tribe by reason of the absence of first responder personnel for active duty pursuant to a call or order to active duty described in that subsection.

(d) PERIOD COVERED BY GRANT.—A grant under subsection (a) shall reimburse a State or local government or Indian tribe for costs incurred by the State or local government or tribe during 2002 and 2003.

(e) MINIMUM PERIOD OF DUTY FOR REIMBURSEMENT.—Costs may be reimbursed by a grant under subsection (a) with respect to a particular Reserve only if the Reserve serves six or more consecutive months on active duty pursuant to a call or order to active duty issued under the authority of a provision of law referred to in subsection (a) at any time during the period beginning on January 1, 2002, and ending on December 31, 2003.

(f) MINIMUM GRANT ALLOCATION.—If the total amount made available under subsection (j) for grants under subsection (a) is less than the amount of grants that could otherwise be made under subsection (a), the aggregate amount available for grants under subsection (a) for each State (including grants to such State and local governments and Indian tribes in such State) shall be not less than the amount equal to 0.75 percent of the amount made available under subsection (j) for grants under subsection (a), except that the aggregate amount available for grants under subsection (a) for each of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than the amount equal to 0.25 percent of the amount made available under subsection (j) for grants under subsection (a).

(g) APPLICATION.—(1) A State or local government or Indian tribe seeking a grant under subsection (a) shall submit to the Secretary an application therefor in such form, and containing such information, as the Secretary shall prescribe in the regulations under this section.

(2) An application for a grant under subsection (a) shall be submitted not later than December 31, 2003.

(h) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of this section.

(i) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(j) FUNDING.—(1) Of the amount appropriated by this chapter under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", $200,000,000 shall be available for grants under this section.

(2) The amount available under paragraph (1) shall remain available until expended.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE III—FEDERAL HOMELAND SECURITY RESPONSIBILITIES

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $200,000,000, to remain available until December 31, 2003, for terrorism-related prevention, preparedness, and response requirements associated with Operation Liberty Shield, including but not limited to operating expenses related to the increase in maritime operating tempo, the protection of critical infrastructure and enforcement of Security Zones, and the activation of Coast Guard Reservists.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $366,000,000, to remain available until December 21, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative, not less $200,000,000 shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry, and not less than $131,000,000 shall be for increased border and maritime protection operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For an additional amount for "Immigration and Customs Enforcement", $131,000,000, to remain available until December 31, 2003, for increased operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $1,355,000,000, to remain available until December 31, 2003, of which not less than $235,000,000 shall be available for costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, not less than $300,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $620,000,000 for shortfalls pursuant to Public Law 108–10, including the securing of airline cockpit doors, port security grants, and airport modifications, not less than $200,000,000 for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for "Emergency Management Planning and Assistance", $150,000,000, to remain available until December 31, 2003, for grants to States and localities to improve communications within and among first responders including law enforcement, firefighters, emergency medical services personnel, and other emergency personnel.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $18,000,000, to remain available until December 31, 2003, for expenses related to enhanced security at nationally significant facilities.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $25,000,000, to remain available until December 31, 2003, for necessary expenses relating to courthouse security; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $225,000,000, to remain available until December 31, 2003, for necessary expenses relating to response and security capabilities and field operations; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies, firefighters and emergency medical service personnel, $150,000,000, to remain available until December 31, 2003.

DISTRICT OF COLUMBIA FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for critical infrastructure protection, $25,000,000, to remain available until December 31, 2003, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia; *Provided*, That the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act; *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003.

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount for "Toxic Substances and Environmental Public Health," $10,000,000, to remain available until December 31, 2003, to enhance States' capacity to respond to chemical terrorism events.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Justice, General Administration, Counterterrorism Fund, shall be zero.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Homeland Security, Department Management, Counterterrorism Fund, shall be zero.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking "$320,000,000" and inserting in lieu thereof: "$330,000,000".

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 6 after the period insert:

SEC. . It is the sense of the Senate that the President, while negotiating the terms and conditions of any loan guarantees to be extended to Egypt, should secure a firm commitment from the Government of Egypt to establish and implement political reforms that promote democracy, human rights and the rule of law in Egypt, and to safeguard the rights of nongovernment organizations to operate freely in Egypt.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. HOMELAND SECURITY GRANT PROGRAM.

(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Law 105–277, 106–113, 106–553, 107–77, or 108–7, among the 4 categories of equipment, training, exercises, and planning.

(b) APPROVAL OF REALLOCATION REQUEST.—The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any other relevant factors that the Secretary of Homeland Security determines to be necessary.

(c) LIMITATION.—A waiver under this section shall not affect a State's obligation to pass through 80 percent of the amount appropriated for equipment to localities.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 449012(d)(2(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. . (a) This section may be cited as the "Airline Workers Fairness Act".

(b) The purpose of this section is to require covered air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the current disruptions in air travel associated with increased terror alerts and other factors in the United States.

(c) In order to receive funds appropriated under this Act, a covered air carrier shall agree to be subject to this section.

(d) In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13

of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(e) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(f) Nothing in this section shall be construed to affect any provision of law that provides greater employee rights than the rights established under this section.

(g) In this section:

(1) The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) The term "covered employee" means an employee who—

(A) is not a temporary employee;

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.); and

(C) was an employee of a covered air carrier on April 1, 2003.

(4) The term "covered transaction" means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) was pending, or had been completed, during the period beginning on January 1, 2001 and ending on September 11, 2001; and

(D) did not result in the recognition of a single air carrier by the National Mediation Board by September 11, 2001.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. . It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a a manner that is fair and equitable for all parties involved.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 13 and 14, insert the following:

SEC. 409. COMPENSATION FOR CERTAIN AIRPORTS AND RELATED BUSINESSES.

There are appropriated to the Secretary of Transportation for fiscal year 2003, not more than $4,000,000 to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title II, insert the following:

Sec. . The Secretary of the Army, acting through the Chief of Engineers, shall use $3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following:

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during Fiscal year 2003 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading "Defense Health Program", $7,500,000 shall be available for the Armed Forces Institute of Pathology.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 9 strike everything after "expended" through "determine" on line 16.

On page 13, line 12 after "appropriation" insert the following:

: *Provided further*, That of the funds made available under this heading, up to $500,000,000 shall be made available to support the military operations of foreign nations to combat international terrorism on such terms and conditions as the Secretary of Defense and the Secretary of State, following notification of the congressional defense committees, may determine and shall remain available until September 30, 2003: *Provided further*, That funds provided under the previous proviso shall be made available to carry out the provisions of chapters 5 and 9 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, and shall be subject to section 8080 of Public Law 107–248.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The head of a department or agency of the United States that obligates or expends funds appropriated under this Act for contracts that are not awarded using full and open competition for the repair, maintenance, rehabilitation or reconstruction of infrastructure in Iraq shall, before entering into the contract, publish in the Federal Register or Commerce Business Daily and otherwise make available to the public:

(1) a brief description of the dollar amount and scope of the contract;

(2) a description of how the agency identified and solicited companies to perform the functions required by the contract and the names of the companies solicited; and

(3) the justification and approval documents on which the determination to use such procedures are based, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(b) In the case of any contract described in subsection (a) that was entered into by the Administrator of the United States Agency for International Development or the Secretary of Defense during fiscal year 2003 but before the date of the enactment of this Act, the justification and approval documents described in such subsection shall be published in the Federal Register or Commerce Business Daily not later than 10 days after the date of the enactment of this Act and the documents shall be made available in accordance with section 303(f)(4) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(4)) or section 2304(f)(4) of title 10, United States Code, as applicable, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(c) Whenever a document or part of a document is withheld or redacted pursuant to subsection (a) or (b), an unredacted version of the document shall be made available to the Chairmen and Ranking Minority members of the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing and appropriations committees of the Senate and the House of Representatives.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The Under Secretary of Arms Control and International Security Affairs at the Department of State shall provide to the appropriate congressional committees the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report that provides a preliminary discussion of the items described in subsection (b).

(2) Not later than 120 days after the date of the enactment of this Act, a report that provides a detailed and comprehensive analysis of the items described in subsection (b).

(b) The reports required by subsection (a) shall include the following:

(1) A description of the chemical, biological, and nuclear weapons programs of the Iraqi regime.

(2) A description of the missile or other programs of the Iraqi regime that could be used to deliver chemical, biological, or nuclear weapons.

(3) A description of the conventional military programs of the Iraqi regime.

(4) A description of the sources of technology, materials, or equipment that the Iraqi regime has used in—

(A) chemical, biological, or nuclear programs;

(B) missile or other delivery programs; and

(C) conventional military programs.

(5) A description of any instances in which United States technology, materials or equipment have made measurable contributions to the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(6) An assessment of whether a foreign government had knowledge of any transfers of technology, materials, or equipment by an entity located within such foreign country that has been used in the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(7) An assessment of the effect, if any, of the United States export control regime, bilateral or multilateral exports control regimes, or the United Nations Oil-for-Food Program on Iraq's ability to acquire technology or equipment related to weapons of mass destruction or conventional military programs.

(8) An assessment of the efforts of the Iraqi regime to evade international weapons inspection programs.

(9) Any evidence that Iraq is exporting weapons, assets, materials, or scientific knowledge related to a weapons of mass destruction program and a listing of any country importing such weapons, assets, materials, or scientific knowledge.

(c) AUTHORITY TO OBTAIN INFORMATION.—In order to ensure that sufficient information is reviewed and utilized in the preparation of the reports required by subsection (a), the Under Secretary may convene an interagency review of Iraq's weapons of mass destruction programs to review and analyze intelligence and other information necessary to complete such reports.

(d) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form and may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committees on Foreign Relations, Armed Services, Appropriations, and Intelligence of the Senate and the Committees on International Relations, Armed Services, Appropriations, and Intelligence of the House of Representatives.

SA. 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 36, Line 9, strike all through the "." on page 36, line 25 and insert the following:

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $160,000,000, to remain available until December 31, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative and not less than $125,000,000, shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expends of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $452,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $147,000,000 shall be for shortfalls pursuant to Public Law 108–10, including port security grants, nuclear detection and monitoring equipment, and truck and intercity bus grants not less than $55,000,000 shall be for installation design, installation, and FAA certification of a system to defend commercial airliners against portable, infrared, heat-seeking missiles, not less than $100,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for "Office for Domestic Preparedness," $300,000,000, to remain available until December 31, 2003, for which $100,000,000 shall be for "Emergency Management Planning and Assistance", to improve communications within and among first responders including law enforcement, firefighters, and emergency medical services personnel, and $200,000,000 shall be for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national important, population, and needs of pubic safety organizations.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $73,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", $40,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

DEPARTMENT MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund," for necessary expenses as determined by the Secretary of Homeland Security, $105,000,000, to remain available until December 31, 2003, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds: *Provided Further:* That of the total amount provided, $20,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Federal payment for emergency planning and security costs in the District of Columbia" appropriations account within thirty days of enactment of this Act, for a Federal payment to the District of Columbia for critical infrastructure protection, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, provided that the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act, and provided that the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003: *Provided Further:* That of the total amount provided, $10,000,000. is provided under this heading which shall be transferred to, and merged with, funds in the "Operation of the National Park System" appropriations account within the National Park Service in the Department of the Interior within thirty days of enactment of this Act, for expenses related to enhanced security at nationally significant facilities.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . POSTAL PATRON POSTCARDS.

The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking "with a population of less than 250,000".

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after "State" insert the following:, the Department of the Treasury,

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SA 511. Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account and program in the specified amount:

"Research, Development, Test and Evaluation, Navy, 2003", $3,400,000.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 13, strike everything after "only" through "peace" on line 17 and insert in lieu thereof: "if the President determines and notifies Congress in accordance with the regular notification procedures of the Committees on Appropriations, that it is in the national interest to provide such sums on an emergency basis, consistent with authorities in the Foreign Assistance Act of 1961, for the purpose of responding to such crises, including support for peacekeeping".

On page 26, line 7, strike "funds" and everything thereafter through "tions" on line 10, and insert in lieu thereof: "notifications required under this heading".

On page 24, line 3, after "(2)" insert the following: "not to exceed".

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, strike lines 3 through 25 and insert the following:

For additional amounts for the "Office for Domestic Preparedness", as authorized by the Homeland Security Act of 2002 (Public Law 107–296), the USA PATRIOT Act of 2001 (Public Law 107–56), and the National Defense Authorization Act of 1996 (Public Law 104–201), for grants to States and local governments, $3,000,000,000, to remain available until December 31, 2003: *Provided*, That of the total amount appropriated, $2,500,000,000 shall be made available for grants to States under section 1014 of the USA PATRIOT Act of 2001, subject to the minimum grant amount requirement of that section, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: *Provided further*, That the Office for Domestic Preparedness (referred to under this heading as the "Office") shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this proviso shall be made available to units of local government based on population within 30 days of receipt by the State: *Provided further*, That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: *Provided further*, That $500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001 and the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure (as that term is defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107–56)), the Office shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, planning, exercise, and personnel costs, $1,045,000,000, to remain available until December 31, 2003: *Provided*, That not less than 80 percent of funds made available under this proviso shall be made available to units of local governments: *Provided further*, That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amounts for such office for programs as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $155,000,000, to remain available until December 31, 2003.

For an additional amount, $130,000,000, which shall be transferred to, and merged with, funds in the "Community Oriented Policing Services, Department of Justice", appropriations account for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, for the hiring of law enforcement officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, line 10, strike "$2,000,000,000" and insert in lieu thereof "2,200,000,000".

On page 37, line 12, strike "$1,420,000,000" and insert in lieu thereof "1,270,000,000".

On page 37, line 17, strike "$450,000,000" and insert in lieu thereof "300,000,000".

On page 37, line 23, strike "$100,000,000" and insert in lieu thereof "600,000,000".

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking "$200,000" and inserting "$5,000,000".

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 12 and 13, insert the following:

(5) the provision specifying $600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: "University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, $600,000";

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) AGRICULTURAL MANAGEMENT ASSISTANCE.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and by inserting after paragraph (1) the following:

"(2) GRANTS TO STATES.—For fiscal year 2003 and each subsequent fiscal year, the Secretary shall use the funds made available under this subsection to make grants, in equal shares, to each state described in paragraph (1) to provide assistance to producers in the State in accordance with this subsection. A grant made available under this paragraph shall remain available until expended."

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the law enforcement technology program under the heading "Community Oriented Policing Services" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003,

$5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

Insert at the appropriate place in the bill:

SEC. . Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), is amended by inserting before the period at the end: "and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108–8,' after 'until expended,' ".

On page 46, line 13 strike "$106,060,000" and insert "$117,060,000".

On page 47, line 5, before the "." insert the following ":

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network".

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $155,000,000: *Provided*, That such amount shall remain available until expended.

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7) is amended by adding at the end the following:

"(3) GRANTS.—

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).".

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General", $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes; $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for expenses necessary to safeguard fissil nuclear material, $150,000,000, to remain available until expended: *Provided*, That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further*, That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq; *Provided further*, That $5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking "$320,000,000" and inserting in lieu thereof: "$330,000,000".

At the appropriate place, insert the following:

SEC. . Extension of Energy Savings Performance Contracting Authority.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "October 1, 2003" and inserting "December 31, 2004."

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

"(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.".

SEC. . The Secretary of the Army, acting through the Chief of Engineers, shall use $3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterburg Dam, VT project.

At the appropriate place, insert the following:

SEC. . USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

At the appropriate place in the bill insert the following general provision:

SEC. . WILD SEAFOOD. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after section (b) the following:

"(c) WILD SEAFOOD—

"(1) IN GENERAL.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

"(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

"(A) consult with—

"(i) the Secretary of Commerce;

"(ii) the National Organic Standards Board established under section 2119;

"(iii) producers, processors, 'and sellers; and

"(iv) other interested members of the public; and

"(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood."

At the appropriate place, insert the following:

SEC. . POSTAL PATRON POSTCARDS.

The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking "with a population of less than 250,000".

At the appropriate place in the bill insert the following general provision:

"SEC. . None of the funds in this Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States."

On page 12, line 9, after "expended," insert the following:

"for ongoing military operations in Iraq, and those operations authorized by P.L. 107–.040,"

At the end of chapter 3, insert the following:

"SEC. . (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during fiscal year 2000 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading "Defense Health Program", $7,500,000 shall be available for the Armed Forces Institute of Pathology.

At the end of chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Act, the following funds are hereby rescinded from the following account and program in the specified amount:

"Research, Development, Test and Evaluation, Navy, 2003", $3,400,000.

Starting on page 2, line 11, strike all through line 6 on page 3, and insert in lieu thereof:

"DETENTION TRUSTEE

For an additional amount for "Detention Trustee" for the detention of Federal prisoners in the custody of the United States Marshals Service, $45,000,000, to remain available until September 30, 2003.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY LAW ENFORCEMENT SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and support joint Federal, State, local, and foreign law enforcement activities, including the design, development, test, deployment, maintenance, upgrade, or retirement of systems; the purchase, lease, loan, or maintenance of equipment and vehicles; the design, construction, maintenance, upgrade, or demolition of facilities; and travel, overtime, and other support, $72,000,000, which shall remain available until December 31, 2003: *Provided*, That the funds provided under this heading shall be managed only by the Attorney General or the Deputy Attorney General to be transferred to, and merged with, any appropriations account under this title: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigation", $63,000,000, to remain available until December 31, 2003, of which $13,380,000 shall be for language translation needs, of which $20,270,000 shall be for the Federal Bureau of Investigation participation in the Terrorist Threat Integration Center, and of which $29,350,000 shall be for the incorporation of the Foreign Terrorist Tracking Task Force into the Terrorist Threat Integration Center: *Provided*, That the funds provided under this heading shall not be available for obligation or expending except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION

CONSTRUCTION

For an additional amount for "Federal Bureau of Investigation, Construction", $10,000,000, to remain available until September 30, 2004, to accelerate construction and fit out of the new wing of the Engineering Research Facility.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", $91,000,000, to remain available until December 31, 2003, for the terrorism prevention and response training for law enforcement and other responders for increased costs associated with heightened homeland security alerts and law enforcement needs related to the temporary replacement of veteran officers called to duty: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", $109,500,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Programs, for grants to States and localities to improve communications within and among law enforcement agencies: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.".

At the appropriate place in Title I, Chapter 6, insert the following:

"FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201) et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 197, $109,500,000, to remain available until expended: *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.".

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking "$200,000" and inserting "$5,000,000".

At the appropriate place, insert the following:

SEC. . Section 626 of title VI of division B of Public Law 108–7 is amended by striking "previously".

At the appropriate place in the bill add the following general provision:

"SEC. . Section 7304 of Public Law 107–110 is amended by striking "such as" and inserting in lieu thereof "operated by"."

On page 30, line 5, after the colon, insert the following:

Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each "maximum annual fee payable" pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108–7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107–73.

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

On page 32, line 13 strike the period and add the following ": *Provided further*, That of the funds appropriated under this heading, $4,300,000 shall be made available to the United States Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for reconstruction and related activities in Iraq: *Provided further*, That such sums are in addition to funds otherwise made available by this Act to such office.

At the end of chapter three, insert the following:

SEC. . In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

At the end of chapter three, insert the following:

SEC. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

At the appropriate place, insert the following:

SEC. . TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

At the appropriate place, insert the following:

SEC. . In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

"(2) A claim under paragraph (1) shall not be barred or precluded by the Algiers Accords."

At the appropriate place insert the following:

(b) INSPECTIONS.—The Bureau of Customs and Border Protection shall—

(1) inspect all commercial motor vehicles (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste and seeking to enter the United States through the Blue Water Bridge port-of-entry in Port Huron, Michigan and the Ambassador Bridge port-of-entry in Detroit, Michigan and ensure that,

(c) by May 2003, the Blue Water Bridge in Port Huron, MI shall be:

(A) equipped with radiation detection equipment; and

(B) staffed by Bureau inspectors formally trained in the process of detecting radioactive materials in cargo and equipped with both portal monitor devices and hand-held isotope identifiers.

At the appropriate place insert the following:

SEC. . TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

At the end of title IV, insert the following:

SEC. ____. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; as follows:

On page 3, strike lines 19 through 25 and insert "numbered NPS–80,079D and dated February 2003."

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. DEPARTMENT OF HOMELAND SECURITY.

(a) Director of State and Local Government Coordination.—Section 801(a) of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

"(a) Establishment.—

"(1) In general.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

"(2) Director.—The Office established under paragraph (1) shall be headed by the Director of State and Local Government Coordination, who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) Office For Domestic Preparedness.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by redesignating section 430 as section 802 and transferring that section to the end of subtitle A of title VIII;

(2) in section 802, as redesignated by paragraph (1)—

(A) in subsection (a), by striking "the Directorate of Border and Transportation Security" and inserting "the Office for State and Local Government Coordination";

(B) in subsection (b), by striking "who shall be appointed by the President" and all that follows and inserting "who shall report directly to the Director of State and Local Government Coordination."; and

(C) in subsection (c)(7)—

(i) by striking "other" and inserting "the"; and

(ii) by striking "consistent with the mission and functions of the Directorate".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, April 3, 2003. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 10 a.m., to conduct an oversight hearing on "The Federal Reserve Board Proposal on Check Truncation."

The committee will also vote on the nominations of Mr. Alfred Plamann, of California, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. Thomas Waters Grant, of New York, to be a director of the Securities Investor Protection Corporation; Mr. Noe Hinojosa, Jr., of Texas, to be a director of the Securities Investor Protection Corporation; and Mr. William Robert Timken, Jr., of Ohio, to be a director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 3, 2003, at 9:15 a.m., to hear testimony on the Purchasing Health Care Services in a Competitive Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003 at 10 a.m. to hold a hearing on Western Hemisphere Nominations.

Nominees: Mr. Lino Gutierrez to be Ambassador to Argentina; Mr. James Foley to be Ambassador to Haiti; and Mr. Roland W. Bullen to be Ambassador to Guyana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., to hold a hearing on NATO enlargement.

Witnesses: Latvia, Lithuania, and Estonia—Dr. F. Stephen Larrabee, Senior Staff Member, RAND, Arlington, VA; Bulgaria and Romania—Mr. Janusz Bugajski, Director, Eastern Europe Project, Center for Strategic and International Studies, Washington, DC; and Slovakia and Slovenia—Dr. Jeff Simon, Senior Fellow, National Defense University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 3, 2003, at 9:30 a.m., in SD 226.

I. Nominations: Edward C. Prado to be U.S. Circuit Judge for the Fifth Circuit; Richard D. Bennett to be U.S. District Judge for the District of Maryland; Dee D. Drell to be U.S. District Judge for the Western District of Louisiana; J. Leon Holmes to be U.S. District Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims; Raul David Bejarano to be U.S. Marshall for the Southern District of California; and Allen Garber to be U.S. Marshall for the District of Minnesota.

II. Bills: S. 274 Class Action Fairness Act of 2003 and S. 731 Secure Authentication Feature and Enhanced Identification Defense Act of 2003 ("SAFE ID Act").

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., in open session to receive testimony on Navy, Marine Corps, and Air Force aviation and air-launched weapons programs, in review of the Defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Jason Matthews of my staff be allowed on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m., on Monday, April 7, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 78, Cormac Carney, to be U.S. District Judge for the Central District of California; I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 476

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to Calendar No. 22, S. 476, the CARE Act, and it be considered under the following limitation: there be 4 hours of general debate, equally divided in the usual form; provided that the only amendments in order be the following: a managers' amendment, which will be at the desk; a Nickles amendment, conservation; provided further, that there be 30 minutes of debate on the amendments, equally divided in the usual form. I further ask consent that following the disposition of the above amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, as amended, with no intervening action or debate. I finally ask consent that no points of order be waived by virtue of this agreement, and that following passage of the bill, it be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. If the majority leader would respond, we had the opportunity to talk about this particular piece of legislation. Senator SANTORUM has taken out elements of the legislation that do not apply to the tax rules. And we discussed, and I think reached an understanding, that those charitable choice items that would pose significant issues with respect to church and state have been eliminated from the underlying bill.

The bill we will consider is from the Finance Committee with simple tax provisions. And I know that Senator SANTORUM has indicated he would use his efforts, and your efforts presumably, in the conference to prevent the addition of those elements to which we have objected.

And I would assume that despite your best efforts, if such elements were included within the bill when it came back in the form of a conference report, this Senate would not take up such a conference report. Is that a fair understanding?

Mr. FRIST. Mr. President, the Senator from Rhode Island is correct in the nature of the discussion between the Senator from Pennsylvania, myself, and the Senator from Rhode Island.

Mr. REED. Further reserving my right to object, I notice that in the managers' amendment there is language with respect to the Compassionate Capital Fund, which is not a tax-financed provision. It essentially is authorizing a program that was begun in the appropriations bill a few years ago.

Questions have been raised with the use of these funds, et cetera. I wonder, in order to expedite this, if that particular provision of the managers' amendment could be either deleted or it could be placed in a position where a possible amendment could be raised.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, what I would prefer to do is refer that question to the manager of the bill because I am not familiar with that aspect of it. That will be Mr. SANTORUM, the Senator from Pennsylvania.

Mr. REED. Mr. President, again, I am also operating on some knowledge, but not complete knowledge, of why this provision is in the managers' amendment. I am prepared to accept the underlying agreement; I just have this one question which I find, at this point, important with respect to this Compassionate Capital Fund.

But as far as your assertions, which I appreciate, and the underlying legislation, I have no problem with this consent; it is just that one point about the managers' amendment.

I don't know what you would like to do to try to resolve that, though.

Mr. FRIST. Mr. President, I am not in a position now to withdraw that amendment at this juncture. I am simply not familiar enough with it. I understand there was an agreement that it be there as part of it. I think we can continue the discussion on Monday when we are back in. But right now, I am not in a position to withdraw that.

Mr. REID. If the Senator would yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could direct a question to the Senator from Rhode Island: Is this the understanding the Senator had with the Senator from Pennsylvania?

Mr. REED. The understanding I had with the Senator from Pennsylvania, to be fair and accurate, did not reach the contents of the managers' amendment. It was my impression that the managers' amendment would simply be tax amendments with respect to the Internal Revenue Code and the jurisdiction of the Finance Committee.

I am a bit surprised, frankly, coming this evening and seeing something that is not within the traditional scope of the Finance Committee. Perhaps I might be wrong. This is something I didn't expect, but I must be very fair and accurate that this was not an issue we even discussed.

My presumption was that all the amendments would be strictly related to tax provisions and not to this Compassionate Capital Fund. I must say, I understand that the funds have been appropriated under the context of this Compassionate Capital Fund. This is an attempt to provide legislative language. I have not had a chance to look at the language. It is included within a managers' amendment without any opportunity to amend the managers' amendment. I am in an awkward position.

Mr. REID. Mr. President, if I could make a suggestion: If we could modify the leader's request that there be a motion to strike in order if the Senator from Pennsylvania can't work this out with the Senator from Rhode Island, this one provision.

Mr. FRIST. Mr. President, we can check on that. It is my understanding that this has been available to the other side, that this had been agreed to. If not, at this juncture I am just not in a position to agree to a motion to strike.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REED. Mr. President, once again, reserving my right to object, I think both the majority leader and the Senator from Pennsylvania have been operating completely in good faith, have made sincere efforts to respond to our concerns. At this juncture, I would hope we could work out, through an amendment to the consent, a provision at least to give us the opportunity to look at it. I, frankly, having just seen this, this evening, I don't know if this simply codifies what is already operating and is, in a sense, innocuous or something more. It is not my intention to try at this point to upset the agreement because I think it was reached after much effort on both sides. It is a good-faith agreement.

I wonder if there is some way we can maintain the opportunity to look at this, agree to the consent this evening, look at it, and if it is something highly objectionable, at least have the opportunity to strike.

I think the suggestion by the Senator from Nevada is a good one. Frankly, I must say I am not prepared at this moment to offer a conclusion as to whether this should be here or not. I am just surprised that a nontax item is included in the managers' amendment along with others that are relatively noncontroversial.

Mr. REID. I apologize to the leader. If I could make a suggestion, I know how deeply the Senator from Pennsylvania feels about this legislation. I am confident he wouldn't do anything that was untoward purposely. So I hope the Senator from Rhode Island will accept this agreement, and we will work with Senator SANTORUM to see if something can be done. I will personally work with Senator SANTORUM to see if he would allow us a motion to strike, but that is not part of this deal.

Mr. REED. If I may reclaim my time, again, both the leader and the Senator have been extremely cooperative and helpful in trying to reach this point. I understand that once this legislation is passed by the Senate, it will be placed on the desk, and there are procedural opportunities there, I believe, to try to address this at least to somehow get an opportunity to look at this measure. Also with the opportunity to look at this over the course of the next few days, my apprehensions might be misplaced and we can proceed forward. But I think, again, the intention and the understanding we had have been met. I am just surprised about the inclusion of this particular position in something like a technical managers' amendment. Given the commitment the majority leader has made, certainly, about the overall status of this legislation, should it return from the other body, then I would not object to the consent at this time.

Hopefully, over the next few days we will learn a little bit more about this compassionate fund and perhaps even deal with it if it is a problem on Monday.

Mr. FRIST. Mr. President, my response is that we will work in good faith with the Senator from Rhode Island as well as the assistant Democratic leader. I hesitate at this juncture to speak on behalf of the Senator from Pennsylvania. Again, we are committed on both sides to working in good faith. We have been able to do that to date. So I would ask once again for the unanimous consent as propounded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 151 to amend title 18, United States Code, with respect to the sexual exploitation of children.

There being no objection, the Presiding Officer (Mr. TALENT) laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 151) entitled "An Act to amend title 18, United States Code, with respect to the sexual exploitation of children", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. Sensenbrenner, Mr. Coble, Mr. Smith of Texas, Mr. Green of Wisconsin, Ms. Hart, Mr. Conyers, and Mr. Scott.

For consideration of the Senate bill and House amendments, and modifications committed to conference: Mr. Frost.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and the Chair be authorized to appoint conferees, with the ratio of 4 to 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN conferees on the part of the Senate.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. FRIST. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 342) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 116. Miscellaneous requirements relating to assistance.
Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. Demonstration grants for community initiatives.
Sec. 413. Transitional housing assistance.
Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

''(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

''(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

''(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

''(G) for improving the training of supervisory and nonsupervisory child welfare workers;

''(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

''(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

''(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

''(ii) the parents of such infants.'';

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

''(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

''(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

''(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.'';

(6) in paragraph (3) (as so redesignated), by striking ''(such as Parents Anonymous)'';

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking ''(B) KINSHIP CARE.—'' and inserting the following:

''(4) KINSHIP CARE.—''; and

(ii) by striking ''nonprofit''; and

(8) by adding at the end the following:

''(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.''.

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

''(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.''; and

(4) in paragraph (4)(D), by striking ''nonprofit''.

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking ''demonstration'';

(2) in the second sentence, by inserting ''or contract'' after ''or as a separate grant''; and

(3) by adding at the end the following: ''In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.''.

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting '', including ongoing case monitoring,'' after ''case management''; and

(B) by inserting ''and treatment'' after ''and delivery of services'';

(2) in paragraph (4), by striking ''improving'' and all that follows through ''referral systems'' and inserting ''developing, improving, and implementing risk and safety assessment tools and protocols'';

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

''(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;'';

(6) in paragraph (6) (as so redesignated), by striking ''opportunities'' and all that follows through ''system'' and inserting ''including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals'';

(7) by inserting after paragraph (6) (as so redesignated) the following:

''(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;'';

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

''(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

''(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(A) existing social and health services;

''(B) financial assistance; and

''(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

''(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;'';

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

''(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

''(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''provide notice to the Secretary of any substantive changes'' and inserting the following: ''provide notice to the Secretary—

''(i) of any substantive changes'';

(ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.'';

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

''(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

"(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

"(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;";

(iii) in clause (iii) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iii) (as so redesignated), the following:

"(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (vii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (viii)";

(vi) by inserting after clause (vii) (as so redesignated), the following:

"(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xiv) (as so redesignated), by striking "to be effective not later than 2 years after the date of the enactment of this section";

(ix) in clause (xv) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of the enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvi) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xv)"; and

(xi) by adding at the end the following:

"(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

"(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.".

(2) Limitation.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) Citizen Review Panels.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) Public outreach.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) Annual State Data Reports.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.".

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) Sense of Congress.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authorization.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) General authorization.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

(b) Demonstration Projects.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) Study and Report Relating to Citizen Review Panels.—

"(1) Study.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) Report.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) Purpose.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and".

(b) Authority.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that

are accessible, effective, culturally appropriate, and build upon existing strengths that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate)".

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State)";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B)—

(i) by striking "to the network"; and

(ii) by inserting ", and parents with disabilities" before the semicolon;

(C) in subparagraph (C), by striking "to the network"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(C) in subparagraph (C), by striking "and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated"; and

(2) by striking "the lead agency" and inserting "the current lead agency".

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(2) in paragraph (2)—

(A) by striking "network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(B) by striking ", including those funded by programs consolidated under this Act,";

(3) by striking paragraph (3), and inserting the following:

"(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;";

(4) in paragraph (4), by striking "State's network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (5), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(6) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(7) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(8) in paragraph (9), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(9) in paragraph (10), by inserting "(where appropriate)" after "members";

(10) in paragraph (11), by striking "prevention-focused, family resource and support program" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "family resource and support services" and inserting "family support services for the prevention of child abuse and neglect";

(ii) in clause (iii), by striking "and" at the end; and

(iii) by adding at the end the following:

"(v) respite care;

"(vi) home visiting; and

"(vii) family support services;"; and

(B) in subparagraph (B), by inserting "voluntary home visiting and" after "including"; and

(3) by striking paragraph (6) and inserting the following:

"(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.".

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking "a Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect";

(2) by striking paragraph (3), and inserting the following:

"(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);";

(3) in paragraph (4),

(A) by inserting "and parents with disabilities," after "children with disabilities,"; and

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking ", prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is *amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".*

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

(2) by inserting the following after paragraph (2):

"(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect."; and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

"Sec. 105. Grants to States and public or private agencies and organizations.".

(2) By striking the item relating to title II and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes;";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "SEC. 203. (a) The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(3) in subsection (b)—

(A) by inserting "REQUIRED ACTIVITIES.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J; by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families ́for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) SERVICES.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

"(A) APPLICATIONS.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment"; and

(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

"(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"(a) There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

***"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."**; and*

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following;

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting "AUTHORIZATION.—" after "(1)"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this Act:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services.".

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);".

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).".

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and *every two years thereafter," and inserting "Every 2 years,".*

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authorization.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2004 through 2008.".

(b) Grants for State Domestic Violence Coalitions.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) Funding.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.".

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) Duration.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) Extension.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) Authorization of Appropriations.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2004 through 2008".

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) In General.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.".

(b) Regulations.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of the fiscal years 2004 through 2008".

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking "demonstrate the effectiveness of assisting" and inserting "assist".

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and inserting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

(ii) in subparagraph (F), by adding "and" at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking "provide for research, and into" and inserting "provide for research into".

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking "other criminal justice professionals,;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and that the Chair be authorized to appoint conferees, with the ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. Talent) appointed Mr. Gregg, Mr. Alexander, Mr. DeWine, Mr. Kennedy, and Mr. Dodd conferees on the part of the Senate.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following calendar items: No. 26, S. 273; No. 27, S. 302; No. 28; S. 426.

The PRESIDING OFFICER. The clerk will state the bills by title.

A bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

A bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

A bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the technical amendment to Calendar No. 27, S. 203 at the desk be considered and agreed to, the bills, as amended, if amended, be read the third time and passed, and the motions to reconsider be laid upon the table en bloc, that any statements relating thereto be printed at the appropriate place in the Record, and that the consideration appear separately in the Record without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

The Senate proceeded to consider the bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

The amendment (No. 523) was agreed to, as follows:

(Purpose: To correct a map reference in the bill)

On page 3, strike lines 19 through 25 and insert "numbered NPS–80,079D and dated February 2003."

The bill, (S. 302) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) Boundary Adjustment.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) Initial lands.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079D and dated February 2003.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Effective as of October 26, 2002, section 5(g) of Public Law 92–589 (16 U.S.C. 460bb–4(g)) is amended by striking "cease to exist thirty years after the enactment of this Act" and inserting "terminate at the end of the 10–year period beginning on the date of the enactment of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

The bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term "Governor" means the Governor of the State of Wyoming.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly know as the "National Park Service Organic Act"), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2003

The bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) In general.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) Responsibilities of the state.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) Oil, gas, mineral and other outstanding rights.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) Additional conditions of conveyance to state.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) Purchase Option.—

(1) In general.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) Terms.—

(A) In general.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) Value under $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) Option exercise period.—

(A) In general.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) Continuation of leases.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) Valuation.—

(A) In general.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) Fair market value.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) Conveyance to the state.—

(A) In general.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) Wildlife habitat mitigation.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) Use of proceeds.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) Conveyance of Nonpreferential Lease Parcels and Unleased Parcels.—

(1) Conveyance by secretary to state.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) Wildlife habitat mitigation.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) Land exchanges for nonpreferential lease parcels and unleased parcels.—

(A) In general.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) Priority.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) Easement for water conveyance structure.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) Release From Liability.—

(1) In general.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) No additional liability.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) Requirements Concerning Conveyance of Lease Parcels.—

(1) Interim requirements.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) Provision of parcel descriptions.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

Mr. REID. Mr. President, I wish to state how much I appreciate the cooperation of the ranking member and the chairman of the Energy and Natural Resources Committee. It took a few minutes to do this, but it has taken weeks to get to this point. I express my appreciation to all Senators involved. It was very hard to do.

COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, submitted earlier today by Senator DAYTON and Senator COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) commending the University of Minnesota Duluth Bulldogs for winning the 2002–2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAYTON. Mr. President, I am proud to rise today with my colleague from Minnesota, Senator COLEMAN, to pay tribute to the University of Minnesota Duluth Women's Ice Hockey Team, who just won their third consecutive National Collegiate Athletic Association championship. The Bulldogs defeated an outstanding Harvard team, 4 to 3, in the second sudden-death overtime.

I was once a hockey goalie, back in the days when we used dinosaur bones for goalie sticks. So I have experienced firsthand the incredible intensity and pressure of overtime in hockey. It truly is "sudden death." For the Bulldogs to win their third straight national championship under that pressure, in front of their families, friends, and many fans in Duluth, is an extraordinary achievement.

I congratulate all the players on the University of Minnesota Duluth team, their head coach, Shannon Miller, who has spearheaded this incredibly successful hockey program, and UMD Chancellor Kathryn Martin. They have accomplished more than anyone could have imagined just 3 years ago, and they have made all Minnesotans exceptionally proud of them.

Senator COLEMAN, Representative JIM OBERSTAR, and I have written to President Bush and asked him to invite the team to the White House. Two years ago, after the Bulldogs' won their first national championship, I read that the NCAA men's championship team had been invited to the White House. We asked the President then that the UMD women's team be so honored. The President graciously extended that invitation to the Bulldogs team and personally hosted them at the White House.

Last year, we had the additional thrill of attending a White House ceremony honoring both the men's and women's NCAA hockey champions: the University of Minnesota Duluth women's champions and the University of Minnesota men's champions. Since the Gophers men's team is now in the semifinals of their national tournament, I am hopeful that we will experience that same thrill again this year. Regardless of that outcome, the UMD women's team are again the National Champions. A "Threepeat!" Awesome! Congratulations, Bulldogs!

Mr. COLEMAN. Mr. President, I am pleased to join my distinguished colleague from Minnesota in recognizing the University of Minnesota Duluth Women's Ice Hockey Team for winning their third straight national championship.

A Stanley Cup-winning professional hockey player said that "when you start a tournament, you stick with it." History has shown that the Lady Bulldogs maintain this same principle. In 2001 at the inaugural Frozen Four, they took on St. Lawrence University and won 4–2. The following year, they made it through the semifinals again, allowing them the opportunity to face Brown University, who they defeated 3–2 for their second title.

They entered this year's national tournament playing Dartmouth College in the semifinals, a game which was tied in the second period before UMD came back to win it 5–2.

Two days later, in the championship, they met No. 2 seeded Harvard University in what has been referred to by some as the best women's college hockey game ever.

Knowing what makes a good hockey game, I would have to agree. There was a near-capacity crowd; a first period ending score of 2–0, with Duluth in the lead; a solid return by Harvard in the second; and a scoreless first overtime, which resulted in a second where sophomore Nora Tallus scored the winning goal at 4 minutes and 19 seconds.

This goal concluded the 84-minute game, giving the Lady Bulldogs their third and probably most memorable title, as it was won at home in front of a near-capacity crowd at the Duluth Entertainment Convention Center.

I am pleased to stand here today, commending the UMD Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship and recognizing the achievements of all the team's players, coaches, and staff.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, without intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4–3, having defeated Dartmouth College 5–2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002–2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team, and Caroline Ouellette was named the tournament's Most Valuable Player;

Whereas the Bulldogs were the only team in the country to earn a berth to the National Collegiate Women's Ice Hockey Championship Tournament in every year of its existence;

Whereas junior forward Jenny Potter was a top-three finalist for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey, and was named to the Jofa Women's University Division Ice Hockey All-American first team;

Whereas senior forward Maria Rooth, for the fourth time, was a top-ten finalist for the Patty Kazmaier Memorial Award and was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Jenny Hempel, Erika Holst, Joanne Eustace, Hanne Sikio, Navada Russell, Michelle McAteer, Patricia Sautter, and Maria Rooth made lasting contributions to the University of Minnesota Duluth Bulldogs women's ice hockey program;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in 3 consecutive years, has been named a finalist for the 2002–2003 Women's Ice Hockey University Division Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Duluth Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the Untied States Capitol Building to be honored;

(3) requests that the President of Minnesota Duluth Women's Ice Hockey Team, and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to make available enrolled copies of this Resolution to the University of Minnesota Duluth for appropriate display, and to transmit an enrolled copy of this Resolution to every coach and member of the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship Team.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 98, 99, 100, 101, 102, and 104. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Robert Allen Wheey, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m., Monday, April 7. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 5 p.m., with the time until 4 p.m. to be equally divided between Senator HUTCHISON and the minority leader or their designees, and the remaining time until 5 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will return for business on Monday. On Monday there will be a period for morning business to allow Members to continue to make statements in support of our troops. At 5 p.m. under a previous order, the Senate will proceed to a vote on the confirmation of a district court judge.

Next week, as I announced earlier this evening, the Senate will consider nominations, including judicial nominees, the CARE Act, the FISA bill, and, hopefully, under a unanimous consent agreement, the POW resolution, and conference reports as they are available.

Next week is the last week prior to the Easter recess. I expect a busy week as we attempt to finish the mentioned items and any other legislative or executive items that can be cleared.

ADJOURNMENT UNTIL 3 P.M., MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Monday, April 7, 2003, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 2003:

THE JUDICIARY

JOSEPH ROBERT GOEKE, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

ROBERT ALLEN WHERRY, JR., OF COLORADO, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

HARRY A. HAINES, OF MONTANA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DIANE L. KROUPA, OF MINNESOTA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

RAYMOND T. WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, April 3, 2003*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our salvation and our hope, when Jeremiah heard You calling him, he tried to evade a response. Jeremiah did not make excuses as we often do. He simply did not remain focused on You. He looked to himself instead and saw himself inadequate for the task You placed before him. As Your word once shook Jeremiah from his self-centeredness, so now call the Members of Congress to look beyond self-interest and be prophetic leaders of this Nation who will do what needs to be done and say what needs to be said.

Strengthen them by Your commission: "Go to whatever people I send You and say whatever I tell You to say. Fear none of them for I am with You and will keep You safe. This is the very word of the Lord."

May all of us be responsive now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 380. An act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the United States Capitol Preservation Commission, vice the Senator from Utah (Mr. BENNETT).

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators as members of the United States Capitol Preservation Commission:

The Senator from Utah (Mr. BENNETT), vice the Senator from Illinois (Mr. DURBIN).

The Senator from Colorado (Mr. CAMPBELL), vice the Senator from Nevada (Mr. REID).

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Majority Leader, announces the appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Democratic Leader, announces the appointment of Stephen Van Buren, of South Dakota, to the Advisory Committee on the Records of Congress, vice Elizabeth Scott, of South Dakota.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

HONORING VETERANS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in Iraq today heroes are being made and freedoms won. Our soldiers in Iraq are joining a proud group of veterans who have fought to defend freedom and our country in the past.

This morning I would like to share a few words of Father Denis Edward O'Brien, chaplain of the United States Marine Corps, that honor our Nation's veterans. He said, "It is the soldier, not the reporter, who has given us freedom of the press. It is the soldier, not the poet, who has given us freedom of speech. It is the soldier, not the campus organizer, who has given us freedom to demonstrate. It is the soldier who salutes the flag, who serves beneath the flag, and whose coffin is draped by the flag, who allows the protester to burn the flag."

There is a time to fight for freedom. Today our Nation's veterans are defending freedom and this Nation in Iraq. Two little words that would mean a lot to them are "thank you."

THE FEDERAL DEBT AND TAX CUTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today the House of Representatives will vote to borrow $75 billion adding to our $6 trillion mountain of Federal debt. Maybe we would not have to borrow that money if we asked the wealthy people if we could cancel, ask them to contribute a little bit to this crisis, but we will not do that here. What are we going to spend the $75 billion on? $10 billion of foreign aid including $1 billion for Turkey, and remember how helpful they have been, $1 billion for Turkey which their ambassador says is a unilateral act on the part of the United States of America. They have not asked for it and they do not want it, but we are going to give them that billion. We are going to borrow it, and give it to them.

Billions to rebuild Iraq including 6,000 schools. Universal health care is going to be implemented in Iraq. We already have a request for a proposal online from the United States Government to provide that.

What about here at home? What about our schools? What about the 44 million Americans that do not have health care? Not a penny of emergency spending in this bill for them. And then finally we have of course port security, first responders. Where are the funds we need to defend our country and where is the money the airline workers have been waiting for? For 18 months we promised them they would get money next week, 18 months ago.

"PORKER OF THE WEEK" AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Boston's Big Dig and Virginia's Mixing Bowl are characterized by cost overruns and boggled timelines. The Big Dig in Boston has turned into one of our biggest boondoggles. The project which already costs more than twice as much as it did to build the Panama Canal was estimated in 1985 to cost $2.6 billion. Eighteen years later the project still is not completed and the costs are more than

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

$14 billion and are expected to go to $18 billion. So also the cost projections for the Mixing Bowl have tripled with the latest estimate approaching $1 billion. Lax oversight and consistently low estimates of cost and money have also hampered the completion date which was slated for 2007. That slipped.

These projects represent huge investments by State, local, and the Federal governments, and Americans have the right to expect Federal projects to be well managed and completed on time and on budget. Because the Federal Highway Administration has done little to stem the runaway spending on these two projects, it gets my "porker of the week" award.

TRIBUTE TO KAREN L. ROBINSON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor a very good friend of mine and Costa Mesa's mayor, Karen L. Robinson. Mayor Robinson was recently appointed as a judge of the Orange County Superior Court, making her the first black woman appointed to our county bench.

Robinson currently supervises five attorneys as the litigation counsel coordinator for the California State University System, and she also serves as a judge pro tempore, presiding over small-claims cases for the county's municipal and superior courts.

Robinson's appointment as a judge is not the first time that she has made history. In 2000 she was named to the Costa Mesa City Council and in 2002 was named mayor. Both are firsts for an African American in that city in Orange County.

I would like to congratulate Robinson on her outstanding achievements and all of her contributions to our community, and I know that she will have even more successes in her career, and I wish her the best.

CONTRIBUTIONS OF THE NAVAL RESERVE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, seven carriers and air wings are deployed in Operation Iraqi Freedom. I want to focus on a Carrier Reserve Squadron being assigned to Carrier Air Wing Eight aboard the USS *Roosevelt*. The Squadron is Strike Fighter 201, VFA–201, flying the F–18 Hornet. They are part of the 11th Carrier Air Wing, Carrier Air Wing Reserve 20, headquartered in Atlanta.

This is the first naval reserve F–18 squadron ever mobilized aboard a carrier with an active duty wing, and 201's combat record demonstrates the capability of our reserve air crews. Since October VFA–201 mobilized over 100 Reservists transitioning to the F/A–18 Alpha Plus and deployed aboard USS *Theodore Roosevelt* in January.

Every aviator has crews and combat experience of over 1,000 flight hours, many logging more than 2,000 hours in type. Reservists of 201 provide leadership to the wing in strike planning, flight execution, and carrier operations. Their experience in operations around the world and in adversary tactics aid Air Wing readiness. This reserve squadron's boarding rate and landing grades exceeded all other active duty Air Wing Eight squadrons.

Early in the morning of March 23, the "hunters" of VFA–201 made history carrying out our initial strikes and destroyed a communications complex south of Baghdad. The pilots, sailors, and jets are performing magnificently. Morale is high and they are continuing to operate Air Wing Eight in support of Operation Iraqi Freedom. Naval Reserve TACAIR is alive, underbudget, and on target. This success story is what our Naval Air Reserve squadrons bring to the table in time of war: experience, peacetime active duty support, and surge capability. The Reservists are our best and brightest. They form the backbone of a low-cost military insurance policy America needs.

ADDRESSING HOMELAND SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Republican leadership today is bringing up a spending bill primarily to pay for the war, and I certainly understand it and will support it; but they have precluded the Democrats from adding and actually addressing in a better way the issue of homeland security. We know that after 9–11 we have to do a lot more to protect problems at home, whether it be water utilities or railroad opportunities or our ports and cargo coming into ports. And what the Democrats have been saying over and over again is that this bill that comes up today, and basically the Republican leadership in general are not doing enough to look at the problem of homeland security.

We were told that we could not bring up an amendment that would have added money to pay for these various functions here at home. They should have allowed us here to do this. It is not fair to not let the Democrats who are a minority, but not a minority by much, to have the opportunity to debate and bring up a bill that would put more money to address these problems whether it is tunnels, whether it is your local water supply, whether it is helping with grants for local firefighters or police so that they can better respond and understand what to do in case of a biological or chemical attack. This is what my constituents are telling me that they are very concerned about. Of course they are concerned about the war, and we have to finance the war operations against Iraq. But we also have to be concerned about what happens here. I saw what happened in the aftermath of the attack on the World Trade Center. We are not prepared. Let the Democrats bring up that amendment and address the problem of homeland security more effectively.

FISCAL YEAR 2003 SUPPLEMENTAL SPENDING BILL

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I have come before the American people today to express my deep concern over the situation affecting our domestic airlines. Today we will be voting to appropriate a supplemental budget. Within this budget there will be much needed, in fact, critical funding for our troops who are currently engaged in combat with Iraq. This funding bill will also include payments to our domestic airliners to help fund security measures in response to the September 11 attacks.

Mr. Speaker, I support both components of this supplemental spending bill. However, Mr. Speaker, it has become hard to understand that in these times of economic hardship why airline industry executives would take millions of dollars in bonuses while each of the companies is laying off large portions of its workforce while mired in billions of dollars of red ink. The airline industry must exercise fiscal restraint. I would hope that all of these companies would tighten their belts especially if we are going to ask the taxpayers of this country to help carry the burden of their business.

SECURITY FOR OUR PORTS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, today, unfortunately, the Democrats will not be allowed to offer an amendment that would dramatically increase the security of this Nation from terrorist activities, and that is an amendment to provide for the nuclear detection of nuclear devices that might be put into containers in ports overseas. We have 6 million containers a year that come to the United States. The CIA has told us, the intelligence agencies have told us that this is one of the prime ways to deliver nuclear material by a terrorist. The Hart-Rudman Commission that warned us of 9–11 prior to 9–11 has warned us that this is the main way in which a terrorist would have an opportunity to deliver a nuclear device. But what do we do? We wait until the containers get to the port of San Francisco, to the port of Oakland, to the port of New Jersey, to the port of Miami to then check them.

□ 1015

It is too late if they get inside of our ports.

If a nuclear device went off in one of our ports, it would not only devastate hundreds of thousands of lives, it would not only devastate the city, it would devastate the world economy.

The Democratic amendment should have been allowed so we can check these containers before they leave Asia, before they leave Europe, before they leave Africa. That is security for the Nation.

RECOGNIZING TEXAS WOMEN'S UNIVERSITY AND THE TEXAS WOMEN'S HALL OF FAME EXHIBIT IN HUBBARD HALL

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today to recognize Texas Women's University and Chancellor Ann Stuart on the grand opening of the Texas Women's Hall of Fame exhibit in Hubbard Hall in Denton, Texas.

The Texas Governor's Commission for Women created the Texas Women's Hall of Fame in 1984 to honor the State's most outstanding women. The Hall of Fame recognizes Texas women who have obtained significant personal or professional achievements, including former first ladies, teachers, athletes and astronauts.

There have been 114 women inducted into the Hall of Fame and this exhibit will honor these outstanding ladies and their extraordinary accomplishments. Photographs and biographies of the inductees line the walls of Texas Women's Hall of Fame to inspire future generations in this prestigious group.

One of the original inductees is Dr. Mary Evelyn Blagg Huey, my former neighbor and former Texas Women's University president and the second woman to become president of a State university in Texas. This year's inductees were: Ann Williams, Texas Women's University regent and founder of the Dallas Black Dance Theater; Johnnie Marie Benson, a health care advocate; Karen Hughes, advisor to George W. Bush; and Sister Angela Murdaugh.

Please join me in congratulating Dr. Ann Stuart and this year's inductees for their service to the community and to the fine State of Texas.

PROVIDING FOR CONSIDERATION OF H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003.

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 172 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 172

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Last night, the Committee on Rules met and granted an open rule to H.R. 1559, the Emergency Wartime Supplemental Appropriations Act for Fiscal Year 2003.

Mr. Speaker, this is a fair and open rule for a very important bill. It cannot get any better than that.

The rule allows any Member to offer any amendment to the bill as long as their amendment complies with the normal Rules of the House.

I am very pleased the House is trying to move H.R. 1559 quickly, because I know the importance of this bill to the men and women in our military. I also want to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for resisting most efforts to add extraneous provisions.

This bill is too important for our troops for it to get bogged down with nonappropriations issues.

I agree with the President that the United States has been at war since September 11, 2001. After our Nation was attacked, America made a decision: We will not wait for our enemies to strike before we act against them. We are not going to permit terrorists and terrorist states to plot and plan and grow in strength while we do nothing.

This emergency wartime supplemental appropriations provides the tools and the resources for our military to wage an aggressive war against Saddam Hussein while at the same time preparing our homeland.

Over the past 15 days we have seen the brutal and cruel nature of a dying regime. In areas still under its control, the regime continues its rule by terror. Prisoners of war have been brutalized and executed. Iraqis who refuse to fight for the regime are being murdered. Some in the Iraqi military have pretended to surrender and then opened fire on coalition forces that were willing to show them mercy.

We owe a great deal of gratitude and respect to our servicemen and women who are currently in harm's way. My thoughts and prayers are with them and their families during this time of war, and I want to thank them for their courage and bravery on the battlefield.

This war budget will meet America's needs directly arising from Operation Iraqi Freedom and our ongoing war against terror, including $63 billion for military operations. This funding will provide fuel for our ships, for our aircraft and tanks, supplies for our troops in the theater of operations, new high-tech munitions to replace the ones that we have used so far in this war. The supplemental will also provide funds to assist in the reconstruction of Iraq, Mr. Speaker; $5 billion to help our brave coalition partners.

In order to protect the American homeland in this time of high alert, it also includes $4 billion for the Departments of Justice and Homeland Security to address the immediate and emerging threats on American soil.

This legislation accomplishes this goal by providing $2.2 billion for grants to first responders. Within that amount, $1.5 billion is provided for the Office of Domestic Preparedness, their basic grant program to the States, and $700 million is provided to address the security requirements in high-threat, high-density urban areas with critical infrastructure like my city of Charlotte.

H.R. 1559 also allocates these funds for several other high priority activities: $498 million for border and port security, and $85 million for reimbursements to State and local law enforcement officers and National Guardsmen for increasing security measures at airports and other critical transportation sites.

Our Nation must give our military and our law enforcement officers the weapons that they need to meet future threats. If the war against terror means that we must find terror wherever it exists and pull it out by its roots and bring people to justice, then our military and our law enforcement officers must have the means to achieve it.

To that end, I urge my colleagues to support this rule and support the underlying bill. We need to rapidly approve the core funding for the Pentagon so supplies continue to flow to our troops.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just listened to my friend, the gentlewoman from North Carolina (Mrs. MYRICK), and she said oh, well, this is a great open rule.

Let us be very clear about what is happening here. This is not an open rule in the true sense. The Republicans waived all the Rules of the House that they could possibly waive: the Budget Act, every rule that they could waive for their own bill, for the committee bill, and then they refused to waive those same rules for the ranking member, the gentleman from Wisconsin (Mr. OBEY), to bring up an amendment to the committee bill. So this is not an open process, and let us be serious about what is going on here today.

Right now, Mr. Speaker, the brave men and women of the U.S. military are, once again, proving themselves to be the finest fighting force in history. On the ground, in the seas, and in the skies over Iraq, our soldiers, sailors, airmen, and marines are risking their lives to protect America and the world from the threat posed by Saddam Hussein's murderous regime.

Mr. Speaker, our troops have the strong bipartisan support of this Congress and of the American people. We are all deeply proud of the courage, skill, and professionalism they are displaying under very difficult conditions, and we are committed, Republicans as well as Democrats, to ensuring that our troops have all the resources they need to complete their mission as quickly and as safely as possible.

So I am pleased that this emergency spending bill is on the House floor today. The Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY) each deserve credit for a bill that is generally quite strong.

This bill supports our troops in the field, it protects the foreign policy prerogatives of the President, and it respects the Congress's constitutional duty to maintain responsibility for the tax dollars of the American people. Additionally, this emergency supplemental includes desperately needed assistance for the struggling airline industry.

Mr. Speaker, U.S. airlines are critical to the American economy, but they were hurt severely by the September 11 attacks and by subsequent security expenses. I know this firsthand because American Airlines, which employs thousands of hardworking people in my north Texas district, has been struggling mightily, and I want to congratulate the employee unions at American for voluntarily agreeing to benefit reductions to help keep the company out of bankruptcy. But they, like the rest of the airline industry, need additional relief from the government. So I am glad that this bill provides it, and I urge the President to support it.

Mr. Speaker, for all of these reasons, I expect to support this bill.

But make no mistake: This bill as it is currently written still leaves America unnecessarily vulnerable to another terrorist attack. That is because Republicans continue to block critical homeland security resources for key targets like ports and nuclear facilities. Mr. Speaker, I simply cannot understand why Republicans refuse to address so many vital homeland defense needs. After all, there is no disputing the importance of these unmet homeland security requirements.

The Coast Guard reports that it needs $1 billion this year alone to secure America's ports. The U.S. Fire Service found that between one-third and one-half of firefighters lack critical pieces of basic emergency equipment. And each of the armed services has submitted detailed lists of military construction projects required to ensure the security of American troops at bases here in the United States.

But while Republicans ignore these vital homeland security needs, they have proven time and again that they are willing to spend money on their priorities. Unfortunately, those priorities too often turn out to be tax breaks for those who need them the least.

Just last month, House Republicans voted to spend nearly $800 billion on tax breaks, but they refused to spend less than one-half of 1 percent of that amount, $250 million, for a critical program to protect our ports against terrorists.

Mr. Speaker, Democrats have repeatedly tried to force Republicans to address America's homeland defense. In the Committee on Rules last night, the gentleman from Wisconsin (Mr. OBEY) offered an amendment to provide $2.5 billion for homeland security requirements that Republicans have refused to address.

□ 1030

But Republicans on the Committee on Rules blocked the amendment of the gentleman from Wisconsin (Mr. OBEY).

The Republican leadership is tempted, as we have already heard, to tell us that they did not block the amendment of the gentleman from Wisconsin (Mr. OBEY). They may be tempted to say again that this is an open rule, and the problem is that the amendment of the gentleman from Wisconsin violates the House rules.

Mr. Speaker, I hope the Republican leadership does not make that argument again, because that argument is dangerously disingenuous. After all, Republican leaders routinely waive the House rules for their priorities. Just last month, they were willing to waive the Budget Act to provide hundreds of millions of dollars in tax breaks to special interests. In this very rule, the same one that refuses to provide the amendment of the gentleman from Wisconsin (Mr. OBEY) with waivers, Republicans have waived the rules for the underlying bill.

All in all, Mr. Speaker, the Republican leaders have waived the House rules on 14 of 15 rules this year. In other words, Republicans are happy to waive the House rules for special interest tax breaks and other Republican priorities, but Republican priorities do not seem to include additional money for homeland defense.

Mr. Speaker, this is not just unfair and undemocratic, it is an arrogant abuse of power. Most importantly, it is an abuse of power that leaves Americans more vulnerable to terrorist attacks here at home.

For that reason, Members of the House have only one way to pass the amendment of the gentleman from Wisconsin (Mr. OBEY) today: by defeating the previous question on this rule. Let me be clear: by voting "no" on the previous question, Members will simply be voting to allow the House to provide critical homeland security resources. They will not delay or defeat the underlying bill.

We will support the troops, and I am sure that this wartime spending bill will pass with an overwhelming bipartisan majority. But by voting "yes" on the previous question, Members will be voting to block critical homeland security resources. There is no way around that fact, so I urge Members not to do it.

Mr. Speaker, protecting America's homeland should not be a bipartisan issue. I hope my Republican friends will join Democrats in opposing the previous question so we can strengthen our defenses here at home while we provide for our troops in the field.

Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a sad day for me personally. Thirty-four years ago today, I was sworn in as a new Member of this body. I was inspired by the idea that this institution was supposed to represent. This institution is supposed to be the people's House. This institution, more than any other, is supposed to reflect the public will. This institution has been known through the years as the greatest parliamentary body in the world.

Mr. Speaker, I think the rule that is bringing this crucial piece of legislation to the floor today represents a fundamental corruption of the democratic processes of this House and this country. I want to explain why.

Mr. Speaker, this bill is a $70 billion bill to try to pay for the cost of a war which, it is hoped, will bring "democracy" to Iraq. Yet, democracy is being fundamentally denied on this House floor this morning.

Now, we hear all of this meaningless blather about how this is an open rule and we can offer any amendment that is within the rules, but that obscures the truth. The truth is that this bill has been brought to the floor under a rule which allows this bill to avoid the rules of the House, and it does so in three fundamental ways. That enables the majority to bring a bill to the House floor which, among other things, will supplement the process by which our government intends to provide basic health care to 25 million Iraqis; our government plans to provide for the modernization of 6,000 schools in Iraq; and it plans to rebuild 100 hospitals in Iraq.

I begrudge the President none of that in his efforts to win the hearts and minds of that country. However, this rule blocks our effort to provide $2.5 billion in additional homeland security protection by protecting our ports, giving our first responders more assistance, and doing a variety of other things to keep this country safe from terrorist attack.

The way it does that is that it allows the bill itself, brought by the Republican majority, to obliterate the normal rules of the House under which bills are considered; but then it requires us to abide by the very rules that the majority party ignores in constructing its bill.

Members may call that democracy; I call it a sham. I call it a shameful sham. I do not for a moment understand why we are even having this disagreement. On a subject like homeland security there should be no "Ds" behind our name, there should be no "Rs" behind our name; there should only be an "A" after our name. In discussing a bill like this, we should not be Democrats or Republicans, we should be Americans.

I would ask every Member of this House whether or not anything that we are trying to propose in this amendment is not worthy of support. We are being blocked today from funding a new program that would enable us to protect America from nuclear material loaded onto ships and brought into American ports. We are being denied the opportunity to install equipment in nine ports around the world so that for at least 50 percent of the cargo which comes into this country we will know it does not have nuclear material which could cause the explosion of dirty bombs in our ports and harbors. We are being denied the right to try to fix that problem.

We are being denied the right to offer additional funds to protect the security of our own nuclear material here at home. We are being denied funds to upgrade the quality of State labs so they can detect what we are hit with if we are hit by a chemical attack. We are being denied $108 million to protect Federal dams and waterways from terrorist attacks. We are being denied $75 million so that we can conduct vulnerability assessments for chemical plants in this country. We are being denied several hundred million dollars in additional help that we want to provide to our local first responders, our police, and our firemen.

Additionally, we are being denied an effort to provide additional funds so that our Guard and Reserve forces can see to it that in every State in the Union we have backup units to help first responders respond to chemical and biological attacks. We are being denied the ability to put additional port security requirements into effect in Charleston, Philadelphia, Jacksonville, Baltimore, Honolulu, San Francisco, Los Angeles, Corpus Christi, San Juan, and Wilmington in order to protect this country, again, from deadly material that is brought into our harbors. We are being denied many other things.

So in my view, Mr. Speaker, this rule is a disgrace. We intend to vote against the previous question on the rule, and I would urge Members of the leadership of this House to recognize that on this, above all issues, we ought to be dealing with this in a bipartisan give-and-take manner so we can provide far more protection to each and every citizen of this country than we are providing to date.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my friend, the gentlewoman from North Carolina, for yielding time to me.

Mr. Speaker, I rise in support of the rule but in opposition to a legislative process which has allowed a critical wartime supplemental appropriation package to become a vehicle for billions of dollars in nonrelated war spending.

As a veteran of both Vietnam and the Persian Gulf wars, I know all too well how imperative adequate funding is to the success of any modern military campaign. When I hear our President and the Secretary of Defense rally behind a package of funding for military, I do not flinch in offering my sincere and strong support, no matter how great that price may be. Our brave men and women in uniform are making great sacrifices in the deserts of the Middle East every day and they deserve our support and the funding to help them achieve their mission and a victory.

However, when I learn of last-minute deals between Members of Congress and certain special interests which bog down this crucial defense spending package with non-war related gifts at the expense of my constituents' hard-earned tax dollars, I cannot help but question the entire process.

Today the airline industry will get billions more dollars in Federal aid without a full debate on the financial problems still plaguing that critical industry, even after this Congress gave them over $15 billion in aid in 2001.

Now, tourism in Nevada is the number one industry for us, and I work hard every day to see that certain economic reforms are enacted to benefit the hardworking Nevadans who rely on a healthy travel and tourism industry. However, I strongly disagree that an emergency supplemental spending package intended to fund our Nation's Armed Forces and provide necessary humanitarian aid to the Iraqi people suffering under Saddam Hussein's regime of tyranny is the proper vehicle for another Federal funding crutch for the airline industry without a full debate on this issue.

Mr. Speaker, while I will vote "yes" to support the overall bill, I want to register my strong opposition to the process which creates any delay in the expedient delivery of necessary funding to our Nation's brave servicemen and servicewomen fighting for freedom around the world.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas for yielding time to me, and I rise in opposition to this rule.

Mr. Speaker, there is a pattern in this rule. That pattern is to gag approximately 140 million Americans, to not allow their Representatives to offer amendments which the majority has made in order for themselves, but not for the 140 million Americans represented by the minority.

There appears to be no shame in that. It appears to be the arrogant exercise of pure political power. They can laugh if they will; but the American public will, over time, recognize that half of America is being shut out.

The gentleman from Wisconsin (Mr. OBEY) seeks to offer an amendment. That amendment is to invest in homeland security, the safety of our cities, the safety of our ports, the safety of our railroads, the continuing safety of our airlines, and the safety of our neighborhoods.

What this rule says is, we will have points of order. That is esoteric. What does that mean? The American public does not know. Essentially, what it means is we will allow ourselves, we Republicans who are in charge, the ability to offer an amendment like the gentleman from Wisconsin's (Mr. OBEY).

Now, somebody on the Committee on Rules is shaking their heads. It is their bill that I refer to. It is their bill that is not consistent with the rules. In the rule, they say it does not matter for them, they can exercise the power to jam it; but we will not give to Democrats the ability to offer an amendment to adequately fund the security of New York City; of Baltimore, Maryland; of each and every community in our country.

I regret that. It is a bad rule, and I join the gentleman from Wisconsin (Mr. OBEY) in urging Members to vote against the previous question so that we can provide a rule which will allow for fair and full consideration, and let that proposal, if it is deemed by those in the majority not to be consistent with the security of the American public, vote against it; but at least have the courage, have the courage and good sense and consideration for the 140 million people represented by this side of the aisle to allow them to be heard. Allow them to have an amendment to be considered on this floor. That is democracy. That is what the gentleman from Wisconsin (Mr. OBEY) seeks.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say that this bill was reported out of the committee 59 to zero. I also wanted to make the point that between 1999 and 2002, States and localities have been awarded over $492 million in domestic preparedness funding.

□ 1045

And only a third of those funds have been used. And the gentleman mentioned Maryland and New York, and I would just like to say that Maryland was awarded $9.2 million and they still have $9.2 million that has not been spent. New York was awarded $25.7 million and there is still $25.7 million in the pipeline that has not been spent, so there is money there currently.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from Maryland.

Mr. HOYER. I understand the gentlewoman's argument. It may be a good argument. Why does your rule not allow us to debate that on the floor?

Mrs. MYRICK. Mr. Speaker, this is an open rule that allows anybody to offer an amendment that is within the rules of the House.

Mr. HOYER. Mr. Speaker, the gentlewoman's bill is not within the rules. The gentlewoman waived the rules.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have just heard a canard. The charge has been made by the Republicans for the last 3 days that there are $19 billion in unspent homeland security funds. Let me tell you how they get to that ridiculous statement.

They count all of the money that is proposed for that program for the next fiscal year. We have not even passed that bill out of the Congress yet. That is 34 percent of that so-called $19 billion in unspent money. This supplemental contains another 10 percent. You cannot spend money in localities the Congress has not yet appropriated. That accounts for another 10 percent. Then the omnibus appropriations bill that was passed in February of this year, that accounts for the other 30 percent of that so-called $19 billion in unspent money. Only 2 weeks ago, the agency made available to States the ability to apply for that money. The application period has not even been closed. That leaves 26 percent left; and of that 26 percent left, only 4 percent has been unobligated. So let us keep the facts straight.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

The simple fact is the rule waives House rules for the majority's bill, but it does not allow for Democratic amendments, and what we are saying is that is unfair. It is just that simple.

Mr. Speaker, today's debate is as much about context as it is about content. It is as much about politics as it is about patriotism. In September 2002, I introduced a resolution calling on the President to transmit to Congress a comprehensive plan for the long-term cultural, economic, and political stabilization in a free Iraq. Now, 7 months later and only after the war has begun, has the President presented a war supplemental, albeit still missing a long-term plan and definite end to the conflict.

Repeatedly when asked how long it expects United States forces to remain in Iraq, the administration has answered with a glib, "Not one day longer than we have to."

Well, Mr. Speaker, until the President can provide a plan on how this $78 billion, the largest supplemental in the history of our country, will be spent, my answer is "Not one dollar more than I have to."

Now, I want to make it very clear, I along with 435 Members of this House of Representatives that can vote, support fully the troops. I supported them when I voted on March 21 for the resolution honoring them, and I will support them again today when I vote for this supplemental.

I have a new resolution, H. Con. Res. 121, that supports our warfighters, contemplates the casualties, looks towards trying to avoid the circumstances of POWS and MIAs. And all of us support the troops. We are patriotic Americans, Democrat and Republican, liberal and conservative. But patriotism means stand by your country. It does not mean, as Theodore Roosevelt said, that you must stand by your President.

Mr. Speaker, I stand proudly and patriotically for the American values that cause every one of us to support our troops. But let me make it very clear, I do not stand nor am I required to stand by our President and the misguided policies entrenched in this supplemental. Republican fiscal irresponsibility of the last 2 years has sent the United States' economy into a downward spiral of unemployment and homelessness as the number of uneducated and uninsured increase every day.

Today's supplemental, while funding in part the war and homeland security, does nothing to fix the majority of the emergencies facing this Nation.

What pains me, Mr. Speaker, is that I have cities in my district—Belle Glade, South Bay, and Pahokee—where the unemployment rate is 17 percent and the poverty rate is 3 to 4 times greater than anywhere else in South Florida. congress can't find the money for rural development in the Glades, yet we have $2.5 billion to rebuild Iraq and another $5.5 billion in foreign assistance because the President's diplomatic efforts to shore up support for this war failed.

Mr. FROST. Mr. Speaker, I would inquire about the time remaining on each side.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. FROST) has 10½ minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 22½ minutes remaining.

Mr. FROST. Mr. Speaker, does the gentlewoman have any speakers at this time?

Mrs. MYRICK. Mr. Speaker, I do not have any speakers at this time. I have somebody coming.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the issues of war in Iraq and homeland security are among the most important issues that Members of this House will ever have to deal with. They are incredibly important to our constituents and, indeed, have implications worldwide. It is vitally important that every Member of this House, Republican and Democrat, freshman and committee chair, have an opportunity to be heard and have an opportunity to play a constructive and positive role in this process.

It is of great frustration to me, for example, that we have not formally debated the war on Iraq since last October when Congress gave the President the authorization to go to war; this, notwithstanding the fact that American men and women are in harm's way and American citizens are paying for the war. I oppose the war and I still have great reservations about our policy, but the decision has been made and the brave men and women of our armed services are now in the field of battle. They deserve our gratitude, our respect, and our support. And whether you are for or against the war, these issues are too important not to be front and center in almost every discussion that we have in this Chamber.

Today we are debating a supplemental appropriations bill to provide support for our troops, some money for reconstruction in Iraq, money for the airline industry, and some money for homeland security. Now, the majority trumpets that this is an open rule and everybody should be happy; but as you have heard, there is a hitch. Things that are important to the Republicans have received protections from points of order. All the Democratic amendments that were offered in the Committee on Rules last night were denied such protections.

The ranking Democrat on the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), presented a very thoughtful and well-considered amendment to protect ports, provide additional funds to first responders and help our veterans. The priorities he outlined are priorities for all Americans. Yet he was denied the opportunity to offer his amendment in any meaningful way.

Our colleague from Illinois (Mr. EMANUEL) had an amendment to increase funding for American families just as the supplemental bill increases funding for Iraqi families. He was not urging that we not invest in Iraq, only that we also invest in America as well. He argued that while the supplemental with regard to Iraq provides 13 million people access to basic health care services, one hospital in every major city, and maternity care for 100 percent of the population, the supplemental with regard to America provides not one new dollar for 42 million working uninsured.

Mr. Speaker, these are the types of things we should not only be discussing and debating, but voting on. And while the supplemental does include some welcome modest funding for first responders, I am sad to say that under this bill you are better off being a police officer in Bogota, Colombia than in Boylston, Massachusetts. Why? Because this bill gives more aid to Colombia than 49 States of the Union receive for first responders.

In my city of Worcester, Massachusetts, 20 firefighters and 20 police officers are about to be laid off. So we can hold all the press conferences we want about how important homeland security is, and we can pose for all the pictures with our first responders, but it is clear our hometown security is being short-changed.

I would say to the leadership on the other side of the aisle that this process should and can be much better. This bill should and can be much better. Because of your unwillingness to listen and debate and vote, it will not be.

Mr. Speaker, as I said, this rule is deceptive. It does not allow us to vote on important issues of homeland security. So I would urge my colleagues to vote against the previous question in order to allow this House to vote on important and critical homeland security protections for the American people.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me time. I appreciate the time and a chance to speak this morning.

It is now our duty to make sure that we finance the war that presently is waging in Iraq. Many of our young soldiers, men and women, they are facing dangers every day. We have to finance the military operations of these men and these women, but our duty to the soldiers extends beyond the duration of the war in Iraq. Our duty requires us to increase funding to the Veterans Administration for there are veterans in the making right this very moment; and for the current veterans, we have let them down.

It is a terrible statistic to know that nationwide in the year 2002, almost 300,000 veterans were either placed on waiting lists or forced to wait for over 6 months in order to receive an appointment for necessary care. In New York State, 130,000 veterans could be denied the VA benefits or drop out of the system, including 30,000 veterans in western New York which I represent alone.

Now, as we have cut the budget already for the Veterans Administration, as we already have 300,000 veterans a year waiting just to get an appointment, what will happen when the veterans from Iraq come home? What will we say to them? We really appreciate your service. It was wonderful of you to go. I am sorry we have no way to give you medical treatment. Take a number and wait your turn.

We cannot as a Nation forget our obligation to these men and women and our promise always to care for them.

The rule passed by the Committee on Rules prohibits any amendments to increase funding for the Veterans Administration. In addition to that, the war has also greatly increased the threat of terrorism here at home. Our cities and towns must be prepared to act immediately should we have another terrorist threat or act. And our local police officers, firefighters, public health officials, medical professionals, and volunteers will be the first to respond. But we have not included sufficient funding for the local governments, the States, and the first responders.

The war has greatly increased the financial burden on local and State governments during a period of economic troubles when local and State governments are challenged by a budget crisis. It is our solemn duty to provide the financial support that these first responders require if we expect them to protect our constituents back home.

It is shameful that first responders and local governments have to beg for funding. The bill provides some funds for first responders but they need so much more than this bill provides, and the rule bars any amendment to increase the funding to the first responders.

Now, as I said, there is some money there, but not nearly enough to protect the ports that are critical to the United States' economy and to provide the necessary level of security in our borders. We must increase the funding of activities at our northern borders. Our friends in Canada are not the threat, Mr. Speaker.

In summary, let me say that this rule leaves a great deal to be desired and certainly does not do very much for the people fighting this war today.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Every once in a while you have to connect the dots around here or it gets a little confusing. Let us connect the dots right now.

The gentleman from Wisconsin (Mr. OBEY) wants an amendment to add $2.5 billion for homeland security. The other side does not want to let the gentleman from Wisconsin (Mr. OBEY) add $2.5 billion for homeland security.

☐ 1100

Why is that? That is because the deficit goes up by another $2.5 billion, and it becomes harder and harder to justify their tax cut for the rich. This is not very complicated. The dots are connected.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in opposition to this rule. While the Republicans will claim that this war supplemental is being offered on an open rule, meaning anyone may amend or improve the bill, parliamentary trickery proves this not to be the case at all. That is why I recommend a "no" vote on the rule so Democrats have an opportunity to offer an amendment to increase the homeland security portion of this war budget by $2.5 billion.

What are the Republicans afraid of? Voting against our domestic protection forces, our police and firefighters? Or maybe they stand quietly supportive of remarks of a prominent Republican Member of Congress, an appropriator, who said that the FDNY and the NYPD should work overtime for free. The rules of the House do not allow me to name the individual. Obviously he believes the loss of 23 police officers in New York City and 343 members of the FDNY was not sacrifice enough.

Congress needs to support our first line of defense abroad, our military; and we cannot forget our first line of defense at home, our police and firefighters.

Vote down this rule and allow for a vote on a real aid package to defend Americans right here in America.

Mrs. MYRICK. Mr. Speaker, I yield so much time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding time to me.

I cannot help but say to the House that later in the day I expect that I will have a lot of exchange with my very good friend, the gentleman from Wisconsin (Mr. OBEY). I express my appreciation for the magnificent work that he and the gentleman from Florida (Mr. YOUNG) have done together regarding this bill.

It is a war supplemental for the 2003 year. It is a process that will go forward today in a very, very positive way with both sides of the aisle expressing their support for our troops, both sides of the aisle responding I think positively to the need to make sure that funding goes forward effectively.

I cannot help, however, as I sit and listen to this discussion regarding open rules to share with my colleagues a conversation I had a moment ago with my colleague, the chairman, who was not really wringing his hands but he was saying to me, "I cannot help but remember a decade I spent in the minority in the Florida Senate. I cannot help but remember all the time I spent as a Member of the House." Some, not all, of 40 years in this House, but a very big hunk of time, when the other side controlled, the other side of the aisle. And indeed, they are constantly talking about open rules the way they saw them, and beauty does lie in the eyes of the genuflector around this place.

I was reminded a moment ago of the gentlewoman from New York (Ms. SLAUGHTER) in a parade that she participates in regularly, I understand, and as she came down the roadway in that parade that day, one of our fine staffers over here happened to flash up a sign that said "Louise, more open rules, please."

It is fascinating when one majority controls a place for more than 4 decades, and indeed, now comes here to the floor and complains so rather effectively about our learning so much from them, during the years they controlled it with such an iron fist.

Mrs. MYRICK. Mr. Speaker, I yield so much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. My friend from California, the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations, who has overseen most of the very important work that is in this package, has really, I think, put it very well.

I listen to the speeches from the other side of the aisle. This is a bipartisan measure that we are moving forward. We know that it passed by a vote of 59 to zero from the Committee on Appropriations. There is going to be strong support from both Democrats and Republicans in this House for this measure.

I do not know how anyone can describe our stating that this is an open rule as chicanery, but we have to live with the rules of this House. Yes, the Committee on Rules does, in fact, have a job of providing waivers, and we have protected the bipartisan, and I keep hearing it described as the majority bill, the bipartisan 59 to zero package. We have, in fact, provided protection for that measure that has been reported from the Committee on Appropriations.

Democrats and Republicans alike realize that it is very important for us to provide the $74.7 billion to pay for this war and all of the issues that are surrounding that, and I believe that the Committee on Appropriations has done a terrific job on this.

I praise the gentleman from Wisconsin (Mr. OBEY); I, of course, praise the gentleman from Florida (Mr. YOUNG). I followed the markup as it proceeded in the Committee on Appropriations, and when the gentleman from Florida (Mr. YOUNG) began talking about article 1, section 7 of the U.S. Constitution and the fact that we had the responsibility to make sure that the power of the purse lies right here, and he also talked about the issue of accountability, and I heard my friend the gentleman from Wisconsin (Mr. OBEY) in that markup talk about the fact that Democrats and Republicans alike, when they are down at 1600 Pennsylvania Avenue want to do what they can to place more power in article 2, the executive branch, than in article 1, the first branch of government, the legislative branch, and I totally agree with the gentleman from Wisconsin (Mr. OBEY).

We have seen that, and that is why I praise his work and the work of the full committee in ensuring that there will be a greater degree of accountability and that the administration does not get the blank check that some of them may have wanted. That is why I say that this bill, which we are going to proceed with when we pass this rule, is a bipartisan measure. Again, a 59 to zero vote.

Say what you want, I really do not care what it is that they say, this is an open rule. I am going to say it again: this is an open rule. What it means is that members of the majority and members of the minority will have an equal opportunity to offer amendments that comply with the rules of the House.

The only waiver protection that we provided, Mr. Speaker, was protection for the bipartisan 59 to zero, $74.7 billion supplemental appropriation bill that came forward; and after having provided protection for that unanimously passed package, we proceed with an open rule. That is why this is a very fair measure. It addresses so many important issues.

One thing I am particularly pleased to have been able to play a role in, which I worked on right after September 11 as we looked at that supplemental, was to try and ensure that resources get to our first responders.

Mr. Speaker, we know full well that throughout our Nation's history, when we have talked about men and women in uniform and international conflicts, they are men and women who are like those who are over, moving into Baghdad right now, men and women in the military, but the tragic thing that we found following September 11 is that men and women in uniform, who are firefighters and policemen and -women, those people are now on the front line in an international conflict because of the war on terrorism. We need to make sure that we provide resources directly to them, and we know that some States have made an attempt to keep some of those resources, and that is why the language in here, which requires within 45 days that 80 percent of those resources that are to get to the first responders will, in fact, go there; and I am pleased to have played a role in encouraging that, from my State of California, the State of New York, realizing that there are areas that are really of greater threat than others, and there needs to be a particular emphasis on homeland security in those areas that face the greatest risk and the greatest threat, and we need to get those resources to those first responders.

Having said that, Mr. Speaker, one of the things that I believe is important to offer as a caution is the fact that because States and localities are dealing with fiscal crises, just as we are dealing with our fiscal challenges here in Washington, D.C., I find that many States will want to, under the rubric of homeland security, try to address basically every fiscal challenge that they have, and so that is why we again have the responsibility to, as the gentleman from Wisconsin (Mr. OBEY) puts it so well, deal with the question of accountability as those resources do get out to ensure that we do not, under the name of homeland security, have Governors all over this country claiming that they should have a blank check from Washington, D.C.

We have got, I believe, a very good bipartisan package here, Mr. Speaker. We have a challenge that does need to be addressed, and I hope very much we can move ahead. We can pass this open rule, this open rule, Mr. Speaker, and then move ahead with the important debate to which we will see many, many amendments offered that lots of our colleagues will have, and we will have a good exchange.

I do want to mention one issue since I am here before I sit down and that is the question of Turkey, which I know will come up in the debate itself. Like every American, I was very disappointed when we found the challenge of dealing with Turkey when it came to the issue of stationing our 68,000 troops for a movement through the northern part of Iraq. I was saddened when I saw that vote of 261 to 254 in the Turkish parliament that refused to allow us to station our troops there.

I do know this, Mr. Speaker. I had the chance a few months ago, along with the gentleman from Illinois (Mr. HASTERT), to go and travel throughout Turkey. We met with then-Prime Minister Gul and talked with him about the challenge of our prospect of our going to war with Iraq. We met with men and women who are based at Incirlik, our air base in the southern part of Turkey; and, Mr. Speaker, I believe that we have an alliance with Turkey which is very, very important to recognize.

Prime Minister Gul was prime minister at that time. He had not been elected, but he was selected because due to some problems with something that the man who was elected, who is now prime minister, Prime Minister Erdogan, he was unable to be seated at that point. We also know that there was a huge turnover in the parliament; and for that reason, even though we have strong support from Prime Minister Gul, Prime Minister-now Erdogan, we unfortunately did not have the votes in the parliament.

Why did we not have the votes in the parliament? Mr. Speaker, Turkey has suffered greatly going all the way back 12 years to the liberation of the war of Kuwait. They have suffered because of the economic sanctions and the inability to see the movement of goods and services across borders, a downturn there.

We also found that, of course, because of the Kurdish population in the northern part of Iraq and also in Turkey, it has created a huge upheaval. Those domestic challenges led the parliament by that 261 to 254 vote cast to make a decision to not allow us to station our troops there.

Having said that, we know that Secretary of State Powell has been in Turkey over the last couple of days, and he has been in meetings; and we have just gotten word that has not yet been confirmed this morning that some equipment is moving from Turkey into our operation in northern Iraq.

While I was disappointed at the decision that was made by the parliament, I do know that the leadership there, and I have met on several occasions with the Turkish ambassador here in the United States about this issue, and there has been a desire to try and establish a mechanism that would allow us to deal with our needs in Turkey.

I know some are looking at the prospect of offering an amendment that would cut the assistance that is very important to Turkey. I believe that would be wrong, Mr. Speaker. We need to do what we can to help Turkey stabilize itself economically; and we need to realize again that they have been a very, very important ally, strongly supporting the interests of the United States of America around the world.

I would implore my colleagues as we do move ahead to oppose any attempts that would bring about a reduction there.

I will just say again, Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for her stellar leadership on the Committee on Rules, her leadership as chairman of the very important Republican Study Committee, and I will encourage Members to support her in her quest to pass this open rule.

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) has 10 minutes remaining, and the gentleman from Texas (Mr. FROST) has 3 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, one of the sad side effects of this unfair rule is that we will not be able to consider the Obey amendment to provide additional money for homeland security, and specifically, we will not be allowed to consider additional money for the protection of our sea ports of this Nation.

□ 1115

According to the CIA, it is more likely for a terrorist to sneak nuclear material into our ports than for a missile to reach our shores.

According to the prestigious task force headed by Senators Rudman and Hart, port security is a critical mandate which needs adequate funding.

And according to Steve Flynn, a highly respected security expert at the Council on Foreign Relations, an explosion from nuclear material smuggled into any American port would not only inflict devastating casualties, it would bring America to a grinding halt. Our economy would simply shut down.

We cannot check every container that comes to our ports every day, but there is much more that we can do. The Obey amendment would have allowed us to start to put in place security provisions overseas before the containers come to the United States, before they present a risk to our citizens, before they present a risk to our economy, before they present a risk to our national security. But we will not be allowed to consider that amendment because this closed rule would not allow a Democratic debate.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge the Members to oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule. The amendment will allow Members an opportunity to vote on the Obey homeland security amendment. Yesterday, Republicans on the Committee on Rules blocked this amendment.

Mr. Speaker, this amendment provides desperately needed funding for the many overlooked and severely underfunded areas that threaten our national security. The amendment would add $2.5 billion, an increase of about 3 percent to the bill. The money would be used for port security, for Coast Guard activities, for infrastructure security, for water and chemical plant security, and for rail tunnel security. It provides funding for State and local response activities, including civil defense, first responders, firefighters and military Guard and Reserves. It also addresses one of our gravest security risks, nuclear security.

My colleagues may remember that the President not only requested no funds for nuclear security but rejected legislation in August of 2002 that would have provided $260 million for that purpose. It is very disturbing that the Republican leadership of this House would deny Members an opportunity to vote on an amendment to protect this Nation from the risk of terrorism. This should not be a partisan issue, but they have made it that way.

Vote "no" on the previous question so we can have an opportunity to vote on the Obey amendment. A "no" vote will not prevent us from voting on the wartime supplemental, but it will allow us to vote to protect our Nation and our citizens here and abroad. A "yes" vote on the previous question will block critical homeland security resources.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to the unfair rule for the FY–03 Supplemental Appropriations bill because it blocks members on my side from offering the Democratic Homeland Security Amendment to add $2.5 billion in needed, additional investments in homeland security to the supplemental bill.

Mr. Speaker, about half of the funds in the Democratic Homeland Security amendment go to improving first response. This includes $300 million in additional funding for First Responders Grants. These funds would be used to pay for such important needs as training for police officers, firefighters, and emergency medical personnel, as well as purchasing protective gear. The Democratic amendment also includes $197 million to protect military facilities; $241 million for nuclear security; and $722 million for port and infrastructure security.

As a member of the Select Homeland Committee on Homeland Security, I am keenly aware of the deficiencies that exist in funding for First Responders. Indeed, the bipartisan U.S. Conference of Mayors a week ago released a report which showed that cities would have to pay more than $21.4 million per week in additional security costs to close the $2 billion over 6 months during the increased security alert status brought on by the war with Iraq.

In my own area, the Virgin Islands, the local government frankly can't afford to contribute any additional dollars to strengthen our security because local economy continues to spiral downward. Moreover, we have additional needs in port security defense, as well as training and equipment for our police and firefighters.

I urge my colleagues to defeat this unfair rule and give our local communities a chance to receive the first responder funding that they badly need.

Mr. FROST. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and a description of the amendment immediately prior to the vote.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Texas?

There was no objection.

The material previously referred to is as follows:

PREVIOUS QUESTION STATEMENT H.RES. 172—RULE FOR H.R. 1559 FY03 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment specified in section 2 of this resolution, which may be offered only by Representative Obey or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

In chapter 1 of title I, insert at the end the following:

FOOD SAFETY AND INSPECTION SERVICE

For additional amount for "Food Safety and Inspection Service", $13,000,000, to remain available until expended, for activities authorized under section 332 of the Public Health Security and Bioterrorism Preparedness Response Act of 2002 (Pub. L. 107-188).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until expended.

In chapter 3 of title I, under the heading "OPERATION AND MAINTENANCE", in the item replating to "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" insert after the dollar amount the following: "(increased by $160,200,000)".

In chapter 3 of title I, under the heading "OPERATION AND MAINTENANCE", insert at the end the following:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $66,000,000.

In title I, after chapter 3, insert the following new chapter:

CHAPTER 3A

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for "Operations and Maintenance, General" for safeguards and security activities, $108,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" for safeguards and security activities, $24,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" to support additional safeguards and security activities, $7,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" to support additional safeguards and security activities, $68,200,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for various domestic and international nonproliferation activities, $175,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" to support additional safeguards and security activities, $11,300,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" to support increased Office of Intelligence mission requirements resulting from the conflict in Iraq, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING

SEC. 1351. (a) DEFINITION.—As used in this section, "sensitive material" means nuclear weapons or components thereof, nuclear materials, radioactive materials, and related technology and sources that pose a risk of proliferation of weapons of mass destruction.

(b) INTERNATIONAL MATERIALS, PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—The Secretary of Energy may expand the International Materials Protection, Control and Accounting program outside the Russian Federation, and the independent states of the former Soviet Union. The program may include, but is not limited to, assisting countries to—

(1) reduce the risk of theft of sensitive material or of diversion of sensitive material to terrorists or terrorist organizations;

(2) store securely sensitive material;

(3) establish procedures, such as inspections, audits, and systematic background checks, to improve the security of the use, transportation, and storage of sensitive material; and

(4) improve their domestic export control and border security programs for sensitive material.

(c) APPLICABILITY.—This section shall only apply with respect to amounts appropriated by this Act and any previous appropriations Act enacted before the date of enactment of this Act.

In title I, after chapter 4, insert the following new chapter:

Chapter 4A

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $18,000,000, to remain available until expended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until expended, for extraordinary costs to provide for the security of departmental facilities: *Provided*, That the Secretary of the Interior may transfer such funds to other accounts of the Department of the Interior, as the Secretary determines to be appropriate, for use by the agencies or bureaus of the Department to offset such homeland security costs.

In chapter 5 of title I, under the heading "BORDER AND TRANSPORTATION SECURITY", in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", insert after the first and second dollar amounts the following: "(increased by $300,000,000)".

In chapter 5 of title I, under the heading "BORDER AND TRANSPORTATION SECURITY", insert at the end the following:

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants" for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $150,000,000, to remain available until December 31, 2003.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance" for grants for interoperable communications equipment, $350,000,000, to remain available until December 31, 2003.

TRANSPORTATION SECURITY, ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for "Maritime and Land Security", $250,000,000, for making port security grants to be distributed under the same term and conditions as provided for under Public Law 107–117, to remain until December 31, 2003.

In chapter 5 of title I, under the heading "Coast Guard", in the item relating to "OPERATING EXPENSES", insert after the dollar amount the following: "(increased by $100,000,000)".

In chapter 5 of title I, under the heading "COAST GUARD", insert at the end the following:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $90,000,000, to remain available until December 31, 2003.

In chapter 6 of title I, in the item relating to "PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND", insert at the end the following:

For an additional amount for "Public Health and Social Services Emergency Fund", for the Centers for Disease Control and Prevention, to be used to improve Federal, State, and local preparedness against potential chemical terrorism, $75,000,000.

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", in the item relating to "MILITARY CONSTRUCTION, NAVY", insert after the dollar amount the following: "(increased by $92,579,300)".

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", in the item relating to "MILITARY CONSTRUCTION, AIR FORCE", insert after the dollar amount the following: "(increased by $28,160,000)".

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", insert at the end the following:

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $65,340,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", $8,800,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $2,200,000, to remain available until expended.

In the Transportation and Treasury chapter of title I, insert after the chapter heading the following:

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

NATIONAL RAILROAD PASSENGER CORPORATION

For necessary life/safety capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24101(a), $50,000,000, to remain available until expended.

In the VA–HUD chapter of title I, insert after the heading for "DEPARTMENT OF VETERANS AFFAIRS" the following:

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical Care", for enhancement of emergency preparedness, $70,000,000, to remain available until September 30, 2004.

In the VA–HUD chapter of title I, insert at the end the following:

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology," $100,000,000, to remain available until expended, of which $25,000,000 is for water systems vulnerability analysis and $75,000,000 is for chemical plant vulnerability assessments.

HAZARDOUS SUBSTANCES SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Hazardous Substances Superfund", $75,000,000, to remain available until expended, for carrying out homeland security activities authorized by law related to the agency's counter-terrorism programs including radiological, biological, and chemical attacks: *Provided*, That these activities include, but are not limited to, (1) support of State and local responders to plan for emergencies, (2) coordination with federal partners, (3) training of first responders, and (4) providing resources including federal personnel in the event of any attack: *Provided further*, That the Administrator may transfer such portion of these funds as she deems appropriate to other agencies of the Federal government with expertise in radiological, biological, and chemical attack related counter-terrorism programs: *Provided further*, That the Administrator is authorized to make grants to states for radiological, biological, and chemical attack related to counter-terrorism.

Democrats are strongly urged to vote "no" on the Previous Question on the Rule to allow the consideration of the Obey Amendment that would increase funding by $2.5 billion to Homeland Security programs.

These increases would include: $197 million to protect military facilities; $241 million for nuclear security (nuclear cargo detection, nuclear detection equipment, securing nuclear materials abroad and in the U.S.); $722 million for port and infrastructure security (Coast Guard personnel, port security grants, dams and bridge security, water and chemical plant security, rail tunnel security); and $1.2 billion for state and local first responders (state and local civil defense teams, first responder equipment, firefighter grants, state and local bio-chemical response, military guard and reserves).

Office of the Democratic Whip—STENY H. HOYER

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 103]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson

Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Ballance
Combest
Gephardt
Jones (NC)
McCarthy (MO)
McInnis
McIntyre
Oberstar
Paul
Rangel
Sweeney
Walden (OR)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). The Chair reminds Members that there are 2 minutes remaining to vote.

☐ 1137

Mr. ALEXANDER changed his vote from "yea" to "nay."

Mr. WALSH changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1559, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. Pursuant to House Resolution 172 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1559.

The Chair designates the gentleman from Texas (Mr. THORNBERRY) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. FOSSELLA) to assume the chair temporarily.

☐ 1140

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, with Mr. FOSSELLA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today H.R. 1559 is before the Committee of the Whole House on the State of the Union to pay for the war in Iraq, the liberation of the people of Iraq, the destruction of a regime that threatens its own people, that persecutes its own people, that threatens its neighbors with weapons of mass destruction, that is a vicious, violent regime. We are at war today, and I want to say that American people can be, and I am sure they are, tremendously proud of the members of our Armed Forces.

☐ 1145

I was paying tribute to the men and women who serve in our Armed Forces for their tremendous dedication and their courage and their commitment and their valor and the tremendous way in which they are carrying out their mission. All Americans are proud of what these young Americans are doing.

The Committee on Appropriations reported the bill with a recorded vote and every Member in the Committee voted yes: number one, to bring the bill to the floor; number two, to show our complete support of our American Armed Forces. And I am very proud of that. I want to thank the gentleman from Wisconsin (Mr. OBEY), and I wanted to thank the members of both parties, on both sides of the political aisle on the Committee on Appropriations who worked together to produce this product that is very similar, Mr. Chairman, to what the President of the United States, the Commander in Chief, asked us to do. The major part of the appropriations provided in this bill are for the Department of Defense, and the military services, to pay for much of the activities that have already taken place and to provide additional funding to complete this effort to rid the world of a regime as the one we have seen for the last 20 years headed by Saddam Hussein.

Mr. Chairman, I am going to reserve the balance of my time at this point because I want the subcommittee chairmen who worked so hard to bring this package together to use a considerable amount of the time to explain the part of the bill on which they worked.

Mr. Chairman, I include for the RECORD the following tabular and extraneous material:

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2003 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Public Law 480 Title II Grants	---	250,000	+250,000
Bill Emerson Humanitarian Trust	---	69,000	+69,000
Total, Chapter 1	---	319,000	+319,000
Appropriations	---	(319,000)	(+319,000)
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration			
Salaries and expenses	---	5,000	+5,000
Counterterrorism fund	500,000	50,000	-450,000
Detention trustee	---	15,000	+15,000
Office of Inspector General	---	2,500	+2,500
Subtotal, General administration	500,000	72,500	-427,500
Legal Activities			
United States Marshals Service:			
Salaries and expenses	---	26,080	+26,080
Federal Bureau of Investigation			
Salaries and expenses	---	398,862	+398,862
Total, Department of Justice	500,000	497,442	-2,558
THE JUDICIARY			
Supreme Court of the United States			
Salaries and expenses	---	1,535	+1,535
United States Court of Appeals for the Federal Circuit			
Salaries and expenses	---	973	+973
United States Court of International Trade			
Salaries and expenses	---	50	+50
Total, The Judiciary	---	2,558	+2,558
DEPARTMENT OF STATE AND RELATED AGENCY			
Administration of Foreign Affairs			
Diplomatic and consular programs	101,420	106,420	+5,000
Embassy security, construction, and maintenance	20,000	71,500	+51,500
Emergencies in the diplomatic and consular service	65,708	65,708	---
Subtotal, Administration of Foreign Affairs	187,128	243,628	+56,500
RELATED AGENCY			
Broadcasting Board of Governors			
International Broadcasting Operations	30,500	30,500	---
Total, Department of State	217,628	274,128	+56,500
Total, Chapter 2	717,628	774,128	+56,500
Appropriations	(717,628)	(774,128)	(+56,500)

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2003 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Operation and Maintenance			
Operation and Maintenance, Defense-Wide	1,400,000	1,400,000	---
Defense emergency response fund	59,863,200	---	-59,863,200
Operation Iraqi Freedom Response Fund	---	59,682,500	+59,682,500
Military Personnel:			
Military personnel, Army	---	(6,974,500)	(+6,974,500)
Military personnel, Navy	---	(1,984,300)	(+1,984,300)
Military personnel, Marine Corps	---	(1,204,900)	(+1,204,900)
Military personnel, Air Force	---	(1,834,800)	(+1,834,800)
Reserve personnel, Army	---	(3,000)	(+3,000)
National Guard personnel, Army	---	(93,000)	(+93,000)
Subtotal		12,094,500	+12,094,500
Operation and Maintenance:			
Operation and maintenance, Army	---	(10,481,500)	(+10,481,500)
Operation and maintenance, Navy	---	(3,940,300)	(+3,940,300)
Operation and maintenance, Marine Corps	---	(1,383,700)	(+1,383,700)
Operation and maintenance, Air Force	---	(3,668,200)	(+3,668,200)
Operation and maintenance, Defense-wide	---	(901,900)	(+901,900)
Operation and maintenance, Army National Guard	---	(58,400)	(+58,400)
Defense Health Program	---	(301,700)	(+301,700)
Subtotal	---	20,735,700	+20,735,700
Procurement:			
Aircraft procurement, Army	---	(4,100)	(+4,100)
Missile procurement, Army	---	(3,100)	(+3,100)
Procurement of weapons and tracked combat vehicles, Army	---	(53,300)	(+53,300)
Procurement of ammunition, Army	---	(447,500)	(+447,500)
Other procurement, Army	---	(241,800)	(+241,800)
Other procurement, Air Force	---	(113,600)	(+113,600)
Procurement, Defense-wide	---	(451,000)	(+451,000)
Subtotal	---	1,314,400	+1,314,400
Research, Development, Test, and Evaluation:			
RDT&E, Army	---	(11,500)	(+11,500)
RDT&E, Defense-wide	---	(90,000)	(+90,000)
Subtotal	---	101,500	+101,500
Combat, Stability Operations, and Force Reconstitution Costs	---	(25,436,400)	(+25,436,400)
Total, Operation Iraqi Freedom Response Fund	---	(59,682,500)	(+59,682,500)
Natural Resources Risk Remediation Fund	489,300	---	-489,300
Revolving and Management Funds			
Defense Working Capital Funds	430,000	1,100,000	+670,000
Other Department of Defense Programs			
Drug Interdiction and Counter-Drug Activities, Defense	34,000	34,000	---
Chapter 3 General Provisions			
Additional transfer authority (Public Law 107-248, Sec. 8005) (Sec. 1306)	(7,000,000)	(-500,000)	(-7,500,000)
Afghanistan Freedom Support (Sec. 1307)	165,000	165,000	---
Defense Cooperation Account (Sec. 1310)	28,000	28,000	---
Total, Chapter 3	62,409,500	62,409,500	---
Appropriations	(62,409,500)	(62,409,500)	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2003 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 4			
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
United States Agency for International Development			
Child survival and health programs fund	40,000	40,000	---
International disaster assistance	80,000	160,000	+80,000
Operating expenses of the U.S. Agency for International Development	22,000	23,000	+1,000
(Transfer to U.S. AID Office of Inspector General)	(-2,000)	(-2,000)	---
Operating expenses of U.S. Agency for International Development Office of Inspector General (By transfer)	(2,000)	(2,000)	---
Other Bilateral Economic Assistance			
Economic Support Fund:			
Economic support fund	2,442,000	2,342,000	-100,000
Loan Guarantees to Egypt: (Limitation on guaranteed loans)	(2,000,000)	(2,000,000)	---
Loan Guarantees to Turkey: (Limitation on guaranteed loans)	(8,500,000)	(8,500,000)	---
U.S. Emergency Fund for Complex Foreign Crises	150,000	---	-150,000
Iraq Relief and Reconstruction Fund	2,443,300	2,483,300	+40,000
(Transfer authority)	(200,000)	(200,000)	---
Loan Guarantees to Israel: (Limitation on guaranteed loans)	(9,000,000)	(9,000,000)	---
INDEPENDENT AGENCIES			
Department of State			
International narcotics control and law enforcement	25,000	25,000	---
Andean Counterdrug Initiative	34,000	34,000	---
United States Emergency Refugee and Migration Assistance Fund	50,000	80,000	+30,000
Nonproliferation, anti-terrorism, demining and related programs	28,000	28,000	---
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program	2,059,100	2,059,100	---
Peacekeeping operations	200,000	115,000	-85,000
Total, Chapter 4	7,573,400	7,389,400	-184,000
Appropriations	(7,573,400)	(7,389,400)	(-184,000)
(Transfer authority)	(200,000)	(200,000)	---
(Transfer out)	(-2,000)	(-2,000)	---
(By transfer)	(2,000)	(2,000)	---
(Limitation on guarantee loans)	(19,500,000)	(19,500,000)	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2003 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 5			
DEPARTMENT OF HOMELAND SECURITY			
Departmental Management			
Counterterrorism fund	1,500,000	---	-1,500,000
Citizenship and Immigration Services			
Operating expenses	---	1,000	+1,000
United States Secret Service			
Operating expenses	---	30,000	+30,000
Border and Transportation Security			
Customs and border protection	---	428,000	+428,000
Immigration and customs enforcement	---	185,000	+185,000
Transportation Security Administration	---	390,000	+390,000
Grants to air carriers	---	3,178,300	+3,178,300
Federal Law Enforcement Training Center:			
Operating expenses	---	2,000	+2,000
Office for Domestic Preparedness	2,000,000	2,200,000	+200,000
United States Coast Guard			
Operating expenses	---	230,000	+230,000
Emergency Preparedness and Response			
Operating expenses	---	45,000	+45,000
Information Analysis and Infrastructure Protection			
Operating expenses	---	10,000	+10,000
Total, Chapter 5	3,500,000	6,699,300	+3,199,300
Appropriations	(3,500,000)	(6,699,300)	(+3,199,300)
CHAPTER 6			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Centers for Disease Control and Prevention			
Disease control, research, and training	---	16,000	+16,000
Office of the Secretary			
Public Health and Social Services Emergency Fund	---	144,000	+144,000
Total, Chapter 6	---	160,000	+160,000
Appropriations	---	(160,000)	(+160,000)

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2003 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 7			
LEGISLATIVE BRANCH			
House of Representatives			
Committee Employees			
Standing Committees, Special and Select	---	11,000	+11,000
Joint Items			
Legislative Branch Emergency Response Fund	125,000	---	-125,000
Capitol Police			
General expenses	---	37,758	+37,758
Office of Compliance			
Salaries and expenses	---	111	+111
Architect of the Capitol			
Capitol Police Buildings and Grounds			
Capitol police buildings and grounds	---	63,868	+63,868
Library of Congress			
Salaries and expenses	---	5,500	+5,500
Congressional Research Service, salaries and expenses	---	1,863	+1,863
Subtotal, Library of Congress	---	7,363	+7,363
General Accounting Office			
Salaries and expenses	---	4,900	+4,900
Total, Chapter 7	125,000	125,000	---
Appropriations	(125,000)	(125,000)	---
CHAPTER 8			
DEPARTMENT OF DEFENSE			
Military construction, Navy	48,100	48,100	---
Military construction, Air Force	129,400	5,100	-124,300
Family housing, Air Force:			
Operation and maintenance	---	1,800	+1,800
Total, Chapter 8	177,500	55,000	-122,500
Appropriations	(177,500)	(55,000)	(-122,500)
CHAPTER 9			
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
Unanticipated needs:			
Emergency Response Fund	250,000	---	-250,000
Total, Chapter 9	250,000	---	-250,000
Appropriations	(250,000)	---	(-250,000)
Grand total:			
New budget (obligational) authority	74,753,028	77,931,328	+3,178,300
Appropriations	(74,753,028)	(77,931,328)	(+3,178,300)
(Transfer authority)	(200,000)	(200,000)	---
(Transfer out)	(-2,000)	(-2,000)	---
(By transfer)	(2,000)	(2,000)	---
(Limitation on guarantee loans)	(19,500,000)	(19,500,000)	---

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, we have by the previous vote unfortunately short-circuited the democratic process in this House, and we have prevented us from having any really meaningful debate on this resolution today. Under the rule, we are going to be free to talk about providing additional money for homeland security. We just are not going to be able to put any amendments before the House that in any substantial way enhance homeland security, and I find that unfortunate.

I think that there is much in this bill that is good, and I wanted to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the committee, because he has done his constitutional duty and he has seen to it that the 200-year-long responsibility of the Congress to keep a tight leash on the public purse has been maintained, and I congratulate him for it. I know that there are a lot of people in this town who do not like that, but that was his responsibility. That was his committee's responsibility, and we lived up to it; and I think the House can be proud of that.

I also think, frankly, that there are a couple of other occasions when Members of Congress wanted to unfairly intervene in executive prerogatives in this bill, and the committee correctly resisted those as well. So on that score I have no problem whatsoever with this bill.

My problem is that I think it is a missed opportunity to provide additional protection for people at home. We are engaged in a war in Iraq. The idea of that war is to make the world safer for the United States and other democracies. And it would seem to me that if we are going to engage in a war against Iraq, we ought to be battening down the hatches to the fullest extent possible here at home to protect against terrorist attacks; but we have been denied the opportunity to offer our amendment to do so. And I want to walk through with the House what it is that they have rejected because I am going to try to offer it again anyway at a later point in the process.

Perhaps the greatest challenge we face in dealing with terrorism is to monitor the more than 20,000 shipping containers that enter the United States each day. In our amendment, which we will seek to offer even though the rules sought to deny us, we tried to put $135 million in this bill so that we can institute at nine major ports around the world a system which we have now in the port of Rotterdam, which would enable us to install equipment so that we know that none of the containers in the 10 major ports in the world contain radioactive material which could be used to set off a dirty bomb within the United States. We think the House ought to support that.

We also want to put $87 million in this bill to strengthen our ability to deal with nuclear material which is stored right here in the United States. We want to provide $150 million to strengthen the capacity of State laboratories and EPA laboratories to deal with the aftermath of a chemical attack. We are better equipped to deal with a biological attack in the country at this point than we are to deal with a chemical attack.

We wanted to put sufficient funds into this bill so that we can take the vulnerability assessment that was done on Federal dams and waterways throughout the country and in fact act on that assessment and actually provide for the security upgrades that we need for those facilities. We need $108 million to do that.

Only weeks ago, the General Accounting Office completed a report indicating that there is a serious threat posed by the possibility of terrorists targeting U.S. chemical plants. We wanted to provide $75 million to initiate an assessment of that threat as recommended by the GAO. We have been denied the opportunity to do that. We also want to see to it that there is better coordination between the FDA and the USDA in determining what kinds of inspections have taken place and what inspections have not taken place with respect to a number of shipments of agricultural products and medical products that come into this country.

The Hart-Rudman report recommended the Federal Government provide funding to first responders to immediately clear the backlog of requests for protective gear for our local first responders. This legislation does not begin to lay a glove on the size of that problem.

We also have a problem in that the equipment used by our firemen and our policemen and our rescue workers at the local level are not interoperable, and so those groups cannot talk to each other.

Twenty years ago in this town when we had the Air Florida accident, we had rescue workers from Virginia, from Maryland, from the District of Columbia. They could not talk to each other on their emergency equipment because they were all on different wavelengths. That was 20 years ago. When we had that same problem at the Pentagon just about a year ago, we still had not improved the situation. No real progress in 20 years. It is about time we fix it. We want to in our amendment. We have been denied the opportunity.

We also wanted to provide $300 million in additional funding to the Office of Domestic Preparedness, which has been denied. We also wanted to provide sufficient funds to guarantee that every State in the Union has at least one National Guard Civil Support Team to back up first responders in case of terrorist attack emergencies. We have been denied the opportunity to do that. We wanted to provide $90 million to expand port and waterway safety systems. Right now the port of Norfolk has a sophisticated system and the port of San Diego is going to get that system later in the year; but we still have ports like Boston, Charleston, Philadelphia, Jacksonville, Baltimore, Honolulu, San Francisco, Los Angeles, Corpus Christie, San Juan, and Washington, D.C. where we need that equipment, but do not have it.

The Coast Guard indicates that in addition to all of that we have at least $900 million in needs that we ought to be helping local port authorities with and over the next 10 years those needs are estimated to be about $4.4 billion. We wanted to add $250 million to the 440 already in this bill to deal with that problem, and we have been denied that opportunity.

And we also take note of the fact that the Pentagon has identified more than $1 billion of unfunded security needs at military bases here at home, such as providing additional protection for family housing by building perimeter fencing. Our amendment wanted to put at least $200 million in here for that purpose. We have been denied the right to do so.

We wanted to increase the intelligence budget for the Department of Energy so that they can have a better surveillance operation with respect to countries like Iran and North Korea. We have been denied that opportunity. And we wanted to do a number of other things which I do not have time to discuss.

Let me simply say, despite the fact that the rule has denied us the opportunity to offer the amendment, I am going to attempt to offer that amendment anyway when we get to the 5-minute rule because I believe that this is so important for the security of this country. There is no reason for us to have a dispute on this issue. There is no reason to have a difference between Republicans and Democrats on a national security issue of this magnitude. I cannot believe that we do not have bipartisan support for this added money.

We found enough room to give $3 billion and more to the airlines, but not enough to provide $2.5 billion for homeland security. We find enough room in this bill to provide $7 billion in foreign aid to other countries including some bribe money to countries that voted with us in the United Nations who are adding virtually nothing to our security effort; and yet we are being denied the opportunity to provide $1 billion on the homeland security front. For that matter we know that our government policy is, and this is in writing, to provide health care, basic universal health care was the term, for 25 million people in Iraq.

We know that our government intends to repair 6,000 schools and 100 hospitals in Iraq. It would be nice if we could do the same thing here at home. We are not, obviously, being allowed to do that because of the majority party's lust for passing every tax cut known to man, but that is a debate for another day.

Today, as far as I am concerned, the critical hole in this bill is lack of sufficient funds for homeland security. We are going to try to do everything we can to fix that problem despite the lack of cooperation from the majority leadership. But I do want to, at the same time, thank the chairman of the committee for his personal cooperation in trying to make sure that this House at least met its constitutional responsibilities with respect to the power of the purse, and I congratulate him for that action.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

I do so to again thank the gentleman from Wisconsin (Mr. OBEY) for the cooperation that we enjoyed as we prepared this bill. And this is a clean bill, by the way. And I compliment the members of the House. A lot of Members came to us and asked for consideration to do something that they felt was important to do in this supplemental, and we explained that it was a war supplemental and explained why we were not going to be able to accept Member projects. There are no Member projects in this bill. This is a clean bill. It tracks what the President asked for, and I think the House can be very proud of that.

There are several major parts of the bill: the national defense part dealing with the war, the very important part of the bill dealing with homeland security, and another part of the bill that deals with support for our coalition partners. So we are going to explain those sections of the bill separately.

The largest part of the bill goes to the war, of course, and for national defense and for our troops to provide what they need to carry out their important mission.

Mr. Chairman, to present that part of the bill, I yield 5 minutes to the gentleman from California (Mr. LEWIS), the very distinguished chairman of the Committee on Appropriations' Subcommittee on Defense, who does a tremendous job in presenting and providing information that we need to put these bills together.

Mr. LEWIS of California. Mr. Chairman, I would like to begin my remarks by first expressing the deepest appreciation we have for the work that has been done between the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), seeing that this bill that really is a work in response to the needs of our military forces who are fighting for freedom overseas. The way in which the House is responding today is a reflection of the best work of the House, perhaps demonstrated best in recent days by our all coming together to celebrate the freedom now that is being experienced by Jessica Lynch, the prisoner of war, this young American, who our forces made every effort to identify by way of location and made sure that she once again has the opportunity to breathe free.

□ 1200

This bill would not be in the condition it is in if it were not for the magnificent work of staff on both sides of the aisle. The growing relationship between David Morrison and Kevin Roper, working with the Committee's staff, is somewhat magnificent to see, even though it is not a surprise to most who have observed often our committee work.

In turn, however, there are others who deserve credit today, such as our personal staff, and all those people who spend endless hours to make sure that we get this work done in a timely fashion.

The bill before us has some $74.5 billion in supplemental funding that is designed in large form to make sure we can carry forward the war in a timely fashion and make sure that our forces do not run out of funding at this critical moment in our history. Of that $74.5 billion, approximately $62.5 goes to national defense matters. Within that package of funding, there is approximately one-half of it, a little over $30 billion, which really goes to money that has already been obligated and essentially spent; that is, the money that was required to deploy the forces, to mobilize the National Guard and Reserve, to train and equip for battle those men and women who are the backbone of our successful effort in Iraq. From there, there is little doubt that in the months ahead we will be called upon time and time again to make sure that the pipeline does not run dry, and that is the work of our committee. Working very closely with Members on both sides of the aisle, it has been my experience that this House is most responsive when our forces need them most.

So having said that, Mr. Chairman, the defense portion of this bill, which does spend as much money as I indicated, is going to be the least controversial of this bill. We will probably spend much of the day talking about other relatively smaller elements that are before us today. That piece of the bill that involves homeland defense will lead to a lot of discussion. And I would say to my colleagues on the other side of the aisle that the challenges that we face as they relate to homeland defense are challenges that really have come to our attention because of 9/11. They are primary in our mind.

But I would remind us also that this is not the last bill of the year. We are going to have more than one opportunity in the appropriations process to be responsive to the needs of protecting our homeland, and the committee will come together again when those items are before us, and I am sure respond in a bipartisan way.

There will be a good deal of discussion today regarding those elements that relate to Turkey's role in the struggle that is ahead of us; and the issues that flow around the foreign operations portion of the bill are difficult issues, but, indeed, those too can be handled through regular order.

In the months and the years ahead, we will be making decisions regarding the way we relate to those allies who are not nearly as responsive as we might have expected as we went about attempting to lay the foundation for freedom for the people of Iraq.

I am most pleased with the fact that this body today will give dramatic illustration that we can come together in time of need, in a nonpartisan way, on behalf of the men and women who are fighting for freedom in Iraq. In the final analysis, our purpose is to make certain that the children of Iraq have the same chance for opportunity and freedom that so many of us experience in this country because, by the grace of God, we happen to have been born here.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the bill.

Mr. Chairman, I rise in support of this bill.

I would like to take a moment to address two different sections of the Supplemental—foreign assistance and support for first responders.

The Foreign Operations section provides $7.3 billion of the $7.5 billion requested. I think it is generally a good product, and I appreciate Chairman KOLBE's willingness to work with me on it.

As many of my colleagues know, I consider foreign aid to be an indispensable arm of our national security strategy. No place is this role more evident than in today's bill, which will help strengthen many of our allies in the coalition of the willing. I particularly support the funding for Israel, a key ally in the war on terrorism and a force for stability in the Middle East, as well as the assistance for Jordan, a country which has supported our cause at great risk to its own stability.

I am also pleased that this bill takes important steps to secure the role of the Department of State and the U.S. Agency for International Development in guiding spending for post-war relief and reconstruction. It has been clear to us for quite some time that the Department of Defense would like to take over the management of these funds. While the President requested that all Iraq relief and reconstruction dollars be provided in a form that would have allowed him to transfer them to any government agency with no Congressional input, this bill wisely allows the flexibility to use them only at USAID, the Department of State, the Department of the Treasury, and HHS—the four main agency implementers of our foreign assistance programs. The bill also makes clear the policy decisions regarding post-war relief and reconstruction should be made at the State Department—not anywhere else. Both of these provisions provide important precedents for similar situations that may arise in the future.

I do have a few concerns about the Foreign Operations section of the bill—primarily that funding is provided for Colombia and the Philippines, despite the fact that they have no direct or indirect role in the conflict in Iraq. Congress has been admonished by the administration not to attach extraneous provisions to this bill, and I think these are two that could be better dealt with in the regular Fiscal Year 2004 process.

I strongly support the $700 million set-aside in the High-Risk Urban Areas category in the Office of Domestic Preparedness, an area of critical need. The administration requested $50 million for this purpose, an in the committee's mark on Tuesday the funding was raised to $700 million. This is excellent progress, but I still believe we must do more.

We have a responsibility to protect every American, wherever they live and wherever they serve this Nation around the globe.

But we know, based on experience and intelligence, that there are areas of higher risk than others in America. And it isn't always the most obvious places, like New York City, or Washington, DC, and the Pentagon.

It could be Orlando, where Disney World draws millions of visitors, or Fort Knox in Kentucky. It could be an attraction that symbolizes American culture like the Rock and Roll Hall of fame in Ohio, or a military installation like Quantico in Virginia.

Each of these places has political and cultural significance to our people and the world. We've seen that Al Qaeda has a diabolical sense of where to hit us—not only to take innocent life and destroy structures, but also to shake our confidence and our sense of America as a safe place.

For those reasons, there's an urgent need to provide funding for high-level risk areas, especially in urban centers. The administration, in its request, provided $50 million in funding for these needs. But $50 million isn't adequate. New York City spends that in 10 weeks alone—$5 million a week. The State of New York spends $7 million a week, mostly in New York City.

This funding is for needs nationally, and that's very important, but I want to mention just a few things that New York needs to do in order to protect the 11 million people who work in the city every day:

The city now has its own Counterterrorism Bureau in the police department that costs $200 million to run. Its one thousand officers are deployed in New York and around the world.

It's designing a communications system that will work from high-rise buildings to subways, that isn't reliant on a private carrier and has built-in redundancy so a failure at one point won't bring the whole communications systems to a halt. That will cost $120 million.

It needs $25 million to add HazMat units because the city isn't adequately prepared for a major chemical and/or biological incident.

It needs bigger and faster fireboats to help put out fires. For all of New York City's 575 miles of shoreline, there are 3 small fireboats. If, God forbid, there's an attack on a cruise ship, ferry, bridge or port, a large fireboat would be needed for rescue and fire control. A boat with large capacity is $15 million.

It also has immense training needs—among the 343 firefighters killed on September 11th were many of the department's most highly trained officers, who had accrued 4,400 years of collective experience and training. To recruit and train new firefighters will cost about $40 million.

And that's just New York—unfortunately, cities nationwide are forced to carry out similar costly measures to ensure their security. The U.S. Conference of Mayors estimates that cities are spending about $70 million a week, on top of their law enforcement budget, to deal with the increased threat level and security costs due to the war.

I want to thank the Chairman and Ranking Member for working hard to address these important needs, and to fund the High Risk Urban Areas category at $700 million.

We still need to do more. As a fire commissioner in my district said, referring to the color code alert system, "we cannot go to color orange without seeing some color green."

I hope we can work together through conference with the Senate, to help all our local areas—urban and rural—become as prepared as possible for any terrorist attack.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of this legislation. We all recognize the need to provide this emergency funding. It is the right thing to do for our troops, particularly those who are now in harm's way. No Member of Congress would send America's sons and daughters to war without providing for them the adequate resources, and we will pay any price to protect our troops and the American people. As the distinguished ranking member of the committee has said, there are no Democrats, there are no Republicans, there are only Americans who are involved in this debate.

However, I do remain concerned that the supplemental package falls short in funding pressing needs like homeland security. It is not a small venture; it is critical to our local communities. To date, our cities and towns have spent nearly $3 billion to protect their communities from the threat of terrorism. They cannot rely on State governments which are in the midst of the worst fiscal crisis since World War II. So at a time when towns like West Haven, Connecticut are spending more than $4,000 per week to meet these needs, we have a responsibility to offer them a helping hand. They cannot afford to do this alone.

While $4.2 billion for homeland security is an improvement over the initial proposal, there remains approximately $10 billion in unmet needs to adequately secure our ports, our airports, the police, fire, emergency medical personnel on the front lines who need this funding for training and for new equipment. We cannot afford to ignore those funding gaps.

Congress owes it to our troops overseas, who are sacrificing so much to protect the American people, to pass a bill that not only gives our fighting men and women the resources to carry out their mission, but one that also complements those efforts by securing our greatest vulnerabilities here at home.

Let us ensure those fighting men and women a safe homeland to return to.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

I do so to say that on September 11, 2001, America's world changed. As we entered the 21st century, everything changed. Our citizens came under attack from cowardly terrorists who killed thousands of innocent, and I repeat, innocent civilians. That war against terrorism has been ongoing very effectively.

Early this year, I recommended to the Committee on Appropriations a reorganizational structure that would create a subcommittee which would have the responsibility of dealing specifically with the security of our homeland. I asked the gentleman from Kentucky (Mr. ROGERS) if he would chair that subcommittee. He is one of the outstanding leaders of our Committee on Appropriations, and he agreed to do that. They are well under way with their work.

Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of that very important Subcommittee on Homeland Security.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations who just spoke, for having the foresight and vision and leadership to have taken on this very difficult chore of reorganizing the House to deal with homeland security. It was his leadership that created this new subcommittee that brought together authorities from other subcommittees into one place, and it is the right thing to do and he took the leadership to make it happen; and the other body then followed suit, followed the leadership of the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations. We are fortunate to have him in the position that he is in.

Now, Mr. Chairman, this bill has plenty of money for homeland security. Could we spend more money? Yes, of course, we could. Are there fire departments and police departments and EMT departments out there that could use more money? Absolutely. Is there a role for the Federal Government in helping them meet their expenses? Yes. What is that role? Our role is to assist them to train and to have equipment and the like to help protect the Nation from threats. But of course, their main responsibility is to protect their hometown and their home State and, of course, we cannot and should not pay their entire budget.

Yet some would have us do that. Some would have us turn the homeland security funding mechanisms into another revenue sharing, so that States and localities could get huge sums of money without any real policy connection to a Federal role, and we must guard against that.

But in this bill, Mr. Chairman, there is plenty of money for homeland security. There is plenty of money backed up in previous years that has not yet been spent that localities can have access to. But in this bill, there is $2.2 billion that is destined for our States and localities when they apply for it, for monies to go to their first responders; $2.2 billion to different grant programs that they can apply to the Secretary for, and those monies will be granted to the States and localities; and 80 percent of the money has to go to the local departments and not be funneled off by the States. So we think it is a substantial sum of money that will satisfy the need for the moment. We may see the need in short order for something else, but for the moment we think this is sufficient.

There is also $1.5 billion for the Secretary to use on the Federal level for such things as cargo and portal radiation monitors. These are in our Nation's seaports and our land ports to protect us from cargo containers that might contain nuclear materials or biological or chemical weapons. There is $193 million for just that. There is $100 million for additional staffing along the northern border with our neighbors in Canada. There is $35 million more for container security initiatives so that we can keep track of, find and keep track of container cargo that might be damaging. There is $235 million in this bill to help our local airports modify their premises to accommodate these huge x-ray machines that are checking our baggage. There is $85 million to help reimburse our local law enforcement and State law enforcement officers and National Guardsmen who have been providing increased security at the airports and other critical transportation sites. Most of this money is going to our localities, as it should. There is $40 million for the Transportation Security Administration's port security efforts, and there is $30 million for nonaviation surface transportation security initiatives. There is $185 million for the Immigration Service for overtime, and air and marine interdiction and detention and removal of people who should not be here.

Now, do the States and localities need more? Well, of course their budgets are tight. But I would point out to my colleagues that we still have $291 million of 2002 monies still available. There is $291 million yet unspent that we provided in fiscal year 02 that the States and localities have not even applied for. There is $566 million that we provided for State and local grants in the 03 omnibus bill. All of those monies are yet unspent. In the current supplemental, there is $2.2 billion that is destined for our localities, and in the 04 fiscal year that we are holding hearings on right now, and that bill will be passed sometime hopefully this summer, there is another several hundreds of millions of dollars.

All told, that is a combined total of $19 billion-plus over the 02–04 period, monies that are destined for localities, most of which has not even been applied for. So there is plenty of money in the pipeline for our States and localities. Sure, we would like to have more money perhaps one of these days, but for the moment we have plenty of money for our States and localities to apply for if they wish.

□ 1215

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just want to correct the impression left by the previous speaker. The previous speaker said in committee earlier this week, and he has touched on it again today, he said that we had almost $19 billion in so-called "unspent" homeland security funds. The fact is, that is a fictional number. I want to show the Members why.

First, 34 percent of that number is found in a bill which we have not yet even enacted. We cannot expect localities to spend money we have not yet provided them.

Second, 10 percent of that so-called $19 billion in unspent money represents money in this supplemental which we have not yet passed. We cannot count money that we have not yet passed as part of the money localities have not yet spent.

Then, in the omnibus appropriation bill which we just passed in February, and we were supposed to pass it before October 1 but we did not get around to it until February, 30 percent of that so-called $19 billion in unspent money is in that omnibus bill.

It was only 2 weeks ago that the agency invited localities to apply for that money. The application time is not even closed yet. When we get down to the real, hard facts, only 26 percent of that $19 billion represents previously enacted money before February of this year. Of that 26 percent, only 4 percent is unobligated, and 22 percent of that is obligated.

Mr. Chairman, so much for the idea that there is "enough in the pipeline." There is not nearly enough in the pipeline. Ask the mayors, ask the firemen, ask the police chiefs, ask the Coast Guard, ask the Department of Defense. They know there is not enough money in the pipeline.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, the defense part of this bill is the Congress' version of shock and awe.

The President the other day complained after only giving this to us 9 days ago, the largest supplemental in history, or in my 30 years; maybe it was larger in World War II, but the largest supplemental I have ever known.

We have had hearings, we have discussed it with the agencies, and we did our part in accountability. We want to make sure that these agencies are accountable to us, to the people that are elected to represent the people in this country.

It is a bipartisan bill. We sat down and we looked at what was done in 1991, we looked at how we handled things in the past, and we have tried to make sure that the public is protected and that this money is protected and they have accountability.

I compliment the gentleman from California (Mr. LEWIS) in the work that he did; the gentleman from Florida (Mr. YOUNG); and the gentleman from Wisconsin (Mr. OBEY). This is an accountable bill, but the defense portion takes care of the troops. That is what it is all about. We take care of the money that was spent already, and we take care of getting the troops back home. We hope they will be there as short a period as they could possibly be.

But we have to keep in mind, here we have a bill, $70-some billion in supplemental, which is bigger than almost every other bill that we have passed. In just a little over a week we have it on the floor, and within 2 weeks we will have it passed. So all the grumbling that goes on from some of the folks outside the legislature have to realize that we have a responsibility, and we have accepted that responsibility. We have made darned sure that this bill was something we can be proud of.

Obviously, I believe that in the end we are going to have to pass another supplemental, because of just the way things have gone. I am pleased that the troops are doing so well. Unfortunately, we will have casualties in any kind of a war like this. But one thing for sure, we have done everything we could do humanly possible in the legislative process to make sure that they had everything that they could possibly have and could get to the field. I am proud of this.

I would hope we would have large, bipartisan support for this supplemental, and it will pass overwhelmingly in as short a time as possible.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

I just want to point out that under the strong leadership of President Bush, we have developed a good coalition to fight this war against the regime of Saddam Hussein. We actually have 49 active members of the coalition, which is a larger group of countries supporting this effort than we had in Desert Storm in 1991.

So with the leadership of President Bush and the strong support that he has had from Prime Minister Blair, the Prime Minister of Spain, the Prime Minister of Australia, providing the strongest leadership, we have a good, strong coalition.

The next part of this bill has to do with financial support for some members of that coalition. But as I talk about the coalition, there is one group that has not had much recognition, and they really deserve it. That is Poland. Poland, a new member to NATO, an emergent country after the Soviet Union went away, actually was involved in one of the very first combat missions in this action of the Iraqi freedom. That mission was the oil platforms in the gulf. Actually, their combat team took control of and are managing and defending those platforms that were sabotaged, that were wired for explosives.

Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), the very distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, to discuss that part of the bill.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to publicly thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for the work they have done to get this supplemental bill to the floor as expeditiously as possible, in as good shape as it is, and with as little controversy as we have seen. There is certainly some disagreement.

Mr. Chairman, the recommendations of the foreign operations chapter of this supplemental total $7.4 billion. That is 2 percent, $184 million, less than was requested by the President. We have fulfilled the administration's funding request for Iraq and for the countries supporting the war on terrorism. Let me start by outlining where we do concur with the President's request.

The most urgent requirement in the foreign operations chapter is assistance for Iraq's people. One-third of the foreign operations chapter is for relief and reconstruction in Iraq. We have provided every penny the President requested, plus an additional $40 million. Therefore, we are asking the House to approve $2.5 billion for a new Iraq relief and reconstruction fund.

The Department of State, USAID, and the Treasury and Health and Human Resources Department could receive direct apportionments from the fund; but it does not go to the Department of Defense, which already, I think most of us would agree, has its hands full with winning the war and providing security in Iraq.

The immediate focus of the new fund would be provision of clean water, food, and care for displaced and vulnerable people. Soon thereafter, repairs of the degraded electricity and communications, health, and education systems would get under way. We anticipate that other donors and international organizations would eventually take over much of that work.

The remaining funding in this chapter is to be provided for countries supporting Operation Iraqi Freedom, or the broader war against terrorism. The committee has provided all of the funding that was requested for Israel, Jordan, Afghanistan, Pakistan, Colombia, and the rest of the 22 countries that are included in this supplemental.

While I understand there are many amendments that today will be aimed at cutting funds to one or more of these countries, I would like to emphasize that the President requested these funds to help the United States fight this war in Iraq. He is our Commander in Chief, and I ask my colleagues not to remove the tools he needs to win this war. That includes funding for our diplomatic efforts as well as our military operations.

The foreign operations chapter includes $9 million for loan guarantees to Israel, which are to be issued over the next 3 years. This is very similar to the multiyear loan guarantee package that we provided to Israel in 1992. These guarantees will bolster the nation's credit rating and help Israel implement the critical budget and economic reforms. They may also support the renewed peace process after the end of the conflict in Iraq.

Additionally, the foreign operations chapter includes $2.3 billion for the economic support fund. This total provides $700 million for Jordan. Jordan is particularly dependent on Iraqi oil. There is $300 million for Egypt which may be used for loan guarantees, not to exceed $2 billion, and $127 million is provided for Afghanistan to continue efforts to support security and economic development in that Nation. Also, $100 million is provided for a new Islamic partnership and outreach program.

Additionally, there is permissive language that allows the President to use up to $1 billion for Turkey that could subsidize some $8.5 billion of loan guarantees. The language of this bill requires the Secretary of State to assure Congress that Turkey is cooperating with the United States in Operation Iraqi Freedom, including facilitation of humanitarian assistance to Iraq, before authorizing the loan guarantees.

There is going to be a lot of discussion about this issue today, so let me just say now that Turkey is a longtime ally of the United States. It is a key front-line state in the war on terrorism. It is a democratic Muslim nation that is part of most of the Middle East and southern Europe. Obviously, it is a nation that has been significantly impacted by the conflict in Iraq, and it had significant economic problems before the conflict.

As Deputy Secretary Armitage said in testimony before our subcommittee, "It would be the greatest of ironies if we spend all this energy, blood, and treasure and were successful in Iraq, only to turn around and see a longtime ally, Turkey, go bottom up because of economic weakness."

The last part of the foreign operations chapter includes $2.1 billion for foreign military financing as requested, which improves defense capabilities of America's friends and allies. There is $406 million that is provided to Jordan to meet border security requirements to upgrade air bases, and $170 million is for training and equipping the new Afghan army.

Finally, within this section the FMF account includes $1 billion to help Israel strengthen its military and civil defenses.

There are programs for which we did not provide the full President's request. Chief among these is the U.S. Emergency Fund for Complex Emergencies. The President asked for $150 million for this new emergency fund, but we believe that this request should be considered within the context of the fiscal year 2004 appropriations and authorization processes.

As I said in our hearing last week with Deputy Secretary of State Armitage, in my view it is not appropriate to use the Iraq supplemental as a cover to assert agency jurisdiction or to implement untried concepts. The amount not provided for this new emergency fund was distributed among the international disaster assistance and emergency refugee accounts and the new Iraq relief and reconstruction fund.

Mr. Chairman, this is a brief summary of the recommendations contained within the foreign operations chapter of this supplemental. I believe the committee has developed a responsible product, and I ask for the support of the House.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in strong support of this supplemental appropriations bill.

I want to compliment the chairman and the chairman of the Subcommittee on Defense, the gentleman from Pennsylvania (Mr. MURTHA), for giving specificity to this bill in terms of how the money was appropriated. I think that was the right decision, defending the constitutional prerogatives of the legislative branch.

We are all proud of what our men and women are doing over in Iraq. The gentleman from California (Chairman LEWIS) and I had a chance to visit right before the war started and to see the troops. It was truly outstanding.

We also had a chance to see the great work that is being done in the area of intelligence, the Predator, and all of the new capabilities that we have given our troops to know where the enemy is.

The thing that I am most proud of are the tremendous aerial capabilities that we have been able to provide with the B–2 bomber, the B–1, the B–52, giving smart weapons to them, smart conventional weapons which have worked so effectively in degrading the military capabilities of the Iraqis. We have seen this in the last few days with the collapse of the Medina and Baghdad divisions of the Republican Guard.

This is an enormously important bill because we have to replenish these smart weapons that we have used, because 10,000 smart weapons, precision weapons, have been used. We have flown over 21,000 sorties.

The one thing that is wrong with this bill is we have not done enough for homeland security. I completely concur with the gentleman from Wisconsin (Mr. OBEY), who has taken the time to go out and investigate the needs of all of these agencies. We are underfunding the security of the United States of America here at home by not adequately funding homeland security.

We are doing a great job in Iraq; we are doing a great job in Afghanistan, but we are only doing a marginal job here at home in terms of protecting our ports, our cities. This is us. This is our families. This is our children, our grandchildren. We have to get serious about this. This administration has to get serious about this.

☐ 1230

They can not continue to not provide the resources necessary for homeland security. Maybe we will not correct it here today, but I guarantee you once the American people understand that we are not providing the necessary resources, they will make certain that we correct it and hopefully in a bipartisan fashion.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the very distinguished chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of this Emergency Wartime Supplemental Appropriations Act which, as has been mentioned, passed on a unanimous vote of 59 to 0 in the committee.

I wanted to extend a strong salute to the gentleman from Florida (Chairman YOUNG), to the ranking member, the gentleman from Wisconsin (Mr. OBEY), and also to the staff who worked, with barely a week, on the very extensive bill, and they worked to produce a bill that I believe deserves our thanks, and this also is one that is good and necessary and it protects the House priorities.

As chairman of the Subcommittee on Military Construction of the Committee on Appropriations, providing what our military personnel need to protect their lives and ensure their success is my top priority, and I believe this bill does that, we have made sure that our military personnel have all the tools necessary to ensure success.

I would like to bring the attention of the House to two important provisions in this wartime supplemental bill. The first is the additional funding for the Bureau of Customs and Border Protection, which will receive some 428 million. The bill sets asides 80 million of that amount for new inspectors and Border Patrol agents at the northern border ports of entry. For those whose districts and States lie on the northern border, this funding is critical not only to the safety of our constituents but also to the economic safety of our country.

I am pleased that the administration and the House continue to place such an emphasis on filling the needs we have at the northern border.

I would also like to bring to the House's attention the foreign assistance portion of the bill. Foreign assistance is critical to our overall foreign policy and the President needs these funds immediately. This money is necessary to support the stabilization of Iraq and also support our key partners in the war with Iraq and the global war on terrorism.

I also support strongly the Middle East partnership initiative, or MEPI. This initiative is critical to our country's policy toward the Middle East because it strengthens our policy on economic, political, and educational reforms in that part of the world. The administration should be commended for initiating and funding this program to work with our Arab and Muslim allies on these issues.

Mr. Chairman, it is clear that our men and women in the Armed Forces, along with our allies, will prevail in Iraq and remove Saddam Hussein and his regime from power. This supplemental will ensure that they have the resources they need to finish that job. I urge all of my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in strong support of this essential bill for military operations, homeland security, and foreign assistance, and I want to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their hard work, especially on the gentleman from Wisconsin's anniversary of service in this Congress today. After three decades of service, we need that intelligence, especially now in this critical time in world history.

I want to focus my remarks particularly on health care for those who are putting their lives on the line in America's cause as we stand here to provide the resources for them to do that, and that is especially those in our Guard and Reserve. Those in the Guard and Reserve are not tangential to this operation. In many units they comprise over half of these on the ground. I think we have to recognize with the change in our force structure that we have to provide the kind of benefits to these Guard and Reserve forces that they deserve.

In this bill, with the leadership of the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), we have made an improvement in health care coverage for our Guard and Reserve forces. After 30 days of active duty call-up, they are eligible for TRICARE and their families are eligible for that health insurance. So it is an improvement over past situations.

But as we move forward this year, I would hope we would recognize the changes that have occurred in our force structure and provide 365-day-a-year optional health care coverage for members of the Guard and Reserve upon their return home. Because, truly, one-third to one-half of members of the Guard and Reserve have no health insurance. They do not work for companies that provide health insurance. And for those with insurance, the current system is a patchwork. It creates a lot of family turbulence as they are called up to active duty and then they find their insurance plan switching to another, and so forth. And I can tell you when they come home, many of them will fall off their benefits. The Veterans Administration has told us they will only care for those in active duty from the Guard and Reserve for 2 years after they come home, and they will not care for their families.

So we have a situation here that has a lot of inequities. I would just ask the chairman and ask the chairman of the

Subcommittee on Defense of the Committee on Appropriations and the ranking member, that as strongly as we support this bill and the improvements for family coverage for those in our Guard and Reserve, that when they do return home, that in further bills that will come before us in the appropriations process and in the authorizing bill for the Department of Defense for 2004, that we provide optional TRICARE coverage for those in the Guard and Reserve and their families, 365 days a year. Let us give them that option. I ask my colleagues to support this important measure as essential under current circumstances but far from perfect in times of adequate support for our veterans and our homeland security.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in strong support of this supplemental appropriations to pay for Operation Iraqi Freedom and to advance and expand homeland security.

As those of us who have seen war know, freedom is not free. It is paid by the sacrifices of those who serve literally on the ground now in Iraq and Afghanistan as we speak and debate here on the floor today. Their courage is our inspiration. We wish them Godspeed, swift victory, and a safe return.

Now that we are liberating the Iraqi people and better protecting the safety of the American people, Congress is acting decisively today to ensure that our soldiers, sailors, and airmen and women, that they have the resources they need to win the war against the regime of Saddam Hussein.

This bill essentially contains over $62 million to support our military, to pay for the troop deployment that they are presently in, to replenish essential munitions and smart munitions and supplies. And this bill provides critical humanitarian needs on the ground in this war-torn nation. And most importantly, this bill also recognizes the ongoing war on terror by strengthening America's first line of defense, our first responders, our local police and firefighters. This supplemental deserves our strong support.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for maintaining the Committee on Appropriations' constitutional right to appropriate, and for oversight, both to the gentleman from Florida (Mr. YOUNG) and to our ranking member, the gentleman from Wisconsin (Mr. OBEY) and our staffs for making sure that our constitutional rights as appropriators is preserved under this supplemental.

I rise in strong support of the supplemental, our troops, our men and women in the military who are fighting to support this country's and around the world's freedom. I rise also to support the Obey amendment that was not made in order. We must protect our homeland. We must protect our hometowns. And as was mentioned earlier in the chart displayed by the ranking member, the gentleman from Wisconsin (Mr. OBEY), this supplemental does not do that yet, and we will have another opportunity in the 2004 budget and I hope we will do that.

I represent probably the largest body of water, of international waterway, in this country. The Ambassador Bridge is the busiest commercial border in this country, where a billion and a half commercial products cross that border every day; 40,000 businesses have trucks with hazmat materials on them. Three million people drive those trucks. And we must make sure that our homeland is protected, and we need this homeland money so that our local communities, our targeted communities, can have those dollars we need to protects our citizens, not just at the ports but around this country. And this supplemental does not do it. And I hope we will do it in our 2004 budget as we move forward to do that.

It is so important that we speak out to let Americans know that as we appropriate their tax dollars, we are not only taking care of Afghanistan, Iraq, helping with our other foreign allies, but we are doing what is necessary so that their children can be safe in their own homes, so that the mayors can have the resources they need. It is so important.

And I thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and our staffs for bringing it to the floor in such a timely manner. This is a good supplemental at this time, and I urge my colleagues to support it.

I rise today to support H.R. 1559, the Emergency Supplemental Appropriations for FY2003. As a member of the Appropriations Committee and the Subcommittee on Foreign Operations, I am proud of the work that the committee was able to produce and thank Chairman YOUNG and Ranking Member OBEY, as well as Chairman KOLBE and Ranking Member LOWEY of the Foreign Operations Subcommittee on Appropriations for their continued leadership.

Our nation is in a time of unparalleled needs. We are waging a war against Saddam Hussein and his regime, we are fighting a war on terrorism, while at the same time needing to respond to the need to protect our homeland. This supplemental reflects what is at stake.

The supplemental includes $62.5 billion for military operations in Iraq and the war on terrorism. As an appropriator and a member of the United States Congress, let me say that I am committed to doing everything I can to make sure that our troops are provided with the equipment and resources necessary that will ensure their safety and their ability to mount an effective opposition in Iraq, that will ensure a successful and hopefully an expeditious end to military action. Let me state the utmost respect and admiration I have for our men and women in uniform and that my thoughts and prayers go out to all of them and their families during their difficult times.

I am also proud that this bill does not reflect the blanket check that the Administration originally sought, that would have created new accounts and provided the Administration with programming authority, without congressional oversight. I do not believe in writing blanket checks. As a Member of Congress and a member of the appropriations committee, I feel our role is more important than being just a bank. If we are to be successful in our important missions, Congress needs to be involved and be assured a say in how, where and to whom our money is going. I am happy that Members on both sides of the aisle were able to work together to ensure that Members retain congressional oversight during these important times.

While I support this important supplemental, it is not without certain reservations. First, this bill does not go far enough in providing the sufficient funds needed to protect our homeland. We have vital, unmet needs that need to be responded to effectively. We had a chance to do right, but the Republicans, unfortunately, have blocked an amendment by Congressman OBEY that would have provided for $2.5 billion in additional funds for our homeland security needs.

These additional funds would have allowed us to address important issues, such as: increasing port security; protecting federal dams and waterways from terrorist attacks; protecting important food and medical equipment; strengthening the security of nuclear materials at home and abroad; and strengthening U.S. laboratories' ability to cope with a chemical attack.

I represent the 13th District of Michigan, which contains the largest international commercial border in the nation, with $1.5 billion in goods coming into our country every day. The City of Detroit has also been named as one of 10 cities likely to be targeted for a terrorist attack. Mr. Speaker, our security needs are immense here at home and we need to act responsibly. Refusing to allow Members a vote here on the House floor to increase funding for homeland security is an act of irresponsibility that could have adverse consequences.

These additional funds would have allowed government agencies to respond to the unmet needs that our nation's safety requires. Refusing to allow Members a vote here on the House floor to increase funding for homeland security is an act of irresponsibility and we are shortchanging, plain and simple.

Mr. Chairman, the American people look to us to do the job of the people and to protect and safeguard our homeland. It is time that our words and intentions are reflected in the amount of funds that we appropriate in the name of homeland security.

Finally, I also question the amount of funding we are providing for reconstruction and humanitarian needs in Iraq—$2.48 billion. With the war that presumably could last for weeks, maybe longer, the humanitarian needs and reconstruction needs will be great.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the very distinguished member of the Committee on Appropriations, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, if I could engage the chairman in a colloquy.

Mr. Chairman, as you know, the Senate version of the supplemental contains funding for further construction activity for the National Animal Disease Center facilities in Ames, Iowa. This initiative is one that the Agriculture Department has been planning for some time. After 9/11 and with the potential threats to our food supply, the urgency of this modernization initiative has become more pronounced. In fact, the Animal and Plant Health Inspection Service was put into the Department of Homeland Security because of such threats.

We are working closely with the USDA budget office to ensure a timely and cost-effective construction schedule, enabling a usable first phase that includes the biocontainment level 3 lab. This national animal disease facility is important for the prevention and diagnostic research for animal-related disease threats, when we talk about the potential for contamination of our food supply.

The longer we delay this project, the more expensive it becomes, and the further out the full project completion date. Without appropriate funding, we risk our construction costs by tens of millions of dollars. Will the Chairman agree to work with me on this National Animal Disease Center lab modernization initiative so as to complete the full project as soon as practical and with minimum cost increase?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would like to respond that he is correct in his assessment of the situation, and I guarantee him that I would work as closely with him as I possibly can to accomplish what he wishes to accomplish.

The National Animal Disease Center modernization project is an important initiative, both for updating these facilities and particularly in light of the threats of agro- and bioterrorism. And I thank the gentleman for calling this to our attention today.

Mr. LATHAM. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I have just a brief closing statement. I reserve my time until the gentleman from Wisconsin (Mr. OBEY) yields back his time.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 5½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 1½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I salute the gentleman from Florida (Chairman YOUNG), the gentleman from Wisconsin (Mr. OBEY) and others who put this package together. It funds the war in Iraq, and I strongly support that. And it funds some important homeland defense measures, and I support that. But I think this bill does not go far enough in protecting our homeland security and we have a responsibility to do something about that today.

The Obey amendment would provide $197 million for additional funding to protect our U.S. military installations and the families, the spouses of our soldiers fighting in Iraq, the children of our troops defending our country through their bravery and courage in Iraq. These projects only represented, these security upgrades, and I am talking about fences around our military installations, guard houses, ways in which we can responsibly protect those military bases and the families living there.

These projects in the Obey amendment represent only the top 16 percent of security needs requested by the Army, the Navy, the Air Force, and the Marines. This should be the least we should do. There is no reason, other than some artificial number established by the administration, why we should not spend just a bit more to make it safer for our families, our military families, living within our installations.

We cannot promise everything to our troops over in combat in Iraq. But the one thing we have an obligation to do for them is to say, if you will put your life on the line for our country in Iraq today, we will defend your children and your spouses back at home.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me time. Out of courtesy, let me say I think that the gentleman and the gentleman from Pennsylvania (Mr. MURTHA) are correct. We are going to need to spend more money on homeland security, protecting our ports. We are going to need to do that soon. But I think this is a great step in the right direction and this is sufficient.

I want to say one thing to the whole House as a member of the homeland security subcommittee; be careful, because of what happened at TSA, not to overpromise to the first responders, local government, communities, that everything called homeland security is going to be funded by the Federal Government, because there is no possible way we can afford to fund everything that comes under the umbrella of homeland security.

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We need to be careful as a Congress. The statute for TSA said there could not be more than 45,000 people. We created the Transportation Security Agency. Today it is 64,000 people. We have got to be careful the government does not go too far. We have got to be careful we do not grow these agencies beyond our ability to manage them and to exert our oversight. We have got to be careful. We have got to do this quick, but we have got to do it right.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I guarantee my colleague we are being careful, careful almost to the extent where I think we are leaving the country vulnerable, and I really do disagree.

I think we have got a responsibility to get a plan in all the States. We do not have all 50 States under the National Guard program, to give each State a unit in support of local officials in a crisis. We still do not have that done. There are a lot of things we need to do, and money is important in getting it done.

Mr. OBEY. Mr. Chairman, there are several Members who wanted to speak, but let me yield myself the balance of the time.

Mr. Chairman, every Member of this House supports whatever is necessary to give our troops every dollar and every piece of equipment they need to come through this war successfully and unscathed, we hope; but there are other duties which this Congress has as well, and I believe that we are missing a huge opportunity to strengthen our defenses here at home.

I really believe that the people who died in the Pentagon and in Pennsylvania and the Twin Towers in New York were the last casualties from the 1991 war against Iraq. It was that war to which bin Laden responded, and it was because of his anger at the West for stationing troops on Saudi territory that he lashed out in his vicious attack on this country.

I think we have to recognize that there will be future bin Ladens, and if we are going to have an ultimately successful result from our attack on Iraq, we need to make certain that we do a much better job the next 10 years in battening down the hatches against terrorism than we did the past 10 years. That is why we wanted to offer this amendment today; and in my view, we will pay a price for not being able to provide these additional protections.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, outside groups like the Council on Foreign Relations, Senator Rudman, Senator Hart, the Brookings Institute, they have looked at these numbers, and they have said they are completely inadequate to do the job. That is why we are so upset that we have not been offered the chance to present an amendment today.

The gentleman from Wisconsin (Mr. OBEY) presented it in the full committee. It was a close vote. This is something that worries me deeply.

I think we do a great job in Iraq and in Afghanistan, but we are not doing the job we need to do right here at home to protect the United States of America; and it is not right, and we have got to do something better than that. I appreciate the gentleman yielding to me.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his remarks, and I could not say it better myself.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to say, to the Members of the House, today my colleagues are exercising one of the most basic requirements of the Constitution, and that is to provide for the defense of our Nation. We will appropriate the funds today to do just that.

The situation is serious. Our young Americans are at risk on the battlefield. It is important that we provide everything that they need to conclude their mission and to replace whatever munitions have been used.

Mr. Chairman, I would just ask all Americans to join in a prayer asking God's blessing on all of those men and women who are performing that mission today, wherever they might be in this world, and also to ask God's blessings on the President of the United States, President Bush, the Commander in Chief, as he leads our Nation through these very difficult times.

Mr. HASTERT. Mr. Chairman, I rise in support of this War Time Supplemental, and I urge all of my colleagues to support it.

The Congress has certain responsibilities in a time of war. We have the responsibility to authorize the use of force. We did this in the last Congress.

And we have the responsibility to pay for the war. This supplemental is our contribution to the war effort.

Any one who has any doubts about the justice of our cause should read the story of Jessica Lynch, and how a bunch of Saddam's henchmen mistreated her. They should read the story of how the citizens of Najaf have welcomed our troops as liberators from the Hussein regime.

Our troops need our help. They need our support. They need the bullets, the MRE's, the cruise missiles, the jet fuel, which we provide in this supplemental.

There are a lot of arm-chair quarterbacks out there, people who think they know better how to conduct this war. In my view, our President and his team have been doing a very good job. We are exceeding any realistic expectations. And we can be proud of our soldiers, sailors, and Marines. They are performing as well as any group of warriors has ever performed.

Mr. Chairman, our cause is just. Saddam Hussein is a brutal dictator who has based his regime on torture and terror. He has supported terrorists and he has tried to produce weapons of mass destruction. His days are numbered, and for that, the world should be grateful.

This supplemental also contains important resources to secure the Homeland.

Our cities and states need help in this battle against terrorists.

We want to make certain that what happened on September 11, 2001 never happens again. We want to prevent terrorists before they strike. And we want to be prepared if they do succeed in launching an attack.

We don't know where they will target. This is a big country, and the possible targets are as vast as the deranged imagination of an Al Qaeda terrorist.

This bill achieves a critical balance. We don't want to federalize every police and civil service function. But we do want to help these localities prepare. And that is what this bill does.

Finally, let me say a word about the airline provisions of this bill.

Some say we have done too much for the airlines industry. Some say we have done way too little. I think we have the right balance to help airlines deal with the increased security costs brought on by war and terrorism.

This is a simple proposal. It will help the airlines immediately, it will help them fairly, and it will help them effectively.

Let me conclude by saying that I urge my colleagues to support this important war supplemental. The American people want us to support our troops and defend the Homeland in this time of war.

Mr. GREEN of Texas. Mr. Chairman, I rise today in strong support of this wartime supplemental appropriations bill which provides needed resources for our troops who are fighting so valiantly in Iraq. With a price tag of almost $78 billion, this bill represents the largest supplemental bill ever considered by Congress.

This bill strikes the necessary balance between providing the Defense Department the flexibility to get resources to our troops in a timely manner and retaining Congress' constitutional authority over the nation's spending.

While this bill addresses our military needs abroad during this time of war, we must remember that we're also fighting a war against terrorism on our homefront. To do so effectively requires significant resources for the security of our ports and borders, our counterterrorism initiatives and our first responders on the front lines of this war. Yet only 5 percent of the funding in this bill is dedicated to homeland security.

Mr. Chairman, throughout this country, our states and localities are strapped for cash. They simply do not have the resources to take on the financial burden of homeland security. Without Federal help, there is no way we can implement a coordinated and comprehensive effort to defend our cities and states from attack.

Without doubt, the domestic and military needs of this country are great. And in times of need, the American people have a proud history of banding together and sacrificing for the betterment of the nation as a whole

It is in this tradition of shared sacrifice that we must put the needs of the country ahead of any personal desire for a tax cut. Our increasing budget deficits alone show that we can't afford it. And there's little evidence to suggest that this second tax cut would do any better than the first at stimulating the economy.

As we consider this supplemental bill and other budget and tax measures, I urge my colleagues to remember the true needs of this nation by providing adequate funding for homeland security and abandoning this fiscally irresponsible tax cut proposal that will inevitably be paid for on the backs of future generations.

Ms. ROYBAL-ALLARD. Mr. Chairman, the issue of homeland security affects us all, and the need for adequate homeland security funding must be a priority for Congress.

Perhaps no set of installations is more important to the economic well-being of the nation than our nation's port—and perhaps none is more vulnerable to the threat of a terrorist attack.

In California, the Ports of Los Angeles and Long Beach comprise the largest port complex in the nation, handling over 6 million cargo containers each year—over 15,000 each and every day. These containers represented more than $100 billion in goods entering the U.S. economy last year.

The threat of a terrorist device entering the port through one of those 6 million containers is very real, and the impact of such an attack at the Ports of Los Angeles and Long Beach would have far-reaching and devastating effects on our nation's economy.

For example, during the 10-day lock-out in July of last year by the Pacific Maritime Association, the nation's economy lost an estimated $1 billion per day because container cargo was not moved. Container ships were anchored outside the breakwater at the port for several days, creating a backlog in ships waiting to berth and unload. Because of just 10 days of inactivity, container throughputs for the year were down nearly 10%.

The Ports of Los Angeles and Long Beach move cargo that is destined for businesses across the United States that have just-in-time inventory systems. These businesses, as far away as Michigan and Ohio, were affected by the port lock-out and slow-down. Some manufacturing lines cut back and furloughed employees during that port slow-down; some were forced to shut down.

A catastrophic terrorist event that shuts down the port for a significant period of time would have a disastrous impact on the U.S. economy.

The City of Los Angeles has responded aggressively to this threat. Following the terrorist attacks on September 11, 2001, Los Angeles Mayor James Hahn assembled an 18-member

Seaport Security Task Force that included the U.S. Coast Guard and federal, state and local law enforcement officials, to devise a plan to assess the port's vulnerabilities and upgrade the port's security in case of terrorist attack.

Since that time, the port has invested more than $2 million to upgrade its security infrastructure, train additional port police, and acquire the necessary equipment to provide the required security at the container and cruise ship terminals and berths.

However, the port's importance is clearly national in scope, and the federal government should contribute its fair share for the increased security needs at the port.

How great is the port's need?

During the first round of Seaport Security Grants, the Port of Los Angeles identified $48 million in priority security improvements. Chief among these was the construction of a high-risk container inspection facility that would permit immediate inspections to take place on-site. Under current procedures, questionable containers must be transported along city streets and regional highways to the current inspection site located 15 miles north of the port.

Unfortunately, the Port of Los Angeles was awarded only $750,000 in federal money towards construction of a container inspection facility. The port has applied for $11 million under the second round of Seaport Security Grants. The security needs of the Port of Los Angeles and ports across the nation remain great. Until we make these needed security improvements, the Post of Los Angeles will remain just as vulnerable to a terrorist attack as on September 11. If a terrorist attack were to take place in Los Angeles or in any other of the nation's ports, we would be justly criticized for not having moved more quickly to provide the resources necessary.

I am pleased that H.R. 1559, the Emergency Supplemental Appropriations bill, contains funding for port security. But I would contend that the $35 million for container security provided in the bill is inadequate for the nation's needs in light of the fact that the Port of Los Angeles alone has identified $48 million of necessary security improvements, and the Coast Guard has indicated that $1 billion is probably a more realistic figure for what would be required to provide adequate port security across the U.S. this year.

As a member of the Appropriations Committee that considered this bill earlier in the week, I supported the Obey amendment to add $250 million in port security funding. Had Congressman OBEY been permitted to offer his amendment today, I would have voted for it on the House floor.

Mr. Chairman, I will support this bill today to provide our military leaders and our servicemen and women the tools they need to complete the job that has been given to them. Our military is strong, we support our military, and our military will prevail in the war in Iraq.

While making sure our forces are secure abroad, we must also strive to protect our people at home. The funding in this bill for port security is inadequate for the demonstrated need, and I will continue to fight with my Democratic colleagues for the necessary resources so our people, our commerce, and our economy will continue to be strong, too.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this defense supplemental without hesitation, but with regrets and concerns.

To begin with, I regret that we have to be voting on this bill now.

I thought the President's decision to begin military action in Iraq was premature. I thought it would have been better to allow more time for other measures, including coercive inspections, to accomplish the goal of disarming Saddam Hussein. However, Congress—by adopting the resolution authorizing the use of force—left it to the President to decide if and when military action would begin.

That is another source of regret. I opposed the resolution precisely because I thought it gave the President too much discretion about the timing of that action. But the resolution was enacted. And, now that military action has begun, it is necessary for Congress to consider the Administration's requests for funds to pay for it and for related purposes.

Our troops are in the field, actively engaged in operations that Congress has authorized. Under those circumstances, I cannot make them the victims of my regrets by failing to support this bill to provide them what they need to carry out those operations.

So much for my regrets. I also have strong concerns about some things that are in this bill and some things that were left out.

The bill does have many good features. For example, I am glad that the Appropriations Committee placed some important limits on the President's request before bringing the bill to the floor.

Among other things, the bill bars the Pentagon from controlling the over $2.5 billion it provides for humanitarian relief and reconstruction and instead designates the money for the State Department and other non-military agencies. The bill also reduces the President's request for no-strings-attached Pentagon funding from $63 billion to $25 billion by putting the rest of the funds into appropriate spending categories. Though the $25 billion still amounts to a signed check with the payee line left blank, it's an improvement over the request. Regardless of the Administration's preference, it remains the right and duty of Congress—not the White House—to decide how much money is allocated for what purpose.

On the other hand, I am concerned that the bill does not do enough in other areas. In particular, I voted against ordering the previous question on the rule, and against the rule itself, because it did not allow a straightforward vote on the Obey amendment to add more funding for homeland security.

The bill does include $4.25 billion for this purpose—slightly less than the President's request—but I think that is not nearly enough to meet the country's needs. Although many of our Republican colleagues would have you believe that states and localities are sitting on millions of dollars of unspent funds for first responders, my conversations with Colorado police chiefs, fire departments, and other first responders have convinced me that is not the case. Every time the Department of Homeland Security changes the official color-coded threat level, Colorado and the other States and localities are required to spend more money that they don't have. We are asking them to provide top-dollar security for our nation on a dime's worth of resources.

So, I am very concerned that the Republican leadership has denied us the opportunity to vote to correct the bill's deficiencies. The Obey amendment would have provided $2.5 billion in additional funds for our local first responders, for port security grants, for protection for our waterways and nuclear plants, for our National Guard and Reserves to provide assistance with chemical and biological weapons attacks, and for other homeland security needs.

I do not know how many of our colleagues would have joined me in supporting this amendment—and I will never know, because the Republican rule didn't permit a vote—but I know Colorado's first responders would have wanted it to be a majority. That's because homeland security is for Americans—it is not just for Democrats or Republicans. At a time when states and cities are suffering economically and crying out for federal assistance to meet their new and stepped-up homeland security obligations, I believe we must do more than we've done in this bill.

Nonetheless, as I said, I am voting for this bill without hesitation because its prompt passage is needed—not just to support our men and women in uniform as they fight, but also to lay the foundation for the harder mission of winning the peace after they have won the war.

Mr. BLUMENAUER. Mr. Chairman, this $77.9 billion supplemental appropriations bill is the largest ever considered by Congress. Yet, it still fails to address our most critical need of "hometown" security. The lack of adequate funding to protect our hometowns exposes the United States to greater risks than those posed by Saddam Hussein.

This bill provides less than half of an estimated $9 billion need for the safety of our ports, transportation systems, water supplies, and first responders. It even falls short of what the administration requested for homeland security. Nationwide, cities are spending $70 million a week to protect and prepare themselves from potential attacks at a time when state and local governments are already crippled by economic conditions.

In the last two weeks since the war in Iraq began, my hometown of Portland, Oregon has spent nearly a million dollars to respond to the heightened security alert. As the State of Oregon struggles to keep schools open and to provide medical care for the neediest people, it is incomprehensible that we are not fulfilling our responsibility at the federal level to help fund critical homeland security needs.

A Democratic amendment that would have added $5.5 billion for homeland security and $300 million specifically for metropolitan security needs, would have provided Oregon an additional $4 million to secure, protect, and prepare our ports, our hospitals, and our first responders against potential terrorist attacks. Appallingly, the Republican leadership blocked this and other Democratic amendments from even being voted on.

There is no reason to rush this resolution through to fund the war on Iraq. It would appear to the casual observer as an attempt to hide the true cost of the war by breaking it up into pieces. There are already discussions that another supplemental will be necessary before the end of the year. The 2004 budget resolution, which was just debated two weeks ago, failed completely to deal with the expended costs of this war.

I did not support this resolution, because it is not needed at this moment, the process by which it was brought to the floor is unreasonable, and it fails to fund protection for our communities.

Mr. PAUL. Mr. Chairman, at a time of war Congress has no more important duty than to make sure that our military force have all the resources they need. However, Congress also has a duty to not use the war as cover for unnecessary and unconstitutional spending. This is especially true when war coincides with a period of economic downturn and growing federal deficits. Unfortunately, Congress today is derelict in its duty to the United States taxpayer. Instead of simply ensuring that our military has the necessary resources to accomplish its mission in Iraq, a mission which may very well be over before this money reaches the Pentagon, Congress has loaded this bill up with unconstitutional wasteful foreign aid and corporate welfare spending.

For example, this bill provides a hidden subsidy to vaccine manufacturers by transferring liability for injuries caused by the smallpox vaccine from the companies to the United States Taxpayer. It also provides $3.2 billion dollars for yet another government bailout of the airline industry, as well as a hidden subsidy to the airlines in the form of $235 million of taxpayer money to pay for costs associated with enhanced baggage screening. Mr. Speaker, there is no more constitutional reason for the taxpayer to protect what is, after all, the airlines' private property, than there is for the taxpayer to subsidize security costs at shopping malls or factories. Furthermore, the airlines could do a more efficient and effective job at providing security if they were freed from government rules and regulations. I remind my colleagues that it was government bureaucrats who disarmed airline pilots, thus leaving the pilots of the planes used in the September 11 attacks defenseless against the terrorists. I would also remind my colleagues that anti-gun fanatics in the federal bureaucracy continue to prevent pilots from carrying firearms.

Although generous to certain corporate interests, this bill actually contains less money than the administration requested for homeland security. One area of homeland security that Congress did not underfund is its own security; this bill provides the full amount requested to ensure the security of the Congress. Still, one could reasonably conclude from reading this bill that the security of Turkey, Pakistan, and Jordan are more important to Congress that the security of Houston, New York and other major American cities.

On foreign spending, this bill actually provides one billion dollars in foreign aid to Turkey—even though that country refused the U.S. request for cooperation in the war on Iraq. One billion dollars to a country that thumbed its nose at an American request for assistance? How is this possibly an appropriate expenditure of taxpayer money? Additionally, this "war supplemental" has provided cover for more of the same unconstitutional foreign aid spending. It provides 2.5 billion dollar for Iraqi reconstruction when Americans have been told repeatedly that reconstruction costs will be funded out of Iraqi oil revenues. It also ensures that the American taxpayer will subsidize large corporations that wish to do business in Iraq by making transactions with Iraq eligible for support from the Export-Import Bank. It sends grants and loans in excess of 11.5 billion dollars to Jordan, Israel, Egypt, and Afghanistan—above and beyond the money we already send them each year.

Incredibly, this bill sends 175 million dollars in aid to Pakistan even though it was reported in April that Pakistan purchased ballistic missiles from North Korea! Furthermore, it is difficult to understand how $100 million to Colombia, $50 million to the Gaza Strip, and $200 million for "Muslim outreach" has anything to do with the current war in Iraq. Also, this bill spends $31 million to get the federal government into the television broadcasting business in the Middle East. With private American news networks like CNN available virtually everywhere on the globe, is there any justification to spend taxpayer money to create and fund competing state-run networks? Aren't state-run news networks one of the features of closed societies we have been most critical of in the past?

In conclusion, Mr. Chairman, H.R. 1559 endangers America's economy by engaging in pork-barrel spending and corporate welfare unrelated to national security. This bill endangers America's economic health by adding almost $80 billion to the already bloated federal deficit. Additions to the deficit endanger our financial independence because America will have to increase its reliance on foreign borrowers to finance our debt. H.R. 1599 also shortchanges Americans by giving lower priority to funding homeland security than to funding unreliable allies and projects, like the Middle Eastern TV Network, that will do nothing to enhance America's security. Therefore, I must oppose this bill.

Ms. LEE. Mr. Chairman, I rise in opposition to this bill, knowing full well that it will pass today.

Like many of you here in Congress and like millions of Americans across the country, my hopes and prayers go out to our troops. I want to see them safe at home as soon as possible. I deeply admire their courage, mourn their losses, and honor their sacrifice and commitment.

I cannot, however, endorse the decision to send our troops into harm's way by launching a first strike against Iraq. I fear we are witnessing the first chapter of the Doctrine of Preemption. This Doctrine of Preemption is taking us more deeply into uncharted waters. No one knows where this will end.

There is also no end in sight to the costs of war and to the price we will pay here at home in the America we will not be able to build. Dr. Martin Luther King, Jr. taught us, "In the wasteland of war, the expenditure of resources knows no restraints."

Thus, I cannot support the $75 billion down payment on this war that makes up the bulk of this supplemental while under-funding homeland security by $4 billion. With those facts, in mind, I must oppose this appropriations bill.

Ms. LOFGREN. Mr. Chairman, I am aware that many of my constituents hope that I vote "no" on this supplemental appropriations bill. Many of my constituents are passionate in their opposition to the Iraqi invasion. Last fall, I voted against the resolution that authorized the invasion because I believed the invasion was a mistake for our country. But that fact is this: The resolution passed the Congress. Whether or not one agreed with the actions that led up to today, America's troops are now in the field and the bills need to be paid. Accordingly, I will vote "aye" on this bill.

Ms. HOOLEY of Oregon. Mr. Chairman, two years ago, I don't think there would be any doubt that most Americans would have felt a sense of safety, but in today's world that is not the case. Indeed, in today's world of opting to spend an estimated $9 million on security for the Super Bowl, Americans are looking for a greater feeling of safety and security in their daily lives, whether in their homes, on the street, or in their workplace.

While tensions abroad are troubling, we can't overlook or underfund our own homeland security.

There is a bipartisan consensus that protecting the security of our communities requires that we adequately equip and train our first responders, who form our first line of response to any terrorist attacks. These first responders need additional funding to match mandates and goals, particularly to address the need for new communications equipment. Fire fighters need to be able to communicate with police officers, and police officers need to be able to communicate with emergency medical personnel in order to effectively protect our communities.

Recently, a group of over 80 police, fire and emergency response agencies in Oregon came to me requesting funding for a regional communications system that would allow all the agencies to communicate with one another. This proposal cost $59 million and would greatly improve the regional response capability of these first responders. Increasing money for first responders may allow them to build their communications system.

We are in the midst of an extraordinary time, when we and our allies are pursuing a war on terrorism that extends across the globe. Our resources, troops, intelligence agents, and surveillance equipment are currently spread across the world, from Yemen to the Philippines, from Afghanistan to Colombia.

In our own backyards, at the borders with Canada and Mexico, in the hundreds of seaports on our coast, indeed even in our own communities, I will fight to ensure that we have the proper resources or organization to prevent terrorist attacks.

In the midst of this lack of resources and organization, we hear constant reports that new attacks on American soil are being planned. Members of President Bush's administration have publicly stated that they believe another attack on American soil is nearly inevitable.

During a time when our nation seems its most vulnerable and under its greatest threat, we have the responsibility to ensure that everyday Americans are safe and secure. We must protect and defend our cities at home during these troubling times by investing in our new Department of Homeland Security, by providing local law enforcement and first responders with adequate resources to prevent or respond to any future attacks.

I am disappointed that this legislation includes less spending on homeland security than was requested by the President, and I am disappointed that the rule was structured in such a way to prevent amendments increasing homeland security spending.

Ms. BALDWIN. Mr. Chairman, I rise in strong support of the McGovern Amendment. The war on drugs in Colombia should not receive funding in an emergency supplemental spending bill. Additional funding for Colombia should properly be considered as part of our regular appropriations process for fiscal year 2004. Muddling the important issues at stake in Colombia with an amorphous definition of terrorism and then burying the funding in a bill that is on a fast-track is not the way we should proceed.

I urge my colleagues to support this amendment.

The balance of my remarks relate to the underlying issue of war in Iraq and this Supplemental Appropriations bill.

I am one of the 133 Members of this body who cast a "no" vote on the resolution authorizing use of force against Iraq last October. I believed then as I do today that alternative means exist to deal with the threat posed by Saddam Hussein. I believed then as I do today that the world will not be a safer place because of this war. I believed then as I do today that the new Bush doctrine of preemptive military action threatens to further destabilize our world.

For those of us who voted against war in Iraq, this is an incredibly painful and difficult time. Many of our constituents are feeling angry and frustrated, powerless and hurt, worried and disappointed. We've been searching for ways to take meaningful steps toward peace, having failed to convince this President, a majority of this Congress and a majority of the American people that war in Iraq is not the right path. When I refer to the phrase "meaningful steps toward peace," I have three very specific goals in mind. First, I deeply believe that the Bush policy of preemptive war must end, here and now.

Secondly, I believe that we must take immediate responsibility for rebuilding strong trusting relationships with the international community because too many of these relationships have been strained and damaged when this administration turned away from pursuit of a diplomatic resolution to this problem. Lastly, I believe that we must take immediate responsibility for rebuilding Iraq.

Throughout our history, the United States has been viewed by the world as a beacon of freedom and a pillar of democratic principle. While never perfect, we were admired for our openness, our charity and our commitment to liberty. Weary of war, we created, supported and enhanced international institutions and agreements to encourage peaceful solutions to world disagreements and conflicts. The United States was seen as a constructive force in the world. Right now we are seen by many as a destructive force in the world.

I stand here today to urge this President and this Congress to return to our tradition of constructiveness rather than destructiveness. We should be builders rather than destroyers.

A vote against this bill would do nothing to stop this war. If a "no" vote would stop the war, that is how I would vote. Rather, I urge Members and citizens to join me in the effort to become constructive as a nation, once again, to become builders, once again. This measure does contain resources to begin the rebuilding process. In light of these considerations, I expect to cast a vote to pass this bill.

We must rebuild and restore our relationships with our allies and our friends around the world. Our long term security rests in working cooperatively in a world community with international standards and laws, seeking peaceful solutions to the many challenges we face.

We must also rebuild Iraq. We can't back away now. American compassion, generosity and respect in Iraq are the essential first step in restoring trust between the United States and the Islamic world.

I said that we must construct and we must build rather than destroy. But, I make one exception to that statement. We must destroy the doctrine of preemption. In fact the policy of preemption must be buried deep beneath the Iraqi desert, never to appear again. It is illegal and wrong and it harms American security far more than it helps. Beyond preemption lies the American way—democracy, diplomacy, cooperation and compassion.

Mr. Chairman, peace is not simply the absence of war. The seeds of peace must be planted and nurtured. A peaceful world must be tended. It is my hope that it is the rebirth of our true vision of America, in which we reject the "got-it-alone" mentality, reject preemption and endorse the hard work of building and growing a peaceful world.

Mr. FARR. Mr. Chairman, I rise today in opposition to this Supplemental Appropriations bill. I must admit that I opposed the war that this bill is funding. This war is the result of failed diplomacy. This war cost us valuable allies, and now it is costing us our lives. It will also cost us—the American taxpayer—billions of dollars.

In the last Persian Gulf war, we relied on our allies. The war cost the U.S. about $61 billion, but almost all of it was reimbursed. The amount of money in this one Supplemental—larger than the entire cost of the first Persian Gulf war—is the largest Supplemental in history. At about $75 billion, this Supplemental is larger than the entire budget of the State of California.

My opposition to the war, however, is not the principal reason for my opposition to this bill today. I oppose the bill for two reasons: First, because it leaves our first responders at home—our "troops" on the homefront—without complete protection. Second, I don't believe this bill addresses another emergency—repairing U.S. relations with the international community and its representative organizations, such as the United Nations and NATO.

The Emergency that this bill supposedly addresses is American security. While we must remain concerned with the impact of international affairs on American security, first and foremost, American security begins at home. Our attention as Congress, must therefore be focused on protecting the territory of the United States from attack. That was the danger we faced on September 11th. That is the apparent reason that we intervened in Afghanistan and now Iraq, and in other countries across the globe.

This bill inadequately addresses the security needs of the United States. We are spending $62.5 billion for military activities in this bill, and only $4.25 billion for "Homeland Security". Our troops overseas should be secure in the knowledge that their loved ones here are safe from any form of domestic terrorism.

An amendment offered by the gentleman from Wisconsin would have addressed some of these needs, but the Republican leadership did not allow the amendment to be debated on the floor of the House.

This bill also purportedly addresses the future of rebuilding Iraq. It provides $2.4 billion for "Relief and Reconstruction". The sum is woefully inadequate to meet the needs of the Iraqi people. We, the United States, are in the process of bombing their country, destroying their infrastructure. And when the war is over (which I hope will be soon), we will ask them to rebuild and form their country into a democracy. This bill provides more money for another airline bail-out than it does to provide the foundations of an Iraqi democracy.

Moreover, the money for reconstruction in Iraq—which is supposed to cover a huge range of activities including health, education, transportation, rule of law, agriculture—comes with no apparent structure or oversight. The post-conflict reconstruction of Iraq can provide the U.S. an opportunity to rebuild its frayed alliances with the international community, an opportunity to work with the United Nations and to strengthen its credibility, credibility that was undermined by the unilateralist approach the Administration has taken previously towards Iraq. This bill shows no vision of an international civilian administration in post-conflict Iraq, one that will be crucial to winning the peace. This task, as has been demonstrated in Afghanistan, could be far more difficult than a successful war campaign.

My vote today is in no way a vote against American troops in the field. Their safety is foremost in my thoughts; I hope that they will return quickly to safety of their homes. My vote, rather, is a vote against the priorities of this Administration and the Republican majority, priorities that place an offensive war abroad above defensive protection at home. Priorities to place short-term, unilateral quick-fixes over international solutions which are sustainable in the longer-term.

This vote is about current U.S. foreign policy and about what direction we are heading in. I think that we are supporting the wrong priorities and are heading in the wrong direction, and that is why I am voting against this bill.

Mr. KLECZKA. Mr. Chairman, the bill before us provides the additional funds required for the ongoing war in Iraq. $62 billion will help provide the supplies, munitions, weapons, intelligence, and logistics that are critical to those in combat at this time. I support our brave troops, and urge my colleagues to do the same. Congress must ensure that our fighting men and women are provided with every resource they need to accomplish their mission and return home quickly and safely.

As I cast my vote in favor of this measure, however, I note that there is $1 billion in foreign aid for Turkey. The Administration argues that we need to offer this aid because of the depressed economy there. I voted to strike this aid, since it makes no sense to provide a billion dollars to a nation that did not even allow our troops access to their soil for this operation. Unfortunately, the amendment was defeated.

Further, as I support this measure, I would hope that Congress is equally generous when addressing the challenges that we face right here on the home front. For instance, our economy is in worse shape than Turkey's, having steadily declined for the last two years and with job losses in my district and across the nation continuing to mount. But somehow we have no funds to provide extended unemployment benefits for the 1 million in our country who have been out of work for more than 39 weeks.

Additionally, seniors need a prescription drug benefit for Medicare, and families have contacted me to ask what can be done about skyrocketing healthcare costs. We also must ensure that federal commitments in education and healthcare are met, and that our homeland security is strong and our first responders equipped and prepared. Here at home we have needs that also could use this additional funding that we have provided to other nations through this legislation.

Mr. Chairman, I support our men and women in uniform and pray for their quick and safe return. We must give them everything they need to accomplish their mission. I just hope that later on, this Congress will remember what it gave for Turkey's economy when it comes time to vote on providing extended benefits to the many still unemployed right here at home. With this in mind, I urge my colleagues to support passage of this Emergency Wartime Supplemental Appropriations bill.

Mr. SANDLIN. Mr. Chairman, I rise today in support of H.R. 1559, the fiscal year 2003 Emergency Wartime Supplemental Appropriations Act. I applaud the swift bipartisan effort that has brought this vital legislation to the floor so quickly. I also congratulate my colleagues on the Appropriations Committee for resisting the Administration's effort to wrest from the Congress its constitutional prerogative of overseeing all monies drawn from the Treasury. Our founding fathers rightly understood the need for accountability among the branches of government—even in times of crisis.

The funding provided in this bill is critical to ensuring that the brave men and women in our armed services have the tools and resources necessary to accomplish a swift, sure and decisive victory over tyranny and oppression in Iraq. Accordingly, Mr. Chairman, I urge my colleagues to vote in favor of H.R. 1559 and for the full and continuing support for our troops deployed in the war on terrorism.

The best of America, and thousands of the best from my home state of Texas—our men and women in uniform, active duty and reserve components alike—are now in harm's way in Iraq, on the high seas and at the far corners of the world. These brave Americans now risk their lives to confront the oppression, tyranny, and terrorism that plague and threaten the world and our nation.

One of America's finest tradition is our ability to draw together in support of our men and women in uniform when they are actively engaged in the defense of our freedom. American forces in the Iraqi theater fight not for narrow interests or for reasons of national pride. American soldiers, sailors, aviators, and Marines are engaged in combat today so that our people do not live in a world in which tyrants armed with weapons of horror hold free nations hostage, and in doing so threaten freedom itself.

Accordingly, it is our solemn obligation to stand solidly behind our soldiers, sailors, aviators and Marines and to give our men and women in uniform the full and complete support they must have in order to prevail in this war and come safely home. This wartime supplemental appropriations bill is an appropriate first step in fulfilling our obligation.

However, Mr. Chairman, like many of my colleagues, I am concerned that this bill is incomplete. It is merely a down payment on the war in Iraq and, more broadly, on the war on terrorism at home and abroad.

The noble effort currently underway to liberate Iraq from a tyrannical regime is but one front in the global war on terrorism.

The Department of Homeland Security has elevated the national threat level to "High" because of its belief that there is a high risk of terrorist attacks against U.S. targets as a consequence of the war in Iraq. Despite this level of alarm, the bill being considered by the House today does not provide adequate resources to secure our own communities against the very real threats the government has told us we face.

H.R. 1559 does not provide the tools and resources needed by the brave men and women on the front lines in the event of a terrorist attack against our local cities and towns. We should ensure that state and local civil defense teams are established and equipped to meet the needs of our communities in the event of such a tragedy. We should provide all the necessary resources so that the firefighters, police officers and emergency medical personnel can effectively respond to any and all threats to the peace and security of our citizens.

H.R. 1559 does not provide sufficient resources to secure our nation's ports and infrastructure.

In virtually every one of our towns across this country is a water-treatment facility that ensures that each of us has safe drinking water. Virtually all of these water-treatment facilities are vulnerable to terrorist attack and so our most basic necessity of life—water—is not adequately secured. Despite this, the Administration did not seek and this bill does not provide one penny to better secure our water-treatment facilities.

In addition, our nation's ports are vulnerable, as are dams, bridges and tunnels throughout the country. Even so, this bill does not provide the resources needed to secure our country's critical infrastructure.

In a time during which the threat of the horrific use of weapons of mass destruction is very real, we have to step up and ensure that our state and local governments have the tools they need to respond effectively to chemical or biological terrorism. We must ensure that our front-line defenders have adequate training and are properly equipped to secure the safety of our friends and family at home.

While H.R. 1559 is a thoughtful, measured response to the needs of our armed forces on the field in Iraq, it does not provide tools that are critical to adequately secure our local communities—the places where Americans live and work, where we raise our children and care for our families.

I support H.R. 1559 as a first step, but I believe that we have a solemn obligation to do more. The preamble to the Constitution spells it out as well as one could: We are obliged to "insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

Mr. Chairman, I will vote for H.R. 1559 in full and complete support of the brave men and women of our armed services in harm's way so far from home. But, Mr. Speaker, I also urge my colleagues on both sides of the aisle to do more—to vote to secure our cities and communities against the very real threats that they face every day during these uncertain times. Mr. Speaker, we must "secure the Blessings of Liberty" here at home with the same vigor and with the same measure of devotion that we have shown to bringing freedom to the people of Iraq.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of H.R. 1559, the Emergency Wartime Supplemental Appropriations Act for Fiscal Year 2003, While I believe that it is a tragedy that the Republican Leadership in the House did not allow the Democrats to offer an amendment to include funding to support critical first responder and other homeland security needs, we have no choice to vote for this bill to support our brave men and women now engaged in hostilities in Iraq. My support for this bill does not mean, however, that I will not continue my fight with my like-minded colleagues to provide additional funds to enhance the security of Americans at home. We urgently need to address vulnerabilitites in our ports, borders, transportation system and other critical infrastructure, and we need to augment our first-response by way of training, equipment and communality of communications, in reinforce counter-terrorism and other capabilities.

As Ranking Member on the Committee on House Administration, I am pleased that this bill includes funds to address the needs of several Legislative Branch agencies under my Committee's jurisdiction. There is over $37 million for general expenses of the Capitol Police, mostly for additional equipment to improve the physical security of the Capitol, the temple of our democracy which thousands of American and foreign tourists visit each year. The bill provides $63.9 million for acquisition of a larger headquarters for the Capitol Police. Our police force has grown considerably since the 1998 shootings and 9/11, and there is a need for more space to consolidate functions and improve operational efficiency.

Also under our jurisdiction, the bill funds security-related work in the Library of Congress and the Congressional Research Service. The bill funds the newly constituted House Select Committee on Homeland Security, which will, under the able leadership of the gentleman from California [Mr. COX] and the gentleman from Texas [Mr. TURNER], oversee our newest department and its enormous job of making our people as safe as we can be made from terrorism.

I am particularly pleased that this bill includes $110,000 to satisfy an operating shortfall at the Office of Compliance. While this amount of money is very small in the context of the overall bill, it is important to ensure fairness in the Congressional Accountability Act complaint process by allowing the Office to employ outside, independent mediators. I would like to compliment the gentleman from Georgia [Mr. KINGSTON] and the gentleman from Virginia [Mr. MORAN], Chairman and Ranking Minority Member of the Legislative Branch Appropriations Subcommittee, respectively, for recognizing the importance of this program and for providing the funding needed for it to continue.

Mr. Chairman, I look forward to working with the distinguished gentleman from Ohio [Mr. NEY], Chairman of the House Administration Committee, our Committee colleagues, and members of the Appropriations Committee on these and a number of matters in coming months to ensure the security and other needs of the first branch of government are properly met.

In conclusion, Mr. Chairman, I believe we need to urgently act on providing additional resources to meet our country's homeland security needs that this bill fails to address. In the meantime, however, I rise in support of this bill to provide short term funding for our troops and security needs of the Congress and would urge my colleagues to vote in favor of it.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of this supplemental—funding to provide for our troops and homeland security.

This supplemental will support the men and women of our Armed Forces in Operation Iraqi Freedom and help provide humanitarian relief for the people of Iraq.

The brutality of Saddam Hussein's Iraqi regime continues to be revealed through the brave efforts of the men and women of our Armed Forces. Saddam's death squads—his enforcers—go into cities to ensure that the people not rise up against him. They execute civilians. They go door-do-door, take children from their homes, and hold them hostage under the threat of massacre. Saddam Hussein's regime has a documented record of gassing, torturing, raping and executing its own people.

While there are many dangers in the world, the threat from this Iraqi regime stands alone—because, as President Bush has said, it gathers the most serious dangers of our age in one place under the leadership of a merciless dictator.

What if we had refused to take the necessary action to stop this Iraqi dictator from building his weapons of mass destruction—chemical, biological, and nuclear? What if we had allowed him to supply these weapons to international terrorists?

My friends, not long ago we came to the Floor and voted to allow President Bush to use every tool at his disposal to stop this threat to the American people and the world. We must make sure that our military has everything it needs to do the job that they have been asked to do.

Under difficult circumstances, our troops continue to make good progress toward our objectives of ending the Iraqi regime, freeing the Iraqi people, and disarming the country of weapons of mass destruction. Our forces are fighting well, with overwhelming force, and have defeated every threat they have encountered.

It is our obligation to make sure that they are fully supported in this endeavor. I urge my colleagues to vote for this supplemental.

Mr. ORTIZ. Mr. Chairman, I rise in support of the supplemental bill before the House today.

As a Member of the House Armed Services Committee, I have been anxiously awaiting this supplemental since current war operations are being funded out of this year's third and fourth quarter accounts. I thank the committee for your rapid action on this bill.

Our young men and women are performing magnificently right now in Iraq, as well as in Afghanistan. It doesn't matter if you agreed with the first strike policy, our troops are on the ground and operating with great professionalism. It falls to the Congress to make sure our troops have what they need to prosecute this war on all fronts.

I thank the appropriators for largely keeping the control over the spending in this bill with Congress, not giving away our Constitutional authority to the executive branch.

While I'm glad we are addressing some homeland security needs, what concerns me is a lack of proper funding for our nation's first responders, the first line of defense for us here in the United States. I was surprised the committee is recommending even less for homeland security than the president requested.

September 11—and the anthrax attack the following month—taught us that we are vulnerable here in the United States. We must employ the lessons we learned from those attacks and ensure these men and women are adequately funded.

We still have every reason to believe there will be a retaliatory attack here in the U.S., and we are still woefully unprepared. That does not need to be the case, but to date we have vastly under-funded our first responders. I am disappointed the committee did not adopt Mr. OBEY's amendment that would have added in more funding for this priority.

I represent a border and coastal district, with needs related to border security, Coast Guard funding, port and container security, plus other priorities. The constant refrain is: we cannot afford it. Here's the reality: we can't afford not to fund these urgent needs.

I will continue to work with my colleagues on the Appropriations Committee to find the money new agencies of the Department of Homeland Security need to conduct the tracking of foreign nationals from countries suspected of supporting terrorist activities, something we need to be doing better.

Our border stations need more money for the infrastructure to accurately and completely use biometrics in the entry-exit system of our tracking programs . . . to follow both those who aren't citizens and cargo originating outside the country. All the money in the bill appears to be for the Canadian border. While it was the Canadian border that the Sept. 11 hijackers crossed, the cost of increased security level along the Mexican border is being ignored.

I'm pleased to see money for Coast Guard operations. But our Coast Guard needs more funding for both infrastructure and operations. They are living up to their missions heroically, but their mission to protect every single mile of shoreline in the nation.

We must provide complete containment security at every port in the nation. South Texas is home to 2 deep seaports—making us a vulnerable place for those who want to get weapons or people into the country.

I appreciate our directing the authority for rebuilding Iraq to the Secretary of State, not the Pentagon. The Pentagon runs wars . . . diplomats run peace.

This war will touch many more of us before it is over. Already, South Texans are bearing the painful price for the war in Iraq, including young Edward Anguiano from Los Fresnos, Texas, who was listed as missing just this past weekend.

Our community is praying for Edward, his family, and other children of Texas who are serving in this war. We pray for the troops' safety, and for a rapid conclusion to this war.

Mr. SPRATT. Mr. Chairman, $74.7 billion seems sufficient to wage war for quite some time, but when it is broken down, there is less than meets the eye.

Of the $74.7 billion, $62.6 billion goes to DoD.

Of the $62.6 billion allocated to DoD, $30.3 billion goes to cover "sunk cost," which the supplemental calls "coercive diplomacy."

Of the remaining $32.3 billion: $13.1 billion is allocated for a "short, extremely intense period of combat operations"; $12 billion is allocated for post-war "mopping up" and phasing the combat force into an occupation force; $7.2 billion is allocated for redeployment, replenishment of munitions, and repair of weapon systems. Of the $7.2 billion, about $1.1 billion goes to Iraq's reconstruction.

In addition, $7.8 billion is allocated out of the $74.7 billion for aid and humanitarian assistance to Israel and Jordan and other nations as well as post-war Iraq. Out of this $7.8 billion, some $2.4 billion is identified for reconstruction and humanitarian aid to Iraq. Added to the $1.1 billion, this makes aid to post-war Iraq equal to about $3.5 billion.

One must conclude, therefore, that this supplemental is probably a first installment on the cost of this war. The supplemental will not cover (1) the cost of combat lasting more than 2–3 months, (2) the cost of prolonged occupation by a sizeable force, or (3) our likely share of the post-war reconstruction and humanitarian aid.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise today in full support of the Democratic amendment to the Republican Supplemental for Homeland Security. I strongly urge my colleagues on both sides of the aisle to vote in favor of the democratic substitute.

Regardless of the speed of our success in Iraq, regardless of how we personally feel about our role in Iraq, we must recognize that our Homeland needs to be our first priority for defense. We must provide appropriate funding to our first responders and our preventative Homeland defense. The Democratic substitute recognizes our pressing needs. The Democratic substitute provides additional funding for the protection of our ports and infrastructure, state/local first responders, and extremely vulnerable nuclear facilities. For example, in the Republican supplemental Puerto Rico would receive most needed resources for Homeland defense; however, the Democratic substitute provides additional resources to the Commonwealth. In fact, the Democratic substitute provides all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories additional resources.

The city of San Juan in Puerto Rico has one of the most important ports of any U.S. Jurisdiction—it is one of the most popular stops for Caribbean cruise liners and one of the most active commercial ports. We need those additional dollars to provide the most effective fortification of our vulnerable infrastructure and ports-of-entry.

I commend all of my colleagues, on both sides of the aisle, for bringing this important issue to the floor and to full democratic debate. I, also, commend them for acknowledging the importance of our Caribbean ports-of-entry.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $250,000,000, to remain available until expended.

BILL EMERSON HUMANITARIAN TRUST

The Secretary of Agriculture shall utilize the funds and authorities of the Commodity Credit Corporation to acquire a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity utilized by the Corporation pursuant to the release of March 20, 2003, relating to the use of commodities for assistance in Iraq: *Provided*, That notwithstanding any other provision of law, monetization of stocks in the Bill Emerson Humanitarian Trust to purchase different commodities for humanitarian aid to Iraq is prohibited.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

In chapter 1 of title I, insert at the end the following:

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $13,000,000, to remain available until expended, for activities authorized under section 332 of the Public Health Security and Bioterrorism Preparedness Response Act of 2002 (Pub. L. 107–188).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until expended.

In chapter 3 of title I, under the heading "OPERATION AND MAINTENANCE", in the item relating to "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" insert after the dollar amount the following: "(increased by $160,200,000)".

In chapter 3 of title I, under the heading "OPERATION AND MAINTENANCE", insert at the end the following:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $66,000,000.

In title I, after chapter 3, insert the following new chapter:

CHAPTER 3A

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operations and Maintenance, General" for safeguards and security activities, $108,000,000, to remain available until expended.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" for safeguards and security activities, $24,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" to support additional safeguards and security activities, $7,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIOINAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" to support additional safeguards and security activities, $68,200,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for various domestic and international nonproliferation activities, $175,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" to support additional safeguards and security activities, $11,300,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" to support increased Office of Intelligence mission requirements resulting from the conflict in Iraq, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING

SEC. 1351. (a) DEFINITION.—As used in this section, "sensitive material" means nuclear weapons or components thereof, nuclear materials, radioactive materials, and related technology and sources that pose a risk of proliferation of weapons of mass destruction.

(b) INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—The Secretary of Energy may expand the International Materials Protection, Control and Accounting program outside the Russian Federation, and the independent states of the former Soviet Union. The program may include, but is not limited to, assisting countries to—

(1) reduce the risk of theft of sensitive material or of diversion of sensitive material to terrorists or terrorist organizations;

(2) store securely sensitive material;

(3) establish procedures, such as inspections, audits, and systematic background checks, to improve the security of the use, transportation, and storage of sensitive material; and

(4) improve their domestic export control and border security programs for sensitive material.

(c) APPLICABILITY.—This section shall only apply with respect to amounts appropriated by this Act and any previous appropriations Act enacted before the date of enactment of this Act.

In title I, after chapter 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $18,000,000, to remain available until expended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until expensed, for extraordinary costs to provide for the security of departmental facilities; *Provided*, That the Secretary of the Interior may transfer such funds to other accounts of the Department of the Interior, as the Secretary determines to be appropriate, for use by the agencies or bureaus of the Department to offset such homeland security costs.

In chapter 5 of title I, under the heading "BORDER AND TRANSPORTATION SECURITY", in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", insert after the first and second dollar amounts the following: "(increased by $300,000,000)".

In chapter 5 of title I, under the heading "BORDER AND TRANSPORTATION SECURITY", insert at the end the following:

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants" for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $150,000,000, to remain available until December 31, 2003.

Emergency Management Planning and Assistance

For an additional amount for "Emergency Management Planning and Assistance" for grants for interoperable communications equipment, $350,000,000, to remain available until December 31, 2003.

Transportation Security Administration

MARITIME AND LAND SECURITY

For an additional amount for "Maritime and Land Security", $250,000,000, for making port security grants to be distributed under the same terms and conditions as provided for under Public Law 107–117, to remain available until December 31, 2003.

In chapter 5 of title I, under the heading "COAST GUARD", in the item relating to "Operating Expenses", insert after the dollar amount the following: "(increased by $100,000,000)".

In chapter 5 of title I, under the heading "COAST GUARD", insert at the end the following:

Acquisition, Construction, and Improvements

For an additional amount for "Acquisition, Construction, and Improvements", $90,000,000, to remain available until December 31, 2003.

In chapter 6 of title I, in the item relating to "Public Health and Social Services Emergency Fund", insert at the end the following:

For an additional amount for "Public Health and Social Services Emergency Fund", for the Centers for Disease Control and Prevention, to be used to improve Federal, State, and local preparedness against potential chemical terrorism, $75,000,000.

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", in the item relating to "Military Construction, Navy", insert after the dollar amount the following: "(increased by $92,579,300)".

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", in the item relating to "Military Construction, Air Force", insert after the dollar amount the following: "(increase by $28,160,000)".

In chapter 8 of title I, under the heading "MILITARY CONSTRUCTION", insert at the end the following:

Military Construction, Army

For an additional amount for "Military Construction, Army," $65,340,000, to remain available until expended.

Military Construction, Air National Guard

For an additional amount for "Military Construction, Air National Guard," $8,800,000, to remain available until expended.

Military Construction, Army Reserve

For an additional amount for "Military Construction, Army Reserve", $2,200,000, to remain available until expended.

In the Transportation and Treasury chapter of title I, insert after the chapter heading the following:

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

National Railroad Passenger Corporation

For necessary life/safety capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $50,000,000, to remain available until expended.

In the VA–HUD chapter of title I, insert after the heading for "DEPARTMENT OF VETERANS AFFAIRS" the following:

Veterans Health Administration

MEDICAL CARE

For an additional amount for "Medical Care", for enhancement of emergency preparedness, $70,000,000, to remain available until September 30, 2004.

In the VA–HUD chapter of title I, insert at the end the following:

INDEPENDENT AGENCIES

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology," $100,000,000, to remain available until expended, of which $25,000,000 is for water systems vulnerability analysis and $75,000,000 is for chemical plant vulnerability assessments.

HAZARDOUS SUBSTANCES SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Hazardous Substances Superfund", $75,000,000, to remain available until expended, for carrying out homeland security activities authorized by law related to the agency's counter-terrorism programs including radiological, biological, and chemical attacks: *Provided*, That these activities include, but are not limited to, (1) support of State and local responders to plan for emergencies, (2) coordination with federal partners, (3) training of first responders, and (4) providing resources including federal personnel in the event of any attack: *Provided further*, That the Administrator may transfer such portion of these funds as she deems appropriate to other agencies of the Federal government with expertise in radiological, biological, chemical attack related counter-terrorism programs: *Provided further*, That the Administrator is authorized to make grants to states for radiological, biological, and chemical attack related to counter-terrorism.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, this amendment attempts to add $2.5 billion in funding for homeland security. It seems to me that if we can undertake an effort that will provide basic health care for Iraqis, 25 million Iraqis, if we can provide for the reconstruction of 6,000 schools in Iraq and 100 hospitals in Iraq, it seems to me that we can at least do the minimum necessary to batten down the hatches here at home and protect our communities, our ports, our first responders, our schools and our other citizens from potential terrorist attacks.

This amendment seeks to add $135 million to increase the sophistication of our anti-nuclear detection equipment in the 10 main ports around the world that ship over 50 percent of the shipping containers into the United States. We are incredibly vulnerable to the use of a dirty nuclear device in our ports, and this would be a major step forward in correcting that vulnerability.

We also want to spend $87 million to provide additional oversight of nuclear materials stored here in the United States so it is not reachable by terrorists.

We want to provide $150 million to upgrade the State public health departments and environmental laboratories in order to strengthen our ability to respond to chemical weapons attacks.

We want to provide additional funding to follow up on the site-by-site analyses of our vulnerability or of the vulnerability of our Federal dams and waterways across the country.

We want to provide $75 million to initiate assessments of the vulnerability of the U.S. chemical plants in the country.

We want to provide an additional $300 million for first responders and $150 million of that specifically for firefighter grants to raise that program up to its authorized level of $900 million.

We want to provide additional funding to our National Guard civil support team so that every State in the Union can have a qualified National Guard backup operation to supplement the actions of our first responders in case of terrorist attacks in our localities.

We want to see to it that the Coast Guard is expanded by at least 2,000 personnel beginning in October, rather than waiting until next April. The Coast Guard is stretched to the breaking point at this point.

We want to see to it that many of the other ports in the United States have the same detection equipment that is now available in Norfolk and will soon be available in San Diego.

We want to respond to the fact that the Coast Guard has estimated that we need $4.5 billion in additional funding for our local port authorities over the next 10 years. We want to provide an additional response to that.

We want to deal with the fact that today, if there were an attack on our tunnels, our Amtrak tunnels, in a number of cities across the country, that, in fact, the ability to evacuate people from those tunnels right now is extremely and dangerously limited. And I would point out that the size of this amendment is smaller than the amendment that is contained in the bill to provide aid to airlines. It is very much smaller, about a third the size of the foreign assistance that is contained in this bill for other countries.

This is the minimum that we ought to be doing. I originally submitted a list that would come up to almost $8 billion in what we regard as essential security, home front security operations that need to be undertaken. None of these ideas originate with us. They all originate with the agencies charged with the responsibility of protecting the security of the United States at home.

So, Mr. Chairman, I would urge that the Members of this House not lodge an objection to this amendment so that we can, in fact, at least have a debate on this issue. We are in the minority. We understand that we cannot expect to win on many votes around here, but at least in the people's House, we ought to be able to debate these issues. You already have 13 votes more than we have on this side of the aisle. You will most assuredly win; but at least take the gag off, and let us have the opportunity to have an up or down vote on something that ought to be a totally bipartisan effort.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. The committee, as I said before in general debate, provided $3.5 billion for the Department of Homeland Security activities related to the war effort. This amendment would add another substantial amount of money to that figure, which at this moment in time is not necessary.

This bill, this supplemental bill we are talking about is only for a 3-month period of time. We will have plenty of time after that to look to the future, but for this 3-month window of time, I say to the Members, this money is adequate. Could we spend more? Of course, we can shovel money out the door, but we have tried to be reasonable and somewhat restrained in what we throw out the window here at this point in time. This is a 3-month expenditure we are talking about.

Taking some of the gentleman from Wisconsin's (Mr. OBEY) specifics, for the Office of Domestic Preparedness, this is money for our local responders. We provide $2.2 billion. His amendment would add another 300, but I would point out to the Members that there is already almost $1 billion of money presently allocated that is unspent, laying there waiting for our communities to ask for that money.

□ 1300

And, number two, the 2004 budget request adds another $3.6 billion that likely will be appropriated and will be available beginning this October 1.

Now, the Coast Guard: We provide $630 million. His amendment would add $100 million more to hire 2,000 more people. We cannot bring 2,000 people on board that fast. The 2004 budget request includes funds for hiring new people and, undoubtedly, we will approve that. But for this 3-month period of time, this is unrealistic.

Now, for the Transportation Security Administration, we provide $390 million. The gentleman from Wisconsin (Mr. OBEY) would add $250 million for port security grants. But the Coast Guard has $40 million in this supplemental to complete the port vulnerability assessments. We do not know what the ports need until we assess them, and that is what the Coast Guard is doing just this minute. They are going to come back and tell us what we will need for fiscal 2004 and we will provide it for them. They are going to tell us what we will need for the next 10 years. And the estimated cost over 10 years is $4.4 billion to harden the ports, and we will do that over the period of time. We cannot do it all at once.

The amendment provides another $150 million for firefighter assistance grants for which there was no request. We have already provided $1.1 billion in fiscal 2002 and 2003. And as I said, most of that money has not yet been passed out to the communities.

Mr. Chairman, I am just saying to my colleagues that there is plenty of money in the first responder pipeline for this 3-month period of time about which this bill addresses itself.

The amendment would provide $350 million for interoperable communications equipment between first responders. There was no request for that money. There is a need for interoperability, no doubt about it, but we have first got to develop regional and national standards before we spend zillions of dollars trying to communicate with each other. This has to be done on a regional basis. And the regionalization of that system is in the works even as we speak, but not quite yet ready.

The committee, I think, has adequately funded homeland security activities that were war related for this 3-month period of time. There is only 5 months left in the fiscal year to spend additional monies. There is plenty of money in the pipeline for our first responders. There is plenty of money in the bill for port security, including extending our port assessment to the 20 megaports in the other parts of the world from which we receive most of our shipments.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve a point of order.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, in response to the gentleman from Kentucky, let me simply say that the Coast Guard has told us very clearly that if we provide this money now, they can get these additional 2,000 people on board by October. They have also told us if we wait until the 2004 budget year that they cannot bring them on until April. That is a fact.

Fact number two. The gentleman talks of $1 billion in ODP money that is not spent. The fact is it is not spent because the application period is open until April 22. It cannot be spent until that application period is finished.

Thirdly, the fire grants for 2002. They are virtually all out. And for the fiscal 2003, the applications are still open, so again that money cannot be expected to be out of here. The agency assures us it will be out of here by June once the application period is finished.

So I think the gentleman is using a lot of interesting numbers to make a point that does not exist.

I thank the gentleman for yielding to me.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I would be glad to yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, let us just look at it. The fiscal 2002 grants, the money we appropriated a year and a half ago, $495 million for grants for our local communities to apply for, $291 million of that money is still lying there unspent. Nearly 60 percent of the fiscal 2002 monies are still available to communities, and the filing deadline is still available. It has been available since 2002, and the money is not applied for. What does the gentleman say about that?

Mr. OBEY. Mr. Chairman, will the gentleman continue to yield?

Mr. EDWARDS. I will be glad to yield to the gentleman from Wisconsin for a response.

Mr. OBEY. With all due respect, Mr. Chairman, we have answered those statements twice, and I also answered them earlier in the debate.

The fact is if Members think there is enough money being provided to protect the homeland, vote against the amendment. If they think there is not enough money, vote for it. But at least let us have a vote.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I will yield briefly to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, there is $291 million available for first responders from fiscal 2002. Why do you not apply for it?

Mr. OBEY. Against a defined need of $9 billion.

Mr. ROGERS of Kentucky. Well, let us spend what we have already. If we need more, we will get it.

Mr. OBEY. It is your administration running the show, not ours.

Mr. EDWARDS. Mr. Chairman, reclaiming my time, let me say this. There are some problems that we should not wait to address, and I can think of few more important than the potential threat of nuclear terrorism exercised against major American cities.

It is frightening when one realizes the reality that a Coke can-size full of highly enriched uranium, put into a bomb, placed into one of 11 million ship containers that end up in major U.S. ports, God forbid if that were to happen and that bomb to be exploded in a major American port, 2 to 3 million American citizens could be killed instantly. Surely, surely, we would all agree in this House that we should do everything we can humanly do to prevent that sort of catastrophe from happening. Perhaps that is why President Bush has said protecting our homeland against nuclear terrorism should be of the highest national priority.

I think the Obey amendment does something about that potential threat of nuclear terrorism. By providing a little over $100 million, we can actually put in place at 10 megaports nuclear protection devices. So that if a terrorist were to try to put a nuclear bomb into a ship container, and keep in mind, Mr. Chairman, only 2 percent of ship containers are ever inspected before they come into major American ports, but these nuclear detection devices, funded by the Obey amendment, a technology developed by our Department of Energy, could be put in place in the next year or so, starting now, in the 10 major megaports that could protect our major American cities and the millions of people that live in them from the threat of a nuclear bomb being exploded in the hold of a cargo ship parked in New York harbor or New Orleans harbor or outside of Los Angeles or the city of Houston.

If we can spend $100 billion to fight a war in Iraq, which I support, and if we can have proposed a $374 billion dividend tax cut, which I do not support, certainly we could afford to spend another $135 million in this bill today to try to protect major American cities from nuclear terrorism. I urge support for the Obey amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 1559, Emergency Supplemental Appropriations for Fiscal Year 2003, including $62.5 billion for military operations in Iraq and the war on terrorism.

In the months and years ahead, questions will persist as to whether alternatives to a U.S. military invasion might have succeeded in removing the threat posed by Iraq's weapons program. And there are important debates still to come about the postwar program for rebuilding Iraq, the multilateral cooperation we must secure to ensure a postwar transition to democracy, and the efforts our nation must resume to bring Israelis and Palestinians back to the negotiating table. This Congress must hold the President and our country to these critical objectives.

But today, our task is more straightforward: we are here to give our courageous men and women in uniform the support and the resources they need to carry out their mission swiftly, effectively, and decisively. I have no doubt that that support, in the form of this supplemental appropriations bill, will be provided with near unanimity later today.

This bill also must address the protection of our citizens here at home. This Administration has made a total supplemental appropriation request of $74.7 billion. Homeland Security accounts for less than 6 percent, or only $4.2 billion, of this total. The Republican leadership of the Appropriations Committee has made significant improvements in the Administration's request and has courageously refused to cede the Congress's responsibility to apportion spending to the discretion of the President or Secretary of Defense or any other executive officer. But the bill still falls short of our minimal homeland security needs, and unfortunately, the leadership of this body has rejected constructive efforts from our side of the aisle to improve it.

Let me give two examples: port security and support for first responders. Although Congress and the Bush administration have taken important steps to improve airline safety, very little has been done to secure the 361 seaports around our nation that receive nearly 21,000 containers a day from hundreds of overseas ports. Maritime shipping moves 95 percent of non-North American U.S. trade.

Testifying before Congress last August, Robert Bonner, Commissioner of Customs and Border Protection, said, "There is virtually no security for what is the primary system to transport global trade . . . The impact (of an attack) on global trade and the global economy could be immediate and devastating—all nations would be affected." Despite the vital role seaports play in linking America to the world, both economically and militarily, port vulnerability studies for the nation's 50 largest ports are not scheduled to be completed for five more years.

The Coast Guard estimates the 10-year cost for port security improvements at $4.4 billion, and $963 million for the first year alone. In this time of crisis, we cannot afford to delay this effort. Despite no request from the Administration, Congress has appropriated $400 million for grants to critical ports to conduct vulnerability assessments and make needed security improvements. The Democratic amendment provides $250 million more to better meet the security requirements of our ports.

Our first responders are our first line of defense—the ones who intercept terrorist activities and are first on the scene in the event of disaster, putting their life-saving skills to work.

I have traveled throughout my district meeting with local leaders and first responders. They tell me that they need equipment, training, and funding to meet the demands of their new responsibilities. Yet, they still have not received the funding that they have been promised; in fact, they are facing funding cuts in the President's 2004 budget.

The Democratic amendment provides critical support, first, in securing interoperable communications equipment. Incompatible communications equipment hinders the ability of our first responders to adequately respond to disasters and costs lives. Only 40 percent of fire departments can communicate with police or EMS personnel. The technology to obtain interoperable communication equipment exists now. DHS is developing national guidelines. The Democratic amendment provides $350 million to be directed immediately through grants to this effort in our effort to correct a universally accepted need.

Fire fighter grants were authorized at a level of $900 million for Fiscal Year 2003, but funded $150 million below its authorized level. The Democratic proposal makes up this shortfall by providing the additional $150 million to the grant program. This additional money would make up shortages in basic needs such as portable radios, self-contained breathing devices, and map coordinate systems.

Not only major metropolitan areas but also smaller communities located near critical infrastructure are faced with an increased burden of security as a result of the ongoing high threat level. The Democratic proposal provides $300 million through the Office of Domestic Preparedness to help these communities fund the heightened security requirements they must address. This additional $300 million would provide a total of $3.5 billion to ODP for Fiscal Year 2003, which is equal to the Administrations original Fiscal Year 2003 budget request.

Mr. Chairman, members of this House understand the importance of providing our troops with the resources they need. We stand united behind them today, and we remain steadfast in our faith in them and our support of their mission.

However, it is also our duty to protect all of our citizens and to provide funding to ensure homeland safety and security. It is in that respect that the bill before us falls short. Having been denied the opportunity to strengthen this bill today, we on the Democratic side will persevere in future appropriations efforts, hopefully with bipartisan support, to address urgent priorities in homeland defense.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. I most certainly do, Mr. Chairman.

Mr. Chairman, let me state what I understand the parliamentary situation to be. My understanding is that the rule under which we are operating waives section 302(c), 302(f) and section 311 of the Budget Act against the bill as reported, and clause 2 of rule XXI.

My understanding is that the rule provides, with respect to section 302(c), my understanding is that if the gentleman's interpretation of the rule is correct, that would mean that while the majority would get a waiver for its bill, even though the committee has not filed its 302(b) suballocations, the minority would not get a corresponding waiver.

My understanding with respect to section 302(f) is that if the gentleman's interpretation is correct, that would mean that despite the fact that the bill exceeds 302(a) or (b) allocations, that the majority's bill will still be allowed to come to the House floor but our amendment would not be able to, even though we are in precisely the same situation with respect to those allocations.

With respect to section 311, which prohibits consideration of a bill or amendments that exceed total spending in the deemed fiscal year 2003 budget resolution, if the gentleman's interpretation is to prevail, that would mean that the majority would be waiving requirements on this point for their bill but not for the minority's.

I cannot believe that the majority would intentionally produce such an unfair result, and so I therefore would urge the Chair to rule that the amendment is in order.

The CHAIRMAN. If no other Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair understood the point of order offered by the gentleman from Florida to be related to clause 2 of rule XXI. The Chair finds that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) includes new language imparting direction, as, for example, section 1351 in the proposed amendment. The amendment, therefore, does constitute legislation in violation of clause 2 of rule XXI.

The fact that points of order under clause 2 of rule XXI were waived against provisions in the bill does not, under the precedents, permit amendments adding further legislation. The point of order is, therefore, sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I am most reluctant to do this, but in my view when the rights of the minority to offer a meaningful amendment on a bill of this nature, which goes to the very heart of our national security preparation, when the minority is denied an opportunity to even have such a proposal debated, I have no choice but to move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 195, not voting 22, as follows:

[Roll No. 104]

AYES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Ballance
Capuano
Combest
Conyers
Cox
Doolittle
Gephardt
Gingrey
Hyde
Jones (NC)
Linder
Lynch
McCarthy (MO)
McInnis
McIntyre
Oberstar
Paul
Royce
Slaughter
Towns
Velázquez
Walden (OR)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are approximately 2 minutes remaining to vote.

□ 1331

Mr. ROSS, Mr. WYNN and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Mrs. CAPITO and Mr. PETERSON of Pennsylvania changed their vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would first like to thank the gentleman from Florida (Chairman YOUNG) and our ranking member. I think they have done the best job that could possibly be done, and I commend them for making sure the supplemental appropriation is not simply a slush fund giving the administration and Secretary Rumsfeld the ability to spend this money in any way that they wish to spend it. However, no matter how hard they have worked, this bill is not what it is made out to be.

This bill provides almost $78 billion in supplemental funds, some of which are not related to either the war in Iraq or homeland security. In addition to some funds for the war in Iraq, this bill includes money for Turkey, Israel, Poland, Hungary, Czechoslovakia, Estonia, Latvia, Slovakia, Romania, Slovania, Lithuania, and Bulgaria. In addition to the millions of dollars for all of those Eastern European countries, this bill includes generous sums of money for health care, rehabilitation, and the construction of new schools, housing, and transportation systems in Iraq and Afghanistan. Yet many communities right here in the United States of America are continuing to suffer from the effects of prolonged economic recession and deprivation, including job losses and a lack of investment in our cities and our rural communities.

Later on today I will be offering an amendment to encourage investment in our cities and in our rural communities and for economic development. I will also offer an amendment to encourage the Inter-American Development Bank to release money for Haiti, one of the poorest countries in the whole world right here in our own hemisphere. Mr. Chairman, I do not begrudge these countries. We have bombed and invaded. I do not begrudge them assistance in rebuilding, but I do resent attempts to define this bill as simply support for our soldiers.

This bill includes political money that simply rewards countries for voting with us in the United Nations. It includes money to subsidize the airlines. It includes money to the CDC and other funding that has nothing to do with the war in Iraq that it is supposed to be covering.

I can tell the Members what is not in this bill. There is not money for homeland security or money for our own ailing and broken education and health systems.

I will support this bill, but I will also speak up for the citizens of this country. Mr. Chairman, charity begins at home and spreads abroad. If I had my way, I would not only include in this language that would have forced the money from the Inter-American Development Bank to be passed on to Haiti that should have been done years ago, not only would I have an amendment for $5 billion that would deal with our ailing infrastructure systems right here in our own communities, urban communities and rural communities. I think I would even put $28 billion in here that the President is cutting from our veterans. Do not forget, those soldiers who are in Iraq today will be veterans some day, and they will need to have funds to cover all of those services that we are now cutting.

Mr. Chairman, the young lady who was just rescued, who was captured and was a prisoner of war found in the hospital, simply went into the service because she could not afford to pay for her education. She went into the service in order to be able to pay for her education; and now that she has been shot, now that she has been captured and rescued, when she gets home she has been offered a scholarship. She should have had a scholarship before she ever signed up, but that is what is wrong with our education system. It does not provide for all of those young people who wish to be educated.

Again, I respect the work that has been done; but I want this bill to include support for homeland security, support for our ailing communities, and language for Haiti.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me speak to the gentlewoman that just spoke. There are ways in which I think we can come together. One of the areas, the gentleman from Washington (Mr. NETHERCUTT) has an amendment coming up that gives preference to the United States in the rebuilding process over those nations that fought against us in the United Nations. That is American jobs, American construction. In California with our constituents, I think the gentlewoman and the caucus could support that.

The second thing, I think it is even more important, as one that opposed going into Haiti, as one that opposed going into Somalia after Adid, and I would tell the gentlewoman if she has been to Haiti, the Halie Selassie Highway, one can drive a truck in a pothole. It is terrible. Many of the conditions have not been improved, and even though I opposed going in there, the dollars that were already appropriated for that should be released to help, and I again opposed going into Haiti and Somalia. So I think it is even more important.

I would also inform the gentlewoman there is another way. I have an amendment on Turkey. Turkey stood against our troops going in from the north, stopped us from having a northern front, caused us to have to ship around all the way to the east side our troops. It cost American lives. We should send them a message. That is $1 billion that could be freed up. They did not ask for it, and Turkey gets a ton of money already in the foreign aid package. That is another way which I think we can help. I recently had it in homeland defense. Technicalities did not allow us to do that, but $1 billion in the general fund is a lot of money to work with, with us.

As far as the scholarships, the gentlewoman and I both support, and I personally believe, that a child that qualifies, that works hard should not be denied a college education or a general education as a result of their economic status, and they should be provided that.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to talk about this bill that will provide much-needed support for our men and women in the armed services who find themselves in harm's way. That aspect of this bill is very good. As a matter of fact, I see this bill in three parts. First, the war. We are doing the right thing. We are supporting our men and women through the supplemental. Second, the post-war. Provisions are made in this bill, I believe, to the tune of $8 billion that would provide for the reconstruction of Iraq or the beginning of the reconstruction of Iraq after the war as well as assistance to our allies.

But then there is the third part, homeland security. And here I must say, Mr. Chairman, I am greatly distressed. We are not adequately supporting our homeland security needs. In this bill we have not put in enough money to help the local firemen, policemen, public safety personnel, emergency medical technicians, the people on the front lines to keep our communities safe. The gentleman from Wisconsin (Mr. OBEY) has tried to put in an additional $2.8 billion. That has not been accepted. That money goes into our communities to provide the same kinds of protections in our hometowns that we would want to see in communities abroad in Iraq after the war is over.

Let me give an example of what I am speaking about. Here in the Capitol we have all sorts of protections. We have barriers around the complex. We have an emergency communication system. We have got special equipment in the case of a chemical or biological attack for ourselves but also for other Federal employees working in this complex. But when these same employees go home to their districts in the suburbs of Washington, D.C., and specifically to my district in Prince George's and Montgomery County, they do not have these same kinds of protections.

For instance, in Prince George's County, Maryland, just outside of the Capitol where many of our employees live and where evacuation procedures may take place, we still need funding to purchase 800 megahertz radios to seamlessly communicate with surrounding jurisdictions as we try to facilitate traffic and respond to emergency situations.

Montgomery County, Maryland, again in the Washington, DC, suburbs where many of our employees live, needs gas masks and monitoring equipment for first responders and schools. These counties and many others all across our country are working tirelessly to respond to the orange alerts and the red alerts and all the other kinds of exigencies connected with war on terrorism and what we anticipate may be increased problems as a result of the war in Iraq. But yet when it comes to funding them, we cannot find the additional $2 billion that we need to provide resources that they need.

□ 1345

One of my counties is actually cutting personnel because of the strains caused by trying to maintain homeland security. There are still questions. Schoolteachers come to me and say, well, what are we going to do about protecting the schools? We have concrete barriers, but many of our schools do not. We have extra police personnel, but many of our schools and local government facilities do not have them. We have reservoirs, we have water systems with other public accommodations at the local level where our citizens live that do not have the adequate resources for homeland security.

We should include more money for homeland security in this bill. It is a true tragedy that we have not.

So I urge my colleagues, as we consider this bill and as amendments come to the floor, to give us an opportunity to do more than just wave the flag or pay lip service, but that we will actually put some money, more money where it belongs, and that is in the protection of our local communities.

The CHAIRMAN. If there are no other Members seeking recognition, the Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

Salaries and Expenses

For an additional amount for "General Administration, Salaries and Expenses", $5,000,000, to remain available until September 30, 2004.

Counterterrorism Fund

For an additional amount for "Counterterrorism Fund", $50,000,000, to remain available until December 31, 2003: *Provided*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Division B of Public Law 108–7.

Detention Trustee

For an additional amount for "Detention Trustee" for the detention of Federal prisoners in the custody of the United States Marshals Service, $15,000,000.

Office of Inspector General

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2004.

Legal Activities

Salaries and Expenses, United States Marshals Service

For an additional amount for "Salaries and Expenses, United States Marshals Service" for necessary expenses, $26,080,000, to remain available until September 30, 2004.

FEDERAL BUREAU OF INVESTIGATION

Salaries and Expenses

For an additional amount for "Federal Bureau of Investigation, Salaries and Expenses", $398,862,000, to remain available until September 30, 2004.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

Salaries and Expenses

For an additional amount for "Supreme Court of the United States, Salaries and Expenses" for police enhancements, $1,535,000, to remain available until September 30, 2004.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Salaries and Expenses

For an additional amount for "United States Court of Appeals for the Federal Circuit, Salaries and Expenses" for court security officer expenses, $973,000, to remain available until September 30, 2004.

UNITED STATES COURT OF INTERNATIONAL TRADE

Salaries and Expenses

For an additional amount for "United States Court of International Trade, Salaries and Expenses" to enhance security, $50,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Diplomatic and Consular Programs

For an additional amount for "Diplomatic and Consular Programs", $106,420,000, to remain available until December 31, 2003.

Embassy Security, Construction, and Maintenance

For an additional amount for "Embassy Security, Construction, and Maintenance", $71,500,000, to remain available until expended.

Emergencies in the Diplomatic and Consular Service

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $65,708,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

International Broadcasting Operations

For an additional amount for "International Broadcasting Operations" for activities related to the Middle East Television Network broadcasting to the Middle East and radio broadcasting to Iraq, $30,500,000, to remain available until September 30, 2004.

General Provisions—This Chapter

SEC. 1201. Funds appropriated under this Chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,400,000,000, to remain available until September 30, 2004, which may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, and such determination is final and conclusive upon the accounting officers of the United States: *Provided further*, That unless expressly provided for in an appropriations act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds other than those additional amounts provided herein shall be made available for any payments intended to fulfill the purposes specified in this paragraph and similar reimbursement authorities expressly provided in section 304 of Public Law 107–117 and within the "Operation and Maintenance, Defense-Wide" appropriation account enacted in Public Law 107–206: *Provided further*, That the Committees on Appropriations of the House and Senate shall be notified in writing at least seven days prior to the obligation of funds for payments to Pakistan, Jordan, or other key cooperating nations: *Provided further*, That not later than 30 days following enactment of this Act, the Secretary of Defense shall submit a report in writing to the Committees on Appropriations that includes a financial plan for the obligation and expenditure of such funds: *Provided further*, That if such report is not provided to the Committees on Appropriations by the date specified in the previous proviso, unobligated balances of funds in this account that are available from the amounts provided in this paragraph shall be returned to the Treasury of the United States: *Provided further*, That, beginning not later than June 30, 2003, and ending on September 30, 2004, the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House and Senate on the uses of funds made available for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with military action in and around Iraq and the global war on terrorism.

OPERATION IRAQI FREEDOM RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For incremental costs of the Department of Defense associated with the global war on terrorism and operations in and around Iraq as part of operations currently known as Operation Iraqi Freedom: $59,682,500,000 is appropriated to the "Operation Iraqi Freedom Response Fund", which is hereby established in the Treasury of the United States. Funds appropriated or transferred to the "Operation Iraqi Freedom Response Fund", shall remain available until expended.

AMENDMENTS OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer two amendments and I ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. KUCINICH:

Page 9, line 8, after the dollar amount insert "(reduced by $19,386,500,000)".

Page 10, line 2, after the dollar amount insert "(reduced by $19,386,500,000)".

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, and I only do so to engage the gentleman just very briefly, the gentleman and I have an understanding that I will not object to his request; I have no problem with that, but that we have an agreement that I would then ask unanimous consent to limit debate on this amendment, these amendments, to 15 minutes, 7½ minutes on each side.

Mr. KUCINICH. Mr. Chairman, I agree with the gentleman's request.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Ohio (Mr. KUCINICH) and any amendments thereto be limited to 15 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. KUCINICH. Mr. Chairman, reserving the right to object, in the interchange that we were having, I was momentarily distracted. The agreement that we had worked out earlier I understood was 15 minutes. I thought it was 15 minutes a side, instead of 7½ minutes a side.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, I thought we had amended that. But that is okay with me; if the gentleman wants to do it 15 and 15, I have no problem with that either.

Mr. KUCINICH. Mr. Chairman, I would ask the gentleman if that would be acceptable to him.

Mr. YOUNG of Florida. Mr. Chairman, I would restate my unanimous consent request that it be 15 minutes on each side rather than 7½ minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) will be recognized for 15 minutes and the gentleman from Florida (Mr. YOUNG) will be recognized for 15 minutes on the amendments.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself 10 minutes.

We all stand here today hoping that no more American soldiers will be killed in Iraq. My amendment will do the most to prevent more American fatalities.

This amendment would bring the troops home immediately and safely. It will end this unjust and illegal war now.

The administration has spent $30.3 billion already on current military operations. This amendment will give the Pentagon another $10 billion to ensure the troops can be safely brought back home to their families. Out of the $59.6 billion for military operations, my amendment will leave $40.3 billion to pay for the war to date and to get the troops back home now. This amendment will save taxpayers $19.3 billion. The savings from the adventure in Iraq can be used for increased homeland security, education, health care, or veterans funds.

Mr. Chairman, I believe this war is not about defending the United States from the threat of Iraq, this war is not about the U.S. trying to save or liberate the Iraqi people, this war is not about an Iraqi nuclear threat. Iraq has no weapons of mass destruction that have been able to be detected by the U.N., and it would be most unfortunate if it was for our troops to find those weapons in combat when, by stepping back and letting the U.N. inspectors return, we could avoid that kind of confrontation and cataclysm.

None of us in this Chamber holds any brief for Saddam Hussein. He is a dictator, yet it is not the responsibility of the United States to oust the leaders of sovereign nations. There are many who want to see this Nation become more safe, but I think a good case can be made that the action against Iraq will not make this country more safe, it will make this country less safe. It will foster terrorism and it will increase anti-American feelings. We will continue to see more orange alerts as the threats against our Nation increase, and we will continue to see the hatred of America grow from people around the world.

This war is killing our troops. It is killing innocent Iraqi civilians. This war must end now. It was unjust when it started 2 weeks ago and it is still unjust today. The U.S. should get out now and try to save the lives of our troops and of innocent Iraqi citizens.

This is the ultimate support-the-troops amendment. There is no better way to ensure their safety than to bring them home now. I support the troops, but I oppose the war.

I am not the only Member of Congress to have taken such a position. On another war at another time with another President, the gentleman from Texas (Mr. DELAY) was quoted in The New York Times on May 7, 1999 as saying, "While we may not support the President's ill-advised war, we do support our troops."

My colleague from Texas, for whom I have the greatest respect, was referring to a different war, but he demonstrates the precedent for opposing the mission and supporting the troops. I believe he is a patriot and I believe he is a good American. In fact, I voted with him that year on a vote seeking to get the troops out of Kosovo.

On December 13, 1995, the House, under the control of Speaker Gingrich, considered H.R. 2770. The bill, a prohibition of funds for the deployment of forces in Bosnia, was introduced by Representative Dornan. Many leading Republicans, such as the gentleman from Texas (Mr. DELAY), the gentleman from Illinois (Mr. HASTERT), the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. HUNTER), and the gentleman from Illinois (Mr. HYDE), voted to cut off funds for the military action while the troops were deployed in Bosnia. In fact, 82 percent of the gentlemen and gentlewomen from the other side of the aisle voted to cut off funds while troops were deployed in Bosnia.

I urge my colleagues to read the CONGRESSIONAL RECORD of that day. I would quote:

"Mr. Speaker, I think it is disgraceful that Members would get up in the well of this House and talk about cutting the knees out from under the troops. No one wants to hurt the troops. No one wants to hurt the troops. We want to get the troops there out, and we do not want to send any more troops."

That was our good friend, the gentleman from Colorado (Mr. HEFLEY).

Again, another quote:

"Mr. Speaker, I rise tonight with a troubled heart. I rise tonight to ask my colleagues to support our troops. Support them by bringing the 150 home. Bring them home now before we get into a mess like I personally had to live through 30 years ago."

That was my good friend, the gentleman from Georgia (Mr. NORWOOD).

□ 1400

I believe that a "no" vote on this supplemental is patriotic, because this war is not about defending the United States from a threat of Iraq. Iraq had nothing to do with 9–11. There has never been a link demonstrated of any credibility connecting Iraq to al Qaeda's work on 9–11. Iraq had nothing to do with the anthrax attack upon this country.

Iraq did not attack this country. Iraq does not have the military capability to attack this country. The United Nations had not been able to establish before their inspectors were withdrawn that Iraq in fact had weapons of mass destruction. Iraq was not acquiring nuclear material from Niger, as had been advanced by some in the administration.

This war is not about the U.S. trying to liberate the people of Iraq. It is not about an Iraqi nuclear threat. Ending this war now and resuming weapons inspections could salvage world opinion of the United States, which has been deteriorating since even the talk of war began. After all, the greatest threat to the United States at this time is terrorism. This war will breed terrorism.

I agree with those in this Congress who today have taken this floor to express concern about meeting the challenge of terrorism. But this war against Iraq and our occupation of Iraq will make America less safe, not more safe. This war will make America a target.

We all desire safety and security in this country. The only way that we can truly achieve that is to work cooperatively with the world community. We had the sympathies of the world after 9–11. Nation upon nation looked forward to cooperating with the United States after 9–11. This approach towards aggressive war has squandered the support of the world, the very support that we need to successfully meet the challenge of terrorism here at home.

Every dime that we spend to advance aggressive war in Iraq, or anywhere else in that region, for that matter, will require later on spending two dimes or $2 to secure our own Nation. I believe that now is the time for America to take a new direction, to turn away from aggressive war.

Mr. Chairman, we have been told that it is Iraq's possible possession of weapons of mass destruction which brings us into their borders and causes our troops to go throughout their cities. This country needs to confront the reality that there are many countries which possess or are pursuing or are capable of acquiring nuclear, chemical, or biological weapons or missile delivery systems.

As of 2000, there were 17 such nations with respect to nuclear weapons, 26 such nations with respect to chemical weapons, 20 with biological weapons, 17 with missile systems. The administration's nuclear posture review and their national security strategy taken together would put us towards confrontation with many nations of the world. Now is the time for us to reassess that.

This downpayment on this war, which is represented by this supplemental, is not simply a way of supporting the war; it is a way of supporting a policy which can only lead this Nation to disaster around the world. Now is the time to step back.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding me this time. I must say that the gentleman from Ohio (Mr. KUCINICH), I know, is very sincerely serious about his position on this matter. I respect his position greatly.

I must say that I was one of those who believed deep in my heart that we would solve this problem by way of peace; that there was an avenue open for us to change the regime in Iraq, and at the same time do so without having to find ourselves in war.

That opportunity for peace closed. The door closed entirely when friends and allies of ours in Europe took a different position. When France decided to take the position they did, when Germany decided to take the position they did, there was no opportunity to find a peaceful solution.

In the meantime, this bill before us is designed to make sure that our troops will be fully supported as they go forward attempting to ensure the opportunity of freedom for the people of Iraq. It is absolutely certain by the time we get through this process before us that they will have an opportunity they have not had during all of the history of this brutal regime.

Indeed, it is difficult for me to understand my colleague's position. I happen to think he is absolutely wrong, but I have risen in part to support his right to express that position. That is what this debate is all about.

I hope at another day, another time, we will find a peaceful solution for dealing with people like Saddam Hussein. I just do not see that time in the near future.

Mr. KUCINICH. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS), a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. DICKS. Mr. Chairman, I want to first of all again congratulate the gentleman from Florida (Chairman YOUNG), the gentleman from California (Chairman LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA) for the way they crafted this legislation. We have made the Defense Department be accountable for this money.

But I must say, cutting $19 million out of this fund, or $19 billion, excuse me, is not going to help the troops. We are in the middle of a war. This money must be replenished. We have used 10,000 precision weapons very effectively. We have these troops in the field, and they need to have the resources in order to complete this task and get this job done.

I do not mind people making their speeches and exhorting their position on the issues; but when it is going to hurt the people in the field, it is unacceptable. This will hurt the troops in the field. I urge the House to reject overwhelmingly the Kucinich amendment, which I will request a record vote on.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment points out that the administration has spent $30 billion already on current military operations. This amendment will give the Pentagon another $10 billion to ensure that the troops can be brought safely home to their families.

Out of the $59.6 billion for military operations, my amendment will leave $40 billion to pay for the war to date and to get the troops home now. I want to restate that $10 billion is there to ensure that the troops get home safely.

This amendment is a statement that we should end the war now and that we should bring our troops back home safely; that we can pay the bills that have already been incurred, but that we should not incur any more bills.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been around this institution long enough to know what an amendment looks like when it does cut off and end the war because we voted that way to end the Vietnam War. I voted for that resolution, or for that amendment.

I also voted to require the President to come back to the Congress for a second vote before he went to war if the Security Council did not agree with his decision to go to war, so I think my position is clear. I think there are going to be very bad, long-term results from this war.

But having said that, I think it is incorrect for the gentleman to say that this amendment will, in effect, bring the troops home. It does no such thing. All it does is to say that we will not reimburse the Pentagon for money which has already largely been spent. It simply does not replenish those accounts. I do not think that that is a rational thing to do.

Secondly, I would point out one of my problems with this bill is that this bill already, in my view, substantially understates, and therefore substantially hides from public view, the full cost of this war. It is going to cost a lot more than the $70 billion in this bill today.

The effect of offering this amendment, in my view, would be to further mask the real cost of that war. I do not think that is a healthy thing to do. I think we are getting into some long-term costs associated with this war far in excess of what the Pentagon, the State Department, or the White House are admitting. I think this amendment simply further would play into that game.

Mr. Chairman, this amendment is not going to pass because, frankly, it does not do what it purports to do. I understand what the gentleman is trying to do; he is trying to find some way to express his views on the war, so in a sense this is a symbolic act. I respect him for that.

The fact is, Members need to be assured they understand exactly what it does and what it does not do. One thing it does not do, it does not bring the troops home.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I do not doubt my friend's concern for the troops. I think that is genuine. However, I do debate the gentleman's point on the war. I will be specific.

First of all, there is no doubt, no doubt whatsoever that Saddam Hussein has contacts and is utilizing al Qaeda within Iraq. Just attend some of the intelligence briefings.

Second, as a combat veteran, the troops, sure, when we flew in Vietnam, we wanted to come home; but we also wanted to do our job. If we talk to the embedded reporters and listen to our men and women overseas, they want to finish the job, I would tell the gentleman.

Secondly, on the Subcommittee on Defense of the Committee on Appropriations, the gentleman's amendment does not bring the troops home. We are already spending fourth-quarter dollars. What the gentleman wants to do is not be able to even replenish those, which would weaken the state of national security in the long run.

I would tell the gentleman that Saddam Hussein today pays $5,000 to a family in Palestine that will take their 15-year-old child and blow themselves up in Israel. We have lost American citizens in that. I do not think we want to let that go.

If we listen to Saddam Hussein, he says he will attack us in the air, the sea, and the land. I would ask the gentleman to project Saddam Hussein, if we pull our troops back, project someone like this 5 years from now with a nuclear weapon. It would be devastating, and we would lose American souls, many thousands.

A lot of people say, what about Korea? Korea is a threat; but I want to tell the Members, they are not working every single day through Mujahedin, Hammas, Hezbollah, and al Qaeda to damage the United States. We need to finish this job, whether the gentleman agrees with it or not. We need to protect American citizens and those abroad for worldwide peace.

If we take Afghanistan, Iraq, Saudi Arabia, Egypt and bring them about with true democracies, this country is far better off than bringing our troops home and not dealing with this problem. If we do that, this problem will magnify in the Middle East, not depreciate.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my good friend, the gentleman from California (Mr. CUNNINGHAM), for his remarks. I respect his service to our country, both in the military and in this Congress.

To my friend, the gentleman from Wisconsin (Mr. OBEY): If I could have offered an amendment that would have required the President to bring the troops home now, I would have.

□ 1415

As my friend, the gentleman from Wisconsin (Mr. OBEY) knows, the majority would not have permitted such an amendment, and that leaves me with two options. One, which is to do nothing. And considering the statements that I have made over the past year challenging this war, that is not going to happen. And the other is to offer the amendment before us now, which my colleague from Wisconsin understands does have a powerful symbolic impact, and, as I understand it, is limited by the limitations of the amendments process. But my amendment was crafted to ensure that the troops would have safe passage home, $10 billion to assure that they come home safely.

I yield to no one in my love for this country, in my commitment to the men and women who serve, and I honor similarly the patriotism which brings every Member of this House to this floor, their honest differences of opinion about the policies of this United States which have brought this country into Baghdad today.

This is an appropriate moment for us to stop and think whether or not aggressive warfare is consistent with the aspirations of this country, whether or not policies of preemption and unilateralism, as articulated in the National Security Strategy, will serve this country well in a complex world where so many nations possess biological, chemical, and nuclear weapons as well as the missile capability to deliver them.

This amendment seeks to create this discussion in this House at this moment as to whether or not this is the time in world history to seek to reengage the world community, which certainly understands America's concern, but to get that same world community which has shown sympathy for America in the past to join with us in once again going back to Iraq with U.N. inspectors instead of our troops, who we would never want to have to find weapons of mass destruction on the battlefield in combat used against them. It is much more appropriate to have inspectors determine whether or not such weapons exist, and if they do, to move to destroy them.

We need to find a way to reintegrate nations like Iraq and the others, which are hostile to this country at this point, back into the world community. We need to find a way to catch what I believe is an advancing tide of human unity which we see expressed all around the world with friends of ours who have stated their concern about the American position of aggressive war against Iraq.

This is a turning point in this country's history, and it is an important moment for us to ask questions about the direction we are going in. Because we are not only talking about Iraq here. We are not just talking about a down payment on a war. We are not just talking about the safety of our troops today. We are talking about the safety and security of the world, America's role in the world, our ability to keep America safe and secure in a climate with an administration that is determining that aggressive war is the way to achieve that.

I maintain that is always open to debate, and I want to thank the gentleman for providing me with this opportunity to raise this question on this floor.

We are all patriots. We all love our country. But one of the glories of this country is its first amendment, which provides not only for freedom of speech, but which provides for a national discussion on issues that are of urgent importance.

And I want to thank both the ranking member and the chair for ensuring that this happens on this issue, and I acknowledge that. And when it is appropriate, I will ask unanimous consent to withdraw the amendment out of respect for the heartfelt concerns expressed by my colleagues.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the tenor of the gentleman's debate. I think this debate has been great all day long, and at a very high level.

For a closing statement in opposition to the amendment, I yield the balance of the time to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding me this time and rise simply to say that I very much empathize with the position of my colleague, the gentleman from Ohio (Mr. KUCINICH).

We happen to rather intensely disagree as to what role America is going to be playing in the world in the years and months, perhaps decades, ahead. Our country remains, whether we like it or not, as the only remaining superpower in the world. We now spend dollars at a level, 380-plus billions of dollars to make sure that we are the strongest country in the world. Indeed, it is my view that those dollars are spent because we are the force for peace. If there is a country that, long term, is going to maintain the peace in the world, it is America. And it is the men and women of the very troops serving presently in the Middle East who reflect the best of the best, who are of course for peace.

This bill is designed to make sure that they can carry forward their job at this moment to its completion and do it well. Indeed, no force is more capable than these men and women. Their purpose, though, is to ensure that freedom becomes available to the people, the men and women, the mothers, the children of Iraq. Without their presence, Saddam Hussein would take us down the pathway towards appeasement. He would be the voice that says "we ought to stand still for whatever time is necessary for me to rebuild my position of strength." He will say, "I will find any another way to win one more time." This is not a plan of peace.

America is the voice for peace in the world. We need to recognize that. And because we need to recognize that, we must reject this amendment.

Mr. KUCINICH. Mr. Chairman, out of respect for the troops and the concern that all of our Members have for them, whatever their position is on this war, I respectfully withdraw the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) asks unanimous consent to withdraw the amendment.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Without objection, the amendment is withdrawn.

Ms. BORDALLO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am in support of the wartime supplemental, H.R. 1559, and I rise today to thank the House Committee on Appropriations for recognizing the damage caused by Supertyphoon Pongsona to our military installations in the territories of Guam. As this bill before us states, Typhoon Pongsona struck Andersen Air Force Base on December 8, 2002 for 9 long hours, with sustained winds of 180 miles per hour. Much damage was done to the family housing units at our base where our brave servicemen and women work around the clock to ensure our safety and security, and especially during this time of war when our bases should be in top order.

On behalf of those servicemen and women and their families, I would like to thank the House Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG) and ranking member, the gentleman from Wisconsin (Mr. OBEY). Because of their hard work, this bill provides $1.8 million to repair family housing and air-conditioning units damaged by Supertyphoon Pongsona.

It also identifies the need for new aircraft hangers to bed down bombers, tankers, surveillance and fighter aircraft. Currently only one of three hangars at Andersen Air Force base is fully operational. The new reinforced concrete high-bay aircraft hangars will be typhoon proof. The state-of-the-art climate control within the hangars will ensure that the bombers will be able to use the hangars for repairs and maintenance.

I hope that in conference on this bill, funds will be identified to begin the hangars' construction. And once again, I want to thank the leadership for recognizing the emergency damage caused by Supertyphoon Pongsona to our military assets on Guam and for taking action to fund the repair of these damages which is now so important, Mr. Chairman, because of increased military activity, the Iraq war, and the impending dangers in North Korea.

Mr. Chairman, I support this legislation.

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that my amendment related to Turkey be considered at this point in the reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I reserve the right to object merely to inquire of the gentleman if he would be interested in reaching some agreement on a time limit, because this amendment has the potential to be very time consuming. And it is a very important amendment, but I would like to say to the gentleman that I do not want to limit any debate for those who desire to speak, but we need to finish this bill tonight. We have to have the weekend to prepare for the conference with the other body. So, would the gentleman be interested in discussing the possibility of a time limit?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I would say to my friend and my chairman that we have several speakers that are very passionate on this issue. To me, the debate of this issue is as important as its passage, and once those individuals do get allowed to speak, and I would encourage them not to take the 5 minutes, if the chairman would redress the issue then I would not object.

Mr. YOUNG of Florida. I appreciate that.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to considering the amendment at this point in the bill?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM:

In chapter 4 of title I, in the item relating to "ECONOMIC SUPPORT FUND"—

(1) after the aggregate dollar amount, insert the following: "(reduced by $1,000,000,000)";

(2) strike paragraph (3) (relating to financial assistance to Turkey); and

(3) redesignate paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes on his amendment.

Mr. CUNNINGHAM. Mr. Chairman, I will choose to strike the last word at the end to close, and I would allow the other Members that wish to speak on this issue, and I would go to the gentleman.

The CHAIRMAN. Did the gentleman from California (Mr. CUNNINGHAM) yield to the gentleman?

Mr. CUNNINGHAM. Yes, the gentleman is going to strike the last word. I will strike the last word at the end so I will have time to close.

The CHAIRMAN. The gentleman from California is recognized now for 5 minutes in support of his amendment. If the gentleman wants to be recognized again later, the gentleman will have to ask unanimous consent to do so.

Mr. CUNNINGHAM. Okay. Then I will be recognized for the 5 minutes, Mr. Chairman.

Mr. Chairman, I truly believe that the United States needs the support of all allies. That includes Turkey. That includes France. That includes Germany. As many of us are upset at those countries for the actions that they took in the previous weeks, we need their help towards world peace in the future. They are aware of the damage that they have done to the United States and their allies and that some penalty is in order.

And as I stated before, the debate on this issue is just as important as the passage of the amendment. There needs to be some message sent to any country that chooses to put in harm's way American and allied soldiers that there will be a penalty. The message should be, "Do not tread on me."

Now, that does not mean that we do not want them as allies in the future. I would state, and I do not mean to demean Turkey by making this point, but merely to make a point, if my own daughters intentionally did something egregious, I am surely, Mr. Chairman, not going to raise their allowance. I love them. I want their love in the future. And the same goes for Turkey.

Secretary Colin Powell at this very moment is negotiating with Turkey, and he has made some great strides. I think all the Members in this House respect Secretary Powell. But I would say, Mr. Chairman, that current negotiations and even positive steps do not forgive what has happened in the past with Turkey denying our troops access.

Turkey never asked for this money. The United States is asking to give them $1 billion. The United States is giving Turkey a ton of money in the foreign aid bill.

□ 1430

This is in the 2003 supplemental. The 2004 bill is coming up. There is a ton of money in there for Turkey. I am not asking to take this away, but should we reward a country for not only putting our men and women in harm's way, but actually causing the deaths of some of our troops?

By Turkey not allowing us to overfly Turkey and give overfly rights, there was an agreement, and they have done some overflights, but that was based on a previous agreement, but by not allowing our troops to launch from the north and out of Turkey, it denied us a northern front. It allowed Saddam Hussein to redeploy his troops and forced us to parachute in with our paratroopers a very lightly armed force to support the north; and I think this is wrong.

A foreign aid package should be for Turkey and our allies, but I would tell the gentleman that just like the gentleman from Kentucky (Mr. ROGERS) a minute ago spoke against the Obey amendment, he used the analogy that this was only for 3 months, and I would use the same analogy here because in the 2004 budget, I do not object to the support for Turkey, if, if their parliament does not turn its back on the United States as they did in the past.

In 3 months, Saddam Hussein will be out of power. We will be on the road to democracy in Iraq and a free people, but can my colleagues imagine giving France preferential treatment on the reconstruction of Iraq? No, and there is an amendment coming up by the gentleman from Washington (Mr. NETHERCUTT) that will handle that; and I would encourage my colleagues to vote for that.

By the same means, do we reward Turkey? Do we give them an incentive for turning their backs on the United States even though they are opening up their borders with Colin Powell today? What they did in causing American lives to be lost, there needs to be a message sent and a penalty, Mr. Chairman. I would say the same is true with France and Germany as well.

Saddam Hussein did work with al Qaeda, and where he worked in al Qaeda is in the northeast portions of Iraq. By not allowing our northern front to go forward and launch out of that area, it allowed many of the terrorists and al Qaeda to launch out of that area.

I ask for the support of this amendment, Mr. Chairman.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from California is a valued member of our subcommittee, and on almost all defense issues we agree. Unfortunately, today, I must rise in opposition to this amendment.

As everyone here knows, yesterday Secretary Powell met with the leadership of Turkey. Immediately following that meeting, the border was opened and supplies on trucks were flowing into northern Iraq for the U.S. forces that are there. These are supplies, not ammunition or weapons; but it is a significant step forward.

Also, we were able to use the air space of Turkey in order to bring in forces into northern Iraq by air lift. Bombers have flown into Iraq using turkey's airspace.

So I think they have made a very significant contribution, and people sometimes forget that 90 percent of the people in Turkey are opposed to this war. They are on the border with Iraq. It was much different in 1991 when Saddam Hussein was invading another country like Kuwait, and therefore, they could join as a NATO ally and work with the United States to get Saddam out of Kuwait. This is a different circumstance.

I think they have done almost everything they could. If 90 percent of the people in the United States were opposed to this war, we might not be there. I think we have to understand, this is a new government with a new parliament; and Turkey has been a reliable ally for many, many years.

This was in the President's budget request. Condoleezza Rice has written a letter to the gentleman from Florida (Mr. YOUNG) expressing the support of the administration for keeping this money in this bill.

We also have to look at the long term. Once we get through with this war, and I hope and pray it is over very quickly, we are going to have to rebuild our alliances, not only with NATO, but with all the countries in the region; and I think showing some good faith at this point and supporting this $1 billion to help Turkey, who has serious financial problems that were caused by their participation in the original Gulf War in 1990 and 1991. They have been hurt economically by this because of humanitarian problems and economic problems that they are facing.

They desperately need this aid and assistance, and they are a democratic secular country that in my mind deserves the support of the United States. They have been involved with us in every military conflict since the Korean War and through Afghanistan; and on the floor of the House, to undercut the agreement that was reached just yesterday with Secretary Powell, I think, would be a terrible mistake.

We should show Turkey that we understand their problem and we want them to recover economically and we want them to work with us through NATO to be a good ally and a good friend. Please vote against the Cunningham amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. As the preceding speaker said, the gentleman who offers this amendment is somebody that I have the highest respect for. He is a true patriot, and no way would I impugn his motives. I just think the basis of this amendment is fundamentally wrong.

As I said the other day in the committee, this is one of those tough votes where I think we as Members have an obligation to not let our emotions run away with us but to do what is the right thing in order to prosecute the war and to carry out our national security and diplomatic objectives.

If I may I would like to provide a little bit of background. The bill language, as it is presented on the floor today, permits us to provide to Turkey, through permissive legislative language, $1 billion in economic support funds to Turkey which could be used by Turkey in turn to buy down the cost of private sector loans, that is, the credit subsidy that would sustain about $8.5 billion of loan guarantees.

The committee recommends this bill language but requires that the Secretary of State determine and notify Congress that Turkey is cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance. So this money does not get spent until that certification is made by the President.

The President, the administration, and the committee support the assistance in this bill because a strong and economically viable and a democratic Turkey is a model in the Middle East, and it is essential to U.S. strategic interests.

Turkey has been an ally of ours for the last half century. During the Korean War, the Turks were with us and suffered the highest per capita casualties of any partner in the Korean War coalition. They were with us in Vietnam. They were with us in 1991 in the Gulf War. They have been with us in Afghanistan. They helped us in Bosnia. They have been very helpful in the war against terrorism.

They have hosted Operation Northern Watch. That is the enforcement of the no-fly zone in the northern part of Iraq for the last 12 years. They are a member in good standing of the NATO alliance.

Turkey is also a democratic nation. It is one of the few Muslim nations that has built economic and military ties with Israel. Ankara has viewed this relation as important, as does Israel. After the conflict with Iraq ends, we will clearly need Turkey to play an important role in the Middle East peace process.

Obviously, the Turks have not done everything that we would have wished and may have been expected in Operation Iraqi Freedom; but we need to remember that they are a democracy, and sometimes democracies can be messy, as we certainly know in our own body here.

The Turkish parliament did not support the executive by some three votes.

They fell short of the absolute majority they needed to have; but in fairness, 90 percent of the population has been opposed to this war, and so it was an act of some courage for this new parliament, 80 percent of whom were new at the time they voted, to cast the votes they did; and as The Washington Post pointed out recently, the United States contributed to part of the problem with its own diplomatic errors leading up to the vote that took place.

Foreign affairs is, in part I think, understanding about being sensitive to other nations' views. We need to remember that Turkey does border Iraq, as well as Syria and Iran. We need to understand that the Iraq conflict and Kurdish issues are extraordinarily important domestic issues in this multiethnic nation. The refugee flows from Iraq in 1991 tragically led to a wave of terrorism that resulted in 30,000 Turkish deaths, and we can be sure that was very much on the minds of these people at the time they cast the votes that they did.

While they did not allow U.S. combat troops to cross into Iraq from Turkish territory, they are now supporting us in a number of important ways with intelligence support, with overflights by combat aircraft and missiles, the basing of helicopters in southeastern Turkey for medical evacuations, by allowing resupply of our troops by opening a northern front, and emergency landings of U.S. combat aircraft, and with humanitarian assistance that is now flowing regularly across the border into Iraq.

We have been firmly opposed to having Turkish military intervention in Iraq. The assistance in the supplemental provides an incentive for Turkish restraint. Should Turkey move into Iraq, the President would be able to withhold the funds in this bill.

Just yesterday, Secretary of State Powell completed talks in Turkey. He obtained formal Turkish agreement to allow overland supply of fuel, water and food to our forces in northern Iraq. The Secretary worked on repairing relations. He secured Turkish agreement on the flow of humanitarian supplies.

Mr. Chairman, for us to cast a positive vote on this amendment right now undercuts not only the President's diplomatic efforts but, yes, sadly undercuts our military forces in northern Iraq; and, Mr. Chairman, we should not do that. I urge my colleagues to vote against this amendment.

Mr. OBEY. Mr. Chairman, because she has laryngitis, I ask unanimous consent that the gentlewoman from New York (Mrs. LOWEY) may be permitted to insert a statement in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment.

There is no question that Turkey's initial refusal to allow the use of its territory had made prosecution of the war more difficult for us.

While I would characterize the vote of the Turkish Parliament as unfortunate and misguided, it happened. Sometimes we find the result of democratic deliberations inconvenient, but this was, in fact, the result. Despite that vote, the administration has requested $1 billion for Turkey. The justification, as presented by administration officials, is primarily economic. Turkey is in dire straits at the moment.

This is partly due to the war, and partly due to past economic policies. But regardless of the reason, the Turkish economy is teetering. They owe the IMF over $17 billion at the moment, and are financing most of their cash needs in short-term, high-interest debt. They have started down the path of economic reform, but they have a long way to go.

Now that the war is on, and Turkey has finally agreed to allow the positioning of supplies for our troops on its soil, the worst thing we could do is send a signal that we do not support Turkey. The circumstances surrounding this request may not be ideal, but our men and women in uniform are well into a tough battle for the future of Iraq, and Turkey's continued cooperation will help them.

Economic collapse of Turkey, coupled with a further breach in United States-Turkish relations which would result from passage of this amendment, would be absolutely disastrous to the war effort—and the peace effort that will come after. Turkey remains one of the few stable, democratic countries in the region, surrounded by unstable, authoritarian states. As a moderate Muslim state, strategically situated at the gateway to the Middle East, we simply cannot allow it to fail.

I urge my colleagues to defeat this amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman from California's amendment. I join many of my colleagues that feel anger and frustration over the Turkish refusal to allow some 62,000 American troops to be based on their soil in order to open up the northern front against Iraq.

Mr. Chairman, Secretary Powell recently went to Ankara to meet with Turkish officials, and press reports on his mission indicate that Turkey has made some concessions allowing limited U.S. military and humanitarian resupply operations via its territory. These concessions are obviously vital to the safety of the Americans that are on the ground right now in northern Iraq and the overall success of the Iraq mission.

The supplemental bill addresses some of my concerns on the use of the $1 billion in aid to Turkey. There are legitimate restrictions on use of our aid. The Secretary of State is required to determine and to report to Congress that Turkey has met certain obligations such as certain economic responsibilities that the Turkish Government must meet and Turkey's cooperation in Operation Iraqi Freedom. I would like to see the report to Congress to address more than these issues, though, and to set benchmarks for what the Secretary can determine as Turkey's cooperation in Operation Iraqi Freedom. We have not seen all the details.

On the House floor last week, I called attention to several important issues that bear repeating and that should serve as the basis for additional conditional aid to Turkey. Turkey must agree to allow unfettered U.S. and/or international humanitarian aid transiting through and/or being staged in Turkish territory in support of the northern Iraqi Kurds. Turkey must explicitly agree not to cross into northern Iraq, as demanded by President Bush.

Turkey must agree that it will provide only logistical support to the humanitarian effort in the northern, and Turkey must agree to economic and banking reforms as specified by international lending institutions.

Finally, Turkey should agree to provide full minority rights to its citizens as stipulated in international and European conventions.

I know all these conditions have not been met, and the report is not clear about exactly what conditions are to be set, and I think we need to be careful and concerned about the fact that all of these conditions are not set forth before we provide any aid.

Turkey has been touted by some as a model of a Muslim, secular, democratic State; but it is often overlooked that Turkey's history of human rights abuses and aggression towards its neighbors is very long.

Turkey appears on every major U.S. and international human rights violator's lists every year. This is mainly due to their treatment of their minority citizens. The international community has repeatedly warned them that the brutal treatment of their Kurdish citizens and others jeopardizes their chances of entering the European Union.

Turkey also continues to join with Azerbaijan in illegally blockading Armenia. This is in direct violation of the U.S. Humanitarian Aid Corridors Act, which states the U.S. assistance may not be made available for any country whose government prohibits or otherwise restricts, directly or indirectly, the transport or delivery of U.S. humanitarian assistance.

□ 1445

Turkey has also flouted international law and U.S. criticism for 31 years, illegally occupying the northern third of Cyprus. And even though there was an effort in the last few weeks to try to come to a settlement, Turkey refused to be part of that settlement and there still is no settlement in Cyprus.

Now, these last few weeks have served as a wake-up call for many of us in the United States. We have seen the obvious contradictions I have spoken about and have real questions about how we can afford giving American tax dollars to a country like Turkey that does not share our strategic vision and is not willing to share the burdens of dealing with the Iraqi regime. I understand that Secretary Powell and others on the Committee on Appropriations have made an effort to put some conditions on this aid, but I do not think it goes far enough. I think at this time, unless we have more restrictions put on the aid, that it is wrong for us to go ahead with this billion-dollar package.

For that reason, Mr. Chairman, I urge my colleagues to support the Cunningham amendment to cut the aid to Turkey unless Turkey shoulders its international responsibilities more correctly. And, more specifically, the American taxpayer should not be footing their loan bill or any other of their bills.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I disagree with the gentleman's position, and I do agree with the chair of the subcommittee's position, the gentleman from Arizona. I think he articulates the reasons that we ought to support the money allocated to Turkey. And yet I have a question for him, if I can attract his attention for a moment, either the gentleman from Arizona or the chair of the full committee.

Again, while I applaud the democracy that we have noted in Turkey and the fact that they have been steadfast allies of this country, and that they did have a very healthy parliamentary debate and reached the conclusion, as democracies do, that they would not accept what I understand was a $30 billion package, at the same time I just recently read and I would like——

The CHAIRMAN. Time of the gentleman from New Jersey (Mr. PALLONE) has expired.

Mr. DELAHUNT. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey be granted an additional 30 seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, and I will not, but if we get into a situation where we are having a lot of requests for a lot of time extensions, then I would have to object because this bill needs to get done.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the gentleman from New Jersey be given an additional 30 seconds?

Mr. STEARNS. Objection.

The CHAIRMAN. The gentleman from Florida objects.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come here to the House floor and I rise in opposition to the gentleman's amendment. I understand my friend's concern, but I do not think we need to exacerbate the situation. Turkey has been with us so many times, as the gentleman from Arizona has pointed out. So many times Turkey has been with us, and would my colleagues hurt a friend because of this situation, after Turkey has now agreed, as reported in The New York Times, to increase its cooperation with the American military campaign in Iraq by permitting use of its territory for the overland supply of food, water, fuel, and other necessities to American armed forces operating in northern Iraq?

Number two, Mr. Chairman, and another step that Colin Powell was successful in, Turkey has agreed to open their airfields to American military planes in distress or for the evacuation of American service personnel. Turkey has extended such help occasionally since the war began 2 weeks ago, but the new accord will make it more routine.

Most importantly, my colleagues, in a separate but important part of the agreement, Secretary Powell said that the United States and Turkey would establish a monitoring group to watch northern Iraq to make sure no conditions arose that might compel Turkey to send its troops across the borders into Iraq. Turkey is a modern republic. It is a Muslim state. It is unique, as pointed out, in all the nations of the world. It is the only operating democracy in the Middle East. So it is essential that the United States realize and appreciate the burden, the special burden Turkey has, and the fact that they are the only Muslim member of NATO.

Turkey remained steadfast with the United States and our allies through the Iraqi invasion of Kuwait, NATO air strikes during the conflict in Kosovo, and in providing aid to Albanian refugees, as well as hosting Operation Northern Watch, which maintains the no-fly zone over northern Iraq. Turkey has been of enormous assistance in our global war on terrorism. And they should know. They have been fighting it for 30 years. Thirty thousand people have been killed by terrorists in Turkey.

We have a vested interest in Turkey, and Turkey is sacrificing its well-being just by supporting a lot of our policies. Turkey will open its airfields, as I pointed out earlier, to the American military planes. Is this everything we have asked for from this ally? No. But I would like to point out that Turkey does support our efforts, unlike other so-called allies who have opposed us at every turn.

So, Mr. Chairman, I believe this is an amendment that should be defeated. The administration, Secretary of State Colin Powell, is satisfied with Turkey's response and he is willing to go ahead with the foreign aid package, so why should we not? In the interest of maintaining good relationships with an ally, a solid ally, where solemn Muslim leadership is needed in this region, we should do this as well. So I urge my colleagues to reject this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to get into a debate on this amendment, but I do want to object to something I just saw here on the House floor. We have been trying to work out cooperatively, between both sides of the aisle, arrangements on time. The gentleman from Ohio (Mr. KUCINICH) was willing to limit his amendment, for instance, to 15 minutes. We now have a Republican amendment on which we have not yet been able to obtain time limits. The gentleman from Florida (Mr. YOUNG) has been trying to manage the bill in a very fair way, and I have been trying to do what I can on this side as well.

I, frankly, find it offensive when an individual Member of the House objects to another Member of the House simply asking for an extension of time for a minute or so to ask a question. I want to put the House on notice that if that happens once more, I will guarantee that we will not finish this bill tonight.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with hesitation to oppose the amendment of my very dear friend, the gentleman from California (Mr. CUNNINGHAM), who, let me note, has always been one of my heroes in this body because he not only is an articulate champion of the things that he believes, but he is a man who has walked the walk as well as talked the talk. He is a legitimate American hero and, thus, I am hesitantly coming to oppose his amendment.

Let me suggest that the gentleman from California (Mr. CUNNINGHAM) is right when he says that no Nation, including Turkey, should be able to slap the United States in the face and walk away without paying a price. They are paying a price. The fact is that earlier on we were willing to give them a huge aid package to join us in this war. It was a $16 to $30 billion package, and they are not going to get that now. This is a very much reduced package of about a $1 billion expenditure. So let us say that they have paid the price for not being true when the time was right.

But let us add that Turkey must also get the credit it deserves for being one of our most stalwart friends and allies over the years. The Turkish people have stood by the United States more strongly and more courageously than almost any other people on this planet for over five decades. They deserve to get a little leeway for that. We deserve for them to be given a little credit. We should give the Turks a little credit for the fact that when the Korean War was on, and our people were being brutally murdered and we were unprepared for that conflict, the Turks were the first ones to send help to our end and stand by us in that conflict.

In Vietnam, while they did not have troops there, they did support us in that effort while the rest of the world heaped abuse upon us. During the Gulf War, a decade ago, even though it was dramatically against their economic interest to do so, the Turks stood with us, and their assistance saved the lives of many and made that operation the success it was. We could not have done it without them.

Thus, we owe the Turks. Now, yes, they did not do what was right by us at this moment. It was a time of confusion in their history. They are paying for that mistake. But let us give them the credit that is due them for so many years of friendship, so many years of alliance, so many years when we could count on them. And let us look to the future. If we are going to have democracy develop in the Muslim world, Turkey will be an absolutely pivotal player. We will rely on them again to make this a safer and a better world. We will not succeed in the President's goal of bringing democracy to the Muslim world without the Turks there. They are giving us a good example. They are giving their fellow Muslims a good example. Let us stand by them.

Yes, let us say we were disappointed, but let us not treat them in a way inconsistent with the way that they have treated us over these many decades, which is as a friend and ally.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I associate myself with the thoughtful comments just presented by my colleague from California and with comments made earlier in this debate by the gentleman from Washington (Mr. DICKS) and the gentleman from Arizona (Mr. KOLBE).

Turkey is a democracy, as our Secretary of Defense often points out approvingly, Turkey is a NATO ally, and Turkey is a courageous supporter of Israel. I too regret the recent action by Turkey's Parliament, but I am pleased to see that what has followed is more promising. And I applaud our Secretary of State for visiting Turkey these past days to mend relations.

This is a good debate to have, Mr. Chairman, and an important vote to make on this floor. In that spirit, I wish the rule had permitted us to have a good debate on the amendment the gentleman from Wisconsin (Mr. OBEY) had planned to offer, and a good vote on the proper level of homeland security funding for our first responders.

On that subject, I want to point out briefly that it is not just the level of responder funding, it is not just the top line that matters, it is the front line.

It is as important that Federal funds are delivered quickly to local police and fire departments, public health officials and other first responders on the front lines of our hometowns. When an earthquake or other natural disaster strikes in California, first responders rush in to secure the scene, render medical assistance and provide a hot meal and a cot. FEMA has programs in place to reimburse communities promptly for the costs they incur.

The point is this: The FEMA system has been thoroughly tested. We know it works and it serves our communities well.

A similar kind of system should be in place in preparation for possible acts of domestic terrorism which can have the same or worse impacts than a natural disaster. It is up to the Federal Government to make sure emergency response programs are extremely effective and efficient. After all, we are obligated by the Constitution to provide for the common defense, and part of the war theater is our hometowns.

Last week, Secretary Ridge put it this way in testimony before the Congress. "I would like to engage both Chambers in a bipartisan way to see whether or not I can convince you that the formula we have used in the past shouldn't be the formula we use in the future." He continued: "It doesn't take into consideration some of the special needs that certain communities have and certain States have that are substantially greater than others."

Secretary Ridge has it right and I commend him for his willingness to acknowledge the problem and offer to work with Congress to fix it. The Secretary is saying what many of us have known for some time. It is not enough for Congress simply to write the check. The check needs to be delivered and cashed. And as of today, the dollars are not flowing.

There is a better way to do this, and I think it is the FEMA way. Secretary Ridge can and should exercise his authority to streamline and expedite his Department's funding process the FEMA way.

□ 1500

FEMA has long used emergency funds to support communities, individuals, and families in the face of a natural disaster. Under prior leadership, FEMA streamlined its assistance to individuals and families, cutting checks within 3 to 7 days of a disaster.

As a first step, Secretary Ridge should move the Department's Emergency Management Preparedness Grant program from the Office of Domestic Preparedness back to FEMA where experienced officials can process requests more quickly. Our emergency unpreparedness is a disaster waiting to happen, and we need to support our communities.

There are other steps to consider as well. All Federal first responder funds that have not yet been made available should be released, including $100 million available to Secretary Ridge for high-threat urban areas. He should determine where these areas are and get those funds out immediately. America's major metropolitan areas know their needs and can take steps to increase security now. We should not have to wait for a full-blown interagency process to tell us that a city like Los Angeles has critical infrastructure or a large population.

I not only represent that large urban area, but many small areas, where small amounts of dollars can make a big difference. And those dollars are needed now.

Wartime is not a time for business as usual. The war on terrorism is being fought on a number of fronts, including our hometowns. We would not send our troops to war in Iraq without the support, training, and equipment they deserve. We should do nothing less for those on the front lines here at home.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from California (Mr. CUNNINGHAM), and any amendments thereto be limited to 40 minutes to be equally divided and controlled by the proponent of the amendment and myself as the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, reserving the right to object, that arrangement as stated would provide that all of the time would be managed on that side of the aisle. Can we work it out so that some of it is assured to folks on this side of the aisle, regardless of which side of the question they are on?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would be happy to ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) as an opponent would share the 20 minutes. So the gentleman from Wisconsin would have 10 minutes and I would have 10 minutes.

Mr. OBEY. Mr. Chairman, that is agreeable. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, I would like an idea how many Members are waiting to speak on which side of the issue, and whether that is an adequate amount of time.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. CUNNINGHAM. I have about six speakers for the amendment.

Mr. DEFAZIO. Mr. Chairman, on this side we have at least two or three.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I do not intend to speak on the amendment. I would just like to see us finish before 4 in the morning.

Mr. DEFAZIO. Mr. Chairman, maybe a little more time is required on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman be interested in 25 minutes on each side? I think Members know how they are going to vote on this amendment right now, but we need to have the debate. I do not want to restrict the debate, but as the gentleman from Wisconsin stated, we would like to finish before we get accused of doing this in the wee hours of the night, and Members know that usual routine.

Mr. DEFAZIO. Mr. Chairman, the problem is the uncertainty who will get to speak or not get to speak. Can we proceed a little further and then see if we can get a unanimous consent request? Maybe 25 minutes a side.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent request that further debate on the pending amendment offered by the gentleman from California (Mr. CUNNINGHAM) be limited to 25 minutes on each side, to be equally divided and controlled by myself and the gentleman from California (Mr. CUNNINGHAM) as the proponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to yield half of my 25 minutes to the gentleman from Wisconsin (Mr. OBEY) as an additional opponent to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) will control 25 minutes, the gentleman from Florida (Mr. YOUNG) will control 12½ minutes, and the gentleman from Wisconsin (Mr. OBEY) will control 12½ minutes.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I congratulate the chairman of the committee for a fine job on a fine bill for the soldiers, sailors, and airmen of the United States military.

I stand here as a friend of Turkey. I stand here as someone who looks to a strong relationship with Turkey in the years to come. I also stand here as a strong proponent of the Cunningham amendment.

I met Mr. Erdogan the weekend before he was to be elected. We talked to some of his top leaders and advisers, ministerial-level officials in the new government. We came to a conclusion when we were getting ready to leave that it was probably in the best interest, and maybe in the next 10 or 15 or 12 days there would be a vote and they would push for a vote, understanding the very clear consequence that if they did not do this vote, we believed and we believe today there will be more American casualties on the battlefield and more Iraqi citizens killed.

Instead of standing up and showing leadership in those 10 days, they decided to ride that wave of populism and avoid that vote. They had their chance to make a difference in this debate. Leadership would have solved this problem, and I understand they are a new government. I understand they have challenges with their IMF requirements, and they have challenges they need to meet in reforming their economy, and I understand that they have a struggling economy like our own.

But it is a concern to me that this money is in this bill at this time. This is a wartime supplemental. Our chairman graciously stood up earlier and said let us keep these troops in our thoughts and our prayers, and I was humbled by that. This bill is for the very brave patriots who fight for America today, and by no means should we underestimate what the Turkish decision by a democracy, who are still friends, but let us not underestimate what that decision did; it cost us more money, more time, and more American lives.

I find it offensive that we would put this money in this bill today on this floor. This is not the time nor is it the place to be debating the Turkey financial future or IMF or economic reform, or the fact that they helped us 50 years ago. Let us send a message to this new government that we are their friends, but there are consequences to being a part of democracy.

I met with the Ambassador to Turkey yesterday who said this money "is not anything that they asked for," quote/unquote; that the money has nothing to do with any of the previous arrangements made on humanitarian aid supply, resupply or flyover, no bearing whatsoever. This has nothing, quote/unquote, to do with the war.

A State Department senior official said yesterday that Powell's visit did not get any new agreements, it reinforced old agreements with Turkey. Let us not get confused by the things that we will hear on this floor or by the letters that we receive. This is about old agreements and old relationships that we should value as allies. This should not be about a new billion dollars at a time when we have soldiers dying on the battlefield as a result of their decision.

Let us remind our friends in Turkey that they are allies of ours and they will continue to be, and even democracies can have differences; but sometimes there is a cost and a consequence to a decision to turn your back at a very critical time. This is not about a trade agreement or a company that got its privileges taken away in a copyright violation. This decision cost American lives.

Let us stand up today and let them remember that. They are going to continue to be our friends, and I am going to continue to be a supporter from Turkey. But I want them to understand that we can never tie these issues together. Some of this money will be used to bring home our dead. The fact that we are allowing this money to be in this bill is wrong. I would ask Members to stand up today and support the Cunningham amendment and let us save Turkey economic development for another day.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I join the chorus of Members who have commended the gentleman from California (Mr. CUNNINGHAM), who is a patriot and is exactly right on so many national security issues, but I have to oppose this amendment. I believe it would be ill-advised to allow our short-term emotional feelings to affect the long-term security of this Nation and of the world.

The nation of Turkey has been an ally of the United States for more than 50 years. During the Korean War, 717 Turkish soldiers lost their lives fighting on our side, and more than 2,000 were wounded. After September 11, 2001, Turkey voted in NATO to invoke article 5 of the Defense Treaty and join the coalition to fight al Qaeda and the Taliban regime, allowing access to airspace and providing intelligence within 24 hours of that vote.

The U.S. is right now working with Turkish forces in the Balkans, the Middle East, and the Caucasus. Currently Turkey is allowing flyover rights, supporting our resupply lines, allowing humanitarian aid and the evacuation of our wounded to cross their borders.

Although Turkey's Parliament did not vote as we wanted, we need to remember that over 90 percent of their Parliament is brand new at this idea of governing. They were just newly elected, and more members of their Parliament voted in our favor than voted against us. It was only a parliamentary requirement that caused the issue to fail in Parliament.

I think the actions of the Turkish Parliament were irresponsible and wrong, but two wrongs do not make a right. And certainly let's not compare Turkey with France and Germany on this issue. Turkey's leadership has supported the United States throughout. It has not been Turkey who has gone globe trotting all over the world, rounding up Security Council votes against the United States' position. It was not Turkey which did this.

Further, I think it is inaccurate to make the analogy that the gentleman from California (Mr. CUNNINGHAM) made with regard to what we do with our children. Turkey is not our child. Turkey is our ally, our partner in NATO. We can love them as a child and love them as an ally, but we must not forget that Turkey is a sovereign nation, a nation whose friendship we need and whose friendship we have enjoyed.

This appropriation issue is a matter of this House exercising its discretion and prerogative. We have the power of the purse. We can make this decision as a Congress. The Constitution gives us that right, but it also gives us the responsibility, I believe, to listen to the best minds on Earth on this issue. The Secretary of Defense yesterday told Congress that appropriating this money is in the national interest. That has also been the message of Secretary of State Powell, National Security Advisor Rice, and most importantly the President of the United States. I urge defeat of this amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise in strong opposition to this amendment which cuts the President's $1 billion request for wartime aid to Turkey. I too join in the commendation to the sponsor of the amendment for his patriotism and to the goodwill for those Members that support it. But with all due respect, and I was with the gentleman from Michigan in Turkey 2 weeks ago, the suggestion that Turkey, in the exercise of her democracy, is somehow responsible for putting American soldiers in harm's way I believe is a misplaced and inaccurate argument.

We are not at war with Turkey. We are at war with Iraq. Do not transfer the atrocities of Iraq to the decisions of a longtime democratic ally. What is being discussed in the essence of this amendment, I would respectfully suggest, is a very short-term American memory; and if we really want to calculate what advantage the American men and women, the brave American men and women who are on the battlefield now have gotten or not gotten from Turkey, why are we not calculating the last 12 years where Turkey has provided the authority for American and British pilots to control northern Iraq and contain Saddam Hussein?

□ 1515

One of the principal reasons why the disparity of power is so great and so much in our favor in the fight right now is because Turkey allowed the United States for the past 12 years to diminish the capacity of Saddam Hussein and diminish his atrocities; but there is no mention of that with respect to this amendment.

Following September 11, Turkey demonstrated a steadfast commitment to aiding the United States by leading the international security assistance force in Afghanistan. Let us not underestimate that. When we were attacked in New York, in Washington, in Pennsylvania, when it was our blood that was being spilled and when our forces left Afghanistan, whom did we hand it over to? We handed it over to a willing Turkey, a country that is almost 100 percent made up of Muslim citizens; and they took our battle and they took it willingly. And to suggest that because they exercised their democracy, even though we may be disappointed by the decision, that they are somehow responsible for the letting of American blood I do not believe is the message that the United States should ever suggest to an ally like Turkey.

We are fighting in Iraq to destroy Saddam Hussein's weapons of mass destruction, but I also thought we were fighting to liberate the Iraqi people, to help them install a democracy. So what is the message? That the United States is their friend if they are a democracy only when they decide in agreement with what we believe?

Is there no room for allies in the midst of a hot debate, in the midst of competing interests to have honest discussions, and do there have to be catastrophic consequences if a country disagrees?

If I were an ally of the United States today, the message that I would get from this amendment is they are only as good as long as they agree 100 percent, but if they spill their blood with the United States for 6 decades like Turkish soldiers have done shoulder to shoulder with American soldiers, if they spill their blood for 6 decades, but they exercise their democracy and come up with a differing result, then the United States says all bets are off.

We are better than that. We are better as a people, and we owe it to our soldiers that are fighting now to defeat this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the Cunningham amendment to strike $1 billion in foreign aid to Turkey.

Turkey is a NATO ally; and because of its location just to the north of Iraq, it was strategically important to the United States in our military plans to remove Saddam Hussein from power.

But at a time when we needed Turkey the most, on March 1, 2003, the Turkish Parliament rejected a resolution to allow 62,000 U.S. troops, 255 planes, and 62 helicopters to enter Turkey.

Saddam Hussein is a ruthless, pathologically aggressive dictator with a history of attacking several countries bordering Iraq. Our country has incurred many casualties. We spent billions of dollars to help reestablish the reign of peace and stability throughout the Middle East. Why is Turkey not giving us $1 billion?

And these fair-weather friends in Turkey, are they even grateful that the United States is giving them $1 billion in American taxpayers' money, money that is extracted from the paychecks of waitresses, secretaries, and small businessmen? The answer is no. Recently the Turkish Ambassador to the United States stated, "This is not something Turkey has asked for. It is a unilateral action by the U.S. administration."

We are giving $1 billion to Turkey in the name of friendship when it is clear to anyone with common sense that friendship cannot be bought.

One billion dollars is a lot of money. It is enough to send 250,000 American children to college on Pell grants. Let us use our taxpayer dollars wisely.

I urge my colleagues to vote "yes" on the Cunningham amendment and strike the $1 billion in foreign aid to Turkey.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member on our Committee on Appropriations for yielding me this time.

I rise in opposition to this amendment, but I certainly understand where the distinguished Member from California is coming from. But in a bill that includes $7.5 billion in direct assistance and authorization for another $19.5 billion in guaranteed loans with the full faith and credit of the United States behind them, Turkey needs to be part of this package. They are too strategically an important ally not to be because they are a member of NATO, they border Iraq and Iran. They are, in fact, cooperating in our battle with Iraq, with Saddam Hussein more than with the Iraqi people. But if we are going to be successful in a long-term war of winning over the hearts and minds of the Islamic people, more than 1 billion people throughout the world, that is where we need Turkey the most, to move this world in the direction of democracy, of free enterprise, and of individual rights.

Turkey is a secular society and a truly democratic electoral system, and we cannot have it both ways. We cannot urge countries throughout the world to in fact democratize their political system, but then when they do not act according to our will but rather reflect the will of their people, we reject it and we want to hold back money. We cannot do that. We cannot have it both ways in Turkey or any other country; and that is really what this is all about. When 90 percent of the Turkish people are opposed to the war in Iraq, of course 90 percent of the Turkish people are Islamic, it is perhaps understandable; but we ought to respect that and respect Turkish leaders and work with them.

Turkey needs to be a member of the European Union. One of the reasons they are held back is because of corruption, which at least has been endemic in Turkey, and human rights abuses. We need to use this money, in my opinion, as leverage in advancing America's priorities, the priorities of the American people in terms of human rights and democratization.

There is a woman by the name of Leyla Zana, for example, who goes on trial today. She has been in prison for 11 years. When she was inaugurated a duly elected member of parliament, she made a speech urging that the Kurdish minority work with the Turkish majority in a more integrated and peaceful society. That is a tinderbox in Turkey. Turkey needs to work with the Kurdish minority. Many of us were concerned about the Turkish military going into the northern part of Iraq into the Kurdish zone for fear they might attempt a military occupation. Turkey needs to understand that we provide this money, but we expect them to integrate the Kurdish people within their entire society and, in fact, their economy.

So that is our objective, advancing America's priorities; and America's priorities are more consistent with Turkey's long-term priorities than many of the countries that we are providing aid to today.

So I urge the Members of this Congress to support the $1 billion and in fact the additional $8.5 billion in guaranteed loans for Turkey, but then not to shrug our shoulders and turn our back but to work with those in the Turkish society and in politics who want to modernize Turkey, to enable it to become a member of the European Union, a bridge between East and West and one of the shining examples that democracy can work and human rights can be observed throughout the Islamic world.

I urge defeat of the amendment for that reason, but I congratulate the Member for raising the issue.

Mr. YOUNG of Florida. Mr. Chairman, I would like to inquire as to how much time is remaining for the proponent and the opponents.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) has 19 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 9½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 4½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

As my friend from Virginia just said, I share his admiration and appreciation for the gentleman from California (Mr. CUNNINGHAM), one of the true heroes of this Congress, a person who has defended our country, who thinks about those who are in harm's way, who appreciates what they do only as one who has bravely stood there, appreciates what they do, and I appreciate his sense that this is a topic that we need to discuss because we do need to discuss it; and our friends in Turkey need to hear the discussion. We have been disappointed with their actions in recent days. In fact, someone just stood up a minute ago, another friend of mine, and said Turkey disappointed us when we needed them most. I think that would be hard to evaluate when we needed Turkey the most because we have needed Turkey often and we have needed Turkey for a long time, and they have been there on all previous occasions.

If we were going to have a debate on this floor about who was the most valued NATO ally, certainly our friends in Great Britain today and in this moment would rank at the top of that list, and they would be widely appreciated. But if we had to look over the history of NATO, certainly as we had that discussion, we would have to have that discussion, and it would have to involve Turkey. Turkey, because of its location, has been at the focal point of so much of the world's chaos and in the last 5 decades has been at that focal point as well. Turkey, who during the 45 years of the Cold War stood facing the Soviet Union on the north, the bulwark of stopping the advance of those that we saw who opposed our way of life and what we did at that time, they stood so firmly and so strong that we prevailed in that great conflict of ideology. Now Turkey has had to turn and face the south as the hotbed of the world borders Turkey on the south, and they face the south as a great and dependable friend of ours. Certainly Turkey has had a change based on their democracy. The government has changed. The government is working hard, in my opinion, to continue that strong friendship with the United States. They do need to be part of the European Union. They have been discriminated against for many reasons. They need to move in the right direction. We need to encourage that both economically and socially and politically.

This continues to move Turkey in that direction. It continues to show that we appreciate those who 90 percent of the time and plus in the last decades have stood with us.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, it was not long ago we were standing in this place voicing our support of the troops; and when we were voicing that support, I think some of the most poignant remarks came from the soldiers in our midst.

It is hard to imagine what it is like being in the middle of a war for those that have not done it like myself. However, the sponsor of this amendment has been there. He has had the experience of being a soldier in a very perilous situation, and I think today that the sponsor of this amendment is putting himself in the place of the soldiers that are serving us in this conflict right now.

We have not forgotten what Turkey has done for us. My brother-in-law is a Korean War veteran, and we appreciate their friendship and their support through the years. But one of the qualities of friendship is steadfastness, being able to call on a friend in one's time of need. Turkey has failed us now in this present situation. In fact, Under Secretary Wolfowitz told the House of Representatives on March 27, "There is no question if we had had a U.S. armored force in Iraq right now, the end of the war would have been closer."

□ 1530

Every one of us in this Chamber, every citizen in the United States, wants this conflict to end as soon as possible. If Turkey had done what the United States had requested and needs, and given their full support and assistance, many lives would have been saved. The soldiers that my distinguished colleague identifies with that are in this conflict today, many of them would not have been killed.

I find it offensive that we would say to the families of those soldiers that have been lost, we are going to reward Turkey's behavior by giving them $1 billion in aid today. I think there are consequences when nations take action that harm our soldiers, and I would ask that we support this amendment that is given by the heart of a soldier.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Turkey may need assistance, but today is not the day to approve that assistance. Today we send a clear signal to America and the rest of the world that we support our troops. Turkey has not supported our troops.

The U.S. over the last number of months has consistently and frequently consulted with Turkey as to the direction of the war with Iraq and the role that Turkey would take. Turkey allowed us to make improvements to their infrastructure. We invested millions of dollars, contracted with Turkish companies to work, yet they would not allow us to deploy our troops. The Pentagon supported their economy by purchasing Turkish-made apparel for U.S. troops for 1 year, waiving a Buy America provision, sacrificing American jobs for Turkish jobs. The U.S. continues to promise protection to Turkey in the event of an attack. That is more than what we can say Turkey did for us.

Turkey has been an ally for a long time. So maybe sometime in the future would be the appropriate time to come back and take a look at how to help a friend with tough economic times. But in this vote, where we are supporting our troops in our war effort, this is not the place to reward Turkey.

Let us remove this from the bill. Let us make this a clean bill that signals to our troops that we stand with them and that we will be with them through the conclusion of this war effort.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Nebraska (Mr. BEREUTER), a leader in this House.

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the Cunningham amendment.

We have heard a lot about the distinguished history of Turkey as a NATO ally, and as an ally in Korea as well, and in Afghanistan leading the ISAF for 8 months, and in Operation Northern Watch over Iraq where they provided the air base for our flights for the last 12 years. They have been an incredibly faithful ally.

Now, what happened in Turkey is really this, when it comes down to it. They had an election in November. It swept in a new party. Ninety percent of their national assembly is new. This party, the Justice and Development Party, had never been in power; and never had even shared power before. And through inexperience and incompetence they were surprised to have lost the vote. They got the plurality. They had too many absentees and too many abstentions and they were surprised that they did not have the absolute majority vote.

This is not the time to punish Turkey for that inexperience.

Their own party leader, a charismatic man, was not eligible to serve in the Parliament at that time. Now he is the Prime Minister.

They have done an incredible amount of things, but the other thing I want my colleagues to consider is that they were the biggest loser in the Gulf War. Not the United States in terms of costs, no one else; the cost to them was somewhere between $60 billion and $80 billion, unreimbursed. We had our costs paid for, primarily so, by Kuwait and Saudi Arabia.

Now, let us see what Condoleezza Rice said in behalf of the President today. She said in this letter addressed to the chairman, "American and Turkish soldiers stood side by side during the Cold War and on battlefields from Korea to Afghanistan. The President's supplemental request recognizes and reflects that past, and his desire," that is the President's desire, "to strengthen the relationship further. This assistance . . . can play a significant role in bolstering the U.S.-Turkey partnership."

This is not the time to undercut our President. And this very moment is certainly not the time, because the concessions and the kind of agreements recently conveyed to Colin Powell says Turkey is there for us.

Please defeat the amendment. The costs for passing this amendment are extraordinary.

Mr. CUNNINGHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I rise in support of this very important amendment. I think the debate itself is a very important one.

It has been said that this amendment is emotional. I am not sure where folks are coming from. A lot of what we do up here is certainly emotional, and certainly not everything we do up here is logical. But I will say this, in terms of the logic of this important amendment, if we can picture Baghdad and if we can picture the 3rd Infantry Division, the 3rd Infantry Division whose patch I am proudly wearing today because it was given to me by one of the military officer's wives back at Fort Stewart in Georgia, and I have the proud honor of representing the 3rd Infantry. Mr. Chairman, 18,000 troops right now are in the war theater who are my constituents.

Now, they have gone up the Euphrates River and they are a little bit southwest of Baghdad. Now, in the original game plan, the war plan, the 4th Infantry was to be on the north of Baghdad. The idea was that they would come over from the Turkish border and then they would be ready, and we would have Baghdad in kind of a pincher movement. We would have troops on the north, heavy armor; we would have troops on the south, heavy armor. Instead, what we have because of Turkey's wishy-washy position, because Turkey could not make up their mind, we have the 3rd Infantry Division fighting basically the full force of Baghdad on their own. Now there are folks from the 4th Infantry Division getting in place, but there has been anywhere from a 2-week to a 1-month delay.

So what I am saying to my colleagues is, you know what? Maybe if you were from Hinesville, Georgia, maybe if you were a member of the 3rd Infantry Division, maybe if you are looking at the Republican Guard in the face, maybe you have a right to show a little bit of emotion. For Members here to take kind of this intellectual high ground and suggest that the gentleman from California (Mr. CUNNINGHAM), who is one of our brave combat veterans of Vietnam, to suggest that he is not entitled to some emotion on a situation that regards troops in harm's way, I think that is somewhat of a slight.

But I want to say this to the gentleman from California: The gentleman is entitled to be emotional anytime he wants, and by golly, I think our folks from the 3rd Infantry Division are. I want to say this. Back in the 1970s, when the gentleman was in Vietnam, I am glad the gentleman was emotional.

But I want to address some of the logic here that people so proudly say they have. We have 49 countries in our coalition. I will ask Members, do my colleagues know how many of those are getting monetary support from the United States? Twenty-two of them. The reason why I point that out is many people are saying, this is no way to treat an ally. Well, wait a minute. If we are only giving money to 22, what about the others? Are they not entitled to it? Are they going to walk around saying, well, we have to question being allies of the United States of America because they did not give us money?

Now, it has been suggested that this is the only money for Turkey. Remember, this is $1 billion. We gave Turkey money just a month ago in our regular fiscal year 03 budget. We will be giving Turkey more money in our regular fiscal year 04 budget. We have given Turkey aid money for the past 5, maybe even 10 years. I am not sure of the exact number of years, and I am not sure of the exact level. I think it is in the $200 million range.

But people are coming up here acting like this is Turkey's one shot for money. It is not. It is a $1 billion support check. That is a lot of money.

If we support the Cunningham amendment, we will get a second shot at Turkey, for those of us who feel that we should support them. They are allies and I think we should have some level of support for them, but we might not need to do it right here, right now. Let us wait until the fiscal year 04 budget and take a look again.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

The debate has been a little surreal because we have had such impassioned speeches about Turkey as an ally and how could we do this to them, how could we deprive them of this money, which they did not ask for? The Turkish Ambassador, Faruk Logoglo, said yesterday, "This is not something Turkey has asked for. It is a unilateral action by the U.S. administration."

Mr. Chairman, this is $1 billion they did not ask for, they do not expect, and yet now it has become an imperative in this bill, making emergency wartime supplemental appropriations. Why? Why now? Why is it in this bill?

As the gentleman who spoke before me said, there will be a time and place to debate aid to Turkey and the many other worthy nations around the world who need United States assistance. But should not this bill be more focused?

Remember, we are borrowing every penny. Every penny of the $74 billion in this bill will be borrowed. We do not have the money in the bank somewhere. It is not coming from a contingency fund. It is going to be borrowed. So we should borrow $1 billion to send to Turkey who has not asked for it, and if we do not borrow the money to send to Turkey who has not asked for it, we are somehow penalizing them. I do not think they will see it that way. It does not sound like the Ambassador is going there.

There are other needs that are unmet in this bill. The gentleman from Wisconsin attempted to enhance homeland security, port security. I serve on the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, and the Committee on Homeland Security, and I can tell my colleagues, our ports are not safe. We have not done everything we need to do. We need more funds to make those ports safe. The most likely way of delivering a weapon of mass destruction in the United States is not an intercontinental ballistic missile, it is a container on a rogue ship. That is how it will get here in all probability.

So why are we not making those investments? We could spend, if we need to borrow this extra $1 billion, there are a lot of ways to spend it. We could even spend it here at home. There is $3.4 billion in this bill to rebuild Iraq: 6,000 new schools, universal health insurance. Guess what? We have 44 million Americans uninsured. We have cut Medicaid in my State. I have thousands of Oregonians who do not have health insurance, that need work. Our schools are crumbling. We cannot run a full school year. We could take this $1 billion and spend it here in the United States of America. I have to question a lot of the foreign aid that is in this bill and the priorities that are being set here.

So therefore, I rise in support of the gentleman's amendment, and if this is successful, that would be good; and if not, I will offer an amendment later to reduce the funds to Turkey to fund National Guard weapons of mass destruction civil support teams which my State and 17 other States do not have, which have been authorized by this Congress, but we do not have enough money to fund them; but we can send $1 billion to a country that did not ask for it and does not want it.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I just returned from Camp Lejeune, went down with the President and the gentlemen from North Carolina (Mr. McINTYRE) and (Mr. BALLANCE), my colleagues, to say thank you to the families of those who have lost loved ones fighting this war in Iraq.

I just want to say I join my colleagues on both sides of the political aisle. I think it is time that this Congress start looking at what is important to this country.

Let me give an example. Veterans. I have 61,000 veterans in my district. Many of my colleagues in this House have more than that, but I have 61,000 veterans and retired military combined. Yet every year when we debate concurrent receipts for those men and women who have served this Nation, it is also a major issue of where are we going to find the money? How are we going to help those who have served this Nation?

I believe sincerely, and I know that through history, Turkey has been a friend of this Nation and maybe it is now and maybe it will be in the future, but I agree with my colleagues, this $1 billion is unnecessary. The gentleman that spoke before me just said that Turkey has not even asked for the $1 billion. I am saying to this Congress that this is going to be a tough budget year, there are going to be a lot of tight decisions that we have to make, and let us take this money and let us spend this money on the American people.

□ 1545

Let us spend the money on the people of this country who have served this great Nation, like the gentleman from California (Mr. CUNNINGHAM); and God bless all who are veterans and retired military.

I hope that, as we vote on this amendment today, we will support the gentleman from California and that we will remember that those who have served this Nation, whether they be retired military or retired veterans, that they have a right. This government made a promise, we will help you if you serve this Nation. If Turkey does not want the $1 billion, let us take it back and spend it on to those who serve this great Nation.

Mr. Chairman. God bless America, and God bless our men and women in uniform.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), and I hope that everyone would pay close attention to someone who has a real-life experience on this issue.

Mr. KIRK. Mr. Chairman, I rise in strong opposition to this amendment and stand not so much out of concern for foreign policy, but out of concern for the 3,000 American men and women of the 173rd Airborne Brigade whose supplies are today delivered from Turkey.

To the proponents of this amendment, what would the soldiers of the 173rd do in northern Iraq if the diplomatic incident we cause leads to a cutoff in their supplies? The 173rd needs supplies in northern Iraq. Therefore, the United States needs Turkey.

Prior to my election, I served as a Navy air crewman who flew out of Incirlik Air Base in Turkey against Iraq. For 12 years, Turkey supported Operation Northern Watch and the thousands of Americans like me who flew into Iraq to protect the Kurds in the north.

Under the U.S.-Turkey alliance, the Kurds built two powerful armies in northern Iraq. It is those armies who rushed the Ansar al-Islam and other al Qaeda forces with U.S. special operations this week. Tonight, U.S. airborne and special operations forces are moving with the Kurds against Saddam. Their beans and bullets to fight Saddam are now rolling through Turkey on the way to the front.

Look at the past. Turkey sent troops to fight alongside us in Korea. Turkey sent troops to stand with us in Bosnia and in Kosovo, with me. Turkey replaced us in Somalia and stands with us in Afghanistan. We should not question our Commander in Chief on the eve of victory. We should not cause a diplomatic incident now. Think of the Americans in the 173rd, think of their supply lines, and vote "no" as the President, the Commander in Chief, the Secretary of State, the Secretary of Defense, my chairman, and the ranking Democrat member of this committee have urged. Vote "no" on this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the Cunningham amendment. Condoleezza Rice, the Assistant to the President for National Security Affairs, wrote us a letter:

"Secretary Powell addressed important military, political, and economic issues when he met this week with the Turkish leadership. Both sides agreed to an unimpeded flow of humanitarian aid to north Iraq, and access by American forces to supplies sent through Turkey. Turkey continues to grant overflight rights, and is committed to enhance cooperation on terrorist threats and possible refugee flows into the region, without moving additional

Turkish military forces into Iraq. These are very positive steps."

The President of the United States has requested this $1 billion. We will be acting like the Turkish Parliament acted if we cut this money out. It will be a mistake. This is not the way to rebuild and treat a NATO ally. Let us defeat the Cunningham amendment and move this bill forward.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, if anyone has a right to be upset at the Turks, it is me. I represent Fort Hood, where the 4th Infantry Division is located, the division that was supposed to come down through Turkey. I had met with 50 of the spouses several weeks ago, and have been watching them live under the uncertainty of not knowing what will happen and where their husbands will be deployed.

But this is a well-intentioned but dangerous amendment. While not intended, it could put at greater risk thousands of military soldiers, sailors, airmen, and Marines in Iraq, including the 4th Infantry Division that was involved in this Turkish decision.

Let us support the President, and let us trust the President on this decision in time of war. Oppose the Cunningham amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I join my colleague, the gentleman from California (Mr. CUNNINGHAM), on the floor today, as I joined him on the floor not too long ago when all of us sat in this Chamber and listened to these words: "If they are not with us, they are against us."

I think that acid test that was asked for, not too long ago, we asked that question of our friends in Turkey. That question was asked and they failed that test.

True democracies are joined irreversibly at the heart and soul with one great and unyielding truth, that is, their belief in freedom. This surely was a test of the love of our freedom for this entire world and this entire effort we are engaged in; freedom, I might add, that swears perpetual hostility over any form of tyranny.

I believe this country should have understood, if they had lived that long with that close of a neighbor, that if they did not understand the tyranny that such a tyrant as their neighbor in Iraq was leading that country with, surely they understood that.

I would just close by asking my good friend and colleague, the gentleman from California (Mr. CUNNINGHAM), what would be the price that would have been paid when the wingman left the gentleman's wing the first time?

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I hope this amendment passes. If it does not, I will be offering an amendment that goes just half as far as this one and still allows Turkey to obtain substantial benefits for its limited aid to us at this time.

Keep in mind, Turkey will get tremendous benefits during the Iraqi rebuilding program. Her contractors are well positioned to obtain billions of dollars in contracts. Keep in mind that we are controlling the exuberance of the Kurds, who otherwise would be waging war against Saddam's forces more effectively; but we are restraining them because of the request of Turkey.

Therefore, we have already done a lot for our friends in Turkey. We do not need to provide aid that they have not asked for.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Cunningham amendment.

Mr. Chairman, this is a difficult decision. As a member of the Committee on International Relations, and coming from a State that has produced not only the current chairman of the Senate Foreign Relations Committee, but also a former chairman of the House Committee on International Relations, Indiana has a great tradition of engagement on international affairs. Hoosiers believe in economic and in cultural engagement.

I am very much aware, Mr. Chairman, of the relationship that we enjoy with Turkey. I am also very much aware that in a matter of weeks we will appropriate another quarter of a billion dollars in assistance to Turkey. I will be first among those on this floor at that time to support that funding, to strengthen that relationship.

This is, however, a different question today. The Cunningham amendment is all about whether or not this part of the national government, which is truly the heart of the national government, should resonate with the hearts of the American people who are disappointed in our friend, the nation of Turkey. It is not that they are no longer our friend, but it is that we are disappointed in recent decisions that have endangered American lives and cost us in our effectiveness in Operation Iraqi Freedom.

I will vote for the Cunningham amendment to stand with the American people, who choose at this time to send this message to that friend.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is indeed a sobering day as we sit on the floor and debate this important issue while our young men and women in the military are outside the city of Baghdad as we speak.

It is my privilege to represent the 101st Airborne Division, which is present in Baghdad today. When I was first elected to Congress, the military leaders at Fort Campbell reiterated to me the importance of Turkey as a military ally. As a result of those discussions repeatedly over many occasions, I joined with others in the Congress, and we established the Congressional Caucus on Turkey and Turkish Americans a couple of years ago.

With the gentleman from Florida (Mr. WEXLER) and the gentleman from Michigan (Mr. ROGERS) I went to Turkey about 3 weeks ago. We met with not the Prime Minister, Mr. Erdogan, he subsequently became the Prime Minister; and we urged him to allow our troops to use Turkish soil to come into northern Iraq. The Parliament, even though they voted more to do it than they voted against it, they did not get the necessary votes, and they did not pass it. We were disappointed.

I think it has been said repeatedly today, and everyone recognizes, we all agree, Turkey is a valuable military ally. But on another note, I would like to point out today that the real tension in the world today, I think all of us would agree, is between Christians and Muslims and the Jewish faith. Everywhere we look we see this tension.

Turkey has been a perfect example of a Muslim country with a secular government that has good relationships with the United States, with democracies, with the State of Israel. It is the type of model that I think is vitally important for the long term. I think that is one of the reasons that we see that President Bush has requested this money. Therefore, I would urge the Members today to defeat this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, maybe some of us that have seen our friends killed in action do have a different view. I have personally witnessed the actions of other countries that caused the loss of many of my friends. Perhaps someone that is responsible for killing my friends, American soldiers, I just do not feel that they should be rewarded.

I do not think anyone disputes on this floor that Turkey's action damaged our ability to project force into Iraq, specifically from the north. Turkey's action contributed to the loss of American lives when our paratroopers had to parachute into northern Iraq lightly armed, instead of with a major force.

□ 1600

It also allowed al Qaeda and other terrorist organizations to get away. I just feel that that is wrong.

People say that this is an emotional issue. Well, logically, it just does not make sense to reward someone additionally that has done harm against you. We gave Turkey over a quarter of a billion dollars. This is in 2003. In the 2004 budget we give Turkey a lot of money. I am not objecting to that. But at a time where they made the decision of the aforementioned, I think it is wrong. We did not slap Turkey upside the head when they invaded northern Cypress and took it illegally against the law, or the mass murder of Kurds, or the violations against Greece, or even the deaths of American soldiers.

I would say that I support having Turkey as an ally in the future and giving them the additional dollars. I have fought along side Turks in Vietnam, side by side. But if someone at the moment causes a loss of one of your friends, they should not be rewarded for that, regardless of how much they have supported you in the past.

The gentleman from Georgia (Mr. KINGSTON) mentioned that we have 49 allies in this fight. Only 22 of them are being given aid, and yet we are going to give a billion dollars to someone who did not support us. Again, logic says that that is wrong. That will be a billion dollars back into the general fund. Some of you want it for homeland defense, domestic, first-line responders, or even domestic issues.

I understand the issues on the other side of this particular issue. I am torn myself. It is not even important. This is the first time I have ever come to the well with an amendment that I do not care if it wins or loses. I do feel the debate is very important, because Turkey needs to know, and other nations that do us harm, that cause the life loss of Americans, not to tread on me.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 1 minute remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the remaining minute.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California (Mr. CUNNINGHAM). I agree with everything he said. All I disagree with is we should not adopt his amendment for a lot of reasons.

A letter from the President's National Security Adviser has been referred to several times. A copy of that letter is as follows:

THE WHITE HOUSE,
Washington, DC, April 3, 2003.

Hon. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for supporting the President's request for aid to Turkey in the Emergency Supplemental legislation. Despite recent difficulties, the President is devoted to maintaining the strategic partnership that has existed between the United States and Turkey for almost 60 years.

Secretary Powell addressed important military, political, and economic issues when he met this week with President Sezer, Prime Minister Erodogan, Foreign Minister Gul, and General Staff Chief Ozkok. Both sides agreed to an unimpeded flow of humanitarian aid to Northern Iraq and access by American forces to supplies sent through Turkey. Turkey continues to grant overflight rights and has committed to enhanced cooperation on terrorist threats and possible refugee flows in the region, without moving additional Turkish military forces into Iraq. These are very positive steps.

American and Turkish soldiers stood side by side during the Cold War and on battlefields from Korea to Afghanistan. The President's supplemental request recognizes and reflects that past and his desire to strengthen the relationship further. This assistance, coupled with Turkey's continued adherence to sound economic policies supported by international financial institutions, could play a significant role in bolstering the U.S.-Turkey partnership. I ask your assistance in advancing these goals on the floor and in conference.

Sincerely,

CONDOLEEZZA RICE,
Assistant to the President for National Security Affairs.

I would like also for the Members to know on page 27 of the bill there is a long list of requirements that have to be met before the President can release this money. The Congress is playing its role in controlling spending and getting accountability. So look at that page and you will see that it is not just a grant of money to anybody.

Now, let me say quickly that the face of the world is changing. Alliances are changing. Friendships are coming. Friendships are going. The President of the United States needs the flexibility to deal with those extremely important changes. And as far as who asked for the money, the Turkish delegation visited the President to discuss a program of $6 billion. The gentleman from Illinois (Mr. HASTERT) and I had the privilege of meeting with that delegation. They certainly asked for the help.

Mr. MILLER of Florida. Mr. Chairman, Turkey has been our friend and I assume still desires to be an ally of the United States. I have visited Turkey. It is a beautiful country and they have fought side by side with many of our soldiers. Yes, they supported our efforts with Operation Northern Watch. Yes, we support their emerging democracy, but it is important for them to understand that there are consequences to their actions.

Mr. Chairman, when we as Members of Congress cast a vote there are consequences. Earlier this year we asked for their help and they voted "no". Well now they want our help and I'm voting "no". I think we spend too much money in foreign aid, money that could be used for tax relief, building a strong defense, and paying down the debt.

This week, Turkey agreed to help with resupply and humanitarian aid and assumes that Uncle Sam is going to pull out his checkbook and write another billion-dollar check without batting an eye.

Mr. Chairman, at a time when our veterans have to wait months to see a doctor and our servicemen in Iraq are risking their lives and chemical attack for the preservation of liberty, isn't it time for Uncle Sam to stop sending blank checks to fair-weather allies?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 315, not voting 9, as follows:

[Roll No. 105]

AYES—110

Akin
Bachus
Baker
Ballenger
Berry
Bilirakis
Blackburn
Blumenauer
Boozman
Brown-Waite, Ginny
Cannon
Chocola
Clay
Coble
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Duncan
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hill
Hoekstra
Holt
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kingston
Kleczka
Kucinich
LaHood
Lee
LoBiondo
Lofgren
Maloney
Manzullo
McCotter
McNulty
Menendez
Miller (FL)
Miller, Gary
Musgrave
Ney
Norwood
Nussle
Osborne
Otter
Owens
Pallone
Paul
Payne
Pence
Petri
Pitts
Pombo
Radanovich
Ramstad
Rehberg
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schiff
Schrock
Sensenbrenner
Sherman
Shuster
Souder
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiberi
Toomey
Turner (OH)
Upton
Waters
Watson
Woolsey
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier

Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Farr
Fattah
Flake
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Boyd
Combest
Gephardt
Gutierrez
McCarthy (MO)
McInnis
Oberstar
Slaughter
Walden (OR)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are approximately 2 minutes remaining in this vote.

☐ 1622

Mr. BARRETT of South Carolina, Ms. CARSON of Indiana, Mr. HERGER and Mr. GRIJALVA changed their vote from "aye" to "no."

Mr. PETRI, Ms. LEE, and Messrs. GORDON, DAVIS of Tennessee, GOODLATTE and HOLT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today the thoughts and prayers of all Americans are with our courageous military forces in Iraq and their brave families at home, especially those families who have lost a loved one or await the return of the missing and our prisoners of war.

Today, we all celebrate the wonderful and courageous rescue of Jessica Lynch. We all celebrate her rescue and the courage that she demonstrated, as well as those who brought her home safely.

As Members of Congress charged in the preamble to the Constitution with providing for the common defense, we have pledged to give our Armed Forces the support they need in these difficult and dangerous days, both to win this war and to win the peace. This supplemental abides by that commitment.

Sadly, this supplemental does not fulfill America's commitment to our men and women in uniform at home, our local firefighters, police and emergency medical personnel who serve on the front lines against the greatest threat facing our Nation, the clear and present danger of terrorism.

Time and time again, the President and the Republican majority in Congress have said that defending the homeland is "the single most important priority, our most important challenge and our biggest responsibility." But time and time again, the rhetoric has failed to match the reality of their proposals.

The reality is that the Republicans have failed to spend $2.5 billion in desperately needed homeland security funds appropriated by Congress last year. The Republicans have said repeatedly that they will do whatever it takes to defend our homeland, but the reality is that the Governors and mayors from across the country are pleading with the administration and the Republicans in Congress to give firefighters, police, and health care workers the funding, training and equipment they need to protect our communities and to respond to a terrorist attack. The President said that "I am going to commit the resources necessary to defend our freedom," but the reality is that this supplemental has a message that the President and the Republicans have not been committing the resources necessary to fully defend our homeland.

Perhaps nowhere is this credibility gap on homeland security greater than when it comes to protecting our vulnerable ports.

In speaking to the Coast Guard at the port of Philadelphia this week, the President said that protecting our Nation's ports is essential to our economic security and to our national security, but the reality is that the President vetoed $39 million to inspect the millions of container ships that dock in U.S. ports every year. The reality is that the administration and the Republicans have no funding for this program in the fiscal 2004 budget or in this supplemental.

With our Nation at the second-highest level of terrorist alert, the Republicans are shortchanging homeland security. The American people deserve better. We must do everything we can every day to protect the homes that people live in, the places where they work, the bridges and roads they use to get there, and the communities where they live.

I commend my colleague, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, for his outstanding leadership on this issue and for his efforts to give our States and communities the resources they need to protect themselves.

☐ 1630

America needs to know that Democrats voted this week to boost homeland security by $2.5 billion, including an additional $1.2 billion for underfunded firefighters, police and medical personnel. The Obey amendment, had it been allowed to be brought to the floor, would have gone even further than that, and I thank the gentleman for his leadership.

Americans need to know that the Republicans voted no. The President and the Republicans owe the American people an explanation. Why are they shortchanging our men and women on the front lines in our homeland who protect our communities, while they are giving massive tax cuts that overwhelmingly benefit the wealthiest in our country, those who need it least? This would be unwise at any time. In this time of war, with our Nation on high alert, it is downright reckless.

Democrats support this supplemental because it funds our men and women in uniform in Iraq as well as other critical needs. At the same time, it does not do enough for our men and women in uniform domestically who are trying to keep our communities safe. Democrats will continue fighting to give them the funding, the training, and the equipment they need to protect America. We owe these men and women and the Americans they protect nothing less.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to propound a question to the distinguished chairman of the Committee on Appropriations.

As I review the number of amendments pending, I see 39 remaining amendments on the Democratic side of the aisle and 6 on the Republican side of the aisle. As I calculate the clock, that means that if all of those amendments are only debated for 5 minutes per side, without counting the time for roll calls, that we would be here until midnight. If we then have actual votes on those amendments, I calculate that that would take us till at least 2 a.m. or 3 a.m.. If we have an additional 5 minutes per side or debate on half of those amendments, that would take us until about 5 o'clock in the morning. And if we have no time agreements on these amendments, we will be here at 10 a.m. tomorrow morning. That is the reality of the clock that faces us.

So I want Members to understand why it is that we are going to be seeking time agreements. Because if we do not, and the leadership has said we were not going to be here tomorrow, which means we may not start a session tomorrow but we are certainly going to be here tomorrow approaching noon unless we get time agreements on these amendments. So I just wanted to put the House on notice that the gentleman and I are trying to reach an understanding on time limits and we need those time limits to be as tight as is reasonably possible, or else Members are going to be spending an awful lot of time tonight with each other when they would rather be spending that time with somebody else.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida for whatever comments he may wish to make.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman, and I double-checked his math and he is exactly right about the time it would take us to conclude these amendments.

I noticed where there are three or four, sometimes five amendments with the exact same title. I am not sure why that is, but that could be a big time delay. But here is where we are. We have to finish this bill today, whether this legislative day runs over until tomorrow or Saturday or whatever. The reason is very simple. We have to have the weekend to prepare for a conference with the other body early next week.

Now, if we do not have that conference with the other body early next week, we do not get a conference report back to the House before the end of next Friday. And if Members recall, the following week is scheduled to be a district work period. So if we extend this bill beyond today, in effect, we cannot get to the conference until next week sometime, and we cannot have a conference report by the end of the next week.

So what I would hope is that we could look at some of these amendments, and if there are redundancies and duplications, why bother with them? Why do we not just do one on a subject rather than three or four? I am trying to get this job done tonight to let us prepare the conference over the weekend, give the membership a conference report next week, and then do what it is that everyone plans to do back in their districts during the district work period. So the gentleman is exactly right.

And if we spend a lot of time hassling over the time limits, that actually eats into the clock as well. So we really want to try to expedite this. We need to get this bill out of here. This is a wartime bill, and our troops are on the field. And I appreciate the gentleman calling this to our attention, because he is absolutely right.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would just ask Members to be understanding of the time problem that we face and to recognize that we have to ask them to agree to tight time limits or we are going to be here until the cows come home.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is well known that I am against this war. All my actions have pointed toward my opposition to the utilization of war as an option. But I believe it is important to again restate the support that we have for the troops, and to acknowledge that some have characterized this as frivolous and that those of us who support the troops are actually undermining them. As we proceed through this debate, I think it is important to respect Members who have different perspectives and, as well, to allow their amendments to be presented that will characterize the diversity in this Congress.

There was a different vote on the Turkey issue. My vote was to vote not to penalize a sovereign Nation, a democratic Nation who happened to disagree with us. I believe in restoring diplomatic relations with Germany and France and others who have been our friends in the past.

I also believe that, as my leadership believes, that we should do more for homeland defense and homeland security. I also believe that there is not enough in this supplemental that deals with creating the peace, beginning peace discussions and stopping to discuss peace. And I will look forward to debating an amendment that deals with beginning peace talks as we speak, for it is important to note that we do have a difference of opinion but we do want our troops home and we want them to be safe.

I think if we proceed under these auspices, or this umbrella, then this will truly be a democracy reflective of all of us that we can stand proudly in support of our flag and our Nation, because many of us agree that there are other options, and certainly peace should be one.

So I look forward, Mr. Chairman, to supporting efforts to restore the diplomacy that we have had with other nations, to ensure that we look to rebuild Iraq, to be sure we begin the discussion of peace and, as well, that we support our troops.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that during consideration of H.R. 1559 in the Committee of the Whole pursuant to House Resolution 172 no further amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8 and 9 in the CONGRESSIONAL RECORD.

The CHAIRMAN. If the chairman will suspend. The request being offered by the chairman must be made in the whole House. It cannot be acted upon in the Committee of the Whole.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Virginia) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1559 in the Committee of the Whole pursuant to House Resolution 172 no further amendments to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8 and 9 in the CONGRESSIONAL RECORD; and amendments specified in the list that I have placed at the desk.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; any point of order against such an amendment shall be considered as reserved pending completion of debate thereon; and any such amendment may be withdrawn by its proponent after debate thereon.

The SPEAKER pro tempore. The Clerk will read the list.

The Clerk read as follows:

Mr. McGOVERN regarding reducing funding for counter-drug activities; Mr. OBEY regarding cuts for Colombia money transferred to port security; Mr. DEFAZIO reducing funding for Turkey and increasing for National Guard; Mr. DEFAZIO regarding limitation on military activity not authorized by Congress; Mrs. TAUSCHER regarding nonproliferation; Mr. SHERMAN regarding economic support fund; Mr. REYES regarding money to joint task force for borders; Ms. JACKSON-LEE of Texas regarding $50 million for SEVIS; Mr. NADLER regarding port security; Mr. WU and Mr. SCOTT regarding airline bailout; Mr. FLAKE regarding airline bailout; Ms. MILLENDER-McDONALD regarding transit security; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas, Substance Abuse/Medical Health; Ms. JACKSON-LEE of Texas, Department of Health and Human Services; Mr. ALLEN regarding IDEA and No Child Left Behind Act, no offset; Mr. CROWLEY regarding $100 million for Pakistan limitation; Mr. CROWLEY regarding Hero bill; Mr. DEFAZIO regarding unemployment compensation for airline workers; Mr. EDWARDS, regarding airline discontinuation of service near bases; Mr. ISRAEL regarding Commercial Airline Protection for Surface to Air Missiles; Mr. KUCINICH regarding Limitation Amendment that require all contracts acquired for the reconstruction of Iraq to be subject to competitive bidding, as stated in the Federal Acquisition Regulation and the USAID Acquisition Regulation; Mr. KUCINICH Regarding Limitation amendment that restricts funds in Title I, Chapter 3 "Operation Iraqi Freedom Response Fund;" Mr. RANGEL regarding $450 million from Iraq to school improvement; Mr. RODRIGUEZ regarding adding $70 million for veterans health care; Mr. TURNER regarding homeland security report; Ms. WATERS regarding IDB; Ms. WATERS regarding conflict of interest; Ms. WATERS regarding HUD community development; Mr. HOEFFEL regarding strike $68 million from Colombia. Transfer peacekeeping to Iraq; Mr. STUPAK regarding health care for Iraq; Mr. WU regarding airline bailout; Mr. ROTHMAN regarding airspace restrictions; Mr. NETHERCUTT regarding limitation on use of Iraq funds; Mr. KENNEDY of Minnesota regarding limitation on the use of Iraq funds; and Mr. HOEKSTRA regarding AmeriCorps.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, did the Clerk read two or three amendments to be potentially offered by the gentlewoman from California (Ms. WATERS)?

The SPEAKER pro tempore. Three.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1645

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Pursuant to House Resolution 172 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1559.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from California (Mr. CUNNINGHAM) had been disposed of, and the bill was open from page 3 line 3 through page 9 line 13.

Pursuant to the previous order of the House, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8, and 9 in the CONGRESSIONAL RECORD; and amendments specified in the list placed at the desk. Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

Of the funds appropriated under this heading, and in addition, such sums as may be transferred, or are otherwise available, from current and future balances in the Defense Cooperation Account and the Natural Resources Risk Remediation Fund (only to the extent said funds are available pursuant to the authorities and limitations in current law and those further enumerated in chapter 3 of this Act), and only for expenses, not otherwise provided for, necessary to finance the estimated partial costs of operations associated with Operation Iraqi Freedom and other operations and related activities in support of the global war on terrorism (including Operations Enduring Freedom and Noble Eagle), there is hereby made available a total amount of not to exceed $59,682,500,000, only for transfer to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $6,974,500,000.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $1,984,300,000.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $1,204,900,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $1,834,800,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $3,000,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $93,000,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $10,481,500,000, of which $874,000,000 shall remain available for obligation until September 30, 2004.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $3,940,300,000, of which $1,909,000,000 shall remain available for obligation until September 30, 2004.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $1,383,700,000, of which $786,000,000 shall remain available for obligation until September 30, 2004.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $3,668,200,000, of which $359,000,000 shall remain available for obligation until September 30, 2004.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $901,900,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $58,400,000.

Defense Health Program

For an additional amount for "Defense Health Program", $301,700,000.

PROCUREMENT

(TRANSFER OF FUNDS)

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $4,100,000.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $3,100,000.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $53,300,000.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $447,500,000.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $241,800,000.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $113,600,000.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $11,500,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $90,000,000, to remain available for obligation until September 30, 2004.

COMBAT, STABILITY OPERATIONS, AND FORCE RECONSTITUTION COSTS

(TRANSFER OF FUNDS)

For additional expenses, to be derived by transfer from the "Operation Iraqi Freedom Response Fund", not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution and munitions/equipment replacement, and other related costs, an amount not to exceed $25,436,400,000, of which not less than $4,000,000,000 shall be withheld from obligation until after July 1, 2003, as a reserve for any additional incremental fiscal year 2003 Military Personnel and "Defense Health Program" costs that may be incurred above the amounts provided elsewhere in this chapter or previously enacted defense appropriations: *Provided*, That the Secretary of Defense shall not make any transfer from the "Operation Iraqi Freedom Response Fund", the "Defense Cooperation Account", or the "Natural Resources Risk Remediation Fund" to appropriations, programs and activities cited under this heading, until seven days after notifying the Committees on Appropriations of the Senate and House of Representatives of the amounts and purposes of any such transfer: *Provided further*, That subject to the limitations stated above, amounts provided under this heading shall otherwise be available for obligation in the following amounts, as specified:

For classified programs, not less than $1,817,000,000, which shall remain available for obligation until September 30, 2004, and which shall be in addition to amounts provided elsewhere in this chapter for Procurement, and Research, development, test and evaluation;

For Operation and maintenance, up to $20,214,300,000, of which $4,000,000,000 shall remain available until September 30, 2004, and of which not less than $8,000,000,000 shall be only for fiscal year 2003 costs associated with Operation Enduring Freedom and related costs of the global war on terrorism;

For Procurement, up to $4,242,000,000, to remain available for obligation until September 30, 2004, of which up to $3,249,400,000 may be made available to replenish munitions and other equipment expended for military operations in and around Iraq and the global war on terrorism;

For Research, development, test, and evaluation, up to $57,600,000; and

For Department of Homeland Security, "United States Coast Guard, Operating Expenses" up to $400,000,000 to support military activities in connection with Operation Iraqi Freedom and the global war on terrorism: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determinations that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts shall be transferred back to this appropriation or to the "Operation Iraqi Freedom Response Fund".

NATURAL RESOURCES RISK REMEDIATION FUND

(INCLUDING TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the "Natural Resources Risk Remediation Fund". Funds transferred to, appropriated to, and contributions made to, the "Natural Resources Risk Remediation Fund" may be made available for expenses necessary in connection with Operation Iraqi Freedom to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: *Provided*, That not to exceed $489,300,000 of the funds appropriated under the heading "Operation Iraqi Freedom Response Fund" in this Act may be transferred to this fund: *Provided further*, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: *Provided further*, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes and such reimbursements may include funds received pursuant to the authority of the previous proviso: *Provided further*, That funds to be transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,100,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $34,000,000, for transfer subject to the terms and conditions governing such transfers as provided for under this heading in Public Law 107-248.

AMENDMENT OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEFFEL:

Page 17, line 25, after the dollar amount insert "(reduced by $34,000,000)".

Page 32, line 19, after the dollar amount insert "(reduced by $34,000,000)".

Page 34, line 11, after the dollar amount insert "(increased by $68,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order.

Mr. HOEFFEL. Mr. Chairman, I offer an amendment today, and I will not ask for a vote, that will increase the amount of money that we are providing to peacekeeping in this supplemental bill to an additional $68 million, and we would take that money from the Colombia military funds.

Mr. Chairman, I think it is critical for this House to understand the importance of internationalizing our peacekeeping. The peacekeeping funds as distributed by this bill by the State Department are used to assist coalition partners and other cooperative frontline states to promote stabilization activities in postconflict Iraq. Frankly, we do not want all of the peacekeeping to be done by American military forces, or even the coalition forces currently fighting with us in Iraq.

It is necessary, certainly, for us to have some initial burden; but we want to quickly move in terms of long-term security presence to peacekeepers from our allies in Europe, from other partners, from organizations of international stature, such as the United Nations, or more likely perhaps NATO; and we need to understand the need to move toward that. We need to establish the rule of law in Iraq as part of peacekeeping, and we will need an international team of legal experts and judges and prosecutors to form a transitional justice team and a civilian police team. Years of neglect at the United Nations have made that organization probably incapable of the kind of robust peacekeeping that we are going to need.

I would suggest to the House that we look at NATO. That is the kind of organization that can lift a great part of the burden from American taxpayers and yet deliver robust and effective peacekeeping in Iraq after our victory. It is time now to understand the need to internationalize our burdens, not to try to do this all ourselves, to plan ahead and to make sure we call upon international agencies like NATO to help us in the tasks to come after our military victory.

For a variety of reasons, Mr. Chairman, I am going to withdraw this amendment. I thank the gentleman from Florida (Mr. YOUNG) and the ranking member (Mr. OBEY) of the Committee on Appropriations for their cooperation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCGOVERN:

In chapter 3 of title I, in the item relating to "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", after the aggregate dollar amount, insert the following: "(reduced by $34,000,000)".

In chapter 4 of title I, in the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the aggregate dollar amount, insert the following: "(reduced by $27,000,000)".

In chapter 5 of title I, in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", after the first and second dollar amounts, insert the following: "(increased by $34,000,000)".

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida for a time request.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) and any amendments thereto be limited to 40 minutes, to be equally divided and controlled by the proponent and myself as the opponent.

Mr. OBEY. Reserving the right to object, as I said earlier, we have over 40 amendments left to go. I understand this is an important amendment. We just had over an hour on an amendment from the gentleman from California (Mr. CUNNINGHAM) that was considered important. If we provide 40 minutes' time for this amendment, I do not want the expectation to be that we will do that for every other amendment. I would hope that we understand that this is the last amendment we would ask significant time for, and Members can expect us to ask unanimous consent in order to hold each future amendment to considerably less time than this.

Mr. YOUNG of Florida. Mr. Chairman, if under his reservation the gentleman would continue to yield, I will do my best to make that work on my side.

If the gentleman would continue to yield, as to our Members so they can make some plans for the evening, while we will still continue and intend to complete this bill sometime tonight, I would ask the Chair that we not have any votes prior to 8 p.m., roll votes until 8, so Members can have time for dinner or whatever.

Mr. OBEY. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 20 minutes.

The gentleman from Massachusetts (Mr. MCGOVERN) is recognized.

Mr. MCGOVERN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise today to offer an amendment on behalf of the gentleman from Missouri (Mr. SKELTON) and the gentlewoman from Connecticut (Ms. DELAURO) to add $34 million to the Office of Domestic Preparedness for assistance to State and local first responders. I would have preferred to increase those funds by $61 million, but the Committee on Rules last night would not allow even that modest sum to go to our first responders.

This amendment is very simple. It adds $34 million for our first responders, and it strikes $61 million in military and security assistance for Colombia to pay for the increase. This supplemental contains more military aid for Colombia, in total $105 million, than the amount for first responders in 49 of the 50 States. At a time when our country faces an increased risk of terrorist attack, at a time when every dollar is needed to support the men and women who daily protect our communities from terrorism and other threats, this bill makes it clear they would be better off as a military or police officer in Bogota, Colombia, than Worcester, Massachusetts, Miami, Florida, or even New York City.

President Bush asked this Congress to refrain from attaching items not directly related to the emergency at hand. This bill is supposed to focus on Iraq and the region surrounding Iraq and on our own homeland security. So why is military aid for Colombia in this bill?

Scarcely 6 weeks ago, Congress passed an appropriations bill that contained over $500 million in military security and economic aid for Colombia. Have they already run out of that money? No. Most of it is not even in the pipeline yet. When this House returns from the April recess, the Subcommittee on Defense and the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations will begin work on the fiscal year 2004 appropriations bills. The President has asked for more than $700 million in military security and economic aid for Colombia in those bills. I submit that Colombia is very well taken care of in the regular authorization and appropriations process.

If this House approves this amendment, the supplemental will still include $44 million in military and security assistance for Colombia. My amendment does not touch additional funds for hostage search and rescue missions in Colombia. This amendment does not touch funds to strengthen security for President Uribe, and it does not touch at least $25 million in other military assistance in this bill, funds which could be used for bomb detection, for extending the Colombian Government's control over zones of conflict, or for other purposes.

This amendment is a very modest increase for the men and women who are our front-line security right here at home, and a very modest reduction in military funds for Colombia.

Most of my colleagues know that I have grave concerns about our policy in Colombia. I am even more deeply concerned that we never seem to get an opportunity to debate that policy except when money is being slipped in through the back door in supplemental appropriation bills that are focused on other critical issues like the war in Iraq.

Members may disagree with me on our policy on Colombia, but they cannot disagree that these funds are needed more at home right now than they are needed in Colombia.

□ 1700

I just returned from 1 week in Colombia, and I saw first hand what the United Nations High Commissioner on Human Rights in Bogota just reported to the Human Rights Commission in Geneva. Violence and human rights crimes by the paramilitary guerillas are on the increase. Human rights abuses and crimes by official government military and security forces are on the increase, and the links between the Colombian armed forces and the paramilitaries remain unchanged.

Mr. Chairman, the U.S. has more troops on the ground in Colombia than ever before, and Americans are dying in Colombia and our involvement is becoming increasingly directed in counterinsurgency efforts. These are serious matters. They deserve serious and full debate before we further escalate our involvement.

I know that the chairman of the Committee on Appropriations is concerned that terrorist groups like al Qaeda rely in part on drug money to finance their operations. Every Member of this House is concerned about that. But al Qaeda's drug money comes from South Asian poppy fields, not Colombia. In Colombia, drug money permeates all sectors of society. It helps finance Colombia's 40-year-old civil war. And let me suggest that one of the best ways to deal with the drug problem in America is by making certain that we have enough law enforcement officers on our own city streets.

So I would urge my colleagues to support this amendment, support our police, our firefighters and our public safety officers at home, to pass this amendment for their own hometown.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to talk about this amendment which does affect both the defense chapter of this supplemental as well as the foreign assistance chapter. The supplemental bill before the House today has the same level as the President's request for funding for Colombia in the Foreign Assistance Chapter. It includes $37 million foreign military financing and $34 million from the Andean Counterdrug Initiative. The McGovern amendment would cut $27 million from the Andean Counterdrug Initiative and $34 million from the funds in the Department of Defense Chapter. It leaves in the foreign military financing assistance and $7 million of the Andean Counterdrug Initiative.

Let me begin by saying about my opposition to the amendment that the funding in supplemental legislation for Colombia is subject to all of the restrictions and conditions that exist under current law. These funds are not exempt from those conditions. The funds are subject to human rights certifications. They are subject to coca spraying conditions, conditions on the use of U.S. helicopters, the rules of engagement, and there is more. In fact, let me emphasize to my colleagues that there is no provision in the foreign assistance legislation that is subject to more conditions than these funds, with the possible exception of those funds provided for the West Bank and Gaza.

I apparently do not need to remind the subcommittee that Colombia is South America's oldest democracy, but it is a country that is torn by decades of civil strife. It has endemic violence, corruption, deep socioeconomic inequities, weak institutions, and a serious economic recession, all exacerbated by the illicit drug production and trafficking. Drug profits play the motivating factor in inciting the terrorism that is killing 3,500 Colombian citizens every year. It is in the national interest of the United States to promote better stability in Colombia by helping it address these longstanding problems and confronting the socially corrosive drug industry.

But for the first time since becoming chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I have some good news to share with my colleagues. Our eradication efforts with President Uribe's administration and with his assistance are making a difference in Colombia.

The last half of 2002 and the first half of 2003 marks a turning point in the struggle by the United States and Colombia against narcotrafficking and terrorism. We have made significant progress; but as a result, the narcoterrorist groups have become desperate.

President Uribe and his senior administration officials, in office only since August of 2002, have demonstrated the will and the ability to fight narcotrafficking and terrorism at their roots. Therefore, the terrorists are now targeting him and other officials for assassination. Funding in this supplemental will provide much-needed security upgrades for official facilities and training for Colombian security personnel to reduce the threat of assassinations.

I would urge my colleagues to recognize the situation in Colombia, to recognize that U.S. national interest in a stable Colombia is important, to recognize that we are making a difference. Reducing U.S. support at this time would send the wrong message to the FARC and to the paramilitaries.

I urge my colleagues to oppose the McGovern amendment.

(Mrs. LOWEY was given permission to include a statement at this point in the RECORD.)

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

The additional funding requested for Colombia has no place in this bill. More importantly, it adds funding in support of a policy that is essentially flawed. President Uribe's election gave us some initial hope that he would engage all the disparate elements of the conflict with new ideas and a real commitment to bring lasting peace.

Unfortunately, what we have seen is an escalation of activity from guerilla organizations, increasing influence and control by paramilitary organizations, no reduction in coca cultivation, and a slippage in the commitment to prosecute human rights abuses.

I have no illusion about the complexity of the problems of Colombia, but I do not think we should be adding funds to expand our commitment there at this point. Make no mistake: we are headed toward the direct involvement of U.S. troops in that conflict. I regret the fact that there are U.S. hostages in FARC camps, and I support all efforts to rescue them, but this funding goes beyond that and expands the involvement of U.S. personnel on the ground.

If the policy were balanced and we had a real commitment on the part of the Colombian government to deal with all aspects of the problem—including the rapidly expanding drug trafficking by paramilitary organizations—it might be different. Unfortunately we don't, and the influence of these organizations and their cooperation with the Colombian military increases daily. The Colombian military has succeeded in decreasing the control that rebel groups have enjoyed in certain parts of the country. But these successful military operations have been followed up by paramilitary units moving in to these same areas and taking control. This has occurred in the Buena Ventura port area on the Pacific Coast of Colombia, which is a primary drug transshipment port near the town of Cali. And we also have seen no action by the Colombians to arrest indicted members of the Paramilitaries.

Until we have a balanced policy with a real commitment by the Colombian government to deal with all aspects of the problem, our funding for eradication and military training only serves to inflame, not to stop, the conflict. I urge my colleagues to move funding away from these purposes, and instead invest it in homeland security—where it can make a positive difference in the lives of the American people.

Mr. McGOVERN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to support this amendment offered by the gentleman from Massachusetts (Mr. McGOVERN), my friend and co-sponsor.

The previous speaker spoke about national interest. This amendment provides at least some critical assistance to national interest, and that is of homeland security. Mr. Chairman, this supplemental bill that we are debating today is about the war in Iraq. It is about the crucial ongoing operations in the region of Afghanistan, and it is about protecting the American people from future acts of terrorism. This war is expensive, and its aftermath will be more expensive still. And I must tell the Members, Mr. Chairman, I have deep concerns and I am troubled so very much about the aftermath after we have a victory in Iraq because that of course will be the proof in the pudding as to whether the young men and young women's sacrifices have been in vain.

I commend the Committee on Appropriations for providing the funding to give our troops everything they need to win the war, and I commend them too for making a downpayment on the costs of reconstruction in Iraq. We in Congress and the American people must know that rebuilding that nation will require substantial and sustained commitment.

But we owe a commitment too to our first responders here in our own country. They are on the front lines of the war on terrorism right here at home. Our States remain underfunded for critical needs. The State of Missouri alone requires some $500 million to do the defense work concerning our first responders. And while this supplemental provides some funding for the States, it needs to do more.

This amendment would provide more funding for the first responders by decreasing the amount of military and counterdrug assistance going to Colombia. I have deep concerns about our Nation's involvement in the ongoing conflict there, but today my larger concern is about where we face a bigger danger, and that is right here in the United States of America. That justifies emergency spending.

This amendment, Mr. Chairman, allows funds for unforeseen needs in Colombia, notably search and rescue operations for the Americans held hostage, and increased security for President Uribe, who is trying so hard to bring peace to his nation. But, Mr. Chairman, on the other hand, Colombia's request can be and should be handled in regular order. There is simply no emergency that warrants funding for these other items and programs in this bill. Money is more urgently needed and it would be more appropriately spent in the supplemental supporting our first responders right here in the United States just as we support our troops.

I urge my colleagues to support this amendment, and I thank the gentleman from Massachusetts (Mr. McGovern) for his leadership.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. Tom Davis).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

I think adopting this amendment would be a huge mistake for this House; so I rise in strong opposition to this amendment which proposes cutting vitally needed assistance to Colombia and the Andean region. Quite simply, now is not the time to turn our backs on the progress we are making against narcoterrorism in Colombia.

General James Hill, the commander of the U.S. Southern Command, said recently that the so-called narcoterrorists operating in Colombia and throughout Latin America fuel and fund worldwide terrorist organizations such as Hamas and Hezbollah. Our counternarcotics and counterterror initiatives in Colombia are finally beginning to bear fruit. For example, last month John Walters, the director of the Office of National Drug Policy, announced promising new estimates of coca eradication in Colombia, and these numbers do not account for the intensified spraying that has occurred since President Uribe took office in 2002. It would be foolish for us to send this message to the Colombian Government now and for us to derail this program just as it is beginning to succeed.

The administration has requested the allocation of supplemental funding to support the Uribe administration's commitment to stamp out terrorists, reduce the level of narcotics trafficking, and eventually eliminate his nation's supply of drugs. President Uribe's aggressive approach to counternarcotics and antiterrorist programs has seen significant results in a very short period of time.

Our 2003 funding was developed prior to President Uribe's taking office, and it is not sufficient to appropriately and effectively fund the current pace of our counternarcotics operations. Supplemental funding would provide Colombia with several essential tools and resources, including intelligence equipment to detect threats against U.S. and Colombian officials and increase capabilities to enhance existing eradication efforts.

After a recent visit with President Uribe in Bogota, I can tell the Members that the Colombian Government's commitment is strong. President Uribe's administration is working to enhance state presence in vast areas of the country that have lacked it for decades. They have the popular support of a vast majority of Colombians to beef up and spray eradication efforts, impose new taxes, to strengthen their police and military, and reform their beleaguered criminal justice system.

Of course, significant hurdles remain. The FARC, ELN, and AUC continue to hold sway over large portions of the countryside where there is little, if any, state presence. The narcotics terrorists have also shown no respect for human rights and do not value human rights. They have murdered and kidnapped innocent men and women and children including American citizens. As we prepare to reaffirm our commitment to the demand side of the war on drugs by reauthorizing drug policy legislation in this Congress, it is imperative that we continue to closely monitor both progress and setbacks on the supply side in Colombia.

With military intervention in Iraq under way and concerns about homeland security here at an all-time high, it is important we do not overlook the battle against narcoterrorism going on in Colombia. It is part and parcel of our international antiterrorist efforts.

The killing and kidnapping of Americans and the murderous bombing of a Colombia club frequented by families are the acts of a desperate band of outlaws.

Mr. Chairman, the Uribe administration has made more progress in 7 months than we have seen in many years. Vote "no" on this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself such time as I may consume.

I repeat, this amendment supports first responders. It does not touch $44 million of military aid in Colombia. A few weeks ago this Congress approved $500 million in military aid to Colombia, most of which is not even in the pipeline yet, and we can handle the rest of Colombia's needs and have this debate through the regular appropriations process.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DeLauro), another cosponsor of this amendment.

Ms. DeLAURO. Mr. Chairman, I am proud to offer this amendment with my colleagues, the gentleman from Massachusetts (Mr. McGovern) and the gentleman from Missouri (Mr. Skelton). It would reduce military and security assistance to Colombia and add $61 million to the Office of Domestic Preparedness for assistance to State and local first responders.

Today our country is at war and the Nation's threat level is high. I heard in my district a few weeks ago when I met with police, fire, and emergency medical personnel that there is a serious need in our cities and towns to provide funding for first responders in our fight against terrorism. Our localities have already spent in excess of $3 billion to meet their homeland security needs; and with this economy, with States in the single worst fiscal crisis since World War II, we cannot expect them to shoulder the full burden. Any bill to fund the war must also provide these cities and towns with the funds they need to safeguard their communities.

This bill includes provisions that have nothing to do with meeting our homeland security needs or funding the war in Iraq. In particular, I am talking about the substantial military aid for Colombia. In fact, this bill contains more military and security assistance for Colombia, $105 million, than the amount that nearly every State will receive for first responders. And what is so urgent at this particular moment about our objectives in Colombia that could not be addressed in the annual appropriations process? Why is this funding in an emergency bill meant to address Iraq?

I am concerned that this funding for Colombia may signal an escalation of our military involvement there. If this is true, then we have an obligation to have a full debate here in the Congress and reconsider our objectives there rather than simply approve additional funding without any debate at all.

No matter how we feel about our involvement in Colombia, this bill is not the vehicle by which we should be making serious policy decisions regarding the escalation of our involvement.

□ 1715

I urge my colleagues, do right by their cities, their towns, police, fire, emergency medical personnel. Support this amendment. Give first responders the resources they need to keep their communities safe.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. Ballenger).

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. McGovern) that would cut $34 million in Colombian assistance provided by the Defense Department and $27 million earmarked for the Andean Counterdrug Initiative to be added to the Office of Domestic Preparedness.

Mr. Chairman, it really makes no sense at this time to direct additional funds to the Office of Domestic Preparedness when $331 million remains unspent from a previous allocation of $494 million.

President Uribe of Colombia is showing real leadership in the face of drug-financed terrorism. His life is always in danger. Our drug czar, John Walters, recently testified before my subcommittee about Colombia's record progress in eliminating illegal drugs. The governor of a leading drug-producing area in Colombia, Putamayo, was in my office just this week telling me of additional successful efforts in his Putamayo district. In fact, drug production in Putamayo has already been reduced from 66 million hectares to 13 million hectares. That is a reduction of 80 percent over 2 years.

Cutting aid to Colombia would also remove search and rescue funding, even as we work to return three Americans who are being held by the FARC.

Mr. Chairman, the drug war continues. Our homeland security compels every effort to fight the drug scourge that continues to kill our children, up to 30,000 a year. Compare that to Iraq. We have an ally in Colombia who is fighting this war for us. Let us not reduce our efforts when we are finally winning.

I urge a "no" vote on the McGovern amendment.

Mr. McGOVERN. Mr. Chairman, I need to repeat this, because I think we need to deal with facts here. Not one dime of search and rescue money is touched by my amendment. So we can disagree on policy, but we should stick to the facts.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

I rise today to join my colleagues in expressing my frustration and my disappointment in that our first responders are being neglected in this effort to supplement the cost of the war. I am disappointed on behalf of the first responders in our district in Orange County, California. I am disappointed because the police in Anaheim, California are being forced to spend an additional $20,640 a day to maintain their readiness under the orange threat level. Mr. Chairman, $20,640 per day. The Federal Government is telling these local officers at what level they must remain alert and yet adequate funding is not being provided. This mirrors what is going on all across our Nation.

All of our first responders are responding every single day to the threat that still exists against this country. They are responding with additional officers, with additional sergeants, and with the additional overtime necessary to keep their forces alert. Our first responders are fighting the war, and we should be funding them.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first I think it is important that we review why we are in Colombia. Colombia is in our hemisphere and we cannot let it be overtaken by the narcoterrorists.

Violence there in Colombia is primarily because of U.S. and European drug addiction. Violence in the U.S., 20,000 deaths a year, far exceeds the terrorist deaths we have in the United States.

Colombia is an important trading partner. Colombia is a model of democracy, the oldest in South America. Colombia is an energy supplier to the U.S., a supply that has been basically blocked by the narcoterrorist attacks.

Now, the fundamental question. If we have all of these compelling reasons to be in Colombia, more than probably any other Nation where we have troops at this point, the question comes, why are we cutting it and what are we cutting? The gentleman from Massachusetts, who I consider a friend, we do not agree on this subject, but I know he has been down there as I have many times. We have looked at it. We do not agree on some fundamental facts. He sees the glass half empty, I see it half full. We have been making progress on human rights, we have been making progress on controlling the terrorism, and we need to make more aggressive progress and keep it up.

His amendment proposes to cut the funding that provides the intelligence base with which to do the rest of the operations. He did not cut the funding to protect President Uribe, which is critical. The man is under daily attack. They are trying to kill him like they killed his father, like they threatened his family. But we are going to cut the intelligence in this bill to protect Uribe.

We say that we want the Colombian units to go out and eradicate the drugs, but we want to cut with this amendment the money that would enable us to identify where the drugs are. We say we want to help the Colombians tackle the problem, but we are cutting with this amendment the military assistance from SOUTHCOM to help train those Colombian units. That is the $34 million he has in particular targeted, the money that goes to SOUTHCOM.

Now, General Hill from SOUTHCOM said that the terrorist threat coming from Colombia through the narcoterrorists is greater than the other terrorist threats. What does he mean precisely by that? Did he mean al Qaeda? No, he did not mean al Qaeda. There may be future ties to the money, as the gentleman from Massachusetts said, that the greatest funding of the al Qaeda has come from Asian heroin. However, Hamas, the Russian Mafia, and others have started to interconnect with the narcoterrorists.

Let us be blunt here. I have spent the last 2 years doing hearings on our north and south border. We have better control over Middle Eastern illegal immigrants right now, with the possible exception of at Detroit and Buffalo, than we do of our south border. We are completely vulnerable right now to terrorist attacks coming from Hispanic attacks, coming from the south, particularly the FARC and Mexican Mafia-type groups who are directed at us.

As we are more effective in Colombia, as we cut off this multibillion-dollar industry of selling narcotics to the United States, those groups are going to fight back. As they have developed with our money, with our drug users' in the United States money, as they have developed the shoulder packs with which to attack, as they have had the ability to shoot down our helicopters to go off and take down military forces in Colombia, as they bring that to our soil, we better be focused on Colombia. We better be going after those terrorist groups as well.

I strongly oppose this amendment which would cripple our operations.

The following is a letter to other Members of Congress sent online today by Chairman TOM DAVIS and me:

APRIL 3, 2003.

DEAR COLLEAGUE: We strongly encourage you to oppose the McGovern Amendment to cut vitally needed assistance to Colombia and the Andean region. In a time of war, withdrawing American aid to help end political instability and conflict in our own hemisphere is shortsighted and against our national interests for several reasons:

Colombian Instability Directly Threatens U.S. National Security: Political violence and instability in Colombia threatens the security of the United States as much as the instability in Iraq for which America is now engaged in war. Three Americans have been held hostage in Colombia since January by the FARC, which the State Department has designated as a foreign terrorist organization. Other major groups fighting against the democratically elected Government of Colombia have also been designated as terrorist organizations. Public reports recently revealed that Osama bin Laden had visited the tri-border region in South America to meet with terrorists. The supplemental funding is directed to a serious and proven national security threat in America's own hemisphere.

Drug Eradication Efforts Are Succeeding: Nearly 20,000 Americans die each year of drug-induced causes—substantially more than the toll terrorism has taken in the United States to date, Last month, official estimates from both the CIA and the United Nations indicated that the coca crop in Colombia had declined substantially for the first time in years—as a direct result of U.S.-funded drug control programs. Our efforts have finally reached a turning point, and it would be foolhardy to cut off the program just as it is beginning to succeed.

Domestic Preparedness Funding Is Currently Available: Currently appropriated funding is already available for assistance in first responders and has not yet been obligated.

Plan Colombia Aids Human Rights: The State Department's annual Human Rights report this week examined violations of human rights on all sides of the complex conflict in Colombia. American assistance through Plan Colombia addresses human rights issues by providing $230 million in aid to directly improve human rights and administration of justice, preserve the environment, and foster economic development. Further, by bolstering political stability and the acceleration of peace in Colombia American assistance aims to end the root conflicts driving human rights violations. To withdraw aid from Colombia will cause more, not less, violence and more, not less, violations of human rights.

We strongly encourage you to oppose the McGovern Amendment.

Sincerely,

TOM DAVIS,
Chairman.
MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Mr. McGOVERN. Mr. Chairman, I yield myself such time as I may consume.

Let me repeat again, we just approved a few weeks ago $500 million in military assistance to Colombia. Most of that is not even in the pipeline yet. Mr. Chairman, $44 million remains in the supplemental bill that is untouched. The President has requested an additional $700 million for this Congress to consider in the foreign ops and defense provisions bill. We are introducing this amendment because we care very much about our hometown security in the United States of America which is being shortchanged.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I am deeply disappointed that we cannot just all agree that we must adequately fund our homeland security needs. The McGovern-Skelton-DeLauro amendment moves us in the right direction, cutting $61 million in the bill for Colombia and redirecting resources to State and local first responders. I wholeheartedly support this proposal.

Having traveled to Colombia, I know it is important for the United States to support our neighbor. However, I cannot support sending additional millions above the billions we have already sent to that country to be used for military equipment and military purposes in a failed counternarcotics and counterinsurgency effort. I cannot support this effort, because despite increased U.S. aid to Colombia, the violence in that country persists.

According to the State Department, the Colombian Government is still implicated in gross human rights abuses. I certainly cannot support sending additional U.S. dollars to Colombia for the wrong reasons, before guaranteeing my constituents that our homeland security needs are met. We are far from being able to make that guarantee.

As of today, every single municipality in my district has informed me that their homeland needs are desperately underfunded. One firefighter in my district told me that he prays every single day when he goes to work that no terrorist attack will occur, because the city he works in, despite all of its best efforts, does not have the necessary resources to respond.

The war in Iraq has exacerbated the problem. Firefighters and police officers from my district have been deployed to the Persian Gulf and their departments do not have the funds to hire replacements. Coast Guard cutters controlling the Great Lakes for suspicious vessels have been redeployed to the Persian Gulf, and our public health infrastructure is not equipped to handle terrorist attacks that have been identified as greater threats to our security than Iraq or the war in Colombia.

How dare we send more money to Colombia, ostensibly for its security, than we are sending to first responders in 49 States in our own Nation? I urge all Members to correct this misguided approach to national security. Support the McGovern-Skelton-DeLauro amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I appreciate what the gentleman who has offered this amendment has intended, and that is to assist our first responders, and we want to make certain that those who are protecting our streets, those who are protecting and defending our communities against the threat of terrorism have the adequate resources to do that. But this is, unfortunately, an ill-conceived amendment. It would do a great deal of damage.

I have chaired the Subcommittee on Criminal Justice and Drug Policy, and I can tell my colleagues that we finally have the opportunity, the glimmer of hope of bringing under control some of the devastation that is being wrought by the illegal narcotics that are being produced in Colombia. Today, Colombia provides 90 percent of the cocaine and 60 percent of the heroin sold or seized on America's streets. To put this in perspective for my colleagues, drug-related deaths in the United States now exceed homicides. Fifty American lives are lost every day. Before this day ends, 50 Americans will die in the streets and communities across our Nation, most of them young people, and most of the deaths are a result of drugs and narcotics coming from Colombia.

So this is a bad amendment and bad timing, because we have a President now who is supportive of our efforts to curb terrorism, to curb narcoterrorism, and to curb the narcotics that are coming into our streets and communities and killing countless Americans.

So I ask for my colleagues' careful consideration and defeat of the McGovern amendment. I know it is well-intended, but it is inappropriate at this time.

Mr. YOUNG of Florida. Mr. Chairman, I would advise the Chair that I have only one remaining speaker to close, so I will reserve the balance of my time until the gentleman has concluded his time.

Mr. McGOVERN. Mr. Chairman, I yield myself such time as I may consume.

I feel I need to repeat this one more time. This Congress just a few weeks ago approved $500 million for Colombia. Most of that is not even in the pipeline yet. In the supplemental, we do not touch $44 million. The President has requested an additional $700 million in mostly military aid. We are throwing more money at Colombia than Colombia can absorb. But in my city of Worcester, Massachusetts, they are laying off 20 police officers and 20 firefighters, and that is happening all over my State and all over this country. That means more drugs and more crime, and that is unacceptable.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I support the McGovern amendment because Los Angeles is a very likely target for a terrorist attack. Our city is known worldwide for its famous landmarks and notable economic assets.

□ 1730

Local transportation hubs, such as the port of Los Angeles and Los Angeles International Airport, are the transit points each day for thousands and millions of people and millions of dollars' worth of goods.

LAX is a center of international tourism, not just for the Southern California area but for the Nation as a whole, accomodating more than 60 million passengers from 28 different countries. LAX handles more than 2 million tons of airborne cargo each year.

We talk about the lives of people being affected by drugs coming up from Colombia, but what about the lives of people who might be at the wrong place at the wrong time because they happen to be at LAX, and we have not allocated the funds to help the first responders?

Mr. Chairman, it is a matter of priority. As we have heard over and over again this afternoon, money has been allocated to Colombia, but not a dime has been allocated to help the first responders handle an incident at Los Angeles Airport, or at Los Angeles' ports.

Mr. Chairman, I ask the Members not to leave us that vulnerable. When we talk about life, think about the lives that could be lost because we do not have the first responders funded to be able to meet the need.

I urge an "aye" vote on this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the reason to support this amendment is simple: States and local governments are being forced to lay off critical first responders: police, firefighters, and emergency medical workers. The amount of funding in the committee-passed bill remains inadequate to meet these needs. Our amendment will help provide a modest increase for these men and women who carry the burden of protecting our hometowns from terrorism and other threats.

The costs of the Iraq conflict are steep and the needs of our own domestic security are critical. This supplemental request will likely not be the last to pay for war-related expenses. Many of us in Congress also share a deep concern about the costs of rebuilding Iraq and providing for its government in transition.

At this time, with the Nation at war, our priority must remain with these efforts. While the war with Iraq justifies emergency supplemental appropriations to support our troops overseas and to protect our security here at home, there is no such emergency with respect to Colombia that would justify deviating further from the regular order of the authorization and appropriations schedule, especially when our first responders remain in real need of additional funds.

As I have said over and over in this debate, we are throwing more money at Colombia than Colombia can absorb. But in all of our communities, even those that have risen in opposition to this amendment, there is a real need with our local law enforcement community among our first responders for additional funds so they can meet the security needs of their communities.

Mr. Chairman, this amendment in no way puts any of the efforts against counterterrorism or narcotics in Colombia at risk. What this amendment does, it strengthens our war against drugs and strengthens our war against crime and strengthens our security right here at home by providing more assistance to our local police officers.

As I have said before, in my home city of Worcester, Massachusetts, 20 police officers are about to be laid off, 20 firefighters are about to be laid off. That does not enhance the security of our community.

That is not unique. It is happening all over this country. We have an opportunity to respond to that crisis. This is the time to do it. This is a good amendment, this is a reasonable amendment, this is a modest amendment; and I would urge all of my colleagues on both sides of the aisle to support the McGovern-Skelton-DeLauro amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who will close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, there is perhaps no free people and democratic government in the world that faces a more serious threat from terrorism, and specifically narcoterrorism, than the government of Colombia.

The narcoterrorists in Colombia, because of the fact that they are engaged in the drug traffic, have hundreds of millions, indeed, billions of dollars at their disposal to purchase the most deadly weapons available from rogue states and terrorist groups from throughout the world to cause the most serious damage conceivable.

Those billions of dollars available to the narcoterrorists in Colombia have made it possible for them to engage in a sustained campaign of extraordinary violence, of kidnapping, of the most horrible conceivable crimes again the Colombian people. Day in and day out the Colombian people and their democratically elected government are fighting the narcoterrorists in an extraordinary way, a valiant way, an admirable way.

What we are doing in this Congress, with the support of the President of the United States, and, indeed, his orientation and his leadership, is we are saying to the Colombian people and their democratically elected government that we support them in their effort against narcoterrorists who have billions of dollars for death and destruction at their service, at their disposal.

These tens of millions of dollars that we are discussing today may be able to be categorized, as they were by the sponsor of this amendment, as a modest proposal. But the challenge before the Colombian people is not a modest challenge, the challenge posed by the tens of thousands of murderers who engage in thousands of kidnappings each year, including, and I have the latest travel warning from the United States State Department, 26 Americans who are reported as kidnapped in recent months in Colombia.

Those terrorists have, as I said before, billions of dollars at their disposal. Yes, we are, in the words of the sponsor of this amendment, dealing with a modest, a modest amount, tens of millions of dollars in aid, for a democratically elected government that is fighting against the most violent terrorists perhaps on the face of the Earth today, terrorists that attack not only military personnel but civilians, and engage in systematic violence against a people who live in a democracy.

So I urge my colleagues to reject, to vote down this ill-timed and ill-conceived amendment and to support our leadership, to support the President, to support the efforts against narcoterrorism that are embodied in our support for the democratically elected government of Colombia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) will be postponed.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107-248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7).

SEC. 1302. None of the funds in this chapter may be used to initiate a new start program without prior notification to the congressional defense committees.

SEC. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within four years of enactment of this Act.

SEC. 1304. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "$25,000,000" and inserting "$50,000,000": *Provided*, That the additional funds for the CINC Initiative Fund made available by this section may be expended notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code.

SEC. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "$34,500,000" and inserting "$69,000,000".

(TRANSFER OF FUNDS)

SEC. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking "May 31" in the fourth proviso and inserting "June 30"; and

(2) by striking the sixth proviso, as added by section 112 of division M of Public Law 108–7, beginning with ": Provided further" and ending with "to which transferred".

(INCLUDING TRANSFER OF FUNDS)

SEC. 1307. In addition to amounts made available elsewhere in this Act for the Department of Defense, $165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: *Provided*, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

SEC. 1308. Funds appropriated in this Act, or made available by transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414.)

SEC. 1309. (a) Of the amounts available to the Secretary of Defense, $63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: *Provided*, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act.

(b) Section (4)(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

"(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $150,000,000 in fiscal year 2003."

(c) Notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section (4)(a)(2) of Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose at least seven days prior to the exercise of the drawdown authority.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1310. During fiscal year 2003, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted: *Provided*, That such amounts shall only be available for transfer by the Secretary of Defense the "Operation Iraqi Freedom Response Fund" and be available for the same period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall report at least seven days in advance to the Congress of all proposed transfers to be made pursuant to this authority.

SEC. 1311. (a) Hereafter, contributions of money deposited into the "Natural Resources Risk Remediation Fund" shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the "Defense Cooperation Account" under section 2608, chapter 155 of title 10, United States Code.

(b) During fiscal years 2003 and 2004, the use of monies or real or personal property contributed to the "Defense Cooperation Account" and the "Natural Resources Risk Remediation Fund" shall be subject to the prior approval of the Committees on Appropriations.

SEC. 1312. The Secretary of Defense shall notify the congressional defense committees, in writing, not later than 15 days prior to the obligation of funds appropriated in this chapter for military construction activities or minor construction in excess of $7,500,000.

(TRANSFER OF FUNDS)

SEC. 1313. As of October 31, 2003, all balances of funds remaining in the "Defense Emergency Response Fund" shall be transferred to, and merged with, the "Operation Iraqi Freedom Response Fund", and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the "Operation Iraqi Freedom Response Fund" in this chapter.

AMENDMENT OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. TAUSCHER:

After chapter 3 of title I (relating to Department of Defense), insert the following new chapter (and redesignate the subsequent chapters and any cross references accordingly):

CHAPTER 3A

DEPARTMENT OF DEFENSE

GENERAL PROVISION

SEC. 1351. (a) EXPANDED USE OF COOPERATIVE THREAT REDUCTION FUNDS.—(1) Notwithstanding any other provision of law, during fiscal year 2003 the President may use Cooperative Threat Reduction funds, including Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation as of the date of the enactment of this Act, for proliferation threat reduction projects and activities outside the states of the former Soviet Union if the President determines that such projects and activities will—

(A) assist the United States in the resolution of critical emerging proliferation threats; or

(B) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.

(2) The amount that may be obligated under paragraph (1) for projects and activities described in that paragraph may not exceed $50,000,000.

(b) AUTHORIZED USE OF FUNDS.—The authority under subsection (a) to use Cooperative Threat Reduction Funds for a project or activity shall be subject to section 1206 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5955) and includes authority to provide equipment, goods, and services for the project or activity.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $55,000,000: *Provided*, That, of the funds made available in this paragraph, not more than $20,000,000 may be made available for the Second Line of Defense program to install radiation detection equipment at key transit points outside the former Soviet Union: *Provided further*, That, of the funds made available in this paragraph, not more than $35,000,000 may be made available for materials protection, control, and accounting activities in regions of concern outside the former Soviet Union, including Iraq should any dangerous agents be discovered there.

Mrs. TAUSCHER. Mr. Chairman, I would like to register my strong support for ensuring that the supplemental appropriations legislation before us gives the President the critical ability to defend the United States against the threat of weapons of mass destruction.

Two of the most effective ways to do that are to give the President the authority to use the Department of Defense funds to dismantle nuclear and chemical weapons facilities around the world, and to support efforts by the Department of Energy to prevent smuggling of weapons of mass destruction throughout the Middle East and central Asia.

The gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. EDWARDS), and I have an amendment that would do just that. It provides the President with the authority that he has requested from Congress to expand the use of cooperative threat-reduction funds for projects and activities in countries outside the former Soviet Union.

My amendment also adds $55 million for Department of Energy nonproliferation programs; of that, $20 million for the Second Line of Defense Program to install radiation detection equipment at key transit points outside the former Soviet Union, and $35 million for materials protection control and accounting activities in regions of concern, including Iraq, should any dangerous agents be discovered there.

Both these provisions were contained in the Senate version of the supplemental, approved by the Senate Appropriations Committee just this past Tuesday. Additionally, CTR authority outside the former Soviet Union is urgently needed for the Defense Department to apply its unique knowledge and capabilities in places like Iraq if and when weapons of mass destruction are discovered.

The additional funds for the Department of Energy would allow for some of the same capability while also enhancing domestic security through radiation detection at transit points overseas.

Two years ago, former Senator Howard Baker and White House counsel Lloyd Cutler concluded, "The most urgent unmet national security threat to the United States is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home."

Today, it could not be any clearer that our homeland is at risk and that our troops are getting ever closer to potential weapons of mass destruction. Congress has the duty to let the President use DOD and DOE nonproliferation programs to protect our homeland and our troops.

I understand that my amendment is subject to a point of order and I will withdraw it; but I deeply urge my colleagues to support this provision in conference, and I urge my colleagues who are conferees to please re-insert this language and support it in the conference.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Child Survival and Health Programs Fund

For an additional amount for "Child Survival and Health Programs Fund", $40,000,000.

International Disaster Assistance

For an additional amount for "International Disaster Assistance", $160,000,000: *Provided*, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: *Provided further*, That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than five days prior to the proposed obligation.

Operating Expenses of the United States Agency for International Development

For an additional amount for "Operating Expenses of the United States Agency for International Development", $23,000,000, of which not less than $2,000,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

Economic Support Fund

For an additional amount for "Economic Support Fund", $2,342,000,000, of which:

(1) not less than $700,000,000 shall be made available for assistance for Jordan;

(2) $300,000,000, to remain available until September 30, 2005, shall be made available only for grants for Egypt: *Provided*, That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed $2,000,000,000: *Provided further*, That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: *Provided further*, That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: *Provided further*, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: *Provided further*, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: *Provided further*, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(3) not to exceed $1,000,000,000, to remain available until September 30, 2005, for grants for Turkey: *Provided*, That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed $8,500,000,000: *Provided further*, That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loans or loan guarantees, including any non-repayment exposure risk: *Provided further*, That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: *Provided further*, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: *Provided further*, That none of the funds made available by this paragraph may be made available for assistance for Turkey until the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of Turkey is cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq: *Provided further*, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: *Provided further*, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(4) not to exceed $5,000,000 may be available for administrative expenses of the Islamic Partnership and Outreach program; and

(5) funds made available under this heading for the Islamic Partnership and Outreach program and other regional programs are subject to the regular notification procedures of the Committees on Appropriations.

Iraq Relief and Reconstruction Fund

(including transfers of funds)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq, $2,483,300,000, to remain available until September 30, 2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals; (4) humanitarian demining; (5) healthcare; (6) education; (7) electricity; (8) transportation; (9) telecommunications; (10) rule of law and governance; (11) economic and financial policy; and (12) agriculture: *Provided*, That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: *Provided further*, That with respect to funds appropriated under this heading in this Act or proposed for appropriation in subsequent Acts, the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated: *Provided further*, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: *Provided further*, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: *Provided further*, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading that are made available for assistance for Iraq shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds.

Loan Guarantees to Israel

During the period beginning April 14, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which is to be guaranteed, not to exceed $9,000,000,000, of which up to $3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which $3,000,000,000 may be issued subsequent to September 30, 2004: *Provided*, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations: *Provided further*, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: *Provided further*, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: *Provided further*, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: *Provided further*, That the President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: *Provided further*, That no appropriations under this heading are available for the subsidy costs for these loan guarantees: *Provided further*, That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: *Provided further*, That all fees (as defined in Section 601(e) of Public Law 102–391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: *Provided further*, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: *Provided further*, That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: *Provided further*, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $25,000,000, to remain available until September 30, 2004.

ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the "Andean Counterdrug Initiative", $34,000,000, to remain available until September 30, 2004.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $80,000,000, to remain until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $28,000,000: *Provided*, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the "Foreign Military Financing Program", $2,059,100,000: *Provided*, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That of the funds appropriated under this heading, not less than $406,000,000 shall be made available for grants only for Jordan and $1,000,000,000 shall be available for grants only for Israel: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for advanced weapons systems, of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $115,000,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 1401. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: *Provided*, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: *Provided further*, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 1402. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: *Provided*, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484) except as it applies to humanitarian assistance and supplies: *Provided further*, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: *Provided further*, That military equipment shall not be exported under the authority of this section: *Provided further*, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: *Provided further*, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: *Provided further*, That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: *Provided further*, That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: *Provided further*, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1403. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, (22 U.S.C. 2778), if the President determines and notifies within 5 days after export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: *Provided*, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, $1,000,000, to remain available until December 31, 2003.

UNITED STATES SECRET SERVICE

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses related to conducting Operation Liberty Shield, $30,000,000, to remain available until December 31, 2003.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For necessary expenses for "Customs and Border Protection" related to conducting Operation Liberty Shield and other purposes, $428,000,000, of which $235,000,000 shall remain available until December 31, 2003, and of which $193,000,000 shall remain available until expended for the acquisition and deployment of portal radiation detectors and non-intrusive inspection technology at U.S. ports of entry.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For necessary expenses for "Immigration and Customs Enforcement" related to conducting Operation Liberty Shield,

$185,000,000, to remain available until December 31, 2003.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for "Transportation Security Administration" related to conducting Operation Liberty Shield and other purposes, $390,000,000, to remain available until expended: *Provided*, That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

(1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, $235,000,000;

(2) reimbursements to local and state law enforcement officers and National Guardsmen for increased security measures at airports and other critical transportation sites, $85,000,000;

(3) port security grants, $40,000,000; and

(4) surface transportation security initiatives, $30,000,000.

In addition, for expenses related to aviation security, $3,178,300,000, to remain available until September 30, 2003: *Provided*, That such appropriation shall be remitted to U.S. flag air carriers for expenses incurred related to aviation security based on the pro-rata share each such carrier has paid or collected to date in passenger security and air carrier security fees to the Transportation Security Administration: *Provded further*, That such appropriation shall be remitted to U.S. flag air carriers for expenses related to aviation security based on the pro-rata share each such carrier is expected to pay or collect to the Transportation Security Administration for the remainder of the fiscal year: *Provided further*, That payments made under this heading may be used by an air carrier for such purposes as each carrier determines appropriate: *Provided further*, That payments made under this heading shall be made within thirty days of enactment of this Act: *Provided further*, That no airline receiving funding under this heading may provide compensation (pay, benefits and stock options) to senior executives that exceeds the base pay and benefits that such executives received in 2002.

FEDERAL LAW ENFORCEMENT TRAINING CENTER OPERATING EXPENSES

For necessary expenses for "Federal Law Enforcement Training Center Operating Expenses" related to conducting Operation Liberty Shield, $2,000,000, to remain available until December 31, 2003.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for "Office for Domestic Preparedness", $2,200,000,000, to remain available until December 31, 2003, for grants authorized by section 1014 of the USA PATRIOT Act of 2001 (Public Law 107–56) and for other counterterrorism programs, of which $1,500,000,000 shall be for formula-based grants, and of which $700,000,000 shall be for discretionary grants for use in high-density urban areas, in high-threat areas, and for protection of critical infrastructure: *Provided*, That 80 percent of the funds provided under this heading to any State shall be allocated by the State to units of local government within the State and shall be distributed by the State within 45 days of the receipt of funds: *Provided further*, That none of the funds provided under this heading may be used for construction or renovation of facilities: *Provided further*, That subsection (c)(3) of such section 1014 shall not apply to discretionary grants made under this heading: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations at least 15 days prior to the obligation of any amount of the funds provided under this heading.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for expenses related to conducting Operation Liberty Shield and other purposes, $230,000,000, to remain available until December 31, 2003.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, $45,000,000, to remain available until December 31, 2003.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, $10,000,000, to remain available until December 31, 2003: *Provided*, That the Secretary of Homeland Security shall notify the Committees on Appropriations at least 15 days prior to the obligation of any amount of the funds provided under this heading.

GENERAL PROVISIONS

DEPARTMENT OF HOMELAND SECURITY

REPROGRAMMING AND TRANSFER GUIDELINES

(INCLUDING TRANSFER OF FUNDS)

SEC. 1501. (a) None of the funds provided in this Act, or provided in previous Appropriations Acts to the agencies of the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; (4) deviates significantly from a program, project, or activity described in the Department's budget justification as presented to or approved by Congress, including those justifications submitted to Congress prior to the enactment of Public Law 107–296; or (5) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided in this Act, or provided in previous Appropriations Acts to the agencies of the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the agencies of the Department of Homeland Security in this Act or provided in previous Appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such transfer.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund", for the Centers for Disease Control and Prevention, $94,000,000.

For an additional amount for "Public Health and Social Services Emergency Fund", for costs associated with compensating individuals with injuries resulting from administration of a smallpox vaccine, $50,000,000 to remain available until expended: *Provided*, That such amount shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1601. Section 1113 (d) of the Social Security Act (42 U.S.C. 1313 (d)) is amended by striking "1991" and inserting "2003".

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $11,000,000, as follows:

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $11,000,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2004.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for necessary expenses of the Capitol Police, related emergency expenses for the security of the United States Capitol complex, $37,758,000, to remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That no part of such amount may be obligated without prior approval of the Committee on Appropriations of the House of Representatives and Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $111,000.

ARCHITECT OF THE CAPITOL

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $63,868,000, to remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the purchase and installation of a public address system, $5,500,000, to remain available until September 30, 2007.

Congressional Research Service

For an additional amount for necessary expenses for the implementation of an alternate computer facility, $1,863,000, to remain available until September 30, 2004.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For an additional amount for necessary expenses of security requirements for the General Accounting Office, $4,900,000, to remain available until September 30, 2004.

CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Navy

For an additional amount for "Military Construction, Navy", $48,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $5,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Operation and Maintenance, Air Force

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $1,800,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1801. None of the funds in the Defense Emergency Response Fund for any fiscal year may be used to carry out new military construction projects at a military installation inside or outside the United States or to reimburse other appropriations or funds of the Department of Defense used to carry out such construction. For purposes of this section, the terms "military construction" and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

SEC. 1802. (a) CONGRESSIONAL NOTIFICATION OF CONSTRUCTION USING OPERATION AND MAINTENANCE FUNDS.—Amounts appropriated or otherwise made available for any fiscal year for the operation and maintenance of the Armed Forces (including reserve components) or for activities and agencies of the Department of Defense may not be used to carry out military construction at a military installation inside or outside the United States unless the Secretary of a military department or the Secretary of Defense, as the case may be—

(1) in the case of military construction covered by chapter 169 of title 10, United States Code, complies with the requirements contained in such chapter applicable to the use of operation and maintenance funds for military construction; or

(2) in the case of military construction not otherwise covered by such chapter, submits written notice to the appropriate committees of Congress, not later than 15 days before obligating funds for the construction, containing an explanation of the need to use operation and maintenance funds to carry out the construction and the estimated cost of the construction.

(b) DEFINITIONS.—For purposes of this section, the terms "appropriate committees of Congress", "military construction", and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

Page 39, line 14, before the period insert ", of which $8,000,000 shall be available for transit security".

Ms. MILLENDER-McDONALD. Mr. Chairman, I respectfully offer this amendment that calls for $8 of the $30 million provided for surface transportation security included in the supplemental bill to be used for transit security. This germane amendment provides $8 million which will provide our transit agencies and transit work force the much needed resources to support our Nation's increased transit security needs. This $8 million in transit security funding will do three important things: first, require the Secretary of Homeland Security to determine the percentage of frontline transit employees who are in need of receiving training in emergency preparedness and response training.

Secondly, to provide funding for training programs for frontline transit employees, ensuring that these employees who are the eyes and ears of transportation systems are prepared to respond to emergency situations.

Thirdly, provide funding for ongoing vulnerability assessments which will continuously build on information collected, allowing for easier implementation of new technologies that will assist in averting terrorist attacks on all modes of public transportation. It will also provide for transit agencies to purchase security enhancement equipment. In addition, this funding will be used for the development and implementation of local and regional emergency preparedness plans that fully utilize localities' transportation resources.

For year, governments around the world have recognized that public transportation is a major terrorist target. Until 9/11 the United States has been largely spared the kind of terrorist campaigns waged against public surface transportation. However, we cannot wait for another tragedy to happen to prompt us to address our vulnerabilities. We must act now.

An October 2001 study released by the Mineta Institute, "Protecting Public Surface Transportation Against Terrorism and Serious Crime," an executive overview cites that between 1920 and 2000 there have been approximately 900 terrorist attacks and other significant criminal incidents involving public surface transportation systems. However, all but 14 of these attacks occurred after 1970, the year that marks the beginning of modern terrorism.

Attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks, according to the most recent statistics provided by the USDOT Office of Intelligence and Security of 1998.

Mr. Chairman, we must provide resources to our transit work force and our transit agencies to help prepare them and ensure that they are able to protect the communities in which they serve.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we have reviewed this amendment and find that it is constructive and we are prepared to accept it.

Ms. MILLENDER-McDONALD. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

In chapter 5 of title I, under the heading "BOARDER AND TRANSPORTATION SECURITY", insert the following:

Port Security

For necessary expenses for inspection by a United States inspection team in foreign ports of every shipping container, before the container is loaded on a vessel bound for the United States, and for boarding and searching every vessel before it approaches closer than 200 miles to the United States coast, $15,000,000,000.

Mr. NADLER. Mr. Chairman, I will not take all of my time.

Mr. Chairman, Islamic terrorist groups served loud notice on 9/11 that they intend to kill as many Americans as possible. Yet the administration and this Congress is ignoring the most likely modes of attack. We are spending upwards of $100 billion on an anti-ballistic missile system supposedly to protect ourselves against a rogue nation like Iraq or Iran or North Korea that might want to launch two or three nuclear armed missiles at us. Yet such a nation would be unlikely to use missiles to attack us if they wanted to, because missiles have return addresses, and the leaders know that American retaliation would obliterate their country a half an hour later.

Rogue nations and terrorists that want to attack the United States with atomic weapons would more likely put those weapons on ships, sail the ships into American ports and detonate the atomic bombs. Not knowing against whom to retaliate, the United States would be helpless.

Every year 12 million shipping containers enter the United States. We inspect fewer than 2 percent of them. This amendment provides $15 billion for two purposes:

First, so that we can insist that no container in a foreign port is loaded on a ship bound to the United States until that container is searched, sealed and certified by American inspectors. If a country refuses access, it should be prohibited from shipping anything to the United States.

Second, the amendment provides funds to enable the Coast Guard to board and search every single ship before they get within 200 miles of American shores, and we must inspect at the border all cargo unloaded from ships in other North American ports. Only by inspecting every container before it is loaded onto a ship in a foreign port and by searching every ship before it gets close enough to our shores can we be reasonably assured that atomic bombs will not obliterate American cities.

Some will object that this will hinder commerce. But one atomic bomb would halt commerce instantly. Every port would be closed tight until these procedures could be put, too late, into place.

This would cost money, about $15 billion a year, but we can afford it. Unfortunately, the administration and Republicans in Congress prefer to squander hundreds of billions of dollars for tax cuts on the wealthy instead of protecting the lives of our people. We have to realize we are in a serious war that may last decades and we must start thinking and acting seriously.

In wartime the government must spend the money to defend the lives of its people or it violates the fundamental social contract. President Bush and Congress must honor that contract or forfeit the trust of the Nation.

So I ask that this amendment be allowed to be considered. I urge the Congress to meet its obligation and to fully fund the security measures to inspect every container and search every ship that is contained in this amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law.

The amendment imposes additional duties, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment does include language requiring a new determination and requiring further duties. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WU:

In chapter 5 of title I, in the item relating to "BORDER AND TRANSPORTATION SECURITY—TRANSPORTATION SECURITY ADMINISTRATION", strike the paragraph beginning "In addition, for expenses related to aviation security, $3,178,300,000" and insert the following:

In addition, for an airline ticket voucher program to be carried out by the Secretary of Transportation, $3,178,300,000, to remain available until September 30, 2003: *Provided*, That under the program the Secretary shall permit individuals purchasing tickets for air transportation by an air carrier (as such terms are defined by section 40102 of title 49, United States Code) to receive a 50 percent discount on the price of such tickets, if such air transportation will be completed on or before March 31, 2004.

The CHAIRMAN. The gentleman is recognized for 5 minutes on his amendment.

Mr. WU. Mr. Chairman, I ask unanimous consent that the amendment be read in its entirety.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment.

Mr. WU. Mr. Chairman, I am proud to offer this amendment with my colleague from Virginia (Mr. SCOTT). This bill contains $3.178 billion as further assistance to our airlines. There is no doubt that our airlines are in dire financial circumstances. Passenger numbers have never recovered from September 11. Orange terror alerts, other factors have kept passengers away.

By point of illustration, the first Gulf War more than a decade ago. During that time period, four commercial airlines went into insolvency, never to emerge. I believe that this direct handout to the airlines of almost $3.2 billion is not the correct way to proceed.

Our amendment, the freedom to fly amendment, would put this money into the hands of passengers. It would stimulate more passenger traffic, put more people on more airplanes, and in so doing also stimulate the ancillary travel industry; that is, all the other components of the travel industry, whether it is hotels, restaurants, car rental, all the businesses that are at airports. And this would also help airline employees in a market-oriented commonsense approach.

Right now approximately 25 percent of airline seats are going unfilled and we know that a lot of flights have already been cut. The freedom to fly amendment would fill these empty seats and I believe stimulates the airlines to bring more flights on line, preserving jobs and generating additional revenues both for the airlines and for all the affiliated travel businesses.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment which we have introduced jointly.

The airlines are facing financial difficulties. Bankruptcies, layoffs, increased costs of fuel, and the war with Iraq have led the Republicans to propose a $3.2 billion bailout of the passenger airline industry in its House supplemental war appropriations bill. I believe it is time to have a more focused approach.

The real problem is that every day airlines fly with thousands of empty seats. A recent New York Times article referred to the airlines problem and estimated that, on average, 25 percent of the seats on airlines are left unsold, even though the number of flights have been reduced. The reduction in flights means cuts in the number of pilots, airline flight attendants, baggage handlers, and additional travel industry jobs. So instead of just writing a check for $3.2 billion to the airlines, we should be considering a way to encourage the American public to fly and fill those empty seats in a way that will preserve and create jobs. This will do it.

As a result of this amendment, air travel will naturally increase because the cost of consumer air travel will be cut in half. The plan will benefit not just the airlines but the traveling public. It will stimulate business for hotels, restaurants, rental car companies, travel agencies and other travel-related industries.

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This is better than a subsidy. A subsidy will not create new passengers, will not preserve jobs. Over the past week, the airlines have laid off 10,000 workers; and a subsidy will not stem the tide of additional layoffs. Jobs in the airline industry will be no more secure after the subsidy than before.

On the other hand, the proposed program will result in increased airline business and increased demand for workers. This will fill the empty seats, making them more affordable, increase revenues for the airlines, preserve jobs and generate additional revenues for others involved in travel commerce.

We hope, Mr. Chairman, that this amendment will be adopted. I thank the gentleman for yielding to me.

Mr. WU. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI; and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Oregon wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. WU. Mr. Chairman, as a matter of parliamentary inquiry, I would inquire of the Chair, is it either required or customary for a point of order to be raised before discussion of the amendment?

The CHAIRMAN. Under the order of the House previously adopted today, points of order against amendments are considered reserved on each amendment.

Mr. WU. Mr. Chairman, is that within the rule that we passed for this particular bill, or is that always a rule of the House?

The CHAIRMAN. It was pursuant to the unanimous consent request agreed to earlier today in the full House.

Does the gentleman wish to be heard further on the point of order offered by the gentleman from Florida?

Does the gentleman from Virginia (Mr. SCOTT) wish to be heard on the point of order?

Mr. SCOTT of Virginia. Yes, Mr. Chairman. I think the plan that we have is a much better use of the taxpayers' money than in the underlying bill, and we would hope that the Chair would rule that it is in order to appropriately spend the money.

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law, and whether it constitutes a change in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation or the rebate mechanism in question is authorized in law. The Chair, therefore, is constrained to sustain the point of order under clause 2 of rule XXI. The amendment is not in order.

Are there further amendments to this title of the bill?

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 39, line 16, after the dollar amount insert "(reduced by $2,078,300,000)".

Page 39, line 17, strike "That" and all that follows through "*Provided further,*" on line 22.

Page 40, line 4, strike ": *Provided*" and all that follows before the period on line 10.

Mr. FLAKE. Mr. Chairman, my amendment today, the reason that I come to the floor today is that I object to the airline provisions being added to this bill because it is a supplemental appropriation bill; and within an appropriation bill, we simply cannot do the things that we need to do long term for the airlines. All we do is ensure that they will be back 6 months later for a similar appropriation.

On an appropriation bill we cannot deal with tax relief, for example, and $25 for every $100 ticket is taxes and fees to the Federal Government. We cannot deal with that on an appropriation bill.

We cannot deal with regulatory relief as well. There are higher antitrust standards that apply to airlines that do not to other industries. We need to look at that. There are limits as far as access to equity capital that apply to the airlines that do not to other industries. Those we cannot deal with in a supplemental appropriation bill.

The reason for bringing this forward is to ensure that we simply do not appropriate an amount that ensures that we have the airlines come back and simply need the same thing 6 months, 8 months, a year from now; and that is surely what we will have if we go through with this.

We are turning the airlines into folks that want to compete under a regular business model into folks that simply will hire more lobbyists and rely on the generosity of taxpayers and appropriators forevermore. We are creating, unless we change this process, an Amtrak in the air where we simply, through appropriation, keep an industry going.

We cannot do that and for that purpose, I have agreed to enter into a colloquy with the gentleman from Missouri (Mr. BLUNT) to talk about what we might do in the future.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. BLUNT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Missouri, the very distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding, and I would be pleased to have a discussion with my friend from Arizona. Is that allowed, Mr. Chairman, under this arrangement?

I certainly think the gentleman from Arizona (Mr. FLAKE) is right that we need to look for a long-term settlement to this issue. To continue to handle it as we have, in a crisis moment, is not the right way to do it. To look at the long term, some tax relief is an option to look at the new obligations that the Federal Government has, in my view, to review our long-term sense of airline security.

Until September 11, 2001, there was a widely held and generally defensible view that the fees that passengers paid for airline security were being paid for the purpose of protecting the passengers; and so it was a pure user fee, and it seemed to be defensible in that regard. We now know that we use our security system to secure people who not only are not on the plane that day but who may never be on the plane; and I think the gentleman senses that we need to review that structure to review the additional costs that airlines have assumed because of the new demands of airline security. To look for a more permanent solution to this is absolutely the direction we should take, and I certainly will commit to work with the gentleman on those issues and to try to solve them legislatively for the long term rather than to continue to have to deal with these short-term ways to deal with this issue.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding to me. I thank the gentleman for this colloquy and discussion.

We simply cannot deal with the tremendous issues that we have to deal with in terms of tax relief, regulatory reform and to decide, as the gentleman from Missouri appropriately put it, what obligations the airlines actually have and what obligations should we, as general taxpayers or society, bear in terms of security costs; but we cannot have those discussions on appropriations measures.

We cannot wait in between bailouts every year or so to decide how much each airline gets to enact a formula. That is why we need to enter into these discussions in between, when the crisis is not right at hand; and with that understanding, I will agree to withdraw the amendment.

Mr. BACA. Mr. Chairman, I rise today to adamantly oppose the Flake Amendment. This amendment would eliminate $2.0 billion dollars in desperately needed funding for struggling US Airlines. It is unconscionable to consider doing this while our economy suffers, and it is even more unconscionable to do so during wartime.

We are witnessing the collapse of the airline industry as we know it? US Air and United have already been forced into bankruptcy, and other major airlines are contemplating the same option. Northwest Airlines alone has lost $1.2 billion over the past two years. Air travel is falling at a rapid rate and will continue to fall until this war is over, the economy improves, and passengers are assured that they are safe in the friendly skies. This month alone, the air travel is down 11% and it is speculated that if another terrorism attack occurs, it will fall an additional 25 percent domestically 43 percent internationally.

Since September 11, 2001, we have placed many needed safety requirements on the airline industry. Eliminating the funding for compliance puts an unnecessary burden on an already frazzled industry and does little to promote flying. Passengers will not fly if they don't feel safe.

The airline industry is paramount to the economic vitality of this nation. It is critical to virtually every industry around the globe. Tourism, goods movement, and business travel affect virtually every locality in this nation. We must guarantee that goods continue to move in an expedited and inexpensive manner and that air travel does not suffer more than it already has.

We must also take into consideration that the airline industry employs a sizable workforce globally. United, which employs thousands in the state of California alone, employs 85,000 worldwide! If we do not help the airlines during these uncertain times, many jobs will be lost and the economy as a whole will be further compromised.

I oppose the Flake Amendment and stand behind the fact that we must do all that we can to keep the industry flying.

Mr. FLAKE. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in light of the recent colloquy, let me simply say that I am getting whiplash from trying to follow the lead of the majority party and the White House on the issue that was just under discussion.

We had before us earlier in the week this bill to essentially pay for the first downpayment on the Iraq war. We were trying to get additional money in the bill for homeland security so that we could protect ourselves at home from the retaliation that was likely to come from that involvement in the war.

The House Republican leadership would not see its way fit to allow us to even debate that amendment and come to a vote on the House floor; and yet they arbitrarily ordered the Committee on Appropriations to include the $3.5 billion bailout for the airline industry that was just discussed a moment ago. Then, after that happened, then the White House issued a statement saying that, in fact, the package before the House for airline bailout was too generous.

I am having a little difficulty following the lead of the majority and the lead of the White House because they seem to be working at cross purposes, and I am further confounded by the fact that this House is willing to consider a huge expenditure of funds like this with no hearings and to have it dealt with by a committee that has no special understanding of the problem; and it seems to me that a much better way, well, it just seems to me that we ought to be asking a fundamental question.

It seems to me we ought to be asking the question of whether or not we have a viable airline industry in this country. In my view, we have a bunch of let's-pretend capitalists who have to come to the government for a bailout every time something happens in the economy.

Now, they are essential to our national welfare and to our economic well-being. So I think we obviously need to keep the airline industry functioning, but I do not know how many times an airline has to go bankrupt before it is bankrupt. I do not know how many times they have to come to the taxpayers for additional money before we decide that a better way is to simply regulate them as a necessary public utility or as a public utility providing necessary service to the country, and that is what I really believe in the long term we ought to do.

But I also must protest the slap dash way that this issue has wound up on the appropriation bill because I find it quaint that the House Republican leadership would demand the House go one way while the White House seems to indicate it wants to go another way. It is pretty hard to follow that kind of leadership, and I admire the gentleman from Florida for being a good soldier and responding to the instructions of his leadership; but I would have a difficult time trying to explain this to any taxpayer, any of my constituents.

I would just hope that in the future we can do a better job of managing a problem like this, and I wish we could get to discuss the fundamentals on this issue rather than simply throwing more money at the problem.

We were told that we cannot throw more money at homeland security, and yet we are providing billions of dollars to the airline industry without doing one whit to help the employees of those same airlines.

I find that quaint. It is always the corporate part of the industry that gets the attention of Congress; and the working stiff sort of gets left in the caboose, if I can change transportation modes.

The CHAIRMAN. Are there further amendments to this title?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 38, line 21, before the period insert: "Of which up to $10,000,000 shall be available for the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, including training programs".

Mr. ROGERS of Kentucky. Mr. Chairman, could we have the amendment read for us, please?

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The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read the entire amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, we have not had a chance to discuss this amendment with the gentlewoman, and I wonder if we might be able to delay the consideration of it for a few minutes while we do that. I do not want her to lose her opportunity to offer it, in case our conversation is fruitless.

Mr. Chairman, I ask unanimous consent that this amendment be delayed until after whatever is next on the agenda, and that the right of the gentlewoman to offer the amendment would be preserved.

The CHAIRMAN. Under the rule, the gentlewoman is entitled to withdraw her amendment, and the gentleman from Kentucky may seek unanimous consent to have it reoffered at another point in this title.

Mr. ROGERS of Kentucky. Mr. Chairman, I am told this is the last amendment in this title, other than this amendment.

Mr. Chairman, I withdraw the unanimous consent request.

The CHAIRMAN. The gentleman withdraws his request, and the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the subcommittee chairman, and as well I thank the chairman of the full committee and the ranking member of the full committee, as well as the ranking member of the subcommittee.

Mr. Chairman, this amendment will hopefully address the question that all of us have as a key element of our work on the floor today, and that is the securing of the homefront as we fight a raging war in Iraq. One of the key issues of 9/11, though we know that only one of the visas was a student visa, it highlighted the difficulty we have with balancing our desire to open the doors of opportunity to our allies and friends to educate their students in our institutions of higher learning. We have developed friendships through that process. We have developed allies through that process.

The exchange student program has been a key part of the foreign policy of the United States. Yet we have a broken system where we have a structure that allows exchange students to come and not follow through on either the purpose for which they have come or allowed us to track them while they are here.

In a statement by the inspector general on April 2 before the Committee on the Judiciary, his report noted that we found that the INS failed to properly train the contract investigators, test the checklist for usefulness and completeness, and monitor the quality of contract investigators' onsite reviews. It means that as we have the student tracking program in place, we do not have the proper training of our new Bureau for Citizens Affairs to oversee the contractors and, as well, to help the universities do their job.

The universities have asked us to be responsible and sensitive to the hard problems that they have. All of us can call the names of our respected universities. They want to do the right thing, Mr. Chairman, but they cannot do it without the right training.

This amendment, and I am very gratified that the chairman of the committee, the gentleman from Kentucky (Mr. ROGERS), has allowed this debate to go forward, this will allow resources to provide training, and it is already authorized, specifically on how to oversee the SEVIS tracking system. It is new technology. We will be reviewing it in the Homeland Security Committee, I know.

We know that technology in terms of homefront defense is important, the ability to communicate with each other. But certainly as we promote the idea that immigration does not equate to terrorism, would it not be better to have a tracking system for students that works, that is fair, that helps our universities and helps the Homeland Security Department with something that can monitor without the threat of suggesting that every student is a terrorist? Because that is not the case, Mr. Chairman.

So I offer this amendment to give resources where they are needed, to focus the resources on this gaping hole with overseeing and training these contractors. These contractors may be well-intentioned but, in fact, they are not implementing this system as best as it could be. I hope in the discussions with this new Homeland Security Department we will also get a diversification of these contractors and an expertise that can be developed so that they can do the job right.

So this amendment, Mr. Chairman, is simply to allow authorized dollars to be focused on improving the SEVIS system, that is the student tracking system, by enhancing the quality of training of those staffers that are there at the Homeland Security Citizens Bureau but, as well, to oversee those contractors. I ask my colleagues to support this amendment.

Mr. Chairman, I rise today to offer an amendment that would help this nation's security system and help to protect our borders. The Inspector General for the Department of Justice issued a report last month on the Student Exchange Visitor Information System (SEVIS) program for tracking foreign students at American colleges.

The report concludes that SEVIS has not been implemented fully yet and discusses a wide range of implementation problems. Unfortunately, full implementation will require additional funding. For instance, the Help Desk system for providing assistance to the school is understaffed.

There are long waits when school personnel call the Help Desk for assistance, and adequate funds are not available to increase the Help Desk staff or to send people to the schools to train school personnel in the use of SEVIS.

This amendment would provide additional funding to correct the implementation problems that are identified in the Inspector General's report, with special reference to the need for additional training.

SEVIS makes it easier for approximately 4,300 schools and 1,400 exchange programs to comply with immigration requirements so that they can include bright, talented foreign students in their programs.

International students and exchange visitor programs are enormously beneficial to the United States. They boost worldwide appreciation for democracy and market-based economics and give future world leaders first-hand exposure to America and Americans.

The Inspector General's report indicates that the immigration service needs additional resources to overcome problems in implementing SEVIS, which is a complex system that requires the storage of a huge amount of data. We need money available to implement this system properly.

We can create an effective tracking system that will facilitate bringing talented men and women from different countries to the United States to study and to exchange creative thought and ideas. I urge my colleagues to support this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word, and I would ask the gentlewoman a question. Should this amendment be accepted, would the other amendments, the five other amendments the gentlewoman has tendered, be withdrawn?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would hope in that question would be the opportunity to present them. I would like to present those amendments and then I would offer, because I realize that those amendments would be subject to a point of order, so I would be very willing at that point to withdraw them, yes. That is what I would like to do, Mr. Chairman.

Mr. ROGERS of Kentucky. Well, Mr. Chairman, reclaiming my time, I was prepared to accept the amendment, but if we are not going to save any time by it, I do not see any point in accepting it. So I have no choice but to oppose it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, if I am not mistaken I think we had the discussion, because we never have an agreement, but I understood that we would present this one, and I did not discuss the other amendments in the discussion; but that we would move past this one and we would discuss those other amendments and then withdraw them.

Mr. ROGERS of Kentucky. Well, I do not see any point in moving further on this. I was prepared to accept this one on condition that the gentlewoman would just simply withdraw the others. They are subject to a point of order anyway, and we could save a lot of time in that fashion. But if the gentlewoman is unwilling to do that, then I have no choice but to oppose this amendment and all of the others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will continue to yield, I think when we were discussing this, because the gentleman knows how important these issues are, and one of the amendments deals with domestic preparedness, another with the hazardous materials funding which I think is extremely important.

Mr. ROGERS of Kentucky. If the gentlewoman would like to discuss the other five in a 5-minute period, I would have no problem with that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, that is exactly what I believe we had discussed earlier, is that I would discuss the others in the 5-minute period and then, and I hope the gentleman does not mind a colleague saying this, that I would then reluctantly withdraw them. But I would do so, Mr. Chairman.

Mr. ROGERS of Kentucky. So my understanding is if we accept this amendment, the gentlewoman would spend 5 minutes talking about all five of the others?

Ms. JACKSON-LEE of Texas. That is correct, Mr. Chairman.

Mr. ROGERS of Kentucky. Then I have no problem.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I wish to talk about this, Mr. Chairman. Are we talking 5 minutes on each of the 5 amendments, or 5 minutes total on the 5 amendments?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I wish, Mr. Chairman, that that was the case, but I believe we have agreed, because of the procedural point of order, that it will be 5 minutes in total. That means I talk very quickly with this very raspy voice.

Mr. ROGERS of Kentucky. Reclaiming my time, Mr. Chairman, it is my understanding that the gentlewoman would speak 5 minutes for all of the five all at once, 5 minutes total?

Ms. JACKSON-LEE of Texas. That is correct, Mr. Chairman.

Mr. ROGERS of Kentucky. In that case, Mr. Chairman, I accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENTS OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer several amendments, which are at the desk; Jackson-Lee 002, 004, 003, and 005, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman ask unanimous consent to consider those amendments en bloc?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to consider these amendments en bloc.

The CHAIRMAN. I believe the gentlewoman has identified four of her amendments. Is there another amendment the gentlewoman would like to include?

Ms. JACKSON-LEE of Texas. Yes, 001, 002, 005, 003, and 004. Did I miss one? They are not in order. I apologize.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Ms. JACKSON-LEE of Texas:

In chapter 5 of title I, in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", after the first and second dollar amounts, insert the following: "(increased by $2,000,000,000)".

In chapter 5 of title I, in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", insert before the period at the end the following:

: *Provided further*, That, of the funds provided under this heading, $1,400,000 shall be for a grant to the Harris County, Texas Fire Department for Hazardous Materials Response Teams

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In chapter 5 of title I, in the item relating to "OFFICE FOR DOMESTIC PREPAREDNESS", insert before the period at the end the following:

: *Provided further*, That, of the funds provided under this heading, $3,000,000 shall be for grants to cities with populations over 1,000,000, and rural communities with populations under 200,000, for fire department hazardous materials response teams

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In chapter 6 of title I, before the general provisions under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for "Substance Abuse and Mental Health Services" for mental health services, $7,000,000, to remain available until expended.

In chapter 6 of title I, before the general provisions under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for "Substance Abuse and Mental Health Services" for the Harris County, Texas Mental Health and Retardation Authority, $1,200,000, to remain available until expended.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas to consider the amendments en bloc?

There was no objection.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of these amendments, and let me say first of all that sometimes it is very difficult for our colleagues to follow this debate, and I want to start by thanking the leaders of the Committee on Appropriations. Many Members have points and perspectives that sometimes are lost in the procedural aspects of this debate. Let me make it very clear that all of my amendments, unfortunately, will be subject to a point of order, the ones that I am intending to discuss at this point.

I am not conceding and giving up adequate debate on them, but obviously if they are going to be subjected to a point of order, I believe it is extremely important that I move forward on the legislation that will improve the INS services with the $10 million that has just passed, focus on the training issues, and work with my colleagues respectively on elements that I think are very important that are missing in this legislation.

My amendments before us today deal with adding $2 billion in domestic preparedness, because I believe that we do not have enough money for homeland security. Additionally, I would say that we have a problem in our respective fire departments in the hazardous materials team. I offer $2 million to provide to our first responders, in particular our hazardous materials team, that will allow additional funds to be given to these teams which will be facing the worst of any biological attack.

I think it is important to recognize that preparedness is key to what we are doing. Let me correct the record and say that domestic preparedness was $2 billion, and the hazardous material is $3 million, on the cities over a million, and rural communities under 200,000.

The reason I offer these amendments is I believe we do not have enough dollars dealing with homeland security. Frankly, I join and I was hoping that the Obey amendment would be made in order because obviously the emergency supplemental does not comply with the Budget Act nor do ours; but it is interesting that these were not made in order but the emergency appropriations was.

I have brought these amendments to the attention of this floor because I come from local communities that are suffering, not having enough overtime, not having enough dollars to ensure that we can provide the fire departments with the kind of staffing that they need in case these communities are subjected to biological attacks.

I am disappointed that a point of order will be subjected to them. Let me also say that my other amendments had to do with providing extra funding for SAMHSA because of the stress that individuals are under with respect to mental health services. I thought it was important to add $7 million because in this wartime, we are all facing the kind of stress that requires enhanced mental health services.

Additionally, I asked for additional funding for Harris County Mental Health Services because they too are suffering by closing clinics and having close to 1,500 clients not being able to be served. I know that a number of Members are not offering personal remarks and so I am withdrawing that along with these other amendments because I understand we are not being allowed that in fairness to the process.

Let me close by saying this. I started out by saying that I was against the war. I maintain that the war has not been officially declared by this body. This body has never debated the question of war and declared war against Iraq, but I believe we have the responsibility of supporting our troops. I am disappointed that we have not fully discussed the question of peace on this floor today, and that there are no specific funds designated to begin the discussion of peace.

I have an amendment which discusses that, and I hope in striking the last word towards the end of the bill, we will have an opportunity to discuss peace. I believe we can help our troops as they are waging war, brave as they are, and those that have lost their lives, and the POWs and their families, by recognizing that as they fight for peace, they can also be fighting for the freedom of this Nation.

Mr. Chairman, I support the troops deployed in Iraq. However, I am against this war because I believe war should have been the last option. We are spending $74.7 billion to fund the troops, to rebuild Iraq, to provide aid to our allies, and to fund drug control efforts—this is one of the largest supplemental bills this Congress has considered. Most of the funds in this bill are for the Department of Defense, $62.4 billion. Only $3.5 billion has been allocated for homeland security. While our troops are on the frontlines in Iraq, our first responders here at home—our firefighters, our police officers—in our states and localities are woefully underfunded. Many first responders do not have the equipment, technology, or training to meet national security needs. While we plan to construct schools in Iraq, schools in our nation are crumbling. While we provide humanitarian aid to many countries, our citizens at home lack affordable health care. And, while we plan to rebuild the nation of Iraq and assist our allies, we continue to neglect our nation's veterans.

We provide $700 million for Jordan; $300 million for Egypt; up to $1 billion for Turkey; and $127 million for Afghanistan through the Bilateral Economic Assistance account. In the Foreign Military Assistance account we provide $1 billion for Israel; $406 million for Jordan; $170 million to train the Afghan National Army; $175 million to assist Pakistan in counter-terrorism activities; and $115 million for Peacekeeping Operations.

The Chairman's Mark provides $2.8 billion for a new Iraq Relief and Reconstruction Fund. There are funds for the relief and reconstruction: for water/sanitation infrastructure, feeding and food distribution, refugee assistance and other humanitarian activities. Yet the Chairman's Mark only provides $2.2 billion for grants to First Responders through the Office of Domestic Preparedness. I strongly support our troops, but I also believe that we must protect the troops right here at home—the first responders, who will be called on in any emergency and national security threat.

This bill does not do enough for Homeland Security. We are underfunding the national security here at home. Our cities and ports need protection. I offered amends in the Rule Committee to increase funding for Homeland Security.

My amendment would have increased by $2 billion funding to the Office for Domestic Preparedness. The U.S. Conference of Mayors estimates that if the war and/or threat alert levels continue for six months, cities would incur nearly $2 billion in additional costs. These costs are on top of existing homeland security spending already underway or planned since September 11.

State and local governments have undertaken unprecedented new, expensive, and expanded responsibilities in our national efforts against terrorism. State and local governments have developed and adopted budgets reflecting these increased responsibilities in difficult fiscal times with very little federal assistance. I offered an amendment to provide funds in the amount of $3 million to be set aside as grants to cities with populations over one million and rural communities with populations under 200,000 for fire department hazardous materials response teams.

Adequate federal resources must be available to assist our urban and rural areas to maintain a heightened level of alert and to assist our first responders during this time of crisis.

First responders have been called upon to identify and to plan for potential threats peculiar to their particular location; these threats include chemical, biological, nuclear, radiation, and explosives.

Additional funding specifically for firefighters in urban and rural areas would help fire departments meet the challenges of responding to threats of terrorism. Firefighters have emergency needs for clothing, equipment, and interoperable communications.

I am troubled that we are in a position today where we are spending money we don't have, on a war we didn't need. Of course, I will cast my vote in support of this bill because this predicament is not the fault of our soldiers. U.S. troops are fighting valiantly in Iraq and they will be victorious. I want them to have all the resources they need to get the job done efficiently and effectively, so that we can bring them home safely to their families and loved ones. I don't support this war, but I support our men and women in uniform—100 percent.

Mr. Chairman, I believe sometimes one must stand for what they believe. I know that there are times when a great nation must answer the call of war to defend itself and its people. Sometimes we must defend our values so that many more can be saved. This is not one of those situations.

Even before the dust had started to settle at the site of the Twin Towers, this war plan seemingly was being devised. From mid-September 2001, this Administration seemed to be resolved to march into Baghdad. The plan was forged before we knew that Saddam Hussein had no known connection to the attacks of 9/11; before we knew that far more insidious dangers lurked in North Korea; before we realized that backed with a true diplomatic and military coalition, inspections could work to disarm Iraq. Even as the true nature of the picture in Iraq came to light, the Administration held its resolve to go to war. But resolve does not equate with reason.

I, and many of my colleagues, and millions of people taking to the streets around the world, have been trying to inject reason into this debate for over a year now. I started by voting against the use of force resolution last Congress. There were two reasons: (1) I did not feel that force was yet justified in the case of Iraq, and (2) I believe that it is unconstitutional for Congress to give the President the power to start a war without a true Declaration from the Congress. Whereas the President controls the military and our nation's intelligence gathering services, before the President takes our soldiers into war he must come to Congress and make the case for war. It is then the duty of Congress according to Article I, Section 8 of the Constitution to make the decision of whether it is in the best interest of the people we represent to make the Declaration of War. That was never done. I, and 154 of my colleagues, supported the Spratt amendment to the Use of Force Resolution, which would have required the President to come back to Congress before marching to war. But we did not prevail.

Therefore, I have continued to call for a debate here on the Floor of the House to make that decision—between war and peace, and between life and death. Early this year, I offered a bill, H. Con. Res. 2, a bill to revisit and to debate the question of going to war with Iraq. Although I questioned the war in Iraq, I have always been in full support of our troops in the region. Indeed I have argued that keeping a force in the region to support weapons insepctors—50,000 soldiers-strong—was absolutely appropriate and prudent. That is because I believe that the threat of force can prevent violence, However, the use of force is violence. The use of force must always be the very last resort. However, we must be realistic in these times to recognize the threat both here and abroad. The threat is real in our local communities. Therefore, any Emergency Wartime Supplement Appropriations bill ought to provide resources to our local and state governments. We must support our military. They are men and women who risk their lives for our civil liberties, but we cannot give the President a blank check with which to reward our allies and to neglect domestic priorities.

Many argued that going to war was preferable to doing nothing in Iraq. Perhaps, I agree. But I have never argued that we should do nothing, nor have any of my colleagues on this side of the aisle. Working with ecumenical leaders from across the county, I developed a 5-point comprehensive plan—a third option—for improving stability in the Middle East. In addition to using a 50,000 soldier-strong force to coerce Iraqi compliance with rigorous inspections, the plan also included re-engaging our estranged allies, who some seem to be ridiculing at every chance, and forming a coalition to establish a warcrimes tribunal to indict and bring Saddam Hussein to justice. The plan included an immediate and generous humanitarian aid effort for the people of Iraqi, who have suffered for so long under Saddam's regime. It included a re-invigoration of the Middle East peace process and of the international fight against terrorism. And it provided for an international effort to rebuild and help to stabilize Iraqi infrastructure.

I still remain firmly against the proposition that war was the only option for disarming Iraq. In fact I believe there are still options to carrying this war to a violent conclusion in the streets of the ancient city of Baghdad. I hope that now that we are in a position of strength, we can force a peaceful resolution to this conflict and satisfy our national security goals without further bloodshed. I feel that such restraint would earn back some of the lost respect and moral authority we had in the eyes of the world community, and improve our homeland security in the long run.

For we are living in a glass house these days, and are throwing stones left and right. We are making enemies around the world and under-funding the domestic forces who would protect us from them. I have offered several amendments to today's supplemental bill, to make sure that in addition to supporting our troops overseas, we also take care of security issues here at home.

Mr. Chairman, I am offering this amendment to the fiscal year 2003 supplemental appropriations bill to help our Nation's security and to provide funds to the people on the frontlines in our own homefront—first responders.

I believe that our domestic priorities and our first responders must not be overlooked as we consider this supplemental appropriations bill. I know my amendments violate the Budget Act, but the supplemental appropriations bill itself violates the Budget Act. My amendment would provide additional funds for first responders in our nation's cities and rural communities.

My amendment would increase by $2 billion funding to the Office for Domestic Preparedness. The U.S. Conference of Mayors estimates that if the war and/or threat alert levels continue for six months, cities would incur nearly $2 billion in additional costs. These costs are on top of existing homeland security spending already underway or planned since September 11. While the Chairman's Mark provides $2.2 billion, $200 million over the President's request, for grants to local and state governments, this amount is still not adequate to fund the domestic security needs of our Nation's states and localities.

As you know, state and local governments have undertaken unprecedented new, expensive, and expanded responsibilities in our national efforts against terrorism. State and local governments have developed and adopted budgets reflecting these increased responsibilities in difficult fiscal times with very little federal assistance.

Adequate federal resources must be available to assist our urban and rural areas to maintain a heightened level of alert and to assist our first responders during this time of crisis.

First responders have been called upon to identify and to plan for potential threats peculiar to their particular location; these threats include chemical, biological, nuclear, radiation, and explosives.

Additional funding specifically for firefighters in urban and rural areas would help fire departments meet the challenges of responding to threats of terrorism. Firefighters have emergency needs for clothing, equipment, and interoperable communications.

First responders stand ready to answer the call of our nation. We must provide them with adequate resources for equipment, training, and supplies. In particular, fire departments are in desperate need of funding. I have heard from my fire department in Houston and hope to secure funding for the fire fighters there for hazardous materials response teams.

Mr. Chairman, I ask unanimous consent to withdraw these amendments, recognizing that I hope we can do more for domestic preparedness, for the hazardous materials teams and our fire departments, and we recognize that we have a crisis in this Nation and we need to help those facing mental health crises by providing more mental health funding.

The CHAIRMAN. Under the rule, unanimous consent is not required. The gentlewoman from Texas (Ms. JACKSON-LEE) withdraws the amendments offered en bloc.

The amendments were withdrawn.

Are there further amendments to this title?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—TECHNICAL CORRECTIONS

SEC. 2001. Division F of Public Law 108–7 is hereby amended under the heading "United States Fish and Wildlife Service, State and Tribal Wildlife Grants" by striking "$3,000,000" and inserting "$5,000,000".

SEC. 2002. The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Public Law 108–7 is amended—

(1) by striking "Heart Beat, New Bloomfield, PA" and inserting "Heart Beat, Millerstown, PA" in lieu thereof;

(2) by striking "Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties" in lieu thereof;

(3) by striking "Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county" in lieu thereof;

(4) by striking "$298,153,000" and inserting $296,638,000" in the first proviso; and

(5) by inserting after "a study regarding delivery of pediatric health care in northeastern Oklahoma," "$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, TX, to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism,".

SEC. 2003. The matter under the heading "Office of the Secretary, Public Health and Social Services Emergency Fund", in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, (Public Law 108–7, div. G) is amended by striking ", to be available until expended" after the "$5,000,000".

SEC. 2004. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G) is amended by striking "or any other".

SEC. 2005. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). (b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 2006. (a) The matter under the heading "Department of Education, School Improvement Programs", in Public Law 108–7 is amended—

(1) by striking "$508,100,000" and inserting $537,100,000"; and

(2) by striking "$4,132,167,000" and inserting "$4,233,167,000".

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $150,000 for Illinois State Board of Education, Springfield, IL, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: "Illinois State Board of Education, Springfield, IL, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, $150,000";

(2) the provision specifying $2,000,000 for Pinellas County Florida School District, St. Petersburg, FL, for technology for Title I schools shall be deemed to read as follows: "St. Petersburg College, St. Petersburg, FL, for the Pinellas County EpiCenter, $2,000,000";

(3) the provision specifying $500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying $25,000 for the Boys and Girls Club of El Dorado, AR, for drug prevention and after school programs shall be deemed to read as follows: "Boys and Girls Club, Southeast Unit, El Dorado, AR, for drug prevention and after school programs, $25,000";

(5) the provision specifying $400,000 for the Milwaukee Public Schools, WI, to expand before- and after-school programs shall be deemed to read: "Milwaukee Public Schools, WI, for before- and after-school programs, $400,000";

(6) the provision specifying $200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: "Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, $200,000";

(7) the provision specifying $250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: "Community School District 8, Bronx, NY, for after-school programs, $250,000";

(8) the provision specifying $20,000 for Westside High School, Bakersfield, CA. for equipment shall be deemed to read: "West High School, Bakersfield, CA, for equipment, $20,000";

(9) the provision specifying $1,000,000 for the National Science Center Foundation, Atlanta, GA, for educational technology and other purposes shall be deemed to read: "National Science Center Foundation, Augusta, GA, for educational technology and other purposes, $1,000,000";

(10) the provision specifying $200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: "Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, $200,000";

(11) the provision specifying $100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: "University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, $100,000";

(12) the provision specifying $25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, KY, for technology shall be deemed to read as follows: "Meredith-Dunn Learning Disabilities Center, Inc., Louisville, KY, for school counseling services, $25,000";

(13) the provision specifying $40,000 for Father Maloney's Boys Haven, Louisville, KY, for technology shall be deemed to read as follows: "Father Maloney's Boys Haven, Louisville, KY, for an educational program, $40,000";

(14) the provision specifying $50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: "Joel II Restoration Outreach, Inc., for education programs, $50,000"; and,

(15) the provision specifying $1,500,000 for the City of Upland, CA, for after school programs shall be deemed to read as follows: "YMCA of the City of Upland, CA, for after-school activities, $1,500,000".

SEC. 2007. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the second reference to the provision specifying $1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: "Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, $200,000";

(3) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for the North Hill Educational Alliance shall be deleted; and,

(4) the provision specifying $250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: "National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, $250,000".

SEC. 2008. Section 336 of Division I of Public Law 108–7 is amended by striking "Transportation Management" and inserting in lieu thereof "Urbanized".

SEC. 2009. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

SEC. 2010. The matter under the heading "Corporation for National and Community Services, Domestic Volunteer Service Programs, Operating Expenses", in Public Law 108–7 is amended by inserting after "in this Act" the following: "for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973".

SEC. 2011. To liquidate obligations previously incurred, $64,000,000 is provided to the National Service Trust of the Corporation for National and Community Service: *Provided*, That the second proviso under the heading "Corporation for National and Community Service" in Division K of Public Law 108–7 is deemed to be amended by inserting after "section 501(a)(4)" the following: "with not less than $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, notwithstanding the provisions of section 501(a)(4)(B) of the Act".

SEC. 2012. Section 115 under the heading "Department of Veterans Affairs, Administrative Provisions" in Public Law 108–7 is amended by striking "2 and".

TITLE III—GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CROWLEY:

At the end of the bill (before the short title), insert the following:

SEC.   . Of the amount provided in chapter 4 of title I, in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", not more than $100,000,000 may be made available to Pakistan.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from New York (Mr. CROWLEY) be limited to 20 minutes, to be equally divided and controlled by the gentleman from New York (Mr. CROWLEY) as the proponent and myself as the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. CROWLEY) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of the amendment at the desk put forth by myself and the gentleman from New Jersey (Mr. PALLONE).

India has been a strong ally in the war on terrorism, and has also felt the pain of terrorist attacks, as we have felt those same pains here in the United States. The most recent attack on India was last weekend, resulting in the brutal murder of 24 Hindus known as Pandits. The 24 murdered included women and children. This act of terrorism occurred in the Indian state of Jammu-Kashmir.

As we all know, last year Pakistani Islamic militants entered the Indian Parliament and opened fire, killing some of our colleagues in the Indian Parliament. I happened to be in India only 2 weeks after this horrific attack, and I can tell Members that I saw the bullets holes and blood-stained ground where militants killed our colleagues.

Even in the face of these facts, within the supplemental, Pakistan will receive $175 million for border security for their support on the international war against terrorism. They support the United States in our war against terrorism in Afghanistan and central Asia, but they are supporting the militias and terrorists who are crossing into India territory in Jammu-Kashmir every day and carrying out attacks on Indian civilians.

One hundred seventy-five million dollars for Pakistan is an award of support, when the true record shows that in spite of our substantial assistance to Pakistan, if President Bush and Prime Minister Blair pushed for a vote at the U.N. Security Council for the war on Iraq, the best we could have hoped for from Pakistan is they would have abstained.

While Pakistan has worked with the United States of late, they have continually also served as a destabilizing force in central Asia, including testing nuclear weaponry, threatening her neighbors, and funding and supporting terrorists who have crossed the border from Pakistan into India to perpetrate terrorist acts against Indian citizens.

Pakistan has made efforts to combat al Qaeda, and some members of that organization have been apprehended with their assistance. But other terrorist organizations allowed to operate within Pakistan's borders continue to spread extremist ideology and a visceral hatred of the United States.

Today I am asking that we limit foreign military financing aid to Pakistan to $100 million, in large part due to the failure of Pakistan to meet its commitments to combat terrorism. Last June General Musharraf pledged that he would halt all movement of Islamic militant infiltration into Kashmir and crack down on Pakistani supporters of militant organizations in the Kashmir region. While the general appeared to keep his word initially, last week's brutal attack on women and children demonstrates that his pledge has been forgotten.

Leaders of Pakistani terrorist organizations, organizations which have been designated as foreign terrorist organizations by our State Department, and who were previously arrested because of their terrorist activities, have since been released. The United States should not have two definitions of terrorism.

Terrorist organizations operating freely inside Pakistan, often with the tacit support of elements of the Pakistani Government, are focused on harming the United States and represent a grave threat to our national security interests.

I ask Members, is this the type of partner we want fighting with us in the war on terrorism, a country that is ruled by someone who came to power not by being elected but by seizing it, someone who has not clamped down on radical Islamic terrorism on his own soil, someone who has greatly contributed to the destabilization of that area of our globe through his testing of weapons of mass destruction and his refusal to rule out a first strike? It seems we are putting our immediate interests in front of our values.

India is the largest democracy in the world, and as the oldest democracy, we need to assist them so they can be free of terrorism, just as all nations want to be free of terrorism. This is a broad goal, but by not providing India with any funding or support in this bill, when they are affected by terrorism every day through cross-border incursions, I fear we are sending the message to other countries it is okay to support terrorists as long as they are not attacking the United States yet. Is this the message that we want to send to the world?

Today we have the opportunity to show the world that we will not look the other way while one nation allows terrorist acts to be committed on another sovereign nation.

Congress has a crucial responsibility to play in ensuring that U.S. funding is provided to countries fully committed to the war on terror. If we provide Pakistan with hundreds of millions of dollars, we must demand accountability and concrete actions that that country is doing all it can to eradicate terrorist organizations within its borders. We are providing $175 million for a partner that has been at best less than helpful and a destabilizing force in south Asia. I urge Members to limit Pakistan's foreign military assistance aid to $100 million from this account until we see real reforms in Pakistan, and pass these savings on to the homeland security account.

I thank the gentleman from New Jersey (Mr. PALLONE) for sponsoring this.

Mr. Chairman, I reserve the balance of my time.

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Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for offering this amendment, which I support.

As was said, the amendment would strike $75 million of the $175 million in the foreign military finance funding for Pakistan in this bill.

Mr. Chairman, although Pakistan has provided assistance to the United States in our fight against terrorism and in our efforts against al Qaeda, I cannot support military aid to Pakistan. Since a military coup stages by President Musharraf in 1999, Pakistan has been run by a military dictatorship. As a result of the coup, democracy sanctions were put in place that barred any U.S. military assistance to Pakistan. However, just 1 month ago, under waiver authority that was granted to President Bush by Congress, he waived this coup-related sanction to allow $50 million in military assistance to Pakistan for their antiterrorism measures. Given the current military dictatorship and given that Pakistan just weeks ago received a significant sum of money in military aid, I support striking $75 million in military assistance in this bill and perhaps either returning it to the FMF fund or to reallocate this amendment to first providers or towards other priority homeland security needs.

In addition, it is encouraging that the Bush administration is starting to publicly acknowledge Pakistan's role in transferring nuclear equipment to North Korea. I would like to thank the Bush administration for imposing both contracting and licensing sanctions on the Khan Research Laboratories nuclear firm in Pakistan. They are no longer authorized to export to the United States. And I am encouraged by this first step on the part of the administration to both publicly recognize Pakistan's role in supporting North Korea's covert nuclear weapons program and to impose punitive sanctions accordingly.

Normally, because of Pakistan's nuclear transfer to North Korea, Symington sanctions barring U.S. military assistance to Pakistan would be automatic. However, Symington sanctions have been waived by the President, and military assistance continues to flow to Pakistan. I am disappointed that the administration continues to support military assistance to Pakistan when it is clear that Pakistan exchanged equipment with North Korea most likely for missiles to challenge India.

Again, Mr. Chairman, I cannot argue against the fact that Pakistan has been a friend of the U.S. in fighting against global terrorism. However, the case is much different when we look at Pakistan's own backyard of Kashmir. Terrorism and violence by Islamic militants in Kashmir have escalated to a devastating degree, and I am very concerned that military assistance to Pakistan will be used to perpetuate the terrorist acts in Kashmir and elsewhere throughout India.

Mr. Chairman, based on the history of our laws in place that prevent the U.S. from providing military assistance to Pakistan in certain situations, such as military dictatorship or transfer of nuclear equipment to other countries, and for all the related reasons that I have just detailed, as has the gentleman from New York (Mr. CROWLEY), striking $75 million in military assistance to Pakistan from this bill today is more than justified; and most importantly, it is important to recognize that any dollars that would be cut can be redirected to our own homeland security or to our own first responders and that really should be a priority rather than giving this money to Pakistan.

I support the amendment, and I want to thank the gentleman from New York (Mr. CROWLEY); and I would hope that the administration would pay more heed to these issues of Pakistan's anti-democratic policies and its transfer of nuclear technology.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time, the distinguished chairman of the full committee.

I understand that the gentleman from New York (Mr. CROWLEY) does intend to withdraw this amendment at the conclusion of this debate, but I do not think the remarks that were made with regard to Pakistan should stand without some comment, without some kind of rebuttal. I do understand and I do desire, as the gentleman from New Jersey (Mr. PALLONE) and the gentleman from New York (Mr. CROWLEY) have spoken so eloquently about the conflict in South Asia between Pakistan and India, I desire as much as they do to have a satisfactory resolution to this conflict, to see that Kashmir no longer divides these two countries and provides a source of conflict of two nuclear superpowers on the Asian subcontinent.

But this is not about an amendment about favoring Pakistan over India. This is an amendment about Pakistan, and Pakistan is one of the most critical front-line states in this global war against terrorism. It has paid a very high price, including the lives of its soldiers because of its decision to side with the United States in the fight against the al Qaeda and terrorism. Their cooperation on terrorism has been excellent. Our nations have coordinated to apprehend nearly 500 suspected al Qaeda and Taliban operatives, including the operational commander, Khalid Sheikh Mohammed, and the September 11 conspirator, Ramzi bin al-Sheibh.

Mr. Chairman, this is not blood money. Some have talked about that with relation to some of the other countries for which money is being provided. This is not money to get their support in the war against Iraq. This is funds to help Pakistan help us prosecute the war against terrorism. The $175 million in foreign military financing in the committee's recommendations is going to increase Pakistan's capability to apprehend and disable terrorists hiding and operating on its own territory. In the regular 2003 appropriation bill, we included money for fixed and rotary wing transport, including C–130s and Cobra/Huey helicopters. This supplemental provides urgent items needed to counter al Qaeda and Taliban pockets in the border area with Afghanistan. Key equipment identified for counterterror operations during the most recent bilateral defense consultation discussions last fall include ground radars and communications equipment. Surveillance systems are needed for the border, and communications can improve with interoperability between our forces and those of Pakistan. The supplemental will also provide for procurement of 10 OH–58 D helicopter reconnaissance systems to interdict the terrorists and to provide for drug interdiction.

Mr. Chairman, let me just conclude by repeating what I said a moment ago. This is not about giving something to Pakistan because they have been supportive of us. This money is being given to help prosecute the war against terrorism. That is our war, and Pakistan is deeply engaged in that war, as has been evidenced by the seizures of people that we have made along the border. We need their continued involvement, and we need their support; and this amendment ought not to be adopted.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank my colleague, the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs for yielding.

I rise simply to share with my colleagues from New York and New Jersey that I feel very, very strongly about our ally India and the role she may play in our future. For no reason that my colleague would know, I spent a decent amount of my life in India. I consider it to be my second country. In the case before us, however, we are talking about Pakistan, who has been our great ally in this war on terrorism. To mix the two at this moment could be a very dangerous procedure for us to follow. I am very appreciative of the fact that the gentleman is going to withdraw this amendment. I would hope that we could carry forward this discussion, though, in another forum at another time for there is a lot of work that needs to be done here. India is our ally and our friend and a great democracy. In turn, Pakistan today is helping us in a very special way in the war against terrorism.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments, and I think they summarize precisely my point, which is really this is not about India. It is about Pakistan and having them continue to be involved in the war against terrorism. And I agree with him that India remains a great democracy in the region.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. CROWLEY. Mr. Chairman, I want to say I appreciate the discussion. At this time I am prepared to withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill (before the short title), insert the following:

TITLE IV—UNEMPLOYMENT ASSISTANCE FOR DISPLACED AIR TRANSPORTATION EMPLOYEES

SEC. 4001. SHORT TITLE.

This title may be cited as the "Air Transportation Employees Assistance Act".

SEC. 4002. DEFINITIONS.

For purposes of this title—

(1) the term "eligible individual" means an individual whose eligibility for temporary extended unemployment compensation is or would be based on the exhaustion of regular compensation, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term "qualifying employment", with respect to an eligible individual, means employment—

(A) with an air carrier, at a facility at an airport that involves the provision of transportation to or from an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term "Secretary" means the Secretary of Labor; and

(7) the term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

SEC. 4003. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS FOR ELIGIBLE EMPLOYEES.

In the case of an eligible employee, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be applied as if it had been amended in accordance with section 4004.

SEC. 4004. MODIFICATIONS.

(a) IN GENERAL.—For purposes of section 4003, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be treated as if it had been amended as provided in this section.

(b) PROGRAM EXTENSION.—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended to read as follows:

"SEC. 208. APPLICABILITY.

"(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending before December 29, 2003.

"(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this Act, including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section.

"(2) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004.".

(c) ADDITIONAL WEEKS OF BENEFITS.—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "50" and inserting "150"; and

(B) by striking "13" and inserting "39"; and

(2) in subsection (c)(1), by inserting "⅓ of" after "equal to".

(d) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN SUBSECTION (c).—

(1) IN GENERAL.—The amendments described in subsection (c)—

(A) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(B) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment this Act, subject to paragraph (2).

(2) SPECIAL RULES.—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this title) shall be applied subject to the following:

(A) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC-X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as deemed to have been amended by subsection (c)(1).

(B) For purposes of determining whether the individual is eligible for any TEUC-X amounts under such Act, as deemed to be amended by this section—

(i) any determination made under section 203(c) of such Act before the application of the amendment described in subsection (c)(2) shall be disregarded; and

(ii) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by subsection (c)(2)—

(I) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this section, and including any amounts described in subparagraph (A)) are in fact exhausted, except that

(II) if such individual's account was both augmented by and exhausted of all TEUC-X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

Mr. DEFAZIO. Mr. Chairman, this is an amendment that is long overdue. Those who are here would recall that in the aftermath of 9-11 when this House was rushing to approve a $15 billion package to help the airlines that we were told that there was not room or time, because it was so urgent to be done before the end of the week, to include the employees; but the gentleman from Missouri (Mr. GEPHARDT), the then-minority leader, and Speaker HASTERT engaged in a colloquy where assurances were made that in the very near future in, and this was in September of 2001, that we would consider a bill for employee relief including financial assistance, ability to retain health insurance, training for those in the airline industry.

Since that time 150,000 airline industry employees have been laid off or furloughed, and we are told now by the industry that even if this package is approved, there is a high likelihood that we will see another 70,000 layoffs. Boeing is looking at 30,000 layoffs; and then there are a whole lot of associated industries, travel agents and others, who have been devastated. So this legislation would begin to redress that oversight by this Congress.

The interesting thing about this amendment is it is not in order under the bill, I am going to hear shortly, but this amendment, we would not have to borrow the money to pay for it. We have to borrow the money to send to Pakistan. We have to borrow the money to send to Turkey. We have to borrow for every other function of this bill. We have to borrow the money to build 6,000 schools in Iraq. We have to borrow the money to begin to provide universal health care in Iraq. But to provide extended unemployment benefits to 150,000, headed to more than 200,000, airline employees, we would not have to borrow a penny because the money is already on deposit in the unemployment trust fund.

It is true that the administration does not want to spend the $20-some-odd billion balance in that fund and does not want to extend this benefit to airline employees who have exhausted their unemployment; but the fact is we would not have to borrow the money to do it and it helps Americans. We are borrowing money to help people all around the world. Can we not do something for the airline employees?

The Senate has acted on this issue, and hopefully we will come to a conference agreement that will provide for this long-overdue benefit; but if the House would send a message tonight, if the committee would accept this and waive a point of order against it, again, not having to appropriate funds, only to authorize expenditure of funds from the trust fund, we would begin to help these people who have been sorely hurt by 9-11 and now by this war in Iraq.

Mr. HOYER. Mr. Chairman, I strongly support Mr. DEFAZIO's amendment to provide an additional 26 weeks of unemployment compensation to workers in the air transportation industry.

This industry and its workers have borne the brunt of the continuing war on terrorism and have been wracked by our sluggish economy.

In fact, the industry is expected to lose $6.7 billion this year.

In addition, approximately 200,000 airline workers have lost their jobs since September 11, 2001, and another 70,000 workers are expected to be laid off.

This week, the world's largest carrier, AMR corporation's American Airlines, averted Chapter 11 bankruptcy by negotiating $1.8 billion in labor concessions.

And U.S. Airways only recently emerged from bankruptcy after winning approval for a $900 billion Federal loan guarantee.

Last week, I had the opportunity to meet with representatives of the industry and just hours ago I met in my office with airline workers' representatives.

The industry and workers know that their fate is inextricably linked; that one cannot survive without the other.

Members on both sides of the aisle understand this and want to help.

The fact is, this amendment would incorporate into this supplemental appropriations bill bipartisan legislation that was introduced yesterday by Mr. ENGLISH and Mr. OBERSTAR—H.R. 1553, the "Air Transportation Employees Assistance Act".

The Senate Appropriations Committee has already passed a similar plan to extend unemployment insurance benefits in its version of this legislation.

The members of this body should do the same thing to aid this struggling industry, and its workers and their families.

Let's help this vital industry and its workers navigate unprecedented turbulence.

That's precisely what this amendment extending unemployment insurance benefits would do.

I urge my colleagues to support it.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment directly amends existing law. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) wish to be heard on the point of order?

Mr. DEFAZIO. Mr. Chairman, if I could speak to the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. DEFAZIO. Mr. Chairman, I did last evening go to the Committee on Rules. There was a Republican member who was a principal sponsor of this legislation who was supposed to come to the Committee on Rules and ask for a waiver. He did not, but in his stead I asked the committee to protect this or, even better, to open up this section of the bill which goes to aviation and allow it to be amended outside of the rules of the appropriations process since this section of the bill was written totally, basically, behind closed doors. Unfortunately, apparently the Committee on Rules saw fit not to do that.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) may be heard on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Oregon (Mr. DEFAZIO) for being persistent in this very important initiative.

He is correct. In fact, I was in the Committee on Rules when the gentleman from Oregon (Mr. DEFAZIO) asked for a waiver, and as noted, this amendment was to be presented, Mr. Chairman, in a bipartisan fashion.

Let me just cite as a precedent that the emergency appropriations that is before us does not itself comply with the budget resolution, and therefore that legislation was given a waiver.

□ 1900

It would seem that now precedent has been laid that when we see a crisis, and that is what this is, an emergency appropriations, the gentleman from Oregon (Mr. DEFAZIO) is defining his amendment as a crisis, as an emergency. Because I even spoke to some of the leaders of airlines today who indicated that they were aware that employees were being laid off as we speak.

Mr. Chairman, if I might give an anecdotal comment in speaking to the point of order, just 7 days ago, flying Delta Airlines, I was asked to, one might say for many reasons, but I was asked to leave the plane because the plane was going to another location than what I thought it was going to, causing me to miss an important connection, because they canceled a flight and they had to go to another city to pick up some other, if you will, passengers. That meant that they canceled the work of other employees who would have been on that plane. Those employees did not work. They were canceled out.

So there is a crisis when airlines are telling passengers we are canceling flights, we are laying off employees; these employees have no unemployment benefits.

If we are operating under an emergency, Mr. Chairman, then I believe that this employment amendment that deals with extending the employment benefits for employees is a crisis, and we should be subject to a waiver to allow for this debate and to allow for this amendment to be presented, so that these employees, in an industry that is under crisis, can likewise have the relief they need.

Mr. Chairman, I would ask that a waiver be given under the same precedent of which we debate the emergency appropriations, and that is that it is an emergency, that it is a crisis; this amendment represents a crisis, and I would ask that this amendment be allowed to be debated on the basis of a waiver.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Does anyone else care to address the Chair regarding the point of order?

If not, the Chair is prepared to rule. The Chair finds that this amendment directly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. DEFAZIO:
>
> At the end of the bill insert the following new section:
>
> SEC. . None of the funds in this Act may be used to initiate or launch military actions except as authorized by Article I, section 8 of the Constitution.

Mr. DEFAZIO. Mr. Chairman, I had hoped that this amendment would be accepted as noncontroversial. It would, at the end of a bill, insert a new section which basically simply recognizes the Constitution of the United States and the provisions of Article I, section 8. This has been reviewed by and edited by the Parliamentarian's Office and I understand that in its current form, it is in order. I had a previous version which was not in order.

It is very simple, and I will read it. Often we debate things that are too long to read, but this says, "None of the funds in this Act may be used to initiate or launch military actions except as authorized by Article I, section 8 of the Constitution."

Now, what does that mean? That means that we already have an outstanding authorization for these activities, which I opposed, which was not a declaration of war, but Congress did pass an authorization under the War Powers Act for current activities in the Middle East and any activities that might be pertinent to that. We have another outstanding authorization for anyone who has engaged in, aided, or abetted, or harbored those involved in 9/11. I think that pretty well covers any potential terrorist threat or harboring of terrorists or fugitives responsible for those sorts of actions around the world between those two resolutions.

So this simply says before the administration might use any of the $75 billion in this bill, which we are borrowing and delegating to them for a number of purposes, to engage in a military action outside of those two authorizations dealing with another part of the world or another country, that it would have to be compliant with the Constitution of the United States of America. I believe this is extraordinarily noncontroversial, and I would give the chairman an opportunity to accept it and save 2 minutes; I probably have 2 minutes left. But he is not jumping to his feet, so I will keep talking for another 2 minutes.

Mr. Chairman, I find it hard to believe that this House, the people's House, would not feel that in borrowing and transmitting huge amounts of funds to the administration, would not want to protect its constitutional prerogatives and make certain that those funds were not used beyond the purposes of the already existing authorizations. So I would be puzzled if this House would reject this amendment, and I would wonder what they know that I do not know, or what plans to use this money in ways that are not already authorized by law might be out there; and that would cause me grave concern, particularly when I sometimes listen to the Secretary of Defense, who was then contradicted by the Secretary of State.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the DeFazio amendment.

The gentleman and I both offered two similar pieces of legislation, and I applaud this initiative which spoke to the question of whether or not this war was authorized by Article I, section 8, and whether or not this Congress has ever debated the up-or-down question of whether or not we go to war with Iraq.

Might I say that as the gentleman from Oregon well knows, we have repeatedly said that we support the troops. As I started out with this debate earlier today, many have trivialized that comment and suggested that we are unpatriotic to even be discussing this at this time.

I might cite many comments by some of our generals who offered to say that our troops, brave as they are, understand the distinction between the question of dissent against policy and dissent against them. Not a single one of us are not praying for the return of the POWs or are not joyfully celebrating the return of the young lady from West Virginia, the young soldier, the brave soldier. But I think really the question is, Mr. Chairman, is whether or not we adhere to our values and our Constitution. Our Constitution clearly points to a debate on this question.

So I would hope that even as we discuss the emergency supplemental, which, Mr. Chairman, I may ultimately support, that it is the responsibility of this Congress to both declare war, but it is also the responsibility of this Congress to raise up armies. We are doing that today because we do not want to abandon our troops while they are in the middle of battle, but we are asking or raising the question of whether this is authorized.

Might I just cite for my colleagues the statements made by former Secretary MacNamara some 20, 30 years after Vietnam, wishing that these concerns had been raised during the debate about Vietnam. Is it not important that we raise these discussions now?

Might I also say that I am concerned, and certainly have been concerned for a period of time, that the issues of peace were never parallel to the questions of war. We have a War Powers resolution and frankly, if we were under imminent attack, the President could defend us, the Commander in Chief could defend us and report to the Congress. But we went through a series of policy changes and many of us did not know what this war was about: regime change, disarmament, or exile for Saddam Hussein. I think a vigorous debate on this question would have been warranted on behalf of the American people.

To these families and to these troops who are now valiantly fighting, we say we are in support of your survival and your effort for the values of this Nation. But it is important, as we send funds to make sure that our troops are protected, that we remind the Nation that we have never had a debate on this floor to raise up the question under Article I, section 8 to ask the question of whether or not we go to war with Iraq.

Mr. Chairman, I support the DeFazio amendment because, in fact, it asks us within a turnaround period to debate that question as we, if you will, provide these funds, so that our troops might be protected.

I would ask my colleagues to consider the DeFazio amendment and to consider the responsibilities and duties of this particular Congress and this Nation.

Mr. DEFAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I had prior proposed legislation which would have required this House to fulfill its constitutional duties for this particular action, and some 30-some odd people saw fit to put their names on that. This amendment simply refers to the funds in this bill and future actions that are not authorized. So this is actually even more limited in its scope, but it does go directly to the obligations and duties of this House under Article I, section 8.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I would simply say that we are only suggesting by previous legislation, and suggesting today, that Congress must debate this question, even as we provide funds to protect our troops.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

I am not exactly sure what the gentleman has in mind when he offers it, but I think I know what the effect would be. The effect would be if the U.S. troops managed to take Baghdad, but that they have not finished the operation in Basra, that they might not be able to move from Baghdad to Basra as a new military operation.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, it is very clear what we are saying here. Military actions except as authorized, none of the funds may be used to initiate a launch. This is beyond those already authorized. I had other language which went to that; the Parliamentarian stripped it out. But this is clearly saying we have already authorized the current actions, we authorized them under the 9/11 resolution, Afghanistan and other actions. Those are authorized. This would be future actions outside the scope of the Iraq war, outside the scope of the Afghanistan war and/or the war on terrorism, whatever those might be, and Secretary Rumsfeld has an active mind.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I understand what the gentleman is saying, but oftentimes what one intends in a very simple amendment is not really the effect.

Now, if the gentleman is talking about no further military action without a declaration of war, and I think that is what he is talking about, because Article I, section 8 refers to declaring war, let me make the point that the United States has not declared war since World War II. Korea was a massive war, but there was no declaration of war. Vietnam was a massive war, but there was no declaration of war. We worked on resolutions passed by the Congress to authorize the President to take whatever steps necessary to protect American interests or whatever the purpose was at the time.

So what I am suggesting is that this is a mischievous amendment for those who are opposed to this war in Iraq. They certainly have a right to oppose the war, and I wish we did not have to go to war as well. But I know that if we do not take care of the problem before it gets out of control, then it becomes out of control.

Now, I want to say something about those who are opposed to the war, and again they have the right to be opposed to the war, although I do not think that they are supporting our troops very effectively.

□ 1915

I wanted to tell the gentleman that since the wounded soldiers have started coming back from Afghanistan and Iraq, something that my wife and I do on a regular basis is visit these soldiers, sailors, airmen, Marines, Coast Guardsmen in the military hospitals at every opportunity, especially if they have no family there with them. We have been doing that quite actively very recently.

I want to tell the gentleman a story about a young soldier who, when we entered his room, began to cry. Soldiers usually do not cry, but this soldier cried. My wife went over and hugged him and tried to console him. She did not do too well, although she normally does.

I went and talked to him, and asked, Are you in pain? He said, No, I am not in pain. I said, The injury could be repaired? He said, Yes, they told me they could fix the injury. I asked, Well, why are you crying? He said, I am crying because I am watching the television, and I am watching the people out there on the streets objecting to my colleagues and myself being in harm's way.

He was crying because of the antiwar protestors. Again, they have the right to protest, but they offended this soldier, who had been wounded defending their right to do it. Now, I am not suggesting that this amendment is anything like that; but I am suggesting that it does lend credence to those who would like to portray the United States as being totally wrong in what we are doing.

I want to say to the gentleman, whatever his position is on this war, if we do not fight the terrorists there is no doubt what would happen. We have already proved that al Qaeda and Saddam Hussein are in bed together. That has already been proved in this military action. But if we do not prevent another September 11, another destruction of two main towers in New York or the Pentagon with the loss of thousands of lives, if we do not do something now to prevent it and it happens again, none of us will be able to excuse our way out of it for not having done what was necessary to keep it from happening again.

I am determined to do everything that I can do, and I hope that all of my colleagues in the House will as well. I heard their speeches after September 11, stating that they would do everything possible to prevent these events from ever happening again, and to rid the world of the threat of terrorism and those who support terrorism.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

Page ___, after line ___, insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by increasing the amount made available in chapter 3 of title I for "Operation and Maintenance, Defense-Wide" by, and reducing the amount made available in chapter 4 of title I under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE" for "Economic Support Fund" (and the allocation within that amount for grants for Turkey) by, $207,000,000, which, in the case of the additional amount for "Operation and Maintenance, Defense-Wide", shall be available to establish National Guard Weapons of Mass Destruction Civil Support Team as authorized by law, including section 12310(c) of title 10, United States Code, in order to carry out the requirement in section 1403 of Public Law 107-314 (116 Stat. 2676), that an additional 23 such teams be established, for a total of 55 such teams, with at least one team established in each State and territory.

Mr. DEFAZIO. Mr. Chairman, I will take part of the time to respond to the chairman, since he did not give me time.

Mr. Chairman, I resent the broad-scale implications about the "proven linkage" between Saddam Hussein. They have been able to put Saddam Hussein in the same sentence with al Qaeda; but the CIA, DIA and others have not been able to find or prove a single link, except for the group that he did not control up in the northern part of the country behind the Kurds, who have now been eradicated.

But there are proven links to the Saudis, there are proven links to the Pakistani intelligence service, there are proven links to others who in fact will receive assistance under this bill.

That aside, and we will not get back into that debate again here tonight, but I believe the gentleman mischaracterizes my amendment. This was raised in light of Secretary Rumsfeld threatening to take action against Syria. We have heard that "real men go to Tehran" and other things from this administration. I am concerned what adventures they might have in mind in terms of further preemptive wars.

I was trying to make the statement that before we fight any more preemptive wars, that we would live up to our authority under article 1, section 8, which we failed, and we failed the troops and the American people in the Congress in the matter of this current action, although it was authorized under other auspices by this Congress.

My other amendment is really simple. I know it will be opposed, but here it is.

This Congress authorized that we would make the American people safe by setting up National Guard weapons of mass destruction civil support teams in every State of the United States and the territories. Guess what, we have not delivered on that. We do not have enough money. We have been told there are budget constraints. We cannot afford a National Guard weapons of mass destruction civil support team in 17 States, including my own and that of the ranking member of the committee and a number of other States. We cannot afford it; yet we can send $1 billion unsolicited to Turkey.

As I said earlier on the floor tonight, the ambassador of Turkey said these funds were not solicited; they were a unilateral action on the part of the United States of America; essentially a gift or bribe, however we want to characterize it.

Would the American people not be better served by just reducing that by 20 percent? So 20 percent of the $1 billion that we are going to borrow and send to Turkey would be spent here in the United States of America for the National Guard to prevent destruction by weapons of mass destruction.

Now, I know we are going to hear, this would be an insult to the Turks and others. But is it not an insult to the American people that we are not making them as safe as we could? If Members want to talk about patriotism, damn it, protect our people here at home. If Members want to cast aspersions on me, I want this money to be spent in the United States of America. They want to send it to Turkey, plain and simple.

We are going to vote up or down on this. It is real simple. They will get up and say, oh, the Turks, the Turks. We either fund under the law what we said we would or what we were mandated to do, which we say we do not have the money to do, or we do not. This is the simple way to do it. The Turks would still get $800 million that they did not ask for.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind all Members that they are to refrain from the use of profanity on the House floor.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have been through this debate earlier today. We had a definitive vote on the issue of whether or not we should eliminate these funds for Turkey.

The case, I think, was made very effectively here on the floor of the House of Representatives about the importance of Turkey in this fight against Iraq, in this fight to protect our soldiers who are operating in northern Iraq.

One of the points I did not get to make today, however, is about the fragility of the Turkish economy. It is very fragile. They have been battered for years by the oil sanctions. They have been battered by the costs of the number of refugees who have come in from Iraq into Turkey. They have been battered by the loss of tourism. They have been battered by the world recession. This is a country that has a huge amount, over $75 billion of public debt.

There is no one that thinks that this $8 billion of loan guarantees that the funds we are talking about would buy for them can save them on its own; but it can buy them time until we can get past this conflict, until we can begin to make the economic reforms with the new government in that country, until we can get an agreement with the IMF and with the World Bank, until we can restructure some of those loans that they have.

But that cannot happen, Mr. Chairman, unless we have these funds made available to Turkey. Taking 20 percent of it out means at least a reduction of $2 billion in those loan guarantees. This is important money. It is important for the security of our troops who are operating in northern Iraq, it is important for the resupply of them, it is important for the supply of the humanitarian assistance going into northern Iraq, and it is important to maintain the coalition that we find so important in fighting this struggle.

I would urge my colleagues to defeat this amendment as soundly as they defeated the previous amendment. We ought not to be reducing this money that is very important to maintaining our relationship with Turkey and maintaining Turkey's involvement in the war against terrorism and the war against Iraq.

I urge a "no" vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to simply point out to the House that there are still, as near as I can count, 14 amendments remaining. If we are going to debate 14 amendments, Members can calculate for themselves how long we will be here.

That is all I have to say.

AMENDMENT OFFERED BY MR. ROTHMAN

Mr. ROTHMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTHMAN:

At the end of the bill (before the short title), insert the following:

SEC. . The Transportation Security Administration shall place into effect flight restrictions, substantially similar to those applicable to the Washington, DC, area, that prohibit general aviation aircraft within a 15 mile radius of the City of New York, New York.

Mr. ROTHMAN. Mr. Chairman, under current Transportation Security Administration restrictions, no general aviation aircraft can fly within 15 miles of the Washington Monument. So why, then, does New York City, the other target of the worst terrorist attack in the history of the United States, not have the very same safeguard being provided to it by the Transportation Security Administration against general aviation aircraft within 15 miles of New York City?

Before I continue, I want to make it clear to my colleagues that I am not talking about commercial aircraft, the 737s, 767s, and so forth that so many Americans depend on each day for travel into our Nation's major airports. What I am talking about are the smaller private aircraft that primarily operate out of smaller, general aviation airports such as Teterboro Airport in my congressional district in New Jersey. Those airports do not have the same Transportation Security Administration security procedures that the major airports have.

While these general aviation aircraft by themselves, because of their size, may not seem to be able to inflict a great deal of damage even if they were diverted into a building, if they were filled with chemical or biological agents they could potentially cause a tragedy greater than the one we had on September 11.

The restrictions that I am calling for, which would be the same restrictions that are now in place for Washington, D.C., would keep general aviation aircraft from flying within 15 miles of New York City, the other major target of al Qaeda. That would mean that no general aviation aircraft would be able to fly over Times Square, fly over the Empire State Building, over Giants Stadium in New Jersey, or over the Continental Arena.

There would be exemptions provided, and if one was provided to a general aviation aircraft, that aircraft, and by the way, these exemptions are available here in Washington, D.C., it simply requires those general aviation aircraft first to fly into what is called a gateway airport outside of the 15-mile restricted zone. There, the plane, pilot, passengers, and luggage would be inspected by Transportation Security Administration officials before these general aviation aircraft would be allowed to continue on to Teterboro or these other airports within 15 miles of Manhattan, such as JFK or LaGuardia. Again, these same restrictions are now in place for Washington, D.C., but not New York City.

Mr. Chairman, I urge my colleagues to stand with me and support my call for Homeland Security Secretary Tom Ridge and the Bush administration to immediately put into effect these new restrictions and protect the people of the New York metropolitan area, just as they have chosen to protect the people of Washington, D.C.

Government's number one responsibility is to protect the people. Security is the reason why general aviation aircraft are restricted in coming into airports within 15 miles of Washington, D.C. My amendment would seek the same restriction for general aviation aircraft which would seek to fly in without first being inspected outside the 15-mile zone flying into New York City.

Mr. Chairman, I regret that the Chair will rule that this amendment is not in order to be voted on tonight, so I will, for this evening, be withdrawing my amendment. But let it be clear, Mr. Chairman, I will continue to press my case and to press for the Transportation Security Administration and the Bush administration and the Department of Transportation to protect the people of the New York metropolitan area by enacting the same restrictions that they have deemed necessary over Washington, D.C.

□ 1930

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitute legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law.

The amendment imposes additional duties and I ask for a ruling.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. ROTHMAN. As the Chair and my distinguished chairman may have heard earlier that I have withdrawn my amendment on the basis that the gentleman may very well be correct on that point of order, and I simply wanted to restate my intention to pursue this issue notwithstanding its order this evening.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from New Jersey withdraws his amendment.

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA:

In section 2011 of title II, after the aggregate dollar amount, insert the following: "(reduced by $64,000,000)".

Mr. HOEKSTRA. Mr. Chairman, thousands of our Nation's troops woke up today with the express task of defending our country against Saddam Hussein's reign of terror in order to protect the safety and freedom of his people, neighboring countries and other nations like ours across the globe.

Our Nation's founders tasked Congress with the authority and power to wage war and the responsibility to fund these efforts. The bill before us today appropriates additional money to fund the work of our men and women fighting in this war. This bill provides critical dollars for efforts to protect and defend the homeland security of the United States. It provides vital resources to first responders, law enforcement officials, and public health workers across the Nation who have developed safety plans to counter the increased national threat posed by terrorism.

The President asked that we keep this a clean bill. Unfortunately this emergency wartime supplemental appropriations bill also seeks to fund an extraneous program entirely unrelated to national defense, homeland security or counterterrorism efforts. Included in this supplemental is a $64 million deficiency appropriation for the Corporation for National and Community Service in order to make the corporation's AmeriCorps trust fund solvent.

The $64 million shortfall was incurred because of poor tracking procedures at the corporation and a recent decision by the Office of Management and Budget to change the way the corporation has been determining the amounts of funds available in the National Service Trust.

The funding was put into the defense supplemental at the 11th hour without the knowledge of the Speaker, the majority leader, the majority whip or the authorizing committee. I chair the subcommittee which has responsibility for oversight for the corporation. It said that this $64 million, if not appropriated in this supplemental, kids in the AmeriCorps program will suffer. We had an oversight hearing this week. That is not what the chairman of the Corporation for National Community Service told us this week. He said they have plenty of time to work through this with the authorizing committee to explain exactly what the accounting problems are, what the accounting issues have been, and most importantly, what they will put in place to make sure that this does not happen again. It is time for us to continue holding the corporation accountable for its performance.

I am pleased that they have now had a couple of years of clean audits. That is significant progress after the mismanagement of the corporation through much of the 1990s. But this latest example of where what the corporation is trying to do in managing its dollars and managing the resources and the commitments that it makes to young people across the Nation reinforces the need that the corporation needs oversight and that it has to get its books in order.

We have the time to make sure that we fully understand what is happening here and how the corporation intends to fix it. We do not at this point in time have to allocate $64 million to the trust fund on this supplemental bill.

The President wanted a clean bill. He said, let us focus on national security. Let us focus on the war. And let us focus on homeland security. That is what the President came to Congress with. That is what he said. This is not the bill. It gives $64 million. They may need it, but they have testified that they can get this money sometime in the future and make sure that they do not deprive any of our young people of the grant and the scholarships that they have earned through the AmeriCorps program.

We are working through a reauthorizations process. We want to get this program reauthorized. We want to reform it. This is one of the elements that should be part of a reform package and should not be dealt with in this supplemental package. Let us make sure that we do it right. Let us make sure that the corporation does it right before we give them $64 million through this supplemental. In the past they have shown that they have not been able to manage the corporation well. They have made improvements, but before we at the 11th hour sneak something into a supplemental bill, before we give them $64 million dollars, let us make sure that they get it right. Let us make sure that they are managing this agency in the way that we expect our dollars to be allocated.

I ask my colleagues to support this amendment and vote for this money when we determine that this is absolutely essential.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I chair the subcommittee on appropriations with responsibility for the Corporation for National Service and AmeriCorps, and for that reason this appropriations issue is within our subcommittee's jurisdiction.

The gentleman who just spoke is the authorizing subcommittee chair, and so he has the authorizing jurisdiction. This is clearly an appropriations issue, not an authorization issue. And I just wanted to try to explain exactly what has happened.

The gentleman said that this is being done in the dark of the night, that the Speaker did not know, the majority did not know, the whip did not know. Well, that is just not the case.

I have a letter here on White House stationery, signed by the President of the United States. The letter was dated March 4 and it is to the Speaker. So the Speaker has had this about a month now. And the letter says:

> "Dear Mr. Speaker, I ask the Congress to consider the enclosed request for the Corporation for National and Community Service. The request is needed to liquidate legitimate prior year obligations for eligible participants in the AmeriCorps program, to complete the implementation of a comprehensive corrective action plan developed by CNCS to strengthen financial management, and to provide flexibility to support more than 50,000 AmeriCorps members in fiscal year 2003. This request will not increase fiscal year 2004 requests. The details of this request are set forth in the enclosed letter from the director of OMB." Which I also have.

Now, I understand the gentleman's frustration with this department. I have it also. I share responsibility with him, but that is no reason to deny the President's request. The President specifically asked that we move on this, and that is what I have done. These funds are set aside, are funds that are provided in a trust fund to these young people who volunteer to give their time to their community, to their country, and then they benefit from it at the end by receiving these funds. It is a stipend for their education. It is a wonderful program, full of idealism and altruism.

And imagine if you completed your service and realized that the commitment that was made to you to provide these stipends was not there. All that altruism, all that idealism, I think would turn pretty sour pretty fast.

So, Mr. Chairman, I will close by saying I respect the gentleman. I respect his thoughts on this. We work together very closely on this, but this is a direct request by the President of the United States and we are responding to that. So I would urge a no vote on the gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) be limited to 20 minutes to be equally divided and controlled by the proponent and myself as the opponent.

Mr. OBEY. Reserving the right to object, Mr. Chairman, I know that there are a number of people on this side of the aisle who want to participate in debate on this amendment. So I would ask whether the time arrangements could be adjusted so we would be guaranteed some time on this side of the aisle.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is opposed, correct?

Mr. OBEY. Yes, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that half of my time be delegated to the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) will be recognized for 10 minutes, the gentleman from Florida (Mr. YOUNG) will be recognized for 5 minutes, and the gentleman from Wisconsin (Mr. OBEY) will be recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

I thank the gentleman from Michigan for bringing forward this amendment. For myself I am not sure this is a proper way to spend AmeriCorps funding, but certainly it is not the proper place as part of this bill. As the gentleman from Michigan (Mr. HOEKSTRA) correctly pointed out, for moving forward we need to have a vehicle where you can actually reform, where you can actually make changes, where you can actually do good things moving ahead. You cannot do that as part of the supplemental. Just like it was with the airline money. You cannot reform. You cannot do what you need to do as part of an emergency war supplemental.

What kind of message are we sending to our constituents and taxpayers across the country when we say that AmeriCorps funding, $64 million, needs to be part of a war supplemental? That just breeds the cynicism that it ought to. We should not be doing this. The amendment is justified. I would urge support of it and I thank the gentleman for bringing it forward.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if you follow the logic of the last speaker, what you are saying is that we should provide in this bill $3.25 billion to the airline industry, which we do not owe, but that we should not provide the funds in the bill to reimburse the volunteers for services, for which we do owe. I find that that makes no sense whatsoever.

The gentleman from New York (Mr. WALSH) is absolutely right. This is an obligation which government has. We should not blame the recipients, we should not blame the participants in this program for the screw-ups of the agency on their bookkeeping balances.

The fact is that this is totally defensible at a time when we are trying to encourage volunteerism, at a time when we are trying to encourage a sense of self-sacrifice. It would be a strange message indeed to say that we are not going to meet our obligations to the volunteers under this program.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the chairman for yielding me time. I rise in opposition to the amendment.

I have heard my good friend, the gentleman from Michigan (Mr. HOEKSTRA), object to the inclusion of $64 million for the Corporation for National Service in a wartime supplemental appropriations bill.

I take the opposite view. I think including this funding in this bill is entirely appropriate precisely because we are at war against terrorism, and national service is a vital part of winning that war. National service is the right prescription during these times because the best antidotes to terror and hate in society are acts of kindness and service. For instance, just last week, the U.S.A. Freedom Corps launched a new resource for people seeking to support our troops, their families, and their communities called "On The Home Front."

The point of the program is that while hundreds of thousands of men and women from all over America are serving in the Armed Forces and away from home, those on the home front can make a difference too. Partnering with the Department of Defense, the U.S.A. Freedoms Corps is offering resources to Americans who want to express their support for members of the military and helping their families in a meaningful way.

□ 1945

As a fiscal conservative, I believe national service is one of the most productive and cost-effective investments our government can make. Through service, Americans of all ages gain a sense of commitment to their community and their country which will provide value for the rest of their lives.

National service benefits both the recipient and the giver. Volunteers not only address an immediate need; they lead and teach through example, and through that example, they learn the value of serving and helping others. We need to harness the energy and commitment of those anxious to contribute to their country. We should not only defeat this amendment, but we should finally pass the Citizen Service Act.

Let me just say, as a former Peace Corps volunteer, we were paid a minimum wage so we could live, and we were given a small stipend. I have failed to understand, as long as I have been a part of this party, why we would object to people earning a degree, an opportunity to go to school, instead of just being given a grant. I do not understand why we would not be eager and thrilled to have more people participate in national service.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute just to respond to my colleague from Connecticut.

As he well knows, this $64 million appropriation has nothing to do with enlisting people for this year to be a part of national service. That is a distortion of where this $64 million is going.

This $64 million is going for mismanagement of the trust fund and accounting changes that have not been fully examined by the authorizing committees to determine whether the problems have been fixed. My colleague knows very well that I support the reauthorization of the corporation, and we are working together on the reforms that need to be put in place so that we can be proud of the organization and the promise that they make to our young people.

This is to fix abuses within the program that have occurred, and this is not saying no to community service. This is saying a big yes to community service, but let us make sure that we do it right.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the Hoekstra amendment striking the provision that provides the Federal AmeriCorps program with $64 million in funding. I have been a strong advocate for keeping this legislation clean, preventing the addition of costly, extraneous or unrelated spending.

The supplemental funding bill was meant to support our troops. It was meant to ensure that the men and women in uniform, like those from Fort Campbell in my home district, have every bit of support they need.

Funding for AmeriCorps simply does not belong in the legislation by any stretch of the imagination. Furthermore, there is a long history of financial mismanagement at the Corporation for National and Community Services, which includes the AmeriCorps program. The corporation has not been able to account for expenditures in recent years. It has had repeated difficulties with audits and a troubling tradition of not matching its funding commitments against the moneys appropriated by Congress. The AmeriCorps program has attempted to clean up its act, but the problem still persists.

AmeriCorps does not merit additional funding of $64 million at a time when we are asking agencies to make across-the-board spending reductions. This supplemental package should not be a funding rescue for AmeriCorps.

The supplemental was intended to provide for our men and women in uniform, to give them the equipment and supplies they need to bring freedom and democracy to Iraq. Let us keep this legislation focused on the troops.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise to oppose my friend, the gentleman from Michigan's (Mr. HOEKSTRA), amendment today because it cuts national service and breaks promises to thousands of American men and women who voluntarily choose to serve their country and communities.

I agree that we must hold the national service corporation accountable for any improper accounting or tracking procedures that they have engaged in. However, we should not punish thousands of innocent Americans who seek to serve their country and communities. They are responding to the President's call asking for volunteers to serve their country.

The Hoekstra amendment would slash funds to national service just as a record number of Americans are engaging in community and public service opportunities. The Hoekstra amendment would eliminate funds for AmeriCorps education awards. Upon completion of their service term, AmeriCorps members earn an education award.

The Hoekstra amendment breaks a promise made to thousands of AmeriCorps members who proudly chose to serve their country. I urge my colleagues to oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield my remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong opposition to the Hoekstra amendment. I want to associate myself with the remarks of my colleagues, the gentleman from New York (Mr. WALSH) and the gentleman from Connecticut (Mr. SHAYS).

This amendment does, in fact, do great damage to those who have already earned their educational stipend. As my colleagues have pointed out, these individuals that have joined the Freedom Corps have joined AmeriCorps for the purposes of rendering service to our country and a bargain that we struck at the end of that service, a stipend that would be available.

Yes, it is true that apparently there has been some mismanagement in this program, but this administration has made this request for two reasons: one, they say to clean up and deal with the problems that have been discovered by the gentleman from Michigan (Mr. HOEKSTRA) and others; and the other is to pay the commitments that they already have.

These people have rendered their service. The stipend is due, and we ought not to break that faith because what we want to do is we have seen after 9–11 more and more people have offered to participate in the Freedom Corps, more and more people have offered to participate in service to the country; and for many of these individuals, that educational stipend is terribly important. It is now put on the footing that maybe a person got the stipend, maybe they do not. We are going to damage the reputation of this corps.

As my colleagues have pointed out, any of my colleagues who have visited these programs, these are rather remarkable young people from very different walks of life, from a cross section of our community; but for whatever reasons, they decide they are going to make this commitment of service and they do it to the elderly. They do it in education. They do it in public safety. They do it in health care. They do it in so many areas where our communities are in need.

Then when we meet them later in life, like so many of our Peace Corps volunteers, they have a little bit different cut to their jib, little bit different style because they have rendered that service and the pride that they carry with them of the time they spent with their colleagues in national service.

We ought to be encouraging this, and it would be a terrible, a terrible comment if we accept this amendment to simply take this money out and an amount of money at the time the administration is telling the Congress that we are trying to deal with those problems, but we are also trying to honor our pledges to these young people who have joined national service.

We have had debates in this Congress time and again about expanding national service, about having mandatory national service, having an alternative to the draft or to military service; and people on both sides of the aisle have recognized the value that is rendered by the people who engage in this service.

Yes, it is expensive; but we have constantly thought about how do we expand this so people invest in America. So they invest in their communities.

So they invest in service to this country. This is not a message that we want to send. This is not a message we want to send after 9-11 when people are screaming to volunteer. This is not a time we want to send this message when people are offering, as was pointed out by the gentleman from Connecticut (Mr. SHAYS) and others, to help and assist some of these families.

Maybe it is working fine in Fort Campbell, but a lot of other facilities are in communities that do not have that kind of impact on the community; and these services are very helpful, certainly for those communities where the National Guard have been called up or the Reserves have been called up and families are away, their soldiers are away, and in those communities, they do not necessarily live in a military community, but they are rendering a service. Many of these people are trying to help them through these times. It is a very bad amendment.

Mr. HOEKSTRA. Mr. Chairman, can I inquire how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 6½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 2½ minutes remaining.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise in support of the Hoekstra amendment. This Supplemental Appropriations Act is for one main purpose, and that is, to support the troops in this ongoing war and also in support of homeland security.

This shortfall in AmeriCorps funding, which has occurred over a number of years, $64 million, this is something that should be taken care of in the appropriate manner, within the authorizing committee, the Committee on Education and the Workforce.

There are some serious questions about the management of the AmeriCorps trust fund, and this clearly needs to be looked at carefully in the regular administrative process, through the Committee on Education and the Workforce; and I strongly urge my colleagues to vote in support of the Hoekstra amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, whenever there are problems such as this $64 million shortfall, we need to have clear answers and a remedy for such a problem. I am definitely in support of the Hoekstra amendment because I do not believe that it is appropriate at this time for us to do this $64 million bailout when we do not have even an explanation as to why it exists.

When we look at current law, it explicitly states: "The corporation may not approve positions as approved national service positions for a fiscal year in excess of the number of such positions for which the corporation has sufficient available funds in the national service trust for that fiscal year."

We are looking at a critical problem here, and it should not be addressed in this way, in this particular legislation. This funding to eliminate the shortfall should only be addressed after Congress can be assured that the tracking failures will not be an ongoing problem.

Again, I support the Hoekstra amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of the time.

The myth has been repeated often that what we are doing tonight is taking money from young people who have served. That is not accurate.

In February, we put $100 million back into the trust, and the way that this works is that these young people work. They then have the opportunity within the next 7 years to claim their educational award. There is plenty of money in the trust fund to take care of any awards that are going to be coming due in the coming months.

The money is there. What is not there is the policies and the procedures within the corporation that will ensure that this does not happen again. It is called an antideficiency provision, where it is very possible that in the last year the corporation had made commitments for which there was not money that had been appropriated by this Congress.

That is a serious issue; and before we give the corporation $64 million, we ought to make sure that they have the proper procedures in place so that this does not happen, so that sometime in the future when young people do come to claim their education awards, that the money will not be there.

We do know right now that the money will be here. We had Les Lenkowsky come in and testify this week in front of the authorizing subcommittee, and he indicated this is not an immediate problem. This is something that we can work through. This is something that we can get done right; and rather than making sure that we get it done right, put it in the authorizing language, put it in the reauthorization, because I am expecting that there is going to be a significant bipartisan majority that is going to vote to reauthorize the corporation to make sure that we take this program, we reform it, we move it forward and we expand it.

□ 2000

There is no debate about whether this is a good program or not. This is an issue about management that says when we give an organization $64 million, we are going to make sure that they spend it in an appropriate way and that this Congress has done the appropriate oversight to make sure that the problems that we have uncovered in the past do not repeat themselves in the future. That is what this is about. Are we going to make sure that it is done correctly or are we going to give them more money before they are held fully accountable for their performance in the past?

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. WALSH).

The CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. WALSH. Mr. Chairman, I would remind my friend that the President of the United States requested these funds be made available as soon as possible. Here is the letter, it is a month old, to the Speaker of the House of Representatives.

The bill was circulated a week ago to all committees of jurisdiction. There was no intent to do this in the dark of night. This was an honest response to an honest request from an honest President.

To paraphrase Mitch Daniels' letter, the Director of OMB, the $64 million requested is to liquidate legitimate prior-year obligations for eligible participants in the AmeriCorps program and to address this longstanding problem.

Mr. Chairman, after 9/11, the President appealed to our better instincts. He called on volunteerism across the country. This is the vehicle. It is the best vehicle. And now he has asked us to provide these funds to keep a promise. A promise is a promise. Support a wartime President who has the vision to see beyond the war. Vote "no" on the Hoekstra amendment.

Mr. BOEHNER. Mr. Chairman, I rise in support of the Hoekstra amendment to strike a non-emergency provision in this bill that provides $64 million in new funding for the Corporation for National Community Service.

Last month, the Administration requested $64 million in new funds for the Corporation to "liquidate obligations incurred in previous years" in the National Service Trust.

The Administration requested these new funds to make up for a shortfall that was incurred because of poor tracking procedures at the Corporation with regard to AmeriCorps participants and a recent decision by the Office of Management and Budget to change the way the Corporation has been determining the amount of funds available in the National Service Trust.

The purpose of the Administration's request is to "complete the implementation of a comprehensive corrective action plan developed by CNCS to strengthen financial management of the Trust, change reporting procedures, and restore [National Service Trust] fund balances."

While I will continue to work with President Bush and Mr. HOEKSTRA to reach agreement on a bill to reauthorize our national service laws—this is not the right time or place to address Corporation financial difficulties.

Mr. HOEKSTRA is currently working on this very issue in his Subcommittee. In fact, he held a hearing this week on "Performance, Accountability, and Reforms at the Corporation for National and Community Service." There was significant discussion on this $64 million shortfall.

I am concerned about adding money to the National Service Trust at this time because, we can't exactly figure out why there is a $64 million shortfall in the Trust, especially considering the language in section 129(f) of current law. Section 129(f) explicitly states that "the Corporation may not approve positions as approved national service positions . . . for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year . . ."

In addition, the Committee on Education and the Workforce has been examining this issue and this provision was added to the supplemental without prior consultation with our Committee.

Accordingly, I believe that funding to eliminate the shortfall should be addressed after Mr. HOEKSTRA and other Members on our Committee have had time to make sure that these financial problems do not continue at the Corporation. This is a specific issue that will be examined during reauthorization and I ask my Colleagues to let the Committee do its work and to support the Hoekstra amendment.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was rejected.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Under the previous order of the House, only the chairman of the committee and the ranking minority member may move to strike the last word for the purpose of debate, or their designees.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to proceed out of order.

Mr. YOUNG of Florida. Mr. Chairman, I could not hear the unanimous consent request.

Mr. STUPAK. To proceed out of order. According to the ruling of the Chair, only yourself and the gentleman from Wisconsin (Mr. OBEY) can move to strike the last word.

Mr. YOUNG of Florida. Maybe the gentleman from Wisconsin (Mr. OBEY) would move to strike the last word.

Mr. OBEY. Mr. Chairman, I am told that I am asking permission to strike the last word.

The CHAIRMAN. The gentleman is correct, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for getting us over that procedural hurdle, and I will not take the entire 5 minutes.

Mr. Chairman, I was going to offer an amendment tonight on health care, but I decided not to because I am sure it will be ruled out of order under the process we are provided with here tonight. But I wanted to make this point here on the floor tonight.

There is a provision in the supplemental that just sort of baffles me. What the Republicans are proposing is that we provide universal health care coverage for the Iraqi people. This Republican supplemental proposes, and I quote, "to facilitate rapid universal health care service delivery to the Iraqi population."

I must ask why are they willing to do this when they have staunchly opposed universal coverage for the American people for years now? I understand that special provisions need to be included to care for the Iraqi citizens injured in war. But if we are going to provide universal health care to the Iraqi population, we should do the same for our people here at home.

Mr. Chairman, I submit the rest of my statement, along with my proposed amendment, for the RECORD.

Mr. Chairman, the 41.2 million Americans who lack coverage should not have to suffer from lack of quality health care any longer. And our heroic soldiers, who will soon become veterans, should not be denied future health care.

The GOP Budget Resolution, that we passed 2 weeks ago, will deny and increase the cost of VA care. In my home state of Michigan, 25,000 veterans will be adversely affected and 5,000 of these veterans reside in my district.

Instead of honoring their commitment to our soldiers, the Republicans are proposing universal health coverage for Iraq?

Maybe now they will finally stop blocking Democratic attempts to cover the 41.2 million Americans who go without health insurance, and maybe now they will join in our other efforts on the health care front, such as providing American seniors access to a true prescription drug benefit through Medicare.

AMENDMENT TO H.R. 1559, AS REPORTED
OFFERED BY MR. STUPAK OF MICHIGAN

Page 59, after line 25, insert the following: SEC. 3002. None of the funds made available under chapter 4 of title I of this Act may be used for the provision of universal health care to the Iraqi people beyond those amounts needed to cover related physical injury to the Iraqi people resulting from the war in Iraq and other diseases or injuries caused by public health conditions resulting from the war in Iraq.

Mr. OBEY. Reclaiming my time, Mr. Chairman, let me simply say that I appreciate the gentleman's comments and would simply say this. I share the wonder that we can be in the process of planning to provide universal health care in Iraq and provide a lot of education reconstruction as well.

I guess my view of it is this. If we are going to be bombing the devil out of a country, I suspect that we have a considerable moral obligation to the population afterwards to help repair the damage and to help repair the human misery. So I do not begrudge what we will be trying to do for the people of Iraq after this miserable war.

What I do hope, however, is that we will be able to reduce and perhaps eliminate future tax cuts that are contemplated right now here at home so that we can in fact provide universal health care for the people at home; so that we can in fact provide some school construction in our own districts; and so that we can in fact modernize hospitals in our own country. I think that is the proper way to do it, and I appreciate the gentleman's comments.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Kentucky, chairman of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding to me, and I will ask that the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, be yielded to.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Florida.

Mr. MICA. I thank both the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS), and I am pleased to engage in a colloquy with the chairman of the Subcommittee on Homeland Security, the gentleman from New York (Mr. ISRAEL), and the gentleman from Florida (Mr. YOUNG).

First of all, I want to thank both the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS) and the Committee on Appropriations for bringing this supplemental appropriations measure to the floor. As my colleagues know, I was going to offer an amendment that would have provided $30 million for research, development, and the initial deployment of technology to protect our commercial aircraft from the threat posed by shoulder-fired missiles.

A terrorist attempting to attack a commercial aircraft is most likely to use a small portable surface-to-air missile. Unfortunately; there are thousands of these weapons worldwide that are available and obtainable on the black market. At least some 27 nonstate groups have these weapons. But there is military technology to defend against this particular potential threat, and the gentleman from New York (Mr. ISRAEL) can elaborate on this issue.

Mr. ISRAEL. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I thank my colleagues for recognizing the threat and their leadership in addressing this issue.

Mr. Chairman, time is of the essence. Thirty terrorist organizations, including Osama bin Laden's al Qaeda network, are already believed to own such missiles, and some say it is only a matter of time before they are filtered into the United States. They have the weapons and we have the technology to protect against those weapons.

The threat is real, but so is the defense. It is operational on U.S. and British military transports. Technology that the U.S. military uses to protect transports from missile attacks could be quickly and easily adapted for our own commercial air fleet. All Americans deserve that defense.

I had intended to offer an amendment on this issue, but in view of the work of the gentleman from Florida (Mr. MICA) and the gentleman from Kentucky (Mr. ROGERS) on this, I will withdraw it.

Mr. Chairman, let me once again thank these gentlemen for their leadership on this issue, and I look forward to working with them in the future.

Mr. MICA. Mr. Chairman, if the gentleman will continue to yield, I believe it is absolutely critical that Congress understand the threat of shoulder-fired missiles and respond now accordingly. Therefore, the focus of my amendment was to reduce the cost and use existing military technology and adapt that technology to the commercial aviation environment.

I have, however, decided not to offer the amendment tonight because I understand this issue will be addressed in conference, and it is also my understanding that the gentleman from Kentucky has agreed to support language in the conference report that would require the Transportation Security Administration to report to Congress within 30 days and that report will specify the financial and technical requirements of reducing the costs and also adapting existing military missile defense technology for deployment on our commercial aircraft.

I just want to thank again the gentleman from Kentucky and would ask the gentleman from Kentucky whether this is his understanding as well.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman from Florida will continue to yield, I would respond that the gentleman is correct.

Mr. MICA. I thank the chairman both of the full committee and of the subcommittee.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the appropriate place in the bill insert the following new sections:

SEC. . FULL FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

There is appropriated an additional $9,500,000,000 for programs under section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411).

SEC. . FULL FUNDING FOR THE NO CHILD LEFT BEHIND ACT OF 2001.

There is appropriated an additional $5,165,000,000 for programs authorized by the No Child Left Behind Act of 2001 (Public Law 107–110).

Mr. ALLEN. Mr. Chairman, the supplemental bill provides emergency funds for the war in Iraq, but right here at home, our States and our school systems are facing an emergency as well. I understand that the amendment that I have offered can be ruled out of order and I will withdraw it, but I am here because I cannot find another way to make the point that I am trying to make.

Our school systems in Maine are struggling and our school administrators and school board members do not know what to do because the Federal Government is not fully funding the special education law that was passed in 1976 and we are not fully funding the No Child Left Behind Act, so all of these school systems, all of these people are basically faced with laying off teachers or raising property taxes. What is going to happen is some combination of the both of them.

So tonight we stand here trying to figure out how to pay for a war in Iraq that we have to pay for, we have to support our troops, but we have these emergencies here at home that we are completely neglecting. I wish there was some way for me to bring this issue up on the floor at one time and say on the one hand the Republicans in this Congress are proposing hundreds of billions of dollars in tax cuts for the richest people in the country and on the other hand not adequately funding our schools. That is the priority.

I know that I cannot bring an amendment before this body and say reduce the tax cut by $9.5 billion this year and actually fully fund special education. We could do that. It is a piece of cake, if you do both at once. It would take $5 billion. Reduce the tax cut and you could fully fund the obligations that we are imposing on States through the No Child Left Behind. Again, it is simple math. It could be done. But the truth is we are barred from doing that. We cannot make that happen.

I came here tonight to say that is what we ought to be doing. That is what we ought to be doing with legislation like this in some form so we could deal with our expenditures and our revenues at the same time, the way people deal with their personal budgets and the way businesses deal with their budgets: look at the revenues, look at the expenditures and make them come out roughly balanced. We can do that. We can support education. But not without reducing the President's tax cut.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. WATERS:

At the end of the bill (before the short title), insert the following:

REQUIREMENT THAT UNITED STATES URGE THE INTER-AMERICAN DEVELOPMENT BANK TO RESUME LENDING TO HAITI

SEC. . The Secretary of the Treasury shall direct the United States Executive Director at the Inter-American Development Bank to use the voice, vote, and influence of the United States to urge the Inter-American Development Bank to immediately resume lending to Haiti, and disburse all loans to Haiti that have been approved by the Inter-American Development Bank.

Ms. WATERS. Mr. Chairman, this amendment would provide development assistance loans to Haiti. The amendment would require the United States to use its voice, vote, and influence to urge the Inter-American Development Bank to immediately resume lending to Haiti and disburse all previously approved loans.

There is no money being requested in this amendment. It is simply language. The Inter-American Development Bank is denying Haiti any access to loans for development assistance. Haiti has already had $145.9 million in development loans approved by the IDB. These loans include $50 million for rural road development, $22.5 million for reorganization of the health sector, $54 million for potable water and sanitation, and $19.4 million for basic education programs.

Haiti could also qualify for an additional $317 million in new loans for development projects as well as a $50 million investment sector loan. However, the IDB is refusing to consider Haiti for any additional loans and has not even disbursed the loans that have been approved. The IDB effectively is denying Haiti access to critical development assistance.

This bill contains $1.7 billion to rebuild Iraq's infrastructure. The bill provides funds for health care services for 13 million Iraqis and finances repair or construction of 25,000 schools, 20,000 houses, and 3,000 miles of roads in Iraq. This bill also contains $105 million for Colombia, $300 million for reconstruction in Afghanistan, and $1 billion each for Israel, Jordan and Turkey.

Furthermore, the bill contains $85 million for the Eastern European countries of Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, and Bulgaria.

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The bill even includes funds for the Centers for Disease Control and assistance to America's airline industry. The Haiti amendment will not increase the cost of this bill to the American taxpayers; it will simply instruct the IDB to resume normal lending to Haiti and disburse the loans that have already been approved.

Haiti is one of the most impoverished nations in the western hemisphere. It is more impoverished than Israel, Jordan, Turkey, and most of Eastern Europe. The Haiti amendment would allow Haiti to build roads and infrastructure and provide basic education and health care services to the Haitian people. Haiti deserves to be included in this bill.

It may be ruled out of order, and the Members on the other side of the aisle are not even listening. Haiti is not important. It is just another little black country in this western hemisphere. The members of the Congressional Black Caucus have done everything. We have pleaded. We are watching people starve and die right next door to us.

This Congress does not give a darn about Haiti. It would be very simple to waive the rules and include the language in this bill. It does not cost a dime. That would say to IDB just move the money that has already been approved. It may not be done, but it is wrong and it is immoral for us to sit and watch the children dying, the infrastructure in total disrepair, and to do nothing even though the loans have already been approved to Haiti for the past 5 or 6 years. It can be ruled out of order, but I will not go away on this issue; and this Congress ought to be ashamed of itself.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rules state in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman.

Mr. Chairman, the point of order deals with the question of a waiver on this particular amendment, and I would just say that in the context of the emergency supplemental, we waived the issue of legislating on the appropriations because we said it was a crisis. And in waiving that, we allowed $700 million for Jordan, $300 million for Egypt, and $1 billion for Turkey, which I just voted on, and the reason is I believe we are in a crisis.

The point we would make in waiving it for Haiti is that Haiti represents a loophole in defense, if you will. They represent a potential loophole for terrorism, and not that they are housing terrorists, but if you have a country that is near collapse and there is no appropriating of monies here, clearly I believe this should be considered a crisis and be subjected to a waiver because as we help Turkey and Egypt, so should we help Haiti because it provides for the security of this Nation.

The CHAIRMAN. The Chair will entertain further arguments from the gentlewoman from California (Ms. WATERS) on the point of order.

Ms. WATERS. Mr. Chairman, on the point of order, I think the point was well made earlier today when our ranking member talked about the way we have been treated; and while the chairman and the majority party have waived points of order, have waived the rules so that they could have their amendments so they could do whatever it is they want to do on this bill, they basically closed us out.

Then of course the point that was made by the gentlewoman from Texas (Ms. JACKSON-LEE) that they have waived the rules when they have wanted to, are points that are well made. On the point of order, while it could be considered legislating on an appropriation, it is not that it has not been done, it is not that it will cost any money, it is not that it will cost anything except the will of this body to say to the IDB, go ahead and disburse the money that has already been appropriated. It is not too much to ask of the other side of the aisle. On the point of order, I believe if the chairman was of the mind to do so, he could do so.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

As the Chair noted earlier today, the fact that points of order under clause 2 of rule XXI were waived against provisions in the bill does not under the precedents permit amendments adding further legislation.

The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. WATERS:

At the end of title , insert the following new item:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for assistance to States and units of general local government for carrying out a variety of development and renewal projects, $5,000,000,000, to remain available until expended: *Provided*, That such funds may be used only for urban and rural development and renewal projects that are designed to provide resources to urban and rural communities, to create jobs and economic opportunities, and to facilitate community growth, including projects for housing rehabilitation and construction, construction and development of health clinics, water projects, and transportation systems, acquisition and demolition of dilapidated buildings, and urban reconstruction and environmental cleanup: *Provided further*, That in administering such funds, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds: *Provided further*, That the Secretary may request the head of any appropriate agency to administer the use of the funds for any project, in lieu of or in conjunction with the Secretary, if the Secretary determines that such agency has more appropriate experience and expertise with respect to such project: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by any State or unit general local government or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rules state in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

The CHAIRMAN. Does the gentlewoman from California (Ms. WATERS) wish to be heard on the point of order?

Ms. WATERS. I certainly do, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I would insist on the comments being directed to the point of order rather than to the issue.

Ms. WATERS. Mr. Chairman, the gentleman from Florida can insist on whatever he wants to insist on; I choose to speak on the point of order.

The CHAIRMAN. The Chair will hear the gentlewoman from California (Ms. WATERS) on the point of order.

Ms. WATERS. Mr. Chairman, the chairman is exercising his right to make this point of order. He has not been doing it this way all evening. I would dare say that he has indeed waived the rules when he found it convenient to do so. This would not be a precedent this evening.

This particular amendment that I am addressing would simply point out all of the funding that is being done in this supplemental appropriation, and it would raise the question of why if we are building schools and providing universal health care, if we are doing it in Afghanistan and Iraq, doing it in other countries that are not even associated with the war, why not do it right here at home in America?

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 8 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WATERS:

At the end of the bill (before the short title), insert the following:

SEC. . (a) LIMITING CONFLICTS OF INTEREST.—If an officer described in subsection (b) was, at any time during the covered period, a member of the board of directors of a company or a senior management official of a company, such officer may not—

(1) be present at, or participate in any way in, any negotiation of a contract for the procurement of goods or services by the Federal Government with such company or any exercise of authority in connection with an existing contract with such company (other than to delegate authority to another officer); and

(2) otherwise directly or indirectly communicate with such company, or any officer or employee of such company, during the period any such negotiation is in progress or the exercise of authority is being considered.

(b) DESIGNATED OFFICERS.—The following officers are described in this subsection for purposes of subsection (a): the President, the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Commerce, the Assistant to the President for National Security Affairs, the Senior Advisor to the President, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Deputy Secretary of Defense, and the Administrator of the United States Agency for International Development.

(c) COVERED PERIOD.—For purposes of subsection (a), the term "covered period" means the 4-year period preceding the beginning of a negotiation of a contract or the exercise of authority in connection with an existing contract.

Ms. WATERS. Mr. Chairman, this amendment is an entitled amendment that would eliminate conflicts of interest, and would ensure that senior level executives in the administration could not use the conflict with Iraq to obtain financial benefits for companies with which they have been affiliated. Specifically, the amendment prohibits senior level officials in the administration from being present at or participating in any negotiations of contracts with companies in which they were senior managers or members of the board of directors within the last 4 years.

There has been a considerable amount of suspicion about the motives of this administration in pursuing a war with Iraq. Many Americans have expressed concerns that our country initiated military action in order to secure control of Iraqi oil fields and other Iraqi resources. While these suspicions are based on rumors and allegations, we in Congress should not do anything that would contribute to doubts about the sincerity of our country's motives.

Prior to the 2000 election, Vice President DICK CHENEY spent 5 years as the chief executive of the Houston-based energy services company Halliburton. On March 24, 2003 Kellogg, Brown & Root, a Halliburton subsidiary, announced that it was awarded a contract by the U.S. Army Corps of Engineers to put out fires and make emergency repairs in Iraq's oil infrastructure. Prior to the onset of hostilities, Halliburton was one of the several company the administration invited to bid on up to $900 million in contracts to rebuild roads and bridges and other facilities in Iraq.

Although Halliburton declined to bid for a primary contract for reconstruction work in Iraq, the company's officials have indicated their interest and they are going to do it another way. They want to do it through subcontracting. Halliburton contracts and subcontracts in Iraq would create the appearance that the Vice President may be using his position to increase his former company's profit in time of war.

My amendment would protect the individuals who are advising the President on matters of war and peace from conflicts of interest. It would also help to eliminate the appearance of conflicts of interest at a time when the administration's decisions are affecting millions of lives around the world.

Mr. Chairman, I am sure this will be ruled out of order, and it may be embarrassing to some folks. It is a mild amendment. It does not prevent any company from getting a contract. It would simply take the person out of the room who is an adviser to the President who may be in the President's cabinet, who may be in a strategic position to help influence contracting. They would have to recuse themselves from those particular meetings.

Now, if we had the will and if we were interested about our image, and if we were interested in allaying the allegations and the fears that something is going on in the back room, we would indeed adopt this amendment.

I want to tell Members that there are too many people who believe that there are committees and advisory committees that are serving people in very key places and that on these committees we have folks who are looking for contracts who represent the defense industry. We have cronies and associates who are well placed.

This amendment would go a long way in improving our image and sending a message to the American people that we are not divvying up the spoils of this war in Iraq, and it would certainly say to our young men and women who are fighting for what they believe is protecting the freedoms of American people, it would say to them that they are not fighting so that someone could end up with some contracts.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rules state in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

The CHAIRMAN. Does the gentlewoman from California (Ms. WATERS) wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, on the point of order again, I make the point that the chairman has on other occasions this evening waived the rules, and certainly this would not be a precedent. He could do it if he had the will to do it. Again, I think just as on my other two amendments, he has failed to give an opportunity to have some very serious issues heard. He is doing it, again, not because there should not be room for this kind of amendment, but simply because in this case he wants to protect the administration and allow them to continue to divvy up the spoils and give contracts to cronies.

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The CHAIRMAN. The Chair is prepared to rule. The Chair finds this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. RODRIGUEZ

Mr. RODRIGUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RODRIGUEZ:

At the end of the bill, before the short title, insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available in chapter 4 of title I for "Iraq Relief and Reconstruction Fund" by, and appropriating under the heading "DEPARTMENT OF VETERANS AFFAIRS" an additional amount for "Veterans Health Administration—Medical Care" of, $90,000,000, of which, in the case of the amount appropriated for "Veterans Health Administration—Medical Care", $70,000,000 is for additional health care, as authorized by Chapter 17 of Title 38 and Sec. 8111A of Title 38, and $20,000,000 is for implementation of section 7325 of title 38, United States Code (relating to the establishment of medical emergency preparedness centers in the Department of Veterans Affairs).

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that since the 9–11 attacks the VA has been forced to address issues and has never received any funding to undertake that. My amendment would allow the VA to be able to get additional resources that they need in order to take care of some of that cost and be able to respond to the time of war, also in part to the National Disaster Medical System.

The VA is responsible for several roles within the Federal response plan. The VA is currently diverting its scarce funds from the VA patient care mission to fulfill this mission.

I know that the other side would indicate that $122 million has been allocated, but it is coming from existing patient service. In fact, the VA has recently come out with a report, and on that report it basically indicates, and I have the figures here, that there is a real need for right now, just in terms of getting ready to prepare and what it costs, $248 million dollars, and that report was put together by the Secretary of Veterans Affairs Principi. So I would ask that as we look at providing the supplemental that we not only look at our veterans but the fact that the VA is also responsible to taking care of the healthcare of our military personnel.

There are also already some real costs involved with the war, and that cost has been estimated at a very conservative figure of $70 million since 9–11. So part of the $90 million is $70 million that I am asking that we take and be able to provide to the VA that has a system of hospitals and clinics throughout this country in order to prepare.

The other thing that I want to add is that in responding to the war, they have lost a number of nurses, a number of personnel, and they have had to be able to reach out and contract out for additional staff. So that cost has not been there. It is basically using existing resources to get prepared for the war. So this $90 million will go a long way in helping.

The other $20 million that is part of that $90 million allows an opportunity to identify four centers throughout the country; and those four centers will be ready to respond in case of a major disaster.

I also want to indicate that the VA has many areas of expertise in such diverse topics as biomedical research, as post-traumatic stress disorders, as war-related illnesses, environmental hazards and others.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, I commend the gentleman for his amendment.

The VA has many programs they have put in place to address returning servicemembers' health care needs, to train their personnel, and to ensure that the VA providers and patients have access to adequate supplies of necessary drugs and state-of-the-art protective gear for decontaminated equipment.

The amendment of the gentleman from Texas (Mr. RODRIGUEZ) would ensure that the VA is adequately funded for these purpose; and as he indicated, it would allow the VA to establish four new centers of excellence in bioterrorism. These centers, created by legislation introduced by the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, and me would allow the VA to draw from expertise that it has had in the past such as environmental hazards, post-traumatic stress disorder; and I understand the VA has lifted a bar on the provision of medical care funds for these centers, but they were underfunded.

We cannot continue to erode resources for VA's medical health care system.

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that the VA is hurting right now. Our veterans are reaching that age where they need our help and assistance. The resources are needed and would appeal to both sides of the aisle to take into consideration this issue. I am not going to ask for a vote, but I want them to seriously consider what we are doing with our veterans. I know I have had a chance to dialogue with you on this issue. We really need those preparative centers now. We need about $20 million to start them and get those contracts going throughout this country, and I ask the Committee on Appropriations to seriously consider that issue.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I do so regretfully. The gentleman has great concern for America's veterans, and he has always showed that concern; and he does so in this amendment, and I share that concern. I am also pleased that he has decided not to request a vote on this.

I think there is logic to his argument. I would just like to say that we on the subcommittee have taken great pains to provide the veterans medical centers with the resources that they need. In fact, the Committee on Appropriations has provided record increases to VA medical care in the last 3 years. We provided $122 million to the VA for medical care for emergency preparedness activities in the fiscal year 2003 bill which we just passed several weeks ago, fully funded. We fully funded the pharmaceutical cache requirement at $26 million; so no additional funds are required there. We fully funded the computer cybersecurity initiatives for $75 million. We fully funded the personal protective equipment and training needs of $15 million.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield since I am not asking for a vote?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I know the gentleman is sincere about indicating $122 million, but I also understand that $122 million comes from existing programs that were taken away from services to veterans. I would hope that we just kind of take that into consideration.

Mr. WALSH. Mr. Chairman, reclaiming my time, I beg to differ with the gentleman. These funds were appropriated in the 2003 bill to provide for resources across the board for a VA medical center; and it was supported very strongly, close to 400 votes by the House. So I oppose the gentleman's amendment for those reasons.

We received a letter just a week ago requesting $5 million as opposed to the $20 million being requested today. I know the $5 million will be made available to the VA because I placed language in this bill to do so, and that will give the VA the time and the money they need to plan these medical emergency preparedness centers, and I spoke with the Secretary about it. He is pleased with that number. So I would ask that we oppose the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I would like to rise in support of the gentleman from Texas's (Mr. RODRIGUEZ) amendment. We happen to come from the same State and are facing some of the same crises because Texas has one of the highest numbers of veterans among about four or five States. I know that he has a veterans facility in his congressional district or near there, and I have one as well. The reality of it is that we are trying to provide new money because what we are facing, Mr. Chairman, is that many of our veterans are being de-enrolled or not allowed to be enrolled for veterans medical services. In addition, if one talks to the paralyzed veterans, they will say that they are getting fewer services, and since we are standing on this floor debating on an emergency appropriation to help our troops, the real question will be how will we treat these troops who will be returning who will need medical services along with their families. What is the aftermath? What is the after-attention that we will give the very young men and women who are fighting for us?

We already know we are going to have the wounded and some severely wounded. These individuals will be hospitalized in our veterans facilities. We are already closing the door on these veterans, and the money that the gentleman from Texas (Mr. RODRIGUEZ) is talking about is money that is going to help in homeland security, and I think that is a key element that he is adding to the centers dealing with biotechnology. And I might add that when we had Hurricane Allison in Houston, my veterans hospital was a lifesaver because it opened its doors to the patients who had to be evacuated from the medical center. So these facilities are crucial to the community. They do require, I think, our attention; and I believe this money is well needed.

Mr. RODRIGUEZ. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I thank the gentlewoman for yielding. Let me just indicate that my understanding is that that $122 million is not new dollars. It is existing dollars coming from existing services for veterans. In addition to that, and once again I appeal to both sides, the demographics on veterans is growing. Our World War II, Korean veterans are reaching that age where they need us now. They were there for us. We need to be there for them now. So we need to be able to provide those resources; and in all honesty, it does not make any sense for us to look at providing resources for health care for Iraq, which is needed and I do not disagree, but the fact is we also need it for our veterans and for those soldiers that are coming back because one of the objectives also is to serve the individuals in active military. In addition to that letter that the gentleman received for $5 million, I am hoping that that is in there because if that is not in there, then he is going to hear from me once again.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me just say to the gentleman from Texas (Mr. RODRIGUEZ) I thank him for his very hard work. What we are seeing is that the doors of veterans hospitals are being closed in the face of our veterans, and what are we going to do when the young veterans come home after they have valiantly fought for our freedom or our values? Whether we agree or disagree with what this war is about, we certainly agree with our troops. And I believe that this amendment from the distinguished gentleman from Texas allows the doors of veterans hospitals to be open; and minimally, Mr. Chairman, I cannot imagine that we would not want to say that the expanded centers that the gentleman from Texas (Mr. RODRIGUEZ) is talking about, these expanded centers cannot be a helpful element to our fight against terrorism and homefront security.

So I would ask that we support the amendment of the gentleman from Texas and add the additional funding for Veterans Affairs.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment, and I will use only a small part of the allotted time.

Let me just first say to the gentleman from Texas (Mr. RODRIGUEZ) that I really respect his support for veterans. I know it comes from his heart, and I know how strongly he feels about it and how hard he has worked on behalf of veterans everywhere in the United States, and I truly do respect that.

The gentleman from New York has talked about this from the veterans standpoint. Let me just say about where this money would be taken from, and that is from the nearly $2.5 billion that is set aside for the Iraq relief and reconstruction. I think even the gentleman from Texas would concede that the amount that we have provided for Iraq relief and reconstruction is probably only a small part of what is ultimately going to be required. It is certainly not enough to do the job entirely.

So, Mr. Chairman, I would rise in opposition to this amendment because I think it does significantly devastate or reduce the ability of our forces on the ground and our relief and reconstruction teams on the ground to do the job that they need to do for relief and reconstruction by reducing this amount. This is not the place, not the time for us to start whittling away at that account. If anything, we are going to need to come back and add to it later, and for that reason I would oppose this amendment.

Mr. BACA. Mr. Chairman, I rise in strong support of my colleague, Mr. RODRIGUEZ, and his amendment to the supplemental appropriations bill for FY03.

The Department of Veterans Affairs has enormous responsibility resting on its shoulders. Not only is the VA responsible for providing veterans with medical services once they return home from war, but during wartime, the VA backs up the DOD, activates their critical care nurses, and provides training and preparation in case unforeseen emergencies arise.

After 9/11, the biomedical expertise of the VA was tapped, and the VA was designated to begin operating four bio-terrorism centers. This responsibility was granted to the VA by unanimous consent. However, this responsibility was delegated to the VA without the critical funding necessary to operate these facilities.

Two years ago, it would be a luxury for the Federal Government to enable the VA to provided training, equipment, and research for medical centers in case of a biological or chemical attack. Two years ago it would be an added bonus to provide the VA with additional funds to research the effects of war on veterans' health. Today, we are post 9/11 and fighting overseas, and enhancing our security is not a luxury but a necessity. We have learned that there is no price tag for the safety and security of our Nation.

The VA is shouldering an increasingly heavy burden. Let's provide them with the $90 million in funds that it needs to carry out its responsibilities during this time of war in Iraq and time of war on global terrorism.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. RODRIGUEZ).

The amendment was rejected.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been told all day numerous times that we could not afford to provide the funding that we wanted for homeland security; yet the leadership of this House has insisted that we include over $3 billion in "relief" for the airlines. I just thought the body would be interested in this article in the Atlanta Journal Constitution. I want to read the first three paragraphs:

"A group of 30 retired Delta Airline executives told current management last winter that spending millions of dollars to insulate top executive pensions from potential bankruptcy claims was 'morally wrong' and 'unconscionable.'

"The group, which included two former No. 2 executives at the Atlanta company, also warned the move would hurt Delta's reputation, as well as its ability to seek Federal aid and uphold employee morale.

"Their warning came in a January 22 letter to Delta Chairman and Chief Executive Leo Mullin."

□ 2045

Some of the retired executives decided to make the letter public after last week's formal disclosure by Delta that it spent $25.5 million in 2002 to start creating protected pension trusts for Mullin and 32 other top executives.

Now, if this is not a spectacular idea or example of rip-off capitalism, I do not know what is. This is enough to give capitalism a bad name.

Mr. Chairman, I would just suggest that before we are so anxious to provide the funding that the Republican leadership in this House insists that we provide to these companies, I would suggest that Members recognize that the story tells us that there ought to be a few more stringent conditions on the use of that money by those airlines.

This kind of conduct is outrageous. It is an example of why 50 percent of Americans do not vote, because they do not think that their elected representatives will protect the interests of working people nearly as eagerly as they will protect the interests of the corporate elite of this country. Delta Airlines management should be ashamed of itself, and anybody who comes into a congressional office looking for a bailout after they are trying to protect these kinds of pensions should be thrown bodily out of congressional offices.

AMENDMENT NO. 11 OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NETHERCUTT:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act for reconstruction efforts in Iraq may be used to procure goods or services from any corporation or other business entity organized under the laws of France, Germany, the Russian Federation, the People's Republic of China, or Syria.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Under the previous order, points of order are reserved for all amendments.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Washington (Mr. NETHERCUTT) be limited to 30 minutes, to be equally divided and controlled by the proponent and myself as an opponent, and that I be permitted to yield 10 minutes of my 15 minutes to the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, reserving the right to object, I was having difficulty hearing here. The chairman is indicating that 15 minutes would be reserved for the gentleman from Washington, 5 minutes for the gentleman from Florida, and 10 minutes for yours truly? Is the gentleman opposed to the amendment?

Mr. YOUNG of Florida. Yes, I am.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Washington (Mr. NETHERCUTT) will be recognized for 5 minutes, the gentleman from Florida (Mr. YOUNG) for 5 minutes, and the gentleman from Wisconsin (Mr. OBEY) for 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume, and I thank the chairman and the ranking member for the time agreement.

I rise in support of this amendment, which has one fundamental premise attached to it. That is, it is a limitation amendment that says that American dollars to be used in the reconstruction of the post-Saddam Hussein Iraq will not be able to be expended to countries that were the coalition of the unwilling: France, Germany, the Russian Federation, or Syria.

It is a commonsense amendment. It is an amendment that was discussed at length in the Committee on Appropriations earlier this week, and it underscores one fundamental concept, and that is that in the postwar Iraq, there will be American dollars expended for reconstruction, and in that reconstruction effort, it seems only commonsensical and advisable that American taxpayer dollars be spent for American corporations that are doing business there, to create jobs in this country, and also to provide corporate and contract authority to companies and entities that are part of the coalition of the countries that assisted America and Great Britain and the rest of her allies in this joint effort to try to liberate the country of Iraq. It seems to me to be common sense. It seems to me to be well expected with respect to a responsible expenditure of dollars, American taxpayer dollars in postwar Iraq.

It also recognizes that there will be many kinds of expenditures and contributions across this world to help the people of Iraq get back on their feet. This amendment does not prevent the French or the Germans or the United Nations or anybody else from participating in that reconstruction effort. The limitation is not with American tax dollars.

So I am pleased to present this amendment. I believe it has broad support, and I am happy to acknowledge the cosponsorship of the gentleman from New Jersey (Mr. SAXTON), the gentleman from Texas (Mr. CULBERSON), the gentleman from Georgia (Mr. KINGSTON), Mr. KENNEDY, the gentleman from Alabama (Mr. BACHUS), the gentleman from Florida (Mr. CRENSHAW), the gentleman from Texas (Mr. SESSIONS), the gentleman from California (Mr. OSE), and the gentleman from Indiana (Mr. SOUDER).

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in support of the Nethercutt amendment.

Last month I introduced legislation to block any French company in particular from participating or receiving any U.S. Government aid or financing in any reconstruction of Iraq in the post-conflict setting. From the beginning, in particular, the French position on the war with Iraq encouraged Iraqi defiance of the United Nations Resolution 1441. In fact, the French position was probably well received in Baghdad itself, and resulted in the opinion of most people in encouraging Saddam Hussein to continue to fail to cooperate with the U.N. inspectors and into compliance with Resolution 1441.

I heard on the news just the other day that the French continue their diatribe against the coalition forces and, in fact, have received some current publications from France that I would like to share with the Members in case there is any doubt about the situation involving the French attitude.

Here is a magazine called The Observateur, and the cover headline is "Iraq: The Traps of a Crazy War." The article that follows is entitled, "The Insane Ones of God" and goes on to say that they are crazy, meaning anyone who has ever supported a use of force to disarm Saddam Hussein, saying they are crazy and do not have an ounce of judgment. That refers to a lot of people who voted to support the use of force who happen to be here in this Chamber.

Another publication called L'Express has an article entitled, "Baghdad: Victory at What Price?" And then we have Le Point. They refer to this action in disarming Saddam Hussein as "the tragedy." It is the cover story, and uses words such as "arrogance" and "propaganda" to describe the U.S. position.

So I commend the gentleman for moving forward with this amendment and I ask everyone to support it.

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume.

My understanding is that there is some confusion at the desk about the text of the amendment. It was originally designated as number 11. I substituted another text of language that was, my understanding was number 11.

Mr. Chairman, I ask unanimous consent that the text that was substituted well ahead in place of the original amendment be considered as read.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute to try to sort this out.

The gentleman's amendment number 11 indicates that he has written this thing 11 times. I know that we started working on this issue at the committee markup. I support and agree with what the gentleman is trying to do. But frankly, I am not satisfied that the language that he offers does not adversely affect other U.S. interests. That is the reason I rose in opposition to his amendment. It is just that I think there is too much confusion on that amendment as we speak, and the fact that we are considering an amendment that is different than the one the gentleman thought he offered I think just further worsens that situation.

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume.

What I did was put number 11 on the text, expecting that that is what the Chair was considering at the time that I called up the amendment. So I guess, my sense is, Mr. Chairman, we have two number 11s, and my understanding was that the Chair was clear with respect to what amendment we called up. There is only one amendment with a slightly modified text, and that is the one that we should be debating and that is what I am expecting to be debating.

The CHAIRMAN. The Chair would simply respond briefly to the gentleman that the gentleman claimed to offer and the Clerk reported the only amendment numbered 11 which was at the desk. The other amendment which the gentleman had at the desk was not numbered.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, it is in violation of clause 2, rule XXII.

Mr. Chairman, the minority has been told all day and all evening that we had to abide by the rules, even though the rule waived points of order against the majority bill. Now we have a situation where a majority Member chooses to try to substitute another amendment for the amendment that was presented by the Clerk. I am sorry, but if we are going to stick by the rules, I am sticking by the rules, and I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Washington (Mr. NETHERCUTT) wish to be heard on the point of order?

Mr. NETHERCUTT. Mr. Chairman, I am offering to withdraw the amendment which has been designated 11 by the Chair with the expectation that the real amendment number 11 will be offered by the gentleman from Massachusetts (Mr. KENNEDY) in due course under the same circumstances, so we will be able to debate in full the issue before the House, rather than be denied on a technicality.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. NETHERCUTT. Yes.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be obligated for the procurement of goods or services without the use of competitive procedures in accordance with the Federal Acquisition Regulation and the U.S. Agency for International Development Acquisition Regulation.

Mr. KUCINICH. Mr. Chairman, 2 weeks ago, Kellogg, Brown & Root, the engineering and construction division of Halliburton, was granted a contract to put out Iraqi oil fires. This contract was awarded without competitive bidding. The contract also contained no set time limit or cost limit. This means that U.S. taxpayers will have to pay for whatever Halliburton chooses to charge; that is, whether they are the prime contractor or a sub-prime contractor. There is danger to the taxpayers when contracts are awarded without competitive bidding.

USAID, which gave out the contract, stated there was no competitive bidding for this contract because the job involved a "complex emergency" and "national security" issues. According to the Federal acquisition regulations and AID acquisition regulations, such waivers exist.

Okay, maybe that is understandable. But what about contracts for the postwar reconstruction of Iraq?

The uncontested contract acquisition of Kellogg, Brown & Root to put out Iraqi oil fires raises serious concerns over the administration's continued ties with big oil. The fact that the Department of Defense's Army Corps of Engineers did not conduct competitive bidding for this contract implies that an uncomfortably cozy relationship still exists between Halliburton and the administration.

☐ 2100

Also, given there is no time limit or cost limit, it raises further concern that the contractor could increase the costs unchecked.

For the postwar reconstruction effort, waivers of emergency and national security will no longer be applicable. The reconstruction of schools, hospitals, airports, roads, bridges, and even oil refineries are not emergencies. If these types of efforts are not considered emergencies here in America, then they most certainly should not be considered emergencies in Iraq.

As such, contracts for the postwar reconstruction of Iraq should be awarded exclusively on the basis of competitive bidding in order to protect U.S. taxpayers from corruption. These long-term contracts, which USAID has categorized into eight areas, seaport administration, airport administration, capital construction, logistical support, public health, education, personnel support, and local governance, must be subject to competitive bidding.

It is not news that this administration has deep-pocket connections with big oil and defense companies. The President was CEO of Arbusto, CEO of Spectrum 7, and on the board of directors at Harken Energy. The Vice President was CEO of Halliburton. The Commerce Secretary was the CEO of Tom Brown, Inc., an oil and gas exploration company. The National Security Adviser was a director of Chevron Oil. The Veterans Affairs Secretary was chief operating officer of Lockheed Martin.

Then there is the Defense Policy Board, whose nine members have won more than $76 billion in defense contracts in 2001 and 2002. There is Mr. Perle, who until last week was chairman of the board, and has been accused of profiting from the war in Iraq because of his corporate connections with Trireme and Global Crossing.

It is because this administration has so many corporate ties that could lead to the misuse of taxpayer funds that it is important to stress the use of fair and competitive bidding. What this legislation would do and what we should be advocating is that officials in our government should not use their connections to secure these contracts.

The purpose of competitive bidding is to ensure that the acquisition of contracts is completely fair. It is because of these corporate ties that this administration should be going out of its way to reaffirm their commitment to competitive bidding.

The amendment would reaffirm already-existing law for this supplemental bill, stating that all contracts acquired for the reconstruction of Iraq must be subject to competitive bidding, as stated in the Federal acquisition regulations and the AID acquisition regulations.

Mr. Chairman, I think Members of this Congress, having been informed of this conversation this evening, should take steps in our various congressional committees to assure appropriate oversight; to make sure that competitive bidding laws are used to protect the American people, to protect the taxpayers of the United States.

This is an issue that really goes far beyond this particular piece of legislation in the supplemental, but I wanted to use this opportunity, Mr. Chairman, to let Members of both sides of the aisle know that this issue is not going to go away and that the appropriate forum for dealing with it would be congressional investigative subcommittees or committees which could call the administration to an accounting. In the meantime, this forum is an appropriate place to demand competitive bidding.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in the Act for reconstruction efforts in Iraq may be used to procure goods or services from any entity that includes information on a response to a Request for Proposal (RFP) that indicates that such entity is organized under the laws of France, Germany, the Russian Federation, or Syria.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from Minnesota (Mr. KENNEDY) be limited to 30 minutes, to be equally divided and controlled by the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Mr. Chairman, could I suggest that the gentleman, since it is late and we do have other amendments to dispose of, how much did the gentleman suggest in time?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. My suggested time is 30 minutes, to be divided between the proponent and an opponent.

Mr. OBEY. Could I suggest that we cut it to 20?

Mr. KENNEDY of Minnesota. I object, Mr. Chairman.

Mr. YOUNG of Florida. I would be happy to change that. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Minnesota (Mr. KENNEDY) be limited to 20 minutes, to be equally divided and controlled by the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. OSE. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. KENNEDY of Minnesota. May I clarify, Mr. Chairman, do I have just 5 minutes and no time to yield time outside of the proposal?

The CHAIRMAN. At this point, the committee is operating under the 5-minute rule. The gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes on his amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise to offer this amendment. This is an amendment that the gentleman from Washington (Mr. NETHERCUTT) has worked very closely on, responding to concerns that have been raised by many Members, including myself, the gentleman from Texas (Mr. STENHOLM), the gentleman from Kentucky (Mr. LUCAS), and the gentleman from Connecticut (Mr. SIMMONS).

The concern that we have is that we have a broad coalition of the willing supporting our efforts. There have been many that have tried to undermine those efforts. Well, we encourage their involvement in the reconstruction of Iraq; but during the time period when we are putting U.S. dollars into the reconstruction, we want those to be spent with those that have been supportive of us, as opposed to those that have been detrimental to us.

Mr. Chairman, this is a situation where, when we go to other countries and we have asked for their support and we have not received it, and received from 48 other countries the largest coalition of support outside of World War II, I think it is appropriate that there are many people out there that can help us in the rebuilding of Iraq using our dollars without requiring that that be going to those who have actively opposed the efforts we have made to liberate Iraq.

It is important to note that this amendment does protect American jobs, even though there may be some subsidiaries from these countries that are operating in the U.S. In the way the amendment is worded, we will not be putting any American jobs at risk. It is important that, given the great strides that America has put forth to liberate Iraq, that anything that is resulting from this that does require the use of the resources that America has available would be receiving that benefit, and that any other expenditures would be done on behalf of those that are part of our coalition of the willing, I would hope.

Mr. Chairman, I encourage Members to not only support this amendment but also to support the underlying supplemental appropriation.

Mr. BACHUS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Washington (Mr. NETHERCUTT).

Let me ask all Members to think about this, because there are some things we all agree to. We all agree that we are winning the war, but I think we all believe that it is going to be harder to establish the peace. That is our concern now. We have won the war, but we have to be successful in winning the peace.

We all agree, both sides of the aisle, that we are facing anti-American sentiments. We should ask ourselves, where have those sentiments come from? They have come from the regime in Iraq, but they have also come from those that have supported them. France, Germany, Russia, Syria, the people named in this amendment have caused a great deal of the anti-American sentiment that we are now facing.

I ask Members to picture themselves a citizen of Iraq. We hear what the French and Germans have said, that we are there to get the oil. Then we see the American tanks; we see the American bullets. There is a lot of work for Americans to do after that. The last thing we want is then to see the French coming in and the Germans coming in and rebuilding Iraq; America coming in and conquering or invading, according to the French, and then the French rebuilding. That is going to do nothing to dissolve the anti-American sentiments.

In fact, we know the French intentions are not good. We know what they said; we know what they have done. It would add tremendous insult to the injury that American families have had, those who have sent loved ones into Iraq and lost those loved ones, for us now to send the French in behind them to capture the good will and the hearts of the Iraqi people.

It is the American people; it is the British. We are the ones that ought to be at the forefront and those visible in building the peace and rebuilding Iraq; not those who have made our job harder, those who have openly promoted anti-American sentiments, not only in Iraq but around the world.

Mr. Chairman, I urge the Members, let us not compound the immense problem we have today in establishing the peace and in trying to restore our credibility with the people of Iraq. Let them see Americans rebuilding Iraq. If the French want to be there, we ought to invite them to be there; and the French taxpayers can pay for the French companies who come in and rebuild. But with our money, it ought to be Americans because of this tremendous amount of ill will in the world, and particularly in Iraq.

If we lose this opportunity, we will always be viewed as those that came in with tanks and bullets and guns, and the French and the Germans will come behind us and self-promote themselves as those that came in and repaired the damage.

I close by simply saying this: If the French had not supplied Iraq with many articles of war, and the Germans, if they had not encouraged Saddam Hussein to stand and fight, our job would be a lot easier. They have caused some of the damage in Iraq. They have not acknowledged that. Even today in their newspapers they are continuing to stir up ill feelings. Let us not take our money and give them an opportunity to continue to do that.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the best evidence of the President's success in winning this war against terrorism is the silence outside, the absence of any attack on our homeland since September 11, when terrorists used 737s as fuel air bombs and flew them into buildings, two in New York and one here.

I think it is proof of the President's good judgment, the fact that we can trust this good man; that he has so successfully fought this war against terrorism, war on terrorism that he has prevented any further attacks in the United States. With the knowledge that he has of the scope of the threat and where it lies around the world, the President of the United States made the measured judgment to go after the dictator in Iraq, not only to enforce the sanctions that the United Nations imposed, not only to free the Iraqi people from this terrible, brutal dictator; but, most importantly, Mr. Chairman, the President of the United States of America is fighting this war to protect Americans here at home.

This war is being fought and will be won to free the Iraqi people, enforce the U.N. sanctions; but most of all, and I cannot stress this enough, the President is fighting this war to protect our constituents, to protect our families, to protect Americans in their neighborhoods from further terrorist attacks.

So when the French, Germans, Russians, Chinese, and Syrians stood up and actively opposed American intervention, British intervention in Iraq, the French were, in essence, endangering our own homeland, endangering our constituents and our families.

It is absolutely unacceptable that the French, the Germans, the Russians, the Chinese, and the Syrians who have opposed the United States' efforts to protect ourselves against terrorist attacks should be allowed to profit from the reconstruction of Iraq.

I am proud to be a cosponsor of this amendment with the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Washington (Mr. NETHERCUTT) to make sure that, as the guardians of the Federal Treasury, that the Congress of the United States will not permit any Federal tax dollars to be used to purchase goods or services from any company or any business from France, Germany, China, Syria, or Russia, because those countries actively engaged in preventing the United States from protecting ourselves, freeing the Iraqi people, and enforcing the U.N. resolution.

I am proud to be a cosponsor of this resolution and urge all Members to vote for it.

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Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on Veterans Day 2000 I was privileged to lead a CODEL to the beaches of Normandy. At that time it was very moving to meet with a number of French mayors, be at Omaha Beach and Utah Beach cemeteries, to visit some of their local cemeteries, the people who sacrificed their lives defending the freedom of the French people, trying to liberate Germany. The people at Normandy said they would never forget.

But clearly the people in Paris forgot. So did the people in Germany. I know Germany has protected our bases. I know they have helped root out terrorist cells. I know they have allowed movement of troops through their country, which others countries have not. That is a good argument not to move all of our bases from Germany, and that should be factored there. But not after the insulting remarks of some people in the administration towards our President, after the insulting remarks of people in their government about our country, should they use American tax dollars to help rebuild. Nor should Russia.

Russia, Syria, Germany, and France gave aid and comfort to Saddam Hussein at a time when American men and women were at risk of losing their lives through sweat and blood. They destroyed the last hope for peace, which was to have a united U.N. go in, encourage Saddam to leave and to turn over the government to people who wanted democracy and freedom in that country and get rid of weapons of mass destruction. But they encouraged him to go on. The blood is on their hands of Americans.

Our men and women who are now risking their lives should not also have their tax dollars go to companies from those countries that brought us into this war. Furthermore, many of those countries, particularly Russia and Syria, as well as France and Germany, have given and sold weapons illegally into these countries. Furthermore, at least Russia and Syria, and possibly others, have been giving consulting and helping monitor tracking systems during the war.

Now, what I want to know is what am I supposed to say to the people in my district, such as Mr. Harrison Triplett who has two sons in Iraq? He was out the other day with an American flag in one of the main sections of Fort Wayne, asking people to support his son and the troops. So I am supposed to say while his sons are over there risking their lives, that after this is over we are going to use our tax dollars to give the people who provided the weapons, who provided the aid and comfort to the people against him.

And what am I supposed to say to Jerry Shultz? He is over there also. He was just on the CBS Morning Show the other week because he proposed to his sweetheart back in Fort Wayne on national TV. She is at a pizza parlor in Albion. She cannot put her ring on until he gets home. But he is being shot at, in part because of France and Germany and Russia and Syria and others who gave aid and comfort to Saddam. They gave weapons to Saddam. He may be getting shot at at this moment by weapons that were developed and provided illegally from these countries.

Furthermore, and even more tragically, I have a young corporal from Warsaw, Indiana, who was a track and football star, who was moved, according to his dad, by the events of 9/11. Corporal David Fribley volunteered for the military. He was sent over to Iraq. He was one of the American soldiers who was shot under a white flag. Murdered by Iraqis. We do not know whether those weapons were provided by the French or the Germans or the Russians or the Syrians. We do not know whether this battle would have occurred without that; but what I know is I will not face his parents and say that their tax dollars are going to be used to go to companies that are headquartered in those countries, rather than to American companies, to people who fought with us in the coalition, to the British, to the Spanish, to the Australians, to those who are with us this moment.

France, Germany, Russia, Syria, other countries are important in trade. I voted for the trade agreements. I know we need to have trade with these countries. We are not cutting off relations, but not one cent of my tax dollars or the dollars of the parents who have their sons and daughters over there at risk, and we need to pass the Kennedy amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, every Member in this Chamber is familiar with my position on the administration's actions in moving towards war against Iraq. And I think that while we have our respective position, we should be careful not to expand the conflict which the United States finds itself in and not to take people who have been allies consistently for this country and turn them into something other than allies.

The world community has differences with the United States and we are going to have to heal those rifts. But it is more than interesting to have Members standing up condemning the French when we would not be in this Chamber today if it was not for one of the heroes of the Revolutionary War whose image and picture looks upon our every action. I am talking about Lafayette. And we are familiar with Lafayette.

Lafayette is not only a place in Indiana, Lafayette is one of the heroes of the American Revolutionary War. And the father of our country to my right, George Washington, and Marquis de Lafayette one of the great American and French statesmen, look upon us and watch these debates.

We need to reconcile ourselves with all of the nations of the world who may be disagreeing with this administration. We cannot be standing here singling out Russia and France and China and Syria as if they are outside the world community, because when this war is over, we must be the repairers of the breach. Let us not forget that the very symbol of liberty which generations of Americans sailed into New York harbor under, that Statue of Liberty came from France. There are deep spiritual connections between France and the United States.

I happen to agree that this country should not have proceeded in war against Iraq, and I love this country. And I think there are French men and French women who still love America despite the action that the administration has taken. So let us start looking ahead. Let us not condemn nations if they are not agreeing with the administration. Let us find a way to be the repairers of the breach. Let us find a way to look to the next challenge for America to bring the world communities together once again. We have had a genius for that in this country.

We need to remember where we came from. And we came from a relationship with Great Britain, who is now our ally, a relationship which was transformed through the Declaration of Independence, and we fought a war of liberation in this country with the help of the French, and we should never forget it.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say this to the previous speaker: I certainly agree with him, the French have had a great role in our history and I certainly am a proud fan of Lafayette. I want to say Lafayette was a man of freedom, and there is no question in my mind whose side in this conflict Lafayette would be fighting for, and that is for the liberation of the oppressed Iraqi people. And that is why his portrait is here. That is why we have a square named after him in my hometown of Savannah. That is why we even have a city named after him in the gentleman from Georgia's (Mr. COLLINS) district. Only we pronounce it the correct way. We call it Lafayette, if you all ever want to come to visit.

The thing about the French, and I like the French but I dislike the French rhetoric that we have heard for the last 6 months. I dislike the French politics, which I think the rhetoric has fueled the politics and it is maybe some EU positioning that is going on.

The things that Mr. Chirac has said about my country are offensive. And the reality is there were not that many French businesses that were standing up and saying, Mr. Chirac, tone it down a little bit. And there certainly were not any Russian companies or Syrian companies that were standing up for the United States over the last 4 months. And it is such a shame, because I think they could have helped prevent this conflict if they would have said, Saddam Hussein, we stand against you in a unified world, in the community of freedom and the community of common law; we think what you are doing to the people of Iraq is outrageous. But instead, for whatever reason, they chose to apparently be on the side of oppression and the side of Iraq, and therefore we have American and British soldiers and 49 different countries, a coalition, fighting Iraqi oppression right now.

I had an interesting issue last week with a company from France that is actually providing food to the American Marine Corps. A French company actually caters to the American Marines. They have contracts worth $881 million. And I find it somewhat outrageous, and I have raised the question and many of you have joined me in raising that question to the DOD. But you know what, I will say, to that company's credit, they have written me a letter and said, you know what, we are on the side of America in this conflict. And I tell you what, they get it. And I am glad to see that they are exercising what I would say would be good corporate responsibility. I want to have further conversations with them.

But there are also rumors, and it was reported by Sean Hannity, who is pretty doggone careful of what he reports, but he was saying that there are apparently and sadly some French companies who have been providing, up to the conflict, helicopter and jet parts to the Iraqi regime. There were Russian companies that were apparently selling night vision goggles to the Iraqis.

Now, that is per one reporter. But I hope that as this conflict unfolds, we do not find that some of these countries who were opposing us in the Security Council had a profit motive of their own. I hope we find that their opposition to us in the Security Council was founded in idealism and passivism and not in, wait a minute, we have got some business deals at stake here; we got to stand for the sides of the Iraqis.

I think that what the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from Minnesota (Mr. KENNEDY) have done is offer a reasonable amendment so that we can offer our objections as a collective body to these people who, when they had the chance to stand up for America and stand up against oppression, they chose instead the path of politics and rhetoric against America. And I hope that we pass this. And I hope down the road we have an opportunity to redress it.

The gentleman from Washington (Mr. DICKS) who I think a lot of, was telling me, you know what, after the war is fought, that is the time to consolidate everybody and get them on the side of the new tomorrow to rebuild Iraq. And you know what? I think he has some good points to it because we do not want to have a fissure between us and Russia and Germany and France and Syria and China or any of these other countries forever.

Indeed, we have 49 countries in our coalition right now. We do want to bring the world together to rebuild a democratic republic, a free republic of Iraq after this. And I hope that these folks will come on board. I hope that they not only bring their know-how, but I hope they bring some of their own dollars to the table. And if they can, and at that point, I think they absolutely should be welcome to help rebuild this country, the country of Iraq.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to express my appreciation to the gentleman from Washington (Mr. NETHERCUTT) for his good work. I have some concerns about the proposed amendment. It is not broad enough in its constitution. For example, when we construct the list of those who have been intransigent and unwilling to listen to the rational thoughts of those of us in America trying to free people from oppression, we have left off the list the country of Turkey who refused to let our troops cross their territory to bring about freedom to those oppressed people from Iraq.

It was only a few years ago when we conducted our operation in Afghanistan, when we asked those in Mexico to stand by our side. They refused to send troops. But when they were on the verge of bankruptcy, the President of the United States went around the Congress and sent billions of dollars to rescue them from financial calamity.

□ 2130

Vincente Fox has been unusually quiet in the recent weeks and days as America's young men have placed their lives at risk.

Yes, this group of identified nations should be known as an axis. It is called the "axis of weasels," those who refuse to take a stand in defense of freedom, in the face of tyranny and oppression.

Tonight, as we sit and debate this resolution, the axis of weasels is watching as our young men and women storm the streets of Baghdad, trying to free young men and women from the fear of oppression and the Fejadin taking the lives of kids.

Is there any doubt? Is there any question? Is any Member of this House standing here tonight listening to this debate in question about what should be done about the axis of weasels? Are we going to tax the American workers, take their money and send it back to people to rebuild Iraq who criticized our efforts from its outset?

What are we thinking? They are our allies who have laid their lives on the line, who have more than adequate resource and contracting capability to join with American hardworking people and give back the people of Iraq the standard of living to which they are entitled, which was taken from them not by a coalition forces, but by the despot Saddam Hussein, whose fortunes I hope are not favorable this evening.

We have to join together in this House, stand up not only to this axis of weasels, but to all of those who stand in the face of Americans who fight only for one thing, to bring democratic opportunities to poor people around the globe.

Oh, I know there are those who say this was fought for the case of big oil. If we wanted oil, we would have simply taken Kuwait. If we wanted to oppress, we would not have left Afghanistan. Look at our record. We stand here tonight united as a Congress not for the cause of dominating the world interests. We stand united in the face of tyranny to free people who are oppressed.

It was only a few short months that the women of Afghanistan got the right to drive a car, to teach their children how to read publicly. Their tyranny cannot be fully comprehended, but what we are about tonight is the beginning of a new day, a day that brings justice and responsibility to those who refuse to give dignity to humans.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we used to have a Member of this body by the name of Jimmy Burke, and Jimmy Burke said once to the freshman class incoming, he said, oh, I understand your problem; you think this place is on the level. Well, I want to tell you that does not matter what you do on this amendment. This amendment ain't on the level. This amendment is consumer fraud masquerading as legislation, and it ain't going to do nothing to nobody and let me tell you why.

If you look at the language carefully, the language purports to send the message that what we are doing is, oh, oh, look at the muscles. We are telling those Frenchies and those German companies, you cannot participate; but if you look at the actual language, the language allows those companies to get around this limitation by doing the same thing that corporate expatriates have done in this country by simply setting up a mailing address in Bermuda or any other offshore place.

So it is what I call a holy picture amendment. The politicians pause for holy pictures, boy, we really did something. But you have got language that does not do nothing to nobody.

This language has absolutely no effect whatsoever except that it makes the job of the White House and the State Department more difficult, which is I assume why we have the letter from the State Department which says that such an amendment would jeopardize the type of support we are attempting to build within the United Nations, support which aims to unite the international community in a forward-looking effort to build a better future for the people of Iraq.

Now, if we were wise, and I know that is beyond reasonable expectations often in a legislative body, but if we were wise, what we would, in fact, be doing is looking at tomorrow rather than yesterday.

We are going to, whether we like it or not, need to rebuild the alliances which have been temporarily shaken by our divisions in this war. We are going to have to rebuild the United Nations and rebuild NATO so that we are more unified in dealing with postwar Iraq and the rest of the world; and we are going to have to overcome the fact that because of divisions we have right now, pro-U.S. responses in public opinion polls throughout Europe have dropped by about 20 percent.

Now, to me, the way that we overcome that, the way we overcome the world's cynicism is by demonstrating traditional American magnanimity, which is what we did in the Marshall Plan and what we have done so many times in our country's history.

So I would simply say, Mr. Chairman, who am I to stand in the way, if majority party members want to make life a little more difficult for a Republican administration?

Now, I stand here, I hope as a patriot; and I believe that this amendment does cause the administration additional problems. I am so proud of the chairman of this committee because this committee produced legislation which guaranteed that the executive branch could not cross the line and trample on legislative prerogatives, and I congratulate and I honor the chairman for having the guts to do that.

But we also, we also as legislators, from time to time have to restrain ourselves and recognize that sometimes we do the Nation no good when we impinge upon executive branch prerogatives, as this amendment I believe does.

So I am standing here as a Republican who has a minimum of, as the Democrat, as my friends know, I started out life as a Republican but then when I learned to read I switched parties.

But let me simply say, I stand here, I hope, as a patriot, and I think that this is one place where George Bush needs some running room. If you do not have enough confidence in him to let him make the right choice, then by all means vote for this amendment; but you know, it does not do nothing to nobody except enable politicians to pose for political holy pictures. What is new around here?

Mr. OSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my good friend from Wisconsin just recited a very amusing tale about learning to read and becoming a Democrat. When I learned to count, I became a Republican.

The night is late, the hour is late, and we have many, many challenges in front of us. We have people arrayed across the world protecting our interests; and in the face of that, I do something tonight that I rarely do and that is come to the well and speak in favor of the Nethercutt amendment and the Kennedy amendment.

I have heard a lot of citations to our indebtedness, to our friends Lafayette and others, the German Hessian soldiers and the like; and yet across this world there is but one country that uniformly puts its young people and its treasure on the line for the protection of freedom and democracy for people who do not even live here. Think about that. Think about what we are doing in this short period of time in particular.

We have young people, particularly in Iraq today, putting their lives on the line to bring freedom and democracy to people who have not enjoyed it for many, many decades.

It comes before us tonight on an appropriations bill with an amendment proposed by my good friends from Minnesota and Washington to say to the world that the Americans know who we are; that we believe in the concept of accountability; and that we will not vote to continue to spend American lives on a goal that benefits those lacking the courage to do the necessary thing, lacking the commitment to stand with those who will confront evil where it is found and lacking the qualifications to judge those of us who will.

Mr. Chairman, we are at a point that is at the heart of who we are. Are we a country that sends our young people across the world to defend the interests of freedom and democracy, to then yield those same interests to someone who simply seeks 12 pieces of silver?

I urge this body to think long and hard about the standard of accountability that we want in this world and the standard we set for our children and the generations to come.

I urge support of this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman very much for yielding, and I would just like to respond to the ranking member to say, yes, we have carefully crafted this amendment in a way that protects American jobs and does not put those jobs at risk, that does give the State Department to a degree a modicum of flexibility, and we do need to rebuild those entities around the world; but we need to rebuild them with the understanding that America does remember who stands with America and America does remember who stands opposed to America on our efforts to defend peace and freedom and to liberate oppressed people around the world.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the requisite number of words.

This has been a very heated debate and a welcome one, especially for me. As I look at this body, both sides of the aisle are right; but here is my problem.

My problem is respect. I think that the core of the gentleman from Minnesota's (Mr. KENNEDY) amendment is about respect. Every once in a while a person has to stand up and get some respect.

However one feels about this war, I want my colleagues to think about World War II; and I want my colleagues to think about a country, France, a country that would not pick up a rifle to defend its ownself, when 10,000, 10,000 of our troops hit the shores of Normandy and gave their life in one day to stand for a country's freedom, that would not stand and fight for its own freedom. That is the price that many of our American soldiers pay.

Maybe that would not be so bad with me if it were not for what they did. It is one thing to have your say, but it is another thing to go and help a country visibly with weapons, with arms, with their support at a time when we are sending our boys and girls into battle.

That World War II landing was very personal with me because one of those troops that put their lives on the line in World War II, to go help free France, was my own father. That is amazing, but that is important.

This amendment may or may not go anywhere. We are all here to stand up to say a word in support for our troops. I am going to vote for this amendment. I am going to vote for it for the respect of those World War II veterans who fought and thousands died for France, but France did not come to our aid, for those who are giving their lives and dying in Iraq today.

□ 2145

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I think over my right shoulder stands George Washington, known to many of us as the Father of this Nation. As he looked in the eye of the British soldiers seeking to preserve the freedom of the 13 colonies, he looked for allies where he could find them. My history tells me that one of those happened to be a country called France. It is interesting that as we have grown to be the singular power of this Nation, we seem to have lost both the decorum, the respect, and the dignity of many of our Founding Fathers.

Now, it is well known that I came to this Nation first in the bottom of the belly of a slave boat, but I realize that I live now in the most powerful Nation in the world, a Nation that first started with the language "to form a more perfect union." What that means, my colleagues, is that we are looked upon to have the dignity, the decorum, the understanding of world diplomacy, and the appreciation of democracy and sovereign nations. And with this power comes responsibility. With this privilege comes burden.

It is interesting that in the course of the time where our troops are moving toward Baghdad, where they are embedded with our values, our values of freedom, we would make mockery on the floor of the House. This is not about France. This is about patronage and payback to the 40 babies that say they are part of the willing coalition. What is this, a Las Vegas gambling game? That if you are in the stakes, you get a piece of the action? This is not what this war is about.

I am against the war as it is presently constructed, as they would say. But we are here supporting these troops in this legislation. What, are we handing out dollars to people just because they are part of the coalition? It is the question to the United States that if we are to rebuild our world alliance and our position in this world, then however we do the peacekeeping it must be in a coalition, whether it is the United Nations, NATO, or whether we engage the European Union. We cannot do this alone. Because if you have a military occupation, you can be assured we are doomed to failure, not because of the military's lack of excellence, they are excellent, but because of the world's perception that we are occupiers as opposed to people who have come to induce democracy.

This is fraudulent that we would undermine the dignity of those who knew what coalitions were all about. And I am particularly offended that my colleagues would cite Mexico as an unwilling ally. We should not denigrate our friends, my colleagues, because we do not have permanent friends, but we have permanent interests. And every one of these people that have been denigrated rose to the occasion on 9/11. They cried with us, prayed with us, and joined the war on terrorism. What an insult that we would deny the sovereignty of these nations and not believe that they have the right to, in a democratic way, to object.

Oh, there may be politics. There may be contracts abound. Looks like everybody has a hand out in this. The baby NGOs do not get a chance to do their real work because they do not have any money. Small businesses, minority businesses, women-owned businesses do not get anything. The big guys are knocking everybody over. Is that what it is about; money? We have to move in the world tomorrow and next year, and the decade after. We should not burn our bridges that we have to cross again.

This would not be the kind of debate that would be befitting of a Nation premised on a constitution that says "to form a more perfect union." What an insult that we do not tolerate the sovereignty of nations. I can assure my colleagues that there will be weeks and years and days to come when we will look to the allies that we denigrate now.

Coming from Texas, I am particularly insulted that one would question Mexico, who has tried to work with us over the years on border issues, and crying and sending troops during 9/11. We begin to get on shaky ground when we begin to attack individuals and nations who have differences of opinion on this war.

This war itself should be questioned, and I hope that we will be able to move in peace for those of us who have opposed the war and supported the troops; and move in dignity reflective of the Constitution and reflective of this founding Nation and our Founding Fathers.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery they are here as guests of the House, and any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but I do think it is important that we put this debate into perspective. This is a good thing we are doing. We should be debating issues of expenditure of taxpayer dollars. This is not holy pictures. This is an important time for our country to talk about how we spend billions of dollars in this country.

Why in the world would our legislative body cede the authority for that to the administration? I respect this administration, but this is a congressional responsibility. And just because there is a difference in position on the issue that is before the House does not mean that this is posing for holy pictures. I think that is an objectionable declaration about what this is. This is in the best traditions of this House.

On the Committee on Appropriations just this week we had a fabulous debate on this precise issue and on an amendment that was very near to this one. It was a broader amendment, frankly, that gave the President great waiver authority to decide whether exceptions could be made with respect to the expenditure of taxpayer dollars for reconstruction in Iraq. So beyond being something that is frivolous, this is very serious business, and I would argue to my colleagues that this is in the best tradition of this House to talk about this issue of how we spend the money that the taxpayers send to us to decide how to spend.

It is not unreasonable that we make a judgment about what foreign countries should benefit with taxpayer dollars that are sent to Washington by loyal Americans. But it is the Congress' decision to decide whether a priority might be American jobs and American companies and allied countries, companies, and jobs. So what is wrong with having friends in the world and communicating with those friends and especially creating jobs in this country?

I would argue that anybody who votes against this has the potential to favor French job creation rather than American job creation. How in the world are we going to feel in 2 months, when perhaps our country would award a contract to a German or a French or a Russian company to the exclusion of American interests, to an American company that could do the job just as well? I would argue, my colleagues, that we should be concerned about that.

So this is a good debate. This is a good amendment. It is the amendment that I intended to have before the House before a point of order was raised. So that is fine. I appreciate the gentleman from Minnesota (Mr. KENNEDY) being there to offer this amendment. But we should never confuse a good debate and a difference of opinion on the issues as being unworthy or worthy. We can make our judgments about the validity of our arguments, but to say that this is not worthy of the House or not an appropriate debate as to how taxpayer dollars will be spent misses the mark.

So I urge my colleagues to vote for this amendment. This is what we are sent here to do, to guard the Treasury of the United States. This is the taxpayers' money. This is the people's House. The House of Representatives decides the appropriations for this country. I urge us to exercise our obligation and to vote for this amendment, and I believe it will pass.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I agree with the last speaker that this is a topic which should be debated, and I think this debate has shown what is some of the very best and perhaps what sometimes can be the worst in a legislative body in a great democracy like ours.

Passions can flare, passions can drive legislation. Passion is important. As legislators, as people who make policy, passion is important. We ought to believe in what we do. But as legislators we also have a responsibility to temper our passions, to temper our passions with careful thought, to make sure that passions do not alone drive us, drive our legislative proposals. So that sometimes what looks good, what feels good, what sounds good, may not be good.

These are just some of the concerns that I have about the legislation, the proposal which is before us at this time, and I would just share some of these thoughts. I know these thoughts do not carry any of the weight of the passions that people feel. But I also think as legislators we need to keep these things in mind.

For one thing, we are deeply involved in the World Trade Organization with a number of trade agreements that we have entered into and this body has approved, and I have serious concerns that this violates a number of those obligations that we have freely entered into. No country has fought harder for the government procurement provisions in the World Trade Organization than the United States, because we are the largest exporter of contracting services. We have the most to benefit, and similarly, perhaps, the most to lose if others retaliate against us.

Secondly, I am concerned about the application of this as it applies to the defense part. This just does not limit it to the foreign assistance part, but to the defense side. There are times when you need to be able to buy equipment, to buy spare parts, to buy goods, and those may come from a foreign company. I am concerned about the foreign assistance part of it as it applies to spare parts. Let us say an American contractor is given the job of rebuilding hospitals in Iraq. We know that a lot of medical equipment comes from countries like Germany. What if we are trying to replace a part in an x-ray machine and we have to order those parts under this provision? I presume it would be forbidden to do so. So we would have to pay all the money to buy a new piece of equipment instead of being able to repair another piece of equipment.

Lastly, let me just ask this. Does this provision apply to a company like Chrysler, DaimlerChrysler? I think it might. It is not at all clear. I guess if they do not put that return address on their envelope, their RFP, maybe it does not. But if they happen to put the RFP as coming from the corporate headquarters in Germany, then indeed it would. And thousands of American jobs could be lost as we try to buy equipment from what is essentially an American company but happens to be a subsidiary of a country that is organized in Germany.

These are just a few of the considerations that I have and I think we need to take into account. If this amendment passes this evening, I will be looking at these very carefully. And I hope my colleagues on the conference will look at them as well and that we will work to make sure that we have a piece of legislation, when it comes from conference, that does not do more damage to American jobs, more damage to American contractors, than it would if we had this piece of legislation not included in the bill.

☐ 2200

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we are nearing the end of this debate and getting ready to pass this bill. I think there is one other amendment that we will deal with very quickly after we conclude this. So I want to take a few minutes to say a word of compliment to the Committee on Appropriations members and the staff. We got this request just a little over a week ago. We were able to read it, vet it, understand it, hold hearings with all of the major agencies involved, write the bill, go to full committee, amend it and bring it to the floor in a little over a week. I think the committee and the staff, especially the staff, they spend more time than the Members, did a tremendous job.

Secondly, Mr. Chairman, you have been in the chair for nearly 12 hours today and have done an outstanding job. That applause is very well deserved. The gentleman from Texas (Mr. THORNBERRY) is very fair, and has managed this debate extremely well.

And now I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Georgia.

Mr. ISAKSON. Mr. Chairman, earlier in the evening the distinguished ranking member read accurately from the Atlanta Journal Constitution a news article regarding the actions of the board of directors of Delta Airlines. The ranking member also accurately reflected his disappointment and disappointment shared by others in that action.

What was not entered into the RECORD were the actions of the CEO of Delta Airlines, and I will not read it all, but I would like to read the following things:

> . . . who affirmatively, instead of accepting the compensation reduced his compensation by 25 percent, will not accept an annual incentive pay included in his contract for the year 2003, rescinded any retention award payment he might be eligible for 2004 and 2005, and affirmatively rescinded his contractual stock option agreements totaling $5.5 million.

Mr. Chairman, corporations are persons under the laws, and sometimes they do not have hearts. CEOs are individuals who have souls, and when corporate CEOs take appropriate actions, and I think consistent with the times which we are in, that should also be in the RECORD.

DELTA,
April 3, 2003.

To: All Delta Employees
From: Leo F. Mullin, Chairman and Chief Executive Officer
Subject: Executive Compensation

Following the release of Delta's proxy statement at the end of March, much attention by the media and within the company has been focused on the subject of executive compensation. Today, I would like to address this issue with you directly, beginning with the context in which the Board of Directors made the decisions described in the proxy statement, over the course of 2002. I would also like to share with you the actions I have taken in regard to my own compensation, given the dramatic ways in which that context has now changed.

Let me begin by noting that Delta's proxy statement, which outlines the Board's executive compensation decisions during 2002, was issued on March 25, 2003. The date of issue was set in order to comply with Security and Exchange Commission requirements for distribution prior to our April 25 annual shareholders meeting. However, the actions described in the proxy statement occurred over the full course of 2002, with many of those actions rooted in the events and the aftermath of September 11. As the Board explains in the proxy statement, a key priority in response to the national and industry crisis following 9/11 was to maintain a management team "capable of responding effectively to the extraordinary challenges," including programs that would retain and motivate the team members.

Among other actions, the Board established demanding performance goals for Delta's executive team, placing primary emphasis on ensuring adequate liquidity and drastically reducing the daily "burn" of cash (generally defined as the amount by which costs exceed revenue). The Delta team succeeded on both counts. Consequently, Delta is the best positioned hub-and-spoke carrier in the industry, a view supported by reports from many Wall Street analysts. Because the key goals were met, the Board, in January 2003, approved the final 2002 incentive awards, as the proxy statement details.

Also as part of its effort to retain Delta's management team during the extraordinary challenges ahead, the Board in January 2002 established a Special Retention Program, as discussed in the proxy statement. This program provides potential cash awards in 2004 and 2005 for Delta executives, tied to both retention and performance goals.

In these and every other executive compensation program outlined in the proxy statement, the Board has consistently acted in the best interest of Delta Air Lines, meeting all legal and ethical requirements and expectations at every point. The decisions in regard to executive compensation were fully appropriate in the context of the time in which they were made.

However, the reality of the airline industry is that the context changes rapidly. Concerns we are now facing were not part of the environment when those earlier decisions were made, or their importance has been magnified, including issues related to:

Impact of the War in Iraq.

Continuing, deeper than expected plunge in revenue and traffic.

Increased competitive concerns as United and US Airways restructure under bankruptcy protection.

Further competitive pressure as American Airlines manages to reorganize outside of bankruptcy—and as others (most recently Air Canada) declare Chapter 11.

Need for immediate action in Washington to provide federal relief from post-9/11 security costs and tax burdens.

Competitive requirement that Delta's labor costs be brought in line with that of the restructuring carriers.

With this said, I understand the concerns that have been raised in the current context. Most importantly, I want to provide a basis for moving forward so that we can resume our focus on the crucial core business and strategic issues we face. Hence, I have chosen to take the following steps:

Reduce my salary rate by 25 percent (to $596,250), down from the beginning of year salary rate ($795,000); this reduction includes the 10 percent salary rate reduction taken earlier this year.

Not accept any Annual Incentive Pay that might be awarded to me for 2003 performance.

Rescind any Retention Award payment I might be eligible for in 2004 and 2005.

Rescind the stock-based awards associated with the renewal of my five-year contract (signed November 29, 2002), with a minimum estimated Black-Scholes value of $5.5 million.

As Delta's CEO, I believe it is appropriate for me to take these steps. Also as Delta's CEO, I believe it is absolutely essential for the welfare of our company that I continue to meet the requirement, using a competitive compensation program, to attract and retain a highly motivated executive team. I am enormously proud of the team we have assembled, and fully confident of their ability to meet the challenges ahead. Most recently, they have confirmed their commitment to shared sacrifice with the salary reductions announced earlier this year. As with the entire Delta team, their continued support is absolutely invaluable to me and to the company as we move forward through the demanding days ahead.

In closing, let me say that while the specifics of this decision required careful thought and consideration, what became clear as I worked through the process was that there was no absolutely correct approach or set of actions. But, in the current circumstances, the steps I am taking feel right to me. I hope you will agree.

LEO MULLIN.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Minnesota (Mr. KENNEDY). While this amendment appears and seems to be patriotic at first glance, what this amendment could really do is punish American workers. It would hurt American workers who work for foreign companies and American companies who supply foreign corporations.

Many of my colleagues have given examples of companies that have their corporate office in France or Germany, but have big numbers of employees working here in the United States. In today's global economy, it is not possible to determine who this amendment would really be hurting. This issue deserves much more thought, debate, and consideration by the appropriate committees rather than being offered as an amendment at this time. I urge my colleagues to vote against the Kennedy amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to make this quick. I rise in strong support of this amendment. There is a limit to American magnanimity. There is a limit to how much we will just turn our heads and say we will forgive you. And yes, we will forgive those people who are our friends who betrayed us when we were putting the lives of our young people on the line. We will forgive them, but we will not forget; and that is what this amendment is all about, not forgetting those who would not stand with us, and remembering those who did stand with us when the lives of our people were at stake. I have no problem with that.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I would just like to make it clear that the way this is worded, it would be highly unusual this would be putting any American jobs at risk, and we have gone to great pains, the gentleman from Washington (Mr. NETHERCUTT) and myself, in reviewing these approaches to make sure that we do not.

I think it is appropriate. This is not just about American jobs, but it is, the gentleman says, about American people, American Congress, remembering who has stood with us and making sure that those who stood with us as we go to liberate Iraq would also be standing with us as we go to rebuild Iraq.

Mr. ROHRABACHER. Mr. Chairman, there is a much greater chance that American jobs will be lost if we do not make this declaration to the policymakers and to the bureaucrats and to the government officials who will enforce the law once we pass the law. We are making it very clear to them that American companies and companies from countries which helped us, which stood by us, will have preference over those companies from countries which stood aside at the moment when it counted or even harped and backbit our leaders when they were taking tough stands.

We will not forget what happened during these last 3 and 4 months. We will not forget the actors who play President of the United States, but spend their own time in the real world undercutting American Presidents who have had to make tough decisions about the national security of our country.

We will not forget the impotence of the United Nations. We are not going to place our faith in that institution again. We will not forget that NATO is dominated by the Germans and French, and we will not forget that the British and the Spanish not only stood by us but joined us and put the lives of their young people on the line as well.

Finally, I would like to end with one small story. I hope our French brethren are brethren. Dean Rusk in his memoirs talks about how Lyndon Johnson called him into the Oval Office in 1964 after Charles de Gaulle declared that France would be out of

NATO and declared that all American troops would have to be off of French soil in 90 days. LBJ gave Mr. Rusk the job of going to France, talking to the General, and asking him a question and coming back and reporting verbatim what the General said. So Mr. Rusk, our Secretary of State, went to Paris and met with General de Gaulle.

He said, President Johnson has tasked me with asking you this question: When you demand that all American soldiers are off of French soil within 90 days, are you including those thousands of Americans buried in Normandy?

General de Gaulle was speechless. He turned away and could not speak.

I would hope that the French people, now that this war is coming to a conclusion with the great victories that we have had in these last few days, when they see that we have put the lives of our people on the line again, I hope they will become speechless, because I am sick and tired of hearing from a lot of those people, and so are a lot of Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

At the end of the bill (before the short title), insert the following:

No funds appropriated under this Act may be provided to an air carrier if the air carrier or any of its subsidiaries discontinues service to the Kilred Texas Municipal Airport between April 4, 2003 and April 4, 2004.

Mr. EDWARDS. Mr. Chairman, the vote we just cast dealt with how America should treat nations who do not support us in our war against Iraq.

This amendment deals with the issue of how we treat American companies who have turned their back on the families of our military servicemen and women who are fighting that war against Iraq tonight. Let me read from the Atlanta Journal Constitution just 4 days ago. "The use of Delta's funds for this purpose left us in disbelief." That is what 30 former Delta executives said about the CEO of Delta Airlines and 32 executives spending $25 million of Delta Airlines funds to set up special pension trust funds for themselves.

Mr. Chairman, the CEO of Delta who comes before this House asking for billions of Federal tax subsidies was recently part of providing $25 million in expenditures to protect 33 executives while 16,000 employees are being laid off. Mr. Chairman, I find myself in disbelief that the same Delta Airline executives who could spend $25 million to protect their pension trust funds said today in Killeen, Texas, in my district, that they cannot afford to continue air service during a time of war to the community that is the home of the only two-division Army installation in America, Fort Hood.

That is correct. The same executives that had $25 million to protect their future said to the families of soldiers who are deploying tonight, some of whom are at war tonight in Iraq, two of whom from Fort Hood are POWs in Iraq tonight, that we are not going to provide air service anymore. In fact, we are going to cut off air service to Fort Hood and its two Army installations and the 44,000 soldiers that represent Fort Hood, we are going to cut off that air service even while we are at war in Iraq. They even had the audacity to tell employees today, while Delta lobbyists were running around the halls of this Capitol saying we need millions, in fact billions, in tax subsidies to support our efforts at Delta Airlines. I find myself in disbelief, just as 30 former executives at Delta found themselves in disbelief at the actions of executives of this company.

My amendment sends a clear message to the executives of Delta and to Continental Airlines and any other airline: Do not come to the House of Representatives, to these hallowed halls, during a time of war and ask for the taxpayers of military families to subsidize a bailout for your companies while you are cutting off airline service to the thousands of military families whose loved ones are putting their lives on the line in Iraq tonight.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I ask the gentleman to yield because he and I discussed this at length earlier in the evening, and I think the gentleman raises a point that should be considered seriously, and I have told the gentleman that.

I told the gentleman during the negotiations with the conference committee I would make sure that this issue was brought before the conference and a thorough discussion would take place and see if there is something that we can do that would be helpful to the families of those soldiers at Fort Hood.

Mr. EDWARDS. Mr. Chairman, I thank the chairman because the gentleman realizes, as I do, that since I did not get the news, employees of my district did not get the news today after the Committee on Rules had established the rules for amendments on this bill, technically this amendment could be ruled out of order. For that reason, in a moment I will respectfully pull down the amendment in my appreciation of the chairman for his recognizing the importance of talking to airlines about not cutting off airline service to major military installations during a time of war when we are asking those families, taxpayers, to help subsidize the continuation of those airlines.

I do not know what the intention is of Delta and Continental who have made these recent announcements to cut off air service to so many military families which are sacrificing so much for us. I will say to them, if they are willing to reconsider what I consider their incredibly unfair decisions tonight and in the days ahead, I will be the first to applaud them for their patriotism and sense of public service during this time of war.

But I also want to send a clear message. If all they offer us is lip service for the next 3 days until they get this bill passed and then they cut off air service to tens of thousands of military families who might lose loved ones as they are cutting off that service, I may be only one Member of Congress, but I hope they understand there will be millions of American veterans and millions of American families who will share my outrage that it is wrong, it is unpatriotic for these companies to turn their backs on the military families who are facing death and risk of life in Iraq tonight.

I thank the chairman, and I look forward to solving this problem.

□ 2215

Mr. EDWARDS. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 offered by the gentleman from Massachusetts (Mr. MCGOVERN) and the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 10, as follows:

[Roll No. 106]

AYES—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hunter
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Weiner
Young (AK)

☐ 2234

Messrs. NETHERCUTT, JANKLOW, JONES of North Carolina, TURNER of Ohio, CUNNINGHAM, BARTLETT of Maryland, MORAN of Virginia, SMITH of Michigan, PITTS, and MOLLOHAN changed their vote from "aye" to "no."

Messrs. TANCREDO, DEFAZIO, LEACH, and KANJORSKI changed their vote from "no" to "aye."

Mr. UPTON changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DE FAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 312, not voting 10, as follows:

[Roll No. 107]

AYES—113

Bachus
Ballenger
Becerra
Berkley
Berry
Bilirakis
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Coble
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Doggett
Duncan
Eshoo
Etheridge
Evans
Feeney
Ferguson
Filner
Garrett (NJ)
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hayes
Hill
Hinchey
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Hulshof
Inslee
Jackson-Lee (TX)
Jenkins
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Larson (CT)
Lee
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Majette
Maloney
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Ney
Nussle
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pence
Ramstad
Rogers (MI)
Rush
Sánchez, Linda T.
Sanders
Sandlin
Schiff
Scott (VA)
Sherman
Slaughter
Souder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Tierney
Toomey
Towns
Upton
Waters
Watson
Woolsey
Wu

NOES—312

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey

Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Holden
Houghton
Hoyer
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—10

Berman
Buyer
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote.) Members are reminded there are 2 minutes remaining on this vote).

□ 2241

Mr. PENCE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Emergency Wartime Supplemental Appropriations Act, 2003".

The CHAIRMAN. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, pursuant to House Resolution 172, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

(Mr. LAHOOD asked and was given permission to speak out of order.)

DEBT OF GRATITUDE

Mr. LAHOOD. Mr. Speaker, I think we owe a big debt of gratitude for the way that the gentleman from Texas (Mr. THORNBERRY) has conducted the proceedings of the House all day today. Mac, you did a great job.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 12, not voting 9, as follows:

[Roll No. 108]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark

Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—12

Blumenauer
DeFazio
Farr
Flake
Grijalva
Kucinich
Lee
Lewis (GA)
Paul
Sanders
Watson
Woolsey

NOT VOTING—9

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are reminded there are 2 minutes left in this vote.

□ 2259

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2300

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY) for the purposes of informing the body as to the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland (Mr. HOYER) yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under a suspension of the rules and a final list sent to Members' offices by the end of the week.

We may also consider a motion to go to conference on the Armed Services Tax Fairness Act and any votes called on these measures, though, will be rolled until 6:30 p.m.

On Tuesday we expect to consider several additional bills under suspension of the rules, as well as S. 380, which is virtually identical to the Postal Service Reform Bill that we had scheduled for consideration tonight.

For Wednesday and the balance of the week we have several measures that we will consider under a rule. These include the gun manufacturers liability Reform Bill that was reported by the Committee on the Judiciary earlier today, the comprehensive energy policy bill, the FY 2004 Budget Resolution Conference Report, and the Conference Report on the FY 2003 War Supplemental.

I would note for Members that we plan to stay in session into the weekend if necessary in order to complete the supplemental before our spring recess.

I thank the gentleman for yielding, and I am happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information. First, if I might, Mr. Leader, you indicate that we may also consider a motion to go to conference on the Armed Services Tax Fairness Act on Monday. Do you know whether that is more definite now? The reason I ask that is we may want to have a motion to instruct on this side.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding and I wish I could give him a more definite answer. We are trying to consider how we would approach this very important bill and we want to get it out before the Easter break. And the best I can tell the gentleman is it looks like we are going to conference on it or we want to go to conference on it. But I do not want to mislead him. There may be other alternatives available to us after we consider work with the Senate.

Mr. HOYER. I thank the gentleman for that information, and I would appreciate as soon as you know how you are going to handle this if you would let us know.

Mr. DELAY. Absolutely, I will let the gentleman know, so he will have plenty of time to write a motion to instruct.

Mr. HOYER. Thank you, Mr. Leader. Will there definitely be votes next Friday?

Mr. DELAY. If the gentleman would yield, "definitely" is a very tough word in this business and on this floor. I would think, looking at the work ahead of us, that the probability of having votes on Friday is more to the affirmative than to the negative.

Mr. HOYER. The gentleman certainly has outlined some very significant pieces of legislation that may be on the floor.

Mr. DELAY. If the gentleman would yield, I do want to repeat that it is very possible that we could have votes on Friday and we intend to pass the War Supplemental Conference Report and send it to the President before we break for the break. And if things get a little difficult, we could actually be here through the weekend.

Mr. HOYER. Reclaiming my time, I thank the gentleman for his comment and I hear him talking about the supplemental. Does the leader believe that the budget conference report is a necessary piece of legislation for us to pass before we leave? I know you mentioned that you might want to try to do that, but does your side believe that is necessary before we leave next week?

Mr. DELAY. If the gentleman would yield, I have not personally consulted with the Speaker or the rest of the leadership, but it is my own understanding that the conference report on the budget is as important as doing the supplemental. But the word that I have is things are progressing with that conference report. There are very few issues to resolve, and we have the greatest expectation that that conference report will be on the floor sometime next week and will not slow down our ability to go into the Easter break.

Mr. HOYER. I thank the gentleman for that comment.

Related to the budget conference, Mr. Leader, do you expect that we will have a debt limit vote on the floor either as a part of the conference report or as a freestanding bill of some type or other in the week to come?

Mr. DELAY. If the gentleman would yield, the gentleman is very well aware that we reinstituted a very important rule called the Gephardt rule that includes in the budget conference report the number that is needed in order to raise the debt ceiling. So the vote on the conference report as far as the House is concerned is the vote on the debt ceiling.

Mr. HOYER. I thank the gentleman for reminding me. Is that the same Gephardt rule that the minority, when the Democrats were in control, thought was undemocratic, masked the desire of Democrats to raise the debt limit and spend more money; is that the same rule you are talking about reinstituting and you have reinstituted and are going to apply? I just want to clarify and make sure that is the same awful rule that you attacked so vigorously when you were in the minority.

Mr. DELAY. I think it is a different rule. I think it is the Hastert rule now.

Mr. HOYER. A rule by any other name, my friend.

The energy bill, Mr. Leader, do you have a pretty good estimate as to which day of the week that bill might come to the floor?

Mr. DELAY. If the gentleman would yield, as the gentleman knows, this is a very complicated piece of legislation that has had at least four committees consider. All four committees have reported, and we have to get together with the minority to pull this bill together and bring it to the floor, and we hope to schedule that bill for some time on Wednesday; if not Wednesday, on Thursday of next week.

Mr. HOYER. I thank the gentleman for that information.

May I also ask him, and I see the chairman of the Committee on Rules on the floor, you correctly observed, Mr. Leader, this is a complicated bill, a lot of different subjects, very important subjects, very consequential subjects. What, if you know, perhaps the chairman of the Committee on Rules knows, do you contemplate an open rule such as the rule we had on the floor today?

Mr. DeLAY. The discussion in the Committee on Rules has not been forthcoming, and certainly we would hope that a rule would be fashioned to give every Member of the House the greatest opportunity to express himself on a very important and complicated piece of legislation like the energy bill.

Mr. HOYER. Reclaiming my time, we share the leader's hope.

I yield to the distinguished chairman of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding. I would say that the majority leader has outlined the goal that the Committee on Rules has on every piece of legislation. We demonstrated that this evening, allowing an opportunity for Members to consider a wide range of issues. And we know, as has been said by everyone, that the energy bill is going to be a very complex piece of legislation. There are a number of committees that have been involved in the process, and we anxiously look forward to resolving some of those questions in the Committee on Rules, and then we will come forward with an opportunity for a wide range of considerations.

Mr. HOYER. Reclaiming my time, I would say again in all sincerity to my friend, the chairman of the Committee on Rules, and the leader, this is the kind of legislation, which you are absolutely correct, which is very serious, very complicated, and ought to have the fullest airing on the floor of this House. Obviously, it has had a full airing in a number of committees.

□ 2310

We would urge and very strongly hope that the goal that the gentleman has expressed as his will, in fact, be followed so that alternatives can be offered by committee or individual Members on this side of the aisle as well as that side of the aisle when this bill comes to the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just say that we will certainly take the recommendation of our friend, the minority whip, into consideration as we proceed; and I thank my friend for yielding.

ADJOURNMENT TO MONDAY, APRIL 7, 2003

Mr. DeLAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. LaTOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DeLAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 1036, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of April 7 to grant a rule which could limit the amendment process for floor consideration of H.R. 1036, the Protection of Lawful Commerce in Arms Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in Room H–312 of the Capitol by 10 a.m. on Tuesday, April 8. Members should draft their amendment to the bill as reported by the Committee on the Judiciary on April 3, 2003.

Members are advised that the text should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules today.

Members should use the Office of Legislative Council to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1040

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1040.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (20 U.S.C. 955(b) note), I hereby appoint, Rep. Betty McCollum of Minnesota, to the National Council on the Arts for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (2 U.S.C. 88b–3), I hereby appoint Rep. Dale E. Kildee of Michigan, to the House of Representatives Page Board for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Ms. WOOLSEY of California.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CUBA'S CRACKDOWN ON DISSIDENT COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week I stood before this House and spoke of the opening stages in Castro's outright assault on human rights and democracy. I spoke of Castro's decision to arrest over 80 nonviolent human rights advocates, pro-democracy leaders and independent journalists, in what has become a campaign by the regime to silence all voices of opposition on the island. Hoping that his actions would be overshadowed by the situation in Iraq, Castro has declared war on his own people.

Among those arrested include signers and supporters of a joint statement from the Cuban dissident community to the European Union, promoters of the Varela Project, members of the independent press, owners of independent libraries, and members of Cuba's independent civil society.

When I last spoke on this situation, it was feared that those arrested would be prosecuted under a much-criticized 1999 Cuban law that makes it a crime to publish subversive materials provided by the U.S. Government, and that carries with it a harsh prison sentence. Those fears, unfortunately, Mr. Speaker, have become a reality, as Castro has begun the trial of many of the detainees, seeking sentences that range from 12 years to decades and even requesting life in prison for some.

Furthermore, the prisoners have been refused access to their wives and families, have been allowed little or no legal defense, and have even been denied the ability to read the State's case against them.

Mr. Speaker, the Cuban Government has provided no information about the trials. Authorities outside two of the trials barred access to international journalists.

Castro's wave of oppression was also accompanied by a decision to limit the travel of Americans with the U.S. Interests Section, quarantining our diplomats to the province of Havana. Castro has become increasingly irritated by the actions of James Cason, chief of the U.S. Interests Section, and Cason's continued contact with members of the Cuban pro-democracy movement. Cason and other American diplomats have met in public with opposition leaders and independent journalists in an effort basically to encourage democracy and freedom of information on the island.

Mr. Speaker, these recent actions by the Castro regime are simply the next step in the systematic denial of even the most basic human rights for the citizens of Cuba. I, and many of my colleagues, have often urged this body to be wary of Castro and the Cuban Government. These latest developments are nothing new, but we must continue to be vigilant and not allow these deeds to go unnoticed.

Castro must know that despite his hope that the world would be looking the other way, we are noticing, and that these actions will not be allowed to continue.

ORDER OF BUSINESS

Mr. MEEK of Florida. Mr. Speaker, I ask unanimous consent to proceed with my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GEORGE "GODFATHER" THOMPSON: A LIFETIME OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I rise this evening to honor George "Godfather" Thompson, one of the most remarkable men in my life and many of the lives of individuals who have played Rattler football at Florida A&M. Tomorrow night, friends and families and other players at Florida A&M are going to come together to pay tribute to this wonderful man who has done so much on behalf of so many, a man of great humility and compassion. When he speaks of Florida A&M and Rattler football, he gets chill bumps all over his body.

His heart is so big that those who go to Florida A&M with very little money, very little guidance or those that have great guidance, he takes the time to speak with them.

This Nation loves sports and for good reasons, but the right coach and guidance and sports, particularly in team sports, are fun and effective ways to teach young people the great lessons of life, that discipline and hard work are necessary for success but not necessarily guaranteed; that those who are trying to beat their opponents, they are not necessarily their enemies; that winning with grace and dignity often requires as much character as losing with grace and dignity; and that teams succeed over the long haul when there are people working together, helping each other and supporting each other.

These are the great lessons of George "Godfather" Thompson.

I played defensive end for Florida A&M University, and this is where I met Godfather. He gave me a great, great insight on life, even though he was just an equipment manager. He was one of great dignity and pride and told many Rattler football players about the programs and stories. Even though it was not his responsibility to be the counselor, he took that responsibility as being someone to head young men in the right direction, or point young men in the right direction.

For everyone who calls George Thompson "Godfather," and we still do, it is not a godfather that we may see on a movie or what have you, but it is out of respect and love for someone who took the time with everyone and opened his heart to accommodate not only their feelings but to guide them in the right direction.

□ 2320

He came to Florida A&M from Melbourne, Florida in 1951 as a student and pursued his degree and worked on campus as an equipment manager. It changed his life and the lives of thousands of student athletes who passed under his mentorship. He is a walking, talking history book who still inspires the coaches, students and players at Florida A&M. His compliment to the university and the students is unprecedented at Florida A&M, and maybe unprecedented in the entire Nation.

Mr. Speaker, I think it is very important for us to be able to highlight the fact that he served under five coaches there at Florida A&M, and for many of those years great individuals passed through that program. Rattler football is something we take very seriously down in Florida, especially in Tallahassee, Florida where the blood runs orange and green.

I want to thank him for his commitment and his level of responsibility for so many individuals in our lifetime. So many young men have moved on to do great things in this country because of his guidance, and we honor his presence and we thank God that so many of us had the opportunity to have him walk our way. So I not only commend him, Mr. Speaker, but I also want this Congress to be aware that a great American and patriot took time to not only guide individuals like myself and others and that we are forever indebted to his presence and to his feelings and to the work that he put forth over the years doing common things uncommonly well.

IN HONOR AND MEMORY OF PRIVATE FIRST CLASS HOWARD JOHNSON, II, OF MOBILE, ALABAMA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Alabama (Mr. BONNER) is recognized for 5 minutes.

Mr. BONNER. Mr. Speaker, this Saturday, Mobile, and indeed all of Alabama will say goodbye to our first casualty in the war on Iraq. While many Americans will be busy running weekend errands, shopping at the local mall, or spending time with their children at a T-ball game, I will, instead, be attending what will be a much more somber occasion, the funeral services for Private First Class Howard Johnson, II. Private Johnson was killed in combat while bravely serving and protecting this great Nation in Operation Iraqi Freedom.

Mr. Speaker, recently I visited with Howard's parents, the Reverend and Mrs. Howard Johnson, at their home in Mobile. Like every other parent would do in similar circumstances, the Johnsons grieve over the loss of their wonderful son. They told me what a fine young man Howard was, how he was always thinking of other people, and how he had a special concern especially for the older people who were in his father's church.

They said Howard loved life, and he was blessed with many wonderful friends. In the living room of their home, I had a chance to view several photographs of Howard, first as a little boy, then as a teenager, and more recently as a young man. Always, always, there was a big smile on his face. Howard Johnson, II, had a contagious smile and an optimistic spirit that looked to the future with hope and anticipation.

In uniform and in service to our country, Private Johnson exhibited courage, selfless service, and honor as a member of the United States Army and its 507th Ordnance Maintenance Company. Tragically, Private Johnson's supply convoy was ambushed in the early days of the campaign in the Iraqi city of Nasiriyah.

Although stationed at Fort Bliss in El Paso, Texas, Private Johnson resided in Mobile, Alabama with his family. He was a 2001 graduate of LeFlore High School and a member of the ROTC. Upon graduation from high school, Howard joined the Army and served as an automated logistical specialist after graduating from basic training at Fort Jackson, South Carolina in August of 2001.

On Wednesday of this week, more than 1,500 friends, former classmates, teachers and members of Howard's extended family attended a memorial service at the LeFlore High School gymnasium. Howard Johnson, II, will be remembered for many fine qualities, not the least of which is the fact that today he is also known as and wears the title "hero."

As you might imagine, I was deeply saddened to receive the word of Private Johnson's death. While it is always hard to understand why we must lose any of our young people, especially those serving and protecting our Nation in our Armed Forces, I believe it is accurate to say Private Johnson's family takes great comfort from the fact that Howard was ably performing his duty in an honorable manner that reflects the rich tradition of our military.

Even during this sad time, his parents, family and friends are rightly proud of his many accomplishments and that he voluntarily committed himself to preserving the freedoms that we sometimes take for granted and that we enjoy here in the United States and to spreading those freedoms to the victims of an oppressive regime halfway around the world.

Mr. Speaker, Howard's family is fortunate that they can rely on a rock-solid faith and a loving God to provide personal strength and comfort during these difficult days. Reverend Johnson, Howard's father, is pastor of the Truevine Missionary Baptist Church in Mobile where Howard played drums and was active in Sunday school in the children's ministry. Right before Howard was prepared to ship off to Kuwait, he reassured his father that "I'm ready, and I know what I'm facing, and I just believe that God is going to do it for me."

Mr. Speaker, Howard Johnson's willingness to pay what has become the ultimate sacrifice has contributed immeasurably to the freedom and security of this Nation, to Iraq, and the world.

The 507th's "One team, one fight" motto also embodies this worldwide mission that our servicemen and women have undertaken. May the prayers of a grateful Nation bring some comfort to the Johnson family and to all other families who have lost loved ones during this war, and may God continue to bless America, the greatest country on the face of the Earth.

ESTABLISHING A PERMANENT PRESENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I want to bring to your attention a fascinating article in this month's issue of Mother Jones magazine, written by Robert Dreyfuss, and it deals with the question of establishing a permanent presence in the Middle East. I wanted to point out that this issue of oil, which fuels military power, national treasuries and international politics, is no longer a commodity to be bought and sold within the confines of traditional energy supply and demand balances. Rather, it has been transformed into a determinant of well-being of national security and of international power. I recommend it to the attention of all of my colleagues.

Mr. Speaker, I submit the above-mentioned article for the RECORD.

Establishing a Permanent Presence in the Middle East

If you were to spin the globe and look for real estate critical to building an American empire, your first stop would have to be the Persian Gulf. The desert sands of this region hold two of every three barrels of oil in the world—Iraq's reserves alone are equal, by some estimates, to those of Russia, the United States, China, and Mexico combined. For the past 30 years, the Gulf has been in the crosshairs of an influential group of Washington foreign-policy strategists, who believe that in order to ensure its global dominance, the United States must seize control of the region and its oil. Born during the energy crisis of the 1970s and refined since then by a generation of policymakers, this approach is finding its boldest expression yet in the Bush administration—which, with its plan to invade Iraq and install a regime beholden to Washington, has moved closer than any of its predecessors to transforming the Gulf into an American protectorate.

In the geopolitical vision driving current U.S. policy toward Iraq, the key to national security is global hegemony—dominance over any and all potential rivals. To that end, the United States must not only be able to project its military forces anywhere, at any time. It must also control key resources, chief among them oil—and especially Gulf oil. To the hawks who now set the tone at the White House and the Pentagon, the region is crucial not simply for its share of the U.S. oil supply (other sources have become more important over the years), but because it would allow the United States to maintain a lock on the world's energy life-line and potentially deny access to its global competitors. The administration "believes you have to control resources in order to have access to them," says Chas Freeman, who served as U.S. ambassador to Saudi Arabia under the first President Bush. "They are taken with the idea that the end of the Cold War left the United States able to impose its will globally—and that those who have the ability to shape events with power have the duty to do so. It's ideology."

Iraq, in this view, is a strategic prize of unparalleled importance. Unlike the oil beneath Alaska's frozen tundra, locked away in the steppes of central Asia, or buried under stormy seas, Iraq's crude is readily accessible and, at less than $1.50 a barrel, some of the cheapest in the world to produce. Already, over the past several months, Western companies have been meeting with Iraqi exiles to try to stake a claim to that bonanza.

But while the companies hope to cash in on an American-controlled Iraq, the push to remove Saddam Hussein hasn't been driven by oil executives, many of whom are worried about the consequences of war. Nor are Vice President Cheney and President Bush, both former oilmen, looking at the Gulf simply for the profits that can be earned there. The administration is thinking bigger, much bigger, than that.

"Controlling Iraq is about oil as power, rather than oil as fuel," says Michael Klare, professor of peace and world security studies at Hampshire College and author of Resource Wars. "Control over the Persian Gulf translates into control over Europe, Japan, and China. It's having our hand on the spigot."

Ever since the oil shocks of the 1970s, the United States has steadily been accumulating military muscle in the Gulf by building bases, selling weaponry, and forging military partnerships. Now, it is poised to consolidate its might in a place that will be a fulcrum of the world's balance of power for decades to come. At a stroke, by taking control of Iraq, the Bush administration can solidify a long-running strategic design. "It's the Kissinger plan," says James Akins, a former U.S. diplomat. "I thought it had been killed, but it's back."

Akins learned a hard lesson about the politics of oil when he served as a U.S. envoy in Kuwait and Iraq, and ultimately as ambassador to Saudi Arabia during the oil crisis of 1973 and '74. At his home in Washington, D.C., shelves filled with Middle Eastern pottery and other memorabilia cover the walls, souvenirs of his years in the Foreign Service. Nearly three decades later, he still gets worked up while recalling his first encounter with the idea that the United States should be prepared to occupy Arab oil-producing countries.

In 1975, while Akins was ambassador in Saudi Arabia, an article headlined "Seizing Arab Oil" appeared in Harper's. The author, who used the pseudonym Miles Ignotus, was identified as "a Washington-based professor and defense consultant with intimate links to high-level U.S. policy-makers." The article outlined, as Akins puts it, "how we could solve all our economic and political problems by taking over the Arab oil fields [and] bringing in Texans and Oklahomans to operate them." Simultaneously, a rash of similar stories appeared in other magazines and newspapers. "I knew that it had to have been the result of a deep background briefing," Akins says. "You don't have eight people coming up with the same screwy idea at the same time, independently.

"Then I made a fatal mistake," Akins continues. "I said on television that anyone who would propose that is either a madman, a criminal, or an agent of the Soviet Union." Soon afterward, he says, he learned that the background briefing had been conducted by his boss, then-Secretary of State Henry Kissinger. Akins was fired later that year.

Kissinger has never acknowledged having planted the seeds for the article. But in an interview with Business Week that same year, he delivered a thinly veiled threat to the Saudis, musing about bringing oil prices down through "massive political warfare against countries like Saudi Arabia and Iran to make them risk their political stability and maybe their security if they did not cooperate."

In the 1970s, America's military presence in the Gulf was virtually nil, so the idea of seizing control of its oil was a pipe dream. Still, starting with the Miles Ignotus article, and a parallel one by conservative strategist and Johns Hopkins University professor Robert W. Tucker in Commentary, the idea began to gain favor among a feisty group of hardline, pro-Israeli thinkers, especially the hawkish circle aligned with Democratic senators Henry Jackson of Washington and Daniel Patrick Moynihan of New York. Eventually, this amalgam of strategists came to be known as "neoconservatives," and they played important roles in President Reagan's Defense Department and at think tanks and academic policy centers in the 1980s. Led by Richard Perle, chairman of the Pentagon's influential Defense Policy Board, and Deputy Secretary of Defense Paul Wolfowitz, they now occupy several dozen key posts in the White House, the Pentagon, and the State Department. At the top, they are closest to Vice President Cheney and Defense Secretary Donald Rumsfeld, who have been closely aligned since both men served in the White House under President Ford in the mid-1970s. They also clustered around Cheney when he served as secretary of defense during the Gulf War in 1991.

Throughout those years, and especially after the Gulf War, U.S. forces have steadily encroached on the Gulf and the surrounding region, from the Horn of Africa to Central Asia. In preparing for an invasion and occupation of Iraq, the administration has been building on the steps taken by military and policy planners over the past quarter century.

STEP ONE: The Rapid Deployment Force. In 1973 and '74, and again in 1979, political upheavals in the Middle East led to huge spikes in oil prices, which rose fifteenfold over the decade and focused new attention on the Persian Gulf. In January 1980, President Carter effectively declared the Gulf a zone of U.S. influence, especially against encroachment from the Soviet Union. "Let our position be absolutely clear," he said, announcing what came to be known as the Carter Doctrine. "An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force." To back up this doctrine, Carter created the Rapid Deployment Force, an "over-the-horizon" military unit capable of rushing several thousand U.S. troops to the Gulf in a crisis.

STEP TWO: The Central Command. In the 1980s, under President Reagan, the United States began pressing countries in the Gulf for access to bases and support facilities. The Rapid Deployment Force was transformed into the Central Command, a new U.S. military command authority with responsibility for the Gulf and the surrounding region from eastern Africa to Afghanistan. Reagan tried to organize a "strategic consensus" of anti-Soviet allies, including Turkey, Israel, and Saudi Arabia. The United States sold billions of dollars' worth of arms to the Saudis in the early '80s, from AWACS surveillance aircraft to F–15 fighters. And in 1987, at the height of the war between Iraq and Iran, the U.S. Navy created the Joint Task Force-Middle East to protect oil tankers plying the waters of the Gulf, thus expanding a U.S. naval presence of just three or four warships into a flotilla of 40-plus aircraft carriers, battleships, and cruisers.

STEP THREE: The Gulf War. Until 1991, the United States was unable to persuade the Arab Gulf states to allow a permanent American presence on their soil. Meanwhile, Saudi Arabia, while maintaining its close relationship with the United States, began to diversify its commercial and military ties; by the time U.S. Ambassador Chas Freeman arrived there in the late '80s, the United States had fallen to fourth place among arms suppliers to the kingdom. "The United States was being supplanted even in commercial terms by the British, the French, even the Chinese," Freeman notes.

All that changed with the Gulf War. Saudi Arabia and other Gulf states no longer opposed a direct U.S. military presence, and American troops, construction squads, arms salesmen, and military assistance teams rushed in. The Gulf War put Saudi Arabia back on the map and revived a relationship that had been severely attrited," says Freeman.

In the decade after the war, the United States sold more than $43 billion worth of weapons, equipment, and military construction projects to Saudi Arabia, and 416 billion more to Kuwait, Qatar, Bahrain, and the United Arab Emirates, according to data compiled by the Federation of American Scientists. Before Operation Desert Storm, the U.S. military enjoyed the right to stockpile, or "pre-position," military supplies only in the comparatively remote Gulf state of Oman on the Indian Ocean. After the war, nearly every country in the region began conducting joint military exercises, hosting U.S. naval units and Air Force squadrons, and granting the United States pre-positioning rights. "Our military presence in the Middle East has increased dramatically," then-Defense Secretary William Cohen boasted in 1995.

Another boost to the U.S. presence was the unilateral imposition, in 1991, of no-fly zones in northern and southern Iraq, enforced mostly by U.S. aircraft from bases in Turkey and Saudi Arabia. "There was a massive buildup, especially around Incirlik in Turkey, to police the northern no-fly zone, and around [the Saudi capital of] Riyadh, to police the southern no-fly zone," says Colin Robinson of the Center for Defense Information, a Washington think tank. A billion-dollar, high-tech command center was built by Saudi Arabia near Riyadh, and over the past two years the United States has secretly been completing another one in Qatar. The Saudi facilities "were built with capacities far beyond the ability of Saudi Arabia to use them," Robinson says. "And that's exactly what Qatar is doing now."

STEP FOUR: Afghanistan. The war in Afghanistan—and the open-ended war on terrorism, which has led to U.S. strikes in Yemen, Pakistan, and elsewhere—further boosted America's strength in the region. The administration has won large increases in the defense budget—which now stands at about $400 billion, up from just over $300 billion in 2000—and a huge chunk of that budget, perhaps as much as $60 billion, is slated to support U.S. forces in and around the Persian Gulf. Military facilities on the perimeter of the Gulf, from Djibouti in the Horn of Africa to the island of Diego Garcia in the Indian Ocean, have been expanded, and a web of bases and training missions has extended the U.S. presence deep into central Asia. From Afghanistan to the landlocked former Soviet republics of Uzbekistan and Kyrgyzstan, U.S. forces have established themselves in an area that had long been in Russia's sphere of influence. Oil-rich in its own right, and strategically vital, central Asia is now the eastern link in a nearly continuous chain of U.S. bases, facilities, and allies stretching from the Mediterranean and the Red Sea far into the Asian hinterland.

STEP FIVE: Iraq. Removing Saddam Hussein could be the final piece of the puzzle, cementing an American imperial presence. It is "highly possible" that the United States will maintain military bases in Iraq. Robert Kagan, a leading neoconservative strategist, recently told the Atlanta Journal Constitution. "We will probably need a major concentration of forces in the Middle East over a long period of time," he said. "When we have economic problems, it's been caused by disruptions in our oil supply. If we have a force in Iraq, there will be no disruption in oil supplies."

Kagan, along with William Kristol of the Weekly Standard, is a founder of the think tank Project for the New American Century, an assembly of foreign-policy hawks whose supports include the Pentagon's Perle, New Republic publisher Martin Peretz, and former Central Intelligence Agency director James Woolsey. Among the group's affiliates in the Bush administration are Cheney, Rumsfeld, and Wolfowitz; I. Lewis Libby, the vice president's chief of staff; Elliott Abrams, the Middle East director at the National Security Council; and Zalmay Khalilzad, the White House liaison to the Iraqi opposition groups. Kagan's group, tied to a web of similar neoconservative, pro-Israeli organizations, represents the constellation of thinkers whose ideological affinity was forged in the Nixon and Ford administrations.

To Akins, who has just returned from Saudi Arabia, it's a team that looks all too familiar, seeking to implement the plan first outlined back in 1975. "It'll be easier once we have Iraq," he says. "Kuwait, we already have. Qatar and Bahrain, too. So it's only Saudi Arabia we're talking about, and the United Arab Emirates falls into place."

Last summer, Perle provided a brief glimpse into his circle's thinking when he invited Rand Corporation strategist Laurent Murawiec to make a presentation to his Defense Policy Board, a committee of former senior officials and generals that advises the Pentagon on big-picture policy ideas. Murawiec's closed-door briefing provoked a storm of criticism when it was leaked to the media: he described Saudi Arabia as the "kernel of evil," suggested that the Saudi royal family should be replaced or otherthrown, and raised the idea of a U.S. occupation of Saudi oil fields. He ultimately lost his job when Rand decided he was too controversial.

Murawiec is part of a Washington school of thought that views virtually all of the nations in the Gulf as unstable "failed states" and maintains that only the United States has the power to forcibly reorganize and rebuild them. In this view, the arms systems and bases that were put in place to defend the region also provided a ready-made infrastructure for taking over countries and their oil fields in the event of a crisis.

The Defense Department likely has contingency plans to occupy Saudi Arabia, says Robert E. Ebel, director of the energy program at the Center for Strategic and International Studies (CSIS), a Washington think tank whose advisers include Kissinger; former Defense Secretary and CIA director James Schlesinger; and Zbigniew Brzezinski, Carter's national security adviser. "If something happens in Saudi Arabia," Ebel says, "if the ruling family is ousted, if they decide to shut off the oil supply, we have to go in."

Two years ago, Ebel, a former mid-level CIA official, oversaw a CSIS task force that included several members of Congress as well as representatives from industry including ExxonMobil, Arco, BP, Shell, Texaco, and the American Petroleum Institute. Its report, "The Geopolitics of Energy Into the 21st Century," concluded that the world will find itself dependent for many years on unstable oil-producing nations, around which conflicts and wars are bound to swirl. "Oil is high-profile stuff," Ebel says. "Oil fuels military power, national treasuries, and international politics. It is no longer a commodity to be bought and sold within the confines of traditional energy supply and demand balances. Rather, it has been transformed into a determinant of well-being, of national security, and of international power."

As vital as the Persian Gulf is now, its strategic importance is likely to grow exponentially in the next 20 years. Nearly one out of every three barrels of oil reserves in the world lie under just two countries: Saudi Arabia (with 259 billion barrels of proven reserves) and Iraq (112 billion). Those figures may understate Iraq's largely unexplored reserves, which according to U.S. government estimates may hold as many as 432 billion barrels.

With supplies in many other regions, especially the United States and the North Sea, nearly exhausted, oil from Saudi Arabia and Iraq is becoming ever more critical—a fact duly noted in the administration's National Energy Policy, released in 2001 by a White House task force. By 2020, the Gulf will supply between 54 percent and 67 percent of the world's crude, the document said, making the region "vital to U.S. interests." According to G. Daniel Butler, an oil-markets analyst at the U.S. Energy Information Administration (EIA), Saudi Arabia's production capacity will rise from its current 9.4 million barrels a day to 22.1 million over the next 17 years. Iraq, which in 2002 produced a mere 2 million barrels a day, "could easily be a double-digit producer by 2020," says Butler.

U.S. strategists aren't worried primarily about America's own oil supplies; for decades, the United States has worked to diversify its sources of oil with Venezuela, Nigeria, Mexico, and other countries growing in importance. But for Western Europe and Japan, as well as the developing industrial powers of eastern Asia, the Gulf is all-important. Whoever controls it will maintain crucial global leverage for decades to come.

Today, notes the EIA's Butler, two-thirds of Gulf oil goes to Western industrial nations. By 2015, according to a study by the CIA's National Intelligence Council, three-quarters of the Gulf's oil will go to Asia, chiefly to China. China's growing dependence on the Gulf could cause it to develop closer military and political ties with countries such as Iran and Iraq, according to the report produced by Ebel's CSIS task force. "They have different political interests in the gulf than we do," Ebel says. "Is it to our advantage to have another competitor for oil in the Persian Gulf?"

David Long, who served as a U.S. diplomat in Saudi Arabia and as chief of the Near East division in the State Department's Bureau of Intelligence and Research during the Reagan administration, likens the Bush administration's approach to the philosophy of Admiral Mahan, the 19th-century military strategist who advocated the use of naval power to create a global American empire. "They want to be the world's enforcer," he says. "It's a worldview, a geopolitical position. They say, "We need hegemony in the region."

Until the 1970s, the face of American power in the Gulf was the U.S. oil industry, led by Exxon, Mobil, Chevron, Texaco, and Gulf, all of whom competed fiercely with Britain's BP and Anglo-Dutch Shell. But in the early '70s, Iraq, Saudi Arabia, and the other Gulf states nationalized their oil industries, setting up state-run companies to run wells, pipelines, and production facilities. Not only did that enhance the power of OPEC, enabling that organization to force a series of sharp price increases, but it alarmed U.S. policymakers.

Today, a growing number of Washington strategists are advocating a direct U.S. challenge to state-owned petroleum industries in oil-producing countries, especially the Persian Gulf. Think tanks such as the American Enterprise Institute, the Heritage Foundation, and CSIS are conducting discussions about privatizing Iraq's oil industry. Some of them have put forward detailed plans outlining how Iraq, Saudi Arabia, and other nations could be forced to open up their oil and gas industries to foreign investment. The Bush administration itself has been careful not to say much about what might happen to Iraq's oil. But State Department officials have had preliminary talks about the oil industry with Iraqi exiles, and there have been reports that the U.S. military wants to use at least part of the country's oil revenue to pay for the cost of military occupation.

"One of the major problems with the Persian Gulf is that the means of production are in the hands of the state," Rob Sobhani, an oil-industry consultant, told an American Enterprise Institute conference last fall in Washington. Already, he noted, several U.S. oil companies are studying the possibility of privatization in the Gulf. Dismantling government-owned oil companies, Sobhani argues, could also force political changes in the region. "The beginning of liberal democracy can be achieved if you take the means of production out of the hands of the state," he said, acknowledging that Arabs would resist that idea. "It's going to take a lot of selling, a lot of marketing," he concluded.

Just which companies would get to claim Iraq's oil has been a subject of much debate. After a war, the contracts that Iraq's state-owned oil company has signed with European, Russian, and Chinese oil firms might well be abrogated, leaving the field to U.S. oil companies. "What they have in mind is denationalization, and then parceling Iraqi oil out of American Oil companies," says Akins. "The American oil companies are going to be the main beneficiaries of this war."

The would-be rulers of a post-Saddam Iraq have been thinking along the same lines. "American oil companies will have a big shot at Iraqi oil," says Ahmad Chalabi, leader of the Iraqi National Congress, a group of aristocrats and wealthy Iraqis who fled the country when its repressive monarchy was overthrown in 1958. During a visit to Washington last fall, Chalabi held meetings with at least three major U.S. oil companies, trying to enlist their support. Similar meetings between Iraqi exiles and U.S. companies have also been taking place in Europe.

"Iraqi exiles have approached us, saying, 'You can have our oil if we can get back in there,'" says R. Gerald Bailey, who headed Exxon's Middle East operations until 1997. "All the major American companies have met with them in Paris, London, Brussels, all over. They're all jockeying for position. You can't ignore it, but you've got to do it on the QT. And you can't wait till it gets too far along."

But the companies are also anxious about the consequences of war, according to many experts, oil-company executives, and former State Department officials. "The oil companies are caught in the middle," says Bailey. Executives fear that war could create havoc in the region, turning Arab states against the United States and Western oil companies. On the other hand, should a U.S. invasion of Iraq be successful, they want to be there when the oil is divvied up. Says David Long, the former U.S. diplomat, "It's greed versus fear."

Ibrahim Oweiss, a Middle East specialist at Georgetown University who coined the term "petrodollar" and has also been a consultant to Occidental and BP, has been closely watching the cautious maneuvering by the companies. "I know that the oil companies are scared about the outcome of this," he says. "They are not at all sure this is in the best interests of the oil industry."

Anne Joyce, an editor at the Washington-based Middle East Policy Council who has spoken privately to top Exxon officials, says it's clear that most oil-industry executives "are afraid" of what a war in the Persian Gulf could mean in the long term—especially if tensions in the region spiral out of control. "They see it as much too risky, and they are risk averse," she says. "They think it has 'fiasco' written all over it."

CUBA BEGINS TRIALS OF DISSIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me draw your attention to a headline that appeared in the Associated Press today, and the headline reads "Cuba Begins Trials of Dissidents. Cuba pressed forward with its harshest crackdown on dissidents in years, holding the first trials Thursday for dissidents rounded up across the Island and reportedly seeking life sentences for at least 10 of them."

My colleagues, we are at this moment attempting to liberate Iraq from a dictator, Saddam Hussein. Our men and women are in harm's way. Regrettably, in this very Chamber, we have had our own colleagues, our own colleagues advocating open trade and opportunity with Fidel Castro.

☐ 2330

Mr. Speaker, I am referring to the very person who is arresting and charging and sentencing dissidents in Cuba to life sentencing. At least 78 dissidents have been arrested since March 18. If you dare to speak out against the government, and I say that loosely because it is not a government, it is a dictatorship, of Fidel Castro, you are arrested. My colleagues from south Florida will tell Members at length what is considered a chargeable crime, and they will tell some of the things that this dictator is charging his citizens with.

Let me read what Elsa Pollan said about her husband, Hector Fernando Maseda. She says, "I feel so defenseless. Where can I find someone to defend my husband?"

Her husband is going to be on trial, and no one will stand up for him. Why are our men and women in Iraq? To free and liberate people. And yet the very Members who voted to send our men and women into harm's way in Iraq, some of those people here on the floor gleefully say the embargo has not worked, 42 years later. Let us just trade with Cuba because if we embolden this dictator, he may give up and we will have freedom for people.

I have never heard such nonsense in my life. I hope those Members who advocate free trade with Cuba will look at today's headlines. If they feel comfortable doing business with a person who will incarcerate people for simply speaking their free will and their free mind, then have at it. I want no part of it.

If Members can look Elsa Pollan in the eyes and say her husband should be locked up for life because he spoke out against Fidel Castro, join with the happy campers in wanting to do free trade with Cuba. I challenge those Members who believe in free trade with Cuba, would they today, based on the political reality, advocate free trade with Saddam Hussein? Would they stand up in this well and say let us do business with Saddam Hussein because if he gets a little economic commerce, he will become a nicer person?

It is different because they keep saying if we do grain sales and medicine and food, we do opportunity, travel, somehow we are going to loosen the embargo and loosen Fidel Castro's grip on his people. Obviously, Fidel Castro has a different opinion on what loosening the grip on his people means. There are 78 people, confirmed defendants, and sentences sought for each. Several Cuban exile groups have distributed slightly longer lists. We are not sure. We hear 78 by the Associated Press. These are probably people who we will never hear from again because they will probably be dead at the hands of Fidel Castro's henchmen.

Mr. Speaker, tonight I ask my colleagues to carefully look at the headlines, think about our men and women in harm's way, and think if they really want to pursue a policy of appeasement with a man who is in fact locking up his own citizens as we speak. The parallels between Saddam Hussein and Fidel Castro are absolutely identical. One has a beard, one is south of Florida by 90 miles, the other is in the Middle East. But if the citizens dare speak out against either, they are dead or imprisoned for life. If they advocate health care or opportunity, they are arrested. Please do not fall for the trap; trade will not work. The embargo must stand. Fidel must go, and Cubans on that beautiful island south of Florida should have a chance for democracy and free elections.

CUBAN REGIME ARRESTS PRO-DEMOCRACY ACTIVISTS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for at least half the time until midnight as the designee of the majority leader.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I appreciated the remarks of the gentleman from New Jersey (Mr. PALLONE) and then my distinguished friend from Florida, the gentleman from Florida (Mr. FOLEY), with regard to the crackdown that the Cuban dictatorship is engaged in at this moment against the pro-democracy movement in Cuba.

An entire new generation of leaders has developed and sprung up in Cuba; and even though they make a very purposeful point of maintaining their struggle always to a totally peaceful means, the dictator in Cuba is nervous, precisely because an entire generation of leadership that signifies and represents the future of Cuba has arisen. So this crackdown has occurred while the attention of the world, and it is occurring while the attention of the world is obviously upon Iraq because of the liberation of Iraq taking place by coalition forces led by the United States.

So taking advantage of the fact that the world is looking at Iraq, the Cuban dictator has once again filled his prisons with men and women who are peaceful pro-democracy activists or independent librarians, independent journalists, including Raul Rivero who is usually referred to as the dean of independent journalists in Cuba. Very well-known peaceful pro-democracy activists have been part of this roundup. Their homes have been burst into by the thugs of the dictatorship called the Rapid Action Brigades. They have burst into the homes, ransacked the homes, stolen property and terrorized the families of the pro-democracy victims, as well as the pro-democracy activists; and that has been going on systematically in the last 2 weeks in Cuba.

As I stated before, very well-known activists such as Hector Palacios and Martha Beatriz Roque are among the many, the 80 that we know of. Certainly there are many more that we do not know of, but 80 we know of.

Mr. Speaker, I include for the RECORD the list of the 80 imprisoned journalists and activists that we know of.

INDEPENDENT JOURNALISTS

Víctor Rolando Arroyo, Pedro Argüelles Morán, Majail Bárzaga Lugo, Carmelo Díaz Fernández, Oscar Espinosa Chepe, Adolfo Fernández Sainz, Miguel Galván Gutiérrez, Julio César Gálvez, Edel José García, Roberto García Cabreras (prisión domiciliaria), Jorge Luis García Peneque, Ricardo González Alfonso, and Luis González Pentón.

Alejandro González Raga, Normando Hernández, Juan Carlos Herrera Acosta, José Ubaldo Izquierdo, Héctor Maseda, Mario Enrique Mayo, Jorge Olivera, Pablo Pacheco Avila, Fabio Prieto Llorente, José Gabriel Ramón Castillo, Raúl Rivero Castañeda, Omar Rodríguez Saludes, Omar Ruiz Hernández, and Manuel Vázquez Portal.

PRO-DEMOCRACY ACTIVISTS

Osvaldo Alfonso, Nelson Aguilar, Pedro Pablo Alvarez Ramos, Rafael Ernesto Avila Pérez, Margarito Broche Espinosa, Marcelo Cano, Eduardo Díaz Fleites, Antonio Díaz Sánchez, Alfredo Domínguez Batista, Efrén Fernández, José Daniel Ferrer Castillo, Luis Enrique Ferrer Garcia, Oscar Elias Biscet, Orlando Fundora, Alfredo Felipe Fuentes, Próspero Gainza, Javier García Pérez, Diosdado González Marreero, Léster González Pentón, Jorge Luis González Tanquero, Iván Hernández Carrillo, Regis Iglesias, Rolando Jiménez Posada, Reynaldo Labrada Peña, Librado Linares, José Miguel Martínez Hernández, and Rafael Millet.

Luis Milán Fernández, Roberto de Miranda, Nelson Moliné, Angel Moya Acosta, Félix Navarro, Héctor Palacios Ruiz, Arturo Pérez de Alejo, Omar Pernet Hernández, Horacio Julio Piña Borrego, Alfredo Pulido, Arnaldo Ramos Laubiriquet, Alexis Rodriguez Fernández, Blas G. Rodríguez Reyes, Martha Beatriz Roque Cabello, Claro Sánchez Altarriba, Ariel Sigler Amaya, Guido Sigler Amaya, Miguel Sigler Amaya, Ricardo Silva Gual, Fidel Suárez Cruz, Manuel Ubals González, Julio Antonio Valdés Guerra, Miguel Valdés Tamayo, Héctor Raúl Valle Hernández, Antonio A. Villarreal Acosta, and Orlando Zapata Tamayo.

Mr. Speaker, without any doubt, Martha Beatriz Roque, of the pro-democracy activists who have been rounded up in this Stalinist crackdown in the last 2 weeks, she is the best known, an economist by trade and a very erudite intellectual. Martha Beatriz was rounded up and thrown in the dungeon along with these 80 other pro-democracy activists, and today her summary trial began. Apparently it is set to end tomorrow.

The Castro regime's prosecutors are requesting life imprisonment for this woman, this economist who simply writes and speaks on behalf of freedom and democracy and analyzes economic conditions, and engages in that kind of work. The indictment does not contradict the fact that her work is peaceful, the so-called indictment because it is really a farce. It would be laughable if we were not dealing with the tragic situation of a people who have had to be subjected to 44 years of totalitarianism led by a Stalinist dictator.

□ 2340

The indictment charges Marta Beatriz Roque with possessing a computer, possessing a Web page on her computer, utilizing a server for her Web page in the United States of America. By way of the Web page, the indictment continues, Marta Beatriz Roque established links with entities in the United States. The accused, Marta Beatriz Roque, numerous times spoke on Radio Marti. The accused, Marta Beatriz Roque, published an article in a dissident magazine known as "Enquentro." The accused, Marta Beatriz Roque, was visited in her residence by the head of the United States Diplomatic Mission. The accused, Marta Beatriz Roque, possessed in her residence, the indictment continues, a Cannon copier and a Panasonic fax machine. The accused, Marta Beatriz Roque, had communications with the gentlewoman from Florida (Ms. ROS-LEHTINEN) and LINCOLN DIAZ-BALART. The accused must be sentenced pursuant to this indictment, pursuant to the request of the prosecution in the totalitarian state to life imprisonment for what she is being accused of.

That is what the Cuban people are subjected to, Mr. Speaker. Obviously, we see that the international community is beginning despite the fact that, naturally so, the attention has been on the liberation of Iraq, despite the fact that the dictator chose this moment to act, to attempt to wipe out an entire generation of leaders that will be the leaders of democratic Cuba. The international community is beginning to react. The European Union that had recently declared that it would accept the Cuban dictatorship in its international aid agreement, its foreign aid agreement, has now said that it will not continue to do so. The Cuban ambassador in London, I read today, was called in for an explanation by the Foreign Ministry in London. Publications, editorial boards, and I think it is just, it is only just and fair and appropriate to admit that publications, editorial boards with which I, for example, have had profound differences on many issues over the past, a number of them have come around and have seen that this totalitarian crackdown cannot be treated as business as usual; and thus business as usual must not be able to take place now with that dictatorship.

For example, the Los Angeles Times last week talking about the crackdown even before these sentences were requested, these barbaric Stalinist sentences. The Los Angeles Times ended its editorial last week saying before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up this month and demonstrate that his nation is moving toward democracy and away from totalitarianism, the Los Angeles Times, a newspaper that admittedly has had a different position in the past. And I must admit this demonstrates intellectual honesty and good faith by the editorial board of the Los Angeles Times.

The Washington Post today talks about the fear that obviously the dictator is demonstrating because, yes, he chose this moment; and then The Washington Post says there are signs of deeper reasons besides just the diversion of attention that Iraq signifies.

Over the past 2 weeks, The Washington Post of today says, there have been two skyjackings and a ferry hijacking in Havana. In all cases, the apparently well-armed hijackers wanted to be taken immediately to Miami or Key West, also the recent destination of a Cuban Government patrol boat.

The normally placid Cuban Church has recently blasted the regime, and the economy is in crisis. Perhaps Fidel Castro is more worried about the growth of opposition to his regime than he wants to let on, and perhaps this is not the moment for the U.S. Government to drop the ball, ease the pressure, or allow Cuba to pretend that the country's multiple problems are anything but self-inflicted. The Washington Post. I think that it is important and relevant to point this out and appreciate it.

I appreciate my colleagues being here. We have 15 minutes remaining, and I know we will be back on Tuesday, but I so much appreciate their being here also this evening, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding to me in this special moment for the people of Cuba.

It is with a heavy heart that my colleagues from south Florida and I stand here today because, while we are filled with hope and satisfaction about the liberation of the Iraqi people from the repressive regime of Saddam Hussein, at the same time our hearts bleed and weep for our brothers and sisters enslaved and oppressed in Cuba because the brutal tyrannical regime of Fidel Castro has used the cover of military action in Iraq to launch, as my colleague from south Florida clearly pointed out, one of the most intense crackdowns against dissidents in recent years. Castro's security agents have been storming into homes across the island, confiscating typewriters, books, papers from dissidents' homes, and rounding up almost 100 pro-democracy activists and independent journalists. And what have been their so-called crimes? Engaging in supposedly threatening activities such as possessing and lending books by such authors as Vaclac Havel, Mahatma Ghandi, Martin Luther King, Jr.

Arrested have been valiant freedom fighters such as Marta Beatriz Roque, an economist by trade who has already served time in Castro's gulags for her role in a publication that sought to take back the rights of all of the Cuban people, by underscoring that the "Homeland Belongs to All, La Patria es de Todos."

Another arrested, Raul Rivero, perhaps Cuba's most prominent independent journalist; Reformist Hector Palacios; labor leader Pedro Pablo Alvarez Ramos. And my colleague had entered into the RECORD all of their names, as far as we know; and the list is growing every day. And their sentences: Osvaldo Alfonso Valdes, life sentence; Jorge Olivera Castillo, 15 years; Ricardo Gonzalez Alfonso, life sentence; Orlando Fundora Alvarez, 15 to 25 years. Life sentences, 15 years, 25 years for possession of papers.

And these brave souls that are listed in these pages are just a few of the victims of the most recent wave of terrorism and repression. Many of the dissidents are being tortured. The summary sentences range from 15 years to execution, all in an attempt to intimidate by submission and silence those who oppose the regime's tyrannical rule. However, as Claudia Marquez, the wife of jailed dissident Osvaldo Alfonso, has emphasized, she said: "Our voices and cries will not be silenced, even if our only weapon is our statements."

With every arrest the opposition is strengthened, not weakened. With each beating their mission becomes clear. They are willing to make the ultimate sacrifice if it means an end to tyranny, for they know that their blood and their tears fertilize the roots of democracy which are taking hold in our native Cuba.

□ 2350

They will not be deterred. Let us not ignore their cries, cries emanating just 90 miles off our shores. This crackdown is a direct challenge to the United States and to the international community.

The regime assumed that we were all too busy with Iraq to care about the suffering of the Cuban people. Well, the dictatorship made a grave mistake. The European Union issued a statement condemning the arrest and demanding that these prisoners of conscience be immediately released. Amnesty International urged Cuba to release all of its prisoners of conscience and reform the laws which make such detentions possible. Human Rights International, the American Society of

Newspaper Editors, the Inter-American Press Association have all denounced the crackdowns; and newspapers, as pointed out by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), in the Los Angeles Times, they have published editorials saying, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes."

So rather than focusing on rewarding the Castro regime by loosening U.S. restrictions, all of us in the U.S. Congress should demand that Castro free all of the pro-democracy activists who have been arrested in the last few weeks, along with all prisoners of conscience.

We must demand respect for human rights and freedom for the Cuban people. We have done it before. We did it for the iron grip, for the former Soviet Union. We did it for the people in Kosovo, for the people in Bosnia. We did it for the Haitian people. We supported the Afghan people in their struggle, and we are now working to liberate the Iraqi people. But after more than 40 years of enslavement and subjugation, the U.S. Congress, with a single voice but one which will be heard around the world, must speak out against these atrocities and the gross violations committed by the Castro dictatorship, because the Cuban people deserve no less. I thank the gentleman.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman. Her words were eloquent, as always, and so appropriate. I would like to yield at this time to our other distinguished colleague from South Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Florida for this opportunity.

I was listening to our distinguished colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), talk about the sentences, these horrendous, long prison sentences to these human beings. Why are they going to prison? It sounds like a cruel joke. They are going to prison because they own a fax machine. They are going to prison because they own a copy machine. They are going to prison because they have the audacity of owning a computer. They are going to prison because how could they dare put up a Web page, a Web page that expresses what? Love for freedom. That is why they have been sentenced to prison. People who are nonviolent, people who want just one thing: freedom. Because they have the audacity to speak up and say that they want to be free and they want their people to be free, they get sentences of life imprisonment. Is that a cruel joke?

At the same time there are brave men and women who are giving their lives for freedom, just 90 miles from our shores we have another dictator taking away people's freedoms, putting them in prison because they own a fax machine and because they have the audacity to own a printer, a copier, or to have a Web page.

The world will not sit quietly. The world will not pretend this is not happening. We must all now speak up with one voice. We must all speak up against permitting this insanity by this insane human being just 90 miles away from our shores from taking place. Again, we will not forget these people. We will not tolerate their incarceration. We will not stop until they are freed, and we will insist that the entire world, starting with this body, the Congress of the United States, we will insist that every single one of us say to that dictator, we will not tolerate it. We will provide and put all of the pressure necessary to make sure that these people go free and that everybody on that island will one day very soon get rid of that nightmare, that horrendous nightmare that the world knows as Fidel Castro.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank both of my colleagues.

One week ago, the President of the United States, despite the fact that he is leading as Commander in Chief Operation Iraqi Freedom, with all the complexities that that has entailed and the attention that that has required, the President of the United States a week ago sent a letter to one of the most prestigious political prisoners in Cuba, a prisoner of conscience, Dr. Oscar Elias Biscet, and the President wrote in this letter to Dr. Biscet at Combinado del Este Prison where he is currently imprisoned:

"Dear Dr. Biscet: Congratulations on your recognition by the International Republican Institute with its first Democracy's People Award.

"Your work and your example are the embodiment of democratic values, including self-determination, free expression, and liberty. I applaud your courageous and dignified struggle for human rights and to bring freedom to all Cubans.

"Laura and I continue to pray for your health and that of the many political prisoners held unjustly in your country.

"Sincerely, George W. Bush."

The President sent this letter. Obviously, Castro cannot stand the fact that a Cuban would receive such an honor as a letter of this type from the President of the United States.

Well, Dr. Biscet's trial, after having languished for month after month after month, without being even charged, his summary trial has been announced for commencement and perhaps for finishing, for termination on Monday. And there are reports that Castro's prosecutor will either ask for the death penalty for Dr. Biscet or, in an act of great totalitarian mercy, request life imprisonment.

This cannot continue. This cannot continue and the Cuban people cannot continue, as the gentleman stated, in this nightmare.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, I imagine that now the Members of this body who may be well intentioned thought that we should do business as usual, as the gentleman well stated, with that dictator, will now realize that Castro is what he is. He is an assassin, he is a thug, he is a murderer, and he jails people for having computers in their homes.

So I would imagine and, of course, encourage everybody in this body to now join us, join the President of the United States, join the European Community in condemning this dictatorship and also making sure that we put pressure by applying every possible sanction possible to make sure that this nightmare goes away.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my colleagues for being here this evening. We will come back next week. I know that the gentlewoman from Florida (Ms. ROS-LEHTINEN) has been working hard, and we have been working along with her, on precisely a resolution to condemn this Stalinist crackdown on the peaceful pro-democracy movement in Cuba 90 miles from our shores in the strongest possible terms by this House of Representatives.

Mr. Speaker, I will include for the RECORD the letter sent by President Bush to Dr. Oscar Elias Biscet that I previously referred to.

Mr. Speaker, we shall return.

PRESIDENT, GEORGE W. BUSH,
March 26, 2003.

DR. OSCASR ELÍAS BISCET,
Combinado del Este Prison,
La Habana, Cuba.

DEAR DR. BISCET: Congratulations on your recognition by the International Republican Institute with its first Democracy's People Award.

Your work and your example are the embodiment of democratic values, including self-determination, free expression, and liberty. I applaud your courageous and dignified struggle for human rights and to bring freedom to all Cubans.

Laura and I continue to pray for your health, and that of the many political prisoners held unjustly in your country.

Sincerely,

GEORGE W. BUSH.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCINNIS (at the request of Mr. DELAY) for today on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. NORTON, for 5 minutes; today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today and April 7.

Mr. OXLEY, for 5 minutes, today.

Mr. BONNER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, April 7, 2003, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1661. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1662. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1663. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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1668. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1669. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1670. A letter from the Attorney/Advisor, Department of Transportation,transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1671. A letter from the Secretary, Department of Commerce, transmitting a report entitled, "Federal Assistance for Interjurisdictional and Anadromous Fisheries, Program Report 2001–2002"; to the Committee on Resources.

1672. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a result the loss of the Space Shuttle Columbia has exceeded $5 million, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

1673. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02–010] (RIN: 2115–AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–58). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. TANNER, Mr. SHERWOOD, Mr. MCNULTY, Mr. BERRY, Mr. MURTHA, Mr. MCHUGH, Mr. FARR, Mr. UDALL of Colorado, Mrs. EMERSON, Mr. ALLEN, Mr. REYNOLDS, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, Mr. HOLDEN, Mr. ORTIZ, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. PLATTS, Mr. DOYLE, Mr. LATHAM, Mr. POMEROY, Mr. BOSWELL, Mr. COOPER, and Mr. ROGERS of Alabama):

H.R. 1580. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. HOSTETTLER, and Mr. EDWARDS):

H.R. 1581. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for certain compensation received by members of the Armed Forces serving in South Korea; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. STUPAK, Mr. STRICKLAND, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. CANNON, Mr. INSLEE, Mr. OTTER, Mr. SIMPSON, Mr. TANCREDO, Mr. BISHOP of Utah, Mr. RENZI, Mr. DICKS, Mr. OSBORNE, Mr. BEREUTER, Mr. MCINNIS, Mrs. CUBIN, Mr. HASTINGS of Florida, Mr. POMEROY, Mr. KLINE, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. BROWN of Ohio, Ms. DEGETTE, Mr. BARTON of Texas, Mr. BASS, and Mr. BEAUPREZ):

H.R. 1582. A bill to equitably distribute universal service support throughout rural America, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, and Mr. ISAKSON):

H.R. 1583. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative improvement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Mr. THOMAS, and Mr. RANGEL):

H.R. 1584. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. EVERETT, Mr. BILIRAKIS, Mr. MICHAUD, Ms. CARSON of Indiana, Mr. FILNER, Mr. BEAUPREZ, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. STEARNS, Mr. QUINN, Mr. SWEENEY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH):

H.R. 1585. A bill to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 1586. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer impairment, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. WOLF, Mr. SOUDER, Mr. PENCE, Mr. CROWLEY, Ms. LOFGREN, Ms. ROS-

LEHTINEN, Mr. TOM DAVIS of Virginia, Mr. TOWNS, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. BALLENGER, Ms. LORETTA SANCHEZ of California, Mr. SAM JOHNSON of Texas, Mr. CLAY, Mr. BEAUPREZ, Mr. GREEN of Texas, Mr. ENGLISH, Mr. GREEN of Wisconsin, Ms. NORTON, Mr. WYNN, Mr. BELL, Mr. MORAN of Virginia, Mr. PAYNE, Mr. COX, Mr. GALLEGLY, Mr. MOORE, Mr. VAN HOLLEN, and Mr. WELDON of Pennsylvania):

H.R. 1587. A bill to promote freedom and democracy in Viet Nam; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 1589. A bill to authorize the Secretary of the Interior to provide grants for the preservation of historic courthouses; to the Committee on Resources.

By Mr. LANTOS (for himself and Mr. DREIER):

H.R. 1590. A bill to enhance United States leadership and the functioning of international organizations and multilateral institutions; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1591. A bill to amend title 49, United States Code, to provide a credit toward the non-Federal share of projects carried out under the airport improvement program to an owner or operator of an airport that is utilized to respond to a disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 1592. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on Armed Services.

By Mr. BOSWELL (for himself, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. REYES, Mr. ETHERIDGE, and Mr. TIERNEY):

H.R. 1593. A bill to improve homeland security, prevent tax increases, support education and health care, and strengthen the economy; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 1594. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area in St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself and Mr. RAHALL):

H.R. 1595. A bill to further cooperation and support among Federal land managers and designated gateway communities where the results of such cooperation and support are likely to be mutually beneficial, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 1596. A bill to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the "Timothy Michael Gaffney Post Office Building"; to the Committee on Government Reform.

By Mr. COLLINS:

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. COX:

H.R. 1598. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; to the Committee on Resources.

By Mr. CUMMINGS (for himself and Mr. SOUDER):

H.R. 1599. A bill to amend the Office of National Drug Control Policy Act Reauthorization Act of 1998 to ensure that adequate funding is provided for certain high intensity drug trafficking areas; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1600. A bill to amend the Elementary and Secondary Education Act of 1965 to reserve funds to provide special training, technical assistance, and professional development to eligible entities implementing Even Start programs and to the staff of such programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1601. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1602. A bill to provide for reform of the Senior Executive Service, adjustment in the rates of pay of certain positions, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. PUTNAM):

H.R. 1603. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 1604. A bill to amend Public Law 105-295 to increase the amount of funds authorized to be appropriated for construction of temperature control devices; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. BOEHLERT, Mr. MARKEY, Mrs. JOHNSON of Connecticut, and Ms. SOLIS):

H.R. 1605. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 1606. A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H-2A nonimmigrant agricultural worker; to the Committee on the Judiciary.

By Mr. GOODE:

H.R. 1607. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions of real property interests for conservation purposes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. HEFLEY, Mr. FORBES, and Mr. MORAN of Virginia):

H.R. 1608. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1609. A bill to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the "Admiral Donald Davis Post Office Building"; to the Committee on Government Reform.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building"; to the Committee on Government Reform.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. FROST, Mr. HINOJOSA, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. HOOLEY of Oregon, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. INSLEE, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Ms. SOLIS, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. EHLERS, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. VAN HOLLEN, Mr. BECERRA, Mrs.

Jones of Ohio, Mr. Case, Mr. Owens, and Mr. Engel):

H.R. 1611. A bill to authorize grants to local educational agencies for teacher mentoring programs; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. Ryan of Wisconsin, Mr. Hayworth, Mr. English, Mr. Foley, Mr. Brady of Texas, Mr. Herger, Mr. Lewis of Kentucky, Mr. Sam Johnson of Texas, Mr. Crane, Mr. Cox, Mr. Hall, Mr. Akin, Mr. Shuster, Mr. Wilson of South Carolina, Mr. Goode, Mr. Nethercutt, Mr. Johnson of Illinois, Mr. Gibbons, Mr. Graves, Mr. McKeon, Mr. Frelinghuysen, Mr. Platts, Mr. Mica, Mr. Sensenbrenner, Mr. Hastings of Washington, Mr. King of New York, Mrs. Blackburn, Mr. Pitts, Mr. Sweeney, Ms. Ros-Lehtinen, Mr. Kirk, Mr. Terry, Mr. Franks of Arizona, Mr. Forbes, Mr. Rehberg, Mr. Bachus, Mr. Kennedy of Minnesota, Mr. Knollenberg, Mr. Ballenger, Mr. Shimkus, Mr. Miller of Florida, Mr. Hostettler, Mr. Green of Wisconsin, Mr. Hayes, Mr. Pearce, Mr. Wamp, Mr. Kline, Mr. Ney, Mr. Mario Diaz-Balart of Florida, Mr. Weldon of Florida, Mr. Upton, Mr. Carter, Mr. Burton of Indiana, Mr. Cannon, Ms. Ginny Brown-Waite of Florida, Mr. Souder, Mr. McCotter, Mrs. Musgrave, Mr. Ryun of Kansas, Mr. LaHood, Mr. Flake, Mr. Beauprez, Mr. Aderholt, Mr. Pence, Mr. Bartlett of Maryland, Mr. Doolittle, Mr. DeMint, Mr. Shadegg, Mr. Sullivan, Mr. Istook, Mrs. Myrick, Mr. Toomey, Mr. Brown of South Carolina, Mr. Boozman, Mr. Hoekstra, Mr. Rohrabacher, Mr. Manzullo, Mr. Culberson, Mr. Sessions, Mr. Fossella, Mr. Schrock, Mr. Pombo, and Mr. Feeney):

H.R. 1612. A bill to make permanent the tax benefits enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mrs. JONES of Ohio:

H.R. 1613. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH (for himself, Mr. Watt, Mr. Davis of Alabama, and Ms. Harris):

H.R. 1614. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing and to provide financial assistance under such program for main street revitalization or redevelopment projects in smaller communities to support the development of affordable housing for low-income families in connection with such projects, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. Towns, Mr. McGovern, Mr. Delahunt, Ms. Corrine Brown of Florida, Mr. Weldon of Pennsylvania, Mr. Frost, Mr. McNulty, Ms. Kaptur, Ms. Norton, Ms. Millender-McDonald, Mr. Dingell, and Mr. Filner):

H.R. 1615. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. Nadler, Mr. Blumenauer, Mr. Filner, Ms. Norton, Ms. Corrine Brown of Florida, Ms. Millender-McDonald, Mr. Costello, Mr. DeFazio, Mr. Gutierrez, Mr. Davis of Illinois, Ms. Schakowsky, Mr. Manzullo, Mr. Emanuel, Mr. Farr, Mr. Kucinich, Ms. Carson of Indiana, Mr. Rush, Mr. Jackson of Illinois, Mr. Holden, Mr. Sanders, Mr. Frank of Massachusetts, Ms. Berkley, Mr. Evans, Mr. Baird, and Mr. Cummings):

H.R. 1617. A bill to establish and provide for funding for a National Rail Infrastructure Program; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MAJETTE (for herself, Mr. Linder, Mr. Lewis of Georgia, Mr. Bishop of Georgia, Mr. Gingrey, Mr. Isakson, Mr. Kingston, Mr. Marshall, and Mr. Scott of Georgia):

H.R. 1618. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. Petri, and Mr. McNulty):

H.R. 1619. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. Rangel, Mr. Sweeney, Mr. Hinchey, Mr. Serrano, Mrs. McCarthy of New York, Mr. Towns, Mr. Owens, Mrs. Lowey, and Mr. McHugh):

H.R. 1620. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself and Mr. DeFazio):

H.R. 1621. A bill to provide environmentally sound, expedited procedures for the planning and implementation of hazardous fuels reduction activities for wild-fire prone National Forest System lands and lands administered by the Bureau of Land Management, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself and Mrs. Capps):

H.R. 1622. A bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE:

H.R. 1623. A bill to amend title 44, United States Code, to direct the Archivist of the United States to maintain an inventory of all gifts received from domestic sources for the President, the Executive Residence at the White House, or a Presidential archival depository; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 1624. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL:

H.R. 1625. A bill to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building"; to the Committee on Government Reform.

By Mr. PETERSON of Minnesota (for himself, Mr. Gonzalez, Ms. Ros-Lehtinen, Mr. Lincoln Diaz-Balart of Florida, and Mr. Mario Diaz-Balart of Florida):

H.R. 1626. A bill to amend the Communications Act of 1934 to ensure equity for all full-service television broadcasters and ensure the benefits of local programming for communities served by class A television broadcast stations by providing cable carriage rights for qualified class A television stations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself and Mr. Towns):

H.R. 1627. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING:

H.R. 1628. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 1629. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. RENZI (for himself and Mr. Hayworth):

H.R. 1630. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. Bartlett of Maryland, Ms. Ginny Brown-Waite of Florida, Mr. Goode, Mr. Graves, Mr. McHugh, Mr. Norwood, and Mr. Tancredo):

H.R. 1631. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1632. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Government Reform.

By Mr. SCHIFF (for himself, Mr. McHugh, Mr. Hinchey, Ms.

Millender-McDonald, Mr. Kennedy of Rhode Island, Mr. Hoeffel, Mr. Towns, Mr. Matsui, Mr. Sherman, Mr. Honda, Ms. Woolsey, Ms. Lee, Ms. Norton, Mr. George Miller of California, Mr. Grijalva, Ms. Eddie Bernice Johnson of Texas, Mr. Bell, Mr. McDermott, Mrs. Napolitano, Mr. Lantos, and Mr. Stupak):

H.R. 1633. A bill to amend title XXI of the Social Security Act to encourage the use of web-based enrollment systems in the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. Neal of Massachusetts, Mr. English, Mr. Ramstad, Mr. Becerra, Mr. Foley, Mr. Hayworth, Mr. Lewis of Georgia, Mr. Rangel, Mr. Lewis of Kentucky, Mr. Weller, Mr. Stark, Mrs. Johnson of Connecticut, Mr. Herger, Mr. Sam Johnson of Texas, Mr. Matsui, Mr. Larson of Connecticut, Mr. Lucas of Kentucky, Mr. Isakson, Mr. McKeon, Mr. Kolbe, Mr. Terry, Mr. Frost, Mr. Weldon of Florida, Mrs. Myrick, Mr. Keller, Mr. Bartlett of Maryland, Mr. Smith of Michigan, Mr. Price of North Carolina, Mr. Green of Wisconsin, Mr. Gary G. Miller of California, Mr. Wicker, Ms. Harris, Mr. Simmons, Mr. Upton, Mr. Udall of Colorado, Mr. Grijalva, Mr. Doolittle, Mr. Sherman, Mr. Deal of Georgia, Mr. Goode, Mr. Blumenauer, Mr. Case, Ms. Ginny Brown-Waite of Florida, Mr. Brown of South Carolina, Mr. Manzullo, Mr. Wilson of South Carolina, and Mrs. Blackburn):

H.R. 1634. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. McDermott, Mr. Kleczka, Ms. Jackson-Lee of Texas, Mr. McNulty, Mr. Abercrombie, Ms. DeLauro, Mr. Frost, and Mr. Frank of Massachusetts):

H.R. 1635. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of Medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Boucher, Mr. Tauzin, Mr. Terry, Mr. Bass, Ms. Eshoo, Mr. Whitfield, Mr. Gordon, Mrs. Bono, Mr. Moran of Virginia, Mr. Gillmor, Mr. Bilirakis, Mr. Towns, Mr. Deal of Georgia, Mr. Weller, Mr. Shimkus, Mr. Greenwood, Mr. Upton, Ms. DeGette, Mr. Walden of Oregon, Ms. Harman, Mr. Weldon of Florida, and Mr. Shadegg):

H.R. 1636. A bill to protect and enhance consumer privacy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 1637. A bill to authorize the Secretary of the Army to convey certain land at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway; to the Committee on Armed Services.

By Mr. TAYLOR of Mississippi (for himself, Mr. Evans, Mr. Rogers of Alabama, Mr. McIntyre, Mr. Rodriguez, Mr. Forbes, Mr. Simmons, Mr. Kanjorski, Mr. Costello, Mr. Davis of Tennessee, and Mr. Pickering):

H.R. 1638. A bill to amend the Defense Base Closure and Realignment Act of 1990 to repeal the authorized 2005 round of closures and realignments of military installations; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

H.R. 1639. A bill to provide a means of resolving claims regarding the continued existence of rights-of-way under former section 2477 of the Revised Statutes, which was repealed by the Federal Land Policy and Management Act of 1976; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1640. A bill to amend the Internal Revenue Code of 1986 to allow a married couple who operates an unincorporated business as co-owners to file separate returns for purposes of the self-employment tax, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1641. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1642. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to monitor complaints regarding the quality of wireless telephone service; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. Boehner, Mr. Sandlin, Ms. Millender-McDonald, Mr. English, Mr. Tiberi, Mr. Boucher, Mr. Case, Mr. Frost, Mr. Sherman, Mr. Putnam, Mr. Hayes, Mr. Souder, Mr. Paul, Mr. Berry, Mr. Holden, Mr. Davis of Alabama, Mr. Davis of Tennessee, Mr. Lucas of Kentucky, Mrs. Jones of Ohio, Mr. Simmons, Ms. Ginny Brown-Waite of Florida, Mr. Greenwood, Mr. Wilson of South Carolina, Mr. Boswell, Mr. Kennedy of Rhode Island, Mr. Moore, Mr. Stenholm, Mr. Pearce, Mr. Udall of New Mexico, Mr. Etheridge, and Mr. Ehlers):

H.R. 1643. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. Bereuter, Mr. Ackerman, and Mr. Wexler):

H. Con. Res. 136. Concurrent resolution providing that NATO should play a greater role in promoting security in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA:

H. Con. Res. 137. Concurrent resolution supporting the goals and ideals of a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. BOYD (for himself and Mr. Putnam):

H. Res. 173. A resolution recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System; to the Committee on Resources.

By Ms. DeLAURO (for herself, Ms. Eddie Bernice Johnson of Texas, Mr. Pomeroy, Mrs. Jones of Ohio, Mr. Serrano, Mr. Kildee, Mr. Brown of Ohio, Mr. Tierney, Ms. Jackson-Lee of Texas, Mr. Honda, Ms. Solis, Mrs. Maloney, Mr. Stark, Mr. Boswell, Mr. Farr, Ms. Lee, Ms. McCollum, Ms. Roybal-Allard, Mr. Allen, Mr. Case, Mr. George Miller of California, Ms. Berkley, and Ms. Lofgren):

H. Res. 174. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H. Res. 175. A resolution recognizing the United States Air Force's Air Force News Agency on the occasion of its 25th anniversary and honoring the Air Force personnel who have served the Nation while assigned to that agency; to the Committee on Armed Services.

By Mr. GONZALEZ (for himself and Mr. Rodriguez):

H. Res. 176. A resolution honoring the San Fernando Cathedral and the city of San Antonio on the occasion of the completion of the cathedral's renovation; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin:

H. Res. 177. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania (for himself, Mr. Peterson of Pennsylvania, Mr. Greenwood, Mr. Pitts, Mr. Murphy, Ms. Hart, Mr. Doyle, Mr. Shuster, Mr. Platts, Mr. Hoeffel, Mr. Sherwood, Mr. Gerlach, Mr. Toomey, Mr. Fattah, Mr. English, Mr. Holden, Mr. Brady of Pennsylvania, Mr. Kanjorski, and Mr. Murtha):

H. Res. 178. A resolution honoring the life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offering the deepest condolences of the United States House of Representatives to his wife and family on his death; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

8. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the Fourth

Infantry Division Rear Operations Center of the Wyoming Army National Guard; to the Committee on Armed Services.

9. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the 1041st Engineer Company of the Wyoming Army National Guard; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Cooper, Mr. Israel, Ms. Carson of Indiana, Mr. Cummings, Mr. Dingell, and Mr. Peterson of Minnesota.

H.R. 25: Mr. Hefley.

H.R. 31: Mr. Hill.

H.R. 33: Mr. Acevedo-Vilá and Mr. Pomeroy.

H.R. 35: Mr. Terry.

H.R. 40: Mr. Hastings of Florida and Ms. Jackson-Lee of Texas.

H.R. 49: Mrs. Wilson of New Mexico and Mr. Radanovich.

H.R. 100: Mr. Van Hollen, Mrs. Davis of California, Mr. Beauprez, Mr. Simmons, Mr. Boozman, Mr. Miller of Florida, Mr. Frost, Mr. Platts, and Mr. Hayes.

H.R. 102: Mr. Payne, Ms. Schakowsky, Mr. Andrews and Mr. Engel.

H.R. 107: Mr. Wilson of South Carolina.

H.R. 111: Mr. Ortiz and Mr. Bradley of New Hampshire.

H.R. 140: Mr. Bishop of Georgia and Mr. Scott of Georgia.

H.R. 141: Mr. Bishop of Georgia.

H.R. 217: Mr. Gordon, Mrs. Christensen, Mr. Hefley, Mr. Van Hollen and Mr. Holt.

H.R. 218: Mr. Filner, Mr. McKeon, Mr. Kingston, Mr. Davis of Illinois, Mr. Tiberi, Mr. Bonilla, Mr. Boehner, Mr. Hill, Mr. Lipinski, Mr. Rogers of Kentucky and Mr. Greenwood.

H.R. 277: Mr. Deal of Georgia.

H.R. 290: Ms. Berkley, Mr. Hoeffel, Mr. Doyle and Mr. Moran of Virginia.

H.R. 296: Mr. Hoeffel.

H.R. 303: Mr. Alexander and Mr. Kingston.

H.R. 328: Mr. Forbes, Mr. Doyle and Mr. Gallegly.

H.R. 339: Mr. Chabot, Mr. Carter, Mr. Renzi and Mr. Bonilla.

H.R. 357: Mr. Alexander.

H.R. 375: Mrs. Miller of Michigan, Mr. Pickering and Mr. Allen.

H.R. 412: Mr. Owens.

H.R. 450: Mr. Wynn.

H.R. 466: Mr. Brown of Ohio, Mr. Emanuel, Mr. Sweeney, Mr. Bell, Mr. Boehlert and Mr. Hinojosa.

H.R. 527: Mr. Frost, Mr. Simmons and Mr. Ryan of Ohio.

H.R. 548: Mr. John, Mr. Weldon of Florida, Mr. Berry, Mr. DeMint, Mr. Andrews, Mr. Cummings, Mr. Tauzin, Mr. Thompson of Mississippi, Mr. George Miller of California, Mr. Ryan of Ohio, Mrs. Kelly, Mr. Udall of Colorado, Mr. Fattah, Mrs. Cubin, Mr. Shaw, Mr. Bachus, Mr. Turner of Ohio, Mr. Kildee, Mr. Ose, Mr. Acevedo-Vilá, Mr. Baird, Mr. Davis of Alabama, Mr. Alexander, Mr. Sessions, and Ms. Dunn.

H.R. 578: Mr. Pickering, Mr. Ryan of Wisconsin, Mr. McInnis, Mr. Camp, and Mr. Sessions.

H.R. 583: Mr. Kline, Mr. Shuster, Mr. Reynolds, Mr. Greenwood, Mr. Burgess, Mr. Gilchrest, and Mr. Dreier.

H.R. 584: Mr. Meeks of New York.

H.R. 589: Mr. Baker, Mr. Pickering, Mr. Tierney, Mr. Crowley, and Ms. Pelosi.

H.R. 591: Mr. Wexler.

H.R. 593: Mr. Reyes.

H.R. 627: Mr. Larsen of Washington, and Mr. Watt.

H.R. 660: Mr. English, Mr. Ehlers, Mr. Davis of Tennessee, Mr. Pastor, Mr. Stearns, and Mr. Pickering.

H.R. 664: Mr. Frost and Mrs. Jones of Ohio.

H.R. 684: Mr. Barton of Texas, Mr. Norwood, and Mr. Petri.

H.R. 687: Mr. Gary G. Miller of California, Mr. Bartlett of Maryland, Mr. Norwood, Mr. Isakson, Mr. Carter, Mr. Burton of Indiana, Mr. Bereuter, Mr. Mica, Mr. Vitter, Mr. Platts, Mr. Rogers of Kentucky, Mr. Ose, and Mr. Cunningham.

H.R. 713: Mr. Manzullo.

H.R. 714: Mr. Paul and Mr. Latham.

H.R. 720: Mr. Goss.

H.R. 737: Mr. Thompson of California and Ms. Slaughter.

H.R. 742: Mr. Udall of New Mexico, Mr. Faleomavaega, Mr. Etheridge, Mr. Pallone, Mr. Menendez, Mr. Jenkins, and Mr. Pascrell.

H.R. 759: Mr. Feeney and Mr. Nethercutt.

H.R. 771: Mr. Reynolds.

H.R. 782: Mr. Ortiz, Mr. Gonzalez, and Mr. Doggett.

H.R. 785: Mr. Renzi, Mr. Hinojosa, Ms. Watson, Mr. Platts, Ms. Lofgren, Mr. Porter, Mr. Ehlers, and Mr. Smith of Michigan.

H.R. 786: Mr. Hayes and Mr. Baker.

H.R. 787: Mr. Souder.

H.R. 792: Ms. Hart, Mr. DeMint, Mr. Shimkus, Mr. Lucas of Kentucky, Mr. Ross, Mr. Langevin, Mr. Deutsch, Mr. Sanders, and Mr. Gerlach.

H.R. 811: Mr. Meeks of New York.

H.R. 814: Mr. Ramstad, Ms. Solis, Mr. Lantos, Mr. Matsui, Mr. Hinchey, Mr. Owens, Mr. Van Hollen, and Mr. Hill.

H.R. 815: Mr. Meeks of New York.

H.R. 816: Mr. Larsen of Washington and Mr. Meeks of New York.

H.R. 819: Mr. Gary G. Miller of California.

H.R. 834: Mr. Gallegly, Mr. Green of Wisconsin, Mr. Moran of Kansas, Mr. Rogers of Kentucky, Mr. Rogers of Michigan, Mr. Shimkus, Mr. Shuster, Mr. Jenkins, and Mr. LaTourette.

H.R. 839: Mr. Sessions, Mr. Cummings, and Mr. Payne.

H.R. 871: Mr. Johnson of Illinois.

H.R. 876: Mr. Mica.

H.R. 879: Mr. Jones of North Carolina and Mr. Ehlers.

H.R. 898: Mr. Grijalva and Mr. Rodriguez.

H.R. 918: Mr. Langevin, Mr. Bishop of Georgia, Mr. Inslee, and Mr. Baker.

H.R. 927: Mr. Rehberg.

H.R. 953: Mr. Lampson, Ms. Waters, Ms. Velázquez, Mr. Tanner, Mr. Sandlin, Ms. Millender-McDonald, Mr. Meeks of New York, Ms. Eddie Bernice Johnson of Texas, Mr. Hastings of Washington, Mr. Hinojosa, Mr. Filner, Mr. Gephardt, Mr. Hoyer, and Mr. Spratt.

H.R. 956: Mr. Berman.

H.R. 962: Mr. Grijalva, Mrs. Christensen, Mr. Lipinski, Mr. Hinchey, Mr. Case, and Mr. Sabo.

H.R. 977: Mr. Gutknecht and Mrs. McCarthy of New York.

H.R. 980: Ms. DeLauro and Mr. Portman.

H.R. 1036: Mr. Deal of Georgia, Mrs. Wilson of New Mexico, Mr. Bilirakis, and Mr. Gallegly.

H.R. 1046: Mr. Markey, Mr. Boswell, and Mr. Waxman.

H.R. 1054: Mr. Lewis of Kentucky.

H.R. 1080: Mr. Van Hollen, Mr. Stark, Mrs. Capps, Ms. Corrine Brown of Florida, Mr. Green of Wisconsin, and Mr. Spratt.

H.R. 1081: Mr. Van Hollen, Mr. Stark, Mrs. Capps, Ms. Corrine Brown of Florida, Mr. Green of Wisconsin, and Mr. Spratt.

H.R. 1093: Mr. Wexler.

H.R. 1125: Mr. Olver, Mr. Ortiz, Mr. Allen, Mr. Carson of Oklahoma, Mr. Boyd, Mr. Oberstar, Mr. Doyle, Mr. Moore, Ms. Kaptur, Mr. Stark, Mr. Latham, and Mr. Skelton.

H.R. 1130: Mr. Sabo.

H.R. 1157: Mr. McNulty.

H.R. 1160: Mrs. Johnson of Connecticut, Mr. Rogers of Alabama, Mr. Cramer, Mr. Bachus, Mr. Aderholt, Mr. Kanjorski, Mr. Platts, Mr. Bishop of Utah, Mr. Abercrombie, Mr. Shimkus, Mrs. Jo Ann Davis of Virginia, Mr. Michaud, Mr. Davis of Alabama, Mr. Whitfield, Ms. Ginny Brown-Waite of Florida, Mr. Taylor of Mississippi, Mr. Stupak, Mr. Rangel, and Mr. Bradley of New Hampshire.

H.R. 1162: Mr. Crowley.

H.R. 1165: Mr. McDermott.

H.R. 1177: Mr. Deal of Georgia, Mrs. Northup, Mr. Souder, and Mr. Udall of Colorado.

H.R. 1179: Mrs. Blackburn and Mr. Frost.

H.R. 1191: Mrs. Davis of California and Mr. Ehlers.

H.R. 1196: Mr. Rangel, Mr. Sabo, Mr. Baird, and Mr. Van Hollen.

H.R. 1211: Mrs. Lowey, Ms. Jackson-Lee of Texas, Mr. Frank of Massachusetts, Mr. Crowley, and Mr. Rangel.

H.R. 1213: Mr. Murphy, Mr. Wicker, Mr. McInnis, and Mr. Pomeroy.

H.R. 1214: Mr. Lipinski, Mr. Frank of Massachusetts, Mr. Israel, Mrs. McCarthy of New York, Mr. Payne, Mr. Pomeroy, Mr. Davis of Tennessee, Mr. Bachus, and Mr. Duncan.

H.R. 1225: Ms. Granger, Mr. Souder, Mr. Kildee, Mr. Langevin, Mr. Schiff, Mr. Green of Texas, Mr. Allen, Mr. Miller of North Carolina, Mr. George Miller of California, Mr. Gibbons, Mr. Boozman, Mr. Waxman, Mr. Moran of Virginia, and Mr. Doyle.

H.R. 1235: Mr. Young of Alaska, Mr. Bartlett of Maryland, Mr. Bishop of Utah, and Mr. Cole.

H.R. 1236: Mr. Terry.

H.R. 1258: Mr. Waxman, Mr. Engel, Mr. Udall of New Mexico. Mr. Stark, and Mr. Hoeffel.

H.R. 1264: Mr. Turner of Texas, Mr. Ross, Mr. Thompson of California, Mr. Scott of Georgia, Mr. McIntyre, Mr. Moore, Mr. Davis of Tennessee, Mr. Lucas of Kentucky, Mr. Berry, Mr. Boyd, Mr. Stenholm, Mr. Hill, Mr. Boswell, Mr. Alexander, Ms. Harman, and Mr. Taylor of Mississippi.

H.R. 1265: Mrs. Musgrave.

H.R. 1267: Mr. Lantos, Mr. Michaud, Mr. Wexler, and Mr. Doyle.

H.R. 1275: Mr. Doggett, Ms. Harman, Mr. Dooley of California, Mr. Gutierrez, Mr. Holt, and Mr. Grijalva.

H.R. 1279: Mr. Janklow, Mr. Chocola, Mr. Thompson of Mississippi, and Ms. McCarthy of Missouri.

H.R. 1294: Ms. DeGette.

H.R. 1295: Mr. Kennedy of Rhode Island, Mr. Platts, Ms. Lee, Mr. Wynn, Mr. Hinojosa, Mr. Ackerman, Mr. Lynch, and Mr. Boswell.

H.R. 1297: Mr. Smith of New Jersey, Mr. Murphy, Mr. Evans, Mr. Michaud, Mr. Reyes, Ms. Hooley of Oregon, Ms. Berkley, Mr. Filner, Mr. Gutierrez, Mr. Udall of New Mexico, Mr. Ryan of Ohio, Mr. Simmons, Mr. BEAUPREZ, Mr. BROWN of South Carolina, Mr. BOEHLERT, and Mr. MILLER of Florida.

H.R. 1304: Ms. KAPTUR.

H.R. 1306: Ms. KAPTUR.

H.R. 1317: Mr. HERGER.

H.R. 1320: Mr. DOOLITTLE and Mr. WYNN.

H.R. 1322: Ms. KAPTUR and Mr. DINGELL.

H.R. 1323: Mr. LANTOS, Mr. HAYWORTH, Mrs. MCCARTHY of New York, Mr. SIMMONS, and Mr. ALEXANDER.

H.R. 1336: Mr. PAYNE.

H.R. 1366: Mr. RANGEL, Mrs. TAUSCHER, and Mrs. JONES of Ohio.

H.R. 1373: Mr. ISAKSON and Mr. TIAHRT.

H.R. 1379: Ms. CARSON of Indiana.

H.R. 1380: Mr. BONILLA, Mr. BELL, and Mr. CLAY.

H.R. 1381: Mr. ACKERMAN, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. PAYNE, Ms. LEE, Mr. EHLERS, Mr. OWENS, Ms. KAPTUR, Mr. WYNN, Ms. DEGETTE, Mr. MEEHAN, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. KILDEE, Mr. MICHAUD, Mr. GONZALEZ, and Ms. WATERS.

H.R. 1386: Mr. GOODE Mr. PICKERING, Mr. PAYNE, Mr. CARSON of Oklahoma, Mr. CUMMINGS, Mr. FROST, and Mr. CARDOZA.

H.R. 1389: Mr. BERMAN.

H.R. 1397: Mr. KILDEE.

H.R. 1400: Mr. MURTHA, Mr. SANDLIN, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. MEEHAN, Mr. BOYD, Mr. MCDERMOTT, Mr. BAIRD, Ms. DELAURO, Mr. SANDERS, and Mr. STUPAK.

H.R. 1414: Ms. BALDWIN.

H.R. 1415: Mr. STARK, Mr. ALLEN, Mr. VAN HOLLEN, Mr. SANDERS, Ms. NORTON, Mr. GILLMOR, Ms. CARSON of Indiana, and Mr. MATHESON.

H.R. 1422: Mr. COOPER and Mr. PICKERING.

H.R. 1425: Mr. TIERNEY.

H.R. 1429: Mr. BACA and Ms. SLAUGHTER.

H.R. 1443: Mr. BURTON of Indiana.

H.R. 1452: Mr. BEAUPREZ and Mr. BURGESS.

H.R. 1459: Mr. FROST.

H.R. 1466: Mr. CONYERS, Ms. BALDWIN, Mr. DOYLE, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, and Mr. PASCRELL.

H.R. 1472: Mr. BARTLETT of Maryland and Mr. SMITH of New Jersey.

H.R. 1473: Ms. JACKSON-LEE of Texas.

H.R. 1478: Mr. SIMMONS and Mr. HOEFFEL.

H.R. 1480: Mr. DEFAZIO, Mr. SABO, and Mr. CONYERS.

H.R. 1500: Mr. LARSEN of Washington and Mr. BAIRD.

H.R. 1508: Mr. FORD, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ACEVEDO-VILÁ, Ms. WATSON, and Mr. OWENS.

H.R. 1511: Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. BALLENGER, Mr. NEY, Mr. WALSH, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mr. MCCOTTER, Mr. COLE, Mr. COBLE, Mr. REYNOLDS, Mr. PORTER, Mr. SAXTON, Mr. PICKERING, Mr. FOSSELLA, Mr. BISHOP of Utah, Mr. BURNS, Mr. CASTLE, Mr. ROGERS of Alabama, Mr. WHITFIELD, Mr. GILLMOR, and Mr. TOOMEY.

H.R. 1519: Mr. FRANKS of Arizona.

H.R. 1534: Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, and Mr. KILDEE.

H.R. 1540: Mr. KENNEDY of Rhode Island.

H.R. 1552: Mr. WICKER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1553: Mr. TIAHRT, Mr. CASE, Mr. LATOURETTE, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mrs. TAUSCHER, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mr. PASTOR, Mr. FRANK of Massachusetts, and Mr. LUCAS of Kentucky.

H.R. 1554: Mr. EVANS and Mr. MCGOVERN.

H.R. 1565: Ms. CARSON of Indiana.

H.R. 1570: Mr. TAUZIN.

H.J. Res. 4: Mr. LANGEVIN, Mr. WICKER, Mr. COLE, Mr. BAKER, and Mr. DAVIS of Tennessee.

H.J. Res. 37: Mr. LEWIS of Georgia.

H. Con. Res. 23: Mr. LINDER.

H. Con. Res. 39: Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, and Mr. ABERCROMBIE.

H. Con. Res. 49: Mr. MARKEY, Mr. SANDERS, Mr. FILNER, and Mr. GRIJALVA.

H. Con. Res. 86: Mr. WAXMAN, Mr. ANDREWS, Mr. HINCHEY, Ms. DELAURO, Mr. THOMPSON of California, and Mr. WEINER.

H. Con. Res. 98: Mr. SWEENEY and Mr. SIMPSON.

H. Con. Res. 107: Mr. ABERCROMBIE, Mr. FORD, Mr. DOGGETT, Mr. HINCHEY, Mr. DOYLE, and Ms. KAPTUR.

H. Con. Res. 111: Ms. LEE, Mr. DINGELL, Ms. DUNN, and Mr. BLUMENAUER.

H. Con. Res. 113: Mr. NEY.

H. Con. Res. 116: Mr. BEAUPREZ and Mr. BURGESS.

H. Con. Res. 117: Mr. ACKERMAN, Mr. DEUTSCH, Mr. BAKER, Mr. HINCHEY, Mr. SCHROCK, Mr. ANDREWS, Ms. CARSON of Indiana, and Mr. WU.

H. Con. Res. 119: Mr. BARTLETT of Maryland, Mr. GOODE, Mr. TOOMEY, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. BOEHNER, Mr. ISRAEL, and Mr.. KING of Iowa.

H. Con. Res. 130: Ms. SOLIS, Ms. ROYBAL-ALLARD, and Ms. DELAURO.

H. Res. 58: Mr. GOODE.

H. Res. 76: Mr. ROTHMAN, Mr. LAMPSON, and Mr. CASE.

H. Res. 112: Mr. FILNER.

H. Res. 141: Ms. CARSON of Indiana and Mr. FRANK of Massachusetts.

H. Res. 142: Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. INSLEE, and Mrs. JOHNSON of Connecticut.

H. Res. 154: Mr. JANKLOW, Mr. SIMMONS, and Mr. OSBORNE.

H. Res. 157: Mr. FRANK of Massachusetts.

H. Res. 159: Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. ORTIZ, Mr. ACEVEDO-VILÁ, Ms. JACKSON-LEE of Texas, Mr. TURNER of Texas, Mr. REYES, Mr. EDWARDS, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STENHOLM, Mr. FROST, Mr. BELL, Ms. SOLIS, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. BACA, Mr. MENENDEZ, Mr. PASTOR, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. GUTIERREZ.

H. Res. 164: Mr. MCGOVERN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. KENNEDY of Rhode Island.

H.R. 1040: Mr. SCOTT of Georgia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 1. April 2, 2003, by Mr. FROST on S. 121, was signed by the following Members Martin Frost, Rush D. Holt, Nick Lampson, Dennis Moore, Sheila Jackson-Lee, John Conyers, Jr., Jim Matheson, Rick Larsen, and Steve Israel.

EXTENSIONS OF REMARKS

A CELEBRATION OF YOUTH IN HONOR OF NICHOLAS SMITH OF MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in recognition of the birth and life of my grandson, Nicholas Bradley Smith, my namesake.

Born to Brad and Diane, on June 27, 1987, my wife Bonnie and I join Nick's other grandparents, Neville and Jennifer Monteith from Kitchener, ON, in celebration of his life.

That year the first heart-lung transplant took place, astronomers at the University of California saw the first sight of a birth of a galaxy, and the US and Russia signed an accord to remove midrange missiles. That year the Dow Jones Industrial Average closed above 2,700 for the first time in history. Our economy was growing.

Over the next decade government spending would outpace inflation and the national debt increased to monstrous proportions.

It is my hope that we can reduce the national debt that will otherwise be passed on to this young man and his generation. We must work today to provide Nick with a better future, a sound economy, and the ability to achieve his greatest potential.

Let us remember Nicholas Smith and all the other young people in this country. We leave our legacy to them. May it be a good one.

HONORING MATTHEW BOWERS FOR HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Norman Bowers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and in earning the most prestigious award of Eagle Scout.

Matt has been very active with his troop, participating in such scout activities as the Packarad and Sea Base High Adventure Camps. Additionally, Matt earned 29 merit badges for different activities and projects. Over the eleven years he has been involved in scouting, he has held numerous leadership positions with his troop, serving as den chief, troop guide, quartermaster, assistant patrol leader, patrol leader, assistant senior patrol leader and senior patrol leader.

For his Eagle Scout project, Matt remodeled a nursery for the Parkville Presbyterian Church.

Mr. Speaker, I proudly ask you to join me in commending Matthew Norman Bowers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE CITY OF IONE'S 50TH ANNIVERSARY

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OSE. Mr. Speaker, on March 23, 1953, the City of Ione was incorporated as a General Law City and is now the largest city in Amador with a population of 7,500 people. This year the city, and all those who enjoy its unique atmosphere and year round recreation, celebrate its 50th Anniversary.

Ione got its name by Thomas Brown around 1849 after one of the heroines in Edward Bulwer Lytton's drama "The Last Days of Pompeii." During the days of the Gold Rush, miners knew the town by the names of "Bedbug" and "Freezeout." Unlike other communities in Amador County, which were founded on gold mining, Ione was a supply center, stage and rail stop and agricultural hub.

The town of Ione continued to grow and prosper after its gold rush founding. The first school was built in 1853 and the first flour mill in 1855. The first brick building was built by Daniel Stewart in 1855 for his general merchandise store and is still owned and operated by the same family.

At the centennial of 1876, Ione had a population of 600 people. The centennial also celebrated the completion of the railroad to the town of Ione. The centennial celebration was the beginning of what is now known as the Ione Homecoming. This annual celebration has been held during the month of May almost every year since that first Centennial celebration in 1876 and is now held on the first weekend in May every year.

Our community is indeed proud of the City of Ione and its history. And I am proud to congratulate the City and its residents as we celebrate the 50th Anniversary of the City of Ione.

THE HOUSE REPUBLICAN BUDGET: TAKING FROM THE POOR TO GIVE TO THE RICH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I commend to my colleagues the following column authored by Bob Herbert that appeared in today's New York Times. "Mugging the Needy" accurately details the serious dangers posed by the budget plan recently passed by the House: that in providing $1.4 trillion in tax cuts to the wealthy, House Republicans are slashing billions of dollars in funding that aids low-income Americans. These cuts will affect Medicaid recipients, children in foster care, the national school lunch program, as well as veterans' benefits and the ability of students to afford their higher education.

Mr. Speaker, the Republican budget is not just a political document that details their misguided vision for America. It is far more serious than even that, for it fails to stimulate the economy and create jobs, it saddles future generations with enormous deficits, and it robs needy Americans—both young and old—of critical services. The Congress should reject this budget.

MUGGING THE NEEDY

(By Bob Herbert)

I had wanted today's column to be about the events in Tulia, Tex., where a criminal justice atrocity is at long last beginning to be corrected.

(For those who don't know, prosecutors are moving to overturn the convictions of everyone seized in an outlandish drug sting conducted by a single wacky undercover officer.)

But there is another issue crying out for immediate attention. With the eyes of most Americans focused on the war, the Bush administration and its allies in Congress are getting close to agreeing on a set of budget policies that will take an awful toll on the poor, the young, the elderly, the disabled and others in need of assistance and support from their government.

The budget passed by the House is particularly gruesome. It mugs the poor and the helpless while giving unstintingly to the rich. This blueprint for domestic disaster has even moderate Republicans running for cover.

The House plan offers the well-to-do $1.4 trillion in tax cuts, while demanding billions of dollars in cuts from programs that provide food stamps, school lunches, health care for the poor and the disabled, temporary assistance to needy families—even veterans' benefits and student loans.

An analysis of the House budget by the Center on Budget and Policy Priorities found that its proposed cuts in child nutrition programs threaten to eliminate school lunches for 2.4 million low-income children.

Under the House plan, Congress would be required to cut $265 billion from entitlement programs over 10 years. About $165 billion would come from programs that assist low-income Americans.

This assault on society's weakest elements has been almost totally camouflaged by the war, which has an iron grip on the nation's attention.

The House budget does not dictate the specific cuts that Congress would be required to make. In its analysis, the center assumed (as did the House Budget Committee) that the various entitlement programs would be cut by roughly the same percentages. If one program were to be cut by a somewhat smaller

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

percentage, another would have to be cut more.

The analysis found that in the year in which the budget sliced deepest:

"The cut in Medicaid, if achieved entirely by reducing the number of children covered, would lead to the elimination of health coverage for 13.6 million children."

"The cut in foster care and adoption programs, if achieved by reducing the number of children eligible for foster care assistance payments, would lead to the elimination of benefits for 65,000 abused and neglected children."

"The cut in the food stamp program, if achieved by lowering the maximum benefit, would lead to a reduction in the average benefit from an already lean 91 cents per meal to 84 cents."

When's the last time one of the plutocrats in Congress waded through a meal that cost 84 cents?

The Senate budget is not as egregious. It calls for a total of about $900 billion in tax cuts, and there is no demand for cuts in entitlement programs. But it is not a reasonable budget. In fact, there's something obscene about a millionaires' club like the Senate proposing close to a trillion dollars in tax cuts for the rich while the country is already cutting social programs, running up huge budget deficits and fighting a war in the Middle East.

At least in the House budget the first—if not the worst—of the cuts are in plain view. In the Senate plan the inevitable pain of the Bush budget policies remains concealed.

"There is a significant human toll in the Senate budget, but it's in the future," said Robert Greenstein, the center's executive director. "What I mean is that given the deficits we're already in, you can't keep doing tax cuts like this—you can't keep cutting your revenue base—without it inevitably leading to sharp budget cuts."

House and Senate conferees are now trying to resolve the differences in the two budget proposals. They will do all they can to minimize the public relations hit that is bound to come when you're handing trainloads of money to the rich while taking food off the tables of the poor. So you can expect some dismantling of the House proposal.

But no matter what they do, the day of reckoning is not far off. The budget cuts are coming. In voodoo economics, the transfer of wealth is from the poor and the working classes to the rich. It may not be pretty, but it's the law.

A CELEBRATION OF YOUTH IN HONOR OF SELENA AND JAMES BURNETTE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of my grandchildren, Selena Anastasia and James Azarial, born February 26, 1997 to Elizabeth and Fred Burnette. My wife Bonnie and I join with James and Selena's other grandparents, Bonnie and Charles Burnette, to celebrate these children.

In James and Selena's birth year we made great advances in space technology. Onboard our flight to Mars was "Sojourner." This roving device, the first autonomous vehicle to travel on another planet, sent back to earth chemical analyses of soil and rocks. Sojourner was one of the greatest achievements in our space travel history.

Inventors play a unique role in our history creating new products to improve our way of life. Invention comes from the Latin, inventio, to discover or find out. Today, we continue to "find out" and create new ways to travel, grow food, communicate, and continue exploration of uncharted territory.

I hope that for these children curiosity will always be their guide so that they and their generation will continue scientific research to invent ways to make their own lives better.

I hope that as we consider legislation for these new issues we consider what we can contribute to our children and grandchildren by encouraging invention. I hope that we can leave Selena and James, and children and grandchildren everywhere, a brighter future because of our decisions today.

TRIBUTE TO SGT. JAMES W. HALLMAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of this nation's most dedicated citizens, Sergeant James W. Hallman, Jr. On February 24, 2003, we lost James when he was senselessly gunned down during a morning stroll in Cantonment, the randomly chosen victim of a crime that has no explanation. We will forever miss James, but his impact and influence on our Northwest Florida community will never be forgotten.

A 34-year veteran of the Pensacola Police Department, James was the epitome of every law enforcement officer in the world. James was awarded the prestigious Silver Cross from the department in 1989 for going above and beyond the call of duty when he attempted to rescue two children near the 17th Avenue boat ramp. It was that dedication and determination to serve his community to the furthest lengths of his abilities that made him a hero to all and an officer to whom so many have tried to model themselves after.

Probably best known as the "Candy Man," James could always be found passing out candy to children when he was out patrolling schools and housing developments. As Chief John Mathis said at his funeral, "there is little doubt in my mind that right now, James is passing out candy to angels in heaven."

James' dedication to serving his community did not end upon his retirement from the police force in 1998. He was a member of the East Brent Baptist Church, the Brownsville Masonic Lodge, 32 Degree Scottich Rite and York Rite Mason, and the Hadji Shrine Temple. He was a man who lived to serve his community and for that we will be forever grateful.

Mr. Speaker, I would like to offer my sincere and heartfelt condolences to the family of Sgt. James W. Hallman for their loss. His friends knew him as a kind man with an easy laugh and his coworkers knew him more for putting his fingers in his pocket to pull out candy than for putting his hand on his gun belt. On this such occasion, we honor one of America's greatest citizens, Sgt. James W. Hallman, Jr., whose legacy will live on long beyond his passing.

TRANSMITTAL OF IMPORTANT CONGRESSIONAL RECORDS TO POLAND

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KANJORSKI. Mr. Speaker, today I wish to direct the attention of the House of Representatives to a sad anniversary. Almost 60 years ago, on April 13, 1943, Americans awoke to a startling announcement from Radio Berlin: the disclosure that thousands of bodies of Polish officers had been found by the Germans in a remote wood near the Dneiper River called Katyn Forest. These men had been captured in the fall of 1939 by the Red Army and executed the following spring by the NKVD which later became the KGB. Until the German discovery all trace of these men had disappeared.

The German discovery put tremendous strain on the western alliance from the moment it was announced. Our mortal enemy had accused the Soviet Union, a great ally who had just defeated the Wehrmacht at Stalingrad, of the unspeakable crime of murdering prisoners of war. For many in the West, it appeared to be a cheap propaganda stunt by Joseph Goebbels. Perhaps the Germans had murdered the Poles and were merely covering their tracks by blaming the crime on the Soviets. But as more and more facts were collected, it became abundantly clear that the Russians, not the Germans, had the blood of the Poles on their hands.

Over the next two years the governments of the United States and Great Britain took great pains to hold together the Alliance with the Soviet Union and downplayed Soviet responsibility for the murders in Katyn Forest and at two other sites that took the lives of more than 14,000 Polish officers. Eyewitness reports that should have been made public were classified top secret and subsequently disappeared. An Ambassador to the Balkans was forbidden to disclose incriminating documents and photographs. Polish broadcasters were censored by the Office of War Information.

Finally, between September, 1951 and December, 1952, a Select Committee of the U.S. Congress stepped in to investigate this horrible crime. This committee held hearings in six cities and four countries, received testimony from 81 witnesses and took depositions from another 100 who could not appear in person. Its published report of 2,162 pages filled seven volumes. In many ways, this investigation was Congress at its best. It meticulously assembled a body of fact that left no doubt about its principal conclusions: first, that the Soviets were guilty; and second, that the State Department and Army Intelligence (G–2) had engaged in a determined effort to shield the American people from the truth.

I recently learned that the seven-volume published record of the Select Committee to investigate the Katyn Forest massacre is not available anywhere in Poland. At the request of the Polish Government, I have arranged to provide Poland with a copy of this record which most experts believe is the most comprehensive body of record ever assembled on this subject. I would like to thank the Librarian of Congress, Dr. James H. Billington, and his fine staff for their extensive cooperation and assistance in this matter.

On Friday, I will present this document to Ambassador Przemyslaw Grudzinski, who will accept it on behalf of the Polish government. These records will then travel to Poland with Mr. Allen Paul, an American author whose book, Katyn: Stalin's Massacre and the Seeds of Polish Resurrection, provides a comprehensive overview of the crime and the context in which it occurred. Mr. Paul's book has recently been translated into Polish and will be released at an event in Warsaw on April 12. He will place the hearing record at that time, in my behalf, in the hands of Mr. Andrzej Przewoznik, Secretary General of the Polish Government Council on War Archives, Public Monuments and Historic Sites.

It is to be hoped that the record established by the Select Committee will aid public officials, historians and many others in efforts to understand the terrible crime of Katyn and its continuing impact on Russo-Polish relations. I am including with this statement some excerpts of Mr. Paul's reflections on the importance and scope of the select committee which will be delivered on April 12 in Warsaw at a Conference on the 60th Anniversary of Disclosure of the Katyn Forest Massacre.

Mr. Speaker, as we observe the anniversary of the discovery of this tragedy, let us hope and pray that humanity is spared such tragedies in the future.

THOUGHTS ABOUT THE CONGRESSIONAL INVESTIGATION OF KATYN

At this moment we are only a few hours away from the sixtieth anniversary of Radio Berlin's sensational announcement that the Wehrmacht had found the bodies of thousands of Polish officers in Katyn Forest who had been "bestially murdered by the Bolsheviks." Fresh from their catastrophic defeat at Stalingrad, the Germans were eager to divert the world's attention from the pierced veil of Wehrmacht invincibility, and they correctly surmised that this, too, was a golden opportunity to sow seeds of discord in the Western Alliance. At that moment the victims—men who had served Poland faithfully, in fact one might say, valiantly, men who represented the present and future leadership of their nation, fathers and husbands, physicians and engineers, professional soldiers and shopkeepers, unfortunate souls placed by an unkind fate in Soviet hands, prisoners of war who were not recognized as POWs by their captors—from the moment the news crackled over the airwaves from Berlin, these tragic victims became geopolitical pawns and would remain so for years to come.

. . . Amidst all the atrocities of World War Two why have the crimes commonly referred to as the Katyn Forest Massacre been so enduring? Poland's feisty wartime Ambassador to the Soviet Union, Stanislaw Kot, proved to be eerily prophetic on this issue. In 1941, exasperated by continued stonewalling by the Soviet government on the case of his country's missing soldiers Kot said, "People are not like steam. They cannot evaporate." More than 60 years later, we are still thinking, writing and debating the facts of the case because, I suspect, it provides such a powerful mirror into the human soul.

Let me turn now to one of the great milestones on the arduous path to truth about the terrible murders in Katyn Forest, that being the work of what was officially called "The Select Committee to Conduct an Investigation and Study of the Facts, Evidence and Circumstances on the Katyn Forest Massacre."

On September 18, 1951 the United States Congress authorized what would become the most comprehensive neutral investigation of this crime ever undertaken. It followed by five years an abortive attempt to address this darkest of tragedies at the Nuremberg trials. That charade collapsed under the sheer weight of Soviet prosecutorial ineptitude. In 1948 the Poles themselves—through their London-based government-in-exile—completed their own investigation and published it as, The Crime of Katyn: Facts and Documents. It was the most complete record of the crime at the time but it was far from what the Poles had hoped for: a high profile, independent investigation and trial to prove once and for all that the Soviets—not the Germans—were responsible for these brutal murders.

In their conclusion to the 1948 report, the Poles had emphasized Roman-law canon: i.e. "nobody can be judge in his own case." The Soviets had attempted with disastrous effect to judge their own case at Nuremberg. The Poles knew that they, no more than the Soviets, could judge this case, thus they called for an international tribunal to affix guilt and mete out punishment.

In a sense the investigation sponsored by the U.S. Congress vindicated the Poles' findings in 1948. The congressional investigation lasted from September 18, 1951 to December 22, 1952. It resulted in hearings in six cities and four countries; 81 witnesses were heard; and private depositions were taken from 100 individuals, most of whom required anonymity to protect relatives still in Poland. The final report of 2,162 pages filled seven volumes. After all was said and done, the Select Committee of Congress concluded, just as the Polish Government-in-Exile had four years earlier, that an international tribunal, in this case the new United Nations International Court Justice, should investigate the crime.

This similarity of findings in no way diminishes the scope and importance of the congressional investigation. Once and for all it put the United States clearly on the side of the truth in this case and that was no small accomplishment. The committee clearly, meticulously and, I would say, courageously documented U.S. concealment of Soviet guilt and its de facto pursuit of an ends justifies the means policy.

. . . Like the recommendations of the Polish government-in-exile in 1948, the recommendations of the Select Committee of Congress were never acted on. During the war geopolitical realities—principally the fear that the Soviets would sign a separate peace with Germany—stood squarely in the way. After the war geopolitical realities—the fact that the Soviets could block action at the United Nations—continued to stand squarely in the way.

. . . The words of Sir Owen O'Malley and Ambassador Stanislaw Kot ring just true today as the day they were uttered. Kot told us in 1941, "People are not like steam. They cannot evaporate." Kot would tell us today that the quest for justice for Poland's officers and deportees will inevitably continue. And surely O'Malley would tell us that justice, if found nowhere else, must be found in our own hearts.

IN MEMORY OF ODELIA ROBINSON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. JONES of Ohio. Mr. Speaker, Odelia V. Robinson, known for her focus on economic development and safety during the decade, represented Mount Pleasant on Cleveland City Council.

Robinson took office in 1990 with a promise to bring housing and youth services back to the community that had seen little construction in recent decades. When she resigned for health reasons at the end of 1999, her accomplishments included the new Zelma George Recreation Center as well as new houses, apartment buildings and a shopping center.

Robinson grew up in the Miles Heights area, where she was a lifelong member of Liberty Hill Baptist Church and taught Sunday School. She graduated from John Hay High School in 1948 and enrolled in the Cleveland College of Western Reserve University. She also took business administration courses at Cleveland State University. In 1953, she married Clarence Robinson, a bus driver who spent his weekends playing baritone saxophone in bands.

Odelia Robinson was the office manager for the American Civil Liberties Union in the 1960s and later worked for the Benjamin Rose Institute, an agency that provides services to the elderly. She also served on the boards of Hill House, the Murtis H. Taylor MultiServices Center and the Inner City Renewal Society.

On behalf of the people of the 11th Congressional District of Ohio and the United States Congress, I offer my sympathies to the family of Odelia Robinson.

A CELEBRATION OF YOUTH IN HONOR OF ALEXANDER FREDERICK BURNETTE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of my ninth grandchild, Alexander Frederick Burnette, born May 31, 2000, born to our daughter Elizabeth and her husband, Fred. My wife Bonnie and I join with Alexander's other grandparents, Bonnie and Charles Burnette, in celebrating Alexander.

Alexander faces a great world of great opportunity. Scientific discoveries and advanced technology daily improve our lives. They allow us to live longer, better, and more productive lives. In the year of Alexander's birth scientists finished a map of the human genome. This was a huge scientific achievement which will help doctors and scientists improve our health and life.

Today, we continue to push forward with scientific advancements. Like information technology and biotechnology breakthroughs of the past ten years, nanotechnology holds the potential to revolutionize our way of life. However, the science is still very much in its fledgling stage, so it is important that the federal government coordinate and fund basic research into the fundamental aspects of nanotechnology so that its potential can one day be realized.

I hope that as we consider legislation for these new issues we consider what we can contribute to our children and grandchildren by encouraging new technologies. I hope that we can leave Alexander, and his generation every where, with a brighter future because of what we accomplish today.

IN HONOR OF HAROLD BROWN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KIND. Mr. Speaker, I rise today to honor my good friend Harold Brown. Harold is celebrating his 30th anniversary as chief executive officer at Prairie du Chien Memorial Hospital.

Wisconsin's second oldest city, Prairie du Chien, is a town of 5,500 people that is rich in both history and culture. Located on the beautiful Mississippi River, Prairie du Chien works hard to maintain its pioneer heritage. Memorial Hospital, a model for rural hospitals around the country, is a 40–bed facility that receives approximately 1,800 admissions and 6,600 emergency room visits each year. Under Harold's guidance, Prairie du Chien Memorial Hospital has won both national and state awards for its exemplary service.

My friend Harold has brought an enormous amount of leadership to his position at the hospital. He has been a small and rural hospital administrator for 37 years and was previously a health care consultant and medical education administrator for 6 years. He has received numerous awards, most recently the Governor's Exemplary Employers Award and the Wisconsin Children's Trust Fund Award, both in 2002. In 1988, Harold received the Louis Gorin Award for Outstanding Contribution to Rural Health Care by the National Rural Health Association. Continually awarded the Employee of the Year Award by the employees of Memorial Hospital, he also received the Community Distinguished Service Recognition Award for 25 years of service.

From 1985 to 1990, Harold worked hard to provide new services for the elderly at Memorial Hospital. He developed and implemented certified hospice and rural regional hospice, as well as day care for the elderly. He helped establish an independent living program for seniors, as well as meals-on-wheels service. Further, Harold was instrumental in starting elderly apartment housing, as well as a companion care program.

In 1990, Harold expanded Memorial Hospital's service to the community to include, among other programs, child day care, expanded rehab services, athletic training, parish nursing, and personal care.

A longtime member of the Wisconsin Hospital Association, Harold is also a part of the National Rural Hospital Association, serving as the group's president in 1996. He is also a board member of the Rural Wisconsin Hospital Cooperative, an organization that includes 26 rural hospitals. A member of the AIDS committee, Harold is involved with Shared Health Services, a corporation providing services to 400 hospitals and nursing homes.

Harold continues to take an interest in Prairie du Chien. A highly active member of the community, he is a member of the City Planning Council, the Special School Board Committee, and the St. Peter's Lutheran Church Council. His service has not gone unnoticed; in 1997, Harold was awarded the Volunteer of the Year Award by the National Rural Health Association. He received the Prairie du Chien Area Chamber of Commerce C.F. LaPointe Award in 1999, an honor that is given annually for service to one's community. He has committed himself to not only the healthcare needs of Prairie du Chien but to its other needs as well.

Harold's service to the state of Wisconsin and the community of Prairie du Chien has been tremendous. He has dedicated much of his life to providing quality health care and has touched many lives along the way. Harold is truly a man of great service, and I feel privileged to call him a friend.

IN RECOGNITION OF MAYOR PAUL JADIN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor Mayor Paul Jadin, whose exceptional leadership and commitment to the citizens of Green Bay have strengthened our community, and set a superb example for our future leaders.

Paul's dedicated service as mayor spanned 8 years. During that time, he helped our struggling downtown find new life, eliminated a score of government inefficiencies, revitalized our neighborhoods, and showed our business community that it makes sense to reinvest in a city like Green Bay.

As a friend and colleague, I am sad to see Paul leave. However, I know that his constituents are very grateful for the tremendous contributions he has made to our community throughout his tenure. Green Bay is a strong community with an exceptional work force, a proud history, and a wholesome tradition. There's no question Paul has kept Green Bay on that path.

Mr. Speaker, it is an honor and pleasure to recognize today the extraordinary service of Mayor Paul Jadin. On behalf of my constituents, we say thank you, and we wish him all the best in his future endeavors.

REINTRODUCTION OF AMERICANS ABROAD LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that would require a test census of Americans abroad in 2004. There are approximately 3 million to 6 million private American citizens living and working overseas, and many of them continue to vote and pay taxes in the United States. These citizens help increase exports of American goods, because they traditionally buy American, sell American, and create business opportunities for American companies and workers. Their role in strengthening the U.S. economy, creating jobs in the United States, and extending U.S. influence around the globe is vital to the well-being of our Nation. From a test census, we will learn methods and ways to count Americans abroad accurately. The legislation's goal is to include, if possible, all of these missed citizens in the 2010 decennial census.

A CELEBRATION OF YOUTH IN HONOR OF CLAIRE MARGARET SMITH OF MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of Claire Smith, born to our son Brad and his wife Diane on February 2, 1992. It was in this year on my birthday, November 5, that I was elected to the U.S. House of Representatives; 1992 was the international space year and my first committee assignment was Science.

It is for Claire, and for all our children and grandchildren, that we in Congress continue to push the boundaries of science, invention, and technology, so that their lives, will be better and more productive in the years to come.

My wife Bonnie and I join with Claire's other grandparents, Neville and Jennifer Monteith from Kitchener, ON in celebrating this young life and all the opportunities we have through science to make the future better for our legacy, those children and grandchildren like Claire Smith.

HONORING GREGORY HAWKINS FOR HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Gregory Hawkins, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Gregory has been very active with his troop, participating in such Scout activities as Camp Geiger, Camp Bartle, and 45 nights of camping with his troop. Additionally, Gregory has earned 33 merit badges for activities and projects he has participated in. During his time with Troop 66, he has been involved in over 112 hours of community service that the troop has performed.

For his Eagle Scout project, Gregory landscaped an area next to Clinton County Middle School. He moved a tree and constructed and installed five benches for the middle school students to use.

Mr. Speaker, I proudly ask you to join me in commending Gregory Hawkins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING 50 YEARS OF THE CREDIT UNION

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OSE. Mr. Speaker, in 1953, the roots of Heritage Community Credit Union were planted. This year the Credit Union, and all those who enjoy its unique service, celebrate its 50th Anniversary.

It was 1953 when seven civilians working on Mather Air Force Base recognized a need for better financial service on base. Each member contributed $5 to form what was then called Mather Civilian Credit Union. In 1962 the Credit Union merged with another military credit union to form Mather Federal Credit Union.

In an effort to increase membership the Credit Union added products and services such as mortgage loans, Priority Line Audio Response, and a Telephone Services Department. In 1992, the Credit Union merged with Electrical Workers #340 Credit Union to add 1600 new members. In a third effort to expand membership the Credit Union merged with Proctor & Gamble Employees Federal Credit Union, which added another 1600 new members.

On December 14, 1998, Mather Federal Credit Union members voted to convert to a State chartered community credit union. Membership eligibility was again broadened to include anyone living or working in Sacramento County and the name was changed to Heritage Community Credit Union.

It is no surprise that the Credit Union has received "Business of the Year," "Federal Credit Union of the Year" and "The Best Small Business to Work for in the Sacramento Area." The Credit Union has devoted countless hours and financial support to local charities and philanthropic causes. The Credit Union has used its rapid growth and increased recognition to serve not only its members but also the entire community.

Our community is indeed proud of Heritage Community Credit Union and its history. And I am proud to congratulate the members and staff as we celebrate its 50th Anniversary.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, on Tuesday April 1, 2003, I meant to vote "yea" on rollcall vote No. 96.

I support H.R. 1412, the HEROES Act of 2003, a bipartisan bill recognizing the contributions of our men and women in uniform serving in the Middle East.

Hundreds of thousands of the United States military personnel have been called upon to serve in active duty for "Operation Iraqi Freedom." Some of our troops serving in this conflict are student reservists who were called up from their college campuses to serve their country, many of whom receive financial aid to help pay for their college education. While many other active military personnel are paying back their student loans.

The Act extends waiver authority to the Secretary of Education to ensure that members of the Armed Services and students are not punished financially as a result of their voluntary service to our country at time of war, or a national emergency.

While H.R. 1412 is a necessary and appropriate step, we should also recognize that Congress should be doing more to provide relief to our active military personnel. We should take additional steps such as allowing military personnel to defer their student loans while they are on active duty, so that military personnel would not be charged interest on their student loans for the duration of their active duty. We must do everything that we can to recognize and to reward the sacrifices of the courageous men and women who are fighting in "Operation Iraqi Freedom."

A CELEBRATION OF YOUTH IN HONOR OF EMILY BEATRICE SMITH OF MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of our second grandchild, Emily Smith, born on March 9, 1989 to our son Brad and his wife Diane.

The year of her birth was a time of change for America and the world. A new President, George Bush Sr., took office. More importantly it was the year that the world ushered in a new era of peace. On the second of May, Emily Smith was a just a few months old, but her future would be changed forever. It was in 1989 that the Berlin Wall fell and forty-five years of conflict and fear were soon behind us. It was a new era of prosperity, potential, and peace.

As we stand here today decisive moments confront us, but we have the opportunity to give Emily Smith, and all our children and grandchildren, the peace that we knew in 1989. It is my hope that by our work and decisions today we can give them peace for tomorrow.

My wife Bonnie and I join Emily's other grandparents, Neville and Jennifer Monteith from Kitchener, ON, in celebrating this wonderful person.

JWOD PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. ANDREWS. Mr. Speaker, for the past 64 years the Javits-Wagner-O'Day (JWOD) Program has empowered Americans who are blind or severely disabled by providing them with a diverse set of employment opportunities. Today 38,000 disabled Americans are realizing their potential by working in their local communities across the country under this program. These Americans are proud to provide federal and military customers with a wide array of SKILCRAFT and other JWOD products and services. The JWOD Program prides itself on delivering high quality products and services at a competitive price in the most convenient way possible.

Some of the product categories offered by the JWOD program include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. The services that are provided to the federal and military customer include but aren't limited to call center and switchboard operation, military base and federal office building supply centers, CD-Rom duplication-replication, data entry, document imaging and grounds care.

I rise today in support of the Javits-Wagner-O'Day Program and the opportunities it provides for an underemployed population of hard working Americans. Furthermore, I urge my colleagues to purchase SKILCRAFT and JWOD products from the House-Senate Stationary stores not only because of their quality and value, but also because of the socio-economic benefits that can come from supporting the program. By purchasing these products and using these services we are enabling more disabled Americans to have the opportunity to become taxpayers. Today in Runnemede, New Jersey, X blind Americans are employed under the JWOD Program and are producing X items or services for us, the federal customer.

The JWOD Program is administered by the Presidentially-appointed Committee For Purchase From People Who Are Blind or Severely Disabled, with much assistance from National Industries for the Blind (NIB) and NISH, which serves people with a wide range of disabilities. More than 650 local nonprofit agencies associated with NIB and NISH employ people who are blind or disabled to produce the quality products and offer the services authorized for sale to the federal government under the JWOD Program.

The JWOD Program is a great illustration of a successful partnership that has the ability to continuously grow with the changing procurement environment within the federal government.

The Javits-Wagner O'Day Program works for America.

A SPECIAL TRIBUTE TO DR. GERALD E. WOOD AS HE TAKES THE HELM AT DEFIANCE COLLEGE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Dr. Gerald E. Wood. Tomorrow, Dr. Wood will be inaugurated as Defiance College's 17th president. He has spent his entire life "writing, reading and doing" to have an opportunity like the one that has been placed before him. Dr. Wood would tell you that his involvement in higher education "is a calling, not just a job."

Dr. Wood has spent the better part of his life focusing on the values that he holds the most dear. His core values are the liberating experience of learning and the importance of community. These principles will serve him and the Defiance College community very well as he officially takes the reigns from outgoing president, Dr. James Harris.

Dr. Wood is keenly aware of the good things that happen at Defiance College. Given his credentials for this position, I have no doubt that he will expand upon the successes at Defiance College, ultimately taking the institution to a new level.

Mr. Speaker, Dr. Wood was not looking for the opportunity to make a change in his career, rather this opportunity came to him. An official working with Defiance College matched his credentials with the college in terms of experience and commitment in general and, in particular, his background in service learning. Dr. Wood believes that every college needs a distinctive niche and for Defiance College it is the pervasiveness of service learning in its academic programs. He would tell you that it's a thread that is important to getting Defiance College known for the good, solid liberal arts education it offers.

Dr. Wood came to Defiance College from Elkins, W. Va, where he served as vice president for the College of Advancement the past three years at Davis and Elkins College. His responsibilities included raising money and developing a marketing strategy for the school. Prior to that, he was assistant dean of the chapel/assistant dean of student development from 1983–1995 at West Virginia Wesleyan College, Buckhannon, W. Va, where he jump-started the service learning concept and founded the Bonner Scholars Program at the school. He was honored as West Virginia Wesleyan College Outstanding Administrator/Faculty of the Year in 1986.

An avid reader on America's 16th President, Dr. Gerald E. Wood is aware of what it means to lead. He says that his reading about Abraham Lincoln has shown him the importance of facing challenges head on. Dr. Wood appreciates how Lincoln drew from his personal experience to be able to perform as he did while in office.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dr. Gerald E. Wood. Our communities are served well by having such honorable and giving citizens, like Dr. Wood, who care about their well-being and stability. We wish him, his wife, Nancy, and their family all the best as we pay tribute to Defiance College's 17th President.

INTRODUCTION OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 2003

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. PICKERING. Mr. Speaker, I am pleased to introduce a bill today to help America's energy consumers by repealing an outdated law that serves as a barrier to competition in the energy marketplace. I am pleased to be joined by the Gentleman from New York, Mr. TOWNS in introducing this important legislation. This bill, which is nearly identical to legislation I introduced in the last Congress and very similar to legislation approved by the Senate in the last Congress, would repeal a New Deal Law, the Public Utility Holding Company Act of 1935 (PUHCA).

This legislation is a bipartisan initiative. The current Republican and previous Democratic Administrations have called for the repeal of PUHCA. Further, the bill would implement the recommendations of the Securities and Exchange Commission (SEC) made in 1995 following an extensive study by the SEC of the effects of this outdated law on today's energy markets.

PUHCA is a law that has long outlived its usefulness. It imposes unnecessary costs on consumers and directly undermines the intent of current federal and state policies designed to bring more competition to America's energy market.

PUHCA was enacted in 1935 to address abuses arising out of pyramid corporate structures at a time when electric utility regulation was just starting at both the federal and state level. PUHCA's primary purpose was to dismantle more than 100 complex utility holding company structures that, in many cases, took advantage of weak federal and state regulations to pursue inappropriate business practices. There are now 28 top electric and gas utility holding companies that are required by PUHCA to operate under arbitrary investment caps that preclude them from investing in areas of need. Other utility companies are exempt from PUHCA's caps, but must operate primarily within one state in order to maintain their exemptions. Our nation's gas and electric utility companies, therefore, must operate principally within certain geographic "boxes." This stifles innovation, hinders competition, and undermines the development of regional electricity markets. Moreover, such a circumstance inhibits the very competition that Congress has sought to foster in our national energy policy.

More specifically, PUHCA delays or, in some cases, prevents registered companies from offering new products and services to their consumers. As a barrier to entry for gas and electric utilities in all states, PUHCA limits investment and growth opportunities on a nationwide basis in the gas and electric industries. PUHCA also unnecessarily restricts the flow of capital into all states thereby inhibiting the development of new transmission and generation capacity. PUHCA stands in the way of the efforts by our nation's utility industry to serve consumers in a more competitive manner.

Interestingly enough, the financial collapse of Enron underscored the need to encourage—not discourage—the entry of stable, regulated, asset-backed energy companies into the marketplace. Ironically, it is just these types of companies that are effectively barred from investing in new markets by PUHCA. Enron was opposed to PUHCA repeal because its continued existence imposed competitive handicaps on well-established, asset-backed energy companies in emerging competitive markets.

The counterproductive restrictions that PUHCA places on the natural gas and electric power industries are based on historical assumptions that are no longer valid. The factors that existed when PUHCA was enacted in 1935 no longer exist today. Federal and state laws at that time were inadequate to protect consumers and investors. Today, federal and state regulations have become much more comprehensive and sensitive to market conditions. PUHCA, however, remains an economic drag on America's energy industry.

The ability of State commissions to regulate holding company systems and, together with the development of regulation under the Federal Power Act of 1935 and the Natural Gas Act of 1938, have eliminated the regulatory "gaps" that existed in 1935 with respect to wholesale transactions in interstate commerce. The expanded ability of State commissions and the FERC to regulate inter-affiliate transactions have further rendered the 1935 Act unnecessary. In addition, important market power issues will continue to be reviewed by FERC, DoJ and the FTC.

This legislation would reform the regulation of utility holding companies by repealing the duplicative SEC-related provisions of the Public Utility Holding Company Act of 1935, while assuring that the SEC retains all of its non-PUCHA jurisdiction of securities and securities markets in order to protect investors. The bill would put gas and electric power companies on an equal competitive footing, allowing them to take advantage of market opportunities that benefit investors and utility companies.

Registered companies will continue to be subject to all government regulation intended to protect investors to which other industry participants are subject. SEC authority under the Securities Act, Exchange Act, Investment Advisers Act, and Trust Indenture Act will all remain in place. The State securities commissions will also have available to them the various State Blue-Sky laws. The bill will enhance the ability of FERC and the State utility commissions to access the books and records of utilities and their subsidiaries in order to improve customer protection. This would be in addition to the ongoing authority of state and federal regulators to oversee rates charged by regulated utilities in retail and wholesale markets.

In the new environment confronting the utility industry, PUHCA has become nothing more than a bottleneck that constrains the ability of our nation's natural gas and electric power industries to serve consumers. PUHCA is an anachronism that burdens utility systems with costs and restrictions that impair their competitiveness and prevent them from adapting to the new and more competitive environment. PUHCA is no longer a solution because the problems of the 1930's have been replaced by effective state and federal legislation and by the realities of today's marketplace. Simply put, America no longer can afford the Public Utility Holding Company Act of 1935. It is time for Congress to act on the recommendations of the SEC and to enact this legislation.

INTRODUCTION OF UNITED STATES FORCES KOREA QUALITY OF LIFE ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KNOLLENBERG. Mr. Speaker, as the attention of the country is focused on the men and women of our armed forces who are fighting to liberate Iraq, we must not forget about those who are serving elsewhere around the world. That's why I am introducing today the "United States Forces Korea Quality of Life Act." I, as well as my original co-sponsors, believe this bill is essential in providing much needed relief to our military personnel in Korea.

As Chairman of the House Appropriations Subcommittee on Military Construction, improving the quality of life for our military is one of my foremost goals. No place needs improvement more than our facilities in Korea. Simply put, the conditions our troops in Korea must currently endure are unacceptable.

But you don't have to take my word for it. In recent testimony before Congress, Admiral Thomas Fargo, Commander, United States Pacific Command and General Leon LaPorte, Commander United States Forces Korea, testified that conditions on the Korean Peninsula for U.S. service personnel are "the worst in the Department of Defense."

My bill provides members of the U.S. armed forces, the benefit of a tax exclusion to help offset the high cost of living and the poor quality of life while serving in South Korea and applies to personnel who execute permanent change of station orders or orders for temporary duty exceeding 30 days. Service members will be provided with an immediate boost in their quality of life as they keep more of the money they earn.

Why should we provide this benefit to our soldiers in Korea?

An unusual hardship of family separation for more than a year is borne by 94 percent of the 37,000 plus personnel who serve in Korea. Conditions are so poor for personnel that one third of those authorized to bring family members choose voluntary family separation before subjecting their families to the conditions on the peninsula.

Seoul is the third most expensive city in the world to live according to a recent United Nations survey. Despite this, our service men and women receive no cost of living allowance, COLA, for being stationed there. That means they receive no additional compensation to help offset higher costs in Korea. Working and living facilities in Korea, as well as living conditions for our service personnel are sub-standard by any measure.

Even the living quarters on post are smaller than typical military installations, and all our soldiers must live in an environmentally degraded region. Beyond cost and comfort, let's not forget that these soldiers live under the threat from an unpredictable North Korea.

It's no wonder then that those who are allowed to bring their families to Korea rarely do so and that those who are given the opportunity to command forces in Korea decline at a rate five times the normal Army wide rate.

There are many uncertainties about the future of our forces abroad as we re-examine our overseas basing and force structure. Unfortunately, discussion of overseas re-alignment may lead to further neglect of the critical quality of life and infrastructure requirements of our forces in Korea.

As we work to rectify the inequities in pay/benefits for those stationed in Korea, I believe it is so important to give our soldiers there an extra boost now. The United States Forces Korea Quality of Life Act won't fix all the hardships that our service members face in Korea, but it will give them a chance to make their life there a little better and their time there more agreeable.

I encourage all my colleagues to join me in giving our soldiers in Korea the additional assistance they need and deserve.

PERSONAL EXPLANATION

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, this afternoon I was inadvertently detained in the Senate while attending to duties associated with my role as Chairwoman of the Civil Service Subcommittee. If I had been present, I would have voted "yes" to H.R. 743, the Social Security Protection Act of 2003.

Mr. Speaker, H.R. 743 makes necessary changes to existing Social Security law to ensure the protection of recipients and the Social Security system. The provisions included in this bill aim to promote the accountability of the Social Security program by closing the present government pension offset (GPO) loophole. I feel that the clarifying corrections addressed in this bill will result in the improvement of the Social Security program.

THE OCCUPATIONAL SAFETY AND HEALTH FAIRNESS ACT OF 2003

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. NORWOOD. Mr. Speaker, I rise today with the support of several of my colleagues on the Workforce Protections Subcommittee to introduce legislation designed to correct matters of fundamental unfairness in the area of workplace safety and health. Our goal is to address situations where employers, and especially small employers, are being denied fundamental fairness and/or equitable results in their efforts to defend themselves against citations issued by the Occupational Safety and Health Administration, OSHA, for alleged violations with which, in good faith, they take genuine issue.

This matter of fundamental fairness is achieved through several key amendments to the Occupational Safety and Health Act of 1970. This proposal targets only those situations when an employer must defend against heavy-handed or arbitrary enforcement of health and safety laws. This measure is especially targeted to help small employers who do not have the means to defend themselves against the substantial resources and formidable power of the Federal Government.

With this in mind, Mr. Speaker, the amendments we propose are designed to level the playing field so that these employers are: (1) Not deprived of their day in court due to legal technicalities; (2) not forced into settlement when they believe OSHA is wrong, just because it is the most cost-effective option available; (3) aware of the legal standards under which they will be judged; and (4) extended legal consideration for their unique situations and good-faith efforts to comply with the law.

Each reform in this proposed legislation is designed to make what I believe is a narrow, precise, and sensible adjustment for an omission regrettably not caught by Congress at the time of original passage of the Occupational Safety and Health Act of 1970. In my mind, Mr. Speaker, all of the provisions in this legislation lend themselves to bipartisan support, and I ask each of my colleagues to support this proposal.

A CELEBRATION OF YOUTH IN HONOR OF FRANCES DIANE SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of my grandchild, Frances Smith, born on November 4, 1998. My wife, Bonnie, and I join with Frances' other grandparents, Neville and Jennifer Monteith from Kitchener, ON, in celebrating this young life.

Three days after Frances was born, John Glenn returned from his second trip into space at 76 years of age. Medical futurists predict that a person born in 1998 may very well live to an age of 110 or even 120 years old.

The system of free enterprise in our country makes it possible for Frances Smith, and all our children and grandchildren, to make dreams a reality.

As we stand in this chamber each day we must remember the potential of our youth and the strength of the free enterprise system. Those two things, bonded together, will continue the tradition of prosperity we have so long enjoyed.

It is my hope that Frances Smith, the daughter of Brad and Diane, will never forget the achievements possible through the free enterprise system that can take us much further than John Glenn ever dreamed we could go.

REVISED COST ESTIMATE FOR H.R. 21, THE UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OXLEY. Mr. Speaker, I am submitting a revised cost estimate from the Congressional Budget Office for H.R. 21, the Unlawful Internet Gambling Funding Prohibition Act. This revised estimate, dated April 2, 2003, describes the private-sector mandate that would be imposed by the legislation. The CBO's estimate of its impact on the Federal budget and on State and local governments is unchanged.

The original estimate was included in the Committee's report on H.R. 21 (H. Rept. 108–51, Part I) and was dated March 27, 2003.

APRIL 2, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 21, the Unlawful Internet Gambling Funding Prohibition Act. This cost estimate supersedes the previous estimate. The cost estimate provided to the committee on March 27, 2003, did not identify or describe the private-sector mandate that would be imposed by H.R. 21. Our estimate of the bill's impact on the federal budget and on state and local governments is unchanged.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Hadley (for federal costs), and Cecil McPherson (for the impact on the private sector).

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 21—Unlawful Internet Gambling Funding Prohibition Act

Summary: H.R. 21 would prohibit gambling businesses from accepting credit cards, checks, or other bank instruments from gamblers who illegally bet over the Internet. The bill also would require financial institutions to take steps to identify and block gambling-related transactions that are transmitted through their payment systems. The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the National Credit Union Administration (NCUA) would enforce the provisions of H.R. 21 as they apply to financial institutions.

CBO estimates that implementing this legislation would result in no significant cost to the federal government. The bill could affect direct spending and revenues, but CBO estimates that any impact on direct spending and revenues would not be significant.

H.R. 21 would create no new intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The bill would impose a private-sector mandate, but CBO estimates that the direct costs of the mandate would fall below the annual threshold established in UMRA ($117 million in 2003, adjusted annually for inflation) in any of the next five years.

Estimated cost to the Federal Government: CBO estimates that the government would incur no significant costs under H.R. 21. CBO estimates that implementing H.R. 21 would increase administrative costs of the Department of Justice, but any such costs would be negligible. The bill also would have a small effect on the operating costs of the FDIC and the Federal Reserve System. Finally, the bill would have a negligible effect on the collection and spending of criminal penalties.

Basis of estimate

The bill would have only minor budgetary effects, as described below.

Spending subject to appropriation

Because H.R. 21 would establish new federal crimes relating to Internet gambling, the federal government would be able to pursue cases that it otherwise would not be able to prosecute. CBO expects, however, that most cases would be pursued under existing state laws. Therefore, we estimate that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant. Any such additional costs would be subject to the availability of appropriated funds.

H.R. 21 would require the Department of the Treasury to submit an annual report on deliberations with other countries on issues related to Internet gambling. CBO estimates that preparing and completing the report would cost less than $100,000 a year, subject to the availability of appropriated funds.

Direct spending and revenues

The NCUA, the OTS, and the OCC charge fees to cover all their administrative costs; therefore, any additional spending by those agencies to implement the bill would have no net budgetary effect. That is not the case with the FDIC, however, which uses deposit insurance premiums paid by banks to cover the expenses it incurs to supervise state-chartered institutions. (Under current law, CBO estimates that the vast majority of thrift institutions insured by the FDIC would not pay any premiums for most of the 2004–2013 period.)

The bill would cause a small increase in FDIC spending but would not affect its premium income. In total, CBO estimates that H.R. 21 would increase direct spending and offsetting receipts of the NCUA, OTS, OCC, and FDIC by less than $500,000 a year over the 2002–2006 period.

Budgetary effects on the Federal Reserve are recorded as changes in revenues (governmental receipts). Based on information from the Federal Reserve, CBO estimates that enacting H.R. 21 would reduce such revenues by less than $500,000 a year.

Because those prosecuted and convicted under the bill could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (i.e., revenues), which are deposited in the Crime Victims Fund and spent in subsequent years. Any additional collections are likely to be negligible because of the small number of cases involved. Because any increase in direct spending would equal the amount of fines collected (with a lag of one year or more), the additional direct spending also would be negligible.

Estimated impact on state and local governments: Although H.R. 21 would prohibit gambling businesses from accepting credit card payments and other bank instruments from gamblers who bet illegally over the Internet, the bill would not create a new intergovernmental mandate as defined in UMRA. Under current federal and state law, gambling businesses are generally prohibited from accepting bets or wagers over the Internet. Thus, H.R. 21 does not contain a new mandate relative to current law and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: H.R. 21 would impose a new federal mandate on the private sector. The bill would require designated payment systems to establish policies and procedures designed to identify and prevent transactions in connection with unlawful Internet gambling. Designated payment systems are defined in the bill to include any system utilized by businesses such as creditors, credit card issuers, or financial institutions to effect a credit transaction, an electronic fund transfer, or other transfer of funds. Information provided by representatives of the financial services industry indicates that such transactions can currently be identified through the use of codes. Most financial institutions are currently able to identify and block restricted transactions by using the coding system. Thus, CBO estimates that the private sector's cost to comply with the mandate would be small. There also could be direct savings to those entities subject to the mandate as the bill limits their liability arising from their compliance with the requirement. CBO estimates that the total direct costs for private-sector mandates in this bill would fall well below the annual threshold ($117 million in 2003, adjusted annually for inflation) established in UMRA.

Although section 3 would prohibit gambling businesses from accepting credit card payments and other bank instruments from gamblers who bet illegally over the Internet, those provisions would not create a new private-sector mandate as defined in UMRA. Under current federal and state law, gambling businesses are generally prohibited from accepting bets or wagers over the Internet. Thus, those provisions do not contain a new mandate relative to current law.

Previous estimate: The cost estimate for H.R. 21 transmitted to the House Committee on Financial Services on March 27, 2003, did not identify or describe the private-sector mandate that would be imposed by the bill. This cost estimate supersedes that previous estimate. The estimate of the bill's impact on the federal budget and on state and local governments is unchanged.

Estimate prepared by: Federal spending: Ken Johnson and Mark Hadley; federal revenues: Mark Booth; impact on state, local, and tribal governments: Victoria Heid Hall; impact on the private sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

BOUNDARY COUNTY DISTRICT LIBRARY IN BONNERS FERRY, ID

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the distinguished accomplishments of the Boundary County District Library in Bonners Ferry, ID. Under the leadership of Director Sandy Ashworth, the Boundary County District Library received the 2002 National Award for Library Services. The Institute of Museum and Library Services and First Lady Laura Bush bestowed this well-deserved honor upon the library at a White House ceremony.

Established in 1956, the Boundary County District Library was the first countywide library district in the State of Idaho. The library is dedicated to using innovative collaborations in raising both the quality and quantity of library resources while helping to overcome the rural isolation of Boundary County's residents.

The Boundary County District Library is a model for the community and the State of Idaho, as well as for other libraries trying to meet increasing demand for services with less money. The library and the community work together toward the common goals of providing excellent service and improving the quality of life in northern Idaho.

Mr. Speaker, I was honored to nominate the Boundary County District Library for this special award. Furthermore, I am very proud of the independent nature of Boundary County, ID, and citizens, whose hard work and sense of community should serve as an inspiration to us all. I wish to convey a special thanks to the Boundary County District Library for leading that effort.

INTRODUCTION OF THE SCHIP WEB-BASED ENROLLMENT ACT OF 2003

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to announce the introduction of a piece of legislation that will provide an e-government solution to the complicated process of signing kids up for health insurance, the SCHIP Web-Based Enrollment Act of 2003. This bill provides a simple, targeted method for expanding access to children's health care by giving States the flexibility they need to implement web-based enrollment programs for SCHIP.

The Balanced Budget Act of 1997 established the State Children's Health Insurance Program (SCHIP), a program that allows States to cover uninsured children in families with incomes that are above Medicaid eligibility levels. Like Medicaid, SCHIP is a Federal-State matching program, but spending has fallen well below allotment levels for a variety of reasons. One of the most striking reasons is that States have had difficulty enrolling enough children to meet the allotment standards. Enrollment in SCHIP has involved lots of redtape, and the complexity of the application has discouraged families from signing up.

To address this problem, States are beginning to utilize new technology and the Internet to streamline enrollment in SCHIP and Medicaid. This new technology has enabled States to reduce program enrollment time, improve accuracy, increase access for applicants, and centralize social service applications in State government. States that have launched or are planning to launch web-based enrollment in SCHIP include: California, Arizona, Florida, Michigan, Georgia, Pennsylvania, Texas, and Washington.

While web-based enrollment is promising, many States are challenged by high start-up costs. This bill would provide States with more flexibility to use their Federal SCHIP funds for this kind of activity, and would create a grant program to help States promote web-based enrollment.

The SCHIP Web-Based Enrollment Act of 2003 meets these objectives in the following ways:

First, it would allow States to use unused, "retained" (redistributed from the Federal Government back to the State) SCHIP money for this effort. Under current law, a State may use up to 10 percent of retained 1998 allotments for outreach activities approved by the Secretary. The bill adds an additional provision under that section that allows States to use any amount of their retained funds for web-based enrollment outreach.

Second, the bill establishes a separate grant program, allowing States to apply for additional funds (separate from SCHIP money) for this purpose. The grant program would make $50 million available over 5 years, and grants would be subject to a match rate. The match rate would be tied to their SCHIP match rate, but States would be eligible for up to 20 percent more than their rate, not to exceed 90 percent.

Finally, this legislation provides assistance to States from HHS for development and implementation of the web-based enrollment system by providing information and technical assistance.

There are 9 million uninsured children in the United States. In fact, a child is born without health insurance every minute in this country. We must do everything we can to make it easier for families to enroll children in the health insurance programs available to them. I believe that this bill will provide the necessary means to help states expand enrollment in SCHIP. I urge my Colleagues to support this important legislation.

LEGISLATION TO ESTABLISH AN OFFICE TO OVERSEE RESEARCH AND COMPLIANCE WITHIN THE VETERANS HEALTH ADMINISTRATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. BUYER. Mr. Speaker, today, I am introducing legislation to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs. I am pleased that this legislation has bipartisan support, including CHRIS SMITH, Chairman of the Committee on Veterans' Affairs; Representative LANE EVANS, Ranking Democratic Member of the Veterans' Affairs Committee; Representative TERRY EVERETT, the former chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations; Representative MICHAEL BILIRAKIS, Vice Chairman, Veterans' Affairs Committee; Representatives MICHAEL MICHAUD, JULIA CARSON, BOB FILNER, MICHAEL MCNULTY, BOB BEAUPREZ, JEFF MILLER, JOHN BOOZMAN, CLIFF STEARNS, JOHN SWEENEY, JACK QUINN, HENRY BROWN, GINNY BROWN-WAITE, and JOHN MCHUGH.

The VA has made tremendous contributions in the field of medical research. I think we all recognize the many accomplishments made by the VA in discovering new drug therapies and developing medical devices that have benefited not only veterans but all Americans. For instance, the VA invented the implantable cardiac pacemaker, developed the nicotine patch, performed the first successful liver transplant, and assisted in the development of the first oral vaccine for smallpox.

The intent of this legislation is to ensure that all research funds are directed with focus and accountability. It does not seek to impede the VA from continuing with the research it conducts.

Before I summarize the bill, I want to provide some pertinent background information as to why this legislation is necessary. In April 1999, the Subcommittee on Oversight and Investigations held a hearing to examine violations of human research protections that occurred in the West Los Angeles and Supulveda Veterans Affairs medical facilities that resulted in the shutdown of all research activity at those two facilities. These violations were traced as far back as 1993 and came to light in 1998. The subcommittee's hearing reviewed what happened and what was being done to correct the situation.

At the hearing, the VA announced that it had created a new Office of Research Compliance and Assurance (ORCA). Then-Under Secretary for Health Kenneth Kizer stated at the April 1999 hearing, "I want to emphasize that this new Office of Research Compliance will be an independent, objective, and unbiased entity in its compliance and oversight activities." Dr. Kizer also said, "By placing the Office of Research Compliance outside of the Research Office, and directly reporting to top management within the Veterans Health Administration, it is my intention to minimize any real or perceived weakness of this type." In subsequent hearings, Dr. Thomas L. Garthwaite, who succeeded Dr. Kizer as Under Secretary for Health, and Dr. Robert H. Roswell, the current Under Secretary both echoed the sentiments expressed by Dr. Kizer in his April 1999 testimony.

ORCA served as the primary advisory component for the Under Secretary for Health on all matters affecting the integrity of research in the protection of human subjects and welfare of laboratory animals, promoting enhancements in the ethical conduct of research in conformance with regulations and policies and investigating any allegations of research improprieties and scientific misconduct. ORCA's major responsibilities included providing direction, guidance, and oversight to its field offices that perform their delegated roles and responsibilities, in promotion of the office's mission.

ORCA conducted a follow-up review of the Greater Los Angeles Health Systems Research Program and recommended lifting its probationary status. The review also made recommendations for improvements in the research programs. ORCA oversaw the implementation of these recommendations.

Further oversight hearings conducted by my subcommittee produced GAO recommendations on necessary VA actions to strengthen the protection of human research subjects. GAO recommended that VA identify adequate funding levels needed to support human subject protection activities at medical centers and ensure an appropriate allocation of funds to support the activities.

The VA's Office of Research Development also provided preliminary guidance to VISN Directors on the needed Independent Review Board, IRB, staffing levels. The IRBs approve and monitor research protocols for all projects at the facility level.

In January, 2003, it came to the committee's attention that the VA intended to combine the oversight responsibility for all human and animal research within the Office of Research Development, ORD, the very body it was supposed to oversee. I, along with several other members of the Oversight Subcommittee, including Representative LANE EVANS, strongly objected to the proposal and requested the Department review its decision and brief the subcommittee before any further action was taken.

The move to combine ORCA with ORD came after a report of alleged research misconduct involving human subjects at the VA medical center in Albany, NY. My colleagues and I want to insure that oversight of human subject research remains truly independent.

The bill I am introducing would:

First, create an independent office to oversee research compliance and assurance.

Second, require that the new office have a director who reports directly to the Under Secretary for Health.

Third, provide that the missions of the new office be to offer regular counsel to the Under Secretary for Health on all matters related to the protection of human research subjects, research misconduct, laboratory animal welfare and bio-safety; to promote and enhance the ethical conduct of research; to investigate allegations of research impropriety and misconduct; to suspend, restrict, or modify research to ensure the safety, and ethical treatment of human subjects; to preserve integrity and validity of research; to prevent mistreatment of laboratory animals used in research; and to assure compliance in the conduct of research.

The bill would require that the director of the office conduct periodic inspections at research facilities; observe external accreditation site visits; investigate allegations of research improprieties, research misconduct, and noncompliance with research policies and regulations. The bill would also require the immediate notification of the Under Secretary for Health when endangerment of human research subjects is evident or suspected and requires that Congress be notified when impropriety of misconduct of research conducted by the Department has been found.

The bill will provide that funding for the new office would come from the medical care account of the Veterans Health Administration rather than from ORD funding.

Finally, the legislation mandates that the Comptroller General of the United States conduct a study of the effectiveness of the new office and submit a report to Congress by January 1, 2005.

I urge my colleagues to cosponsor this important legislation to improve protection for our Nation's veterans who participate in VA medical research.

COMMENDING SHERIFF HAROLD N. HAL BARKER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to commend and thank Sheriff Harold N. "Hal" Barker for his public service as the Sheriff of El Dorado County, California. His retirement in January of this year marked the end of a law enforcement career that lasted four and a half decades and spanned from Southern to Northern California.

Law enforcement is one of the most basic and honorable services provided by government. Those who put their own lives on the line to uphold peace and order and protect their fellow citizens deserve the thanks and respect of all. It is in this spirit that I thank Hal Barker for his leadership and hard work in helping make California safe and prosperous.

Hal's professional service has consisted of both excellent training and extensive experience. His formal education includes an Associate of Arts degree in Police Science from Ventura College, a Bachelor of Science degree in Police Administration from California State University at Los Angeles, and a Master of Public Administration degree from the University of Southern California. Additionally, he graduated from the P.O.S.T. Command College and graduated first in his class from the FBI National Academy, earning the Hoover Medal.

Hal first hit the street as a reserve officer in the Santa Paula Police Department in 1958, ultimately rising to the rank of captain and assistant chief. From 1974 to 1984, he was the San Mateo County Assistant Sheriff. During that time, he acted as the San Francisco International Airport Police Chief for 18 months. Then, in 1984, he began a 12-year tenure as Chief of the Folsom Police Department. In this capacity, he led the department through a period of unprecedented growth.

In 1997, Hal was appointed Sheriff in El Dorado County, and was elected to the position for a full term the following year. As Sheriff, he managed 400 employees and a $30 billion budget in a growing county.

I join with the communities he has protected to thank Hal Barker for his long and distinguished service. I am proud to call him a friend, and I wish him well in all of his future endeavors.

WHERE THE AMERICANS COME, THEY MAKE ORDER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the March 31, 2003, editorial from the Norfolk Daily News entitled "Unharmed."

The North Atlantic Treaty Organization (NATO) remains critical to Slovenia and other countries who until recently suffered under the yoke of tyranny. Such countries have made difficult, immediate sacrifices to gain the long-term protection which NATO membership provides and should be recognized for their efforts.

> UNHARMED
>
> SLOVENIA'S VOTE INDICATES NATO NOT HARMED BY WAR ON IRAQ
>
> Critics of Bush administration policy have feared that the war in Iraq and U.S. "unilateralism" might damage critical alliances like NATO.
>
> From tiny Slovenia—population 1.9 million—comes heartening evidence that this may not be so. Slovenia is the most successful of the Balkan nations to come out of the breakup of Yugoslavia, and from the beginning, its leaders decided the future lay with the West.
>
> In recent referendums, Slovenes voted to join both NATO and the European Union. The E.U. vote was never in doubt, but Slovenia's leaders, who fully understand that NATO membership has real obligations, feared the effect of the war on that vote. In the end, two-thirds of the voters approved.
>
> An economist, Milan Cadez, gave the New York Times a reassuring reason why as he left a polling place: "Only America is capable of doing anything for peace. The E.U. is not capable of doing anything. They watched the crimes in Bosnia and when the Americans come, they make order." And, it should be noted, are still there to help maintain order.
>
> The Slovenes might have their doubts about the war in Iraq, but they have few reservations about the benefits of the U.S.-led military alliance.

A CELEBRATION OF YOUTH IN HONOR OF CHAUNCY FLOYD SMITH OF MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise on this occasion to honor the life and birth of our tenth grandchild, Chauncy Smith. Born on March 20, 2001, to Brad and Diane Smith, Chauncy is a source of great joy to both me and my wife Bonnie, in part because he was named after my brother who was killed 44 years earlier when his jet fighter went down.

We celebrate with Chauncy's other grandparents, Neville and Jennifer Monteith from Kitchener, ON.

It is for this young life, and many others just like it, for which we make decisions in Congress each day. In 2001, the year of Chauncy's birth, we passed one of the largest tax cut packages in history bringing historic levels of tax relief to working families in America. I'd like to think that we did that to help assume a strong economic future.

In that same year the events of September 11th forever changed the diplomatic landscape in ways still unknown to us. Today, we face great challenges as we seek a world without terror in an effort to avoid the fear we knew during the Cold War.

As we consider the first pieces of legislation of this Congress, let us also consider the children and grandchildren who will bear the burden of our debt and the fears of our miscalculations. We must consider each bill with all the wisdom possible so that future generations do not bear our burdens and fear our fears, but, instead, live their dreams.

As Abraham Lincoln said on December 3, 1861, "The struggle of today, is not altogether for today—it is for a vast future also. With a reliance on Providence, all the more firm and earnest, let us proceed in the great task which events have devolved upon us."

In this time of constant change may we remember and take hope in the great potential of our children and grandchildren and remember that our struggle today is for their vast future also.

TRIBUTE TO CHIEF MASTER SERGEANT DAVID L. BENSON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. WALSH. Mr. Speaker, I rise today to honor the career of Chief Master Sergeant David L. Benson. Originally from Chittenango, NY, Chief Benson enlisted in the United States Air Force in 1962 and subsequently has spent over 38 years with the New York Air National Guard. Chief Benson has been decorated with numerous medals, awards and service distinctions. It is my honor to recognize such a distinguished citizen and soldier.

Chief Benson's career began as an Aircraft Mechanic at Amarillo Air Force Base, Texas. Soon after he was assigned to the 4626th Support Squadron, Sage, Air Defense Command at Topsham Air Force Station in Brunswick, Maine. After completion of his four year tour of duty, Chief Benson was granted his release from active duty and became a member of the 174th Fighter Wing of the New York National Guard. Here he preformed duties as an Aircraft Crew Chief on the F–86H Sabrejet Fighter Aircraft and the A–37B Dragonfly. He was also an Egress Shop Chief and Accessories Element Supervisor. Concluding his career, Chief Benson served as a Noncommissioned Officer In-charge of the Component Repair Flight.

Mr. Speaker, Chief Benson has served our nation proud in many military arenas. He has been deployed to Saudi Arabia in support of the Persian Gulf War and once again to the Middle East during Operation Northern Watch as part of contingency operations enforcing the no-fly zone over Northern Iraq. He also participated in Operation Noble Eagle after the September 11th attacks.

During these times and throughout his career, Chief Benson has displayed honorable character and service to the 174th and our country. His military decorations include the Meritorious Service Medal, the Air Force Commendation Medal, and the Air Force Achievement Medal. He also holds the Joint Meritorious Service Award with one oak leaf cluster, and the Air Force Outstanding Unit Award with Combat "V" device and four oak leaf clusters. His service awards include the Air Force Good Conduct Medal, the Air Reserve Forces Meritorious Service Medal with ten oak leaf clusters, the National Defense Service Medal with two bronze service stars, the Southwest Asia Service Medal with three bronze campaign stars, the Air Force Longevity Service Award with eight oak leaf clusters, the Armed Forces Reserve Medal with the gold hourglass device and three Mobilization "M" devices, the Small Arms Expert Marksmanship Ribbon and the Air Force Training Ribbon. His Foreign Service awards include the Kuwait Liberation Medal from the Kingdom of Saudi Arabia and the Kuwait Liberation Medal from the Government of Kuwait. Chief Benson's New York State military awards include the New York State Long and Faithful Service Award with five shield devices, the New York State Desert Storm Service Medal, the New York State Defense of Liberty Medal and the New York State Exercise Support Ribbon with two "E" devices.

Without question Mr. Speaker, Chief Benson is a very special person. He willingly served his nation, exuding loyalty and pride. For his unrelenting service, Chief Benson can retire knowing he has earned such a status. I would like to wish him well in his retirement years, as he will now be able to spend more free time with his wife Stephanie, daughter Natalie and two sons, David and Jason. Thank you Chief for all your years of hard work and dedication.

TRIBUTE TO MR. ROBERT COULTER "DINK" ELDRIDGE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to offer a tribute to one of Knoxville, Tennessee's finest citizens. Many in this body and around the Country will not recognize his name, but when Mr. Robert Coulter "Dink" Eldridge, Sr. passed away at the age of 85 on February 21, 2003 this Nation lost a great American. Many Knoxvillians join me in mourning his death.

Dink Eldridge graduated from the University of Tennessee in 1940. During his final years at the University, he managed the Volunteer Football team as they went undefeated in regular season play and participated in the Orange Bowl, the Rose Bowl and the Sugar Bowl. More than victory marked his time with the Volunteers however. Those who knew him at this time also remember his dedicated leadership and desire to see every athlete reach his fullest potential.

In addition to his time managing the Volunteers, Dink managed the East Army All Star football team at Yale University with the great General R.R. Neyland.

In 1942 Dink Eldridge was called to serve his Nation in the United States Army where he served with distinction as a second lieutenant in the Tank Corps. Here again, Dink proved his willingness to serve his fellow man and was awarded both a Purple Heart and Bronze Star medal for his efforts. After a brief period away from the military, Dink was called on again, this time in the Korean War.

During his professional career, Dink demonstrated a deeply held commitment to excellence. Following his early days as a lineman for Bell Systems, Dink steadily rose in his career. While his supervisory work for Bell took him to cities across the State, Dink was eventually able to return to Knoxville where he served as District Engineer until his retirement in 1971.

Like many leaders, Dink was unable to remain retired for long. In 1986, he was named president of the Concord Telephone Exchange. Dink provided steady leadership to this organization during a period of tremendous growth and remained president until his second retirement in 1993.

With this said, Dink is possibly best known to the people of East Tennessee for his dedicated work in the community. His generosity of time touched countless lives. Through his work on the executive board of the Great Smoky Mountain Council of the Boy Scouts of America and as President of the Bearden Little League Baseball league alone, Dink passed his love of Country and community onto a generation of young people.

In everything Dink did, he strove for excellence in himself and sought to inspire the same in those around him. I am proud to have known Dink for many years, but I am even more proud to have called Dink Eldridge a personal friend.

To his wife Anna Yvonne I say thank you for being such a supportive and loving part of his life and to his children, grandchildren and great-grandchildren, I simply say continue carrying the banner of service your father and grandfather held so high.

HONORING HUNTINGTON HISTORICAL SOCIETY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the Huntington Historical Society.

The Huntington Historical Society was founded by the local community as an outgrowth of the collection of artifacts gathered together in 1903 for exhibition at the celebration of the Town of Huntington's 250th anniversary. The exhibition was so well received by the community that the exhibition committee decided to keep its collection together and found a Society whose mission would be to preserve the heritage of the Town of Huntington, by maintaining museums, collections and a research center, by educating the public about Long Island's regional history, and by promoting the preservation of historic buildings and sites.

The society serves the dual role of being a repository for the treasures of Huntington's founding families while also reaching out to the community to provide a sense of place and identity in a rapidly changing area proud of its deep historic roots. In addition, the Huntington Historical Society is distinguished as one of the oldest repositories of local history in the New York metropolitan area.

I commend the Huntington Historical Society for their dedication to the historical preservation of the great town of Huntington, and congratulate them on their 100th anniversary.

PRESIDENT SHEVARDNADZE'S STATEMENT WELCOMED, BUT ACTION ALSO NEEDED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to acknowledge and welcome the March 14th statement of the President of Georgia, Eduard Shevardnadze, pledging his commitment to religious freedom for all Georgians and promising the punishment of individuals complicit in mob attacks on religious minorities. (I am submitting the statement for the RECORD below.) President Shevardnadze made this pledge during an ecumenical service in Tbilisi's Evangelist-Baptist Cathedral Church, attended by leaders of the Georgian Orthodox, Armenian Apostolic, Roman Catholic, Lutheran and Baptist churches and many individuals from the diplomatic community. The U.S. Ambassador to Georgia, Richard Miles, also attended and addressed the gathering. Reportedly, so many people came that hundreds had to listen via loudspeakers in the churchyard.

The service was initially planned for late January, but defrocked priest Basil Mkalavishvili and his crowd of thugs assaulted worshipers and clergy an hour before it was scheduled to begin—as they have been doing with impunity since 1999. Individuals were beaten as they tried to leave, with rocks and stones being reportedly thrown. While President Shevardnadze quickly condemned that attack, ordering the Interior Minister, the Prosecutor General, State Chancellery Head, and the Security Council Secretary to investigate and punish the perpetrators, no arrests or prosecutions followed.

Despite Georgia's appalling record on religious tolerance for the last few years, I hope President Shevardnadze's speech at the Baptist church signals a new determination to arrest and aggressively prosecute the mob leaders and their henchmen. He promised that "as the President of Georgia and a believer, I shall not restrict myself only to a mere expression of resentment. I do promise that the President and the Authorities of Georgia will do their utmost to grant every person freedom of expression of faith." Driving home the point further, Mr. Shevardnadze declared, "the state will exert its pressure on whoever comes in defiance of this principle. You may stand assured that the aggressors will be brought to justice."

As Co-Chairman of the U.S. Helsinki Commission, over the past three years I have watched with increasing alarm the escalation of mob violence. On September 24th I chaired a Commission hearing focused on this disturbing pattern. The Jehovah's Witnesses have borne the brunt of attacks, along with Baptists, Pentecostals, Adventists and Catholics. Most disheartening has been the government's indifference; victims throughout the country have filed approximately 800 criminal complaints, without one criminal conviction.

Despite a series of statements by President Shevardnadze, Georgia's Minister of Interior and Prosecutor General appear unwilling to effectively enforce the rule of law, refusing to arrest mob leaders like Mkalavishvili and Paata Bluashvili and not attempting serious prosecutions. For example, the trial of Mkalavishvili has dragged on for more than a year, without a single piece of evidence considered yet. I would hope the provision of adequate and visible security, which took months to organize, will continue and that the prosecutor will begin his case shortly. Also, the inauguration of trial proceedings against Bluashvili in Rustavi is positive; I trust the delays and shenanigans seen in Mkalavishvili's trial will not be repeated there. I also urge the Government of Georgia to arrest and detain Mkalavishvili, Bluashvili and other indicted persons who continue to perpetrate violent criminal acts against religious minorities.

Undoubtedly, President Shevardnadze's presence at the March 14th service and his statement illustrate his personal commitment to religious tolerance and basic law and order. Yet, while I appreciate his gesture, it is time for real action. If the attacks are allowed to continue, it will only become more difficult to rein in this mob violence. If presidential orders are repeatedly ignored, it will only further weaken the government's ability to enforce the rule of law. And, of course, we must not forget the plight of minority religious communities that continue to live in a state of siege, without any real protection from their government. Ironically, it appears that minorities religious communities are freer to profess and practice their faith in regions of Georgia not under the control of President Shevardnadze's government.

In closing, I urge President Shevardnadze to fulfill his most recent commitment to punish the aggressors, thereby restoring Georgia's international reputation and upholding its international commitments as a participating State in the Organization for Security and Cooperation in Europe.

I and other Members of Congress are acutely interested in seeing whether the Government of Georgia will actually arrest the perpetrators of violence and vigorously prosecute them.

Representatives of All Religions and Nations Have To Raise Prayers for Peace Together

My dear friends, Christians, dear Ambassadors: I am here to give utterance to my contentment and admiration, which derives from seeing you, all Christians, or, to be more precise, representatives of all Christian folds, assembled here, under the same roof of this temple, in the capital of Georgia famed as the Virgin's lot.

I am happy to be a witness to this occurrence. I am happy because you are together, because we are together. But all of us have our own faith.

I am an Orthodox believer, but we are all Christians. It is what we should always bear in mind and keep intact this wholeness and unity.

Georgia is one of those countries on the planet whose roots go back the farthest in history. Tolerance has become particularly entrenched in its history and nature since the days we embraced Christianity.

Christ granted that we be together. And more than this: Georgia is a multinational country, where Muslims and followers of other confessions have dwelt along with Christians in the course of centuries.

We live presently in a world of stark contradictions. It remains anybody's guess when a bomb may blast. You probably understand what I mean. Therefore, we should pray for peace, and these prayers should be raised by all of us: Christians, Muslims, representatives of every religion, confession and nation.

But prayers alone will not keep us together. We have also to struggle, in order that, through our benevolence, faith, love and respect to one another, we may put up resistence to the eradicating processes of which I already made a mention.

As was customary with my great ancestors, I go to an Orthodox church. But nor do I keep distance from synagogues, mosques or churches of different Christian confessions.

I feel respect for all who have confident belief in kindness and its victory.

I am happy to see, along with Georgian citizens, the attendance of the distinguished ambassadors and diplomats accredited in Georgia, who have come this evening to share our happiness.

I cannot but express a deep sense of regret, even resentment at the gross infringement of our unity, mutual respect and freedom of faith by some of the aggressors.

As the President of Georgia and a believer, I shall not restrict myself only to a mere expression of resentment. I do promise that the President and the Authorities of Georgia will do their utmost to grant every person freedom of expression of faith.

The state will exert its pressure on whoever comes in defiance of this principle. You may stand assured that the aggressors will be brought to justice.

I would like to greet you once more and wish you happiness and advancement of goals. So as with Georgia, a multinational country of various religious confessions, my wishes are for joy, happiness and prosperity.

MEDICARE OUTPATIENT CO-PAYMENT REDUCTION ACT OF 2003

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. STARK. Mr. Speaker, I rise today with my colleagues, Representatives McDERMOTT, KLECZKA, DELAURO, FRANK, FROST, JACKSON-LEE, MCNULTY and ABERCROMBIE to introduce legislation to expedite the timeframe for reducing to 20 percent the coinsurance amounts that Medicare beneficiaries are required to pay for hospital outpatient services. I'm honored that this bill has the support of the National Committee to Preserve Social Security and Medicare and Families USA.

For most Medicare services, beneficiaries are required to pay 20 percent of the allowed payment amount, and Medicare pays 80 percent. However, for hospital outpatient services, Medicare beneficiaries are required to pay much higher co-payments—up to 55 percent for some services.

This is an anomaly due to an error in legislative drafting many years ago. Based on earlier legislation I helped enact into law, Congress has already taken some partial steps to correct this wrong. Under current law, hospital outpatient co-payments will reduce to 40 percent by 2006, but they will not reduce to the typical 20 percent level until 2029. We didn't solve the full problem because Congress didn't want to spend the money.

The Medicare Outpatient Co-payment Reduction Act of 2003 will speed up this reduction process by decreasing beneficiary coinsurance rates in increments of 5 percent each year beginning in 2007 until the coinsurance rate for all hospital outpatient services is 20 percent by 2010. This expedited reduction is consistent with a recent recommendation made by the Medicare Payment Advisory Commission or MedPAC—the expert body that advises Congress on Medicare.

While high coinsurance rates affect all Medicare beneficiaries, they are particularly devastating for the approximate 3.6 million beneficiaries who have no supplemental insurance. Most of these individuals are the "near poor"—with incomes too high to qualify for Medicaid or the Qualified Medicare Beneficiary or QMB program, but with incomes too low to be able to afford supplemental insurance. This group is made up of a disproportionate number of minorities and women.

Furthermore, coinsurance amounts are much higher for certain services than others. Those with the highest coinsurance are the "high-tech" services, such as radiology services and cancer chemotherapy services. Thus, high coinsurance greatly limits affordable access to these life saving services for many Medicare beneficiaries.

Mr. Speaker, the Medicare Outpatient Copayment Reduction Act of 2003 is a simple bill. We've charged seniors outrageous amounts for too long already for hospital outpatient services. Seniors shouldn't have to wait another 26 years before they are fairly charged for outpatient services. This is an incremental approach that lowers the co-payment level to 20 percent by 2010. It's a small, but important step to improve health care access for seniors. I look forward to working with my colleagues to enact it as soon as possible.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. BARRETT of South Carolina. Mr. Speaker, on rollcall No. 100, I was unavoidably detained. Had I been present, I would have voted "no."

HONORING BEN BERLINGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Ben Berlinger of La Junta, Colorado. Ben has worked with the Natural Resource Conservation Service for over 25 years, and I would like to recognize his accomplishments before this body of Congress and this nation.

Ben started his job with Natural Resource Conservation Service in 1975, becoming an area rangeland management specialist in 1981 when he moved to Eastern Colorado. He has served in La Junta for 14 years, working with his agency and local ranchers and agricultural producers to ensure good rangeland management and to develop and implement sound technology on grazing land resources. This year NRCS named Ben its rangeland Conservationist of the Year, one of two national awards presented by the agency. Ben was nominated for the award by co-workers and still attributes much of his success to them and to the ranchers with whom he works.

Mr. Speaker, rangeland management is a significant challenge facing the West and Ben Berlinger has tackled that challenge head-on. He has done much to promote awareness of conservation issues and to promote good stewardship of Southeastern Colorado's grazing land. His dedication is an inspiration to others and an immense benefit to his community. I thank him for his efforts.

IN HONOR OF GEORGE E. LEDFORD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of George E. Ledford, United States Veteran, beloved husband to the late Marjorie Jean; dedicated father, grandfather, educator, community volunteer, and friend and mentor to many.

Mr. Ledford's life reflected a true example of an outstanding citizen—he lived each day with a consistent and deep commitment to his family, his community and to his country. He was an inspiring teacher for many years, and later, he was an effective and dedicated high school principal.

Mr. Ledford graduated from the Merchant Marines Academy in 1946. After serving in WWII, Mr. Ledford served for many years as a reservist in the United States Navy, and remained committed to the Marines throughout his life. Beginning in the nineteen seventies—and continuing after his retirement as an educator—Mr. Ledford volunteered his time and expertise in the role as admissions officer with the Merchant Marine Academy.

In that capacity, Mr. Ledford hosted informational "College Nights" for students considering a career in the military and also volunteered a significant amount of time that focused on outreach work for military families. And for many decades, Mr. Ledford represented the Merchant Marine Academy at the annual Military Academy Service Days, held at the Congressional District office. Mr. Ledford's kindness, honesty, openness, and willingness to share his personal experiences provided local students with a realistic glimpse of life in the military, and assisted them in making a sound decision regarding their future.

Mr. Speaker and colleagues, please join me in honor and remembrance of George E. Ledford, an outstanding American citizen whose integrity, warmth, wit and concern for others have served to uplift our entire Cleveland community. I extend my deepest condolences to Mr. Ledford's cherished daughters, Barbara and Cathy; cherished son, David; and also to his beloved grandchildren, and extended family members and friends. Although he will be deeply missed, George E. Ledford's spirit will live on in the hearts and memories of everyone he loved and inspired—especially his family, students, and closest friends—today, and for generations to come.

INTRODUCTION OF BILL DEALING WITH CLAIMS FOR RIGHTS-OF-WAY UNDER R.S. 2477

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to establish a process for orderly resolution of one of the most important problems associated with management of the Federal lands—claims for rights-of-way under a provision of the Mining Law of 1866.

That provision was later embodied in section 2477 of the Revised Statutes, and so is usually called R.S. 2477. It granted rights-of-way for the construction of highways across Federal lands not reserved for public uses. It was one of many 19th-century laws that assisted in the opening of the West for resource development and settlement.

More than a century after its enactment, R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976, often called "FLPMA," and was replaced with a modern and comprehensive process for establishing rights-of-way on Federal lands.

However, FLPMA did not revoke valid existing rights established under R.S. 2477—and, unfortunately, it also did not set a deadline for people claiming to have such rights to file their claims.

As a result, there is literally no way of knowing how many such claims might be filed or what Federal lands—or even lands that once were Federal but now belong to other owners—might be subject to such claims. But I have no doubt that potential claims under R.S. 2477 could involve thousands of square miles of Federal lands, not to mention lands that now are private property or belong to the states or other entities.

This is obviously a serious problem. It also is the way things used to be with regard to another kind of claim on Federal lands—mining claims under the Mining Law of 1872. However, that problem was resolved by section 314 of FLPMA, which gave people 3 years to record those claims and provided that any claim not recorded by the deadline would be deemed to have been abandoned.

The courts have upheld that approach. I think it should have been applied to R.S. 2477 claims as well. If it had been, R.S. 2477 would be a subject for historians, not a headache for our land managers or a nightmare for private property owners.

I think that now, finally—more than a quarter of a century since it was repealed—the time has come to let R.S. 2477 sleep in peace. And that is the purpose of the bill I am introducing today.

My bill is based on legislation proposed by Secretary of the Interior Bruce Babbitt in 1997, but is somewhat broader because it would apply not just to States or their political subdivisions with R.S. 2477 claims, but also to those individuals now able to assert such claims. It follows the sound example of FLPMA by providing that any R.S. 2477 claim not filed with the government within 4 years will be considered abandoned.

I think this is more than reasonable, because those interested in claiming rights-of-way under R.S. 2477 already have had ample time to decide whether they want to file a claim.

The bill also recognizes that as things stand now, R.S. 2477 claims are a potential threat to the National Parks, National Wildlife Refuges, units of the National Trails and National Wild and Scenic Rivers Systems, designated wilderness areas, and wilderness study areas as well as to lands that the United States has sold or otherwise transferred to other owners. It specifically addresses this threat by providing that any claim for such lands will be considered to have been abandoned when the lands were designated for conservation-purpose management or when they were transferred out of federal ownership unless a claimant can establish by clear and convincing evidence that there was a well-established right-of-way whose use for highway purposes was intended to be allowed to continue.

The bill also spells out what information must be included in a claim, how claims are to be considered administratively, and the rules for judicial review of administrative decisions about the validity of R.S. 2477 claims.

Mr. Speaker, this is a fair, balanced bill. It gives claimants under R.S. 2477 ample opportunity to come forward and seek to have their claims upheld, with an opportunity to seek ultimate redress from the courts if necessary. At the same time, it gives the American people—the owners of the Federal lands—and private property owners assurance that the time will come when they will know what they own, without having to worry about new R.S. 2477 claims being made against their lands.

In my opinion, such legislation is long overdue, and deserves the support of every Member of Congress.

For the information of our colleagues, I am attaching a brief outline of the main provisions of the bill.

OUTLINE OF R.S. 2477 RIGHTS-OF-WAY ACT OF 2003

The bill is based on a legislative proposal sent to Congress by Secretary of the Interior Bruce Babbitt in 1997. Here is a section-by-section outline of its provisions:

Section 1 provides a short title, has findings about the bill's background, and states its purpose of setting a deadline for filing claims and specifying how claims will be handled.

Section 2 defines key terms used in the bill.

Section 3 deals with the filing of claims for rights-of-way based on R.S. 2477:

Subsection (a) sets a deadline of 4 years after enactment for filing.

Subsection (b) specifies where claims must be filed: in the state or regional office of a federal agency responsible for management of claimed Federal lands; with the commanding officer of a military installation subject to a claim; or with the Bureau of Land Management if the claimed lands are no longer in Federal ownership.

Subsection (c) provides that claims not filed by the deadline shall be deemed abandoned—this parallels Section 314 of the Federal Land Policy and Management Act of 1976, which required recordation of unpatented mining claims. A claimant would have 3 years to file a lawsuit challenging the effect of this provision on a claim.

Subsection (d) provides for coordination among federal agencies.

Subsection (e) provides that R.S. 2477 claims by non-Federal parties can only be validated in accordance with the process established by the bill.

Section 4 provides procedures for handling R.S. 2477 claims:

Subsection (a) specifies that claimants have the burden of proof and that claims for lands in conservation, wilderness study, or inventoried roadless areas or for lands not owned by the Federal government are presumed to have been abandoned unless a claimant can show that continued use of a right-of-way for highway purposes was clearly intended to continue after conservation designation or transfer of title by the United States.

Subsection (b) specifies what information must be included in a filing by a claimant.

Subsection (c) specifies procedures for review of claims by federal officials.

Subsection (d) requires reviewing officials to consult regarding pending claims.

Subsection (e) provides for issuance of a draft decision about a claim's validity, followed by a period of public comment.

Subsection (f) provides for issuance of a final decision on a claim within one year after release of the draft decision.

Subsection (g) requires a lawsuit challenging a final agency decision on a claim to be filed within 3 years after the decision and limits judicial review to review of the administrative record. It also provides that the Federal Government can decide to purchase a right-of-way that a court determines belongs to another party.

Subsection (h) requires a successful claimant to file information about the right-of-way with BLM and the relevant State within 5 years, and specifies that a failure to do so will constitute abandonment of the right-of-way.

Subsection (i) provides that the Federal government can choose to purchase a right-of-way determined to belong to another party.

Section 5 specifies that administrative decisions about claims are to be based on federal law and state laws that are consistent with federal law. It also provides that prior adjudications of R.S. 2477 rights-of-way are to be recognized.

Section 6 provides that nothing in the bill will affect provisions of FLPMA or the Alaska Lands Act related to rights-of-way.

TRIBUTE TO ROBERTO CLEMENTE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Roberto Clemente, an outstanding athlete and a very successful baseball player. Thirty years ago, in 1973, the National Baseball Hall of Fame held a special election for Roberto Clemente, who had died on New Year's Eve, 1972, while attempting to deliver supplies to earthquake victims in Nicaragua. He was the first Latino elected to the Baseball Hall of Fame.

Born on August 18, 1934 in Carolina, Puerto Rico, Roberto Clemente Walker's pride and humanitarianism won him universal admiration. Despite an unorthodox batting style, the Pirates' great won four batting crowns and amassed 3,000 hits. He was equally brilliant in right field, where he displayed a precise and powerful arm. Clemente earned National League Most Valuable Player honors in 1966, but achieved his greatest fame in the 1971 World Series, when he batted .414. Tragically, Clemente's life ended at age 38—the victim of a plane crash while flying relief supplies to Nicaraguan earthquake victims.

Mr. Speaker, in 1952 Roberto Clemente attended an open tryout in Santurce, sponsored by the Brooklyn Dodgers' Al Campanis. There were seventy-two kids at the tryouts that day. First Campanis had everyone line up in center field and throw to home plate. Throw after throw fell short until young Roberto's turn. He came up and threw a straight hard throw that hit the catcher directly in the mitt with a loud pop. So Campanis had him throw another one, which was as good as the first. Campanis then told the rest of the 71 young men to go home and asked Roberto to stay. Next, Campanis had Roberto run the 60-yard dash. He was amazed when Roberto ran it in a sizzling 6.4 seconds. Next, they moved to the batting cages. For 20 minutes, Roberto hit one line drive after another. Campanis and the Dodgers wanted to sign him right then, but he was only 17 and he had to be 18 before he would be able to play in the Major Leagues. Three days later, he signed with a local semi-pro team, the Santurce Crabbers.

Clemente played with the Crabbers for 1 season before signing with the Brooklyn Dodgers in 1954. After spring training he did not join the Dodgers in Brooklyn, he was sent to the Dodgers' farm team, the Montreal Royals. Roberto was not happy and was homesick and in 1954, he was drafted by the Pittsburgh, Pirates.

Clemente was only 20 years old and spoke almost no English at all. Pittsburgh was not integrated in 1955. When he went to Forbes Field he saw only two other black players. He encountered a lot of racial discrimination, starting in spring training when a Pittsburgh sportswriter labeled him a "Puerto Rican hot dog." His answer to all the social injustices he encountered was: "I don't believe in color; I believe in people."

Clemente got off to a great start with the Pirates. He had an inside-the-park home run against the Yankees, and drove in a run that gave the Pirates their first win of the season. He played right field for the Pirates.

Clemente played 5 seasons with the Pirates before they finally won the World Series. The year 1960 was the year the Pirates could do no wrong. Led by Roberto Clemente, Kick Groat, Bill Mazeroski, Bill Virdon, and Dick Stuart, Pittsburgh snatched first place in May and never let go. They won 23 games by their final at-bat. In May, Clemente had a .353 batting average. In one game at Forbes Field, he caught a ball and went head first into a concrete wall but somehow managed to throw his head back and only cut his chin. The Pirates faced the New York Yankees in the 1960 World Series. The Pirates took the series into the seventh game. Few people expected the Pirates to win, but sure enough, they pulled it off. The Pirates won the game in the ninth inning when Bill Mazeroski smashed the ball over the fence for a home run.

The next season Clemente won the National League batting title and a Gold Glove for the bestfielding right fielder. In 1966, he won his first MVP award.

Four years later, in 1970, Clemente was honored on Roberto Clemente Night at the Pirates' new Three Rivers Stadium. He was given a lot of awards and gifts including a scroll signed by over 300,000 people in Puerto Rico. Thousands of dollars were also donated in his name to his favorite charity in Pittsburgh. The entire ceremony was broadcast on radio and TV in Puerto Rico.

In 1971, the Pirates again won the World Series again with Clemente finishing the series with a .414 batting average and several spectacular catches. In 1972, he had another great season. During the season, he hit his 3,000th career hit. Only 10 players before him had done that.

In December 1972, a massive earthquake struck the Central American country of Nicaragua. An estimated 7,000 people were killed, and thousands of people were left without food, shelter, or water. Nicaragua badly needed help. So Clemente was asked to be an honorary chairman of the Puerto Rican Earthquake Relief Committee, and he immediately agreed.

He started to raise money as fast as he could. Contributions of food, money, clothing, and medicine poured in and were sent to Nicaragua. However, some of the supplies were being stolen and sold for high prices. When Roberto heard what was going on he was furious, and decided to accompany the next planeload of supplies to Managua and supervise their distribution himself.

On December 31, 1972 at 9:22 p.m., the old DC–7 rumbled down the runway and took off. Before long, there was trouble. One of the engines exploded so the pilot turned the plane around and started heading back. However, there were more explosions and the plane went down in the Caribbean Sea. Unfortunately, Roberto Clemente was not rescued and died at sea.

Through his dedication, discipline, and success in baseball, Roberto Clemente served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in remembering Mr. Roberto Clemente for his contributions and dedication to baseball, as well as for serving as a role model for the youth of Puerto Rico and the U.S.A.

TRIBUTE TO ROBERT OGBURN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Robert Ogburn and thank him for his extraordinary contributions to both the 12th Judicial District of Colorado and the greater San Luis Valley. Judge Ogburn officially retired from his job as a District Judge in January after more than twenty-six years on the bench. Today I would like to honor Judge Ogburn's long and distinguished career of service to his community before this body of Congress and this nation.

Judge Ogburn began his legal career in the Army's Judge Advocate General's office. In 1966 he entered private practice and later served as a District Attorney. Judge Ogburn was appointed to the bench in 1976, at the same time taking over duties as District 3 Water Judge. The longest tenured judge on the 12th Judicial District bench, Judge Ogburn presided over many of the major San Luis Valley water cases in the past quarter century, as well as the area's high-profile criminal cases.

In addition to his career on the bench, Judge Ogburn has offered his time and talent as a teacher at the National College of Court Trial Judges in Reno, Nevada and at Adams State College. He was one of only about thirty judges from across the United States to attend an advanced seminar in Anglo-American Jurisprudence at England's Oxford University in 1988. An amateur historian, Judge Ogburn has authored numerous articles for historical journals and serves on the boards of both the San Luis Valley Historical Society and the state historical society. He and his wife, Ann, have been married over forty years and have three children and six grandchildren.

Mr. Speaker, Robert Ogburn is an exemplary servant to his community and to the State of Colorado, and it is with great pride that I recognize his career before this body of Congress and this nation. Judge Ogburn's presence will be greatly missed in the courtrooms of the 12th Judicial District, and I would like to extend to him my congratulations on his retirement and wish him the best in his future endeavors.

HAPPY 100TH BIRTHDAY, ANASTACIO A. CISNEROZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my constituent, Anastacio A. Cisneroz, who celebrates his 100th birthday on April 15, 2003 at Pico Adobe Historical Park in Mission Hills.

Born in Purandido, Michoacan, Mexico, Anastacio and his family fled to the United States in 1918 to avoid the hardships caused by the Mexican Revolution and to find a better life. Anastacio was 15 years old, and the hunger and suffering endured by his family remains fresh in his mind.

During their journey to the San Fernando Valley, Anastacio's mother, Refujio Armenta, and youngest brother, Perfidio, died of a particularly virulent strain of influenza which also killed millions of others. His father, brother, sister and he continued by train through Ciudad Juarez to El Paso on December 25,1918.

In 1932 he married Jessie Menjares and purchased a home in San Fernando where he lives to this day. He has nine children, 31 grandchildren, 52 great grandchildren and 5 great, great grandchildren—5 wonderful generations.

Because of his determination, work ethic, and spirit, Anastacio thrived in the United States even though things were not always easy. In 1942, he began working for Lockheed. The hours were long and the work was hard, but Anastacio took pride in his efforts and was extremely successful. He retired with the respect and admiration of his peers and supervisors after 27 years of service.

Today, Anastacio likes to travel, work in his vegetable garden, shop in supermarkets and walk to the barbershop. He attributes his longevity to hard work, good food, sleeping well and never smoking or drinking. He says that the secret of his long life is "living with common sense."

We respect and honor Anastacio and hopefully, we will all learn from his wisdom.

Mr. Speaker, I am proud to ask my colleagues to join me in saluting Anastacio Cisneroz on his 100th Birthday.

HONORING SERGEANT GAYLE D. MILLER COOPER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sergeant Gayle D. Miller Cooper, Officer in Charge of Communications, on the occasion of her retirement from the Cleveland Police Department that spans twenty-five years of service to the Cleveland community.

Raised in Cleveland, Sergeant Cooper graduated from John F. Kennedy High School in 1969. She attended Cuyahoga Community College and Case Western Reserve University, then joined the Cleveland Police Department in 1977. Sergeant Cooper was one of the first female officers assigned to work in zone cars—a pioneering and courageous achievement in a formerly male dominated profession. Her determination and ability to make a difference as a police officer opened many doors for women who followed in her path.

Sergeant Cooper's outstanding work and personal dedication to helping others was clearly reflected throughout her tenure of service. In 1980, she was promoted to Detective in the Vice Unit of the 5th District. Her varied professional experience also included positions as Police Academy recruiter, instructor, and background investigator. Officer Cooper focused her commitment, courage and intellect on issues involving women and children. She became the Domestic Violence expert for the Cleveland Police Academy, and in 1993, was appointed as Detective in the Youth Gang Unit. Later, Officer Cooper became the Juvenile Liaison Officer for the City of Cleveland. Promoted to Sergeant in 2001, she was also appointed to the position of Officer in Charge of Communications that same year.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Sergeant Gayle D. Miller Cooper upon her retirement from the Cleveland Police Department. Sergeant Cooper's exceptional and courageous service on behalf of the citizens of Cleveland, have served to lift the spirits and the lives of countless individuals, families—and the entire Cleveland community.

INTRODUCTION OF BILL TO ASSIST OWNERS OF CERTAIN FAMILY BUSINESSES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to make it easier for people who share ownership of an unincorporated business with a spouse to comply with the tax laws and also receive Social Security and Medicare benefits they have earned. The problems the bill addresses arise from the fact that under current law an unincorporated business owned by a married couple is classified as a partnership for purposes of the federal income tax. That means the business is subject to complex record-keeping requirements and the owners are supposed to file a partnership income-tax return.

However, the Internal Revenue Service estimates that it can take a partnership as much as 200 hours to complete and file that kind of tax return—enough work to keep a person who works a 40–hour week busy for more than a month. And this has to be done every year. When we think of everything else they have to do to keep their businesses running, it is not surprising that many of these couples take what looks like an attractive shortcut. They do that by filing as if their businesses were sole proprietorship—a kind of filing that the IRS estimates can take as little as 2 hours. But, attractive as that shortcut seems, it can lead to serious trouble.

First, of course, it is a technical violation of the tax laws, which means a couple taking that shortcut could be subject to penalties for failing to file as a partnership. But that's not the worst part. Because spouses who own and run a business are self-employed, they need to complete self-employment tax forms to report and pay their Social Security and Medicare taxes. But to file as if their business were a sole proprietorship, they must report all income from the business under the name of just one spouse—and, if they do that, only that named spouse can receive credit for paying into Social Security and Medicare. That means the other spouse—the one not named as the "sole proprietor"—should become disabled, he or she would not qualify for Social Security disability benefits. It also means that if the "unnamed" spouse dies, the named spouse and his or her children would not qualify for Social Security survivor benefits. And it means that the "unnamed" spouse would not qualify for Medicare.

Further, in the event of a divorce, it can be very difficult for an "unnamed" spouse to prove that he or she owns a share of the business for purposes of dividing the assets.

My bill will help couples like these to avoid these problems by enacting several recommendations outlined by Nina E. Olsen, the National Taxpayers Advocate, in her most recent annual report to Congress.

Under the bill, if a married couple filing a joint tax return are the only owners of an unincorporated business, they could decide what part of the business's profits or losses each spouse would claim, and that share would be taken into account in determining their self-employment earnings. That way, each spouse could receive some credit for Social Security and Medicare. And, depending on state law, this also could facilitate more equitable divisions of property in the event of divorce.

The Taxpayer Advocate's report indicates that while this change in the law would mean a major reduction in the record-keeping requirements applicable to many people, it would have little or no effect on federal revenues.

I am not sure how many people in Colorado stand to benefit from this bill. However, according to the IRS, it appears that more than 2,000 Colorado couples who operate ranching or farming businesses would be covered by its provisions, and that it could also assist thousands of other Colorado couples who operate other kinds of unincorporated businesses.

So, considering that Colorado is far from the most-populous State, I am not surprised that the Taxpayer Advocate's report indicates there could be as many as 2 million couples across the country who could benefit from enactment of this legislation.

In short, while my bill would make only a relatively simple change in the tax laws, it has the potential to help many people and cut a lot of red tape at the same time. I greatly appreciate the Taxpayer Advocate's bringing it to our attention, and I think it deserves the support of every Member of the House.

For the benefit of our colleagues, Mr. Speaker, I am attaching an excerpt from the report of the Taxpayer Advocate that explains the recommendation upon which my bill is based.

EXPLANATION OF RECOMMENDATION

The National Taxpayer Advocate recommends that Internal Revenue Code section 761(a) be amended to allow husband and wife co-owned businesses to elect out of Subchapter K—Partners and Partnerships. At this time, we recommend that the election be made available only to married couples who file joint income tax returns. By making the election, the business would be exempt from the application of the complex rules of subchapter K and the husband and wife would be entitled to file a Schedule C instead of a Form 1065, (U.S. Return of Partnership Income). Internal Revenue Code section 761(a) already allows certain categories of taxpayers to opt out of subchapter K, so there is precedent for this approach.

Amending IRC §761(a) to allow a husband and wife co-owned business to elect out of subchapter K would not require an additional amendment to Internal Revenue Code section 6031 regarding filing partnership returns. Treasury Regulations currently state that a taxpayer who has made an election to be exempt from subchapter K is not required to file a partnership return except in the year of the election. In the election year, the taxpayers would only need to file a partnership return with the election statement. All income and deductions would then be reported on a Schedule C in the election year and for all subsequent years.

If this proposal is enacted into law, we recommend that the IRS design a form to supplement Schedule C for married co-owners who make the election to opt out of subchapter K. It could be called Schedule C–MC (for "Married Couple"). The business entity's income and expenses would be reported on Schedule C. The net profit (or loss) would then be allocated between the husband and wife on Schedule C–MC.

The supplemental form would serve three important purposes. First, the amount of income allocated to each spouse—and thus carried to separate Schedules SE—would be shown on the form.

Second, the form could be used to record each spouse's respective interest in the business. This could become important if, for example, one spouse dies and the value of his or her interest must be determined for purposes of computing the estate tax.

Third, the form could be designed to allow the business to make certain tax elections that are only available at the entity level. This issue arises because even if a business co-owned by a husband and wife is excluded from the definition of a partnership for purposes of subchapter K, the business generally remains a partnership for all other purposes of the Code.[62] The principal significance of partnership classification outside the context of subchapter K is that a partnership may make certain tax elections available only to an entity and not to individuals. For example, a partnership may make an election under IRC §179 to expense depreciable business assets. We see no reason to prohibit husband-and-wife-owned partnerships that elect out of subchapter K from making tax elections of this nature.

In sum, our legislative proposal would reduce the tax compliance burden on many husband-and-wife-owned businesses, would facilitate the coverage of both spouses under the Social Security and Medicare systems and, depending on state law, could facilitate more equitable divisions of property in the event of divorce. The revenue impact of the proposal should be negligible. Regardless of how the net earnings from the business are reported—either as a flow-through item from the partnership return or as net earnings from Schedule C—the income tax liability of the husband and wife generally will be the same. Social Security and Medicare receipts generally will also be the same.

TRIBUTE TO JOE COORS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to honor the memory of Joe Coors—a man of unmatched dedication to his family, his community, and his beliefs. Joe died recently at the age of 85, and as his family mourns this loss, I would like to take this opportunity to acknowledge his life before this body of Congress and this nation.

Joe is a legend in my home state of Colorado and indeed across America. His grandfather, Adolph Coors, founded the Coors brewery in 1873. Joe began his career as a chemical engineer when his grandfather's company in Golden, Colorado was a small operation producing 300,000 barrels a year. He returned to Golden to begin working at the brewery in 1946, helping to develop the signature Coors cold-filtration process and eventually pioneering use of the aluminum can and the nation's first large-scale recycling program. When Joe retired from his job as chief operating officer in 1988 after 41 years of service, Coors had grown into the nation's third-largest brewer.

In addition to his role as a business leader, Joe was an active American citizen. In the 1970s he helped to found the Heritage Foundation, an influential think-tank and actively worked for other conservative groups and causes. Among the organizations he supported were the Independence Institute in Golden, Colorado and the Mountain States Legal Foundation, a public interest law firm. In the late 1960s, Joe served for 6 years on the Board of Regents for the University of Colorado. Throughout his life, Joe boldly fought for what he believed in; never for recognition but simply because he thought it was right.

Mr. Speaker, we are all terribly saddened by the loss of Joe Coors though we take comfort in the knowledge that our grief is overshadowed by his legacy of success and accomplishment. His life is the very embodiment of the American dream, and I am deeply honored to be able to stand before this body of Congress and this nation to recognize Joe's life and many accomplishments.

RECOGNITION TO MR. LUIS RODRIGUEZ MAYORAL FOR HIS LONG TIME DEDICATION TO THE LIFE AND ACHIEVEMENTS OF ROBERTO CLEMENTE

HON. JOSÉ E. SERRANO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. SERRANO. Mr. Speaker, 30 years ago, in 1973, the National Baseball Hall of Fame held a special election for Roberto Clemente, who had died on New Year's Eve while attempting to deliver supplies to earthquake victims in Nicaragua. He was the first Latino elected to Baseball's Hall of Fame. In celebrating this milestone, my dear friend Mr. Luis Rodriguez Mayoral wrote a very fitting tribute to Clemente that is posted on the National Baseball Hall of Fame's website. Mr. Rodriguez Mayoral has written, and continues to write extensively, on the long and distinguished career of Mr. Clemente.

The National Baseball Hall of Fame gave special thanks to Luis Rodriguez Mayoral for his account of Roberto Clemente. After 9 years as a Texas Rangers and Detroit Tigers official, Luis is in his 34th year in baseball. He is the author of five baseball books and he coordinated Major League Baseball's Latin American Baseball Players' Days for 25 years. A veteran of over 2,000 MLB radio broadcasts, he has been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame.

Mr. Speaker, I ask unanimous consent to insert into the RECORD the latest tribute to Roberto Clemente by Mr. Rodriguez Mayoral, and I ask my colleagues to join me in paying tribute to Roberto Clemente and congratulating Luis Rodriguez Mayoral for a well written piece.

ROBERTO CLEMENTE

(By Luis R. Mayoral)

Early one December 1987 morning, while chatting over breakfast at a golf course in Dorado, Puerto Rico, golfer Chi Chi Rodriguez said of Roberto Clemente, "If I were half of the man that he was, I would say I was a very fortunate man."

Those words impacted me so profoundly that since then I began thinking of the Pittsburgh Pirates Hall of Famer, more than ever, as an inspirational icon rather than as a superbly gifted player.

Clemente's death on December 31, 1972, provoked bereavement, for I faced the reality of no longer sharing precious time with a dear friend trying to "fix" the world, while knowing that the international world of baseball had forever lost a figure that personified excellence.

Many thought of him as Latin America's Jackie Robinson in search of equality for Hispanic players...but I also saw him as our Joe DiMaggio, for he gave us hope with his touch of a perfect hero.

Roberto was a man of simple, yet profound words who had a genuine interest in humanity.

The last time I saw him was several days prior to his untimely death while at Hiram Bithorn Stadium in San Juan. He directed the collection of goods destined to earthquake victims in Nicaragua.

That afternoon, in his eyes I saw the seriousness and dedication I had seen so many times while he wore a baseball uniform.

Moments before leaving the stadium, he invited me to his home on New Year's Eve.

That never came to be; at the second 1973 arrived he had been dead for some two hours and forty-five minutes in the depths of the Atlantic Ocean a mile north of Puerto Rico. Roberto lived 38 years, 4 months and 13 days. That's how long it took him to become a Hall of Famer, a better person and a legend.

IN HONOR OF SAINT WENDELIN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the parish community of Saint Wendelin Church, as they celebrate one hundred years of healing and hope in Cleveland's Ohio City neighborhood. Throughout the past century, Saint Wendelin's has served as a spiritual refuge, opening its doors to any soul in search of guidance and peace,

The ministry of Saint Wendelin's began in 1903, originally serving the Slovak community of Cleveland's near west side. On May 3rd of that same year, the community received permission to found Saint Wendelin Parish. A small church was soon constructed and on December 6, 1903, Father Koudelka celebrated Saint Wendelin's first mass. Not long after, the Sisters of Notre Dame established Saint Wendelin's School. The order would continue to provide quality Catholic education for the next seventy years.

In 1925, the current church and school complex was dedicated. Always reaching outward, Saint Wendelin's welcomes all believers to join in worship. It is a testament to the Saint Wendelin ministry that Catholics from all corners of the city heed the call to celebrate at the little church on Columbus Avenue.

Cleveland's vital tradition of Catholic education is reflected at Saint Wendelin's with their active participation in the Urban Community School. Saint Wendelin's facilities serve as a second home to over three hundred students of Urban Community School.

My fellow colleagues, please join me in honor and recognition of every member of Saint Wendelin Church, and its leaders, Pastor Jerome Lajack and Deacon James J. Armstrong, as they celebrate mass with Bishop Anthony Pilla in commemoration of one hundred years of service to God and community. Saint Wendelin parish continues its dedication to social justice and spiritual healing—within the neighborhoods of Ohio City, and the world community beyond.

PASSENGER VAN SAFETY ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing the Passenger Van Safety Act of 2003, legislation to enhance the safety of large passenger vans, which are highly susceptible to rollovers and have been associated with more than 500 fatalities since 1990.

In the last Congress, I introduced the School Bus Safety Act which had been designed to prevent schools from taking advantage of a loophole that allowed them to purchase used 15–passenger vans even though it was illegal for them to purchase new 15–passenger vans because of safety issues. The bill

I am introducing today goes farther and addresses the safety of these vehicles.

I became alarmingly aware of the safety problems of these vehicles when a church group from Westminster, Colorado rolled the 15–passeneger van they were driving 2½ times en route to a religious retreat. This tragedy resulted in four people dying. I found out later that these vans were notorious for getting out of the drivers control and were highly susceptible to rolling. These kinds of accidents seem to be symptomatic to these kinds of vehicles. Early last summer another one of these vans, full of firefighters, rolled over numerous times killing four of the passengers in western Colorado. Accidents will happen, but I believe if these people had been in different vehicles their deaths may have been avoided.

When these vans are fully loaded they become highly prone to rollovers. In 2001, the National Highway Traffic Administration (NHTSA) conducted a study that demonstrated the dramatic increase in rollovers when these vehicles carry increasingly larger loads. A fully loaded van has a rollover risk that is six times higher than if there are only five people in the van.

The bill I am introducing today would require NHTSA to include 15–passenger vans in their Dynamic Rollover Testing Program required by the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, which currently does not include these vehicles. It does not make a lot of sense to me to exempt them from the same safety standards that NHTSA will apply to other passenger cars and sport utility vehicles. This information will give drivers information they need in order to safely operate certain vehicles under different conditions.

This legislation would also require 15–passenger vans to be included in NHTSA's New Car Assessment Program (NCAP). NCAP provides consumers information on how different vehicles withstand crashes, and was recently expanded to include the risk of rollover. Currently, NCAP does not do rollover testing for vehicles that carry more than 10 people.

In addition, the bill requires NHTSA to work with van manufacturers to evaluate and test the potential of new technologies to help drivers maintain control of their vans. Specifically, NHTSA would look at Electronic Stability Control (ESC) systems that some SUVs are already equipped with and rear-view mirror-based rollover warning systems. These kinds of innovative technologies could significantly reduce rollovers and save lives.

"Fifteen-passenger" vans were initially designed to carry cargo, not people. But now these vans are widely used by airports, hotels, and other commercial interests to transport customers from one location to another. People using these vans may not realize that the Federal Motor Carrier Administration (FMCA) has not completed rulemaking on Federal motor carrier safety regulations for 15-passenger vans that are used for commercial purposes. This bill would require the FMCA to complete their rulemaking, which began in 1999, to ensure that commercial passengers get to their destinations safely.

This bill was built on the foundation of my School Bus Safety Act of 2001 and it still addresses the van loophole created in 1974 when organizations were banned from purchasing new 15-passenger vans to transport school age children but were allowed to purchase the vans used.

This legislation removes this nearly 30-year-old loophole in the Federal regulations and extends the ban to include leasing, renting, and buying of these vans, thereby making the buyers accountable, as well as the seller. These changes will insure that the intent of the 1974 law is finally realized. The bill would also strengthen the penalties on those who violate this important safety provision.

The legislation raises the prescribed penalty for breaking this law from "not more than $1000" to "not more than $25,000," thereby giving the enforcement agencies something to make it worth their while to pursue. This provision is important because from 1974 until 1997, NHTSA, which had responsibility for administering the law, did not initiate a single enforcement proceeding in the entire country.

Safety transcends party lines. Senator SNOWE and I have had tragic events take place in our states that have unfortunately made us very aware of the dangers of 15-passenger vans. Last year there was a tragic accident in the State of Maine that cost the lives of 14 forestry workers who were killed when their 15-passenger van rolled off of a bridge, killing all but one. This was the single worst motor vehicle accident in Maine's history. So we are introducing identical bills in the House and the Senate. With bipartisan support we hope to end these kinds of needlessly tragic accidents.

Mr. Speaker, one of the government's roles is to ensure the safety of its citizens. This legislation gives consumers the information they need to know about the safety of these vans and it eliminates a loophole that allows people to get around a child safety law. I strongly urge my colleagues to support this common sense legislation.

TRIBUTE TO THE SAN FERNANDO CATHEDRAL

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GONZALEZ. Mr. Speaker, last week the San Fernando Cathedral celebrated the completion of its renovation. Today I am introducing a resolution honoring the San Fernando Cathedral—the oldest cathedral in the United States and the oldest standing structure in my district of San Antonio, Texas. I and my fellow colleague from San Antonio, CIRO RODRIGUEZ, want to pay tribute to this exquisite building, and the great history and culture that it embodies.

San Fernando Cathedral is both literally and figuratively the geographic centerpoint of San Antonio. This cathedral is not only revered by the people of San Antonio, but by all the people of this Nation, who remember the strength and sacrifice of those who built this country. As I mentioned before, just last week, the renovation of this magnificent building was completed. I stand here today to mark this achievement.

The San Fernando Cathedral is a grand structure, rich in its history and meaning. Like many of America's greatest institutions, it was built by the worn hands of the very poor. Fifteen Spanish families, sent by the King of Spain to establish a mission in Texas, laid the cornerstone of the church in 1731. They called it "La Villa de San Fernando." Like most of us, they were immigrants, looking towards a new future, looking to build a new home. What they ultimately built was a nation. A nation of many people, of many backgrounds.

They united under the cathedral's roof. As a symbol of their unity, the congregation joined Old World and New World saints—Our Lady of Candlemas and Nuestra Señora de Guadalupe—as patrons in addition to the town's official patron, King Fernando III of Spain. San Fernando Cathedral is a place where all people still come together each week, by the thousands, to meet and pray. Like the generations before them, they also come to the cathedral to seek refuge from a world too often ravaged by hunger and violence, as soldiers did during the Battle of the Alamo.

I honor the San Fernando Cathedral today because I believe that, like the immigrants that built it, this building has an honored place in our history and most certainly has an honored place in our future.

HONORING THE LIFE OF CORPORAL PATRICK NIXON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. GORDON. Mr. Speaker, I rise today to honor the life of Corporal Patrick Nixon, who gave the ultimate sacrifice to his country while serving in the United States Marine Corps. Patrick died in fighting near Nasiriyah, Iraq.

Patrick's parents, Debra and David Nixon, live in Gallatin, Tennessee, where I have the honor of representing them in this most esteemed body. My thoughts and prayers are with Debra and David and the rest of Patrick's family and friends. Full of hope and promise and sense of duty to his country, Patrick joined the Marine Corps after graduating high school in 2000.

Like his grandfather Joseph and his two brothers, Bill Hudson and Joe Nixon, before him, Patrick chose to serve his country by joining the Armed Forces. Patrick was a dedicated and courageous Marine. He understood the risks of serving in the military and did so with honor. This nation owes Patrick and all of the young men and women serving in our Armed Forces a huge debt of gratitude.

Our brave fighting men and women go in harm's way so the rest of us can enjoy the liberties of this great democracy. We should never take their service to this country for granted. Patrick was a young man who dreamed of teaching history one day. Our children will miss the opportunity to learn from such a courageous man.

I have deep admiration for Patrick, who has touched the lives of so many. His family, friends and community will never forget him and the sacrifice he made to protect the

United States of America. God bless Patrick and all the men and women who sacrifice so much to protect this nation from harm.

INTRODUCTION OF THE UNITED STATES INTERNATIONAL LEADERSHIP ACT OF 2003

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. LANTOS. Mr Speaker, I rise today to introduce a critical and comprehensive initiative—the Uniited States International Leadership Act of 2003—aimed at strengthening American leadership at the United Nations and at other international organizations.

Mr. Speaker, let me first express my sincere gratitude to the bill's cosponsor, the distinguished Chairman of the Rules Committee, and a dear friend from my home state of California, Congressman DAVID DREIER.

Many of the ideas for our bill came from a Council on Foreign Relations report that Chairman DREIER co-authored last year with our former International Relations Committee Chairman, Lee Hamilton.

The report, "Enhancing U.S. Leadership at the United Nations," focused attention on a critical problem in American foreign policy—our inability consistently to promote our interests and values in multilateral fora such as the UN. It also offered concrete steps to rebuild our influence.

The United States International Leadership Act builds on the Dreier-Hamilton report and is designed to give our diplomats the tools they need to ensure that America once again punches at its weight in the UN.

Specifically the bill:

Creates a Democracy Caucus at the UN to encourage other democracies to join us in promoting positions at the UN that support freedom and oppose tyranny and hatred.

Requires the State Department to pay high level visits each year to key countries to make sure that their leaders understand that support for our positions at the UN is critical to their overall relationship with us.

Directs the President to use U.S. influence to reform the criteria for leadership and membership at the UN bodies to ensure that rogue regimes and authoritarian governments cannot continue to thwart the noble purposes that each body was created to advance.

Provides increased training to our Foreign Service Officers to help them develop the skills they need to conduct effective diplomacy at the UN and other multilateral organizations.

Affords Foreign Service Officers—for the first time ever—an opportunity to advance their careers by undertaking assignments to represent the U.S. to the UN and to other multilateral institutions.

Creates a new Office on Multilateral Negotiations to be headed by a Special Representative with the rank of ambassador who has the responsibility to make sure that we have the resources and the strategies needed to prevail in each critical negotiation and decision we face at the UN and in other multilateral negotiations.

Mr. Speaker, it is an undeniable fact of life that our participation in the UN and other international organizations is critical to achieving our foreign policy goals. Right now the UN is helping us to advance our war against terrorism by obligating all countries to freeze the assets of terrorist groups. UN treaties and inspectors are also an important part of our effort to prevent the proliferation of chemical, biological, and nuclear weapons. UN agencies are also critical in spearheading the fight to combat the ravages of infectious diseases such as HIV/AIDS and now the terrifying new sickness, SARS (severe acute respiratory syndrome).

Despite these and many other examples of critical benefits we obtain from our engagement at the UN, the U.S. has often been blocked in its attempts to take action in these institutions to advance its goals and objective. A recent example is the United Nations Human Rights Commission, where Libya—a gross human rights violator—was elected chairman, and the United States temporarily lost a seat. Another was the UN's World Conference Against Racism, where rogue regimes successfully hijacked a critical forum on race and turned it into an ugly anti-Israeli and anti-American circus.

A big part of the problem is that decisions at many international organizations, including membership and leadership, are made by regional groups where there is intensive cooperation by repressive regimes. The International Leadership Act, by building a Democracy Caucus and by developing expertise in the United States Government in the area of multilateral diplomacy, represents the beginning of what will be a long effort to rationalize and strengthen the UN, and other international organizations, by systematically reducing the leverage of repressive regimes and ensure that these organizations serve rather than thwart U.S. national interests.

Mr. Speaker, it is my sincere hope that this measure will be quickly enacted and signed by the President, so that we can begin this critical project.

HONORING MARINE CORPORAL RANDAL ROSACKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I stand before you today to honor a young man tragically taken from us while in the service of his country. Last Monday, Marine Corporal Randal Rosacker, a native of Alamosa, Colorado, was killed while serving in the conflict in Iraq. I am truly humbled to honor him before this body of Congress and this Nation. The sacrifice of Randy and his fellow Marines will be long remembered by our grateful Nation.

Randy was the oldest of three children and was known as a born leader. In High School, his teammates voted him captain of the baseball team. Randy had always wanted to become a marine and joined when he turned 18, despite scholarship offers to play college football. By doing so, Randy was upholding the finest military traditions of both his family and this Nation and I know Randy's family and friends take pride in the uniform he wore and the ideals for which he fought. Our Nation will long endure due to the strength and character of men and women like Randy who serve our country.

Each generation must renew its commitment to defend our liberties. Today in Iraq, a new generation of young Americans is fighting bravely for freedom's cause. I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Marine Corporal Randal Rosacker.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of this young Marine and his family. Throughout our history, men and women in uniform have fought our battles with distinction and courage. At the dawn of this new century, the United States military has once again been called to defend our freedom against a new and emerging threat. Marines like Randy embody America's determination to lead the world in confronting that threat, and Marine Corporal Rosacker's devotion to that cause will not be forgotten. Randy has done all Americans proud and I know he has the respect and admiration of all of my colleagues here today.

SMALLPOX, EMERGENCY PERSONNEL PROTECTION ACT OF 2003

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 4613.

It is imperative as we prepare our communities for biological and chemical warfare that we do all that we can to encourage health professionals to be vaccinated for smallpox and ensure that they are taken care of if they fall ill or die due to the vaccination. That is the least we can do for those who may be called upon to protect us at home.

I support a smallpox vaccination compensation policy—but it has to be done right the first time. The bill before us does not provide for adequate education, prescreening, and surveillance for nurses, first responders and other health care professionals who take the vaccine. For example, members of the armed services who received the smallpox vaccine were entitled to personalized education and free and confidential prescreening prior to the administration of the vaccine. This important process properly screened out one-third of the potential recipients. The recent deaths of vaccine recipients with heart disease only underscore the need for a strong education, prescreening, and surveillance effort—the CDC and government agencies need to be given the tools to track and eventually screen out individuals who are at risk.

As the husband of a nurse, I understand the commitment that health care professionals have to their patients and their communities. I know that most of them are eager to provide their expertise to help protect their neighbors should the unthinkable occur. It is unreasonable and unfair, however, to ask them to risk their lives and health, and that of their families, without guaranteeing that the federal government will take care of them in the event of an adverse event. Health care professionals are anxious about taking the vaccine—and for good cause. The smallpox vaccine has a long record of negative side effects to both vaccinated individuals and secondary contacts. It is absolutely essential those individuals who are vaccinated understand the risks of the vaccine and have confidence in their government to care for them should they become ill or die—this is the least we can offer them.

H.R. 1463 includes an unacceptable lifetime cap on wage replacement and fails to ensure that funds will be available in the future for the compensation fund. It does not guarantee that states will have the money to implement the program or that compensation benefits will be paid—instead, this legislation forces these health care workers to fight for funds each year in the appropriations process. It is unfair and insulting to ask them to compete each year with other national spending priorities and our ever-growing national debt.

I support a substitute that would provide guaranteed funding to individuals injured by the smallpox vaccine. It would also implement a strong screening and follow-up regime, and includes language that will alert workers to the most likely side effects and speed up the qualification process. This proposal provides greater security, both psychological and financial, for health care workers and other first responders who are being asked to take this vaccine to help their communities.

It is a shame that the House leadership would not allow this substitute to be debated on the floor. I believe that bringing up such important legislation on the suspension calendar, which is ordinarily reserved for non-controversial legislation, is a thinly-veiled partisan ploy. This important issue deserves a robust debate. Nurses, first responders, and other health care professionals who volunteer to take the smallpox vaccine, at great risk to themselves and their families, deserve more than lip service and empty promises.

LESBIAN AND GAY IMMIGRATION RIGHTS TASK FORCE ANNUAL MEETING

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize the Lesbian and Gay Immigration Rights Task Force, which holds its Annual Meeting this weekend in Washington, DC. The LGIRTF advocates for the rights of HIV positive immigrants, persons seeking asylum because of sexual orientation, and bi-national couples.

The Lesbian and Gay Immigration Rights Task Force grew out of a small group of Lambda Legal Defense and Education Fund attorneys, who, in 1993, held a meeting at the New York City Lesbian and Gay Community Services Center. Over 50 persons attended and expressed interest in forming a group to address immigration issues affecting lesbians and gays.

In December 1994, the LGIRTF was incorporated in New York City. The LGIRTF began publishing The Status Report the following year. Implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 in 1997 increased the need for Gay and Lesbian specific immigration services. By 1998 the LGIRTF ceased being an all-volunteer organization and in 1999 the LGIRTF hired its first attorney. The LGIRTF has grown from one chapter to an international organization with 19 chapters in the United States, including Washington, DC and Europe.

We, who live in our Nation's Capital and are taxed without representation, feel a special affinity to any other group that is denied the full rights and privileges, which most United States citizens enjoy. While any straight married couple may petition for permanent residence for a spouse and his or her children, Lesbians and Gays cannot petition for permanent residence for their life-partners.

I remind the House that we have the ability to correct these inequities: passage of the "No Taxation Without Representation Act" and the "Permanent Partners Immigration Act.".

I ask this House to join with me in welcoming the members of the Lesbian and Gay Immigration Rights Task Force to Washington, DC.

SAN JACINTO, CA CELEBRATES 115 YEARS AS A CITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the citizens and community leaders of the city of San Jacinto, CA, who on April 9, 2003 will celebrate 115 years of cityhood. I am happy to report, Mr. Speaker, that the friendly folks in San Jacinto have managed to preserve their past while preparing for a future as one of the fastest growing cities in California.

The San Jacinto Valley is in Riverside County, California, about 90 miles southeast of Los Angeles, in the shadow of 10,804–foot Mt. San Jacinto and the beautiful surrounding mountains. For thousands of years it has welcomed human habitation, including the ancestors of the Soboba Indians, whose reservation is adjacent to the current city of San Jacinto.

When Spanish explorers moved into California, they soon discovered the valley and by the 1770s it was a stop on Anza Trail, one of the oldest serving the Spanish colonies in California. The padres of the Spanish missions named the valley in honor of St. Hyacinth (San Jacinto in Spanish), one of the early Dominican apostles, and established an outpost there in 1820.

In 1842, Jose Antonio Estudillo received a land grant to the entire valley from the Mexican government. They built the Estudillo Mansion in downtown San Jacinto, which is today considered one of the most important historic structures in inland Southern California. In the 1860s, the Estudillo family began selling off portions of the rancho, and a small American community began to form. In 1868, local residents petitioned to form a school district, and by 1870 a store and post office had been established. In 1883, the San Jacinto Land Association laid out the modern city of San Jacinto at Five Points. The Santa Fe railroad arrived in 1888, and the city was incorporated that same year, making it the oldest incorporated community in Riverside County.

The community has primarily been an agricultural town for much of its history, and is still home to several large dairy operations. It has also worked closely with the neighboring city of Hemet to sponsor the famous Ramona Pageant, an outdoor play on early California history that is now in its 80th year. Most recently, the city has seen the beginnings of rapid growth because it is at the edge of the Southern California urban area. Community leaders are working hard to maintain their small-town community even as they plan for growth that is expected to nearly double the population of 26,000 by 2010.

Mr. Speaker, I am confident that the citizens and leaders of San Jacinto will help their town continue to be a warm and welcoming place that combines a respect for the history of California with an eye to the state's booming future. Please join me in congratulating them on their 115th birthday, and wish them well in the years to come.

HONORING LULAC

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the League of United and Latin American Citizens (LULAC) and in particular the local Monterey County LULAC Council 2055 LULAC is the largest and oldest Hispanic community organization in the United States. LULAC Council 2055 reflects that tradition and has enjoyed a distinguished 25-year history of community service.

LULAC Council 2055 has worked cooperatively and collaboratively with a wide array of people, organizations, and businesses to promote and advance the economic, educational, political and civil rights of the Latino population of my Central California district. Mr. Speaker, as many people from my district and in this body are aware, I am a firm believer in the power of collaboration to achieve great ends. I believe that LULAC Council 2055's continuous activism and partnership with other neighboring organizations is one example of the power of teamwork.

For the past 5 years LULAC Council 2055 has raised more than $100,000 in scholarship money for deserving high school students. In November 2002, the League worked to pass several important local school bond measures that will bring $30 million to middle schools in Salinas, California. In the upcoming years, middle students will learn in new, renovated, and modernized classrooms. This will mean great progress in relieving student overcrowding. Along the same lines, LULAC Council 2055 helped pass a bond measure to renovate Hartnell Community College, which serves the people of the Salinas Valley.

LULAC Council 2055 continues to work with various civil rights organizations such as the American Civil Liberties Rights Coalition; Coalition of Minority Organizations; National Association for the Advancement of Colored People; Women's International League for Peace and Freedom; Salinas Action League; and the United Farm Workers of America to achieve equality, justice and peace for all people.

Furthermore, LULAC embraces diversity by organizing social and cultural events for the Latino community such as the Orgullo Latino Dance, Cinco de Mayo, 16-de septiembre, and Teatro Campesino night.

I applaud the efforts of LULAC and those who support their mission to advance and maintain the rights of the Latino community as well as others. Mr. Speaker, I hope that all my colleagues will join me today in applauding the 25 years of public service that LULAC Council 2055 has brought to the community.

FCC TRIENNIAL REVIEW DECISION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. RADANOVICH. Mr. Speaker, I come to the floor today to express my concern over the Federal Communications Commission recent Triennial Review decision. The revival of the telecommunications industry is critically important to revival of the overall U.S. economy. The FCC proceeding was an opportunity to restore regulatory certainty in the telecommunications industry.

The Triennial Review deals with rules for when competitors can share facilities of incumbent local phone companies. The courts had directed the FCC to review its regulations so that competitors could compete and so that incumbents would not be burdened with unnecessary, costly regulations when competitors no longer need to share those facilities.

Instead of carrying out its responsibilities, the FCC passed the buck to the 50 states. Now, these issues will be argued in 50 states and, no doubt, appealed in 50 state courts. Meanwhile, incumbents and competitors will have to wait to learn under what rules they must operate and what their costs will be. Incumbents understandably will hesitate to spend on maintaining and improving their facilities because of this uncertainty. In addition, generation of new services and manufacturing jobs will be delayed.

Because the FCC has forced the rulemaking job onto the states, incumbent phone companies, competitors and the states will have to pay for endless public utility commission and court proceedings. Of course, in the end, consumers in California and across the Nation will foot the bill. In the days following the FCC's decision, the telecommunications industry lost 15 billion dollars of capital value. A shudder went through the manufacturing sector, which has been waiting anxiously and desperately for incumbent telephone companies to increase their purchasing of equipment. Wall Street analysts downgraded the outlook for telecommunications service and manufacturing companies.

In its Triennial Review decision, the FCC indicated that it may impose less regulation on broadband deployment than it has done on the traditional, copper, local telephone network. I would expect nothing less with the vigorous broadband competition that currently exists between phone companies and cable companies, and because broadband services are the future for the telecommunications industry.

It is time for the FCC to remove the unnecessary burdensome regulations—actions that should have taken place with the passage of the Telecommunications Act of 1996.

A TRIBUTE TO DR. LYUSHUN SHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. ACKERMAN. Mr. Speaker, I am honored to rise today to pay tribute to a great man who has dedicated much of his life to improving relations between Taiwan and the United States. Dr. Lyushun Shen has served as Deputy Representative of the Taipei Economic and Cultural Representative Office (TECRO) for the past four years and will be leaving Washington soon to accept a new challenge as Director General of TECRO in Geneva. At his new post, he will be working on, among other things, finally bringing Taiwan into its rightful place as a member of the World Health Organization, a development I strongly support.

As the Deputy Representative of TECRO, Dr. Shen has carried out many responsibilities ranging from interacting with Members of Congress to serving as a senior liaison with the large and vibrant Taiwanese community in the United States. As almost all of our colleagues know, TECRO—Taiwan's unofficial embassy here in Washington—and its employees are devoted to making certain the United States and Taiwan work closely on matters of mutual concern and importance in the areas of trade, investment, commerce, culture and security.

Mr. Speaker, Dr. Shen is an old Washington hand. He is presently serving his third tour of duty in Washington, where he previously was Director of TECRO's Public Affairs Division from 1994 to 1996, as well as a Staff Consultant for Congressional Liaison from 1982 to 1986. In between his postings in Washington, Dr. Shen remained focused on U.S.-Taiwan relations. From 1996 to 1999 he was Director General, Department of North American Affairs at Taiwan's Ministry of Foreign Affairs, and from 1991 to 1993 he headed the Kansas City office of the Coordination Council for North American Affairs, TECRO's predecessor organization. This important position gave Dr. Shen a firsthand perspective on America's heartland, which oftentimes offers a different perspective than Washington.

Dr. Shen's professional experience has been built on a strong academic foundation. Dr. Shen received both his master's degree in international relations and his Ph.D. from the University of Pennsylvania. While working in Kansas City, he was a visiting professor of international relations at the University of Kansas.

Mr. Speaker, Dr. Shen has developed many friendships and a wealth of goodwill on Capitol Hill. He has served as a trusted resource of information regarding Taiwan and Cross Straight relations. Many fellow members of this body have been fortunate to have traveled to Taiwan with Dr. Shen.

Mr. Speaker, I am certain that our colleagues will join me in extending our best wishes to my good friend Lyushun as he takes up his new assignment. We also hope that he will be able to make his way back to Washington in the future. In the meantime, we expect many great things from this tireless advocate for Taiwan's interests. He is indeed an important asset for the 22 million people on Taiwan.

THE GREATEST AMERICANS WANT PEACE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OWENS. Mr. Speaker, the shock of the hot war now raging in Iraq has traumatized many Americans who oppose this war and are ready to fight harder for peace. The dogs of war are growling louder as they seek to intimidate all peace seekers with charges of treason. The warmongers charge that those of us who oppose the war are abandoning our troops in the field. On the contrary those of us who oppose the war value all human life greatly including the life of each American soldier. We support the troops and we want to see them return home as soon as possible not in body bags but smiling on their own two feet. Although we are presently in the minority, the advocates for peace are the Americans with the correct vision and the right blueprint for the future. Despite the world outcry against it, the U.S. has launched the war in Iraq. Peace at this moment is not possible; nevertheless, the struggle to return to a state of peace as soon as possible must continue. Without a doubt, the U.S. military will overwhelm the Iraqi military and the long occupation will begin. The challenge for peace advocates is to make the occupation not a continuation of the evils of the war. A strong peace movement in America has the potential to turn the occupation of Iraq into a major component of a larger world peace blueprint. Instead of allowing the oil resources of Iraq to be plundered and divided among the oil barons of the world, peace advocates must build a multilateral alternative governing structure to confront the U.S. master plan for looting. In the long term war for a world peace Iraq will be only a starting point. There will be no rest for those who dare to stand up to the architects of a new world order which camouflages dominance by a new world elite of the greediest. Peace advocates must conjure up the same fervor and determination as our adversaries. We must plan, work and act with relentless vigilance. This is a call for an army of "fanatics for peace". The following Rap poem sets forth the credo of the Fanatics for Peace.

WE ARE FANATICS FOR PEACE

We citizens volunteer to do our part—
Never mind the military purple heart,
We are fanatics for peace!
Our holy assault must never cease;
Forward to the civil liberty lines,
Blast the voting fraud mines,
The constitution light still shines,
Launch spit into the fascist face
Our maneuvers will save the human race.
Against warmongering lies
A truth revolution will rise;
Deep wells of anger
Pump bitter tears into our eyes;
Fervor for the future,
Democratic civilization fanatics
Wrestle with partisan acrobatics,
Smothered in its star spangled bed
Voter apathy is now real dead.
We are fanatics for peace!
For perpetual war
Dig wide trenches deep
Victims come fight with us
Before you weep.
Contempt is heaped upon the humble,
Wise men merely sit and grumble,
Only we thugs for freedom
March to the never ending front lines.
Pledge Allegiance
To the human race,
Military machines
Are an obsolete disgrace.
Commanders of abuses
Must face the Nuremberg nooses.
We are fanatics for peace!
Pledge allegiance
To the civilization
Our children deserve,
This is the cause
We swear to serve.
Victory without blood
In Gandhi's name,
Celebrate Mandela's fame,
The spirit of Martin King,
Again will reign,
Resist a government
Now gone insane.
Commanders of abuses
Must face the Nuremberg nooses.
We are fanatics for peace!
Run and broadcast the brave news,
Divine mobilization we choose,
Surrender we unconditionally refuse,
Our vision will not decrease
Our passion will never cease
We are fanatics for peace!

TRIBUTE TO DOROTHY SHANNON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor the life of Dorothy Shannon, one of Wisconsin's most passionate progressive leaders and a model of civic activism. For over 50 years, Dorothy Shannon was on the front line of every Federal and State election in Wisconsin. She was a tireless supporter of progressive causes. Everyone who knew her remembers her fondly and she will be greatly missed.

Dorothy Shannon was born in Toledo, OH in 1918. Her father worked for the National Supply Company in charge of the shipping department. But when the great depression hit, he was among the millions of Americans who found themselves without a job. After enduring many hard years, Dorothy was given hope with the election of President Roosevelt. Her father found work with Roosevelt's Public Works Administration turning a landfill into a public park. As the nation listened to Roosevelt's "fireside chats," Dorothy's political fire was kindled.

In 1936, Dorothy went to college on another of Roosevelt's creations, a National Youth Administration Scholarship. During World War II she volunteered for the Navy's Women Appointed for Voluntary Emergency Service. After serving our country, she attended graduate school at Yale, where she met Ted Shannon, who would later become her husband.

The Shannons moved to Madison in 1950 when Ted found a job with the University of Wisconsin. They played a key role in shaping the modern day Democratic Party of Wisconsin. Even while raising three children, Dorothy never stopped volunteering. Whether marching at a peace rally or attending a League of Women Voters event, she was recognized everywhere as a passionate voice for progressive Democrats. In 2000, she was honored as the oldest delegate to the Democratic National Convention.

When I close my eyes, I can see Dorothy Shannon sitting in the front row of nearly every political debate, every community forum, and every Democratic Party event. She cared so deeply about public affairs—whether they involved local or global issues. If ever there was an embodiment of civic participation, it was Dorothy Shannon.

HONORING THE LIFE AND ACHIEVEMENT OF A RENOWNED EDUCATOR: RAJA ROY-SINGH

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. LEACH. Mr. Speaker, I rise on behalf of the House of Representatives to express my respects to a renowned international educator, Mr. Raja Roy-Singh, on the occasion of his 85th birthday. As a member of the House Committee on International Relations and as a former Co-Chairman of the United States Commission on Improving the Effectiveness of the United Nations, I can attest that improving the quality of education in the world is a prerequisite to the establishment of effective cooperation and mutual understanding in the international community. In this context, the career-long dedication of Mr. Roy-Singh to international education deserves the attention of Congress.

Raja Roy-Singh was born on April 5, 1918 in Pithoragarh, a remote town in the Himalayan foothills near India's frontier with Nepal and Tibet. One imagines that the young Roy-Singh was inspired by panoramic views of snow-topped mountains that framed the beautiful valley of his birthplace. These same mountains were the source of many streams and rivers that flowed southward onto the plains of India. Perhaps as he walked the long mountainous paths to school he wondered where those rivulets and mountain streams flowed and dreamed about following them one day.

His father was a Methodist preacher who worked in a number of mission assignments along the Himalaya territory almost 250 miles from end to end. His mother's Rajput forbears had lived in the Pithoragarh district for generations. His father died early leaving Raja and his mother alone in Pithoragarh while his older sisters were away at boarding school.

As a boy Raja Roy-Singh attended the district school by day and read by kerosene lamp at night. Under the watchful eye of his mother and Mary Reed, a dedicated Methodist missionary from California, he won a series of district scholarships that sent him off to college at Agra and finally to Allahabad—a sacred place for Hindus and Buddhists at the confluence of the Ganges, the Yamuna and the Saraswati Rivers.

Achieving distinction in philosophy and English, with a particular interest in T.S. Eliot, Mr. Roy-Singh took his bachelor's and master's degrees as the convulsions of the Second World War began. Placing high on the civil service exams, he entered the Indian Administrative Service in 1942 and was assigned to Agra where he met his wife Zorine Bonifacius. In the vibrant period immediately following Indian independence his civil service postings took him to Kanpur, Bombay, Mathura and Lucknow. These assignments afforded him valuable experience at various levels of government. In 1954, he was appointed state director of education in Uttar Pradesh. Thus, he entered the educational service, initially as a "posting," but soon his dedication to his profession took on the dimension more of mission than occupation.

Mr. Roy-Singh was appointed education adviser at the Federal Ministry of Education where he served from 1957–1964. In a period of changing demands on education in India, Mr. Roy-Singh focused his energies on developing new ways to harmonize educational activities between the Federal and the state governments. This effort led to the establishment of the Counsel of Educational Research and Training, a network of educational institutions for research, training and service. Several prominent U.S. educators were closely associated with its planning in the founding years, notably the Teacher's College formed under the direction of Columbia University. In the last four decades, the India Council of Educational Research and Training, which Mr. Roy-Singh provided such visionary leadership, has played an innovative role in advancing education and educational opportunity in India.

Another significant program he helped to found was the Science Talent Search begun in 1959, Boys and girls ages 15–17 with high science aptitudes were identified through specially devised tests and awarded full scholarships through their entire schooling, including higher education. In its early years, there was close technical collaboration between this India program and similar ones in the United States sponsored by the Ford Foundation. From a modest but promising beginning the program greatly expanded in subsequent years and substantially increased the number of science teachers and the quality of science education in India.

Mr. Roy-Singh was invited to join UNESCO in 1964. For the next 20 years, he served as UNESCO's Regional Director of Education in Asia and later as Assistant Director-General of UNESCO for Asia and the Pacific. In 1985, after completing his service with UNESCO, he retired to the United States, taking up permanent residence in Evanston, Illinois.

At UNESCO Mr. Roy-Singh's principal responsibility was to coordinate the educational agenda in member Asian countries. The Asian and the Pacific region is extensive and diverse. It comprises 30 countries extending from Iran and Afghanistan in the west to Korea and Japan in the east, to Mongolia in the north and Australia and New Zealand in the south. Mr. Roy-Singh's strategy was to manage this far-flung region by focusing on common educational problems and fostering inter-country cooperation. He carried out this strategy by recognizing the unique cultural differences within and between countries yet encouraging each to share educational experiences and expertise. This approach found its full expression in the Asian and Pacific Program of Educational Innovation for Development which continues to make significant contributions to educational development in the Asian region.

Mr. Roy-Singh will be remembered as a pioneer in the educational field in Asia having encouraged cooperation between national and local governments and education ministries and with international organizations. His life to date has spanned two major wars and several continents. His career has brought him into contact with heads of government as well as with educators throughout the world.

In the course of his career Mr. Roy-Singh has authored numerous publications including Education in Asia and the Pacific (UNESCO/Bankok, 1966), Adult Literacy as an Educational Process (Internal Bureau of Education, Geneva, 1990), Educational Planning in Asia (UNESCO—Internal Institute for Educational Planning, Paris, 1990).

Of particular interest to this body is his educational philosophy. In "Changing Education for a Changing World" (1992), Mr. Roy-Singh outlined how we might prepare young people for life in an ever-changing world:

> There are two universes of change. One is change in the world of objects, externality. Science and technology and socio-economic organizations are examples of externality. The truths of the external world are non-cumulative; a new discovery may wipe the slate clean of all that went before. Continuity in this kind of "universe" is fortuitous and certainly minimal. The other kind of change is pivoted on the human being, individual or group. Change in the interior 'universe' of human existence is cumulative; it is expressed in culture, in the quest for knowledge, and in the striving for heightened moral awareness.
>
> What could change and what has to continue and what continues even in change are issues of judgment and discernment. This is where education has a role.
>
> The Asian societies in transition have to find for themselves a path which does not traverse the wasteland of rootless modernism on the one hand and mindless conservation on the other. The best in the living tradition of the Asian cultures, their moral loftiness, their universality and their profound insights into human nature, may provide the continuity in the flux of change that must necessarily come in the wake of science and technology and the liberating human spirit.

Change is a dominating force in the world. Some welcome it and see it as an opportunity. Others fear change because it threatens the established order. Like a powerful rush of water crashing down a mountainside, the force of change can wash away all living things in its path. To survive we all need strong roots with which to cling. Education is a life preserver. It allows us to harness the creative energy of change by instructing us what to keep from the past, what to undertake in the present, and what to seek in the future.

All societies have strengths and weaknesses in their education systems. The need for self-examination and improvement is a constant. But as the anarchy of terrorism has demonstrated, no country is an island, invulnerable to the frustration and despair of those who are not provided the ability that education provides to lead their own societies in progressive directions and manage or at least cope with the discombobulating challenges of modernity.

One of the many lessons of the international traumas of the past few years is that Americans cannot be concerned solely with the education of our young. If we ignore the educational inadequacies of other cultures, we jeopardize our own security.

There is no simple or single methodology, but there must be a singular commitment to advance the most powerful force for constructive change in the world: a decent and universal concern for educating every generation in every society.

For his dedication to international education and for his wisdom of purpose we thank Mr. Roy-Singh and congratulate him as well on reaching the ripe age of 85.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today in strong support of H.R. 522, the Federal Deposit Insurance Reform Act of 2003. I appreciate the efforts of Chairman OXLEY and Ranking Member FRANK to bring this important bill to the floor, and I thank them for their continued support for this legislation. I would also like to thank Chairman BACHUS and Ranking Member WATERS of the Financial Institutions Subcommittee for their leadership on this bill.

In my East Texas district, deposit insurance aids community bankers in attracting and maintaining core deposits, which are often used locally to fund mortgages, development projects, student loans and small businesses.

H.R. 522 will increase deposit insurance coverage from $100,000 to $130,000 and will index this limit for inflation in future years. With a declining rural population and customer base in many areas of the country, including my district, raising the coverage limit will help small-town bankers keep up their core deposits. The current $100,000 coverage ceiling can force bank customers in rural areas to move deposits over that amount outside of their region or state. This should not have to be the case, particularly for our older citizens.

As the AARP noted in its recent letter of support for this legislation, existing coverage limits have unfortunately created a situation where "the alternative is to bank at more distant institutions or invest in the more volatile securities markets." To help remedy this problem, H.R. 522 will increase coverage for certain retirement accounts to $260,000, which will help keep customer deposits, especially seniors' funds, in local institutions.

The bipartisan Federal Deposit Insurance Reform Act is reasonable, necessary legislation that will promote growth and stability in rural communities while maintaining consumers' confidence in the banking system at the same time. I urge my colleagues to vote yes on final passage of this legislation.

THE EVEN START QUALITY IMPROVEMENT ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. DAVIS of California. Mr. Speaker, I am pleased to offer a bill today designed to assure that literacy training is available to those who work with some of our youngest and most vulnerable children, those who are part of the Even Start program.

These children's families qualify for Even Start because they are low socioeconomic families who may also be English learners. Program liaisons work with the families from the children's infancy until they are in school. Even Start funds approximately 1,400 programs and serves approximately 50,000 families across the Nation.

Without this existing William F. Goodling Even Start Family Literacy Program, these children would arrive for their first day of school without the literacy skills to compete at that starting line. They are unlikely ever to catch up, even if they are able to be served in the Head Start program before actually entering school, unless the adults who work with them in these critical early years learn literacy teaching skills and learn to value the role of education.

Over 86 percent of parents in the Even Start program have not completed high school upon entering the program (compared with about 27 percent of Head Start parents). Eighty percent of participants have a family income below $15,000 and over 40 percent have income below $6,000. This is clearly a high-needs population.

What the program offers is both literacy-training classes for the children and family literacy programs for the parents. Children participating in Even Start are provided with age-appropriate educational services to ensure that they will achieve at a level similar to that of their age peers who come from socio-economically enriched backgrounds.

Liaison advisors work with each family to promote strong literacy support experiences, to help parents learn ways they can develop their own English literacy skills, and to provide support groups for parents to share the challenges and skills of parenting.

In developing their own literacy, adults in these family literacy programs tend to participate longer than those in regular adult education programs because they can link their literacy growth to that of their children. They not only see benefits in improved literacy skills but also reduced dependency on federal/state assistance programs and enhanced employment opportunities. Most importantly, they are empowered to be successful as their child's first and most important teacher.

This bill will set aside funding to establish nationwide programs to assist in the training of program directors and facilitators in recently developed, research-based literacy training skills.

President Bush has declared his support for helping parents, day-care centers, and preschools teach more learning skills to children before they get to kindergarten. Even Start provides just such a program for parents to develop the literacy skills that enable them to perform this task. Because of new legislation, particularly the new qualifications for personnel, performance objectives, and "scientifically-based reading research" requirements for instructional programs, local Even Start programs also need to benefit from this type of high-quality training.

I have requested an evaluation to provide a longitudinal look at the achievement of children assisted by the program because I believe that evaluation must be embedded in all such programs.

It is overwhelming to bear heart-felt expressions of appreciation for the program and its leaders when I have visited Even Start programs. Adults marveled at the change in their children's feeling about reading and learning when they were able to make reading together a daily activity. One mother told me how she thought she couldn't help her 5 year old with reading, but, thanks to the program, she realized that reading together enabled them to help each other with the words each didn't know.

All children deserve an even start. This bill will assure that Even Start facilitators will be well-trained to help parents learn the skills that enable their children to be competitive at the starting line.

AUBURN UNIVERSITY SWIM TEAM

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. ROGERS of Alabama. Mr. Speaker, last week the Auburn University swim team dominated the NCAA Swimming and Diving Championships by winning the men's national title.

The Tigers routed their nearest competitors by 196.5 points and qualified 11 swimmers for the championship finals and four more for the consolation finals. This was the men's team third national title ever.

But the men were diving on the heels of the Auburn women's swim team, who during the previous week, won their first-ever National Championship.

Mr. Speaker, these young men and women symbolize the strength of the human spirit and the joy of achievement. Let us congratulate them for their victories by acclaiming together in the House: "WAR EAGLE!"

Thank you, Mr. Speaker, for your consideration of these Americans. As a tribute for the families of these proud young men and women, please enter their names into the CONGRESSIONAL RECORD:

Auburn University Men's Swim Team: Lyle Babcock, Chad Barlow, Seth Barry, George Bovell, Fred Bousquet, Will Brandt, Matt Bricker, Kurt Cady, Patrick Calhoun, Justin Caron, James Galloway, Mark Gangloff, Caesar Garcia, Derek Gibb, Joseph Gonzales, Andy Haidinyak.

Auburn University Women's Swim Team: Jenni Anderson, Maggie Bowen, Sally Brown, Demerae Christianson, Eileen Coparropa, Kirsty Coventry, Lauren Duerk, Magda Dyszkiewicz, Erin Gayle, Margaret Hoelzer, Kelly Jones, Heather Kemp, Jana Kolukanova, Rachel Korth, Alessandra Lawless, Leslie Lunsmann, Cassidy Maxwell, Jeri Moss, Kelsey Patterson, Ashley Rubenstein, Becky Short, Laura Swander, Erin Volcan, Amy Wheatley.

TRIBUTE TO FORMER CONGRESSMAN TENO RONCALIO

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. CUBIN. Mr. Speaker, I rise with sadness today to note the passing of one of Wyoming's most prominent and able public servants—former Congressman Teno Roncalio. Congressman Roncalio died on March 30 at the age of 87. He will be forever remembered for a body of legislative accomplishments that truly benefitted the state he loved so well.

Known to all in Wyoming as simply Teno, the Congressman was born in 1916 in Rock Springs, WY, the eighth of nine children of an immigrant Italian family. He attended the University of Wyoming, graduated in 1939, and then went to Washington to work for Wyoming Senator Joe Mahoney. He enrolled in Catholic University Law School, only to have his studies interrupted by World War II. He served with distinction in the 18th infantry, and saw combat in seven campaigns including Africa, Italy, France and Germany. He earned a Silver Star for gallantry during the D–Day Invasion at Normandy.

After World War II, he returned to his beloved state and earned a law degree at the University of Wyoming. After practicing law and serving a stint as a deputy county attorney, he was elected to Congress first in 1964 and then, after losing a Senate race, won our House seat again in 1970. He served another four terms with distinction, retiring in 1978.

During his time in Congress, Teno worked diligently on critically important issues to Wyoming. He helped boost Wyoming's share of mineral royalties, a driving force in our state's economy to this day. He wrote legislation to create a number of recreational areas in the state, including Flaming Gorge, Big Horn Canyon and Fossil Butte. After he left Congress, he continued to serve Wyoming, acting as Special Master in the adjudication of water rights on the Big-Horn-Big Wind River. His commitment to environmental concerns and preserving the beauty and history of Wyoming constitute a lasting contribution to the state.

Only last year, the Wyoming congressional delegation was successful in securing approval of legislation to name the United States Post Office in Rock Springs in Teno's honor. It was a privilege to have a part in recognizing a man with such a distinguished career of devoted public service to our state.

My thoughts and prayers are with Teno's family. He was a man of great heart and compassion who will truly be missed. Though he is gone, his legacy in Wyoming will live forever.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1104) to prevent child abductions, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in reluctant support of H.R. 1104, the Child Abduction Prevention Act. I support H.R. 1104 reluctantly because while the resolution improves upon the AMBER Alert system, it is not a clean AMBER Alert Bill.

The provisions of H.R. 1104 that improve the AMBER Alert system are critical steps in making America safer for children. The AMBER Alert provisions of H.R. 1104 direct the Attorney General to assign a National Amber Alert Coordinator. The Coordinator will establish minimum standards for the issuance of AMBER Alerts, including the extent of dissemination of alerts. The minimum standards will require vital information relating to the special needs of the child, including the child's health care needs, to be provided to the appropriate law enforcement and public health officials. Also, the dissemination of the AMBER Alert will be limited to the geographic area most likely to facilitate the recovery of the abducted child.

H.R. 1104 also requires the Secretary of Transportation to provide grants to states for the development or improvement of AMBER Alert communication or notification systems along America's highways. It requires the Attorney General to provide grants to States for the development or enhancement of programs and activities for support of the AMBER Alert communications plans.

I wholeheartedly support all of the AMBER Alert provisions of H.R. 1104. These provisions improve the AMBER Alert system and help to reduce the likelihood that children who are kidnapped will also be physically abused, sexually abused, or murdered. These provisions also improve the chances that abducted children will be returned to their families.

I have reservations about supporting H.R. 1104 because it is not a clean AMBER Alert bill. I believe that the Amendments to the bill dealing with prison sentence guidelines, pretrial release, and law enforcement investigation powers should be dealt with in separate legislation.

More importantly, the extraneous provisions will delay the ultimate passage of the AMBER Alert Bill. Every day that goes by without a national AMBER Alert system in place puts the lives of children at risk. According to an October 2002 U.S. Department of Justice Report titled the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART Report), 12,222 children were the victims of traditional kidnappings in the year 1999 alone. That amounts to approximately 33 children kidnapped nationwide per day.

While the members of the House debate extraneous amendments, hundreds of children are being kidnapped and murdered. As the Chair of the Congressional Children's Caucus, I strongly believe that the best way to save children's lives is to vote in support of H.R. 1104, even if I do so reluctantly.

That is why, Mr. Chairman, I reluctantly vote in favor of H.R. 1104.

HONORING PAUL BETANCOURT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize Paul Betancourt, who is being honored as the outgoing president of the Fresno County Farm Bureau, FCFB. Paul Betancourt has spent more than a decade serving my district through his activities with the Fresno County Farm Bureau, which represents over 6,000 members, produces more than 300 crops and grosses more than $3.2 billion annually. Paul Betancourt has set an example through his dedicated commitment to our community.

Since completing his 2-year role as president of the FCFB, Mr. Betancourt continues to serve on the FCFB Executive Committee and he was recently appointed to serve as the Industry Representative on the San Joaquin Valley Unified Air Pollution Control District's Citizens Advisory Committee. Before serving as FCFB President, Betancourt also served as the FCFB secretary-treasurer and second and first vice presidents.

In addition to all of his work with the FCFB, Mr. Betancourt has served in a number of various community activities. Through his Farm Bureau activities, Mr. Betancourt served on the board of directors of the Fresno Chamber of Commerce, and represented FCFB at many industry and community forums and events. Mr. Betancourt currently serves on the Kerman Unified School Board of Trustees, and is involved in the Fresno Area Collaborative Regional Initiative. Additionally, Mr. Betancourt is a noted columnist for a local business publication and he teaches Sunday school at the Kerman Covenant Church.

Mr. Betancourt currently farms more than 750 acres of cotton and almonds in Fresno County, where he has also grown crops such as tomatoes, sugar beets, cantaloupes, barley, and cattle. Paul Betancourt's intimate knowledge of farming issues and his dedicated commitment to farmers and Fresno County residents as a whole should serve as an example of leadership and dedication in the Central Valley of California.

Mr. Betancourt has contributed to the improvement of the community through his work in and out of the Fresno County Farm Bureau. Mr. Speaker, I ask my colleagues to join me today in congratulating Paul Betancourt on his retirement as president of the Fresno County Farm Bureau.

IN RECOGNITION OF MR. HARRY B. NISSLEY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize Mr. Harry B. Nissley, a local hero in my community who has dedicated over 50 years of his life to educating and inspiring our students.

Mr. Nissley worked as a tennis coach for the El Monte Union High School District from 1946 until his retirement in 2001. Over the course of his career, he has received numerous honors, including the San Gabriel Valley Administration Association's Service Award and the California Interscholastic Federation Award. But most enduring is the imprint he has left on the lives of hundreds of students, athletes and peers. Mr. Nissley's enthusiasm, caring and dedication is exemplary of a great educator.

Mr. Nissley went above and beyond the call of duty to make sure that students were given every opportunity to excel. Every spring, he hosted the Keeley Tennis tournament to help pay for student competition entry fees and often used his own money to help those students with financial hardships. Mr. Nissley's enthusiasm was only surpassed by his desire to enhance each student's life. He strived to instill in his students a strong and positive sense of self worth.

Earlier this year, a former student and professional tennis player, honored Mr. Nissley by organizing an event commemorating his contributions. During the event, numerous former students and athletes praised him with kind words and fond memories.

Mr. Nissley is now 90 years old. At the request of his students, colleagues, friends and family who wanted to recognize his numerous contributions, the community of El Monte recently nominated him for induction into the California Interscholastic Federation Hall of Fame. Not only is the number of years he taught at the El Monte Union School District already a state record, but his commitment and selflessness is immeasurable.

I would also like to join the community of El Monte in showing my appreciation for Mr. Nissley by asking Congress to recognize his vast contributions to our youth, and outstanding dedication to service.

INTRODUCTION OF THE ST. CROIX NATIONAL HERITAGE AREA STUDY ACT

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce legislation to direct the Secretary of Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area.

According to the National Park Service, National Heritage Areas are places that are federally designated to preserve an important aspect of America's past and share it with visitors. They are generally started at the grassroots by community members who envision places where the best of the past becomes part of a sustainable future.

National Heritage Areas are not living theme parks seeking to freeze places in time. They seek instead to conserve their special natural spaces and historic places as part of their communities' social and economic futures. The successful melding of past and future is the National Heritage Area challenge.

The unique natural, historic and cultural resources of the island of St. Croix represent distinctive aspects of American heritage that are in my view, worthy of recognition and provide outstanding opportunities for recreational and educational opportunities.

In introducing this bill I hope to utilize our spectacular natural and historic resources to spur economic development on my home island which badly needs it. As Interior Secretary Gail Norton noted during her visit to St. Croix: "We certainly want to protect the wonderful environment here and to match that great environment with a thriving economy. Heritage tourism might be one option for St. Croix".

Mr. Speaker, there are currently 23 existing national heritage areas across 17 states. As the Ranking Democrat on the House National Parks and Public Lands Subcommittee, I can confirm that heritage areas are just one of a growing number of collaborative, community-based conservation strategies that have developed in recent years to identify, preserve, and interpret resources.

I urge my colleagues to support enactment of this legislation to provide for a study to determine the sustainability and feasibility of the island St. Croix becoming the 24th National Heritage Area.

GREEK AND TURKISH CYPRIOTS ISSUES

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. WEXLER. Mr. Speaker, as the ranking Democrat on the Europe Subcommittee, I believe my colleagues in Congress will be interested in the following letter sent by the Turkish Cypriot Leader Rauf Denktas to the Greek Cypriot Leader Tassas Papadopoulos on April 2, 2003. I am hopeful that Mr. Denktas's letter and its content will be a catalyst for renewed dialogue between Greek and Turkish Cypriots and a positive step toward a comprehensive resolution to their long-standing issues.

In this letter, Mr. Denktas provides a detailed proposal to lift all overseas trade, transport, travel and cultural activities from both parts of Cyprus. He calls for freedom of movement to be facilitated between the two sides and restrictions on the movement of tourists to be lifted as well. His measures also include allowing Greek Cypriot refugees to return to the Greek Cypriot sector of Famagusta. Finally, Mr. Denktas expressed his willingness to meet with Mr. Papadopoulos to discuss the core issues of a comprehensive settlement with the objective of reaching an agreement between Greek and Turkish Cypriots.

While I understand that the long-standing Cyprus issue cannot be solved without great sacrifice by both sides, it is incredibly important that the United States and the international community work together to resolve this issue. Please know, I remain firmly committed to helping both Greek and Turkish Cypriots overcome obstacles and bring about a lasting peace for future generations.

APRIL 2, 2003.

DEAR MR. PAPADOPOULOS: Since our return from the Netherlands on 11 March 2003, I have been trying to reassess in depth the negotiating process resulting in the stalemate at The Hague.

Based on our re-evaluation and the responses given to the UN Secretary-General's proposals by both sides, I am now convinced more than ever that we have for too long overlooked the significance of the socio-psychological dimension of the problem, and especially the deep crisis of confidence between the two sides.

The Turkish Cypriot side sincerely wishes a lasting settlement to the forty year-old question of Cyprus. In achieving a sustainable and viable settlement that would be acceptable to both sides, the first meaningful step should, without doubt, be the improvement of the political environment within which we could allow for the evolution of a working relationship between the two sides through the building up of trust and confidence. This would enable us to resolve pending issues, thus preparing the ground for a comprehensive settlement. The island is, no doubt, the common home of the two co-owner peoples in Cyprus. In this context, I wish to share with you the following ideas and suggestions which I believe could initiate a process of dialogue and consultation leading to a working relationship between us. This would greatly enhance the prospects for and paved the way to a mutually acceptable comprehensive settlement based on the political equality of the two sides and bring tangible benefits to both parties.

(i) As a first step, the fenced area of Varosha south of Dhimoktrathias street, including the area extending to the UN Buffer Zone, will be transferred to the Greek Cypriot control to be opened for resettlement.

(ii) Parallel to this, all restrictions on overseas trade, transport, travel and cultural and sportive activities from or to both parts of Cyprus will be lifted. I am convinced that Turkey and Greece will also positively respond to this by removing the restrictions which they apply to the Greek Cypriot and Turkish Cypriot sides respectively. We shall invite the UN and EU to acknowledge and give effect to these arrangements.

(iii) The freedom of movement will be facilitated between the two sides, subject only to minimal procedures. The restrictions on the movement of tourists will also be lifted.

(iv) Steps will be taken gradually for the normalization of the flow of goods between the two parties on the island. Cooperation shall be also encouraged between the institutions of both sides to identify and develop joint projects.

(v) The Turkish Cypriot side will lift the measures regarding the movement of UNFICYP of July 2000.

(vi) A bilateral Reconciliation Committee will be established with the objective of promoting understanding, tolerance and mutual respect between the two parties. This Committee will make specific recommendations for promoting bilateral contacts and projects. These ideas and suggestions constitute a package and should be regarded as an integrated whole. The acceptance and implementation of this package will neither prejudice our respective positions, nor will it be a substitute to a final settlement. I am prepared to discuss with you the above points and their modalities with the aim of initiating a cooperative relationship. In doing this, we could benefit from the assistance of the UN and the EU. These measures, I believe, would bring about a positive climate to the island and to our region. On the understanding of the above, I am also ready to talk with you the core issues of the comprehensive settlement and matters related to EU membership with the objective of reaching a mutually satisfactory conclusion. As we both supported the good-offices mission, I am taking the liberty of sending a copy of this letter to the UN Secretary-General.

Sincerely,

RAUF R. DENKTAS.

* * *

SUPPORT AMERICAN-GROWN HUMANITARIAN ASSISTANCE TO IRAQ!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. FILNER. Mr. Speaker and colleagues, I recently introduced a resolution supporting humanitarian assistance from the United States to Iraq. H. Con. Res. 127 reinforces the ideal that we should send American-grown and made products to Iraq—and on American ships!

The United States obviously has a deep and enduring interest in the welfare of the citizens of Iraq who have been living under the regime of Saddam Hussein for decades. Iraq is currently suffering a humanitarian crisis that could worsen during Operation Iraqi Freedom.

An estimated 4.5 million to 10 million people in Iraq, about 40 percent of the population, will require food assistance within a few weeks. Unfortunately, most of the warehouses in Iraq that store food under the "Oil-for-Food" program are empty. There are few food reserves in Iraq. If action is not taken to address this shortfall, people will die of starvation.

Now that Operation Iraqi Freedom has begun, it is our duty to recognize the need for, and prepare for, the delivery of humanitarian and reconstruction assistance to the people of Iraq. It is our obligation to provide American-grown commodities, such as wheat, to Iraq!

Food security will be significant in improving the quality of life of the people of Iraq. Providing United States agricultural commodities to Iraq will help alleviate the humanitarian crisis there, as well as help strengthen our Nation's economy. Our Nation's farmers would certainly be proud to supply humanitarian assistance to a country in great need. Further, our United States maritime industry would be honored to ship supplies to Iraq in order to help with this critical effort.

In addition, the Department of Defense recently created the Office of Reconstruction and Humanitarian Assistance. This office is a coordinated effort between government agencies in order to plan and implement assistance programs in a post-war Iraq. The resolution I have introduced commends the Department of Defense for recognizing the need for, and taking an inter-agency approach to, the delivery of humanitarian and reconstruction assistance for Iraq.

Mr. Speaker, we can, and must, help to improve the living conditions of the civilian population of Iraq! The fact that we can do this with American products makes this humanitarian effort all the more beneficial, significant, and crucial!

* * *

HONORING McNEIL NUTRITIONALS, SPLENDA PLANT, McINTOSH, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. BONNER. Mr. Speaker, I rise today to recognize McNeil Nutritionals, Splenda Plant, a revolutionary manufacturer located in McIntosh, Alabama.

Each year the Alabama Technology Network and the Business Council of Alabama honors outstanding manufacturers with their Alabama Manufacturer of the Year Awards. This year, McNeil Nutritionals, Splenda Plant, has received recognition as a Medium Manufacturer for excellence in leadership, performance, profitability and work force relations. McNeil was chosen based on its demonstration of superior performance in the areas of customer focus, employee commitment, operational excellence, continuous improvement, profitable growth and investment in training and retraining.

McNeil Nutritionals manufactures Splenda, the only no-calorie sweetener made from raw sugar which is from 650 to 750 times sweeter than sugar. This product was introduced in

2001 and within one year achieved the number two market share in low-calorie sweeteners in the world. As a result, Splenda saw more than 100 percent profit growth from 2001 to 2002. Also in that year, McNeil Nutritionals had a 110 percent sales growth from its base year and implemented "Six Sigma" quality projects that resulted in cost savings of $15 million.

Mr. Speaker, I proudly ask you and my colleagues to join me, the Alabama Technology Network and the Business Council of Alabama in honoring McNeil Nutritionals, Splenda Plant, for its outstanding accomplishments. I also want to recognize and thank McNeil Nutritionals for its contributions to the local economy and to the quality of life enjoyed in the State of Alabama.

PRESIDENTIAL GIFTS ACCOUNTABILITY ACT

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. OSE. Mr. Speaker, today, I rise to introduce a revised version of my "Presidential Gifts Accountability Act." During the 107th Congress, I introduced an initial bill, H.R. 1081. Both versions of this good government bill establish responsibility in one agency for the receipt, valuation and disposition of Presidential gifts.

In January 2001, there were press accounts of President Clinton's last financial disclosure report, which covered calendar year 2000 and January 1–20, 2001. This report revealed that the Clintons chose to retain $190,027 in gifts, each over $260, during this period. In February 2001, there were press accounts of numerous furniture gifts to the White House residence, which the Clintons returned to the U.S. Government. These press stories led me to question how the current Presidential gifts system works and what legislative changes, if any, are needed to prevent future abuses.

I believe that the American people have the right to know what gifts were received and retained by their President. Additionally, I believe that donors should not receive an unfair advantage in the policymaking process or other governmental benefits.

To prevent future abuses, in March 2001, I introduced H.R. 1081, the "Accountability for Presidential Gifts Act," which had bi-partisan support during the 107th Congress. The Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, spent nearly a year gathering the empirical data to support and improve such a legislative effort.

The Subcommittee found that several laws, involving six Federal offices and agencies, govern the current system. In February 2002, the Subcommittee released a 55-page document summarizing the Subcommittee's findings. The Subcommittee identified a host of problems with the Presidential gifts system, such as consistently undervalued gifts and questionable White House Counsel rulings. Since the current system is subject to abuse and political interference, I believe that there is a need for centralized accountability in one agency staffed by career employees. My bill establishes responsibility in one agency—staffed by career employees—for the receipt, valuation and disposition of Presidential gifts.

On October 28, 2002, my Subcommittee's analysis was presented in House Report 107–768, "Problems with the Presidential Gifts System." The Report summarized how the current system works, my Subcommittee's investigation and findings, and recommendations made in my Subcommittee's hearing and a second hearing by the Government Reform Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations. The Report's findings included: Non-Competitive Hiring of Political Appointee for Career Job, Some Gifts Over the Reporting Threshold Were Not Disclosed, Some Gifts Were Solicited, Many Gifts Were Undervalued, Some Gifts Were Not Included in the White House Database, Some Gifts Were Lost, Questionable White House Counsel Rulings, Some U.S. Property Was Taken, Most Furniture Gifts Were Coordinated, Some Gift Certificates Were Accepted, and Huge Gifts to the Presidential Library

The total value of gifts retained by the former First Family over an 8-year period creates at least an appearance problem. The fact that so many gifts were undervalued raises many questions. The fact that gifts were misplaced or lost show sloppy management and maybe more. The fact that U.S. government property was improperly taken is troubling. And, the fact that, after the former First Lady's election to the U.S. Senate and before she was subject to the Congress' very strict gift acceptance rules, the former First Family accepted nearly $40,000 in furniture gifts and the First Lady solicited nearly $40,000 in fine china and silver is disturbing at best. Public servants, including the President, should not be able to enrich themselves with lavish gifts.

The revised version of my bill, which I am introducing today, reflects several recommendations made by public witnesses at both hearings on the earlier version. these include the President of Common Cause and the Director for Public Service of The Brookings Institution, both of which expressed support for the bill. I believe that, if enacted, this bill will provide transparency for the public, establish discipline in the multi-agency system, and ensure accountability. A section-by-section analysis of the bill's provisions is attached to this introductory statement.

The current system is clearly broken and needs to be fixed.

To expedite progress, I am also sending a letter to the President today to recommend some changes in the current system, which he can make administratively to provide transparency, discipline, and accountability. These include interagency coordination, establishment of a unified database with a single numbering system, and annual public disclosure of all Presidential gifts over $100 (except a gift from a foreign government or a relative). A copy of this letter is also attached to this introductory statement.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2003.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Today, after a lengthy investigation and two hearings of Government Reform Subcommittees, I introduced an improved version of my "Presidential Gifts Accountability Act." This good government bill establishes responsibility in one agency for the receipt, valuation, and disposition of Presidential gifts. In the meantime, I am writing you to recommend some changes in the current system, which can be made administratively.

Several laws, involving six Federal offices and agencies, govern the current system. The Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, identified a host of problems with the system in use during the prior Administration, such as consistently undervalued gifts and questionable White House Counsel rulings. These are presented in House Report 107–768, "Problems with the Presidential Gifts System." Since the system is subject to abuse and political interference, I believe that there is a need for centralized accountability in one agency staffed by career employees. My bill establishes responsibility in one agency for the receipt, valuation and disposition of Presidential gifts.

At the second hearing in June 2002, it was revealed that only minor changes were made by your Administration to address the problems revealed in the first hearing in February 22. In July 2002, my Subcommittee invited your staff and the six affected agencies to a meeting to identify changes, which could be made administravely. The attendees confirmed that, since the Subcommittee's investigation began: there has been no interagency meeting or other coordination between the six agencies; there is no unified database system in use by the six agencies for the receipt, valuation and disposition of Presidential gifts; and, there is no single numbering system for Presidential gifts. Please consider such coordination and establishment of a unified database with a single numbering system. In addition, I recommend annual public disclosure of all Presidential gifts over $100 (except a gift from a foreign government or a relative).

As the Director for Public Service at the Brookings Institution stated, "In this moment of heightened public confidence in government, the presidential gift process offers the potential for staggering embarrassment and diminished accountability. The current fragmented process for logging, valuing, and managing gifts to the president defies bureaucratic logic, and appears designed more to frustrate accounatbility than enhance it. One could design a more unwieldy system if one started out do so." I agree with his assessment.

Sincerely,

DOUG OSE,
Member of Congress.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1104) to prevent child abduction, and for other purposes:

Ms. McCOLLUM. Mr. Speaker, I rise today in support of H.R. 1104 the Child Abduction Prevention Act. This legislation takes a significant step toward bringing child abductors to justice by aiding law enforcement agencies to effectively prevent, investigate and prosecute crimes against children. H.R. 1104 also provides families and communities with immediate and effective assistance to recover a missing child through the AMBER Alert Network Plan. I believe it is important that the federal government send a clear message to child abductors that their actions will not go unpunished, and that we will take the appropriate measures to ensure the protection of our children.

I am disappointed, however, that the Republican majority chose to add a number of provisions to this legislation that I oppose, including an expansion of the death penalty, making it easier to authorize wiretaps against criminal suspects, and establishing mandatory life sentences for certain crimes. It is unfortunate that these failed, controversial provisions were added to such an important piece of legislation.

I will continue to support measures designed to keep child abductors off the street, and increase security for the children in our neighborhoods and communities. Furthermore, I remain opposed to the death penalty, expanded surveillance measures that violate our civil liberties, and mandatory sentencing guidelines that take away the discretion of a judge to decide a case fairly and justly. It's regrettable we could not pass a clean bill that reflects all of these ideas.

DENYING DEMOCRATS THE OPPORTUNITY TO OFFER AMENDMENTS ON H.R. 1559

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this rule. The rule waives all points of order against the Majority's bill, while denying Democrats the opportunity to offer amendments.

Yesterday, during the meeting of the Rules Committee, my Democratic colleagues offered thoughtful amendments ranging from increasing funds for the U.S. Army Corps of Engineers to adding $1.7 billion for health care, education, and infrastructure in the United States; yet none of my Democratic colleagues were granted waivers. I offered five amendments addressing our homeland security needs and mental health services. None of these amendments were granted waivers.

I believe that our domestic priorities and our first responders must not be overlooked as we consider this supplemental appropriations bill. The Ranking Member of the Appropriations Committee offered an amendment to increase funding by $2.5 billion to Homeland Security programs. This was not accepted for a waiver.

These increases would have provided an additional $197 million to protect military facilities; $241 million for nuclear security (nuclear cargo detection, nuclear detection equipment, securing nuclear materials abroad and in the U.S.); $722 million for port and infrastructure security (Coast Guard personnel, port security grants, dam and bridge security, water and chemical plant security, rail tunnel security); and $1.2 billion for state and local first responders (state and local civil defense teams, first responder equipment, firefighter grants, state and local biotechnical response, military guard and reserves).

The Obey amendment, which I support, provides critical funding to Homeland Security programs. Under Article I, section 7, of the U.S. Constitution, Congress has the power of the purse. We have an obligation to have an open and democratic debate on this supplemental.

With the United States now at war to disarm Saddam Hussein, some Republicans continue to question the patriotism of anyone who has the audacity to challenge the Bush administration's foreign policy. All of us pray for a quick, successful conclusion to this war and for our troops' safe return.

However, it is our duty as members of this august body of Congress to consider fully any funding that involves our military forces and funding that could help our domestic priorities.

With the Republicans denying essential debate on this bill, we will not have full consideration of the supplemental, and this is an abomination on what should be a fair and open process.

This is a process far from what our Founding Fathers envisioned when granting Congress spending authority. I regret that we cannot have a serious Open Rule process and waivers for amendments that address this nation's needs.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, March 31, 2003, despite all my efforts, I was unavoidably detained. Had I been present for Roll Call Vote Nos. 93 and 94 I would have voted the following way:

Roll Call Vote No. 93,—"Aye".
Roll Call Vote No. 94,—"Aye".

OUR MILITARY SURVIVORS DESERVE FAIRNESS AND EQUITY!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about a bill to restore equity to the survivors of our nation's veterans, the Military Survivors' Equity Act (H.R. 1592).

It is hard to believe that we continue to condone a system that penalizes the aging survivors, mostly widows, of the veterans of our country, but that is exactly what the Military Survivors' Benefit Plan does! When a member of the military retires, he or she may join the Survivors' Benefits Plan, known as the SBP. After paying a premium for many, many years, the retiree expects that his or her spouse will receive 55 percent of the retired military pay if the veteran dies. But this is not the case!

As I said, most of the survivors who receive SBP benefits are military widows. You may not realize that when these widows who are receiving SBP benefits turn 62, a Social Security offset causes their benefits to be reduced from 55 percent to 35 percent of their husband's military retired pay. This occurs even when the Social Security comes from the wife's employment!

What does this reduction mean to our nation's military widows? I have received many, many letters on this topic. Let me read from two:

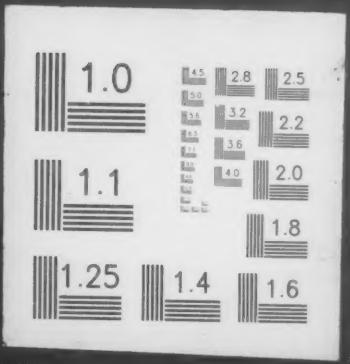
> My husband, who served in the Army for 20 years, was on Social Security disability because of heart problems and could no longer work. He died when I was 61 years old. I was doing okay, paying my monthly bills and having enough left for groceries, but when I turned 62, I was notified that my SBP was reduced from $476 to $302. What a shock! This was my grocery money that they took away from me.

And a second—

> While my husband was alive, we worked out a budget for me in case he died. I felt secure in the knowledge that he had provided for me by joining the Survivors Benefits Plan. I could not believe it when I learned that I was not going to get the amount we were promised. I cannot believe that our government would do this to the widow of a veteran.

It is past time to change this misleading and unfair law. We must provide equity to the surviving spouses of our military retirees. My bill would fix this problem by eliminating the callous and absurd reduction in benefits and give what is expected and what is deserved: 55 percent of the military retired pay. To put it simply, no offset. A simple solution to a difficult problem, as equitable solution to a mean-spirited practice.

Colleagues, please join me in co-sponsoring H.R. 1592, the Military Survivors' Equity Act. Let us do this for our veterans and for their surviving spouses. Let us stop the pain and anguish that we are causing them.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